

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
May 10, 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

OCT 10 2017

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. **Pledge Leader – Sam Tighe, a 4th-grade student at Clara Byrd Baker Elementary School and resident of the Berkeley District.**

E. PUBLIC COMMENT - Until 7 p.m.

1. Mr. Joseph Swanenburg, 3026 The Pointe Drive, Lanexa, addressed the Board with concerns regarding Cranston's Mill Pond Road as well as the Williamsburg-James City County School Board.

2. Ms. Bambi Walters, 5112 Shoreline Court, addressed the Board with concerns about the need for increased communication between the County and the Williamsburg-James City County School Board and asked that the Liaison Committee, which Mr. Hipple talked about during the April 26 Board of Supervisors meeting, stay involved.

3. Mr. Stacy Graves, 8996 Richmond Road, addressed the Board in support of the Neighborhood Basketball League (NBL).

4. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board regarding the Sustainable Long-Term Water Supply goal of the Strategic Plan and his concern that nothing has been said about the Primary Service Area and its impact on the water situation going forward. He also remarked on the Budget Work Session and congratulated the County on its AAA

credit rating. He concluded by expressing concern on the amount of money spent on the Forest Heights Neighborhood improvement project and advised that in the future projects should focus on achieving the initial objective.

5. Mr. Tyrone Johnson, 234 Longhill Road, addressed the Board in support of the NBL.

6. Ms. April Taylor, 5404 Horan Court, addressed the Board in support of the NBL.

7. Mr. General Xo, 127 Banneker Drive, York County, addressed the Board in support of the NBL.

8. Ms. Reba Bolden, 6717 Greenfield Lane, Gloucester, Executive Director of the Williamsburg-James City County Community Action Agency, addressed the Board in support of the NBL.

F. PRESENTATIONS

1. Virginia Department of Transportation (VDOT) Quarterly Update

Mr. Rossie Carroll, Williamsburg Residency Administrator for VDOT, addressed the Board with a quarterly update.

Mr. Scott Smizik, VDOT Project Manager, addressed the Board with an overview of the Hampton Roads Crossing Study.

Ms. Larson brought up an inquiry she received from a citizen regarding having a blinking yellow light left-hand turn onto Eagle Way from Route 5.

Mr. Carroll reported that these permissive left blinking yellow lights have been placed in a few strategic places. Regionally, intersections have been studied and a priority list has been compiled. There are about 20-25 intersections on the Peninsula on this list, which Mr. Carroll offered to provide to Ms. Larson.

Mr. McGlennon asked when the 2016 Plant Mix Application is going to start.

Mr. Carroll responded that he has two contracts that are starting this week; one on Route 631 in Chickahominy and the other at Governor's Land.

Mr. McGlennon inquired about the results of the traffic study at Rolling Woods Drive and Lake Powell Road.

Mr. Carroll reported that the recommendation from the study is that a T-intersection sign with a 25 mph advisory placard be installed just prior to the intersection on the northbound approach on Lake Powell Road. A work-order has been submitted for this, but it has not been installed yet.

Mr. Onizuk stated that the residents of the Jamestown District and everyone who travels Monticello Avenue and News Road are super excited about that project wrapping up. Once that is completed, he recommended monitoring St. Bede Catholic Church's traffic, especially on Sundays, to see how the new traffic patterns affect its ingress and egress.

Ms. Larson asked when the flashing light will be installed on Route 5 where the rumble strips were removed.

Mr. Carroll responded that he does not have a date of when it will be installed, but offered to let Ms. Larson know when he is given a date that this has been scheduled.

Ms. Larson reported that there is a concern about the speed limit on Ironbound Road in front of Mid-County Park and asked about the study that was done in 2012 and when it will be looked at again.

Mr. Carroll responded that once the construction in that area is completed a new study will be done.

Ms. Sadler asked if the potholes in the area of Rochambeau Drive and Wilderness Lane have been repaired.

Mr. Carroll answered that he was not sure.

Mr. Hill indicated they would be going out again to review the area soon.

Ms. Sadler pointed out that there is a massive, messy root ball in the median in front of Farm Fresh in Norge and requested that it be cleaned up. She asked about the results of the March 7 speed study that was done in Toano.

Mr. Carroll reported that the study was to look at the Resolution and the speeds going northbound and southbound, which did not match up, so some adjustments were made to make sure what is in the Resolution is what is out there.

At approximately 7:44 p.m., Mr. Hipple recessed the Board in order to conduct the James City Service Authority Board of Directors meeting.

At approximately 7:48 p.m., Mr. Hipple reconvened the Board of Supervisors.

G. CONSENT CALENDAR

1. Minutes Adoption - September 22, 2015 Joint Work Session, November 24, 2015 Work Session, and April 22, 2016 Joint Meeting with City of Williamsburg and WJCC School Board

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

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

2. **Resolution Appointing Mr. Jason E. Purse as Deputy County Clerk**

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

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

3. **Appropriation-Clerk's Excess Fees - \$5,000**

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

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

4. **Grant Appropriation - Clerk of the Circuit Court - \$5,980**

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

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

5. **James River Elementary School Stream Restoration and Bioretention - Contract Award, \$397,183**

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

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

6. **Conveyance of Utility Easements to James City Service Authority and Virginia Department of Transportation - Jamestown Beach - Berkeley District**

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

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

7. **Brook Haven Drainage and Water Quality Improvements - Contract Award, \$200,946 - Jamestown District**

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

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

8. **Contract Award - Neighbors Drive Neighborhood Improvements - \$494,116 - Powhatan District**

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

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

Ayes: McGlennon, Larson, Onizuk, Hipple

Nays: Sadler

Ms. Sadler asked that this item be pulled from the Consent Calendar. She expressed her opposition to this project because of what it started as and then morphed into.

Mr. McGlennon pointed out that Community Development Grants have been used to improve the housing quality in the area as well.

Mr. Vaughn Poller, Housing and Community Development Administrator, addressed the Board with an explanation that awarding of the contract for paving Neighbors Drive is the last part of the project and it was within the initial appropriation that the Board approved.

Ms. Sadler asked how much the County has paid for the project overall from the beginning.

Mr. Poller replied with a description of the project components and then listed out funding amounts with a total amount spent of \$6,037,953.

H. PUBLIC HEARING(S)

1. **Proposed FY 17-22 Secondary Six Year Plan**

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

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Tammy Rosario, Principal Planner, addressed the Board with an overview of the materials in the Agenda Packet.

Mr. Hipple asked Mr. Tim O'Connor, Chairman of the Planning Commission, for a report on the Commission's review.

Mr. O'Connor stated that the Planning Commission did not review this for the Public Hearing.

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

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

Mr. McGlennon commented that the Plan does not represent much change as a reflection of the fact that the County does not have many funds available to address some of the many needs for transportation infrastructure.

2. **SUP-0005-2016. Tiki Tree Service Contractor's Office and Storage - Stonehouse District**

A motion to Deny was made by John McGlennon and the motion result was Passed.

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. Jose Ribeiro, Senior Planner II, presented the Board with a video describing the application as detailed in the Agenda Packet.

Mr. Hipple asked the Planning Commission representative, Mr. O'Connor, for an update on the Commission's review and vote.

Mr. O'Connor addressed the Board with an overview of the April 6, 2016, Planning Commission meeting, referring to the meeting minutes included in the Agenda Packet. He reported that the Commission voted in favor of this application 3-2.

Ms. Sadler inquired what some of the reasons were for the dissenting votes.

Mr. O'Connor answered that concerns included the narrowness of the property, the condition of Mount Laurel Road and in general the contractor use versus agricultural use.

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

1. Mr. Timothy Soderholm, Applicant, 6293 Centerville Road, addressed the Board with details regarding his application.
2. Mr. Joe Swanenburg, 3026 The Pointe Drive, addressed the Board with concerns regarding the Special Use Permit (SUP).
3. Mr. Ron St. Onge, 4166 Mount Laurel Road, addressed the Board in opposition to the SUP.
4. Ms. Susan St. Onge, 4166 Mount Laurel Road, addressed the Board in opposition to the SUP.
5. Mr. Bob Sulouff, 4188 Mount Laurel Road, addressed the Board in opposition to the SUP.
6. Mr. Rob Davis, 4006 Mount Laurel Road, addressed the Board in opposition to the SUP.
7. Ms. Cay Davis, 4006 Mount Laurel Road, addressed the Board in opposition to the SUP.
8. Ms. Peggy Boarman, 17 Settlers Lane, addressed the Board in opposition to the SUP.

9. Ms. Cynthia Winn, representing Mr. James A. Johnson, 4300 Ware Creek Road, addressed the Board in opposition to the SUP.

10. Mr. James Baxter Berryhill, 4100 Mount Laurel Road, addressed the Board in opposition to the SUP.

11. Mr. Warren L. Raines, 4002 Mount Laurel Road, addressed the Board in opposition to the SUP.

12. Mr. Channing M. Hall, III, 133 Indian Springs Road, addressed the Board in opposition to the SUP.

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

Ms. Sadler asked Mr. Ribeiro several questions regarding the proximity of the nearest home to the property, whether clearing had been done without permit, and if so, had any trees been removed.

Mr. Ribeiro reported that he did not have an exact measurement of the nearest home and that there has been clearing inside the Resource Protection Area (RPA) without permit, but his understanding is that only underbrush and Mountain Laurels have been cleared.

Ms. Sadler commented that based on photographs provided by registered speakers during the Public Hearing she can only assume that trees have been taken down.

Mr. Ribeiro reported on his conversation with the staff of Engineering and Resource Protection (ERP), who acknowledged that Mr. Soderholm did talk with ERP staff about cleaning up debris and dead materials on his property but outside the RPA.

Ms. Sadler remarked that she had spoken with Mr. Hall regarding some of the issues the neighbors have and she has traveled down Mount Laurel Road and it is pretty narrow. She noted that she has heard from some of the residents there that they like it being a nice little country road and do not want it widened. She explained that although she welcomes new businesses in the community, she is not in support of this SUP based on the road safety issues and likelihood of noise issues the business would create.

Mr. McGlennon commented that the proposal indicates there will be a residence on the property, but asked if this is a requirement in the SUP conditions.

Mr. Ribeiro replied that it is not.

Mr. McGlennon asked if there is any limitation on the number of employees that could eventually work from the site.

Mr. Ribeiro answered not by the SUP conditions.

Mr. McGlennon asked if the calculation of five trips in the morning and five trips in the evening included trips to and from the site by employees.

Mr. Ribeiro replied that he believed the calculation only included the trips of vehicles associated with the business.

Mr. McGlennon noted that there is no limitation on the specific number of vehicles that can be kept at the location.

Mr. Ribeiro confirmed this.

Mr. McGlennon reported that he has spoken with Mr. Hall as well as some of the property owners and recently visited the area and found that he had to pull his standard size vehicle over twice to let cars of similar size pass. He stated that he does not find the proposal to be compatible with surrounding zoning, which is primarily agricultural, and development, which is certainly not as commercial as this activity would be, and commented that he will be opposing the application as it does not appear to be the right use for this particular property.

Ms. Larson noted that she appreciates the videos that have been accompanying proposals. She thanked the applicant and residents for coming out. She expressed concern about road safety and whether this is a good fit with the property. Further, she commented that she is concerned about taking something that has not been a good neighbor previously and knowingly making it not a good neighbor someplace else.

Mr. Onizuk queried the location of a structure on the overhead picture that appears to be overlapping the property line and whether it is still present.

Mr. Ribeiro commented that he believes the structure is still there, but he cannot remember specifically what it is.

Mr. Onizuk inquired if the reports from citizens about complaints and prior zoning enforcement issues could be confirmed by staff.

Mr. Ribeiro responded that there have been two formal zoning violations and six or seven complaints that were submitted to Zoning. He explained that when complaints are received, staff goes to the site and talks with the owner and lets them know ways of mitigating the situation.

Mr. Onizuk asked if the violations have been resolved and whether the applicant is currently compliant.

Mr. Ribeiro replied that the applicant is currently not compliant.

Mr. Jason Purse, Assistant County Administrator and former Zoning Administrator, addressed the Board with an explanation of the first complaint received regarding the business and how it was resolved.

Mr. Onizuk reported that he has met with Mr. Hall and received many phone calls and emails from citizens. He added that an SUP is a special privilege

and in getting something special he would think an applicant would have proven themselves in the past to be a good neighbor. Further, he remarked that there does not appear to be any reasonable expectation of compliance with the conditions of the SUP given the applicant's history, and for that reason, he would not be supporting the SUP.

3. **Z-0003-2016. Tewning Road Proffer Amendment - Jamestown District**

A motion to Approve was made by Kevin Onizuk and the motion result was Passed.

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Savannah Pietrowski, Planner I, addressed the Board with an overview of the materials included in the Agenda Packet.

Mr. O'Connor addressed the Board as the Planning Commission representative. He reported that from a Planning Commission perspective there is nothing to add. This is a permitted use in M-1 and the Commission feels it is a good use of the property.

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

1. Mr. Peter Walker, Applicant, 113 Patrick Henry Drive, addressed the Board with details regarding his application.

2. Ms. Lori Kaisand, 128 North Turnberry, addressed the Board in support of the application.

3. Mr. Cliff Gauthier, 15 Forest Hill Drive, addressed the Board in support of the application.

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

Mr. Onizuk reported that he finds it to be a compatible use for the area and he is in support of the application.

Mr. McGlennon commented that this seems to be an excellent use of an appropriate parcel of land and he is glad to support it.

4. **Z-0004-2016/MP-0001-2016. New Town Proffer and Master Plan Amendment - Jamestown District**

A motion to Postpone was made by Kevin Onizuk and the motion result was Passed.

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. Paul Holt, Director of Planning, addressed the Board, stating that the applicant has requested a postponement of this case until the June 14 Board

meeting. The Public Hearing for the case has been advertised and, therefore, must be opened, but staff concurs with the request from the applicant.

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

As there were no registered speakers, Mr. Hipple stated the Public Hearing would be left open until after the postponement.

I. BOARD CONSIDERATION(S)

1. Resolution in Support of Joint Land Use Study

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

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Ellen Cook, Senior Planner II, addressed the Board with an overview of the memorandum included in the Agenda Packet.

Mr. Jay Sweat, Department of Defense Office of Economic Adjustment, addressed the Board, introducing himself as the project manager for the proposed project.

Mr. McGlennon asked how long the project is likely to last.

Mr. Sweat answered that anywhere from 12 to 24 months is typical from start to end.

Mr. McGlennon asked if marketing for land in a joint use land study continues while the study is underway.

Mr. Sweat replied that he did not have an answer to that at this time.

Mr. Onizuk asked how a joint land use study helps cities, counties and military installations live harmoniously and how can the study help us work better with our military partners to ensure that we can all live together and all be successful together.

Mr. Sweat replied that it is a planning tool that provides an opportunity for a third party expert to come in to look at the region as a whole and get input from all the communities involved and move forward as planning continues for the local jurisdiction.

Mr. Onizuk inquired what types of recommendations would come from the study.

Mr. Sweat answered that there could be recommendations for land purchase.

2. FY2017 Budget Adoption

A motion to Approve was made by Kevin Onizuk and the motion result was

Passed.

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Suzanne Mellen, Director of Financial and Management Services, addressed the Board with an overview of the memorandum included in the Agenda Packet.

Mr. McGlennon asked if there is a contingency available if the Board decides at some point to restore funding for the Neighborhood Basketball League.

Ms. Mellen responded that included in the budget is a contingency fund to cover unforeseen things that come up through the year.

Mr. McGlennon stated that based on citizen comments, he would like to get more information about the benefit of the Neighborhood Basketball League in considering funding for the coming year.

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon reported that he had the opportunity to speak at the annual convention of Virginia Women's Clubs and enjoyed the hospitality tremendously. He also attended the Cinco de Mayo Economic Development party, a joint effort of Williamsburg, James City County and York County, and plans to attend the ribbon cutting for the new road to the airport.

Ms. Larson reported that she looks forward to attending the Fire Department Awards and the James City County Police Awards next week.

Mr. Onizuk thanked staff and citizens for work and input into the budget. He commented on the budget, particularly the issue of the Lafayette Auxiliary Gym, and remarked that in the future, review of facility and capacity needs of all schools should be done to fully identify and prioritize projects. He noted that the County, City and School Board have committed to reestablishing the Liaison Committee in order to work together and be more communicative to do a better job of responsible fiscal planning.

Ms. Sadler reported on her participation in the National Day of Prayer and that she is looking forward to the upcoming School Liaison Committee meeting. She thanked everyone involved in the budget process and commented that she is hopeful in the future the County can identify ways to reduce spending to bring some tax relief to citizens.

Ms. Larson interjected that she is also thankful of staff's professionalism during the budget process and helping her get familiarized with the budget. She also hopes that in the future the Board and staff can work together to realize some efficiencies in the budget while continuing to support the quality of life that citizens enjoy in James City County. She commented that she looks forward to the results of the Joint Land Use Study as she feels it is imperative that the County works with the military to find solutions on how best to move forward for the health of our community and the nation.

Mr. Hipple commented on the teamwork of the Board and also expressed his appreciation of the County staff.

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

Mr. Hill announced that James City County Social Services will host a Prevention Expo on May 20, which will feature information for senior citizens on housing, healthcare, long-term care planning, power of attorney, medical directives, home health agencies and avoiding financial exploitation.

Mr. Hill reported that Good for You Zone will be held at Chickahominy Riverfront Park on May 21, which will explore why being healthy can lead to loads of fun.

Mr. Hill stated that the upcoming Neighborhood Forum will feature constitutional officers.

Mr. Hill thanked Ms. Mellen and the entire team of James City County on the work done on the budget. He also thanked the Board of Supervisors for going to each and every budget meeting. He commented that the County continuously wants to ensure an open and transparent government. He thanked Mr. Kinsman, County Attorney, for his contributions as Assistant County Administrator last year.

L. PUBLIC COMMENT

1. Ms. Linda Wallace-Cody, 3085 Friendship Drive, thanked Ms. Sadler, Mr. Hipple and Mr. Hill for attending the Chickahominy Banquet and then addressed the Board in support of NBL.

M. CLOSED SESSION

None.

N. ADJOURNMENT

1. Adjourn until 4 p.m. on May 24, 2016, for the Work Session.

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

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

At approximately 10 p.m., Mr. Hipple adjourned the Board.


Bryan J. Hill, County Administrator