

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF NOVEMBER 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 26 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  
Michael J. Hipple, Powhatan District

Board of Supervisors  
James City County, VA

Doug Powell, Assistant County Administrator  
Leo P. Rogers, County Attorney

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE** – Cole Tross, an 8th-grade student at Hornsby Middle School and a resident of the Berkeley District, led the Board and citizens in the Pledge of Allegiance.

**E. PRESENTATION**

1. Virginia Department of Transportation (VDOT) Quarterly Update

Mr. Rossie Carroll, Residency Administrator for the Virginia Department of Transportation (VDOT) Williamsburg Residency, addressed the Board giving an update of transportation issues in the County. He stated that the signal synchronization study on Monticello Avenue is on-going and VDOT staff are monitoring the counts of vehicles and do have the ability to adjust the lights remotely if necessary. He stated that VDOT is looking into procuring an adaptive system that would adjust the lights automatically based on traffic flow. He stated that the traffic cameras will be moved to Route 60 near the Prime Outlets in anticipation of Black Friday and then the cameras will be moved west along Route 60 near the Williamsburg Pottery. He stated that 220 maintenance request orders were completed this quarter out of the 310 that were received. He stated that the Route 617-Stonehouse Road slope restoration project has been completed and pavement marking projects have been ongoing throughout the County. The 4th County mowing cycle has been completed except for one stretch along Route 199 between Jamestown Road and Brookwood Road. He stated that the current projects include: Longhill Road signal upgrades at intersection of Olde Towne Road, Route 60, and Airport Road signal upgrade and pedestrian signals. He stated that VDOT will be advertising a slope restoration project on Route 60 just west of Barnes Road, Route 321 Monticello Avenue project at News Road which will add a second turn lane onto News Road and the calendar year paving program. He stated that the secondary

plant mix schedule includes Route 5000, Route 615, and Route 755. He stated that the 2014 slurry-seal schedule has been advertised and includes the Stonehouse and Rolling Woods Subdivisions. He stated that VDOT staff is ready and posed to respond to winter weather and has completed a dry-run of incident response.

Ms. Jones stated that on Ironbound Road, right where the Ironbound Redevelopment Project was done, there was "fill" put in for the bike trail. This elevation is causing run-off to run down into the front of homes.

Mr. Carroll stated that he would look into that situation.

Mr. Icenhour stated that on Carriage Road, on the far end near Chambrel, it does not seem that the mowing was completed.

Mr. Carroll stated that the brush cutting there is a project that VDOT will be completing.

Mr. McGlennon stated that there is work in Newport News along Route 60 up to the County line. He asked if it would affect citizens that live in that end of the County.

Mr. Carroll stated that the road was closed this past weekend, but it should be reopened and not affecting citizens.

Mr. McGlennon asked if there was any hope on the horizon of getting away from the slurry-seal.

Mr. Carroll stated that VDOT has worked with the County to do more restorative overlays than preventative overlays, and he hopes to continue with that.

Mr. McGlennon thanked Mr. Carroll for his update.

## **F. PUBLIC COMMENTS**

1. Ms. Betty Walker, 101 Locust Place, addressed the Board regarding the results of the recent gubernatorial election and the effects of big government.

2. Mr. William Merzs, 3982 East Providence Road, addressed the Board regarding the dangers wolf hybrid dogs pose to pets and small children in the community.

3. Mr. Frank Buckley, 3900 Cold Spring Road, addressed the Board regarding regulating wolf hybrid dogs in the County.

4. Mr. Joshua Bennett, 4011 East Providence Road, addressed the Board requesting that the Board regulate wolf hybrid dogs in the County.

5. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding the acceptance of grant funds and using tax payer dollars for trails and dam studies that the County does not need.

6. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board regarding legitimate safety concerns in New Town.

7. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding grant money as a tool for redistributing wealth.

8. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board regarding the recent elections and women's rights.

9. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the diminishing value of Leadership in Energy and Environmental Design (LEED) certification requirements and requested the Board modify the code to remove the LEED certification requirement for public buildings.

10. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding campaign statements for Mr. Watson and how he did most of what he claimed he would do.

#### **G. BOARD REQUESTS AND DIRECTIVES**

Ms. Jones stated that our community, and throughout the region, has so many veterans and active duty military personnel and she wanted to thank them for their service. She congratulated Mr. Hipple on winning the election and welcomed him to the Board. She stated that now that the Powhatan District is represented by an elected Supervisor she would like to make a motion for the Board to re-organize and elect a new Chairman.

Ms. Jones made a motion to elect Mr. Kennedy as Chairman of the Board for the remainder of this year.

On a roll call vote, the vote was: AYE: Mr. Hipple, Mr. Kennedy, Ms. Jones (3). NAY: Mr. McGlennon (1). ABSTAIN: Mr. Icenhour (1).

The motion carried and Mr. McGlennon passed the gavel down to Mr. Kennedy to take over the meeting as Chairman.

Mr. McGlennon stated that he traveled to Lancaster County this past Saturday for the memorial service for Mr. Richard Lee, a long-time County employee who passed away.

Mr. Kennedy stated that Mr. Lee will certainly be missed. He stated that he has fond memories of Mr. Lee and awarded him the Chairman's Award back in 2002 when he was Chairman.

Mr. Kennedy stated that it was privilege for him to appear as a veteran at Walsingham Academy yesterday for the Veteran's Day program.

#### **H. CONSENT CALENDAR**

Ms. Jones requested that Item No. 4 be pulled from the Consent Calendar for discussion.

Mr. McGlennon made a motion to adopt the remaining Consent Calendar Items.

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

1. Minutes –
  - a. October 8, 2013, Regular Meeting
  - b. October 22, 2013, Regular Meeting

2. Federal Grant Award – Bulletproof Vest Partnership (BVP) – \$11,414

**RESOLUTION**

FEDERAL GRANT AWARD – BULLETPROOF VEST PARTNERSHIP (BVP) – \$11,414

WHEREAS, the James City County Police Department has been awarded a Bulletproof Vest Partnership (BVP) grant from the Office of Justice Programs’ Bureau of Justice Assistance for \$11,414 (\$5,707 grant/\$5,707 local match); and

WHEREAS, the grant requires a match of \$5,707, which is available in the County’s Grant Match Account; and

WHEREAS, the funds are to be used to purchase approximately 17 replacement bulletproof vests for officers.

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 appropriation amendment to the Special Projects/Grants Fund:

Revenues:

BVP-FY13	\$5,707
Grant Match Account	<u>5,707</u>
Total	<u>\$11,414</u>

Expenditure:

BVP – FY13	<u>\$11,414</u>
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3. Grant Award – Dam Safety Assistance Fund for the Warhill Eastern Pond Dam – \$4,000

**RESOLUTION**

GRANT AWARD – DAM SAFETY ASSISTANCE FUND FOR THE

WARHILL EASTERN POND DAM – \$4,000

WHEREAS, the Virginia Department of Conservation and Recreation and the Virginia Resources Authority, as administrator of the Dam Safety, Flood Prevention, and Protection Assistance Fund, has awarded James City County a grant to improve dam safety; and

WHEREAS, funds are needed for the Warhill Eastern Pond Dam to develop a dam break inundation map as required for renewal of a regular six-year Operational and Maintenance (O&M) Certificate in accordance with Virginia Dam Safety Act and Impounding Structure Regulations; and

WHEREAS, the award is in the amount of \$4,000 (with \$4,000 local match required); and

WHEREAS, the matching funds of \$4,000 are available in the County Department of Development Management, Division of Engineering and Resource Protection, FY 14 Expenditures Budget for Professional Services No. 001-104-0203.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the \$4,000 grant awarded by the Virginia Department of Conservation and Recreation and the Virginia Resources Authority for the Warhill Eastern Pond Dam and authorizes the County Administrator to execute the grant agreement.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the County Department of Development Management, Division of Engineering and Resource Protection Division budget:

Revenue:

Dam Safety Assistance Fund	<u>\$4,000</u>
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Expenditure:

Warhill Eastern Pond Dam	<u>\$4,000</u>
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5. Revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual

**RESOLUTION**

**REVISIONS TO CHAPTER 5 OF THE JAMES CITY COUNTY**

**PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, the James City County Personnel Policies and Procedures Manual is an important document that guides decisions; and

WHEREAS, it is the practice of the County to revise and update policies to reflect changes and improvements; and

WHEREAS, the provisions of the Virginia Retirement System's Hybrid Plan that goes into effect January 1, 2014, differ from the provisions of Plan 1 and Plan 2; and

WHEREAS, the Virginia Retirement System advised that localities may wish to consider modifying current leave structure to coordinate more effectively.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that revisions to the personnel policies and procedures are adopted effective December 1, 2013.

6. Contingency Transfer – Human Services Building

**RESOLUTION**

**CONTINGENCY TRANSFER - HUMAN SERVICES BUILDING**

WHEREAS, the County's adopted five-year Capital Improvement Plan includes, in the upcoming fiscal year, \$2,050,000 to rehabilitate the 30-year-old Human Services Building; and

WHEREAS, the need for greater efficiencies in the building infrastructure and spatial allocations is a pressing one, given the growth in the number of James City County households served by the offices who occupy the building.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the transfer of \$120,000 from Capital Contingency to General Services to fine-tune plans, obtain final engineering estimates, and analyze potential changes in the building.

4. Acceptance of a Grant Amendment – Virginia Recreational Trails Fund – \$195,000

Ms. Jones stated that she requested this item be pulled for discussion and for a separate vote. She stated that she does not believe the trail should be a priority at this time. She stated if this amenity is that important to the citizens, then she does not believe that the funding should be coming from outside the County.

Mr. McGlennon stated that the County has already accepted funding for this trail and it is part of the overall master plan for Parks and Recreation. He stated that by not accepting, the Board is basically saying that instead of completing this trail with more help from the State, taxpayers are expected to finish the trail by themselves.

Mr. McGlennon made a motion to approve Item No. 4.

On a roll call vote, the vote was: AYE: Mr. Icenhour, Mr. McGlennon, Mr. Kennedy (3). NAY: Mr. Hipple, Ms. Jones (2).

**RESOLUTION**

**ACCEPTANCE OF A GRANT AMENDMENT –**

**VIRGINIA RECREATIONAL TRAILS FUND – \$195,000**

WHEREAS, funds are needed to assist with the construction of a trail from Freedom Park to the Blayton Elementary and Hornsby Middle School complex; and

WHEREAS, the Department of Conservation and Recreation has additional funds available for a trail development project in James City County through the Federal Recreation Trails Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the \$195,000 grant amendment to help with the construction of the Freedom Park Trail and authorizes the County Administrator to execute the required documents.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenue:

Virginia Department of Conservation and Recreation      \$195,000

Expenditure:

Freedom Park Trail      \$195,000

**I. PUBLIC HEARING**

1. HW-0002-2013. Busch Gardens 2015 Festa Italia Attraction

Ms. Leanne Reidenbach Pollock, Planner III, addressed the Board giving a summary of the staff report included in the Agenda Packet.

Mr. McGlennon stated that he met with the applicant in order to better understand the impacts of this project and because of the proprietary information involved it is difficult for the applicant to explain publicly.

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

1. Mr. Larry Giles, Vice President of Engineering for Busch Gardens, addressed the Board stating that he is representing Busch Gardens in case the Board has any questions.

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

Mr. McGlennon made a motion to approve the resolution on pages 79 and 80 of the Agenda Packet stating that Busch Gardens is very important to the local economy and he is impressed with their efforts to reduce the impacts of the attraction on local residents.

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

**RESOLUTION**

HW-0002-2013. BUSCH GARDENS 2015 FESTA ITALIA ATTRACTION

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a Height Limitation Waiver process; and

WHEREAS, Mr. Piotr Swietuchowski of VHB, Inc. has applied on behalf of SeaWorld Parks and Entertainment, LLC for a Height Limitation Waiver to allow for the installation of an attraction that is approximately 156 feet above finished grade (the "Attraction"); and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. HW-0002-2013; and

WHEREAS, the location of the proposed Attraction is depicted on the plan prepared by Vanasse Hangen Brustlin, Inc., entitled "Busch Gardens Festa Italia Expansion Exhibit 2 Height Waiver Sight Lines;" and

WHEREAS, the proposed expansion will be constructed in its entirety on property zoned M-1, Limited Business Industrial, further identified as James City County Real Estate Tax Map No. 5140100009 and commonly known as "Busch Gardens" (the "Property"); and

WHEREAS, the Board of Supervisors finds that the requirements of Section 24-418(c) of the James City County Zoning Ordinance have been satisfied in order to grant a height limitation waiver to allow for the erection of structures in excess of 60 feet in height.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Height Limitation Waiver HW-0002-2013 to grant the applicant a 96-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of an attraction up to 156 feet tall from finished grade as described herein, pursuant to the following conditions:

1. **Plan:** This Height Waiver shall be valid for a 96-foot waiver to the height limitation requirements set forth in the James City County Code to allow for the erection of the Attraction up to 156 feet above finished grade (or up to 242 feet above mean sea level) as generally shown on the plan prepared by Vanasse Hangen Brustlin, Inc., entitled "Busch Gardens Festa Italia Expansion Exhibit 2 Height Waiver Sight Lines." For the purposes of this application, "finished grade" is defined as 86 feet above sea level.
2. **Lighting:** All lighting locations and specifications shall be shown on future development plans. Unless otherwise required by the Federal Aviation Authority or necessary for safety purposes, installation of any lights on the Attraction at points above 60 feet in height or installation of lights which direct light upward to illuminate any part of the Attraction or surrounding theme park areas shall be prohibited, with the sole exception being that landscape-shielded "wall-washer" type fixtures may be installed to illuminate vertical (solid) wall surfaces related to the Attraction.
3. **Landscaping:** Supplemental landscaping shall be planted generally in the areas shown on the exhibit entitled "HW-0002-2013 Busch Gardens 2015 Festa Italia Attraction - Landscape Planting Areas" dated October 15, 2013, and as specified in a landscape design plan (the "Landscape Plan") that shall be reviewed and approved by the Director of Planning or his designee and subject to approval by the Virginia Department of Transportation (VDOT). Plantings shall be evergreen varieties that are designed, located, and planted in accordance with the requirements of Section 24-96 of the landscape ordinance. Plantings included on the Landscape Plan shall be installed or bonded prior to issuance of a final Certificate of Occupancy.
4. **Color Scheme:** The color of the Attraction at any point at or above 60 feet above finished grade shall be muted and designed to minimize visual impacts from Community Character Corridors and areas as defined in the Comprehensive Plan. A color scheme plan and color samples shall be submitted to, and approved by, the Director of Planning for consistency with this condition prior to the issuance of a Building Permit for the Attraction.



5. **Commencement of Construction:** Construction on this project shall commence within 36 months from the date of approval of this Height Limitation Waiver or this Height Limitation Waiver shall be void. Construction shall be defined as the obtaining of permits for the construction of foundations and/or footings.
6. **Severance Clause:** This Height Limitation Waiver is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

## **J. BOARD CONSIDERATIONS**

### 1. Contract Award – Mooretown Road Extended Corridor Study – \$399,967

Mr. Jason Purse, Zoning Administrator, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Icenhour stated that the County must have some idea of who would build this road and where it would go. He asked if that was discussed.

Mr. Purse stated that who would fund this road has not been discussed. He stated that there is language in the Comprehensive Plan that this road would be a privately funded road with minimal public assistance. He stated that this is a study to determine if the road is built where it would be most appropriate.

Mr. Icenhour stated that the Board is going to spend \$400,000 of taxpayer dollars to determine where to put a road that would be built by some unknown private party.

Mr. Purse stated that funding has not yet been identified for construction.

Mr. Kennedy stated that this study has been discussed many times. He asked Mr. Middaugh to give some of the history of this item and asked if this item is approved, is it coming back to the Board again or will it begin to move along.

Mr. Middaugh stated that once this contract is awarded, then the corridor study will be done. After that, the question of who builds it and who pays for it will ultimately have to come back to the Board, but the study will already be done. He stated that this item had its genesis with Mr. Sanford Wanner, the previous County Administrator, who found that during a hurricane it was difficult to get back and forth down Route 60. The idea of this road was to provide an alternate means for getting around that area. Subsequently, the Board approved a conceptual zoning for that area called the Economic Opportunity Zone (EO Zone) and this road would be an important part of the maturation of the that zone. The last action of the Board was to appropriate the funds for the study and to make them available for use.

Mr. Kennedy stated that in 2005, when this study first came up, the EO Zone was not in effect. He stated he believes the original idea was that public funds be used for construction.

Mr. Hipple stated that during that hurricane, there were a lot issues with Fire and Rescue vehicles being able to get up and down Route 60 and it is believed that this road would provide another avenue for getting to other parts of the County when Route 60 is gridlocked.

Mr. McGlennon stated that he has not been enthusiastic about this project and believes those funds could be invested in Rochambeau Drive which provides a parallel roadway. He stated that the study would probably prove to be valuable by providing information on where a road would be feasible; however, he remains unconvinced of the need for a road there.

Mr. Icenhour stated that we live on a peninsula and during hurricanes, even the alternate routes get backed up. He stated that a small stretch of road is not going to be a viable alternative during a major storm. He stated that Rochambeau Drive parallels I-64 and Route 60 and it is very rarely used. He stated that he does not believe that this road is needed as an alternate route or for emergency response. He stated that he believes that this project has something to do with two major property holders who would like to have this road, but they would need to take property from other homeowners in order to make it connect. He stated that if the Board wants to make this road an entryway to the Williamsburg Pottery and Mr. Hunt's farm, then fine, but it will require the condemnation of property from other property owners who do not want this road coming across their property. He stated that this is public money being spent to develop and further the economic interest of private individuals. He stated that he believes that this is a bad idea and cannot support this.

Ms. Jones stated that this road was proposed by our public safety officers and the previous County Administrator after a major hurricane and those only continue. She stated that this is just a study, like the Longhill Road Corridor Study, to look at the impacts and what is feasible. She stated that this study was brought up prior to the EO Zone. She stated that this is a study to evaluate the routes for citizens and to make sure that they have avenues to get out safely and the emergency vehicles can get to citizens when they are needed. She stated that she is supportive of the study.

Ms. Jones made a motion to approve the resolution on page 98 of the Agenda Packet.

On a roll call vote, the vote was: AYE: Mr. Hipple, Ms. Jones, Mr. Kennedy (3). NAY: Mr. Icenhour, Mr. McGlennon (2).

## **RESOLUTION**

### **CONTRACT AWARD - MOORETOWN ROAD EXTENDED CORRIDOR STUDY - \$399,967**

WHEREAS, a Request for Proposals (RFP) for Consultant Services to conduct a study of the Mooretown Road Extended corridor was publicly advertised and staff reviewed proposals from six firms interested in performing the work; and

WHEREAS, upon evaluating the proposals, staff determined that Vanasse Hangen Brustlin, Inc. (VHB) was the most 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 \$399,967 contract for consultant services for the Mooretown Road Extended Corridor Study to VHB.

#### 2. **The Virginia Department of Transportation (VDOT) Revenue Sharing Program-Fiscal Year 2015**

Ms. Tammy Rosario, Principal Planner, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Middaugh stated that this is a competitive process and staff does not know how well this project will rank against other projects from other localities, but it is worth competing for.

Mr. Kennedy asked if these funds would be in addition to the approximately \$3.9 million already allocated to this project or would these funds act as an offset.

Ms. Rosario stated that these funds would be an offset.

Mr. Kennedy stated that for clarity, the project is still running approximately \$3.9 million.

Mr. Vaughn Poller, Director of Housing and Community Development, stated that is correct.

Mr. Hipple asked if there were currently any homes on Neighbors Drive.

Mr. Poller stated yes, there are 11 homes that are affected by this project.

Mr. Hipple stated that for clarity, this action tonight would not cost the County any more money.

Mr. Poller stated that was correct. He stated that if VDOT accepts this application, then VDOT would accept the Community Development Block Grant (CDBG) funds that the County already has as the local match dollars.

Mr. McGlennon stated that would then allow the County to remove local funding from the project and conserve those dollars for use elsewhere in the community.

Mr. Poller stated that was correct.

Mr. Kennedy stated that he has received questions regarding the tree line that was removed along Neighbors Drive near Route 60. He stated that it appears that the entire tree buffer between the two rows of housing was removed. He asked Mr. Poller to clarify why that was done.

Mr. Poller stated that the trees were removed in the area of Phase 1, because of the retention pond that is being built. He stated in the area of Phase 2, six lots were created and homes will be built.

Mr. Hipple asked for a deferral to allow him more time to learn about the project and get up to speed to make an informed decision.

Mr. Kennedy asked Mr. Middaugh if there was a deadline for the application.

Mr. Middaugh stated that there is a timeline, but Ms. Rosario could better answer the question.

Ms. Rosario stated that the signed resolution is due to VDOT by December 2, 2013, so conceivably the action could be deferred until the November 26 meeting and still meet the deadline.

Mr. Kennedy clarified with Mr. Rogers that a vote was not necessary for a deferral.

The Board agreed to defer this action in deference to Mr. Hipple's request.

**K. PUBLIC COMMENTS**

1. Ms. Carol Anderson, 34 Kirkland Court, addressed the Board regarding an environmental issue near Quarterpath Drive that overlooks James City County and construction trucks have been removing trees, and tar and pitch is showing up in the pond.

2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board and offered a prayer for the newly constituted Board.

3. Mr. Ed Oyer, 139 Indian Circle, addressed the Board stating all of this money is being spent on the Mooretown Road Study and VDOT mentioned the western part of Route 60 several times, but not once were Route 60 in the Grove area mentioned.

4. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the Mooretown Road Study and believes that it would be to the County's benefit.

5. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board regarding climate issues and claimed that the County has been spending a lot of money on green building codes and conservation based on climate change policies that are being proven wrong.

**L. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Middaugh stated that a volunteer group, the Mid County Park Petanque Group, has constructed petanque/bocce courts and Mid County Park and invites those interested to come out and play. He also stated that the second Longhill Corridor Study Public Workshop will be held Thursday, November 21, from 7-9 p.m., at the King of Glory Lutheran Church on Longhill Road. He invited citizens to come out and have their input heard.

**M. BOARD REQUESTS AND DIRECTIVES**

Ms. Jones stated that many people have voiced concerns about New Town and she believes the community needs to get involved instead of just disregarding the issues. She stated that she would like to see some of the community organizations and local churches work to bring more positive energy to New Town on the weekends. She stated that she appreciates the comments and the emails that the Board has received in regard to wolf-hybrid dogs. She stated that this is a Dillion Rule State, so the County does not have the authority to outlaw them in James City County, but the Board will be looking at that on the County's Legislative Agenda. She stated that in the meantime, she asked that the draft ordinance go to the Policy Committee of the Planning Commission so that it may review the ordinance and move forward with zoning changes. She stated that another animal issue that she would like to see revisited is the backyard chicken keeping ordinance changes. She stated that she would like this Board to support bringing this issue back to the Policy Committee and Planning Commission. She stated that draft ordinances were supplied to staff that the Policy Committee did not have the opportunity to review or act on. She asked that the citizens be involved and part of the process for developing an ordinance and make a recommendation. She stated that while this is going on, that any violation letters not be acted on by County staff.

Mr. Kennedy and Mr. Hipple stated that they could be supportive of reopening that discussion.

Mr. Hipple stated that he believes that there are some changes that can be made in the ordinances that would be for the good of everyone. He also stated that he agrees with the assessment of the issues in New Town. He stated that New Town is a great place, but he does not go down there in the evenings on the weekend.

Mr. Kennedy asked Mr. Rogers if the enforcement of the violation letters for backyard chickens can be delayed.

Mr. Rogers stated that he hears the will of the Board regarding this issue and his office is the one that would enforce the violation, so he will hold up on the enforcement while this issue is sent back to the Policy Committee. Mr. Rogers stated that he wanted to comment on the wolf-hybrid dog issue that was mentioned. He stated that it is scheduled for a Public Hearing on November 26. He stated that it is not a zoning issue, that animal control laws state that the County may regulate the keeping of the dogs through a permitting process. He stated that one of the items that staff is looking at is utilizing zones, but it would still be part of the animal laws not a zoning case and therefore, there is no need for the Policy Committee and Planning Commission to be involved in the wolf-hybrid dog issue.

Mr. McGlennon stated that he is supportive of the Board moving forward expeditiously on this matter instead of having the Policy Committee and Planning Commission weigh in. He stated that the Board should be deliberate in its actions, but there has been a lot of discussion on this matter both by citizens and by the Board during the previous Work Session. He also stated that he has stated on several occasions that he was open to hearing what citizens had to say about backyard chicken keeping. However, it is a difficult issue to resolve when there are numerous neighborhoods with covenants that prevent backyard chickens. He stated that would put the County in a position to be called upon to adjudicate on these items between citizens and their neighborhood covenants. He stated that it is also important to remember that violation letters have only been issued when there has been a complaint from other citizens about their neighbors. He stated that he is certainly willing to listen, but there are issues involved here and perhaps common ground can be reached. He stated that it is not the case that supporters of backyard chickens were ignored. He stated that in regard to New Town, he had the opportunity to participate in several ribbon cuttings in New Town in the last week or so. He stated that all of the new business owners were excited to be located in New Town and that both stores are family establishments, especially Beyond Blocks which cater to young children and their families. He stated that he understands that there will always be issues in areas where there are a lot of people congregated, but wants to make it clear to the public that the level of incidents in New Town is not high.

Ms. Jones stated she was recommending that the community and the Board look at ways to make it better.

Mr. Hipple concurred. He stated that he was not insinuating that New Town is not a good place to be. He believes that there are issues there on Friday and Saturday nights and the community and the Board can come together to solve them.

Mr. McGlennon stated that he has been in New Town on Friday and Saturday nights and finds it to be a safe and enjoyable place to be.

Mr. Hipple stated that he would like to initiate a Public Hearing, as soon as possible, to reinstate uniform terms for the Board members.

Ms. Jones stated that she is supportive of this recommendation. She stated that because of staggered terms, the citizens of the Powhatan District did not have an elected representative on the Board for six years.

Mr. Kennedy stated that he would like to have a discussion about audio recording Closed Sessions, and asked Mr. Middaugh to make these two issues happen.

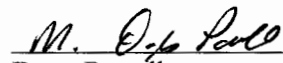
Mr. Rogers stated that with regard to Mr. Hipple's request, the first opportunity to bring a Public Hearing before the Board would be at the December 10 meeting to allow for adequate time to advertise the Public Hearing.

Mr. Kennedy and Mr. Hipple stated that they were fine with that timing.

**N. ADJOURNMENT** – to 4 p.m. on November 26, 2013, for the Work Session.

Ms. Jones made a motion to adjourn.

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



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Doug Powell  
Deputy Clerk to the Board

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