

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 9TH DAY OF SEPTEMBER 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

SEP 23 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**

Bryan J. Hill, County Administrator
Leo P. Rogers, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE – Will Apperson, Trevor Coven, and Dylan Tarrant, members of Cub Scouts Pack 414, led the Board and citizens in the Pledge.

E. PRESENTATION – None

F. PUBLIC COMMENTS

1. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in support of the John Tyler Highway Public Sewer Connection case on the agenda.

2. Mr. John Haldeman, 1597 Founders Hill North, a representative of the J4C, addressed the Board in support of the PDR program.

3. Ms. Betty Walker, 101 Locust Place, addressed the Board regarding Common Core.

4. Ms. Judy Fuss, 3509 Hunter's Ridge, a representative of the J4C, addressed the Board in opposition to the John Tyler Highway Public Sewer Connection case on the agenda.

5. Mr. Jay Everson, 103 Branscombe Blvd, addressed the Board in support of the John Tyler Highway Public Sewer Connection case on the agenda.

6. Mr. Chris Henderson, 101 Keystone, addressed the Board in support of a public facilities master plan.

7. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding bureaucracy within the school system.
8. Mr. John Pottle, 4233 Teakwood Drive, addressed the Board offering an invocation.
9. Ms. Rosanne Reddin, 4700 President's Court, addressed the Board regarding government grants.
10. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board in support of the John Tyler Highway Public Sewer Connection case on the agenda.
11. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in support of the John Tyler Highway Public Sewer Connection case on the agenda.

G. BOARD REQUESTS AND DIRECTIVES

Ms. Jones acknowledged the Planning Commission Representative, Mr. John Wright.

Mr. McGlennon acknowledged County staff and the staff of the Virginia Peninsulas Public Service Authority (VPPSA) for the successful rollout of the new recycling program.

Mr. Kennedy thanked Mr. Powell for efforts in the past nine months while filling the role of Acting County Administrator. He also commended staff for their professionalism and dedication during the last nine months.

Mr. Onizuk stated the he has attended several grand openings recently and is glad to see many of those businesses thriving. He informed the Board that he attended a meeting with the Alliance, a working group that had been established to discuss the feasibility of a field house to promote sports tourism. He stated that the group spoke with the consultant that had conducted the feasibility study previously and asked that the consultant look beyond the economic impact of the field house on sports tourism, rather that they focus on the economic impact to the County, and the region, as a whole. He stated that he also met with two members of the Williamsburg City Council to discuss sports tourism. He commended the Planning staff for their work on brainstorming solutions for the traffic problems at St. Bede Catholic Church, and appreciated their input at a meeting between him and the Church.

Ms. Jones formally welcomed Mr. Bryan Hill and stated that she looked forward to working with him.

H. CONSENT CALENDAR

Mr. McGlennon 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. July 22, 2014, Work Session
 - b. August 8, 2014, Special Meeting
 - c. August 12, 2014, Regular Meeting

2. Resolution Appointing Bryan J. Hill as County Clerk and Adam R. Kinsman as Deputy County Clerk

RESOLUTION

APPOINTING BRYAN J. HILL AS COUNTY CLERK AND

ADAM R. KINSMAN AS DEPUTY COUNTY CLERK

WHEREAS, the Board of Supervisors recently appointed Bryan J. Hill to serve as the County Administrator of James City County commencing September 8, 2014; and

WHEREAS, the James City County Charter grants the Board of Supervisors the power and discretion to appoint a County Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that Bryan J. Hill, County Administrator, is appointed to the position of County Clerk of James City County effective September 9, 2014.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of Supervisors of James City County, Virginia, that Adam R. Kinsman, Assistant County Administrator, is appointed to the position of Deputy County Clerk of James City County effective September 9, 2014.

3. Bank Resolution Amendment

RESOLUTION

BANK RESOLUTION AMENDMENT

WHEREAS, James City County (JCC) has multiple financial institutions designated as depositories for the JCC funds and that funds so deposited may be withdrawn upon a check, draft, note, or order of the Board of Supervisors.

BE IT RESOLVED that all checks, drafts, notes, or orders drawn against said accounts be signed by two of the following:

- | | | |
|-------------------|----|--------------------------------|
| M. Ann Davis | | Treasurer |
| | OR | |
| Bryan J. Hill | | County Administrator |
| | OR | |
| Adam R. Kinsman | | Assistant County Administrator |
| | OR | |
| Jennifer D. Tomes | | Assistant Treasurer |

whose signatures shall be duly certified to these financial institutions and that no checks, drafts, notes, or orders drawn against these financial institutions shall be valid unless so signed.

BE IT FURTHER RESOLVED, that these financial institutions are hereby authorized and directed to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be payable to the order of any such persons signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or the individual credit of any of the other officers or not. For cash investment purposes, the institution is also authorized and directed to honor requests for the transfer of money from savings to checking, checking to savings, and transfers from checking or savings to purchase Certificates of Deposit, repurchase agreements or to make other lawful investments when requested by M. Ann Davis, Treasurer, or Jennifer D. Tomes, Assistant Treasurer. This resolution shall continue in force and these financial institutions may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue as set forth in the Certificate of the Secretary, accompanying a copy of this resolution when delivered to these financial institutions or in any similar subsequent certificate, until written notice to the contrary is duly served on these financial institutions.

4. Grant Award - Chesapeake Bay Restoration Fund Grant - \$3,000

RESOLUTION

GRANT AWARD - CHESAPEAKE BAY RESTORATION FUND GRANT - \$3,000

WHEREAS, the Chesapeake Bay Restoration Fund, which is funded through the sale of Chesapeake Bay license plates, has made funds available for the restoration and education of the Bay; and

WHEREAS, funds are needed to provide an enriching environmental component to the Division’s REC Connect Camp Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the \$3,000 grant awarded by the Chesapeake Bay Restoration Fund to help fund a special environmental education program for Rec Connect Summer Camp participants.

Revenue:

From the Commonwealth \$3,000

Expenditure:

Chesapeake Bay Restoration Fund \$3,000

5. Justice Assistance Grant (JAG) - \$10,144

RESOLUTION

JUSTICE ASSISTANCE GRANT (JAG) - \$10,144

WHEREAS, the James City County Police Department has been awarded a Justice Assistance Grant (JAG) through the Department of Justice/Bureau of Justice Assistance for \$10,144; and

WHEREAS, funds will be used for the purchase of mobile Child ID systems for the Department’s Community Services Unit and an under door camera system to be used in tactical situations by the Department’s SWAT Team; and

WHEREAS, the grant is a direct allocation and requires no match.

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

Revenue:

JAG (FY 14 Funds) \$10,144

Expenditure:

JAG (FY 14 Funds) \$10,144

- 6. Grant Award - Department of Motor Vehicles (DMV) - Alcohol Enforcement - \$23,164

RESOLUTION

GRANT AWARD – DEPARTMENT OF MOTOR VEHICLES (DMV) –

ALCOHOL ENFORCEMENT – \$23,164

WHEREAS, the James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$23,164; and

WHEREAS, the funds are to be used towards alcohol traffic enforcement overtime; and

WHEREAS, the grant requires only an in-kind match, which is available through the fuel and maintenance costs for Police vehicles that participate in traffic enforcement duties.

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

Revenue:

FY15 DMV – Alcohol Enforcement \$23,164

Expenditure:

FY15 DMV – Alcohol Enforcement \$23,164

7. Grant Award - Department of Motor Vehicles (DMV) - Speed Enforcement - \$19,404

RESOLUTION

GRANT AWARD – DEPARTMENT OF MOTOR VEHICLES (DMV) –

SPEED ENFORCEMENT – \$19,404

WHEREAS, the James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$19,404; and

WHEREAS, the funds are to be used towards speed traffic enforcement overtime; and

WHEREAS, the grant requires only an in-kind match, which is available through the fuel and maintenance costs for Police vehicles that participate in traffic enforcement duties.

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

Revenue:

FY15 DMV – Speed Enforcement \$19,404

Expenditure:

FY15 DMV – Speed Enforcement \$19,404

8. Federal Grant Award - Bulletproof Vest Partnership (BVP) - \$17,312.99

RESOLUTION

FEDERAL GRANT AWARD – BULLETPROOF VEST PARTNERSHIP (BVP) – \$17,312.99

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 \$17,312.99 (\$8,287.73 Federal funds/\$9,025.26 local match); and

WHEREAS, the grant requires a match of \$9,025.26, which is available in the Special Projects/Grants Fund; and

WHEREAS, the funds are to be used to purchase approximately 19 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-FY 14	\$ 8,287.73
Grant Match Account	<u>9,025.26</u>
Total	<u>\$17,312.99</u>

Expenditure:

BVP – FY 14	<u>\$17,312.99</u>
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- 9. Contract Award - Freedom Park Playground - \$110,824

RESOLUTION

CONTRACT AWARD – FREEDOM PARK PLAYGROUND – \$110,824

WHEREAS, funds are available in the Capital Improvement Budget to cover the design and installation of a new playground at Freedom park; and

WHEREAS, Bliss Products and Services Inc. was selected to complete the final design of the Freedom Park playground through a Request for Proposals (RFP) process; and

WHEREAS, the installation of a playground at Freedom Park meets the approved Master Plan of the park.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for the installation of a new playground at Freedom Park to Bliss Products and Services Inc. in the total amount of \$110,824.

- 10. Establishment of a Full-time Nurse Practitioner/Physician’s Assistant Position, Olde Towne Medical and Dental Center (OTMDC)

RESOLUTION

ESTABLISHMENT OF A FULL-TIME NURSE PRACTITIONER/PHYSICIAN’S ASSISTANT

POSITION, OLDE TOWNE MEDICAL AND DENTAL CENTER (OTMDC)

WHEREAS, the James City Board of Supervisors has the authority to establish County full-time positons; and

WHEREAS, the Board of Directors of the Williamsburg Area Medical Assistance Corporation (WAMAC) desires to establish a full-time Nurse Practitioner/Physician’s Assistant position at Olde Towne Medical Center (OTMDC) and has allocated funds for the position effective September 1, 2014.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the establishment of a full-time (2,080 hours/year) Nurse Practitioner/Physician’s Assistant for OTMDC effective September 1, 2014, to support its mission of providing preventative care, early intervention services, and chronic disease management to the vulnerable and disadvantaged population, with services to children and their

families a priority.

11. Dedication of Streets within New Town Subdivision

RESOLUTION

DEDICATION OF STREETS WITHIN THE NEW TOWN SUBDIVISION

WHEREAS, the streets described on the attached Form 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 advised the Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation 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 the Virginia Department of Transportation 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 the Virginia Department of Transportation.

I. PUBLIC HEARINGS

1. Case Nos. ZO-0001-2014, ZO-0002-2014, ZO-0003-2014, Zoning Ordinance Amendments for the Keeping of Chickens in R-2, General Residential, and R-3, Residential Redevelopment Zoned Areas of the County

Mr. Scott Whyte, Planner III, addressed the Board giving a summary of the memorandum 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. Ms. Betty Walker, 101 Locust Place, addressed the Board in support of the case.
3. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board in support of the case.
4. Ms. Carol Bartram, 102 Pageland Drive, Yorktown, the founder of the Peninsula Chicken Keepers Organization, addressed the Board in support of the case.

5. Mr. Keith Sadler, 9929 Mountain Berry Court, addressed the Board in support of the case.
6. Ms. Petra Nadal, 106 Indian Circle, addressed the Board in support of the case.
7. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in support of the case.

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

Mr. Onizuk stated that he has had considerable discussion with citizens in his district regarding this ordinance. He clarified that many of the HOAs in his district understand that the ordinance will not supersede the covenants, but they do not want to be charged with enforcing the covenants. He stated that he is willing to support the alternative chicken keeping ordinance that was supplied by the County Attorney to the Board members this evening. He said that he is supportive of allowing chickens in R-2, but he is not comfortable with supporting it in R-3.

Mr. Hipple stated that his stance on this issue has not changed since it was discussed previously. He believes that the issue has been bogged down by the HOAs. He stated that if the HOA says you cannot have chickens, then you cannot have chickens there. That should be the end of the discussion. He stated that he is supportive of allowing chickens in R-2 and R-3. He stated that he is fully supportive of the chicken keeping ordinance, but he believes that the dispatching of chickens should be allowed to continue the cycle of life. He stated that someone can dress a deer in his or her driveway, but cannot dispatch a chicken that has come to the end of its egg-laying ability.

Mr. Hipple made a motion to approve the chicken keeping ordinance with allowing the dispatching of chickens and to approve chicken keeping in R-2 and R-3.

Mr. McGlennon stated that he has made his position very clear in all the previous discussions about this issue.

Ms. Jones thanked the citizens that have participated in this discussion. She stated that she has to respectfully disagree with the stance of the Planning Commission. She stated that the HOA issue has been blown way out of proportion in her opinion. She stated that she agrees with allowing the harvesting of chickens, but she will also support the alternative ordinance provided by the County Attorney. She stated that it is time to move on from this issue. She stated that she also supports the ordinance in R-2 and R-3.

Mr. Onizuk clarified that currently there are not any homes in the R-3 district and asked staff what types of homes would be in the R-3 district in the future.

Mr. Paul Holt, Director of Planning, stated that the R-3 district is an in-fill and redevelopment district designed to promote the redevelopment of areas into higher and more beneficial uses. He stated that there are no minimum lot size requirements in R-3 which means that there are a wide variety of homes that are permitted in the R-3 district. He stated that the Policy Committee and the Planning Commission felt that with those kinds of potential density numbers and housing products that this ordinance was not appropriate for the R-3 district.

Mr. Hipple clarified that with the no minimum lot size requirements that the R-3 district could include lots that are five or ten acres in size or a lot that is 1/8 of an acre.

Mr. Holt stated correct.

Mr. Onizuk stated that making a decision on the R-3 district is premature in his opinion as this is a

newly created district and no one knows what type of development might come forward in this district.

Mr. Hipple stated that he is thinking more across the board by setting standards. He stated that if your lot size is a particular size, and there are no HOA restrictions, then you can have chickens. If there is a clear standard that says if you do not meet these set standards, then you cannot have chickens regardless of the district.

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

Mr. Onizuk made a motion to approve the alternative ordinance, ZO-0001-2014, supplied by the County Attorney and distributed to the Board at the dais.

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

Mr. Onizuk made a motion to approve the ordinance allowing chicken keeping in R-2, ZO-0002-2014.

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

Mr. Hipple made a motion to approve the ordinance allowing chicken keeping in R-3, ZO-0003-2014.

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

2. Disposition of Property with Ironbound Square Subdivision

Mr. Vaughn Poller, Director of Housing and Community Development, addressed the Board giving a summary of the memorandum included in the Agenda Packet.

Mr. Hipple stated that several citizens had come before the Board expressing concerns about the flooding of their yards because of the way that the sidewalks were done during the Virginia Department of Transportation (VDOT) expansion of Ironbound Road. He questioned if those concerns had been addressed.

Mr. Poller stated that he, Mr. Onizuk, and Mr. John Horne met with those affected citizens earlier this year. The General Services department is looking at those issues and working with VDOT to resolve those issues.

Mr. Onizuk stated that he has been working with staff and VDOT, and they believe they have a possible solution. The matter now is funding. He stated that the topography needs to be adjusted in order to divert the run-off. He stated that there is not a final figure or proposal that is ready for the Board as of yet. Mr. Onizuk clarified that this resolution would not affect any of the plans that have been discussed for fixing this issue.

Mr. Poller stated correct.

Mr. Hipple questioned who would be bearing the cost of fixing this issue.

Mr. Onizuk stated that it is still being debated. He believes that it should be a cost to VDOT, but Mr.

Carroll is not sure if VDOT has the funds. He stated that he also spoke with Delegate Brenda Pogge about the issue as well.

Ms. Jones asked that these impacted residents be a priority. She stated that this issue has been a problem for a while now.

Mr. Kennedy stated that the businesses on the opposite side of the street were affected by the same issue and he questioned who fixed the problem on the other side of the street. He asked staff to look into that. He stated that if VDOT fixed one side of the street, then they should fix the opposite side as well. Mr. Kennedy asked if any of the lots for sale are affected by this run-off issue.

Mr. Poller stated no.

Mr. McGlennon stated it is important to remember that the redevelopment of this area provided a lot of residents with much better infrastructure.

Mr. Hipple suggested raising the price of the lot by \$1,000 and then taking that to put toward the repair of the drainage issue.

Mr. Poller stated that staff could look into that, but the price of \$35,000 was chosen specifically to keep the total price of the lot and home within the affordable housing price. He stated that staff could run the numbers and see if raising the price by \$1,000 would affect the ability of staying in the affordable housing price range.

Mr. Kennedy asked if priority on these lots is given to those currently residing in apartments here in the community.

Mr. Poller stated that priority is given to those that live or work in James City County.

As there were no other 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 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

DISPOSITION OF PROPERTY IN THE IRONBOUND SQUARE

REDEVELOPMENT PLAN AREA

WHEREAS, on February 26, 2002, the Board of Supervisors of James City County, Virginia (the "Board"), authorized the Ironbound Square Redevelopment Plan and the Implementation Agreement with the [Williamsburg Redevelopment and] Housing Authority (the "Redevelopment Plan"); and

WHEREAS, on February 22, 2005, the Board reaffirmed the Redevelopment Plan; and

WHEREAS, pursuant to the Redevelopment Plan, various parcels (the "Property") were acquired and titled in the name of the Williamsburg Redevelopment and Housing Authority (WRHA); and

WHEREAS, to provide for the orderly redevelopment of the Property, the County recorded the "Plat of Subdivision and Boundary Line Adjustment, Williamsburg Redevelopment and Housing Authority, Ironbound Square, Phase II, Lots 3-11, 13, 14, 16-21, 25-43, and 57" and the "Declaration of Covenants, Conditions, and Restrictions of Ironbound Square Subdivision" (the "Declaration"); and

WHEREAS, WRHA has held and conveyed parcels as directed by the County; and

WHEREAS, WRHA requested it be released from the obligations of ownership of the remaining Property in the Ironbound Square Subdivision; and

WHEREAS, WRHA conveyed to the County the remaining 18 residential lots and the three common areas; and

WHEREAS, the Board of Supervisors has considered and approved the Ironbound Square Housing Production and Lot Sales Plan (the "Sales Plan"); and

WHEREAS, the Board of Supervisors held a public hearing on September 9, 2014, to receive public comment on the sale of all or portions of the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator, or his designee, to sign on behalf of the County, any sales contract, development agreement, deed, and all other documents consistent with the Sales Plan and Declaration to enable the County to develop and convey, in whole or in part, ownership of the Property in Ironbound Square.

3. Case No. AFD-01-89-1-2014, Armistead Agricultural & Forestal District Renewal
4. Case No. AFD-05-86-1-2014, Barnes Swamp Agricultural & Forestal District Renewal
5. Case No. AFD-01-02-1-2014, Carter's Grove Agricultural & Forestal District Renewal
6. Case No. AFD-10-86-1-2014, Christenson's Corner Agricultural & Forestal District Renewal
7. Case No. AFD-02-86-1-2014, Croaker Agricultural & Forestal District Renewal
8. Case No. AFD-09-86-1-2014, Gordon Creek Agricultural & Forestal District Renewal
9. Case No. AFD-12-86-1-2014, Gospel Spreading Church Farm Agricultural & Forestal District Renewal
10. Case No. AFD-03-86-1-2014, Hill Pleasant Farm Agricultural & Forestal District Renewal
11. Case No. AFD-07-86-1-2014, Mill Creek Agricultural & Forestal District Renewal
12. Case No. AFD-11-86-1-2014, Yarmouth Creek Agricultural & Forestal District Renewal
13. Case No. AFD-06-86-1-2014, Cranston's Pond Agricultural and Forestal District Renewal
14. Case No. AFD-07-86-2-2014, 8557 Diascund Road, Mill Creek Addition

Ms. Jones stated that if there is no objection, staff is recommending that all of the AFD cases be opened at one time, one presentation be given by staff, and then each case be voted on individually.

As there was no objection, Ms. Jones opened the Public Hearing for all of the AFD cases listed on the Agenda.

Mr. Luke Vinciguerra, Planner I, addressed the Board giving a summary of each of the AFD cases included in the Agenda Packet.

Ms. Jones asked if any citizens would like to speak to the cases.

1. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in support of the AFD cases.

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

Mr. McGlennon made a motion to approve the Armistead AFD renewal resolution.

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

Mr. McGlennon made a motion to approve the amended Barnes Swamp AFD renewal resolution that was provided to the Board on 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).

Mr. McGlennon made a motion to approve the Carter's Grove AFD renewal resolution.

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

Mr. McGlennon made a motion to approve the Christenson's Corner AFD renewal resolution.

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

Mr. Hipple made a motion to approve the Croaker AFD renewal resolution.

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

Mr. Hipple made a motion to approve the Gordon Creek AFD renewal resolution.

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

Mr. McGlennon made a motion to approve the Gospel Spreading Church Farm AFD renewal resolution.

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

Mr. McGlennon made a motion to approve the Hill Pleasant Farm AFD renewal resolution.

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

Mr. McGlennon made a motion to approve the Mill Creek AFD renewal resolution.

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

Mr. Onizuk made a motion to approve the Yarmouth Creek AFD renewal resolution.

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

Mr. McGlennon made a motion to approve the Cranston's Pond AFD renewal resolution.

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

Mr. McGlennon made a motion to approve the Diascund Road, Mill Creek AFD Addition resolution.

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

J. BOARD CONSIDERATIONS

1. Case No. SUP-0006-2014. 2604 John Tyler Highway Public Sewer Connection

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

Mr. McGlennon stated that the only thing that has really changed since the last meeting is that the Board has had the opportunity to review Mr. Geddy's letter and subsequent letter. He stated that he does not find the position outlined in the letter to be a valid argument.

Mr. Kennedy stated that he can see both sides of the argument. He is concerned about making a decision prior to addressing the overall policy issue of the Primary Service Area. He stated that the uncertainty is concerning, especially with a proposal from Green Springs looming and other property owners saying that they will come forward to connect if this case is approved.

Mr. Onizuk agreed with the statements made by Mr. Kennedy. He stated that he also agrees with the statements made by the citizens this evening. In his opinion, this case is making a policy decision out of an exception. Without an overall policy decision being made, he has concerns about approving this case. Others would then come forward and the Board would be making decisions based on every case as an exception instead of using an overall policy to guide the actions of the Board. He stated that the Board needs to be supportive of the change in policy not support the exception.

Mr. Hipple stated that he does not believe there will be unbridled growth down Route 5 if this case is approved. He contends that if the lot has a water hookup then the lot should be allowed to hook up to sewer as well. He stated that putting in a septic system will be an environmental impact on Gordon's Creek. If a sewer hookup is allowed, that is a positive revenue impact on the JCSA. He stated that the Primary Service Area has worked very well in previous years, but the Board needs to look at what it wants to do in the future. There needs to be a new way of managing growth in the County, and this case is a prime example of why there needs to be a new system. This lot has water, but it does not have sewer, and that does not make sense.

Mr. McGlennon stated that if the line is extended, then growth will follow. If extending sewer to this

lot is more efficient because it already has water, then the next logical argument is that the next lot is now beside the line so it should be able to connect. The implications of this case create a precedent that can be used again and again. He concluded that in the absence of a decision on how the Board wants to control growth, that a lot of citizens would see this as an opportunity to get connections outside of the Primary Service Area.

Ms. Jones stated that she believes the point being made by Mr. Hipple is that others can ask for an exception and to be hooked up, but that does not mean that the Board has to approve it. She stated her position on this case has not changed. This lot is going to be built upon; either connected to the sewer line or with a septic system, so how does denying limit growth. She stated that exceptions have been granted over the last several years. She stated that the word adjacent was used deliberately when the policy was drafted in 1989 to provide some equitability between residents. She stated that this lot has water and is adjacent to the sewer line so she believes it makes sense to approve this case.

Mr. Onizuk stated that all of the arguments he is hearing are policy decisions. He does not believe that the Board should be managing by exceptions. These policy decisions need to be made and clarified. He believes that managing by exception is not a fair or consistent way for the citizens.

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

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

Mr. Onizuk stated that he would be open to a policy discussion in the near future with staff and the Planning Commission.

K. PUBLIC COMMENT

1. Mr. Jay Everson, 103 Branscome Blvd, addressed the Board thanking Mr. Murphy and Mr. Thomas for their efforts to correct the issues at Peleg's Point.

2. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in support of the statements made by Mr. Onizuk.

3. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in opposition to the stance on PDR presented by the J4C.

4. Ms. Rosanne Reddin, 7300 President's Court, addressed the Board regarding Common Core.

L. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Hill thanked Mr. Adam Kinsman and Mr. Doug Powell for making his first two days as smooth a transition as possible.

M. BOARD REQUESTS AND DIRECTIVES

Mr. Kennedy mentioned the condition of Route 199 with trash and dead animals and asked that VDOT be contacted about addressing those issues. Mr. Kennedy stated that he wanted to assure the citizens that he

met with Mr. Hill on numerous occasions, and even though he was not able to be present at the Special Meeting on August 8, he did not just rubber stamp the hiring of Mr. Hill.

Mr. Onizuk offered the idea of having a Board Retreat to discuss some of these bigger policy issues and plans for the future. He stated that the next meeting of the School Liaison Committee has not been rescheduled yet, but that will give Mr. Hill the opportunity to get up to speed on the issue of the fourth middle school and other issues involving the school system.

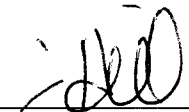
N. CLOSED SESSION - None

O. ADJOURNMENT – until 4 p.m. on September 23, 2014, for the Work Session

Mr. Hipple 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 9:34 p.m., Ms. Jones adjourned the Board.



Bryan J. Hill
Clerk to the Board

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