

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 10TH DAY OF JUNE 2014, AT 7:00 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
Michael J. Hipple, Vice Chairman, Powhatan District
James G. Kennedy, Stonehouse District
Kevin D. Onizuk, Jamestown District
John J. McGlennon, Roberts District

M. Douglas Powell, Acting County Administrator
Leo P. Rogers, County Attorney

ADOPTED

JUN 24 2014

Board of Supervisors
James City County, VA

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Michael and Meagn Williams, students at Lafayette High School and residents of the Jamestown District, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATION - None

F. PUBLIC COMMENTS

1. Mr. Michael McGurk, 117 Jefferson's Hundred, addressed the Board regarding County policies for rezoning applications.

2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding the sale of County-owned property.

3. Mr. John Niland, 503 River Bluffs, addressed the Board regarding Common Interest Communities.

4. Mr. Nate Walker, 101 Locust Place, addressed the Board regarding the Comprehensive Plan meeting held recently.

5. Ms. Betty Walker, 101 Locust Place, addressed the Board regarding climate change.

6. Mr. Lenny Berl, 105 William Richmond, addressed the Board regarding the Master Declaration of the Kingsmill residential community.

7. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding the sale of County-owned property.

8. Mr. Howard Ware, 46 Whittaker's Mill Road, addressed the Board regarding the rights of residents in planned communities.

G. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon made a motion to accept a reimbursement grant of \$149,678.46 from the Office of Farmland Preservation, Virginia Department of Agriculture and Consumer Services.

Ms. Jones stated she felt as though enough tax payer dollars had been spent to pay landowners to not develop their lands. She stated that she could not support a motion to accept this grant.

Mr. Onizuk stated this grant is to reimburse funds that had already been spent during the fiscal year 2014. The Purchase of Development Rights (PDR) program, which may not be popular with members of the Board, is very popular with constituents. He stated that he would support the grant.

Ms. Jones stated she was pro-environment; however, she feels as though it is wrong to spend taxpayer dollars to purchase development rights when there are still citizens who are going through tough financial times.

Mr. Onizuk stated he did agree with not spending any further funds on PDR projects. He did not have a problem accepting funds to reimburse funds that had already been spent.

Mr. McGlennon stated if James City County did not accept the grant the funds would be diverted to another jurisdiction that had perhaps not spent as much of its own money on PDR projects.

Mr. Kennedy stated according to the latest citizen survey the citizens do support PDR projects. He stated that these properties still generate property taxes. He stated that he did support accepting the grant.

Mr. Hipple stated that he believed in preserving lands, but was torn on the issue of this grant. He stated that his concern was that the source of this grant was money paid to the State by the taxpayers. He stated that he would like to see what the citizens have to say about the PDR program and then move forward. He stated that if James City County did not accept these funds they would go somewhere else in the State. He would support this motion because it was reimbursing the County for funds already spent.

Mr. Onizuk stated that he understood that these funds did come from taxpayers, the same way that other grants that are accepted do. The County accepts grants for law enforcement and other reasons and whether it is State or Federal funds it is ultimately the taxpayer's money. With that being the case though, this grant does not require that the County spend any more money on PDR projects at this time. This is simply a reimbursement for funds that have already been spent.

Mr. McGlennon reiterated his motion to approve acceptance of the Reimbursement Grant Award – Purchase of Development Rights Program - \$149,678.46.

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

RESOLUTION

REIMBURSEMENT GRANT AWARD –

PURCHASE OF DEVELOPMENT RIGHTS PROGRAM – \$149,678.46

WHEREAS, the James City County Purchase of Development Rights (PDR) Program has been awarded State matching funds in the amount of \$149,678.46 from the Office of Farmland Preservation, Virginia Department of Agriculture and Consumer Services (VDACS), pursuant to the *Code of Virginia*, § 3.2-201; and

WHEREAS, in order to accept the funds, the County must enter into an Intergovernmental Agreement (IGA) with VDACS which outlines the responsibilities of VDACS and the County with respect to the FY 2014 State matching funds; and

WHEREAS, the IGA also provides for extension of the County's use of FY 2012 funding until June 30, 2014.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Acting County Administrator and the County Attorney to sign all necessary documents to execute the Intergovernmental Agreement and any other necessary documents for the award of the state matching funds from VDACS.

H. CONSENT CALENDAR

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

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

1. Minutes -
 - a. May 27, 2014, Work Session
 - b. May 27, 2014, Regular Meeting
2. Dedication of Streets within White Hall Subdivision, Section I

RESOLUTION

DEDICATION OF STREETS WITHIN THE WHITE HALL SUBDIVISION, SECTION I

WHEREAS, the streets described on the attached AM-4.3, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation (VDOT) advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of VDOT; and

WHEREAS, the County and VDOT entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests VDOT to add the streets described in the attached Additions Form AM-4.3 to the secondary system of State highways, pursuant to § 33.1-229 of the Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED the Board guarantees a clear and unrestricted right-of-way, as described and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Residency Administrator for VDOT.

3. Senior Center Appropriation

RESOLUTION

SENIOR CENTER APPROPRIATION

WHEREAS, funds had been originally programmed in the FY 15 budget for the Historic Triangle Senior Center, a local nonprofit organization; and

WHEREAS, the Historic Triangle Senior Center has now dissolved and those funds were placed in a contingency account until staff could develop a plan to incorporate those services and programs into the Parks and Recreation Department; and

WHEREAS, that plan has now been completed and staff is prepared to assume the responsibility and implementation of senior programs on July 1, 2014.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the transfer of \$20,950 from the contingency account to the FY 15 Department of Parks and Recreation's budget; and

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the addition of \$17,050 to the FY 15 Department of Parks and Recreation revenue account for the fees that will be collected for the senior programs.

4. Contract Award – Fire Station 1 – \$5,600,000

RESOLUTION

CONTRACT AWARD – FIRE STATION 1 – \$5,600,000

WHEREAS, funds are available from the Capital Improvements Project (CIP) accounts; and

WHEREAS, three bids were considered for award and A.R. Chesson Construction Company, Inc. was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract in the amount of \$5,600,000 for the Fire Station 1 to A.R. Chesson Construction Company, Inc.

BE IT FURTHER RESOLVED that the Fire Station 1 project budget be reimbursed by \$225,000 generated from a portion of the expected proceeds from the sale of the residential property at 7849 Church Lane and designated as Fire Station 1 project contingency in the Capital Budget.

I. PUBLIC HEARINGS

1. Case Nos. Z-0003-2013/MP-0001-2013. Rezoning and Master Plan Amendment for Kingsmill, Land Bay 8

Mr. Jose Riberio, Planner III, stated that Mr. Vernon Geddy, attorney for the applicant, had requested that the application be deferred until a Board meeting in July and that staff supported this request.

As there were no questions for staff, Ms. Jones opened the Public Hearing.

Ms. Jones stated that there would be no action on this case this evening.

Mr. McGlennon stated that there would be an additional Public Hearing in the future on this matter as well.

1. Mr. Michael McGurk, 117 Jefferson's Hundred, addressed the Board in opposition to the case.
2. Mr. Howard Ware, 46 Whittaker's Mill Road, addressed the Board in opposition to the case.
3. Mr. Lenny Berl, 105 William Richmond, addressed the Board in opposition to the case.
4. Mr. John Niland, 503 River Bluffs, addressed the Board in opposition to the case.
5. Mr. Andrew Lloyd-Williams, 120 Captaine Graves, addressed the Board in opposition to the case.

case.

As no one else wished to speak, Ms. Jones stated that the Public Hearing would be continued until the July 8, 2014, regular meeting.

2. Case No. ZO-0007-2013. Chicken Keeping in Residentially Zoned Areas of the County

Mr. Scott White, Planner III, addressed the Board giving a summary of the memorandum and ordinance included in the Agenda Packet.

As there were no questions for staff, Ms. Jones opened the Public Hearing.

1. Mr. Eric Danuser, 4091 South Riverside Drive, addressed the Board in support of the case.
2. Mr. Joseph Swanenburg, 3026 The Point Drive, addressed the Board in support of the case.

3. Ms. Barbara Scherer, 114 King William Drive, addressed the Board in support of the case.
4. Ms. Joyce Felix, 115 King William Drive, addressed the Board in support of the case.
5. Mr. Brandon Waltrip, 3448A Chickahominy Road, addressed the Board in support of the case.
6. Ms. Carol Bartram, 102 Pageland Drive, Yorktown, VA, addressed the Board in support of the case.

As no one else wished to speak, Ms. Jones closed the Public Hearing.

Mr. Hipple stated that he kept chickens at his residence. There has been a great deal of time and effort put into getting this issue to the Board, between citizens, staff, and the Planning Commission. He stated that there are certain areas of the County in which residents cannot have chickens even though their homes are rather remote and rural. The differences in the community from planned communities to rural areas is what helps makes this a great community to live in. He stated he would support the ordinance and a change to include R2 and R3 zoning areas as well.

Mr. Kennedy stated that the reason the issue has gotten to this point is because there were complaints received from citizens regarding neighbors keeping chickens in their backyards. He asked Mr. Allen Murphy, Director of Development Management, to come forward. He asked Mr. Murphy if there was any active pursuit of people keeping chickens in the County in currently unauthorized areas.

Mr. Murphy stated that enforcement was only on a complaint basis.

Mr. Kennedy asked the number of staff in zoning enforcement.

Mr. Murphy stated that there are four staff members in zoning enforcement.

Mr. Kennedy asked if the proposed ordinance would create more work for staff.

Mr. Murphy stated that it would.

Mr. Kennedy stated that he did support the discussion about this case. He is concerned about the butchering of chickens in the backyard in residential areas. He stated that he is concerned that if it begins with chickens then where will it end. He stated that he has concerns about the enforcement of the numbers of hens allowed and about the cost in terms of staff hours. He stated that he is also concerned about expanding this case out to other residentially zoned areas of the County. He stated that his final concern is that this was not supported by the Planning Commission.

Mr. Onizuk stated that he is in favor of individual property rights, so long as what an individual does on their own property does not adversely affect other property owners. The case would not over rule any Homeowners Association (HOA) Restrictive Covenants. He stated that he is in favor of the ordinance in the way that it is written. He would not support expansion of the ordinance to other residential areas within the Public Service Area (PSA).

Mr. McGlennon stated that he has several concerns about this case. One of the primary concerns is that there are already people throughout the County that are violating the current zoning regulations. There will be people who will be left out of the new ordinance if adopted who may or may not comply with the new

ordinance. Another concern is that this ordinance starts with allowing chickens in residential areas, but where will it end. In his own communication with the constituents he stated that there is not overwhelming support for this ordinance.

Mr. Hipple stated that a number of individuals that he had been in touch with, who happened to be in violation, did not realize they were in violation to begin with. Some of the regulations in the County were created solely for the purpose of keeping certain individuals from doing certain things. Regardless if it is a chicken or something else there will be a few people who do not do the right thing. He stated that there is a problem when government creates regulation to address people who create a problem rather than the majority that are doing the right thing.

Mr. Kennedy stated that in contrast to Mr. Hipple's comments that regulation should not be made to react to a small number of people. He stated that the Board went to the State legislature to do exactly that when it came to wolf hybrid dogs.

Mr. Hipple stated that he did not feel as though it was fair to compare a wolf hybrid dog to a chicken.

Mr. Kennedy explained that it was not about one being worse than the other it was a comment about regulation because a small group of individuals. It was a singular owner that led to the current regulations about wolf hybrid dogs.

Mr. Onizuk stated that there are two very different types of home buyers; one in favor of an HOA, the other that does not want an HOA. He does not have an issue supporting the ordinance so long as that there is adequate enforcement.

Ms. Jones stated that she did support the ordinance and would like to see the ordinance expanded to the R2 and R3 zoning districts. She would like to see a change in the wording of the ordinance to include the wording "no commercial dispatching." The ordinance would not overrule any existing HOA rules and regulations. She stated that her primary concern is the individual property rights of the homeowners. She stated that she would support an initiating resolution to expand the current ordinance to include R2 and R3 zoning districts.

Mr. Rogers asked if there was an amendment that the Board would like to make.

Mr. Onizuk stated that he would be more supportive of the ordinance as written and not allowing dispatching of the chickens.

Mr. Hipple stated he did not foresee people going close to their neighbor's fence line to dispatch a chicken.

Mr. Kennedy stated that some of the lots in the R1 district are not that large. He asked if the other localities in the area allow dispatching.

Mr. White stated that none of the surrounding localities ordinances contain a provision allowing the dispatching of chickens.

Mr. Rogers asked if a motion to adopt the ordinance with the change to the wording to state that "Commercial harvesting is not permitted" was what was being asked for by the Board.

Mr. Kennedy stated that if the County is going to allow the residential harvesting of chicken then they are ceasing to be a pet. He asked Mr. Rogers what are the current restrictions for animals other than chickens in the community.

Mr. Rogers stated that the current regulations differentiate between kept animals and wild animals.

Mr. Kennedy stated that he felt as though this case would open the door to a wide variety of future problems with different types of animals.

Mr. Hipple made a motion to adopt the resolution with the change in language, last line in section (a), to state: "Commercial harvesting of chickens is not permitted."

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

Ms. Jones made a motion to direct staff to draft an initiating resolution to expand the ordinance to include the R2 and R3 zoning districts.

Mr. Onizuk stated that he is not supportive of expanding to other zoning districts within the Primary Service Area. He stated that if this direction is going to be given to the Planning Commission, then he would urge caution.

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

At 9:35 p.m., Ms. Jones recessed the Board for a brief break.

At 9:47 p.m., Ms. Jones reconvened the Board.

3. Case No. SUP-0003-2014. Amerigas Propane Tank Installation

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, Ms. Jones opened the Public Hearing.

As no one wished to speak to the case, Ms. Jones closed the Public Hearing.

Mr. McGlennon made a motion to approve the resolution included in the Agenda Packet.

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

RESOLUTION

CASE NO. SUP 0003-2014. AMERIGAS PROPANE TANK INSTALLATION

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. Martin Munson of Amerigas Propane has requested an amendment to the existing SUP (SUP-26-84) to allow for the installation of an additional 30,000-gallon propane tank at an existing storage facility in Hankins Industrial Park located at 124 Industrial Boulevard, zoned M-2 (General Industrial) and further identified as James City County Tax Map Parcel No. 1240100013C; and

WHEREAS, the Planning Commission, following its public hearing on May 7, 2014, 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 SUP-0003-2014 as described herein with the following conditions:

1. Use: This SUP shall be valid for propane storage, distribution or sale and accessory uses as shown on the Master Plan titled "Amerigas Propane Exhibit" dated April 22, 2014. Development of the property shall occur in general accordance with the Master Plan as determined by the Planning Director. Any outdoor operation or storage including the installation of propane tanks, shall be contained in the area designated "Outdoor Operation and Storage Area."
2. Site Plan: A site plan shall be required for this project and for the installation of any future propane tanks. The location and capacity of propane tanks shall be approved by the Fire Marshal and the Building Safety and Permits Director or their designees before site plan approval. Final approval of the initial site plan shall be obtained within 24 months of issuance of this SUP or the SUP shall become void.
3. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

4. Case No. SUP-0002-2014. HRSD Microwave Tower, 300 Ron Springs Drive

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

Mr. McGlennon asked about the opportunity for co-location on the tower and if there has been any interest in doing so.

Ms. Pollock stated that there is the potential for co-location, but would defer to the Applicant for further information regarding possible co-locators.

As there were no other questions for staff, Ms. Jones opened the Public Hearing.

1. Mr. Ray King, Attorney representing the Applicant, addressed the Board giving a brief summary of the application. He noted that Mr. Tim Dennis, from Milestone Communications, and Mr. Dave Cooley, an engineer with Hampton Roads Sanitation District (HRSD), were in attendance as well to answer any technical questions. He stated that the importance of this tower would allow HRSD to remotely control the system, especially during storm events.

Mr. McGlennon asked about the geographic range of possible cellular co-locators on the tower.

2. Mr. Tim Dennis, Milestone Communications, Reston, Virginia, addressed the Board stating that co-location is possible. He stated that there are five active cellular carriers in this market, and to date, only Verizon has evaluated the site and is not interested in co-locating at this time. He stated that they will continue to market the tower as a possible co-location site to the other carriers in the market.

Mr. McGlennon asked if co-locator's antennas would be internally or externally mounted.

Mr. Dennis stated that due to the dense tree buffer, co-locators would have to be externally mounted.

As no one else wished to speak, Ms. Jones closed the Public Hearing.

Mr. McGlennon made a motion to approve the resolution included in the Agenda Packet.

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

RESOLUTION

CASE NO. SUP-0002-2014. HRSD MICROWAVE TOWER – 300 RON SPRINGS DRIVE

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. Stephen Romine has applied for an SUP to allow construction of a 134-foot microwave tower (the "Project") on property located at 300 Ron Springs Road (the "Property"); and

WHEREAS, the proposed Project is depicted on the plan prepared by NB+C Engineering Services, LLC, dated January 22, 2014, revised March 13, 2014, and entitled "Williamsburg Treatment Plant" (the "Master Plan"); and

WHEREAS, the proposed Project is located in its entirety on property zoned PL, Public Lands, further identified as James City County Real Estate Tax Map Parcel No. 5820100003; and

WHEREAS, the Board of Supervisors issued SUP-0023-1987, HRSD Treatment Plant Expansion and SUP-0017-1995, HRSD Ron Springs Drive Influent Force Main for the existing facilities on the Property, which conditions are not replaced by this SUP and will still remain in effect on the Property; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0002-2014; and

WHEREAS, the Planning Commission, following its public hearing on May 7, 2014, voted 6-0 to recommend approval of application No. SUP-0002-2014.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of James City County, Virginia, does hereby approve Application No. SUP-0002-2014, as described herein, pursuant to the following conditions:

1. Master Plan and Use: This SUP shall be valid for the installation of a microwave tower at a total height of 134 feet, including all appurtenances, on the Property as shown on the Master Plan.
2. Enclosure: Should a future provider collocate on the tower and determine that equipment needs to be enclosed by fencing, the fencing shall be vinyl-coated and shall be dark green or black in color. Any fencing shall be reviewed and approved by the Planning Director prior to final site plan approval.
3. Tower Color: Any tower shall have a finish that is grey in color as approved by the Planning Director. Any alternative color used, including but not limited to a camouflage wrap, shall be approved by the Planning Director, or his designee, prior to final site plan approval.
4. Lighting: Lighting, beacons, and other similar devices shall be prohibited on the Project unless required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA). When required by the FCC or FAA, a red beacon light or lights of low-medium intensity shall be used rather than a white strobe light. Should the regulations and requirements of this subsection conflict with any regulation or requirement by the FCC or FAA, then the regulations of the FCC and FAA shall govern. At the time of site plan review, a copy of the FAA and/or FCC findings shall be provided to the County.
5. Commencement. A final building inspection shall be obtained within 24 months from the date of the issuance of this SUP, or this SUP shall be void.
6. Severance Clause. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Ms. Jones acknowledged the Planning Commission Representative, Mr. Heath Richardson, in attendance this evening.

5. Case No. ZO-0008-2013. Accessory Apartments

Ms. Jennifer Van Dyke, Planner I, addressed the Board giving a summary of the memorandum and ordinance changes included in the Agenda Packet.

Mr. McGlennon questioned the motivation of the Planning Commission to direct staff to begin looking into these ordinance changes.

Ms. Van Dyke stated that it was her understanding that certain members of the Planning Commission were looking to serve members of the aging community and that this might provide options for the aging members of the community.

Mr. McGlennon noted that in the attached materials, three different scenarios are presented that vary differently. One would be an accessory apartment for aging parents, one would be an accessory apartment for a caregiver to live outside of the home, but in close proximity, and one would be as a revenue stream from the rental of an accessory apartment. He questioned the criteria for deciding which scenario would be allowed considering that all of the detached accessory apartments would require a Special Use Permit (SUP).

Ms. Van Dyke stated that she does not believe that the objectives were that thought out. She noted that there was a greater level of comfort, by the Policy Committee, by having the detached apartments go through the legislative process of an SUP. She stated that she cannot respond specifically to the motivations of the Planning Commission members.

Mr. McGlennon stated that he is concerned that this could be an option for revenue enhancement that could significantly impact the character of neighborhoods in the community. He stated that he would like to know more about the principles that the ordinance change is hoped to accomplish.

Ms. Jones asked if Mr. McGlennon would like a deferral of the case.

Mr. McGlennon stated that he believes the Board would benefit from more discussion on the matter, not just a deferral. He stated that he would like to see a Work Session discussion on the matter to better understand the intended objectives.

Mr. Kennedy stated that these options have been previously discussed. He stated that he shares the concerns voiced by Mr. McGlennon. He stated that he would like to see the Board be able to do something for aging parents or caregivers, but how does one limit it to just those circumstances.

Ms. Jones stated that she would be fine with adding it to a Work Session agenda.

Mr. McGlennon stated that he would suggest including the concept at the next Neighborhood Leaders Forum to get the reaction of the neighborhoods to the proposed changes as well.

Ms. Jones asked if the Public Hearing should be left open.

Mr. Rogers stated that the Public Hearing must be left open to a date certain. If the Board does not have a specific date in mind, then it would be best to close the Public Hearing after any comments.

Mr. Richardson stated that he agreed with the assessment of the Board and the various scenarios. He stated that the Planning Commission did not focus on the rationale behind the ordinance, rather the changes to the ordinance itself, but that it can be reevaluated.

As there were no other questions for staff, Ms. Jones opened the Public Hearing.

1. Mr. Steven Sharp, 2305 Montgomerie Arch, addressed the Board in support of the ordinance changes.

As no one else wished to speak, Ms. Jones closed the Public Hearing.

Mr. Powell stated that he would get back to the Board, but believes that this item can be added to the Work Session Agenda in July.

6. Application for New James City County Enterprise Zone Designation

Mr. Telly Tucker, Assistant Director of Economic Development, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Kennedy noted that these zones have been very fruitful for the County over the past several years.

As there were no questions for staff, Ms. Jones opened the Public Hearing.

As no one wished to speak to the matter, Ms. Jones closed the Public Hearing.

Mr. McGlennon made a motion to approve the amended resolution provided at the dais this evening.

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

RESOLUTION

APPLICATION FOR NEW JAMES CITY COUNTY ENTERPRISE ZONE DESIGNATION

WHEREAS, the Commonwealth of Virginia has developed an Enterprise Zone Program, which offers incentives to encourage economic development projects that result in private investment and job creation; and

WHEREAS, the Virginia Department of Housing and Community Development (DHCD) is accepting applications for the 2015 designation round of new Enterprise Zones; and

WHEREAS, the Board of Supervisors of James City County, Virginia, strongly supports the application for an Enterprise Zone Designation to the Virginia DHCD; and

WHEREAS, James City County desires to apply for a new Enterprise Zone designation to continue the success of its existing zone, which has been in place since 1996 and expires in 2015.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Acting County Administrator to submit all information needed to apply for an Enterprise Zone designation and meet other program administrative reporting requirements.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County authorizes the Acting County Administrator of James City County to act as Program Administrator for the Enterprise Zone.

J. BOARD CONSIDERATION - None

K. PUBLIC COMMENTS

1. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding the visit of the Secretary of the Interior and the PDR Grant.

Ms. Jones stated that she was not aware of the visit of the Secretary of the Interior until the day before. To her knowledge no one from staff was present during the visit.

Mr. Powell stated that County staff was not made aware of the visit either.

Ms. Jones asked for a follow up to be done with Mr. Swanenburg regarding clarification of the PDR Reimbursement Grant.

Mr. McGlennon stated that if his question is regarding the dates of the fiscal year, then it would cover July 1, 2013, through June 30, 2014, PDR expenditures.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Powell stated that on June 13 at 10:30 a.m., Officers from James City County Police Department and Deputies from the York-Poquoson Sheriff's Office will come together at Shorty's Diner at 627 Merrimac Trail in an informal, neutral space to discuss community issues, build relationships, and drink coffee. For more information about the event on June 13, please contact MPO Kelly Cross at 757-603-6023.

Mr. Powell stated that the Abram Frink Jr. Community Center (AFCC, formerly James River) will be closed June 13-September 1 for maintenance. The Center closure is part of the overall HVAC maintenance plan for James River Elementary School. AFCC patrons can use their passes at the James City County Recreation Center (JCCRC) on Longhill Road during this closure period during specific hours. Use of the JCCRC is available to AFCC patrons during normal AFCC operation hours, Monday-Thursdays, 4-9 p.m. and Fridays 4-8 p.m. For more information, please call 757-259-4200.

Mr. Powell stated that James City County residents are invited to attend the next Neighborhood Leaders Forum (NLF) on June 17 at 6:30 p.m. at the James City County Recreation Center, 5301 Longhill Road. The NLF is a series of education and dialogue sessions for neighborhood representatives. The June meeting will include an update by County Police, a presentation about the 2035 Comprehensive Plan process, a networking break in which participants can meet and greet with other neighborhood representatives and a Q&A session with County staff. For more information about the NLF or to RSVP, please contact Latara Branch, Civic Engagement Coordinator, at 757-259-4986.

Mr. Powell stated that On Sunday, June 15, more than 900 athletes will participate in the Revolution 3 (REV3) Williamsburg Triathlon. Portions of roads throughout James City County will be temporarily closed to accommodate the 56-mile cycling course and 13-mile running course of the race. Motorists should expect delays between 7 a.m. and 1 p.m. on all of Centerville Road and on the following: Greensprings Road, John Tyler Highway, Jolly Pond Road, Opportunity Way, Little Creek Dam Road, Forge Road, Diascund Road, and Richmond Road (in Toano and Lanexa). Cranston's Mill Pond Road will be closed for the duration of the event. Police will direct traffic during the race to help keep participants and motorists moving as efficiently as possible. Motorists should also note that there will be bicyclists traveling on these roadways throughout the day even while traffic is flowing and should use extreme caution.

M. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon stated as part of the HVAC work being done at James River Elementary, the generator is being installed as well. He stated that he attended a panel discussion sponsored by Senator Mark Warner regarding the shale bracken crude oil being transported by railways through the County. He stated that there was a lot of discussion regarding the safety of the compartments used to transport those materials. He stated that his understanding is that representatives met with County staff recently to discuss the requirements for Fire/EMS equipment when dealing with these chemicals.

Mr. Kennedy requested a briefing on the topic from staff.

Mr. Powell stated that staff would schedule a presentation for the next Board meeting.

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. Community Action Agency Board of Directors – Staff Member
 - b. WATA Board of Directors – Staff Members

Mr. McGlennon made a motion to appoint Ms. Heather Poulsen to the Community Action Agency to fill a vacated term that will expire on September 25, 2017; appoint Mr. Allen Murphy to fill a vacancy on the Williamsburg Area Transit Authority (WATA) Board of Directors that will expire on June 30, 2017; and appoint Mr. Doug Powell to a new term on the WATA Board of Directors that will expire on June 30, 2018.


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

N. ADJOURNMENT – until 7 p.m. on June 24, 2014, for the Regular Meeting

Mr. Onizuk made a motion to adjourn.

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

At 10:23 p.m., Ms. Jones adjourned the Board.



M. Douglas Powell
Clerk to the Board