

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
March 14, 2017
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

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

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

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Campbell Daniel, second-grade student at Clara Byrd Baker Elementary School and resident of the Jamestown District.

E. PUBLIC COMMENT

1. Mr. Gary Carlile, 3724 Mesa River, addressed the Board regarding the condition of the streets in Monticello Woods.
2. Ms. Sally Starr, 4001 Owl Creek, addressed the Board regarding the condition of the streets in Monticello Woods.
3. Ms. Barbara Henry, 141 Devon Road, addressed the Board regarding an online checkbook register.
4. Mr. John Ancellotti, 105 James Longstreet, addressed the Board regarding an online checkbook register.
5. Ms. Rosanne Reddin, 4700 Presidents Court, addressed the Board regarding reinstating two public comment periods a month at a reasonable time, providing an online checkbook register and the multitude of road signs in the County.
6. Mr. Ben Sloane, 2052 Maidens Road, Maidens, Virginia, addressed the Board regarding the positive outcome of his locality instituting an online checkbook register.

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7. Ms. Betty Walker, 101 Locust Place, addressed the Board regarding public/private partnerships.
8. Mr. Chris Henderson, 101 Keystone, addressed the Board regarding an online checkbook register, the joint land use study between Newport News and James City County, return of budget surplus to taxpayers, defunding all Stormwater Capital Improvements Program projects, the expense of installing underground utilities on Longhill Road, moving the Board meeting time to 7 p.m. and supporting the Sheriff's request for funding.
9. Mr. Joseph Swanenburg, 3026 The Point Drive, addressed the Board regarding the time of meetings and an online checkbook register.
10. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board regarding the County budget surplus, the positive results of the drainage project in Peleg's Point and the proposed water plant on the Chickahominy River.
11. Ms. Kimberly Winn, 143 Hill Lane, addressed the Board regarding property taxes on her family's land.
12. Mr. Paul Schumacher, 102-A Tilghman Court, addressed the Board regarding an online checkbook register.

F. PRESENTATIONS

None.

G. CONSENT CALENDAR

1. Proposed Street Name Changes - 'Danderfield Court' to 'Dangerfield Court' and 'Pilgrims Circle' to 'Pilgrims Circle'

A motion to Approve was made by John McGlennon and the motion result was Passed.
 AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
 Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

2. Hampton Roads Hazard Mitigation Plan Adoption

A motion to Approve was made by John McGlennon and the motion result was Passed.
 AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
 Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

3. Dedication of the Streets in Phase 1B, 2 and 3 of the Stonehouse Tract 12 Subdivision

A motion to Approve was made by John McGlennon and the motion result was Passed.
 AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
 Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

H. PUBLIC HEARING(S)

1. LU-0002-2014. 8491 Richmond Road (Taylor Farm) Land Use Designation Change

A motion to Remand was made by Ruth Larson and the motion result was Passed.
AYES: 4 NAYS: 1 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, Sadler, Onizuk
Nays: McGlennon

Ms. Ellen Cook, Principal Planner, addressed the Board with an overview of the staff report included in the Agenda Packet.

Ms. Robin Bledsoe, Planning Commission, reported to the Board that the Planning Commission deferred this request because of concern about the water issue.

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

1. Mr. Randy Taylor, 7112 Church Lane, Toano, addressed the Board on behalf of the family with a review of the reasons for their request.
2. Mr. Chris Henderson, 101 Keystone, addressed the Board in support of the application.
3. Mr. Joseph Swanenburg, 3026 The Point Drive, addressed the Board in support of the application.
4. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board in support of the application.

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

Mr. Hipple noted that he definitely would not like to see this property developed into homes; rather, it is a perfect spot for economic development. He further remarked that a wrong done years ago in splitting the property in half for the Primary Service Area (PSA) needs to be fixed. He stated that it might be prudent to send this back to the Planning Commission for recommendations.

Ms. Larson concurred with Mr. Hipple and recommended sending the case back to the Planning Commission for further consideration and recommendations.

Ms. Sadler expressed her support of the Economic Opportunity (EO) land use designation, commenting that it is a perfect location for this purpose. She stated she also would like to see a wrong righted.

Mr. McGlennon asked Mr. Kinsman if the EO land use designation permits some residential development.

Mr. Kinsman stated that he believes it does permit some percentage of residential.

Ms. Cook confirmed that the Zoning Ordinance would allow it, pointing out that each area designated EO has a specific description written for it, so certain uses could be recommended or not recommended.

Mr. McGlennon asked if it would be possible to exclude residential from an EO zone.

Mr. Paul Holt, Director of Planning, answered that the specificity of language tailored for the property would come at the time of future rezoning or a Special Use Permit (SUP) request. He explained that the EO Ordinance allows up to 15% residential development of a property, which requires an SUP.

Mr. McGlennon noted that he was opposed to the change in land use designation, stating that he did not support the creation of the EO zone and does not see the value of it. Additionally,

development of this property would add to projected water needs.

Mr. Onizuk stated that he was generally in favor of the land use designation change to EO and would be very supportive of remanding the application to the Planning Commission for its insight, guidance and research on how to proceed.

Ms. Larson moved to remand the case back to the Planning Commission.

2. SUP-0012-2016. Chickahominy Summerplace

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

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

Ayes: Larson, Hipple, Sadler, McGlennon

Nays: Onizuk

Mr. Jose Ribeiro, Senior Planner II, addressed the Board with an overview of the staff report included in the Agenda Packet. General discussion ensued in reference to details of the proposal, including the Comprehensive Plan's criteria for Rural Residential Clusters, the proposed open space and traffic impacts to Jolly Pond Road.

Ms. Bledsoe reported on the Planning Commission's support of the application, but noted that there was a very long discussion about the proposal. She noted that it is a by-right property with a creative, less intense use being proposed, which is what convinced the Planning Commission to support it.

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

1. Mr. Tim Trant, Attorney with Kaufman & Canoles, 4801 Courthouse Street, addressed the Board on behalf of the applicant. He gave an overview of the project, highlighting the benefits of proceeding with a clustered development of one-acre lots versus the by-right development of three-acre lots.

General discussion ensued with respect to the economic impact the proposal would have on the County.

2. Mr. Joseph Swanenburg, 3026 The Point Drive, addressed the Board with his observations regarding the application.
3. Mr. Chris Henderson, 101 Keystone, addressed the Board generally in support of the application.
4. Mr. Tom Hitchens, 350 Thompson Lane, addressed the Board in opposition to the application.

As there were no other registered speakers, Mr. Onizuk closed the Public Hearing and asked Mr. Douglas Powell, General Manager, James City Service Authority, to come forward to answer a question Mr. Hipple had previously raised about central wells.

Mr. Hipple asked at what point does the County take control of a central well.

Mr. Powell replied that the County assumes operation of a central well once its construction is completed.

General discussion ensued concerning the cost of operating and maintaining central wells and

the Subdivision Ordinance that delineates the criteria for them.

Mr. McGlennon observed that the discussion thus far about the proposal is a reflection of the inability over several years of the Board to come to a conclusion about what kind of policy it wants in order to adequately direct development to the proper places.

Mr. Onizuk noted that this is a great topic of conversation for the Board.

Mr. Hipple stated that the Board needs to consider what is going to be done about County roads as new neighborhoods are added, noting this is a County-wide issue. He added that the PSA has always been a tool to specify where growth is allowed, but it is leaking out of the area more and more.

Ms. Sadler observed that three-acre lots would provide open space in itself and that property owners would be paying taxes on that land, commenting that her biggest issue with this application is taking 500 acres and putting it aside to where it is not taxable.

Mr. McGlennon observed that this is a very difficult case and he appreciates the challenge the Planning Commission faced in looking at this. He asked if the Board would be interested in deferring the case to the next regular meeting as it would be beneficial to have more time to digest the information and consider the impacts.

Mr. Onizuk stated that he looks at this application much as the Planning Commission did in that it is a by-right development with the same number of lots. If the developer had come in and asked for more density and more lots, he noted it would certainly be different, but the proposal meets the intention of density and may be a better fit for this community.

General discussion ensued as to whether or not to defer the application to the next regular meeting of the Board with the final decision being against a deferral.

At approximately 7:46 p.m., Mr. Onizuk recessed the Board for a break.

At approximately 7:52 p.m., Mr. Onizuk reconvened the Board.

3. SUP-0009-2016. 7206 Merrimac Trail Rental of Rooms

A motion to Approve was made by John McGlennon and the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

Ms. Lauren White, Planner, addressed the Board with an overview of the materials included in the Agenda Packet regarding an SUP to allow rental of rooms at 7206 Merrimac Trail.

Mr. McGlennon asked if any other applications have come in for this type of use.

Ms. White replied that there have not been any other applications like this.

Mr. McGlennon inquired if staff is working on developing a policy for these issues.

Mr. Holt answered that development of a policy has not yet been started as staff has been waiting to see what the General Assembly is going to do; however, it is slated to be a topic of discussion at the joint work session of the Board of Supervisors and Planning Commission in May.

Mr. Kinsman reported that the General Assembly has passed a bill reaffirming local land use

authority, and additionally the bill allows local governments to create a registry of short-term rental users, so if the governor signs the bill into law, which is due at the end of the month, that is something the Board can consider.

Mr. Onizuk inquired about the mechanism to ensure equality in tax collection.

Mr. Holt responded that the Commissioner of the Revenue would have that information.

Ms. Larson noted that she appreciates the applicant's due diligence in playing by the rules.

Mr. Holt related that there are a lot of ideas and desires for ordinances and policies and staff is hoping to gain through the joint work session some direction on the priority of items so they will know where to start and what is most important to the Board of Supervisors and the Planning Commission.

Mr. Kinsman pointed out that even if the governor does not sign the bill into law, the County still has its local land use authority and will continue to have the ability to issue SUPs with property-specific regulations versus general regulations.

Mr. Hipple asked about a Sunset Clause.

General discussion ensued about the appropriate use of a Sunset Clause to put an expiration on SUP conditions.

Ms. Bledsoe reported that the Planning Commission had a split vote on this application. She noted that it is one of the first applications to come through that truly deals with the sharing economy. Four of the Commissioners felt comfortable that the land use was appropriate, but three Commissioners had concerns about opening the door to a use for which the County does not have a policy.

Ms. Sadler asked if any neighbors came out and spoke at the Planning Commission's Public Hearing.

Ms. Bledsoe replied that there were no comments from neighbors.

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

1. Ms. Shelby Dillon, applicant, 7206 Merrimac Trail, expressed to the Board her understanding of the issues due to there not being a policy in place and asked if there were any questions she could answer.

Mr. McGlennon inquired about the issue of a covenant for this section of the neighborhood that would prohibit this type of enterprise. Additionally, he voiced concern that the property fronts on a commercial street and is surrounded by commercial activity.

Ms. Dillon responded that the property is so closed off that the only people they see are walking up and down the street and most people do not know they even exist.

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

Ms. Sadler asked if this could be deferred until a policy is in place.

Mr. Kinsman reported that Virginia Code requires a decision be made within a year of an application and that time has come.

Mr. Hipple observed that a Sunset Clause would cover what the Board is looking at and by the time it expires, a policy will be in place.

Mr. Onizuk stated that the applicant has been very patient with the Board and echoed Ms. Larson's appreciation that the applicant is trying to follow the proper channels.

Mr. McGlennon asked if it would be possible for the Board to not accept any applications of this kind until a policy is in place.

Mr. Kinsman noted that the Board lacks the legal ability to establish a moratorium on a particular type of application, but reminded the Board that when an application comes in it has a year to make a decision.

Mr. Onizuk commented that he is in general support of the sharing economy as it is an opportunity for private citizens to utilize their vehicle and/or home to produce income and he looks forward to discussing development of a policy with the Planning Commission.

Mr. McGlennon moved to adopt the resolution that includes a Sunset Clause.

I. BOARD CONSIDERATION(S)

1. Virginia Department of Transportation Project No. UPC 100921 Longhill Road Widening, Phase 1 and UPC 108805 Olde Towne Road at Longhill Road Turn Lane - Establishment of an Underground Utility District

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

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

Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

Mr. Holt addressed the Board with an overview of the proposal as included in the Agenda Packet.

General discussion ensued with respect to funding specifics.

J. BOARD REQUESTS AND DIRECTIVES

Ms. Larson asked Mr. Hill if a line item for Upcoming Dates of Interest could be added to the Board's agenda as she has noted this in the Economic Development Authority's (EDA) meeting agendas and thinks it would be helpful in providing reminders of special appearance opportunities.

Mr. Hill stated that he would look into this and make sure she gets an invitation and he will also ensure that the County's calendar system is working correctly.

Ms. Larson thanked Matthew Whaley Elementary School for inviting her to participate in Read Across America Day. She thanked County staff for a very informative Neighborhood Forum last week, which focused on litter and cleaning up James City County, noting that she had no idea that a cigarette butt did so much damage. She expressed concern over the possibility of losing funding towards the Chesapeake Bay because it is such a valuable waterway and urged people to get involved. She reported on her attendance at the EDA meeting last Thursday and thanked Mr. Jason Purse, Deputy County Administrator, for doing an excellent job.

Mr. Hipple reported that he has been kept busy attending meetings of the Hampton Roads Transportation Accountability Commission, Hampton Roads Transportation Planning Organization and Hampton Roads Planning District Commission. He noted that

he will have some information to share at the next Board meeting on some upcoming transportation issues that are very exciting. He announced that he will be running again to be on the Board of Supervisors and looks forward to serving the citizens of James City County another four years.

Ms. Sadler announced that she will be attending a Hampton Roads Military and Federal Facilities Alliance meeting in Chesapeake. She requested that the Board consider changing its meeting time to 6 p.m. as a compromise between the people who want it at 5 p.m. and those who would prefer a 7 p.m. starting time.

Mr. McGlennon reported on his attendance at a set of meetings for the Fort Eustis Joint Land Use Study and explained that the objective of the study is for Fort Eustis to help the localities involved identify potential conflicts that might arise in their land use so that when jurisdictions develop comprehensive plans they are prepared to deal with this issue. Another thing Fort Eustis wants communities to be aware of is the opportunity to work with them to make its recreational and other facilities available for use by citizens.

Mr. Onizuk reiterated his support of the online checkbook as mentioned in the Public Comments. In response to the citizen comment about defunding the Stormwater Capital Improvements Program, he reported that these projects and programs have a real benefit for citizens and are not just for some theoretical credits. He noted that he attended a Tourism Forum where he learned that the Commonwealth Cycling Classic that was scheduled for August has been cancelled due to loss of funding from the state. He concluded by indicating that he would like to meet with Mr. Hill regarding some concerns identified by leadership of the Williamsburg Area Destination Marketing Committee.

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

Before delivering his report, Mr. Hill called Mr. Holt to the podium to discuss some developments on the Hicks Island Road bridge.

Mr. Holt addressed the Board with an overview of the Hicks Island Road bridge replacement project, noting that staff will explore the item further with the Virginia Department of Transportation and prepare a Resolution of Support for the Board's consideration at its next regular meeting on April 11.

Mr. Hill reported that on March 19 there will be paving and milling work on Jamestown Road. The work will begin at 8 p.m. and proceed until 5 a.m. He announced that the Police Department will be conducting a one-day Firearm Safety course on April 1, April 17, May 6, May 22, June 3 and June 19. He directed citizens interested in signing up for a class to register online at jamescitycountyva.gov/police. Mr. Hill thanked the Board for allowing many of the staff, including himself, to be very involved with the community and reported that this has allowed him the opportunity to attend Lafayette High School football practices and to be an assistant coach at Jamestown High School. He then reminded the Board that its next meeting will be a joint meeting with the Williamsburg-James City County (WJCC) School Board and the Williamsburg City Council on March 17 at 9 a.m.

L. CLOSED SESSION

Mr. Onizuk stated that a Closed Session was not necessary for the two agenda items below.

1. Historical Commission Appointment

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: Larson, Hipple, Sadler, McGlennon, Onizuk

Mr. McGlennon made a motion to appoint Mr. Ian Brickey to the Historical Commission for a term that expires on June 30, 2020.

2. Appointment to the Community Action Agency Board of Directors

A motion to Appoint Individuals to Boards and Commissions was made by Ruth Larson and the motion result was Passed.

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

Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

Mr. Onizuk reported that Ms. Amanda Wheeler has applied to serve on the Community Action Agency Board of Directors to fill the current vacancy for a term that expires on September 25, 2017.

M. ADJOURNMENT

1. Adjourn until 9 a.m. on March 17, 2017 for the Joint Meeting with W-JCC School Board and Williamsburg City Council

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

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

Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

At approximately 8:48 p.m., Mr. Onizuk adjourned the Board.



Bryan J. Hill, County Administrator