

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
May 26, 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 - Shania Soule, a 5th-grade student at Matthew Whaley and a resident of the Jamestown District.

E. PRESENTATIONS - None

F. PUBLIC COMMENT - Until 7 p.m.

1. Mr. Mike Rock, 269 Mill Stream Way, addressed the Board in support of the sale of the Jamestown Yacht Basin to Mr. Steve Rose and Eco Discovery Park.

2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board regarding the Jamestown Yacht Basin sale and discussed meeting efficiencies.

3. Mr. Chris Henderson, 101 Keystone, presented another proposal for the purchase of the Jamestown Yacht Basin.

4. Mr. Paul Scott, Executive Director of Child Development Resources, 719 Lafayette Street, addressed the Board inviting it to the 50th Anniversary Celebration in September and thanking the Board for its continued support.

5. Mr. David Burgdorf, 5505 Pennington Place, addressed the Board regarding the Jamestown Yacht Basin and its future use.

6. Mr. Alain Outlaw, 109 Crown Point Road, addressed the Board in support of the sale of the Jamestown Yacht Basin to Mr. Steve Rose and Eco Discovery Park.

7. Ms. Landra Skelly, 6572 Wiltshire Road, addressed the Board regarding the Jamestown Yacht Basin and its future use.

G. CONSENT CALENDAR

1. Minutes - March 24, 2015, Regular Meeting

ADOPTED

JUL 28 2015

Board of Supervisors
James City County, VA

2. Discontinuance of the Regional Issues Committee
3. Amendment to the County's Statement of Fiscal Goals Regarding Reserves and Capital Improvements

Mr. Kennedy asked that Item No. 2 be pulled for discussion.

Mr. McGlennon made a motion to approve the remaining items on the Consent Calendar.

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

Mr. Kennedy stated that he requested that Item No. 2 be pulled for several reasons. He stated that this issue has been bouncing around for a while. The intent was that the Regional Issues Committee (RIC) be replaced by the Historic Triangle Collaborative (HTC). He has served as the County's representative on the HTC for several years now and it is his hope that there can be more openness and transparency in the meetings of the HTC and hopes the Board can be supportive.

Ms. Jones stated that she supports the request that the HTC operate in an open and transparent manner. However, she does not support the discontinuance of the RIC.

Mr. McGlennon clarified that Mr. Kennedy would like amend the motion to encourage the HTC to operate in an open and transparent manner.

Mr. Kennedy stated correct.

Mr. McGlennon stated that he can be supportive of that and supports the discontinuance of the RIC.

Mr. Kennedy made a motion to approve the Discontinuance of the RIC and to encourage the Historic Triangle Collaborative to operate in an open and transparent manner.

AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Onizuk, Kennedy, Hipple. Nays: Jones.

H. PUBLIC HEARING(S)

1. Ordinance to amend Chapter 7, Economic Incentive Zones

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

Mr. McGlennon questioned if there is anything the Board can do to encourage businesses in these zones to employ workers living in the areas covered by these zones.

Mr. Seymour stated that the Office of Economic Development does encourage that and has been successful to a lesser degree, but he is not aware of any public action that may be taken.

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

As there were no registered speakers, Mr. Hipple closed the Public Hearing.

Mr. McGlennon made a motion to approve the ordinance.

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

2. Additional Assessment for Electronic Summons System

Ms. Allison Kotula, Assistant County Attorney, addressed the Board giving a summary of the memorandum and ordinance included in the Agenda Packet.

Mr. Onizuk asked if the County currently has an Electronic Summons System in place now or if this is new technology.

Ms. Kotula stated that the County has had the system in place since 2009, but there was significant costs involved both with the implementation back then and with on-going maintenance.

Mr. Hipple asked if other jurisdictions are utilizing these systems as well.

Ms. Kotula stated yes. The authorization for additional assessment for the system was passed by the General Assembly in 2014 and since then many localities have begun using these systems.

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

As there were no registered speakers, Mr. Hipple closed the Public Hearing.

Mr. McGlennon made a motion to approve the ordinance.

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

I. BOARD CONSIDERATION(S)

1. Sale of Real Property Jamestown Yacht Basin

Mr. Adam Kinsman, Interim County Attorney, addressed the Board giving an overview of the memorandum and materials included in the Agenda Packet.

Mr. Onizuk asked for clarification on how this property was marketed.

Mr. Kinsman stated that a Request for Quotation (RFQ) was put out about a year and a half ago. He stated that there is not much direction in the way that the Board foresees the property in the future, so the County marketed the property as is, with its current zoning, and asked for any and all offers. He stated that Eco Discovery Park was the only offer received and that offer was subsequently rejected. The County continued to make it known, through general channels that the property was for sale. He stated that the County is not actively soliciting offers; however, it has been in the newspaper quite often recently, which is probably why the offers are coming in.

Mr. Onizuk questioned the uses of the property under the current zoning.

Mr. Kinsman stated that it is currently zoned B-1, which is your general commercial uses. The one thing that is not allowed that is a current theme in the high dollar offers is residential. The B-1 zoning would allow some commercial uses, restaurants, and the marina.

Mr. Onizuk asked if any traffic studies have been done along that corridor of Jamestown Road.

Mr. Kinsman stated no.

Mr. Onizuk questioned what would happen to the property if it was sold to a nonprofit organization and that organization later disbanded.

Mr. Kinsman stated that he is not familiar with the legal side of nonprofits; however, Mr. Rose has indicated that if Eco Discovery Park buys the property that they intend to sell conservation

easements over the property. The restrictions of the easements would hold regardless of whether or not the property was sold at a later date.

Mr. McGlennon clarified that the Shaping Our Shores document does contain guidance that residential building was not something that the Board, at the time, was interested in seeing on the property. He asked which of the offers are conditional.

Mr. Kinsman stated that all of them have some form of conditions attached to them. However, any of the offers that include residential building in the plan would require a rezoning and so the offer would be contingent upon a rezoning. Therefore, three of the five offers received would be contingent upon a rezoning.

Ms. Jones asked about the current assessed value.

Mr. Kinsman stated that it is currently assessed at \$3,540,000.

Mr. Kennedy questioned if there was a directive from the Board to sell the property.

Mr. Kinsman stated that he was not aware of one.

Mr. Kennedy asked Mr. Kinsman to summarize why performance bonding would not be acceptable to Eco Discovery Park.

Mr. Kinsman stated that his understanding is that Mr. Rose plans to sell conservation easements on the property as a way to finance the purchase price. He stated that putting performance bonds may adversely affect his ability to get financing for the property.

Mr. Kennedy questioned the condition of the bulk heads and asked if a condemnation of the property is on the horizon.

Mr. Kinsman stated that there are conflicting reports on the condition of the bulk heads. If the County is going to maintain the property, then that area may be closed off and not open to the public as a safety precaution. If it is sold, then the issue of the bulk head will most likely be addressed in the contract.

Mr. Kennedy stated that his concern is the viability of the project if it is sold. If the property is sold, we want the project to succeed and he is concerned about the amount of repairs that will need to be done. Mr. Kennedy continued to discuss his concern over the valuation of the property and the difference between the assessment and the offers coming in.

Mr. McGlennon discussed the current businesses located on the property that produce tax revenue for the County and the assessed value of the property considering the Board's limitations on development there. He asked Mr. Kinsman to give a more clear explanation of what performance bonding entails.

Mr. Kennedy stated that he is concerned about selling the property at a reduced price to Eco Discovery Park without some set of performance standards and expectations that the necessary repairs are completed in a timely manner.

Mr. Hipple stated that there is no emergency right now to sell this property. The Board needs to decide what the Board envisions on this property. It is a valuable piece of property regardless of how it is used. The Board needs to give Mr. Hill direction. He applauded Mr. Rose for what they have accomplished out there and he stated that Mr. Rose deserves an answer tonight. He would like to see the Board take a year and determine the vision for the property and then properly marketed to receive the best return on the investment.

Ms. Jones stated that when the property was purchased, the original intent was to sell the marina. However, the economy fell and the market was no longer there to sell it. She then discussed the conceptual plans and discussions involved in the Shaping Our Shores document. She believes that

the best return on investment for the taxpayers needs to be the focus. She believes that Eco Discovery Park is a wonderful organization, but that price would be a disservice to the taxpayers. She agreed with Mr. Hipple regarding sitting down and discussing what this Board would like to see happen there and what it can support going forward.

Mr. McGlennon stated that it appears that no one is valuing the marina at the \$3.5 million that it is assessed at. Even the most intensive development proposal does not come close to that dollar amount. He stated that the question of residential development was decided by the citizens during the Shaping Our Shores process and believes that it would be the same outcome again. He believes that the County owes it to Mr. Rose as to whether or not the Board is going to accept his offer.

Mr. Kennedy read some of the language from the Shaping Our Shores document regarding the fiscal analysis for the marina operation. His concern lies in a private party have the capital to invest in the property to repair these major issues. He is very conflicted about what to do this evening, but believes that Mr. Rose deserves an answer.

Mr. Onizuk stated his primary concern is the maintenance and rehabilitation costs, which will be very expensive. His understanding is that the marina itself is not very profitable; it is the commercial businesses around it that would make the property profitable. He believes that the County has a responsibility to carefully plan what will be done there as it is close to Jamestown and tourism is such an economic driver for our County. That being said, he is not supportive of residential development or a rezoning there. He likes the concept of Eco Discovery Park, but has grave concerns regarding the capital investment needs. He is not overly fond of any of the other offers.

Mr. McGlennon made a motion to accept the offer from Mr. Rose and Eco Discovery Park and authorize the County Administrator and County Attorney to negotiate a contract that will provide the Board with some greater comfort regarding the achievement of financial stability to maintain the infrastructure of the marina. Basically, to develop some type of performance standards that would give the Board more assurance.

Mr. Kennedy stated that he might entertain some type of performance measures, but he is not sure if the sale should be approved tonight.

Mr. McGlennon and Mr. Kennedy continued to discuss the merits of performance measures and how those could be drafted for a private business.

Ms. Jones stated that she would support not acting on any of the proposals tonight and taking Mr. Hipple's suggestion about determining what exactly the Board wants done.

The Board continued to discuss its visions for the marina property.

Mr. Hipple asked Mr. McGlennon to clarify his motion on the floor, because it is rather open-ended.

Mr. McGlennon stated that the motion would be to approve the sale to Mr. Rose and Eco Discovery Park conditioned on the development of an agreement that provides assurance to the Board of the financial viability of the marina. He stated that he would envision the agreement being done in 30 days and would like to see the Board vote on that agreement.

Mr. Onizuk discussed his concerns over approving this sale tonight. He believes that all of the proposals have not been properly vetted.

Mr. Hill clarified that the motion on the floor is to negotiate a contract for the sale of the marina to Mr. Steve Rose. Mr. Rose will have 30 days to develop an agreement that will reassure the Board this contract as the financial prospects of success.

Mr. Hipple stated correct.

AYES: 2 NAYS: 3 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Kennedy. Nays: Jones, Onizuk, Hipple.

J. BOARD REQUESTS AND DIRECTIVES

Ms. Jones stated that she attended the graduation for Project Discovery which was sponsored by the Community Action Agency. She also attended the James City County Police Department Awards Ceremony and thanked the Police Department for all it does. She attended the Lead Historic Triangle graduation, as well as the Hampton Roads Transportation Planning Organization and Planning District Commission meetings. She also attended the Memorial Day celebration and events at Colonial Williamsburg.

Mr. McGlennon stated that he attended the Peak of Joy ribbon cutting, as well as the Police Department Awards. He attended the Memorial Day celebration. He requested that Board policies be consolidated into one place on the County website.

Mr. Onizuk stated that the local government representatives will continue to have a seat on the Chamber's Executive Committee. He attended the National Junior Honor Society Induction at Hornsby Middle School today.

Mr. Kennedy reported trash and high grass on several properties. He asked that something be done about the dumping along roadways in his district. He would like to see some motion activated cameras used to get license plates.

Mr. Hipple stated that he attended Hampton Roads Transportation Accountability Committee last week. He attended several of the events already mentioned by the other Supervisors.

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

Mr. Hill announced the Community Block Party on May 29 at the Abram Frink Community Center. He stated that property tax notices have been mailed; if a citizen has not received theirs to please contact the Treasurer's Office.

L. PUBLIC COMMENT

1. Mr. Rosanne Reddin, 4700 President's Court, addressed the Board regarding the sale of the marina for such a low figure when it is valued at so much more.

2. Mr. Les Skelly, 6572 Wiltshire Road, addressed the Board regarding the sale of the marina.

M. CLOSED SESSION – None

N. ADJOURNMENT

1. Adjourn until 6:30 p.m. on June 9, 2015, for the Regular Meeting.

Mr. McGlennon made a motion to adjourn.

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

At 8:41 p.m., Mr. Hipple adjourned the Board.



Bryan J. Hill
County Administrator

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