

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
February 23, 2016
6:30 PM

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Vice Chairman, Roberts District
Ruth M. Larson, Berkeley District
Kevin D. Onizuk, Jamestown District
P. Sue Sadler, Stonehouse District
Michael J. Hipple, Chairman, Powhatan District

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

ADOPTED

MAR 08 2016

Board of Supervisors
James City County, VA

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

Members of Cub Scouts Pack 103 Den 9, Webelos – Griffin Patrol.

E. PUBLIC COMMENT - Until 7 p.m.

1. Ms. Janet Casanave, 3404 Waterview Road, addressed the Board in regard to spending money on Purchase of Development Rights (PDR).
2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board questioning the value of PDRs and whether it is wise to be spending money on them.
3. Ms. Betty Walker, 101 Locust Place, addressed the Board in regard to the Federal Reserve Bank.
4. Mr. David Jarman, 3646 South Square, addressed the Board in regard to the School's FY 17 Budget.
5. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board in regard to the proposed fourth middle school.
6. Mr. Stephen Chantry, 118 Godspeed Lane, addressed the Board in regard to the proposed fourth middle school.
7. Ms. Petra Nadal, 106 Indian Circle, addressed the Board in regard to the proposed fourth middle school.

At 7:10 p.m., Mr. Hipple recessed the Board in order to conduct the James City Service Authority Board of Directors meeting.

At 7:16 p.m., Mr. Hipple reconvened the Board of Supervisors.

F. PRESENTATIONS

1. Virginia Department of Transportation Quarterly Update

Mr. Rossie Carroll, Williamsburg Residency Administrator for the Virginia Department of Transportation (VDOT), addressed the Board giving an overview of the Quarterly Report included in the Agenda Packet.

Ms. Sadler mentioned citizen complaints continue to be received about Rochambeau Drive in front of the school.

Mr. Carroll stated that a signalization study was done and the traffic does not meet the requirements for a traffic signal. In fact, the traffic signal would create more problems. A safety study was also done. A new study will be done in a year to reassess the traffic counts and safety concerns. That should begin toward the end of the school year.

Mr. McGlennon clarified that none of the road paving projects will be using slurry seal.

Mr. Carroll stated correct.

Ms. Larson asked about the speed limit on Greensprings Road. She has received several comments from citizens voicing concern.

Mr. Carroll stated that he does not believe Greensprings Road has had a speed study done in five years, or maybe ever. He stated that it would have to go through a speed study process which can take up to 45 days.

Ms. Larson also discussed concerns about students and adults crossing Route 5 from Jamestown High School onto Greensprings Plantation Drive. Route 5 is a very busy road and she is concerned about pedestrian safety. She asked if a crosswalk could be put in at the intersection.

Mr. Carroll discussed some of the factors involved in installing a crosswalk and stated that he would have to look into the issue further, specifically where the VDOT right-of-way is. He stated that he would stay in touch with Mr. Hill.

Mr. Onizuk mentioned continued confusion on WindsorMeade Drive. The whole intersection has been a concern since the Wendy's was being proposed. He asked that a meeting be held with the residents of WindsorMeade and staff. He asked Mr. Carroll to attend as well.

Mr. Hipple mentioned Cranston Mill Pond that was brought up at the last Board meeting.

Mr. Carroll stated that he has looked into that issue and will provide it to Mr. Hill.

G. CONSENT CALENDAR

Ms. Sadler requested that Item No. 3 be pulled for discussion and separate vote.

1. Minutes Adoption - January 26, 2016 Regular Meeting

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

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

2. Department of Criminal Justice Services Grant Award - \$10,000

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

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

3. Grant Award - Purchase of Development Rights Program - Virginia Farmland Preservation Fund - \$307,889

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, Larson, Onizuk, Hipple. Nays: Sadler

Ms. Sadler questioned if this grant is a specific reimbursement for the PDR purchases that were discussed last November.

PDR Administrator Edward Overton stated no they are not specific to any specific property.

Ms. Sadler asked if she read correctly that we have until 2018 to accept the grant funds.

Mr. Overton stated no, the Board needs to accept the grant prior to its next meeting. Once accepted, the Board has until December 2018 to utilize the funds.

Ms. Sadler stated that there is no specific property tied to this grant.

Mr. Overton stated correct.

Ms. Sadler questioned that of all the PDRs that have been purchased, were any of those properties under direct pressure of development.

Mr. Overton stated no. The purpose of the PDR program is to work with owners of rural property to preserve those properties prior to the growth explosion happening. Once the growth explosion happens, it is doubtful that the PDR program could afford to purchase those development rights.

Ms. Sadler asked if any of the purchased PDRs were inside the Primary Service Area.

Mr. Overton stated no.

Ms. Sadler asked how the grant amount is determined.

Mr. Overton stated that the PDR program is a statewide program and our program is recognized by the state. The County applied to the state for the grant. The funding comes from an appropriation from the state legislature and then it is divided-up amongst approved PDR programs throughout the state that applies for the grants and in accordance with the amount of local money that each program has.

Ms. Sadler asked how much money the County currently has in the PDR account.

Mr. Overton stated that the PDR account currently has an available balance of \$1,181,212. Of those funds, \$744,551 are local match dollars and \$436,661 are grant funds that were awarded in FY 14 and FY 15.

Ms. Sadler stated that there are two PDR purchases currently in negotiation for settlement. If we do not accept this grant, is there the possibility that monies from our own account will have to be utilized to complete these purchases.

Mr. Overton stated correct.

Ms. Sadler asked Mr. Overton to clarify the timeline with these purchases currently in negotiation.

Mr. Overton stated that currently we still have access to the funds from the FY 14 grant award which is \$149,678. That grant is on an extension at this time, meaning that if we can close by mid-May, on the larger of the two easements authorized by the Board in November, then the funds from the FY 14 grant can be utilized toward that purchase. If we are not close to closing by mid-May, then the Department of Agriculture will take the FY 14 grant funds back and allocate them to another PDR program elsewhere. If we lost that grant then that is \$149,678 of our own money that we would have to make up to complete the sale.

Ms. Sadler asked if there was a public hearing for the purchase of these PDRs when it comes to expending the funds.

Mr. Kinsman stated that there is no public hearing for these purchases. The Board approved them in November, so we are now working to get them to closing.

Mr. Onizuk asked Mr. Kinsman to give a brief synopsis of the various scenarios that he emailed to the Board previously for the benefit of everyone listening.

Mr. Kinsman outlined the following scenarios:

- A – The two purchases are completed before May 2016 and the Board does not accept the FY 16 grant, then there will be \$372,051 of County funds and \$64,161 in matching grant funds in the PDR account.
- B – The two purchases are completed before May 2016 and the Board does accept the FY 16 grant, then there will be \$372,051 of County funds and \$372,060 in matching grant funds in the PDR account.
- C – The two purchases close after May 2016 (when the 2014 grant expires and must be returned) and the Board does not accept the 2016 grant, then there will be \$222,373 of County funds and \$0 matching grant funds in the PDR account.
- D – The two purchases close after May 2016 and the Board accepts the 2016 grant, then there will be \$372,051 in County funds and \$222,382 in matching grant funds in the PDR account.

Mr. Kinsman stated that the FY 16 grant could be looked upon as insurance in case these two purchases do not close prior to May and the County loses the FY 14 grant. Acceptance of the grant does not obligate the County to purchase any new easements. If the PDR program is ended without any additional purchases being authorized, any remaining grant funds will be returned to the state.

Mr. Onizuk asked for clarification on where the funds came from that are currently in the account. Are they coming from the current budget or have they been set aside from years past.

The Director of Financial and Management Services, Suzanne Mellen, stated that the County funds in the PDR account are from past Board policy to allocate one penny of the tax rate to that account. Once the recession hit no more money was put into the account. It is just the remaining funds from that previous policy.

Ms. Sadler stated that she will be opposing this grant this evening. She opposes the easements being held into perpetuity and believes future generations' property rights are being ignored. She stated that the County has an Agricultural and Forestal District program that is voluntary and is there to help farmers.

Mr. McGlennon clarified that the property owner is voluntarily selling the development rights of their land to help preserve the land and the rural nature of our community.

Mr. Hipple stated that if the current property owners want to sell the development rights to their property then that is their right. He also believes that the program has worked fairly well in the County for a number of years, but instead of the Board deciding the future of the PDR program, perhaps it should be out to a referendum. Let the citizen's vote on whether or not to continue the program and whether or not to contribute a penny to the program. That would allow for a good census of the community for the continuation of the program.

H. PUBLIC HEARING(S)

I. BOARD CONSIDERATION(S)

J. BOARD REQUESTS AND DIRECTIVES

Mr. Hipple asked Ms. Bledsoe to come forward and give an update on the Capital Improvements Projects (CIP).

Ms. Bledsoe stated that the Policy Committee of the Planning Commission has begun the 2017-2021 CIP Review process. She stated that the first meeting was held on February 11 and at that time had 15 completed applications. The projects that have been received to date include ten school plan projects, one transportation match, three parks and recreation proposals and one stormwater abatement request. For FY 17 that is roughly \$7 million and through 2021 it is roughly \$31 million. The next meeting is in March and the committee expects to have the full list and recommendations to the Planning Commission in March before being sent on to the Board.

Mr. McGlennon announced that at the conclusion of the Work Session, the Board went into to Closed Session to discuss several appointments. He was pleased to announce that Mr. Daniel Schmidt was appointed to the Roberts District seat on the Planning Commission. He also announced the reappointment of Mr. Larry Waltrip to the Chesapeake Bay and Wetlands Board, Mr. Thomas Belden to the PDR Committee and Mr. Randall Davis to the PDR Committee. He asked that the Board consider signing a letter of support for the Virginia Senate version of the Stormwater Local Assistance Fund.

The rest of the Board voiced its agreement to signing a letter of support.

Mr. McGlennon recounted his recent experience with Cox Communications and the installation of the mini-box at his home.

Ms. Larson addressed a recent article in the paper concerning an aquatic center. She stated that she is hopeful that an aquatic center is something that we continue to look into and consider. She clarified that she has a swimmer; however, this is something that will never happen for her child because she graduates in two years. She urged everyone to be careful about using the word profitable when talking about a pool or aquatic center. No one ever uses the word profitable when talking about baseball fields or football fields. All three high schools have a competitive swim program and those teams need an indoor, dive-worthy and practice-worthy pool for the kids in our community.

Ms. Larson asked to address the issue of the proposed fourth middle school. She stated that the City of Williamsburg is already moving ahead with its portion of the agreement. So, if there is a consensus on this Board to revisit the plan that was voted on November 2014, then she believes that would be a discussion for the Board and School Board and not to be done at the Joint Meeting.

Mr. Onizuk questioned what the status is of scheduling a Joint Meeting.

Mr. Hill stated that it is looking like the beginning of April. A definitive date should be forthcoming in the next few days.

Mr. Onizuk asked about the meeting that was attended by Mr. Hill, Mr. Hipple, Mr. Kelly, Dr. Constantino, Mr. Collins and Mr. Haulman.

Mr. Hill stated that there were some funding issues to be discussed, enrollment numbers were discussed and we discussed the next steps moving forward. He stated that he did not know what the next steps moving forward are because he had emails still out trying to get questions and comments from the Board. He stated that he is basing his premise on the fact that it was approved by the Board last year. If there is something to re-open, then he needs that specific direction.

Mr. Onizuk stated that he is not opposed to re-opening this discussion. When that plan was approved in November 2014 we had not been through a grueling budget process and tax increase. He stated that he is not necessarily convinced that this fourth middle school is a necessity.

Mr. Hill stated that the County can afford the cost of the middle school, the debt portfolio plan is in place to finance our portion of the cost and that was part of the budget that was voted on last May.

Mr. Hipple stated that at some point the Board needs to make a decision and move on.

Ms. Sadler stated that she could see revisiting the issue because if we do not spend \$21 million on a school, that money could go toward a viable water solution for the County. If money can be saved by having a few more discussions about the issue, then she is all for that.

Mr. McGlennon stated that we have heard different numbers attached to the fourth middle school. Some of those numbers and projections could be answered simply. He agrees that every member of the Board has the right to have all of the knowledge and understanding of the issue. He ascertained that all of the questions that the Board has need to be written down and presented to the School Board for answers. It may be that once the questions are answered there is not a need for a meeting.

General discussion ensued about school sites and the James Blair site and whether or not the Board wants to go in a different direction.

Mr. Hipple stated that Board questions need to be sent to Mr. Hill. From that, the Board can decide whether or not we need to meet.

The Board generally discussed its activities in the community since the previous meeting.

Mr. Hipple announced the appointment of Mr. Kinsman as the fourth County Attorney for James City County.

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

Mr. Hill announced that the next Neighborhood Forum will be held on March 9 at 6:30 p.m. at the Recreation Center on Longhill Road. There will be a brief update from the Police Department, a networking break and a Q&A with County staff. He also announced that the annual Destination Recreation Expo will be held on Saturday, February 27 from 9 a.m. to noon at the Recreation Center on Longhill Road.

L. PUBLIC COMMENT

M. CLOSED SESSION

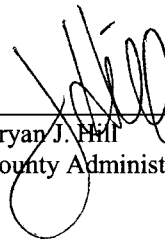
N. ADJOURNMENT

1. Adjourn until 6:30 p.m. on March 8, 2016, for the Regular Meeting

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

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

At 8:57 p.m., Mr. Hipple adjourned the Board.



Bryan J. Hill
County Administrator