

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH 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

ADOPTED

B. ROLL CALL

JUL 08 2014

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

**Board of Supervisors
James City County, VA**

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

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Joshua Brittle, a rising 4th-grade student at Matoaka Elementary School and a resident of the Berkeley District, led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATIONS

1. 2014 Historical Preservation Awards

Mr. Lafayette Jones, Chairman of the Historical Commission, addressed the Board and citizens and presented the 2014 Historical Preservation Awards to Troop 103, Boy Scouts of America, Mr. Richard Costello, and the Colonial Williamsburg Foundation and Preservation Virginia.

2. CSX Shipment of Bakken Crude Oil

Deputy Fire Chief Ryan Ashe addressed the Board giving a presentation on the transportation of Bakken Crude Oil through the County on the CSX rail lines and what steps are being taken to prepare and protect the community in the event of a derailment.

Mr. McGlennon expressed his concerns regarding the transport of the Bakken Crude Oil through the County and stated that there are a lot of citizens that live close to the railways that run through the County.

F. PUBLIC COMMENTS

1. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding the most recent Community Participation Team (CPT) meeting held in Toano.

2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding the recent ordinance allowing chicken-keeping.

3. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board regarding the health and wellness of school-aged children in the County.

4. Ms. Petra Nadel, 106 Indian Circle, addressed the Board regarding the recent ordinance allowing chicken-keeping.

5. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding a bike trail being proposed on Croaker Road.

6. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board regarding the recent CPT meeting held in Toano.

7. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board regarding private meetings with no publicly available reports or minutes.

G. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon congratulated the graduates of the local schools and stated that he attended the graduation ceremonies of the local high schools. He stated that he attended all three of the CPT meetings that were held in the community last week and that they were well attended. He stated that he appreciated the citizens bringing attention to the award he received from the Virginia Transit Association. He stated that he has served as the Chairman of the Transit Service Delivery Advisory Committee of the Virginia Department of Rail and Public Transit for the past year. He stated that he has reported on the work of that body on occasion during these meetings. He stated that the work of that body was to determine an allocation formula for additional funds for public transportation that the State was receiving. He stated that he is happy to report that \$600,000 in additional funding will be received by Williamsburg Area Transit Authority (WATA) to support public transportation in James City County, the City of Williamsburg, and parts of York County. He stated that recordings of the meetings are available online through the Virginia Department of Rail and Public Transit, as well as minutes of those meetings.

Mr. Onizuk stated that he attended a meeting at the Greater Williamsburg Chamber and Tourism Alliance this morning. He stated that the focus of the meeting was marketing for sports tourism in our region. He stated that the feasibility of a Field House and/or an Aquatic Center was discussed. He stated that representatives from the local jurisdictions and destinations were in attendance. He stated that it was an initial meeting to generally determine interest level. He stated that regional cooperation will be key in order to keep costs down, but there does appear to be regional interest. He stated that if the process moves forward, the next step would be to contact Councilman Hunsaker, the company that provided the Feasibility Study to see what the next steps would be should there be the decision to move forward.

Mr. Onizuk congratulated Go-Karts Plus for its 25th Anniversary as a member of the business community.

Ms. Jones stated congratulated Go-Karts Plus as well. She stated that she and Mr. Onizuk attended the ribbon cutting ceremony for New Concepts in Settlers Market. She congratulated all the high school graduates and wished them the best of luck in the future. She stated that she attended the Hampton Roads Planning District Commission (HRPDC)/Hampton Roads Transportation Planning Organization (HRTPO) meeting last week and one of the agenda items was the 2040 Long Range Transportation Plan which includes

improvements to Route 60 and other road improvements throughout the County. She stated that she had the opportunity to welcome the Virginia Association of Rural Letter Carriers who was holding its Annual Convention at the Fort Magruder Hotel and Conference Center.

H. CONSENT CALENDAR

Ms. Jones stated that for clarification for the public, the Petty Cash Fund is in reference to Parks and Recreation in the amount of \$300.

Mr. McGlennon made a motion to approve the items on 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. June 10, 2014, Regular Meeting
2. Appropriation of Transfer from Williamsburg-James City County (WJCC) and Contract Award – Shelter Generator, Abram Frink Jr. Community Center and James River Elementary School

RESOLUTION

APPROPRIATION OF TRANSFER FROM WILLIAMSBURG-JAMES CITY COUNTY (WJCC)

AND CONTRACT AWARD – SHELTER GENERATOR, ABRAM FRINK JR.

COMMUNITY CENTER AND JAMES RIVER ELEMENTARY SCHOOL

WHEREAS, the James City County Fire Department Emergency Management Division was previously awarded a Hazard Mitigation Grant Program (HMGP) grant in the amount of \$98,000 to purchase and install a shelter generator at the Abram Frink Jr. Community Center and the Board appropriated the grant on July 23, 2013; and

WHEREAS, the Abram Frink Jr. Community Center and James River Elementary School share a physical plant and electrical systems; and

WHEREAS, Williamsburg-James City County (WJCC) Public Schools and the County have identified the opportunity to re-size the generator to both provide a local shelter alternative with emergency power capabilities at the southern end of the County and provide backup power for the school during non-emergency power outages; and

WHEREAS, the WJCC School Board transferred \$250,000 to the project on February 18, 2014; and

WHEREAS, cooperative procurement action is authorized by Chapter 1, Section 5 of the James City County Purchasing Policy and the Virginia Public Procurement Act, and the National Joint Powers Alliance (NJPA) issued a cooperative purchasing contract to Carter Machinery Company that was competitively solicited and awarded; and

WHEREAS, County staff determined equipment available under this contract meet the required technical specifications and negotiated a price of \$166,326.07 for purchase of a generator, automatic transfer switch, and fuel tank.

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

<u>Revenue:</u>	
Transfer from WJCC	<u>\$250,000</u>
<u>Expenditure:</u>	
HMGP Grant – Shelter Generator	<u>\$250,000</u>

BE IT FURTHER RESOLVED that the Board of Supervisors hereby authorizes the issuance of a contract to Carter Machinery Company for a generator, automatic transfer switch, and fuel tank in the amount of \$166,326.07.

3. Establishment of a Petty Cash Fund

RESOLUTION

ESTABLISHMENT OF A PETTY CASH FUND

WHEREAS, the Department of Parks and Recreation continues to explore all opportunities to generate revenue through users fees; and

WHEREAS, it is necessary to accept cash and provide change to the users at special events that require an admission or parking fee; and

WHEREAS, this collection of fees and cash management process must be consistent with James City County adopted policies and procedures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the Treasurer to establish a \$300 petty cash fund to be used by County staff at special events sponsored by the Parks and Recreation Department.

4. Local Governing Body Concurrence with School Division Electing to Pay the Virginia Retirement System (VRS) Board-Certified Rate

RESOLUTION

LOCAL GOVERNING BODY CONCURRENCE WITH SCHOOL DIVISION

ELECTING TO PAY THE VIRGINIA RETIREMENT SYSTEM (VRS)

BOARD-CERTIFIED RATE

WHEREAS, the Williamsburg-James City County (WJCC) School Board has elected to pay the Employer Contribution Rate certified by the Virginia Retirement System (VRS) Board of Trustees for its Non-Professional Account; and

WHEREAS, in accordance with the 2014 Appropriation Act Item 468 (H), the local governing body must concur with the local public school division's election of the VRS-Certified Employer Contribution Rate; and

WHEREAS, the Board of Supervisors concurs with the WJCC School Board's election to pay the Certified Employer Contribution Rate; and

WHEREAS, the WJCC adopted budget reflects payment at the rate of 7.22 percent.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, (55147) hereby acknowledges that the Williamsburg-James City County School Division has made the election for its contribution rate to be based on the Employer Contribution Rates certified by the VRS Board of Trustees pursuant to Virginia Code §51.1-145(1) resulting from the June 30, 2013, actuarial value of assets and liabilities (the "Certified Rate").

BE IT FURTHER RESOLVED that James City County (55147) does hereby certify to the VRS Board of Trustees that it concurs with the election of the Williamsburg-James City County School Division to pay the Certified Rate, as required by Item 468(H) of the 2014 Appropriations Act.

BE IT FURTHER RESOLVED that the officers of James City County (55147) are hereby authorized and directed in the name of James City County to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of James City County, as appropriate, shall be affixed and attested by the Clerk.

I. PUBLIC HEARING

1. Ordinance to Amend and Reordain Chapter 13, Motor Vehicles and Traffic, Article I, In General, Section 13-7, Adoption of State Law; and Article II, Driving Automobiles, Etc. While Intoxicated or Under the Influence of Any Drug, Section 13-28, Adoption of State Law, Generally

Mr. Rogers introduced Ms. Leah Dubuisson, Summer Law Clerk.

Ms. Dubuisson addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. McGlennon asked Ms. Dubuisson to explain why the Board is going through this process for a date change.

Ms. Dubuisson explained that the General Assembly adopted a code section that allows localities to incorporate the changes by reference instead of having to go through and update every single ordinance every year.

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

1. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board in opposition to the fees that are collected from these ordinances.

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

Mr. Kennedy stated that the fees and fines are dictated to the localities by the General Assembly and the reason they are high is as a deterrent. He stated that he understands the hardship for all involved, but the alternative is worse.

Mr. McGlennon made a motion to approve the ordinance 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).

J. BOARD CONSIDERATION

1. Case No. ZO-0001-2014. Initiation of a Zoning Ordinance Amendment to Consider the Keeping of Chickens in R-2, General Residential, and R-3, Residential Redevelopment Zoned Areas of the County and the Special Regulations Related Thereto

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

Ms. Jones asked how many citizens have applied for a permit to keep chickens in R-1 since the ordinance was passed on June 10, 2014.

Mr. Whyte stated that he had received one call from a citizen inquiring about obtaining a permit. He stated that staff is in the process of drafting the permit application.

Ms. Jones stated that she supports this Initiating Resolution. She stated that she would like the Planning Commission to look at surrounding localities that have adopted similar ordinances and see if they have had any issues in other residential districts. She reiterated that if citizens live in a homeowners association (HOA) community that does not permit chickens, then those citizens will not be allowed to have them. She stated that there are many citizens that live on R-2 and R-3 zoned property that is quite rural and she believes that they should have the option to keep chickens as well.

Ms. Jones made a motion to approve the Initiating Resolution included in the Agenda Packet.

Mr. McGlennon stated that he was under the impression, from the last meeting, that other types of fowl were to be included in this initiating resolution.

Ms. Jones stated that was neither her request nor the direction that she intended for the possible expansion of the ordinance to go. She stated that Mr. Kennedy mentioned about other types of fowl being included. She stated that she would prefer that the focus remain on chickens and would not support including roosters.

Mr. Kennedy stated that he has spoken to members of the Planning Commission and they have asked for clarification on what the Board specifically wants.

Ms. Jones stated that she believes she was very clear in her previous statement. She asked the Planning Commission representative, Ms. Robin Bledsoe, if that direction was what the Planning Commission was looking for.

Ms. Bledsoe came forward and addressed the Board stating that staff provided the Planning Commission and the Policy Committee numerous ordinances from surrounding localities.

Mr. Hipple stated that these considerations are for citizens that live in areas that are not under an HOA. He stated that many areas are more out of the way and have more space and those are the areas the Board is focusing on.

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

RESOLUTION

CASE NO. ZO-0001-2014. INITIATION OF A ZONING ORDINANCE AMENDMENT TO

CONSIDER THE KEEPING OF CHICKENS IN R-2, GENERAL RESIDENTIAL, AND R-3,

RESIDENTIAL REDEVELOPMENT ZONED AREAS OF THE COUNTY AND

THE SPECIAL REGULATIONS RELATED THERETO

WHEREAS, in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required pursuant to Virginia Code §15.2-2286; and

WHEREAS, the Board of Supervisors is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate review of the Zoning Ordinance and amending the language of Article II Special Regulations, by adding provisions and procedures relating to the raising of chickens in residential areas of James City County, and amending the language of Article V, Districts to add the keeping of chickens as a matter of right in the R-2, General Residential, and/or the R-3, Residential Redevelopment zoning districts.

The Board of Supervisors shall hold at least one public hearing on the consideration of amendments of said ordinance.

K. PUBLIC COMMENTS

1. Ms. Petra Nadel, 106 Indian Circle, addressed the Board regarding the recent CPT meeting held in Grove.
2. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding the education system in the County.
3. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board regarding the passing of the Purchase of Development Rights (PDR) reimbursement grant at the last meeting.
4. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in opposition to new bike paths in the community.
5. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board regarding Economic Development in the County.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Powell stated James City County will be participating in a public safety training drill involving several area jurisdictions this Tuesday and Wednesday, June 24 and 25. The drill will be held at the site of the former Williamsburg Outlet Mall at Richmond and Centerville Roads in Lightfoot. Drivers and residents can expect to see multiple local and State emergency and police vehicles, plus a large number of public safety personnel near that area. Traffic delays or congestion is likely. County officials urge local drivers and residents to be aware of the training drill and not to be alarmed during the simulated event.

Mr. Powell stated that residents and businesses can still play a part in the future of the James City County community. The Community Participation Team (CPT) and the Planning Division are hosting a Virtual Community Workshop that can be viewed on demand at jamescitycountyva.gov/comprehensiveplan. The Virtual Community Workshop includes information about the upper, central, and lower parts of the County and focuses on the topics of economic development, transportation, and land use. Virtual Community Workshop participants can complete the accompanying online questionnaire and have an impact on the goals set for our future and the actions the County undertakes. In order to be included in the CPT's public input summary, input should be received by June 30, 2014.

M. BOARD REQUESTS AND DIRECTIVES

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. Colonial Group Home Commission
 - b. Board of Building Adjustments and Appeals
 - c. Williamsburg Area Arts Commission
 - d. Economic Development Authority
 - e. Historical Commission
 - f. Stormwater Program Advisory Commission

Ms. Jones stated that during the Work Session this afternoon, the following appointments were made: Mr. Anthony Conyers reappointed to a new four-year term on the Colonial Group Home Commission; Mr. Timothy Mills reappointed to a new five-year term on the Board of Building Adjustments and Appeals; Mr.

Greg Lilly and Ms. Karlene Jennings reappointed to new three-year terms on the Williamsburg Area Arts Commission; Mr. Stephen Montgomery and Mr. Marshall Warner reappointed to new four-year terms on the Economic Development Authority; Mr. Allen Ayers, Mr. Roger Schmidt, and Mr. Richard Strenkowski reappointed to new four-year terms on the Stormwater Program Advisory Commission; Mr. Michael Carter appointed to a new three-year term on the Historical Commission; Ms. Karlene Jennings and Mr. Peter Gushue reappointed to new one-year terms on the Historical Commission; Mr. John Labanish and Mr. Alain Outlaw reappointed to new two-year terms on the Historical Commission; and Mr. Lafayette Jones reappointed to a new three-year term on the Historical Commission.

Ms. Jones stated that she attended the Hampton Roads Military and Federal Facilities Alliance (HRMFFA) meeting last Thursday. She stated that Secretary John Harvey spoke regarding concerns at VA Hospitals. He stated that he will be visiting all of the VA Hospitals in Virginia and will be doing an assessment on the needs here in Virginia.

Mr. Onizuk requested an update on the Curbside Recycling Program at the next meeting. He stated that he has received several calls regarding the new program and the new bins.

Mr. McGlennon requested that the information regarding Parks and Recreation's plans, for alleviating the inconvenience of having the James River Community Center closed, be posted on the County website.

Mr. McGlennon made a motion to amend the Board's calendar to add a meeting on July 1, 2014, at 4 p.m. for the purpose of convening a Closed Session.

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

N. CONTINUATION – until 4 p.m. on July 1, 2014, for a Closed Session.

At 8:52 p.m., Ms. Jones recessed the Board.



Adam R. Kinsman
Deputy Clerk to the Board