

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 8TH DAY OF OCTOBER 2013, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. CALL TO ORDER

ADOPTED

B. ROLL CALL

NOV 12 2013

John J. McGlennon, Chairman, Roberts District
Mary K. Jones, Vice Chairman, Berkeley District
James G. Kennedy, Stonehouse District
James O. Icenhour, Jr., Jamestown District
M. Anderson Bradshaw, Powhatan District

Board of Supervisors
James City County, VA

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

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Justin Abbott, a 10th-grade student at Lafayette High School and a resident of the Powhatan District, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATION – None

F. PUBLIC COMMENTS

1. Mr. Sasha Diggs, 3612 Ironbound Road, addressed the Board in regard to the Wellington property and asked that it be developed by the County for affordable and workforce housing like what was done on Mahogany Lane in the Grove Community.

2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in regard to the policy and ethics of the Board and the lack of maintenance of bike paths throughout the County.

3. Ms. Rosanne Reddin, 2812 King Rook Court, addressed the Board in regard to the lack of value placed on citizen comments at the Board meetings.

4. Mr. Fred Liggin, 100 Mace Street, addressed the Board in regard to the 3E Restoration Process, an organization that walks people through the process from homelessness to self-sufficiency.

5. Mr. Joe Mann, 148 The Green, addressed the Board in regard to the practices of the Board and the reception of citizen comments at meetings.

6. Ms. Betty Walker, 101 Locust Place, addressed the Board in regard to climate change and taxpayer dollars that have been spent on global warming initiatives that now seem to be false.

7. Mr. Christopher Schmedtje, 110 Ware Road, addressed the Board and citizens offering an invocation.

8. Mr. Lawrence Jones, 4905 Falkirk Mews, addressed the Board in regard to the lack of civility by citizens at meetings and requested that the Board adopt a policy allowing citizens to only speak in regards to issues affecting the community.

9. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regard to traffic issues on Route 60 and requested that signs be placed near the Fire Station in Grove when the road is closed to through traffic.

10. Mr. Chris Henderson, 101 Keystone, addressed the Board in regard to the renaming of the Community Center, stating that he believes that naming facilities after those still living should not be done.

11. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in regard to United Nations Agenda 21.

G. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy stated that he would appreciate an update from the Virginia Department of Transportation (VDOT) on the timing of the traffic lights on Route 60. He also stated that there are several deceased animals along Route 199. He requested to be informed of the next scheduled mowing along Routes 199 and 60.

Mr. Icenhour stated that he attended the Longhill Road Corridor Study meeting on October 3 along with Mr. McGlennon. He stated that there was a good turnout of citizens who live along Longhill Road. He complimented staff for their efforts in gathering information from the community. He stated that he participated in the Virginia Association of Counties (VACo) Finance Steering Committee on October 7, and that the legislative program was drafted. He stated that he has received a copy of the VACo legislative program and it will be shared with the rest of the Board.

H. CONSENT CALENDAR

Mr. Icenhour made a motion to approve the Consent Calendar.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Mr. Kennedy, Ms. Jones, Mr. McGlennon (5). NAY: (0).

1. Minutes –
 - a. September 24, 2013, Work Session
 - b. September 24, 2013, Regular Meeting

2. Grant Award – Radiological Emergency Preparedness – \$25,000

RESOLUTION

GRANT AWARD – RADIOLOGICAL EMERGENCY PREPAREDNESS – \$25,000

WHEREAS, the James City County Fire Department’s Division of Emergency Management has been awarded pass-through funds in the amount of \$25,000 to support Radiological Emergency Preparedness (REP) from the Virginia Department of Emergency Management (VDEM); and

WHEREAS, the funds are to be used for planning and response for public protective actions related to the Surry Power Station nuclear plant; and

WHEREAS, the grant requires no match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following budget appropriation to the Special Projects/Grants fund:

Revenue:

Radiological Emergency Preparedness Funds - VDEM	<u>\$25,000</u>
--------------------------------------------------	-----------------

Expenditure:

Radiological Emergency Preparedness Funds - VDEM	<u>\$25,000</u>
--------------------------------------------------	-----------------

3. Contract Award – Benefit Consulting Services – \$63,000

RESOLUTION

CONTRACT AWARD – BENEFIT CONSULTING SERVICES – \$63,000

WHEREAS, a Request for Proposals (RFP) for Benefit Consulting Services was publicly advertised and staff reviewed proposals from seven firms interested in performing the work; and

WHEREAS, upon evaluating the proposals, staff determined that Marsh & McLennan Agency was the most fully qualified and submitted the proposal that best suited the County’s needs as presented in the RFP.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the \$63,000 contract for Benefit Consulting Services to Marsh & McLennan Agency.

4. Acceptance and Appropriation of the Emergency Solutions Grant – \$73,820

RESOLUTION

ACCEPTANCE AND APPROPRIATION OF THE EMERGENCY SOLUTIONS GRANT - \$73,820

WHEREAS, the Continuum of Care - The Greater Virginia Peninsula Homelessness Consortium (GVPHC) has received funding from the Virginia Department of Housing of Community Development to support the goals of the state Emergency Solutions Grant (ESG) program; and

WHEREAS, the goals are to reduce the number of individuals/household who become homeless; to shorten the length of time an individual/household is homeless; and to reduce the number of individual/households that return to homelessness; and

WHEREAS, the Continuum of Care - GVPHC has awarded the James City County Office of Housing and Community Development an ESG in the amount of \$73,820; and

WHEREAS, there is no local cash match required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts and appropriates the Emergency Solutions Grant in the amount of \$73,820.

BE IT FURTHER RESOLVED that the County Administrator is authorized to execute agreements and other documents in order to effectuate the grant.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the Budget, as adopted for the fiscal year ending June 30, 2014, as follows:

<u>Revenue:</u>	
Emergency Solutions Grant	<u>\$73,820</u>
<u>Expenditure:</u>	
Emergency Solutions	<u>\$73,820</u>

I. PUBLIC HEARINGS

1. Case Nos. Z-004-2013/SUP-0013-2013. Fire Station 1 Replacement

Mr. Scott Whyte, Planner III, addressed the Board giving a summary of the staff report included in the Agenda Packet.

Mr. Middaugh stated that the resolution included in the Agenda Packet was a rezoning of just over an acre of land for the purposes of parking. Staff has reduced the size of the piece of land to rezoning to approximately 0.7 acre which will be better suited to the County’s needs. He stated that will leave a three-acre parcel, including the home, which would then be sold at a later date. He stated that the amended resolution was placed on the dais this evening.

Ms. Jones asked when the 2.99-acre parcel that is zoned B-1 was purchased by the County.

Mr. Middaugh stated that the 2.99-acre parcel is a James City Service Authority (JCSA) well site and is only used for testing purposes.

As there were no more questions for staff, Mr. McGlennon opened the Public Hearing.

1. Mr. Bill Apperson, 4900 Fenton Mill Road, addressed the Board as a representative of the James City-Bruton Volunteer Fire Department. He stated that Chief David Nice had intended to be present at this meeting, but he is currently out west assisting with the massive snow storms. He stated that over the years the cost and size of equipment has exponentially gone up. He stated that the downturn in the economy has drastically affected their ability to maintain the quality of service they provide for the citizens without a new building and they appreciate the Board's support.

2. Reverend Phil Murdock, current President of the James City-Bruton Volunteer Fire Department, addressed the Board stating that the current Fire Station 1, which was built by volunteers, has served the community for a long time, but the time has come that it can no longer serve the needs of the department. He stated that the Bruton Volunteer Firefighters appreciate the support of the Board.

3. Mr. Chris Henderson, 101 Keystone, addressed the Board stating that while he has no objections to the rezoning, he would like to encourage staff to continue looking at the size and cost of the proposed building which has grown during the planning process.

As no one else wished to speak, Mr. McGlennon closed the Public Hearing.

Mr. McGlennon stated that a Board member had questioned staff on the increase in square footage of the building and asked Mr. Middaugh to address that question.

Mr. Middaugh stated that in the plans there is an optional 2,000-square-foot equipment bay off to the side of the building. He stated that staff does not believe that it will be completed under the base budget of the project, but that is what the additional square footage would come from.

Ms. Jones expressed her appreciation for the first responders in James City County and stated that she would be supporting the rezoning this evening. She stated that she believes that supporting the first responders is the one of the most important uses of taxpayer dollars. She requested that staff look in to alternatives for building and sustainability, unless the County is locked in to following the Leadership in Energy and Environmental Design (LEED) requirements. She stated that the LEED certification is a very restrictive and costly certification.

Ms. Jones made a motion to approve the amended resolution on Page 32, which was placed on the dais and the resolution on Pages 33 and 34 of the Agenda Packet.

Mr. Bradshaw stated that he appreciated the comments this evening and agreed that Fire Station 1 and the Bruton Volunteer Firefighters are truly emblematic of the community. He stated that there are several features of the design that are reminiscent of the old Toano High School and appreciates the efforts of the architect to include them. He stated that there is a need for a first-class facility to serve the needs of the community.

Mr. Icenhour expressed his appreciation for the Volunteer Fire Department and the job they do. He stated that if you look at the equipment that is housed there, and the number of people that work there, it is twice as much as the County's other stations. He stated that the area that this station serves is larger than the

other stations throughout the community, and this station will provide the same level of service to the citizens that are in the more remote areas of the County. He stated that he is very happy to support this case this evening.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Mr. Kennedy, Ms. Jones, Mr. McGlennon (5). NAY: (0).

RESOLUTION

CASE NO. Z-0004-2013. FIRE STATION 1 REPLACEMENT

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-0004-2013, for rezoning a ±.74-acre property located at 7849 Church Lane from A-1, General Agriculture, and a ±.29-acre property located at 7869 Church Lane zoned B-1, General Business, to PL, Public Lands; and

WHEREAS, the proposed project is shown on a Master Plan, prepared by AES Consulting Engineers, entitled "Fire Station 1," dated July 23, 2013, and revised on August 23, 2013; and

WHEREAS, the subject properties are located at 3531 Forge Road, 7849 Church Lane, and 7869 Church Lane on land zoned PL, Public Land, A-1, General Agriculture, and B-1, General Business, and can be further identified as James City County Real Estate Tax Map/Parcel Nos. 1230100027, 1230100048, and 1230100031; and

WHEREAS, the Planning Commission of James City County, following its public hearing on September 4, 2013, recommended approval of this application by a vote of 6-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be substantially in accord with Section 15.2-2232 of the State Code and with the 2009 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-0004-2013.

RESOLUTION

CASE NO. SUP-0013-2013. FIRE STATION 1 REPLACEMENT

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance, specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Mr. Shawn Gordon, on behalf of the James City County Fire Department, has applied for an SUP to allow for the construction of a new fire station in a PL, Public Land, zoning district; and

WHEREAS, the subject properties are located at 3531 Forge Road, 7849 Church Lane, and 7869 Church Lane on land zoned PL, Public Land, and can be further identified as James City County Real Estate Tax Map/Parcel Nos. 1230100027, 1230100048, and 1230100031; and

WHEREAS, the Planning Commission of James City County, following its public hearing on September 4, 2013, recommended approval of this application by a vote of 6-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be substantially in accord with Section 15.2-2232 of the State Code and with the 2009 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after a public hearing does hereby approve the issuance of SUP 0013-2013 as described herein with the following conditions:

1. Master Plan: This SUP shall be valid for the redevelopment of Fire Station 1 and accessory uses thereto as shown on the Master Plan titled "Fire Station 1," and dated July 23, 2013, with such minor changes as the Planning Director determines does not change the basic concept or character of the development.
2. Commencement of Use: If construction has not commenced on the development within 36 months from the issuance of the SUP, the permit shall become void. Construction shall be defined as obtaining permits for building construction and a final framing inspection of the addition.
3. Architectural Review: Prior to final site plan approval the Planning Director shall review and approve final building elevations and architectural design for the new fire station to assure general consistency with the architectural elevation and accompanying drawings titled "Toano Fire Station" submitted with this application and prepared by Guernsey Tingle Architects, stamp dated July 24, 2013.
4. Boundary Line Adjustment/Extinguishment: Prior to the issuance preliminary site plan approval for the building, a subdivision plat shall be reviewed, approved, and recorded for the two project parcels.
5. Water Conservation: The owner shall be responsible for developing and enforcing water conservation standards to be submitted to and approved by the James City Service Authority (JCSA) prior to final site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants, warm season grasses, and the use of water conserving fixtures, and appliances to promote water conservation and minimize the use of public water resources.
6. Landscape Review: Prior to final site plan approval the Planning Director shall review and approve a landscape plan that incorporates the design principles for streetscapes and transitional buffering found in the Toano Community Character Area Design Guidelines and Streetscape Plan and which such plan also incorporates the buffer design principles for the open/agricultural buffer designation found in the Community Character Corridor Buffer Design Guidelines.
7. Sustainable Building Policy: On March 23, 2010, the James City County Board of Supervisors adopted the Sustainable Building Policy which requires all proposed County buildings to achieve Leadership in Energy and Environmental Design (LEED) Silver Certification. Prior to final site plan approval the General Services Manager shall review

the plans for consistency with the County's Sustainable Building Policy.

8. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. SUP-0009-2013. Tidewater Equine

Mr. Luke Vinciguerra, Planner I, addressed the Board giving a summary of the staff report included in the Agenda Packet.

As there were no questions for staff, Mr. McGlennon opened the Public Hearing.

1. Mr. Wayne Moyer, 268 Peach Street, addressed the Board stating that he lives next door to the property involved in the case and is very supportive of the application and its approval.

2. Ms. Sherry Matheny, 270 Peach Street, addressed the Board stating that she lives adjacent to the property involved and is very supportive of the application and its approval.

3. Mr. Chris Henderson, 101 Keystone, addressed the Board asking if any consideration was given to the access to the property in regard to the railroad crossing.

As no one else wished to speak, Mr. McGlennon closed the Public Hearing.

Mr. Vinciguerra stated that staff and VDOT are aware that there is an at-grade railroad crossing there, and VDOT has not expressed any concern.

Mr. Bradshaw stated that he would be abstaining from the vote as he is the legal representative of the owner involved.

Ms. Jones made a motion to adopt the resolution listed on Pages 59 and 60 of the Agenda Packet.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Kennedy, Ms. Jones, Mr. McGlennon (4). NAY: (0). ABSTAIN: Mr. Bradshaw (1).

RESOLUTION

CASE NO. SUP-0009-2013. TIDEWATER EQUINE

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Dr. Gary Doxtater of Tidewater Equine has requested an SUP to allow a large animal veterinary clinic located at 276 Peach Street, zoned A-1 (General Agricultural), and further identified as James City County Tax Map Parcel No. 2410100013; and

WHEREAS, the Planning Commission, following its public hearing on September 4, 2013, voted 6-0 to recommend approval of this application; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Land Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Case No. SUP-0009-2013 as described herein with the following conditions:

1. Use. This SUP shall be valid for the operation of a large animal veterinary office and accessory uses as shown on the Master Plan titled "Illustrative Master Plan - Tidewater Equine Clinic" dated August 21, 2013.
 2. Hours of Operation: Normal business office hours shall be limited to 7:30 a.m. to 5:00 p.m. Monday through Friday.
 3. Screening: Any dumpsters and all heating, cooling, and exterior electrical equipment shall be screened by fencing and landscaping in a manner approved by the Planning Director or his designee prior to final site plan approval.
 4. Lighting: Should new exterior site or building lighting be installed for the operation of the business, such fixtures shall have recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. Fixtures, which are horizontally mounted on poles, shall not exceed 15 feet in height. No glare, defined as 0.1 footcandle or higher, shall extend outside the boundaries of the property lines.
 5. Manufactured Home: The existing manufactured home shall be removed prior to the issuance of any Certificate of Occupancy.
 6. Site Plan: A site plan shall be required for this project. Final approval of the site plan shall be obtained within 24 months of issuance of this SUP or the SUP shall become void.
 7. Commencement of Construction: If construction has not commenced on this project within 36 months from the issuance of this SUP, this SUP shall become void. Construction shall be defined as obtaining permits for building renovation.
 8. Outdoor Storage: No outdoor storage of machinery or equipment (other than horse trailers) that creates noise, odor, smoke, dust, or glare; or is dangerous to adjacent property owners is permitted on the property. Trailers may only be garaged at the location designated "Proposed Trailer Parking" as shown on the Master Plan.
 9. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.
3. Case No. SUP-0011-2013. Veritas Preparatory School

Ms. Jennifer Van Dyke, Planner I, addressed the Board giving a summary of the staff report included in the Agenda Packet.

As there were no questions for staff, Mr. McGlennon opened the Public Hearing.

As no one wished to speak, Mr. McGlennon closed the Public Hearing.

Mr. Icenhour made a motion to approve the resolution on Pages 74 and 75 of the Agenda Packet.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Mr. Kennedy, Ms. Jones, Mr. McGlennon (5). NAY: (0).

RESOLUTION

CASE NO. SUP-0011-2013. VERITAS PREPARATORY SCHOOL

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Special Use Permit (the "SUP") process; and

WHEREAS, Ms. Diane Cavazos has requested an SUP to allow for a private school in the M-1, Limited Business/Industrial, District, located at 275 McLaws Circle, further identified as James City County Real Estate Tax Map Parcel No. 5020100083; and

WHEREAS, the Planning Commission, following its public hearing on September 4, 2013, voted 5-1 to recommend approval of this application; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2009 Comprehensive Plan Use Map designation for this site.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-0011-2013 as described herein with the following conditions:

1. Master Plan: This SUP shall be valid for the operation of a school and related activities within the existing building, limited to hours of operation from 7 a.m. to 9 p.m., Monday-Friday, and limited to an enrollment capacity of 50 students maximum.
2. Certificate of Occupancy: A Certificate of Occupancy shall be required prior to operating the school or related activities. A permanent Certificate of Occupancy shall be obtained within 24 months of approval of this SUP, or the permit shall become void.
3. Enrollment: On or before July 1 of each year, the school shall provide the Zoning Administrator, or his designee, school enrollment data for the previous school year and projected school enrollment data for the upcoming school year. The school enrollment data shall include, at a minimum, the total number of children enrolled, the total number of children in each grade level, and the number of staff employed by the school. Enrollment shall be limited to grades six (6) through twelve (12) with the anticipation that the school will initially offer grades six (6) to ten (10) and expand in subsequent years of operation.
4. Traffic Mitigation Plan: On or before July 1 of each year, the school shall provide an annual Traffic Mitigation Plan for the Planning Director, or his designee, for review and approval. Should a school relocate or vacate the property, this condition will be terminated. The annually submitted materials shall include the following provisions:
 - i. Site data to include academic hours of operation, the number of on-site parking spaces available and the number of staff available to monitor and direct traffic during established a.m. drop-off times and p.m. pick-up times.

ii. A site layout graphic which shall illustrate shared parking allocated to uses on the adjacent parcel, school staff and students, and the manner in which traffic will be directed during a.m. drop-off and p.m. pick-up times.

1. Upon issuance of preliminary site plan approval, said illustrative exhibit will incorporate the new development located at 273 McLaws Circle to include parking allocation calculations.

iii. A copy of a letter or other notice that shall be provided to parents, students, and staff regarding pick-up and drop-off procedures.

Other elements that may be necessary components of the Traffic Mitigation Plan shall include, but not be limited to, a narrative describing operational plans for drop-off and pick-up and any proposed directional and reserved parking signage. In the event the Planning Director finds that the proposed Traffic Mitigation Plan does not adequately address traffic impacts generated by the school, the applicant may appeal the Planning Director's determination to the Development Review Committee. The approved Traffic Mitigation Plan shall be implemented prior to the start of each school year. The Planning Director will review the Traffic Mitigation Plan to ensure the following standards are met: traffic does not back up onto McLaws Circle or impede access to the adjoining properties and that vehicles do not stop on McLaws Circle to drop-off or pick-up students.

5. Severability Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Ordinance to Amend and Reordain Chapter 20, Taxation, Article I, In General, to Amend Section 20-7.4, Penalties and Interest for Late Payment of Taxes

Mr. Leo Rogers, County Attorney, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

As there were no questions for staff, Mr. McGlennon opened the Public Hearing.

As no one wished to speak, Mr. McGlennon closed the Public Hearing.

Mr. Bradshaw made a motion to approve the ordinance on Pages 85 and 86 of the Agenda Packet.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Mr. Kennedy, Ms. Jones, Mr. McGlennon (5). NAY: (0).

5. Conveyance of Conservation Easement at Mainland Farm to Williamsburg Land Conservancy

Mr. Middaugh addressed the Board giving a summary of the memorandum included in the Agenda Packet.

As there were no questions for staff, Mr. McGlennon opened the Public Hearing.

1. Ms. Caren Schumacher, 119 Elizabeth Harrison Lane, addressed the Board as the representative of the Williamsburg Land Conservancy. She thanked the Board for its action and for allowing the Williamsburg Land Conservancy to be the stewards of the conservation easement.

2. Mr. Chris Henderson, 101 Keystone, addressed the Board stating his opposition to the transfer of a public asset, principally the control and development rights, to a private entity. He stated that taxpayer dollars were used to purchase the property and control of the property should stay under the purview of officials elected by the taxpayers.

3. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board stating his opposition to the case and echoing the sentiments of Mr. Henderson.

4. Mr. Wayne Moyer, 268 Peach Street, addressed the Board stating his support for the transfer of development rights to the Williamsburg Land Conservancy.

5. Mr. Ed Oyer, 139 Indian Circle, addressed the Board asking what happens if the Williamsburg Land Conservancy goes away.

As no one else wished to speak, Mr. McGlennon closed the Public Hearing.

Mr. Rogers stated that should the Williamsburg Land Conservancy no longer exist, then any conservation easements that they held would have to be held by another valid land conservancy agency or by the State land conservancy agency.

Mr. Kennedy asked Mr. Rogers to define an agricultural structure.

Mr. Rogers stated that an agricultural structure is a structure that is used in the agricultural business which could include a farm, barn, greenhouse, anything used for agricultural production.

Mr. Kennedy stated that there are some manufacturing structures that could be used for agriculture.

Mr. Rogers stated that is correct, if the product from the farm is being used in the manufacturing. He stated that there is a provision in the easement for processing facilities, like a winery or a cidery, which processes products grown on the farm.

Mr. Icenhour made a motion to approve the resolution on Page 90 of the Agenda Packet.

Ms. Jones stated that she has an issue with transferring the development rights and control of land that is publicly owned. She stated that the elected officials are the ones that are accountable to the taxpayers which purchased this property. She stated that she would not be supporting the conservation easement.

Mr. Bradshaw thanked Mr. Kennedy and Mr. McGlennon for initiating this conservation easement. He stated that this easement is much more flexible than traditional conservation easements to allow for changes over time to the agricultural business. He stated that the easement also protects the economic interests of the property by referencing agro-business and agro-tourism. He thanked the Williamsburg Land Conservancy for being willing to accept this unique easement on this unique piece of property. He stated that he sees no difference in this Board voting on this easement and a future Board selling the property to a developer. Both actions are permanent and the intent of this easement is to protect the property as agriculture for perpetuity.

Mr. Kennedy stated that he had been questioning why the Economic Development Authority (EDA) had held control of Mainland Farm for years, so when Mr. McGlennon called him, he was supportive of the idea. He stated that his preference would have been that the County hold the easement. He stated that as the County purchases Purchase of Development Rights (PDRs) and conservation easements, it would be his hope

that the EDA would reach out to these farms and work with them to develop relationships with local restaurants. He stated that in his opinion the County has not been very good at utilizing property acquisitions to their potential.

Mr. Icenhour asked Mr. Rogers, for clarification, if in fact the County still owns the land.

Mr. Rogers stated yes.

Mr. Icenhour stated that the Board is still accountable to the public for the land, the Board is just putting a stipulation on the future use of the land by granting a conservation easement. He stated that it has introduced a degree of stability for the land, by granting these self-imposed limitations. He stated that this land has historical significance and deserves to be protected; and he will be supportive of the easement this evening.

Mr. McGlennon stated that a previous Board, who authorized the purchase of the land, had the intention of protecting the property because of its historical significance. He stated that the land is not lying fallow; it is being actively farmed and produces record crop yields. He stated that the public wanted this land protected in 1997 when it was purchased and now the Board is following through and upholding the public trust by granting the conservation easement. He stated that he is proud to be supportive of the easement.

Mr. Bradshaw stated that Article 4 of the easement grants considerable flexibility in the use of the land as agriculture and times change. He stated that the integrity of the conservation easement is dependent on the independence and integrity of the holder. In this case, when one body has control over another body, and one is the landowner and one is the easement holder, there is little integrity to the easement.

Mr. Kennedy stated that he has been a proponent of keeping the property open and not being restrictive. He stated that he would like to see a focus on promoting agriculture as an industry in James City County.

Mr. McGlennon stated that regardless of how the vote turns out this evening, he is very appreciative of Mr. Kennedy's willingness to work with him to bring this issue forward.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Mr. Kennedy, Mr. McGlennon (4). NAY: Ms. Jones (1).

J. BOARD CONSIDERATION

1. Renaming the James River Community Center to the Abram Frink, Jr., Community Center

Mr. Doug Powell, Assistant County Administrator, addressed the Board giving a summary of the memorandum included in the Agenda Packet. He noted that the Board was given an amended version of the resolution this evening that corrected a minor mistake in the language.

Mr. McGlennon stated that he directed staff to begin this process, and he had asked the other Board members to communicate any questions or concerns to him so that he might address them. He stated that if you consider the change happening in the County at the end of the 1960s through the middle of the 1980s, Mr. Frink was an important consensus builder in that time period. He stated that Mr. Frink was the consensus choice to be Chairman of the Board, and by doing so, broke historic grounds in the Commonwealth of Virginia.

Mr. Bradshaw stated that he was a senior in high school in 1969, and those were times of turmoil here in the community. He stated that it was leaders like Mr. Frink that lead this community through those times of turmoil in such a way that we all can be proud.

Mr. Kennedy stated that his only issue with renaming buildings is that at some point a policy needs to be developed for doing so. He stated that his concern is that renaming buildings can become very political. He stated that a discussion needs to be had in regards to the criteria under which public buildings would be renamed. He stated that he would be supportive of this action this evening and that obviously Mr. Frink is a worthy individual.

Mr. Icenhour stated that he agrees that a policy should be developed, but it should very carefully weigh the contributions of the individual to the community. He stated that he can clearly support this action this evening.

Mr. McGlennon stated that if the Board does not object, he would like to make a motion to approve the resolution on Page 102 of the Agenda Packet as amended and distributed this evening.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Mr. Kennedy, Ms. Jones, Mr. McGlennon (5). NAY: (0).

RESOLUTION

RENAMING THE JAMES RIVER COMMUNITY CENTER TO THE

ABRAM FRINK, JR., COMMUNITY CENTER

WHEREAS, Abram Frink, Jr. has tirelessly served James City County citizens with dedication in many ways during his lifetime; and

WHEREAS, Mr. Frink served on the James City County Planning Commission from 1967-69 and served on the Parks and Recreation Advisory Commission in 1988; and

WHEREAS, Mr. Frink was appointed to represent the newly created Roberts District on the Board of Supervisors in 1969; and

WHEREAS, Mr. Frink was elected to the Board of Supervisors in 1971 for a four-year term and ultimately represented the Roberts District for 14 years; and

WHEREAS, Mr. Frink served as Chairman of the Board of Supervisors for four terms of one year; and

WHEREAS, Mr. Frink was the first African American man to serve as the Chairman of a governing body in the Commonwealth of Virginia; and

WHEREAS, Mr. Frink was active in the community serving as Superintendent of Sunday school in his church for over 20 years, serving on the Trustee Board and the Usher Board of his church, serving as the Cubmaster of the Pack 80 Boy Scout Troop, is the Past Master of Masonic Lodge 124, and is a member of the Williamsburg Men's Club.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby renames the James River Community Center to the Abram Frink, Jr., Community Center in recognition of his outstanding legacy of leadership and service.

K. PUBLIC COMMENTS

1. Mr. Ed Oyer, 139 Indian Circle, addressed the Board remarking on a notice in the paper for a Request for Proposals (RFP) for unarmed and armed security services. He questioned what unarmed security personnel are going to do for the County.

2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in opposition to the progressive agenda of the current Board.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Middaugh stated that he has no reports this evening.

M. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour thanked Mr. Middaugh for the advanced notice of the work being done on Jolly Pond Road.

1. Consideration of a Personnel Matter, the Appointment of Individuals to County Boards and/or Commissions Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. Williamsburg Regional Library Board of Trustees

Mr. McGlennon noted that there is a Closed Session item on the Agenda.

Ms. Jones stated that Mr. Kennedy had requested that the appointment be deferred.

Mr. Kennedy stated that he would like to see more applicants brought forward.

Mr. Bradshaw stated that the Board could go in to Closed Session and discuss that.

Mr. Kennedy stated that the Board has been doing appointments in Open Session and he did not view this one as being controversial.

Mr. McGlennon stated that a deferral was made on this item at the last meeting to allow time for more applicants, and to make sure that those that had applied were still interested in serving. He stated that the Board has done appointments in Closed Session this year, when there needs to be a discussion in regard to the applicants.

Mr. Kennedy stated that he expressed concern, via email, that most of the applicants have ties to the government and the Board should be looking for other applicants. He asked Mr. Middaugh if advertisements were made for more applicants.

Mr. Middaugh stated that there is no specific advertisement process.

Mr. Bradshaw stated that the word is out in the community since two of the applications were received in September of this year.

Mr. Bradshaw made a motion to appoint Mr. Wilford Kale, Jr.

Mr. Kennedy stated concerns over that appointment. He stated that he has heard from the Courthouse that there was an incident there earlier this year and would like to address that with Mr. Kale. He stated that he has concerns over the fact that Mr. Kale served on this Board last year.

Mr. Bradshaw stated that there has been time over the last few weeks to have that discussion and nothing has been mentioned to the rest of the Board. He stated that there has been time to consider the applicants and does not see the point in delaying the action and having the County fully represented on the Library Board.

Mr. Kennedy stated that he is expressing his opinion of the applicant. He stated that he would also like to ask if there is any truth to a rumor that Mr. Kale is a member of the Political Action Committee (PAC). He stated that he would like to know if he is a member of a PAC that is raising funds in opposition to Mr. Hipple and Mr. Onizuk.

Mr. Bradshaw stated that those are questions that should have been asked three weeks ago.

Mr. Kennedy stated that he just received that information today.

Mr. McGlennon stated that this is a discussion that should have been held in Closed Session, especially when discussing allegations about an applicant.

Mr. Bradshaw stated that he spoke to all four applicants and was satisfied with their different backgrounds and what they had to offer.

Mr. Icenhour stated that the Board has had this discussion about Closed Sessions before. There are legal reasons why the Board goes in to Closed Session, and then there are courtesy reasons as well. He stated that doing this in Open Session allows for things to be said about applicants that the Board does not know to be true or accurate. He stated that he believes the Board has done a disservice to the four applicants this evening.

Mr. McGlennon stated that he has concerns about allegations that have come forward this evening and does not believe that the Board can move forward on this appointment this evening. He stated that making allegations, not proven fact, in an Open Session is not an appropriate way to go about asking people to serve the County on a board or commission.

Mr. Kennedy stated that the Board goes back and forth about doing these appointments in Closed or Open Session.

Mr. McGlennon stated that the vote is always made in Open Session, but the discussion of the applicants is usually done in Closed Session.

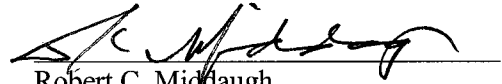
Mr. Bradshaw withdrew his motion and the Board agreed to defer the appointment.

N. ADJOURNMENT – to 4 p.m. on October 22, 2013, for the Work Session.

Mr. Bradshaw made a motion to adjourn.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. Bradshaw, Mr. Kennedy, Ms. Jones, Mr. McGlennon (5). NAY: (0).

At 9:48 p.m., Mr. McGlennon adjourned the Board.

A handwritten signature in black ink, appearing to read "R. Middaugh", written over a horizontal line.

Robert C. Middaugh
Clerk to the Board

100813bos_min