

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board
Room 101 Mounts Bay Road
Williamsburg, VA 23185
April 28, 2015
6:30 PM

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Berkeley District
John J. McGlennon, Roberts District
Kevin D. Onizuk, Vice-Chairman, Jamestown District
James G. Kennedy, Stonehouse District
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator
Adam R. Kinsman, Interim County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Alexander Cavitt

E. PRESENTATION

1. Fair Housing Poster Contest

Mr. Vaughn Poller, Director of Housing and Community Development, presented the winners of the Fair Housing Poster Contest.

F. PUBLIC COMMENT - Until 7 p.m.

1. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in regard to the hiring of veterans and their commitment and work ethic.

2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in regard the budget process and the proposed budget on the Agenda.

3. Mr. Howard Ware, 46 Whittakers Mill Road, addressed the Board in regard to the proposed budget on the Agenda.

4. Ms. Amelie Drake, 109 Canterbury Place, addressed the Board in regard to fully funding the schools in budget.

5. Ms. Landra Skelly, 6572 Wiltshire Road, addressed the Board in regard to the tax increase and proposed budget on the Agenda.

6. Mr. John Bookless, 3 Clarendon Court, addressed the Board in regard to the tax increase and proposed budget on the Agenda.

ADOPTED

JUL 14 2015

Board of Supervisors
James City County, VA

G. CONSENT CALENDAR

1. Minutes - April 15, 2015, Budget Work Session
2. Minutes - April 20, 2015, Budget Work Session
3. Approval of Withdrawal from Membership and Participation in the Hampton Roads Economic Development Alliance
4. Appointment of County Attorney

A motion to Approve was made by Mr. Kennedy and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple.

Mr. Hipple recognized Mr. John Wright and Mr. George Drummond, Planning Commission Members, in attendance this evening.

H. PUBLIC HEARING(S)

1. SUP-0001-2015, Sprint John Tyler Highway Tower

Ms. Savannah Pietrowski, Planner I, addressed the Board giving a summary of the staff report included in the Agenda Packet.

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

As no one had registered to speak, Mr. Hipple closed the Public Hearing.

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple.

2. Rezoning-0005-2014 Peninsula Pentecostals, Kirby Tract

Ms. Ellen Cook, Planner III, gave a video presentation overview of the staff report included in the Agenda Packet.

Mr. McGlennon asked for clarification on the binding restrictions on the middle and eastern portions of the property that are proposed for commercial use.

Ms. Cook stated that the Master Plan would bind the development at a maximum of 30,000 square feet of retail and restaurant space, but does not bind specific types in that category. She stated that the proffers commit to submitting a conceptual plan for the commercial development and to abide by current design guidelines.

Mr. McGlennon clarified that once the properties are re-zoned, the applicant could sell off the middle and eastern portions since they are already separate parcels.

Ms. Cook stated that was correct.

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

1. Mr. Timothy Trant, II, from Kaufman and Canoles and representative of the applicant, addressed the Board giving an overview of the proposed project and giving a brief recap of the history that has lead up to this rezoning case. He reviewed the proposed traffic impact studies and their proposed traffic plan, as well as the proffers and the overall benefits of the proposed project.

Mr. McGlennon restated his concerns over what will happen with the middle and eastern portions of the property. He understands that the church will occupy the western parcel, but it is concerning that there is not a conceptual plan submitted for the other portions where the commercial development is proposed.

Mr. Trant stated that the vision and the future development of the residual parcels will be driven by the outcome of the planned Skiffes Creek Connector roadway project. He stated that the applicant does not believe that putting together a conceptual plan and submitting it at this time is credible when the alignment and construction of the roadway project is not complete. That is why they have bound themselves, in the voluntary proffers, to submit a conceptual plan for approval, to abide by design guidelines, and to complete another traffic study if and when the Connector road is complete to determine access points and traffic impacts from the commercial development.

Mr. McGlennon asked why not leave the zoning on the residual parcels until a later date.

Mr. Trant stated that this case comes before the Board as a comprehensive development plan for the area.

2. Mr. Jared Arango, 901 Wynstone Court, Pastor of the Peninsula Pentecostal Church, addressed the Board requesting approval of the case so that the church may expand and continue its service to the congregation and the community.

3. Mr. Ed Oyer, 139 Indian Circle, addressed the Board in opposition to rezoning this industrial land and stated that there is other land available throughout the County that does not require a rezoning.

4. Mr. Howard Ware, 46 Whittakers Mill, addressed the Board lamenting the decision of the Planning Commission and requesting that the Board approve the case because of the benefits to the Grove community.

5. Mr. Chris Henderson, 101 Keystone, addressed the Board stating that churches are an important component of community development, but questioned the lack of land dedicated for a right-of-way for the Skiffes Creek connector.

6. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board offering a lesson on recent history and urging the Board to do the right thing and approve the case.

7. Mr. David Green, 206 Carters Neck Road, addressed the Board in support of the case and urging the Board to approve the proposal.

8. Mr. Charles Swadley, 5316 Highgate Green, addressed the Board in full support of the case and the rezoning of the property to mixed use.

9. Mr. John McSharry, 818 Enos Court in Newport News, addressed the Board asking for the Board's support as the Church tries to fulfill its vision.

10. Ms. Michelle Rocheleau, 103 Indian Circle, addressed the Board in support of the case and the rezoning of the property.

11. Mr. Douglas Beck, 9915 Swallow Ridge, addressed the Board in support of the case and the rezoning of the property.

12. Ms. Shandra Dunn, 4600 Prince Trevor Drive, addressed the Board in support of the case and urged the Board to approve the proposal.

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

Ms. Jones stated that this industrial zoned land has been sitting empty for 20 years. She stated that this proposal is more compatible with the surrounding properties in the area. She stated that she can think of no higher use of this property than an investment in people and in communities.

Ms. Jones made a motion to approve the rezoning resolution.

Mr. McGlennon stated that he had heard several times that having a gas station on one of the outer parcels was not something that the church had intended, rather it been suggested as a possible use. He asked Mr. Trant if the Church would be willing to stipulate that there would not be a gas station on the property.

Mr. Trant stated that it was not the Church's idea to have a gas station; however, at the suggestion of the Office of Economic Development, the Church recognizes the economic viability of a gas station in that area of the community. He also stated that fuel sales and automobile repair shops are a by-right use in Mixed Use zones, so the Church is not willing to compromise that position at this time.

Mr. Onizuk stated that this is the morally right thing to do and frankly these are citizens that he wants in his community. He believes that this Church will be significantly beneficial to the Grove community. He believes that this application is consistent with the Comprehensive Plan and the way that this area is noted. He is pleased to give his enthusiastic support to this case.

Mr. Kennedy commended the Church for handling this whole process the right way. He stated that there might be some concern over having a gas station that close to Skiffes Creek, but he believes that staff, environmental, and the State Regulatory Commission will control what happens. He stated that what was done two years ago cannot be changed, but that if the Church applied for a rezoning he would support it and is pleased to do so tonight.

Mr. Hipple commended the Church for its vision and tenacity for sticking through this process and thanked them for their professionalism.

Mr. McGlennon stated that he had made up his mind that this proposal satisfies appropriate use of this land. His concern has been over the Skiffes Creek Reservoir which is depended upon by several localities for drinking water and the Skiffes Creek Connector Road. He stated that it sounds like commercial development of the property is several years down the road, so hopefully the question of the Skiffes Creek Connector will be settled by then. While he wishes there was more clarity for the commercial plans in this case, he will support the case this evening.

A motion to Approve was made by Ms. Jones and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple.

At 8:35 p.m., Mr. Hipple recessed the Board for a brief break.

At 8:48 p.m., Mr. Hipple reconvened the Board.

I. BOARD CONSIDERATION(S)

1. Approval of Williamsburg Landing, Inc. Revenue and Refunding Bonds through Other Jurisdictions

Mr. Russell Seymour, Director of Economic Development, addressed the Board giving an overview of the memorandum included in the Agenda Packet.

A motion to Approve was made by Mr. Kennedy and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple.

2. FY2016 Budget Appropriation

Ms. Suzanne Mellen, Director of Financial and Management Services, addressed the Board giving an overview of the memorandum included in the Agenda Packet, as well as addressing the request for a lesser increase in the tax rate that was discussed at the last Budget Work Session. She stated that before the Board this evening is two separate resolutions, one that would set the personal property tax rate, and one that would appropriate the budget based on that tax rate. She clarified the changes in the budget based on the lesser increase in the tax rate.

Mr. McGlennon clarified that the proposed tax rate this evening is for 84 cents, which is an increase of 7 cents versus the 8.2 cents that was proposed in the County Administrator's Proposed Budget.

Ms. Mellen stated that was correct.

Mr. McGlennon clarified that considering the reduction in property values over the last several years; this tax increase will still produce tax bills that are less than they were in 2009.

Ms. Mellen stated that was correct.

Mr. Hipple clarified that a motion to approve the tax rate must be done first and then a motion to approve the Budget Appropriation based on that rate.

Mr. Kennedy made a motion to approve the resolution setting the personal property tax rate at 84 cents.

Ms. Jones made a motion to amend the motion to approve the flat Plan FY 16 Budget without a tax increase. She stated that revenues are increasing and tax assessments will be done this year, which could mean increases in property values and taxes.

Mr. Hipple looked to Mr. Kinsman to clarify how the votes on these motions should be recorded.

Mr. Kinsman stated that the Board should vote on the amendment made by Ms. Jones as to whether or not the Board accepts the amendment. Then Mr. Kennedy's motion would still remain and should be voted on.

Mr. Kennedy stated that for clarity during the biennial budget adoption process last year it was recommended that taxes be raised. That revenues were basically flat and that there needed to be an increase. He does not believe that we can continue to hold the line and hope that revenues are going to increase. Capital projects and replenishing fund balances need to be done instead of continuing to put things off. He stated that he is not inclined to support the amendment to the motion made by Ms. Jones.

Mr. McGlennon concurred with the comments made by Mr. Kennedy. He stated that the County has provided relief to the citizens over the last several years by not raising taxes during the recession, but it came at a cost to our fiscal health, to our facilities, and to our schools. He believes that the County needs to take a fairly significant step forward while continuing to look for savings instead of holding the line. He cannot support the amendment to the motion made by Ms. Jones.

Mr. Onizuk stated that he does not have anything significant to add to the discussion after all of the work sessions and public meetings. He stated that the County cannot continue to live off debt and pulling money out of reserves is no different. He is supportive of continuing to look for cuts and cost savings, but we need to replenish reserves and attend to capital needs. He is supportive of the increase in the tax rate to 84 cents, but is not supportive of the amendment to the motion made by Ms. Jones.

Mr. Hipple stated that we have a premier community and why would we want anything less. He requested that Ms. Jones restate her amendment to the motion for clarification.

Ms. Jones stated that her amendment to the motion was to adopt the flat FY 16 budget that was prepared as part of the biennial budget last year and does not include a tax rate increase with an allocation of \$178,519,600.

On a roll call vote: Ms. Jones: AYE; Mr. McGlennon, Mr. Onizuk, Mr. Kennedy, Mr. Hipple: NAY.

Mr. Kennedy restated his motion to approve the resolution setting the personal property tax rate at 84 cents.

A motion to Approve was made by Mr. Kennedy and the motion result was Passed.

AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Onizuk, Kennedy, Hipple. Nays: Jones

Mr. McGlennon made a motion to approve the FY 16 Budget Appropriation resolution.

Mr. Kennedy discussed the budget process and his thoughts on the budget. He clarified that he has no intention of borrowing anymore of the available monies for greenspace/Purchase of Development Rights (PDR) acquisitions. He maintained that the most important part of this budget process is to remember that these monies will stay in this community. These monies support the schools, parks, facilities, and the services provided to the community.

Mr. Onizuk stated that the Board tasked Mr. Hill with determining what needed to be done to help the County get back on track. He came back to the Board with a proposal and a proposed budget, but it is the Board that makes that decision. The Board owns this budget and the decision rests with the Board, not Mr. Hill or Ms. Mellen. He asked that if there is fallout from this decision that it be directed at the Board and not at Mr. Hill or the senior staff.

Mr. McGlennon applauded the citizen participation in the community meetings and felt that they were beneficial to everyone. He believes that the Board has done the right thing over the past several years, but now it is time to rebuild reserves and to address needs of the schools and facilities.

Ms. Jones thanked the citizens for their participation in the process. She requested that going forward, she would like to see the budget public hearing left open as a matter of process.

Mr. Hipple stated that so much outreach and public participation has been encouraged and at some point the matter needs to be closed and we move forward. He understands her point,

but he also believes that the Board has gone above and beyond to seek public feedback on this budget.

A motion to Approve was made by Mr. McGlennon and the motion result was Passed.

AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Onizuk, Kennedy, Hipple. Nays: Jones

At 9:29 p.m., Mr. Hipple recessed the Board in order to conduct the James City Service Authority Board of Directors Meeting.

At 9:36 p.m., Mr. Hipple reconvened the Board of Supervisors.

J. BOARD REQUESTS AND DIRECTIVES

Ms. Jones congratulated the Teachers of the Year Award recipients.

Mr. McGlennon stated that he attended the grand opening of an electric vehicle charging station in New Town, which is the first publicly available charging station in the County.

Mr. Onizuk stated that he and several Board members attended the grand opening of Tempesto at Busch Gardens last weekend. He referenced several comments made by citizens regarding the speaker rules and stated those should be clarified.

Mr. Kennedy stated that he would like to have a discussion about the PDR program at some place, just to let people know the plan. Should it be put to a referendum again, should it be done away with, and should the funds in the account be allocated to other projects; these are all questions that should be discussed and clarified.

Mr. Hipple stated that we have tried to make the speaker cards more accessible by moving it out to the lobby where everyone has to pass them. He believes that the speaker cards should be utilized to make the meeting more efficient.

Mr. Kennedy stated that after the success of the community meetings, perhaps the Board should consider the idea of the caucus before the meeting to allow the citizens to have a question and answer session with the Board.

Mr. Hipple made a motion to change the speaker card rules to require a speaker card to be filled out in order to speak during a meeting. He clarified that citizens may still turn-in speaker cards throughout the meeting as well.

A motion to Approve was made by Mr. Hipple and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple.

At 9:43 p.m., Mr. Hipple recessed the Board for a brief break.

At 9:50 p.m., Mr. Hipple reconvened the Board.

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

Mr. Hill mentioned the First Time Homebuyer's Course offered by the Office of Housing and Community Development. You must register by May 11, so please contact the Housing Office.

Parks and Recreation is offering a free Run, Jump, and Throw event which will introduce children to the basic skills of human movement on Saturday, May 2 at the Abram Frink Jr. Community Center.

The Police Department will hold its annual Project Lifesaver Car Show on Saturday, May 9 at Warhill High School.

L. PUBLIC COMMENT

1. Mr. Les Skelly, 6572 Wiltshire Road, addressed the Board in opposition to the recently passed budget and tax increase.

2. Mr. Bob Rutan, 108 Smokehouse Lane, addressed the Board in opposition to the recently passed budget and tax increase.

3. Mr. Chris Henderson, 101 Keystone, addressed the Board in opposition to the recently passed budget and tax increase; however, he did commend the Board and staff for the transparency throughout this budget process.

4. Ms. Rosanne Reddin, 4700 Presidents Court, addressed the Board in opposition to the recently passed budget and tax increase.

5. Mr. James Marconi, 3961 Stillman Parkway, Glen Allen, VA, addressed the Board as the Regional Field Director for Americans for Prosperity, a political action group. He stated his opposition to the recently passed budget and tax increase.

M. CLOSED SESSION

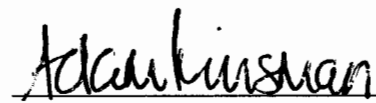
N. ADJOURNMENT

1. Adjourn until 6:30 p.m. on May 12, 2015, for the Regular Meeting.

A motion to adjourn was made by Mr. Kennedy and the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Jones, McGlennon, Onizuk, Kennedy, Hipple.

At 10:14 p.m., Mr. Hipple adjourned the Board.



Adam R. Kinsman
Deputy Clerk to the Board