

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**May 9, 2017**  
**5:00 PM**

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**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

**ADOPTED**

**JUN 13 2017**

**Board of Supervisors**  
**James City County, VA**

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Pledge Leader – John Geraghty, a 2nd-grade student at Clara Byrd Baker and a resident of the Stonehouse District

**E. PUBLIC COMMENT**

**F. PRESENTATIONS**

1. Proclamation Presentation – Madison Weiler

Mr. Onizuk read and presented the proclamation to Ms. Madison Weiler, commending her for her bravery and heroic actions under extreme and dangerous circumstances.

2. Busch Gardens Presentation – Mr. Dave Cromwell

Mr. Dave Cromwell, Park President, addressed the Board, giving a presentation about the events and activities planned for this upcoming season at Busch Gardens.

The Board thanked Mr. Cromwell for the presentation and for his service to the community.

3. Virginia Department of Transportation (VDOT) Quarterly Update

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

The Board thanked Mr. Carroll for the report and for his responsiveness to their calls and concerns.

Ms. Larson asked how roads in the City have gotten the flashing speed signs that tell drivers how fast they are going. She stated that a resident of her District asked if it was possible to get one of those in a neighborhood.

Mr. Carroll stated that he could look into that, but it is not currently one of their standard traffic calming measures.

Mr. Hipple asked why there is a "no turn on red" sign at the light on Centerville Road when exiting Lightfoot Marketplace. He questioned if it was because of the line-of-sight distance for oncoming traffic coming around the curve.

Mr. Carroll stated yes, that is why.

Mr. McGlennon asked about the Brookwood Road situation.

Mr. Carroll stated that the project was put out to bid and there were no bids received, so the project was redesigned and put back out to bid; hence, there has been a delay in the project.

Ms. Sadler asked about the repairs along Fieldstone Parkway.

Mr. Carroll stated that the repairs are temporary until they can figure out the best way to address the leak in the pipes in the shoulder area.

Mr. Onizuk commended the improved traffic flow in the Monticello corridor with the flashing yellow turn signals.

## **G. CONSENT CALENDAR**

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

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

Ayes: Larson, Hipple, McGlennon, Sadler, Onizuk

1. Minutes Adoption – April 18, 2017, Budget Work Session and April 25, 2017, Regular Meeting
2. Grant Award – Commonwealth Attorney – National Association of VOCA Assistance Administrators – \$5,000
3. Grant Appropriation – Clerk of the Circuit Court – \$59,643
4. Supplemental Grant Award – Commonwealth Attorney – Victim's Witness Grant Program – \$15,913
5. Grant Award – Sheriff – Byrne Justice Assistance Grant Program – \$1,580
6. Contract Award – Replacement Fire Pumper – \$639,829
7. Grant Award – Radiological Emergency Preparedness – \$30,000
8. Grant Award – Office of Emergency Medical Services EMS System Initiative Award – 12VAC-5-31-2860 Special Grant – \$15,096

9. The Birthplace of America Trail Study: Resolution of Support

**H. PUBLIC HEARING(S)**

1. Special Use Permit-0028-2016. Solar Electrical Generation Facility at Norge

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

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

Ayes: Larson, Hipple, McGlennon, Sadler, Onizuk

Mr. Paul Holt, Director of Planning, addressed the Board, stating that the applicant in this case has requested a postponement of the case until the July 11, 2017 Board meeting. The Public Hearing for the case has been advertised and therefore must be opened; however, staff concurs with the request from the applicant.

Mr. Onizuk clarified for the citizens in the audience that the Public Hearing would be opened and those that would like to speak may do so; however, if a citizen speaks tonight, they will not be able to speak at the July 11 meeting.

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

1. Ms. Nancy Kiel, 108 Wilson Circle, addressed the Board in opposition to the Special Use Permit application.
2. Mr. Dennis Cotner, 127 Wilson Circle, addressed the Board in opposition to the Special Use Permit application.
3. Mr. Ty Hodges, 1906 Ben Franklin Circle, addressed the Board in support of the Special Use Permit application.

As no other citizens wished to speak, Mr. Onizuk stated that the Public Hearing would be left open until after the postponement.

Mr. Kinsman stated that a formal motion to postpone until the July 11 meeting needed to be made.

2. Proposed FY 18-23 Secondary Six-Year Plan (SSYP)

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

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

Ayes: Larson, Hipple, McGlennon, Sadler, Onizuk

Mr. Holt addressed the Board, giving an overview of the memorandum included in the Agenda Packet.

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

1. Mr. Chris Henderson, 101 Keystone, addressed the Board in opposition to keeping the Longhill Road expansion projects on the SSYP.

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

Ms. Sadler asked about the purpose of including the Longhill Road phase 2 and 3 expansion projects on the list if they are unfunded.

Mr. Holt stated that while there is no funding identified yet, if we are able to accumulate funding, then that would be part of a smart scale funding application like what was utilized for phase 1. Funding that comes in as part of the SSYP would be prioritized to the projects listed.

3. Height Limitation Waiver-0002-2017. AB InBev Brewery

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

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

Ayes: Larson, Hipple, McGlennon, Sadler, Onizuk

Mr. Scott Whyte, Planner III, addressed the Board, giving an overview of the staff report included in the Agenda Packet.

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

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

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

A motion to Approve was made by Sue Sadler, the motion result was Passed.

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

Ayes: Hipple, Sadler, Onizuk

Nays: Larson, McGlennon

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

Ms. Sadler asked what "residential is subordinate to economic uses" means and what is required as part of that process.

Ms. Cook stated that the reason for utilizing that language is to convey that residential use is secondary and economic development is the primary use.

Ms. Larson asked if there was a known estimate of the number of residential units that could be built under the EO designation.

Ms. Cook stated that it would depend on what the applicant brought forward; however, staff did calculate some scenarios and included them in the staff report.

Ms. Sadler asked what the residential development potential is under the current zoning.

Ms. Cook stated that the portion of the property that is zoned A-1 the applicant could pursue any by-right use listed in the Zoning Ordinance, including a residential development of three-acre lots.

Mr. Onizuk asked the Planning Commission representative, Mr. Tim O'Connor, to give an update on the Commission's review and vote.

Mr. O'Connor stated that Ms. Cook did a good job covering the salient points, but to Ms. Sadler's question, the Commission intended for any residential use to truly be a secondary use and for economic opportunity to be the primary goal and use of the property.

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

1. Mr. Randy Taylor, Applicant, 7112 Church Lane, addressed the Board, asking for the Board to change the land use designation and to bring the entirety of the property into the Public Service Area (PSA).

Mr. Hipple asked Mr. Taylor if he could foresee a national builder coming in and building a housing development.

Mr. Taylor stated no, there is not even a plan to develop the property at all right now.

2. Mr. Frank Polster, 420 Hempstead Road, addressed the Board in opposition to including the remainder of the property into the PSA.
3. Mr. Chris Henderson, 101 Keystone, addressed the Board in support of the land use designation change.

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

Mr. Hipple stated that he does not want to see houses built on this property, but he wants to be able to help the owners shape the future of this property. By-right, a development could happen tomorrow, so by designating it EO there is the potential to keep it commercial. He stated given the location of the property, the roads coming in and out and the interstate not far away, there is real potential for commercial development.

Mr. McGlennon stated that he will not be supporting this land use designation change. He is not convinced that the EO designation actually accomplishes anything. He does not see any particular problem with leaving the property in its current designation for the time being. He does not support including the property in the PSA.

Mr. Onizuk stated that he will be supportive of the land use designation change. He believes that this property fits with EO specified language. He sees the inclusion in the PSA as more of the right thing and supportive of the EO designation.

Ms. Larson thanked the applicant for all of their patience in this process. Although she will not be supportive of the case this evening, it does not mean that she does not support the Taylor family. It is more along the lines of that the County is not prepared for what could happen with this property and the impacts on schools, transportation and public safety.

Ms. Sadler stated that she will be supporting this case this evening. She believes that including the property into the PSA is the right thing and will correct the wrong that was done to the family many years ago.

5. Sentara Lease Extension

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

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

Ayes: Larson, Hipple, McGlennon, Sadler, Onizuk

Ms. Liz Parman, Assistant County Attorney, addressed the Board, giving an overview of the memorandum included in the Agenda Packet.

Ms. Larson clarified that Parks & Recreation will not be adversely affected by the extension.

Ms. Parman stated that the Recreation Center does not plan to start utilizing that space until September, so the extension into the month of August is not a problem for them.

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

1. Mr. Chris Henderson, 101 Keystone, addressed the Board in favor of the extension.

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

**I. BOARD CONSIDERATION(S)**

1. Concurrence in Final Memorandum of Agreement (MOA): Army Corps of Engineers Permit for Surry-Skiffes Creek-Whealton Transmission Line

Mr. Maxwell Hlavin, Assistant County Attorney, addressed the Board, giving an overview of the memorandum included in the Agenda Packet.

Mr. McGlennon stated that he would recommend that the Board not concur with the final MOA and just continue their role as a consulting party.

The Board voiced their unanimous agreement with Mr. McGlennon.

**J. BOARD REQUESTS AND DIRECTIVES**

The Board generally discussed their activities in the community over the last few weeks.

Ms. Sadler stated that she has been talking to Mr. Kinsman about the discharge of firearms in the County. She has asked him to take a look at options for protecting the residents of Colonial Heritage until changes in the law can be made at the state level. She formally requested that a discussion about this topic be added to the upcoming Work Session Agenda.

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

1. County Administrator's Report

Mr. Hill announced that the Police Department will be hosting a Shred-A-Thon on June 3 at the Williamsburg/James City County Courthouse at 5201 Monticello Avenue, Williamsburg, 8:30-11:30 a.m. He also noted that a Family Fun Fest will be held on Saturday, May 20, 11 a.m.-4 p.m. at Chickahominy Riverfront Park.

Mr. Hill also noted that May is National Bike Month.

At 7:18 p.m., Mr. Onizuk recessed the Board of Supervisors in order to conduct the James City Service Authority Board of Directors meeting.

At 7:22 p.m., Mr. Onizuk reconvened the Board of Supervisors.

#### **L. CLOSED SESSION**

1. Discussion or consideration of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position of the public body, pursuant to Section 2.2-3711 (A)(3) of the Code of Virginia.
2. 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.

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

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

At 7:22 p.m., the Board entered into Closed Session.

At 7:55 p.m., the Board re-entered Open Session.

3. Closed Session Certification

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

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

4. Historical Commission Reappointments

A motion to Appoint Individuals to Boards and Commissions was made by Michael Hipple, the motion result was Passed.

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

The motion to Appoint was to reappoint Mr. Lafayette Jones and Ms. Chris Hamilton-Petteys to new three-year terms on the Historical Commission.

5. Economic Development Authority Appointments

A motion to Appoint Individuals to Boards and Commissions was made by Kevin Onizuk, the motion result was Passed.

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

The motion to Appoint was to appoint Mr. Rick Shippey to fill the balance of the vacated term left by Mr. Montgomery.

6. Williamsburg Area Arts Commission Appointments

A motion to Appoint Individuals to Boards and Commissions was made by Kevin Onizuk, the motion result was Passed.

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

The motion to Appoint was to appoint Ms. Arianna Heck to a new full term and Mr. Nicholas Vrettos to fill the balance of the vacated term left by Ms. Brown.

7. Clean County Commission Appointment

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

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

The motion to Appoint was to appoint Ms. Alexa Provost to a new full term on the Commission.

**M. ADJOURNMENT**

1. Adjourn until 4 p.m. on May 23, 2017, for the Work Session

A motion to Adjourn was made by Sue Sadler, the motion result was Passed.

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

At 7:59 p.m., Mr. Onizuk adjourned the Board.

  
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Bryan J. Hill, County Administrator