

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
County Government Center Board Room  
101 Mounts Bay Road, Williamsburg, VA 23185  
September 13, 2016  
6:30 PM

**ADOPTED**

SEP 11 2018

Board of Supervisors  
James City County, VA

**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

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. **Pledge Leaders - TJ, Mattie and Morgan Covington, residents of the Roberts District.**

**E. PUBLIC COMMENT - Until 7 p.m.**

1. Mr. Dick Atkinson, 2796 Jonas Profit Trail, President of the Fernbrook Subdivision Homeowners Association, acknowledged County staff members regarding the Stormwater Grant Program and their assistance and high standards in that process. He expressed his appreciation to the Board and the County for the Neighborhood Drainage Program.
2. Ms. Rosanne Reddin, 4700 Presidents Court, addressed the Board on several topics.
3. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding citizen input at Board meetings.

As there were no additional speakers, Mr. Hipple closed the Public Comment.

**F. PRESENTATIONS**

1. **The Virginia Department of Transportation (VDOT) Quarterly Update**

Mr. Rossie Carroll, Williamsburg Residency Administrator for VDOT, addressed the Board giving a summary of the Quarterly Transportation Report included in the Agenda Packet. He noted the number of work orders completed highlighting brush

and tree trimming, drainage repairs, paving and mowing projects. He also noted future roadway projects and their respective schedules.

Mr. McGlennon thanked Mr. Carroll's work on the continuation of drainage clean-up, as well as Lake Powell Point road repairs.

Ms. Larson also thanked Mr. Carroll for his help with projects. She noted some concerns around the Brick Bat Road near Route 5 and the tree overgrowth. She questioned him about roads and increased housing developments.

Mr. Carroll noted an annual traffic count was done by VDOT. He further noted VDOT's safety issues were reviewed regularly.

Mr. Onizuk expressed his thanks also. He requested Mr. Carroll join him in communicating traffic updates with the King of Glory Church as work progresses in the next few months.

Ms. Sadler thanked Mr. Carroll for the work done in the Stonehouse District, particularly Exit 227 westbound and the concerns there. She questioned if any additional information had been received on the Stonehouse Elementary entrance/exit.

Mr. Hipple expressed his thanks for the ditchwork at Centerville Road and Route 360. He noted the use of dolphins, or pilings, which act as guides for the Jamestown Ferry. He also noted bicycle paths and the increased traffic on secondary roads.

Mr. Carroll noted the state law and the usage of the roadways with bicyclists.

## **G. CONSENT CALENDAR**

### **1. Minutes Adoption - August 9, 2016 Regular Meeting**

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

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

Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

Mr. Hipple requested that Item No. 4 be pulled from the Consent Calendar.

Mr. Hill introduced Ms. Sharon Day, Assistant Chief Financial Officer, to the Board and James City County highlighting her duties.

Board members welcomed her, noting Ms. Day was a James City County resident.

Ms. Day gave a brief overview of her background.

### **2. Contract Award - Replacement Dump Truck and Snowplow - \$123,402**

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

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

Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

3. **Contract Award - Chickahominy Riverfront Park Water Main Replacement - \$147,227**

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

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

Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

4. **Contingency Transfer - Virginia Peninsula Regional Jail**

Mr. McGlennon noted the removal of this item was precipitated by unexpected expenses at the jail and mental health costs associated with the jail.

**H. PUBLIC HEARING(S)**

1. **Case No. ZO-0002-2016, B-1, General Business District, Amendments to Setback Requirements and Building Coverage Limits; and Case No. ZO-0003-2016, LB, Limited Business District, Amendments to Setback Requirements and Building Coverage Limits**

A motion to Postpone was made by Ruth Larson and the motion result was Passed.

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

Ayes: Larson, McGlennon, Onizuk, Sadler

Nays: Hipple

Mr. Jose Ribeiro, Planner, addressed the Board noting several locations under setback consideration as noted in a PowerPoint presentation and included in the Agenda Packet. He cited staff comments on these locations.

Mr. McGlennon questioned the floor space calculation and expressed concern about the coverage amendment.

Discussion ensued on this matter.

Ms. Larson requested staff research specific locations where these amendments would apply as there were no current applications in the County.

Additional discussion ensued on this matter.

Mr. Kinsman noted that with the Postponement motion passing, the Public Hearing would remain open until November 8 for Public Comment.

Mr. Tim Schmidt addressed the Board noting the Planning Commission's approval on the amendments. He cited specific elements of the Ordinances that the Commission had addressed.

Mr. McGlennon questioned the clarity and benefit of these requested changes. He noted the increase of retail square footage, but cautioned over-development. He further noted staff's innovative approach to the consideration of the amendments.

Mr. Hipple opened the Public Hearing.

1. Mr. Chris Henderson, 101 Keystone, asked if he would be allowed to

comment on the revision at the continuation of the Public Hearing. At the Board's affirmation, Mr. Henderson noted a project at Christopher Newport University that mirrored the innovative design and development of building use. He asked about the County's 40% Green Area requirement on sites. He cited statistical information on bio-retention, mixed use and Green Area requirements. He urged the Board to look at the best use of the mixed land.

2. **Case Nos. SUP-0008-2015/SUP-0011-2016, J.S.G. Mineral Resource Management Expansion and Special Use Permit (SUP)**

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

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

Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

Ms. Roberta Sulouff, Planner, addressed the Board regarding the application from J.S.G. Corporation to amend an existing SUP. She cited the specifics of the four uses of the revision to the SUP. She noted staff's proposals regarding this application and requested the Board's approval.

Mr. Schmidt addressed the Board noting the thoroughness of both the staff and the applicant's review of the plans and the revised changes. He also noted neighboring communities were pleased with the proposed changes and VDOT's review on the traffic impact.

Mr. Hipple opened the Public Hearing.

1. Ms. Caitlin King, Director of Business Development, J.S.G. Corporation, 8741 Richmond Road, addressed the Board with thanks to staff for its assistance. She noted the Corporation's business model, traffic impact and community input and requested the Board's approval of the SUP.

Mr. Onizuk asked about the auditory impact of this proposal.

Ms. Sulouff noted she had conducted the test and the surrounding ambient sound was more noticeable than the facility.

Discussion ensued on this matter.

As there were no additional speakers or discussion, Mr. Hipple closed the Public Hearing.

3. **Case No. ZO-0008-2016, Article 1, Section 24-16, Proffer of Conditions**

A motion to Approve was made by Ruth Larson and the motion result was Passed.

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

Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

Mr. Kinsman noted the Board's decision regarding change to Proffers in association with residential development based on Virginia General Assembly legislature.

Mr. Hipple opened the Public Hearing.

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

4. **Ordinance Amendment to Change the Election Cycle from Block to Staggered Terms**

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

AYES: 3 NAYS: 2 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Larson, McGlennon

Nays: Onizuk, Sadler

Mr. Kinsman noted that if a change in the election cycle was the Board's decision, then the Board would need to adopt the following Ordinance.

Mr. Hipple opened the Public Hearing.

1. Ms. Rosanne Reddin, 4700 Presidents Court, addressed the Board regarding the change of term style and citizen voting rights. She stressed block terms for the constituents.

2. Ms. Penny Pulley, 20 Mile Course, discussed the use of staggered terms and its respective merits.

3. Mr. Joe Swanenburg, 3026 The Pointe Drive, discussed staggered terms and voting against the Amendment.

4. Ms. Judith Fuss, 3509 Hunters Ridge, spoke on staggered terms citing stability during transitions on the Board.

5. Ms. Barbara Henry, 141 Devon Road, also spoke on staggered terms and stressed her opposition to the Amendment. She cited historical reference to James City County Board of Supervisors' voting record and longevity on the Board. She requested voting against the Amendment.

6. Ms. Petra Nadal, 106 Indian Circle, noted a vote against the Amendment.

7. Ms. Janet Casanne, 3404 Waterview Road, cited staggered terms allowed for manipulation. She noted citizens should have input into redistricting.

8. Mr. Chris Henderson, 101 Keystone, noted staggered terms block voter participation and increase the difficulty of change occurring in local government. He noted Mr. Hipple, during his campaign, voted for block terms. He questioned this point with the evening's Ordinance amendment. He stressed citizen input and voter participation. He further stressed uniform terms should stand.

9. Mr. Jay H. Everson, 103 Branscome Boulevard, addressed the Board regarding equal treatment with voting.

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

Mr. Onizuk asked the County Registrar to explain redistricting and voting rights.

Ms. Dianna Moorman, General Registrar and Director of Elections, noted redistricting occurred every 10 years after census information was returned to localities. She noted it was impossible to forecast redistricting changes. She indicated that voter frequency can be impacted by redistricting.

Mr. McGlennon and Ms. Larson cited support of the staggered terms and cited their respective experiences with redistricting.

Mr. Onizuk and Ms. Sadler supported block terms noting voter rights versus political self-preservation.

Mr. Hipple thanked citizens on both sides of the discussion for their input. He cited his personal experience regarding his election to the Board, the circuit judge intervention during redistricting and the various duties all Board members perform regularly. He further explained his goal was achieving what was best for James City County and its citizens.

Ms. Sadler asked for clarification on what a yea versus a nay vote would indicate.

Mr. Kinsman indicated a yea vote would return to staggered term and a nay vote to stay with block term.

**5. Plat Vacation Request - Gate House Farms**

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

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

Ayes: Hipple, Larson, McGlennon, Sadler

Abstain: Onizuk

Mr. Max Hlavin addressed the application of a multi-ownership property in Gate House Farms. He cited the historical reference to the passive recreation property as it changed ownership from developer to bank to current ownership.

Mr. McGlennon asked for clarification on the property.

Mr. Hlavin noted the owners voluntarily relinquished some of the property to maintain its passive recreation status.

Mr. Hipple opened the Public Hearing.

1. Mr. David Black, 111 The Colony, served as representative of the various owners. He explained the quit claims deed and the passive recreation status was not really addressed. He noted the owners wanted to resolve the passive recreation situation and to assure the Board that no further development would take place by maintaining the Green Space status for the property in question.

Mr. McGlennon asked for clarification.

Mr. Black noted the property was not buildable due to the swamp.

Mr. Onizuk recused himself due to a conflict as a representative to the buyer of the property.

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

**I. BOARD CONSIDERATION(S)**

**1. Palmer Lane Office Building 1 Alterations**

A motion to Approve was made by Ruth Larson and the motion result was Passed.

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

Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

Ms. Moorman, General Registrar, addressed the Board seeking consideration of budget contingency transfer and contract bid award for 5300 Palmer Lane. She detailed the relocation of the Registrar's office and the project plans. Per Ms. Moorman, the current funding for the project was \$143,000; however, the total budget for this project's need totals \$183,000. She noted the Department of General Services was requesting \$40,000 be transferred from contingency to the facilities maintenance building improvement account for this purpose. She further noted that her office currently rented three storage units at approximately \$7,830 annually, and had been doing so for a while. She explained the consolidation of training facilities and supplies in one central area would be very beneficial and appreciated.

Ms. Larson noted space was limited in the current location and questioned if the new location would be enough.

Ms. Moorman stated yes and the inclusion of everything under one roof was imperative.

Ms. Larson asked how the relocation would be handled.

Ms. Moorman noted that according to state regulations, there were procedures in place to notify voters of the change, in addition to other requirements that staff would ensure took place for compliance with Virginia Election law. She added the new location was on a bus line, which had never been the case prior.

Discussion ensued on this matter.

2. **Approval of EDA Revenue Bond Issuance for the benefit of Virginia United Methodist Homes of Williamsburg, Inc. (dba WindsorMeade)**

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

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

Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

Mr. Russell Seymour, Director of Economic Development, addressed the Board regarding Item No. 2. He stated the revenue bonds were not considered bank qualified (BQ) funding and would not affect the County's BQ capacity.

Mr. Seymour introduced Mr. T.W. Bruno of McGuire Woods LLP, Richmond, serving as bond counselor for WindsorMeade.

Mr. Bruno addressed the Board and noted that due to federal tax laws, contact with the County was necessary as the request involved activity in James City County.

Mr. McGlennon noted previous County support for the WindsorMeade project and further noted the restructuring plan and community involvement.

3. **Concurrence with Issuance of Revenue and Refunding Bonds by Qualified Small Issuers in Mathews County, Lancaster County, City of Williamsburg and Northampton County, to assist Williamsburg Landing, Inc., Located in James City County, Virginia**

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

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

Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

Mr. Seymour noted the issuers in regard to the concurrence of the bonds for Williamsburg Landing and the EDA's position on the concurrence. He also introduced Mr. Kevin White, Kaufman & Canoles PC bond representative for Williamsburg Landing, and Mr. Greg Stoner, President and CEO of Williamsburg Landing.

Mr. White explained that Virginia law required concurrence if an outside jurisdiction was used for James City County. He cited bond requirements.

**J. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon noted he had had the opportunity to do many things.

Ms. Larson thanked Ms. Sadler for her continued support and Board work during a difficult personal time. She noted an update with more information will be forthcoming at the next School Liason meeting. She further noted changes to a committee working with the Superintendent regarding the County's schools. She added her thanks to Ms. Hall for her support in the process. She congratulated Alexa Halco, Jamestown High School student, who had won several medals at the Paralympics in Rio. She noted she wanted to recognize Ms. Halco for her accomplishments and representation. She stated the Planning Commission was considering revisions to the County Code to allow food trucks operating in certain zoning districts. As the Board representative to the Economic Development Authority, she noted B-1 zoning changes as noted for food truck operation. She requested staff prepare for the Board's consideration at the September 27 meeting an initiating resolution to that affect.

Mr. Onizuk noted Williamsburg Area Destination Marketing and Advertising Campaign would remove the booking engine from its site by an overwhelming vote of the committee. He noted other options. He stated at the Chamber of Commerce and Tourism Alliance meeting, the Executive Committee voted to continue the locality representation on the Committee. He expressed thanks to the Jamestown Beach Event Park staff and the community involvement. He noted the James City County Strategic Plan Open House was successful and he appreciated the community's response. He highlighted recent tourism statistics with revenue and thanked tourism partners for the success with the concerted effort. He wished Mr. Hipple a Happy Birthday.

Ms. Larson noted the Blues Festival taking place at Jamestown Beach Event Park over the weekend.

Ms. Sadler asked Mr. Hill for an update about the Toano Women's Club and the situation that occurred there.

Mr. Hill noted he was still conferring with staff and would provide an update soon.



Ms. Sadler thanked everyone for the support of the 911 ceremony in Toano. She also thanked everyone for support during her personal difficult time.

Mr. Hipple thanked all for their hard work.

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

**1. County Administrator's Report**

Mr. Hill noted his full monthly report was in the Agenda Packet. He further noted future meetings on the Strategic Plan and an online survey. He also noted the upcoming Neighborhood Forum. He thanked various groups for continued support and hard work.

**L. PUBLIC COMMENT**

Mr. Hipple opened the Public Comment.

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

**M. CLOSED SESSION**

**1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia and regarding the Williamsburg Area Arts Commission**

A motion to Enter a Closed Session was made by John McGlennon and the motion result was Passed.

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

Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

At 9:35 p.m., the Board entered into Closed Session.

At 9:43 p.m., the Board re-entered Open Session.

**2. Certification of Closed Session**

A motion to Certify the Closed Session was made by John McGlennon and the motion result was Passed.

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

Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

**3. Actions Resulting from the Closed Session**

A motion to Appoint Individuals to Boards and Commissions was made by John McGlennon and the motion result was Passed.

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

Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

Mr. McGlennon made a motion to appoint Mr. Robert Currie, to the Williamsburg Area Arts Commission, to fill the balance of a vacated term that expires on June 30, 2017.

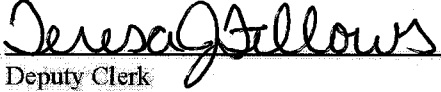
**N. ADJOURNMENT**

1. **Adjourn until 4 p.m. on September 27, 2016, for the Work Session**

A motion to Adjourn was made by Ruth Larson and the motion result was Passed.

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

**Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler**

  
Deputy Clerk