

AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 22ND DAY OF MAY 2012, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Chairman, Berkeley District
John J. McGlennon, Vice Chairman, Roberts District
W. Wilford Kale, Jr., Jamestown District
James G. Kennedy, Stonehouse District
James O. Icenhour, Jr., Powhatan District

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. BOARD DISCUSSIONS

1. Joint Work Session with the Planning Commission

Mr. Tim O'Connor, Planning Commission Chairman, called to order the Planning Commission (PC) and advised the Board that all members, with the exception of Mr. George Drummond, were present. Mr. O'Connor thanked the Board for the opportunity to meet with them and advised them that the PC had three topics to discuss with the Board. He stated that the topics were a review of the Coordinated Comprehensive Plan Process to date; a review of the 2009 Comprehensive Plan's Goals, Strategies, and Actions as listed in the PC's Annual report; and, an update from staff on the Zoning Ordinance revision process.

Mr. O'Connor informed the Board that under the Coordinated Comprehensive Plan, the PC's goals were threefold: 1) special considerations or concerns regarding the Joint Comprehensive Plan and the process, 2) any individual considerations for the Board, including Quarterpath/Riverside Hospital, Busch Gardens, Marquis area, Lightfoot/Pottery area, the northeast triangle in Williamsburg, and lower York County and, 3) the preferred format the Board desires for the Comprehensive Plan update. He stated that the PC's recommendation would be to create an addendum to the Comprehensive Plan which could be easily updated/amended.

Ms. Tammy Rosario, Principal Planner, informed the Board that this topic was discussed with the Board in January 2012, at which time the Board received an overview regarding the project. She informed the Board of the progress made on the project since January, which included three community forums. She stated that following the forums, there was a Joint Planning Commission meeting in April 2012. She stated that the staff prepared a Joint Transportation Study, Inventory of Existing Land Uses, and updated demographic and housing trends. She advised the Board that a website was created regarding the Historic Triangle. Ms. Rosario provided a recap of the April 2012 joint meeting and invited questions from the Board.

Ms. Jones stated that the PC is seeking guidance on whether or not to proceed with having an insert of the joint pages in the Comprehensive Plan. Ms. Jones stated that, from her perspective, it is always good to have leadership from the localities communicating, collaborating, and working together. She expressed her concerns about putting the same exact pages in the three Comprehensive Plans and moving toward the direction of regionalism. Ms. Jones stated that the public has expressed concerns regarding regionalism, private property rights, and is ensuring that the County government officials hear their voices and represent them. She stated that there is public support for communication and collaboration among the communities.

Mr. McGlennon inquired as to the motivation for the Regional Issues Committee in proposing the coordination of the Comprehensive Plans.

Ms. Jones stated that the matter arose in 2006 and it was referred to as the synchronization of the comprehensive plan so that all three comprehensive plans were updated at the same time. She also stated that the plan was to have all three Planning Commissions communicating because there are key areas that impact multiple jurisdictions.

Mr. Icenhour stated that when he was on the Regional Issues Committee, the issue was brought forward during the County's Comprehensive Plan update that there were border areas where land use designations in York County and the City of Williamsburg that did not mesh with the County's land use map. He stated that communication between the localities could minimize conflicts. He stated that in order to accomplish this, the plans had to be coordinated because the localities were on different schedules. He stated that it has taken six years to get to that point. He stated that the Comprehensive Plan did not have to have common pages. He stated that information should be gleaned from other jurisdictions and incorporated into the County's Comprehensive Plan. Mr. Icenhour questioned the time frame of the review process for updating the Comprehensive Plan.

Mr. Rogers responded that a review has to be done every five years after the date of adoption and advised the Board that if the plan was readopted, the five-year period would start from the time of adoption.

Mr. O'Connor stated that an important goal stressed at Regional Issues Committee meetings is that the comprehensive plans remain as individual plans for each locality.

Mr. McGlennon stated that the process does not require or allow for a regional comprehensive plan. He stated that authority rests with local jurisdictions.

Ms. Jones stated that she agreed with Mr. Icenhour that the comprehensive plan did not have to have common pages. She stated that for the first time in 15 years she attended a meeting with officials from James City County, the City of Williamsburg, and York County. She stated the meeting opened dialogue and built relationships with leadership and planning commissioners. She stated that in the 2009 Comprehensive Plan there are pages dedicated to recognizing corridors of other localities. She stated that there is value in opening the lines of communication between leadership in the localities. She expressed that the current Board and Planning Commission members are sensitive to proposed project impacts along jurisdictional corridors.

Mr. Kennedy stated that he believes in regional cooperation but does not believe in regional government. He stated that he believes it would be appropriate to develop shared revenue zones to create something unique such as a year-round tourist destination. He questioned if there are any proposals before the Planning Commission that concern jurisdictional lines.

Mr. O'Connor responded no. He stated that York County and the City of Williamsburg have just begun this process. He stated that York County has instructed its planning staff to inform the James City County Planning Commission when they hold public meetings regarding Lightfoot and areas adjacent to James City County. He stated that all jurisdictions are concerned about traffic impact along the corridors. He stated that staff has had conversations about creating a common history regarding a joint comprehensive plan with jurisdictions tailoring it to their individual regions.

Ms. Rosario stated that the County focus has always been a targeted review of the comprehensive plan for regional discussions and issues. She stated that a wealth of information has been produced and that she would like to document the updates to the demographics and highlight jurisdictional commonalities or differences.

Mr. Kennedy stated that there are a lot of fundamental differences between the localities and that an area he is concerned about is the Lightfoot corridor. He stated that there is still a lot of rural undeveloped land in Lightfoot.

Mr. Kale stated that the County should first determine the differences between each jurisdictional comprehensive plan and then determine the commonalities. He stated that he would not like an addendum to the comprehensive plan. He stated that he would like an inclusion in the comprehensive plan.

Mr. McGlennon questioned recent legislation passed by the General Assembly that transportation aspects of any comprehensive plan update have to be submitted to the Virginia Department of Transportation (VDOT) for review.

Ms. Rosario responded that based on prior legislation, the County had worked with VDOT on the 2009 Comprehensive Plan. Ms. Rosario summarized that the Board is interested in keeping the scope narrow and targeted to regional issues focused on common borders. She stated that the Board has varied opinions regarding common pages. Ms. Rosario advised the Board that York County and the City of Williamsburg are trying to get their comprehensive plans concluded and to their Planning Commissions at the end of this year or the beginning of next year. She stated that James City County will try to be on the same schedule.

Mr. Kale questioned that if the County added information and readopted the plan as other localities were adopting their plans, would all the localities then be on the same cycle.

Mr. Rogers responded that the adoption dates would be the same. He stated that the requirement of the State Code is that the localities would have to begin the review of the Comprehensive Plan at the same time.

Mr. Kennedy expressed his views on whether or not the municipalities had to synchronize comprehensive plans.

Mr. Richard Krapf, Planning Commission member, stated each locality develops their own goals, strategies, and actions and they all have different time tables.

Mr. Icenhour questioned staff as to the process and questioned if the plan would be adopted in early 2012.

Mr. Allen Murphy, Development Management Manager, responded that James City County will track what the other localities are doing, document the similarities and differences, and be prepared to talk about them. He requested guidance and direction from the Board on how to proceed.

Ms. Jones requested input from the Board on how they wanted to direct the Planning Commission on how to move forward.

Mr. Icenhour stated that he would be in favor of adding a modified update to the plan which can then be readopted.

Ms. Jones stated that she could be in favor of readopting the plan and synchronizing it with the other localities.

Mr. Murphy asked if the decision could be postponed until York County and City of Williamsburg were closer to the end of their process so that the County could fully examine the differences and commonalities. He stated that the Board could review the matter in a year.

Ms. Jones stated that she would like input from York County and City of Williamsburg regarding common pages.

Mr. Kennedy stated that he supported Mr. Murphy's suggestion. He stated that the matter could be looked at in a year or sooner. He stated that he did not want to start a process at this point, not knowing what the process was going to entail.

Mr. O'Connor thanked the Board for its direction. He advised the Board that Mr. Krapf is Chairman of the Policy Committee and stated that Mr. Krapf will be discussing the scorecard for goals, strategies, and actions with the Board.

Mr. Krapf stated that during the past 12 to 18 months the focus of the Policy Committee has been the zoning and subdivision ordinance re-write triggered by the 2009 Comprehensive Plan. He stated that to date, four priority topics have been completed and approved by the Board. He stated that the four policies included the Economic Opportunity, which was adopted in September 2011; Development Standards, adopted in November 2011; Commercial Districts, adopted in January 2012; and Wireless Communications Facilities, adopted in January 2012. Mr. Krapf discussed the key issues that still remained on the calendar for this year. Those issues included a sign ordinance, housing opportunity policy, green building policy. He stated that a majority of the adopted and pending ordinances are contained in the goal, strategies, and actions section of the comprehensive plan. He stated that most of the policies are in the zero- to five-year priority category that the County established.

Ms. Rosario stated that they also have rural land work to explore with the Board and will be looking for its direction.

Ms. Jones inquired of the Board if they had any further questions for the Planning Commission and staff. Ms. Jones thanked the staff and Planning Board for their work session participation.

2. Board of Supervisors Guidelines for Outside Communications with Applicants Requesting Legislative Approvals

Mr. Middaugh advised the Board that this item and the Legislative Action Deferral Policy were requested previously and deferred by the Board. He stated that the Board received a draft of each policy. He stated that for both policies, he provided suggestions, parameters, and comments from Board members. He stated that the material on the deferral policy provides some criteria that can be shaped by the Board.

Ms. Jones thanked Mr. Middaugh and asked the Board for input on Guidelines for Outside Communications. Ms. Jones stated that she appreciated the intent of transparency; however, she does not

believe the legislation is necessary because the Board does a good job of communicating and being transparent. She stated that she also had concerns that citizens might not talk to the Board if the matter has to be reported out.

Mr. Kale stated that he feels the Board of Supervisors is transparent and the Board functions as such due to the trustworthiness of its members. He believes that the policy is not necessary.

Mr. Icenhour stated that he agreed with Mr. Kale. He stated that he was comfortable with not passing the policy.

Mr. McGlennon stated that it was in the individual Board member's best interest to let people know when they have met with an applicant; however, he stressed that it was their responsibility to do that.

Mr. Kennedy stated that he has always believed in transparency. He stated that communication needs to be improved and cited an example about a current request for a donation for a courthouse statue.

Mr. McGlennon stressed to the Board that when talking about legislative approvals, someone is requesting an action by the Board. Mr. McGlennon stated that the Board is better off recognizing that it is in its best interest to be clear when meeting with an applicant.

Mr. Kennedy agreed but expressed his opinion that the Board needs to improve communications.

Ms. Jones stated that the Board will pass on the disclosure policy.

3. Legislative Action Deferral Policy

Mr. Middaugh stated that staff has developed a template for the Board to work with. He stated that the Board can give deferrals not in excess of 12 months based on certain criteria. He stated that if the matter has to be re-advertised and citizens had to be re-notified, the applicant would bear the expense. Mr. Middaugh questioned if the Board's 12-month limitation is from the time of submission to the Planning Division.

Mr. Rogers stated that for legislative approvals, the time period is 12-months from when the case goes to the Planning Commission.

Mr. Icenhour questioned about making the policy to reflect the State Code.

Mr. Rogers responded that was not necessary but that it would shorten what is permissible under the State Code.

Mr. Kale inquired as to when the 12-month clock begins.

Mr. Rogers responded that the 12-month clock begins when the case is put on the Planning Commissions agenda for action. He stated that if there is not an applicant deferral of the case at that point, it would begin the 12-month period.

Mr. Kale questioned if the 12-month period would encompasses both the Planning Commission and the Board.

Mr. Rogers responded yes.

Mr. Kennedy stated that the time frame would really be 11 months for the Board. He stated that there is a period of 30 days if the application is approved by the Commission and 30 days later before it can be heard by the Board.

Mr. Rogers stated that the Planning Commission has 100 days to act on the application from the time it is submitted to the Commission for action.

Mr. Kennedy stated that would shorten the Boards time to nine months.

Mr. Middaugh stated that the provision is in the policy to ensure that the Board acts timely.

Mr. Icenhour stated that the intent of the Board was to rectify indefinite deferrals for unexplained reasons. He stated that he is not adverse in giving people as much time as they need and stated that the Board has to have that flexibility.

Mr. McGlennon questioned an alternative approach regarding the possibility of the Board setting an expiration date, absent an extension for cause, when a deferral has been granted.

Mr. Middaugh stated that would be an added discipline. He stated that if a case came before the Board and the applicant has requested a deferral based on certain criteria, the Board could grant a deferral not to exceed 90 days. He stated that in 90 days the deferral would expire and the applicant would have to come back for action or to request an extension.

Mr. Kennedy expressed concerns about the policy and stated that the Board has to be cognizant of deferrals for difficult economic times.

Mr. Middaugh addressed Mr. Kennedy's concerns and advised that the Board could ask the applicant to withdraw the application until they were ready.

Mr. Kale agreed with Mr. McGlennon's approach regarding an expiration date on the extension.

Mr. Icenhour also agreed with Mr. McGlennon's approach.

Mr. Rogers stated that the public hearing process identifies a date for a case to come back to the Board.

Mr. McGlennon inquired as to the process if the public hearing was closed.

Mr. Rogers responded that that Board is not required to identify a date.

Mr. McGlennon questioned if there is a requirement for public hearing to occur if the applicant comes before the Board, after the public hearing has been closed several months earlier, asking for a deferral.

Mr. Rogers responded that the County does re-advertise for those cases. He stated that it is a requirement because the Board is going to take action on a case. He stated that if the Board defers the case for two weeks to the next Board meeting, the County would not re-advertise the case even after the public hearing has been closed.

Mr. Icenhour stated that he would like modifications made to the policy and have the matter brought before the Board for consideration.

Ms. Jones queried the Board and the Board agreed.

Mr. Middaugh questioned the Board if they want to set a limit on themselves in terms of how long the deferral would be.

Ms. Jones stated that the matter should be determined case by case.

Mr. Icenhour stated that the State Code was written so that the Board does not excessively drag the matter out when the applicant wants to get through the matter quickly.

Mr. Kale questioned that if an applicant comes to the Board and they have had one deferral of three months and requests another deferral of two months which is one month beyond 12 months, what happens to the State law. He questioned that if the applicant is asking for the deferral, then the 12-month time frame does not apply.

Mr. Rogers stated that even though the applicant requests a deferral, the time clock keeps running. He stated that at the end of the time clock, it can be continued by an applicant.

Mr. Middaugh questioned if the deferral criteria were appropriate.

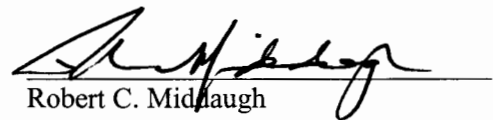
Mr. McGlennon responded that this is another reason why he suggested the alternative approach which would reduce the need to set criteria.

Mr. Icenhour stated that he feels the Board should have flexibility and stated matters should be reviewed case by case.

Mr. Middaugh stated that the policy will be brought back before the Board for action at a regular meeting.

Mr. Kale advised the Board that he asked the County Administrator to look into the speed limit on Longhill Road, from the area of Plumeri Park and Eastern State Hospital going west around the curve at the Recreation Center. He stated that there is a lot of traffic exiting Eastern State Hospital and the Recreation Center. He stated that there have been two accidents at the intersection this year. He stated that he also asked Mr. Middaugh to take a look at the drainage system underneath the entry road of the Recreation Center. He stated that there is not a drainage culvert underneath the road and that in the wintertime the road becomes a sheet of ice.

At 6:01 p.m., Ms. Jones recessed the Board.


Robert C. Middaugh
Clerk to the Board