

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 12TH DAY OF NOVEMBER 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

NOV 25 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** – Patrick Driscoll, a 3rd-grade student at Stonehouse Elementary and a resident of the Stonehouse District, led the Board and citizens in the Pledge.

E. PRESENTATION

1. VDOT Quarterly Transportation Report

Mr. Rossie Carroll, Residency Administrator of the Williamsburg Residency, Virginia Department of Transportation (VDOT), addressed the Board giving a summary of the quarterly transportation report included in the Agenda Packet.

Mr. Hipple stated that he had received several comments from citizens about a dusk-to-dawn light at the intersection of News Road and Centerville Road. Now that it is getting darker earlier, people are having a hard time seeing the road sign for News Road at that intersection.

Mr. Carroll stated that VDOT normally does not install street lights unless there is a safety issue. He agreed to look in to the issue and report back.

Mr. Hipple stated that, at the entrance to the old Boy Scout Camp off Jolly Pond Road, the shoulder area is starting to get worn with all of the school traffic going up and down the road.

Mr. Carroll stated that he would look into that as well.

Mr. Kennedy asked for an overview of the plan for dealing with snow, ice, and precipitation this coming winter.

Mr. Carroll stated that his employees have already completed their "dry-run" and have evaluated all equipment and vehicles in preparation for the winter season. He stated that priority is given to the interstate and heavily traveled secondary roads are second priority. From the time the storms stop, it is usually 48 hours until the primary and heavily traveled secondary roads are cleared. Once those are clear, VDOT will evaluate the other secondaries.

Mr. Kennedy requested that the traffic lights on Route 60 eastbound from the Williamsburg Pottery to the entrance of Route 199 be looked at. He stated that the traffic lights are out of sync.

Mr. Carroll stated that VDOT is in the process of evaluating that entire corridor.

Mr. McGlennon thanked VDOT for the recent work that was done on Lake Powell Road.

Mr. Onizuk thanked Mr. Carroll for all his hard work and for his responsiveness whenever there is an issue. He mentioned Chisel Run and the no parking signs and asked if a third sign could be installed.

Mr. Carroll stated that those signs were installed as part of a Black Friday event, not as part of a sign study. In order to add another sign and to check the spacing, he would need to look into some form of sign study.

Mr. Onizuk stated that an ongoing concern he hears is regarding Longhill Road near Lafayette High School. There are a lot of new and inexperienced drivers coming out of Lafayette High School and that intersection makes many citizens nervous. He questioned if there was anything that could be done at the intersection to increase safety.

Mr. Carroll stated that a proposal has been issued for that area.

Ms. Jones thanked Mr. Carroll for his time this evening.

F. PUBLIC COMMENTS

1. Ms. Marjorie Ponziani, 4852 Bristol Circle, addressed the Board regarding an article in The Virginia Gazette.
2. Ms. Ann Davis, Treasurer for James City County, addressed the Board regarding her announced retirement.
3. Ms. Jennifer Tomes, Deputy Treasurer for James City County, addressed the Board regarding fulfilling the vacated term as Treasurer.
4. Mr. Tinsley Goad, 118 Ferncliffe Drive, addressed the Board regarding Eco Discovery Park.
5. Ms. Betty Walker, 101 Locust Place, addressed the Board regarding Common Core.
6. Ms. Sue Sadler, 9929 Mountain Berry Court, addressed the Board regarding public comment opportunities.

7. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding affordable housing and public comment opportunities.

8. Ms. Petra Nadal, 108 Indian Circle, addressed the Board regarding public comment opportunities.

9. Mr. Les Skelley, 6572 Wiltshire Road, addressed the Board regarding a recent article in The Virginia Gazette.

10. Ms. Landra Skelley, 6572 Wiltshire Road, addressed the Board regarding affordable housing.

11. Mr. Bill Unaitis, 221 Charleston Place, addressed the Board regarding the Community Services Coalition.

12. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the recent article in The Virginia Gazette regarding a fourth middle school.

13. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board regarding public comment opportunities.

14. Mr. Eric Bardrof, 4603 Rochambeau Drive, addressed the Board regarding Eco Discovery Park.

15. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding home values and improvements to Route 60.

G. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon stated that he attended ribbon cuttings for Powerhouse Dance, Swing Kings, and Deli Rolls.

Ms. Jones stated that she had the opportunity to speak to a class at Berkeley Middle School regarding what it is like to be involved in local government.

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. October 28, 2014, Regular Meeting

2. Grant Award – FY 2014 Port Security Grant Program – \$60,000

RESOLUTION

GRANT AWARD – FY 2014 PORT SECURITY GRANT PROGRAM – \$60,000

WHEREAS, the James City County Police Department (the “Department”) has been awarded a grant from the FY 14 Port Security Grant Program (PSGP) from the Department of Homeland Security; and

WHEREAS, the award is in the amount of \$45,000 with a \$15,000 local match requirement from the Department of Homeland Security; and

WHEREAS, the funds will be used to purchase replacement dry suits and a SCUBA tank compressor for the Department’s Underwater Search and Recovery Team; and

WHEREAS, the matching funds of \$15,000 are available in the County’s Grant Match Account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$60,000 grant awarded by the Department of Homeland Security and authorizes the following appropriation to the Special Projects/Grants Fund:

Revenues:

FY 14 PSGP	\$45,000
County’s Grant Match Account	<u>15,000</u>
	<u>\$60,000</u>

Expenditure:

FY 14 PSGP	<u>\$60,000</u>
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3. Grant Award – Williamsburg Community Foundation – \$2,000

RESOLUTION

GRANT AWARD – WILLIAMSBURG COMMUNITY FOUNDATION – \$2,000

WHEREAS, the Williamsburg Community Foundation (WCF) has awarded the James City County Police Department a grant in the amount of \$2,000; and

WHEREAS, the funds are to be used towards the purchase of supplies and materials for the Rape Aggression Defense (RAD) women’s self-defense and radKIDS Personal Empowerment Safety Education (a safety course teaching youth topics such as physical safety, internet safety, and bullying prevention) programs; and

WHEREAS, the grant requires no match.

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

Revenue:

WCF – RAD/radKIDS \$2,000

Expenditure:

WCF – RAD/radKIDS \$2,000

4. Appropriation of Funding for the Virginia Housing Development Authority REACH Grant in the amount of \$5,000

RESOLUTION

APPROPRIATION OF FUNDING FOR THE VIRGINIA HOUSING DEVELOPMENT

AUTHORITY REACH GRANT IN THE AMOUNT OF \$5,000

WHEREAS, the James City County Office of Housing and Community Development (OHCD) administers the Virginia Housing Development Authority (VHDA) REACH Grant to benefit the residents of the County; and

WHEREAS, James City County has residents who have need of housing counseling; and

WHEREAS, OHCD budgeted \$15,000 for Homeless Intervention Programs; and

WHEREAS, the Commonwealth of Virginia, through the VHDA, has made available \$20,000 in REACH Grant funding.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the budget authority for VHDA REACH Grant in the amount of \$5,000 for the fiscal year ending June 30, 2015, as follows:

Revenue:

VHDA REACH Grant \$5,000

Expenditure:

VHDA REACH Grant \$5,000

I. PUBLIC HEARINGS

1. Case No. SUP-0009-2014. King's Garden Contractor's Office and Warehouse

Mr. Jose Ribeiro, Planner III, 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, Ms. Jones closed the Public Hearing.

Mr. Kennedy 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-0009-2014. KING'S GARDEN CONTRACTOR'S

OFFICE AND WAREHOUSE

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

WHEREAS, Mr. Mitchell Foos has applied for an SUP to allow for a contractor's office with outdoor storage on property located at 8850 Merry Oaks Lane; and

WHEREAS, the proposed project is depicted on the plan entitled "Master Plan for King's Garden" and dated September 16, 2014; and

WHEREAS, the proposed project is located on property zoned A-1, General Agricultural, further identified as James City County Real Estate Tax Map Parcel No. 1120100032B; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0009-2014; and

WHEREAS, the Planning Commission, following its public hearing on October 1, 2014, voted 5-0-1 to recommend approval of Case No. SUP-0009-2014.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approve Application No. SUP-0009-2014, as described herein, pursuant to the following conditions:

1. This SUP shall be valid for a contractor's office and the storage of vehicles, equipment and landscape materials associated with that business (the "Proposal") on property located at 8850 Merry Oaks Lane and further identified as James City County Real Estate Tax Map No. 1120100032B (the "Property"). The location of the storage of vehicles, equipment, and landscape materials shall be generally as shown on the master plan entitled "Master Plan for King's Garden" dated September 16, 2014 (the "Master Plan"), with such minor changes as

the Director of Planning determines do not change the basic concept or character of the development.

2. Commercial activity conducted at the Property shall be limited to administrative/office work, maintenance of equipment and vehicles, storage, and loading of materials on trucks and trailers.
3. Transportation of equipment to and from the Property shall be limited to 7 a.m. to 7 p.m. Monday through Saturday, except for occasional after hours and Sunday transportation related to storm clean-up work and the like.
4. On-site storage of vehicles, equipment, and landscape materials associated with the Proposal shall be as follows:
 - a. Vehicles and associated equipment, including but not limited to, trucks and trailers, shall be contained within an area of up to 2,000 square feet as generally shown on the Master Plan.
 - b. Landscape materials associated with the Proposal, including but not limited to, bricks, rocks, stones, and pavers shall be contained within an area of up to 3,000 square feet as generally shown on the Master Plan. These materials shall not be located within any required building setback or have a vertical height of more than eight feet.
 - c. Equipment associated with the Proposal, including but not limited to, leaf blowers, commercial lawn mowers, spray rigs, spreaders, wheelbarrows, chainsaws, backpack sprayers, and hand tools shall be stored within the existing 1,200-square-foot garage as shown on the Master Plan.
5. An amendment to this SUP shall be necessary should the number of vehicles, equipment, and landscape materials associated with the Proposal exceed the storage capacity as specified by this SUP.
6. The existing vegetation surrounding the storage areas shown on the Master Plan shall remain undisturbed.
7. Neither soil stockpile as defined by Section 24-46 of the Zoning Ordinance, nor storage/stockpiling of landscaping debris shall be allowed on the Property.
8. No outdoor signage advertising the Proposal or commercial activity shall be allowed on the Property.
9. All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to and approved by the Director of Planning or his designee, which indicates no glare outside the property lines. All light poles shall not exceed 20 feet in height unless otherwise approved by the Director of Planning prior to final site plan approval. "Glare" shall be defined as more than 0.1 foot-candle at the boundary of the Property or any direct view of the lighting source from the adjoining properties.
10. Prior to final site plan approval, a spill prevention and containment plan that addresses chemical handling, including but not limited to, oil, diesel, and gasoline, shall be submitted to the Director of Engineering and Resource Protection and the Fire Chief for their respective review and approval.

11. A site plan shall be required for this Proposal. Final approval of the site plan shall be obtained within 18 months of issuance of this SUP, or the SUP shall become void.
12. This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

2. Case No. SUP-0010-2014. Williamsburg Landing Construction Commencement Extension

Mr. Jose Ribeiro, Planner II, 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, Ms. Jones closed the Public Hearing.

Mr. McGlennon made a motion to approve the amended resolution at the dais that corrected a typographical error.

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-0010-2014. WILLIAMSBURG LANDING

CONSTRUCTION COMMENCEMENT EXTENSION

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

WHEREAS, Mr. Paul Gerhardt has applied to amend the SUP conditions for Case No. SUP-0005-2011 to allow for a 36-month extension to the construction time limit that is currently set to expire in January 2015; and

WHEREAS, the extension of the construction commencement condition will be valid through January 2018; and

WHEREAS, the extension will allow for additional time to construct the previously approved 100-bed nursing home facility, 100 assisted living units, and 87 independent units; and

WHEREAS, the property is located at 5560 Williamsburg Landing Drive, is zoned R-5, Multi-family Residential, and can be further identified as James City County Real Estate Tax Map/Parcel No. 4820100003; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0010-2014; and

WHEREAS, the Planning Commission, following its public hearing on October 1, 2014, voted 6-0 to recommend approval of Case No. SUP-0010-2014; 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 Application No. SUP-0010-2014, as described herein, pursuant to the following conditions:

1. Development of the site shall be generally in accordance with the master plan entitled "Williamsburg Landing Conceptual Plan" and dated November 7, 2008, as determined by the Director of Planning. Minor changes may be permitted by the Director of Planning, as long as they do not change the basic concept or character of the development.
2. If construction has not commenced on the project by January 15, 2018, the SUP shall become void. Commencement of construction shall be defined as both obtaining permits for building construction and installation of footings and/or foundations.
3. This SUP shall be limited to the following specially permitted uses:
 - a. Single-family dwellings
 - b. Nursing homes and facilities for the residence and/or care of the aged

These specially permitted uses are in addition to those generally permitted uses specified in Proffer No. 1 of the Amended Proffers associated with Z-0002-2008. Nursing home facilities shall be limited to one 100-bed nursing home. Assisted living units shall be limited to 100 units. Independent units shall be limited to 87 units.

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

3. Case No. SUP-0011-2014. McDonald's at Lightfoot Redevelopment

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

Mr. McGlennon requested more information regarding the changes in design as a result of the Planning Commission recommendations.

Ms. Pollock stated that the design changes focused on the non-drive-thru side elevation, which is the side that faces Richmond Road. Those changes included a stone wrap around from the back panel, adding an awning across the Richmond Road side of the building, and a stepped out the brick façade on that side of the building. Landscaping will also soften the impact of the building.

Mr. McGlennon asked if these changes were made available to the Planning Commission after the request was made at the meeting and if the Planning Commission was amenable to the changes.

Ms. Robin Bledsoe, the Planning Commission representative in attendance, stated that the Planning Commission was concerned with the Richmond Road side of the building. She stated that the Planning Commission was satisfied with the changes submitted.

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

1. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding the brick being used in the building composition.

2. Mr. Steve Blevins, from Blakeway Corporation, addressed the Board on behalf of the applicant and stated that the brick would be compatible and subject to the approval of the Director of Planning. He stated that he is available for additional questions.

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

Mr. Hipple 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-0011-2014. McDONALD'S AT LIGHTFOOT REDEVELOPMENT

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. Steve Blevins of Blakeway Corporation has applied for an SUP on behalf of McDonald's (the "Owner") to demolish and rebuild an existing fast-food restaurant on property located at 6473 Richmond Road (the "Property"); and

WHEREAS, the proposed development is depicted on the plan prepared by Blakeway Corporation, dated February 26, 2014, revised September 15, 2014, and entitled "Preliminary Concept"; and

WHEREAS, the proposed development is located in its entirety on property zoned M1, Limited Business/Industrial, further identified as James City County Real Estate Tax Map Parcel No. 2430100063; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-0011-2014; and

WHEREAS, the Planning Commission, following its public hearing on October 1, 2014, voted 6-0 to recommend approval of Application No. SUP-0011-2014.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve SUP-0011-2014, as described herein, pursuant to the following conditions:

1. Use: This SUP shall be valid for a fast-food restaurant approximately 4,600 square feet in size (the "Development").

2. Master Plan: The site plan for the development shall be generally consistent with the "Preliminary Concept" prepared by Blakeway Corporation, dated February 26, 2014 and revised September 15, 2014 (the "Master Plan"), as determined by the Director of Planning.
3. Elevations: Final building elevations shall be generally consistent with the "Proposed McDonald's Restaurant Color Elevation Study" prepared by URSD and dated October 20, 2014 (the "Elevations"). Building materials and colors shall be similar to those used for the adjacent Lightfoot Marketplace development. Prior to issuance of site plan approval, the Director of Planning or his designee shall review and approve the final building elevations, materials, and color scheme for consistency with this condition.
4. Drive-thru Canopies and Dumpster Enclosure: The dumpster enclosure and the canopies and mounting structure for the drive-thru shall use neutral colors and building materials similar to the primary building elevation materials. No directional, informational, or menu board text shall be able to be read from beyond the property lines of the Development. Prior to issuance of site plan approval, the Director of Planning or his designee shall review and approve the final design and colors of the dumpster enclosure and drive-thru canopies for consistency with this condition.
5. Signage: In addition to building face signage as permitted by the James City County Zoning Ordinance (the "Ordinance"), the Development shall be limited to one externally illuminated freestanding monument-style sign on the Property not to exceed eight feet in height. The base of the sign shall be brick or shall use materials similar in type and color with the Elevations. All signage, content, and materials shall be in accordance with the Ordinance and shall be approved by the Director of Planning for consistency with this condition.
6. Richmond Road Buffer: The Community Character Corridor (CCC) buffer along Richmond Road shall be an average of 50 feet in width. The buffer shall contain enhanced landscaping in accordance with the County's Enhanced Landscaping Policy as adopted April 9, 2013, and shall use similar plant materials and placement to the 50-foot CCC buffer along the Richmond Road frontage of Lightfoot Marketplace. Street trees shall be provided along Richmond Road in substantial compliance with the guideline for street trees contained in the Streetscape Guidelines Policy. Landscaping shall be shown as part of the initial building site plan and shall be reviewed and approved by the Director of Planning or his designee for consistency with this condition.
7. Water Conservation Standards: The owner shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority (the "JCSA") and subsequently for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of approved landscaping design and materials to promote water conservation and minimize the use of public water resources. Standards shall be reviewed and approved by the JCSA prior to final site plan approval of the Development.
8. Richmond Road Bike Lane: In accordance with the Regional Bikeway Map, a bike lane shall be provided along the Property's Richmond Road frontage. However, this requirement may be waived by the Director of Planning should the owner demonstrate that existing pavement width or section, drainage, or other engineering constraints would restrict the ability of the owner to install the bike lane in a manner that would meet Virginia Department of Transportation requirements. Such analysis shall be submitted prior to or concurrent with the initial site plan submission. If a bike lane can be installed, it shall be completed concurrent with improvements to the Richmond Road/Lightfoot Road/Lightfoot Marketplace entrance intersection unless otherwise approved by the Director of Planning. In the event that the Director of Planning disapproves the waiver, the applicant may appeal the decision to the Development Review Committee, which shall forward a recommendation to the Planning Commission.

9. Internal Pedestrian Accommodations: The Development shall provide internal pedestrian connections wherever the sidewalk enters the parking area or crosses the entrance or drive-thru lane and shall provide safe connections from the existing bus stop and to the adjacent Lightfoot Marketplace area. The connections shall be clearly delineated by use of a different color of pavement, brick pavers, or some other method determined to be acceptable by the Director of Planning prior to final site plan approval.
10. Commencement: Construction on this project shall commence within 36 months from the date of approval of this SUP or this permit shall be void. Construction shall be defined as obtaining building permits and an approved footing inspection and/or foundation inspection.
11. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

J. BOARD CONSIDERATION

1. Appointment of Interim County Attorney

Mr. Hill read the resolution given to the Board, at the dais, that would appoint Mr. Adam R. Kinsman, Assistant County Administrator, as the Interim County Attorney until such time as a County Attorney is hired to fill the vacancy.

Mr. Onizuk made a motion to approve the resolution.

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

RESOLUTION

APPOINTMENT OF INTERIM COUNTY ATTORNEY

WHEREAS, the position of County Attorney of James City County will become vacant on November 14, 2014; and

WHEREAS, it is necessary to formally appoint an Interim County Attorney to temporarily fulfill the legal and functional duties for the proper operation of the County; and

WHEREAS, the current Assistant County Administrator, Adam R. Kinsman, is a licensed attorney, served as the Assistant County Attorney from 2005-2007, served as the Deputy County Attorney from 2008-2014, and has the knowledge, skill, and ability to serve as the Interim County Attorney; and

WHEREAS, pursuant to Section 6.5 of the James City County Charter, the Board of Supervisors is responsible for appointing an Interim County Attorney; and

WHEREAS, an Interim County Attorney shall report to the County Administrator, shall serve at the pleasure of the Board of Supervisors, and may be replaced by another Acting County Attorney, Interim County Attorney, or by a County Attorney; and

WHEREAS, the Board of Supervisors and Adam R. Kinsman have agreed upon a letter of engagement for

Adam R. Kinsman to serve as Interim County Attorney.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Adam R. Kinsman as Interim County Attorney, effective at 5:00 p.m. on November 14, 2014.

K. PUBLIC COMMENTS

1. Mr. Ed Oyer, 139 Indian Circle, addressed the Board regarding education and public schools.
2. Mr. Chris Henderson, 101 Keystone, addressed the Board thanking Mr. Rogers for his service as County Attorney to James City County.

L. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

Mr. Hill stated that his two-week progress report has been distributed to the Board and he is available for questions if necessary.

Mr. Hill informed the citizens and the Board that Iceburg, the synthetic skating rink at Mid County Park, will be opening November 15, 2014. The County website has the days and times that the skating rink will be open to the public.

Mr. Hill stated that the proposed Agenda structure was made available to the Board via email as well as on the dais this evening. He stated that his intention is to approve the new Agenda structure at the Organizational Meeting in January.

M. BOARD REQUESTS AND DIRECTIVES

Mr. Onizuk congratulated Mr. Rogers on his new opportunity in Loudoun County, Virginia, and thanked him for his years of dedicated service to James City County. He stated that he attended the Greater Williamsburg Chamber and Tourism Alliance meeting this morning. There was a presentation done by the Lead Historic Triangle organization who intends to install benches at several of the public transportation bus stops around the community and invited the organization to come and give a presentation to the Board on the project. He stated that the Chamber will be giving a presentation at the next meeting on its efforts to grow the Chamber and to promote sports tourism. He also asked that consideration be given to adding to the County's Legislative Agenda a State program that would help citizens finance certificate and vocational training. He stated that he attended the Habitat for Humanity dedication on Monday, November 11. He attended the 1st Annual Litter and Recycling Expo on November 7 at Legacy Hall in New Town.

Mr. Onizuk stated that in regards to the proposed Agenda structure, the idea is to try and make the meetings more efficient, not to limit public comment. For instance, there are two Board Requests and Directives sections on the Agenda this evening and he is not sure why that is. He stated that he is looking for input from the citizens and the business community on efforts to make the meetings more efficient for everyone involved. He stated that the proposed meeting is probably a little too early for those citizens that do have to work.

Mr. Kennedy stated that his thoughts were to start the meeting at 6 p.m. and citizens with new concerns and new issue items could address the Board until 6:45 p.m. There could then be a second public comment period at the end of the meeting for citizen comments that revolve around issues that are not new and any other commentary. He stated that the Board wants people to participate, and participate in the public hearings. He stated that he has heard from applicants who bring supporters to public hearings and they state that they sometimes do not stay and be heard because the hour is getting late before the public hearings have even been heard. He stated that everyone should be cognizant of the fact that the legal teams for applicants and business owners are billing for the hours that they sit here and if we want to be more business friendly and cost-effective, then we should try to minimize the time that they are left waiting in the audience. He stated that he is a proponent of an earlier start time and would prefer starting at 6 p.m.

Ms. Jones stated that this is an opportunity for the public to provide input and to ask questions of the Board, and it is the responsibility of the Board to serve the public. She stated that she could be supportive of a 6 p.m. start time, doing the public hearings first, and then moving on with the rest of the agenda including public comment and the consent calendar. She stated that she does not support limiting the public comment section to a total of 45 minutes or an hour. She believes that citizens should be heard, regardless of how long it takes.

Mr. Onizuk requested that the information provided regarding the formats of other localities be put out for the public to view. He stated that it is very interesting and many are more restrictive. He stated that it sounds like the Board is interested in some hybrid of Mr. Hill's proposal.

Mr. Kennedy stated that back in 2009, the Board started a program where citizens could come and sit down and discuss issues with Board between the work session and the regular meeting. That program was eventually cancelled because there was only one speaker that came forward and utilized the opportunity. He stated that this Board and previous Boards have always been very inclusive and this is not a move to limit people's ability to speak. He stated that he continues to have a concern about resolution of issues. If people continue to come forward with an issue, it needs to be resolved. By inaction, the Board has created a lot of unnecessary activity.

Mr. Kennedy thanked Mr. Rogers for his many years of service to the County, for being a friend, and for all his efforts in the community outside of his work hours. He stated that it is going to take an incredible individual to fill his shoes.

Mr. McGlennon stated that in response to some comments made this evening by one of the speakers, the suggestion that he withheld information last year regarding the school's administration building and the fourth middle school is false. It was discussed openly last year during public meetings. He stated that he had the opportunity to speak with the County Administrator and Chair of the Board in Loudoun County during the Virginia Association of Counties (VACo) Conference that he attended last week. He stated that they spoke very highly of Mr. Rogers and are excited to have him joining their staff. He expressed his appreciation and admiration for his work and service to James City County. He has made a real impact on the community over the years.

Mr. Hipple stated that information has been getting out to the public more efficiently since Mr. Hill has come on board. He expressed his appreciation for the efforts and service of Mr. Rogers and wished him well in his future endeavors. He commended the Planning Commission for their work on these projects that come before them and eventually the Board. He stated that they are working really well together and he appreciates their efforts.

Ms. Jones stated that next Thursday, she and Mr. Hill will be attending the Hampton Roads Transportation Planning Organization, Planning District Commission, and Hampton Roads Transportation Accountability Committee meetings in Chesapeake. She reminded citizens that the agendas are available online and stated that she forwarded the agendas to the rest of the Board. She asked that any feedback be directed to the Board or Mr. Hill for these commissions. She thanked Mr. Rogers for his service and wished him well in his new endeavor.

Mr. Rogers stated that the Board and Administration is in very capable hands with Mr. Kinsman as Interim County Attorney. He stated that all of the opportunities and accomplishments over the years pale in comparison to the friendships he has made in the community throughout the years.

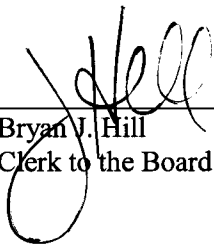
N. CLOSED SESSION – None

O. ADJOURNMENT – until 4 p.m. November 25, 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 8:58 p.m., Ms. Jones adjourned the Board.



Bryan J. Hill
Clerk to the Board

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