

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
October 10, 2017
5:00 PM

A. CALL TO ORDER

ADOPTED

B. ROLL CALL

NOV 14 2017

Ruth M. Larson, Vice Chairman, Berkeley District
Michael J. Hipple, Powhatan District
P. Sue Sadler, Stonehouse District - Absent
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 - Peg Boarman, Chair of the Clean County Commission

E. PUBLIC COMMENT

1. Ms. Barbara Henry, 141 Devon Road, spoke in remembrance of Ms. Betty Walker and then addressed the Board in regard to an online checkbook register and transparency of government.
2. Mr. Chris Henderson, 101 Keystone, spoke in remembrance of Ms. Betty Walker and offered condolences to the family of Mr. Bob Cline. He then addressed the Board in regard to grass cutting in medians, a master landscape plan for the Route 199 corridor, an online checkbook register, Williamsburg-James City County Public Schools achieving full accreditation and surplus revenue.
3. Mr. James Hubbard, 4196 Haymarket Lane, addressed the Board regarding funding of Williamsburg-James City County Public Schools.

F. PRESENTATIONS

1. Clean County Commission Annual Update

Ms. Peg Boarman, Chair of the Clean County Commission, and Ms. Dawn Oleksy, Environmental Coordinator, addressed the Board with an annual update on the Clean County Commission as included in the Agenda Packet.

2. Annual Report Presentation

Mr. Hill addressed the Board with a video presentation of the Annual Report.

Mr. Onizuk reported that the Annual Report video is available for citizens to view on the James City County YouTube channel. He thanked Mr. Hill and the entire team at James City County for all that has been accomplished in the last year.

G. CONSENT CALENDAR

Mr. Onizuk announced that Item No. 3, Dedication of the Streets in the Forest Heights Subdivision, was being pulled from the Consent Calendar.

Mr. McGlennon moved that the Consent Calendar be approved with the amended September 12, 2017 minutes included.

1. Minutes Adoption - September 12, 2017 Regular Meeting, December 13, 2016 Work Session, November 22, 2016 Work Session, May 10, 2016 BOS Meeting

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

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

Ayes: Larson, Hipple, McGlennon, Onizuk

Absent: Sadler

2. Appointment of Jennifer Hall as a James City County Animal Control Officer

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

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

Ayes: Larson, Hipple, McGlennon, Onizuk

Absent: Sadler

3. Dedication of the Streets in the Forest Heights Subdivision

Item pulled from the Agenda. No action was taken.

4. Dedication of a Street in Phase 7-A of the Greensprings West Subdivision

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

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

Ayes: Larson, Hipple, McGlennon, Onizuk

Absent: Sadler

5. Dedication of a Street in Section 3 and 6 of Phase 8 of the New Town Subdivision

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

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

Ayes: Larson, Hipple, McGlennon, Onizuk

Absent: Sadler

6. Dedication of a Street in Section 2 and 4 of Block 10 of the New Town Subdivision

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

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

Ayes: Larson, Hipple, McGlennon, Onizuk

Absent: Sadler

7. Virginia Department of Transportation Project No. UPC 112111. Route 630, Peach Street Paving Project and Amending the FY 18-23 Six-Year Secondary Plan

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

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

Ayes: Larson, Hipple, McGlennon, Onizuk

Absent: Sadler

8. Contract Award – Replacement Fire Tanker and Dive Rescue Vehicle – \$768,071

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

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

Ayes: Larson, Hipple, McGlennon, Onizuk

Absent: Sadler

H. PUBLIC HEARING(S)

1. SUP-0016-2016, 7-Eleven Convenience Store with Gas Pumps and Drive-Through Restaurant at Quarterpath

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

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

Ayes: Larson, Hipple, McGlennon, Onizuk

Absent: Sadler

Mr. Alex Baruch, Planner, addressed the Board with an overview of the staff report, proposed resolution and supporting materials included in the Agenda Packet.

Mr. Heath Richardson, Planning Commission, addressed the Board with a report on the Planning Commission's approval of the proposal.

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

1. Mr. Vernon Geddy, 1177 Jamestown Road, spoke on behalf of the applicant as well as 7-Eleven and Quarterpath at Williamsburg and offered to answer any questions the Board might have.
2. Mr. Chris Henderson, 101 Keystone, addressed the Board in favor of the application with one concern regarding the condition that the applicant install a median on Pocahontas Trail. In his opinion, there is no need for a median that would impede traffic flow in and out of the site.

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

2. SUP-0028-2016, Solar Electrical Generation Facility at Norge

A motion to Remand this case back to the Planning Commission was made by Ruth Larson and the motion result was Passed.

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

Ayes: Larson, Hipple, McGlennon, Onizuk

Absent: Sadler

Mr. Paul Holt, Director of Planning, briefed the Board on the applicant's decision to further investigate the feasibility of using a different entrance to the project. Rather than using Farmville Lane, the applicant has started to work with the Virginia Department of Transportation on the possibility of using Old Church Road. He reported that County staff will need time to research the request and will re-advertise. Since this request would mean a substantive change to the application, he noted that the Board might want to remand the application back to the Planning Commission for its consideration at the December 6, 2017 meeting.

Mr. McGlennon asked if the remand would come tonight.

Mr. Holt indicated that it would.

Mr. Onizuk opened the Public Hearing.

Mr. Onizuk noted that the two registered speakers for this case have decided to hold their comments until it comes back before the Board; therefore, Mr. Onizuk closed the Public Hearing.

I. BOARD CONSIDERATION(S)

1. FY2017 School Year-End Spending Plan Appropriation \$584,088

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

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

Ayes: Larson, Hipple, McGlennon, Onizuk

Absent: Sadler

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

Mr. McGlennon noted that in reviewing the materials submitted, it appears that actually the school bus replacement plan is running slightly ahead and asked for confirmation that there are no new replacement buses planned for the coming budget year.

Ms. Christina Berta, Chief Financial Officer, Williamsburg-James City County Public Schools, reported there were no replacement buses included in the FY 18 budget; however, 12 buses will be due under the current replacement cycle for FY 19. She noted that in an effort to be proactive, the request for appropriation includes four replacement buses.

Mr. McGlennon asked if in the next budget cycle there would be a reduction in the original proposal.

Ms. Berta confirmed that there would be a reduction from ten replacement buses to six that would be requested in the next budget cycle.

Mr. Onizuk inquired on the status of the bus driver shortage.

Dr. Olwen Herron, Superintendent for Williamsburg-James City County Public Schools, reported that currently there is a shortage of approximately 10 bus drivers; however, several people are going through training at this time and four drivers were appointed last week.

Ms. Larson asked Dr. Herron for confirmation that bus driver shortages is a nationwide problem and asked with a new school coming on board if discussions are already underway on how to address the issue.

Dr. Herron affirmed that it is a nationwide problem and noted that the school system is working on it all the time through advertising for new drivers and looking at ways to retain current drivers.

Mr. Onizuk commented that as a parent who has had children attending Clara Byrd Baker for probably at least the last decade it is probably well-timed that the cafeteria tables be replaced.

Ms. Larson thanked Ms. Berta for her service to the schools and wished her best of luck in her new job.

2. Regulation of Congregate Living Homes

A motion to inform the Planning Commission to discontinue any further consideration of changes to the County Code relating to congregate living homes was made by Michael Hipple and the motion result was Passed.

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

Ayes: Larson, Hipple, McGlennon, Onizuk

Absent: Sadler

Mr. Kinsman addressed the Board regarding the legal implications of regulating congregate living homes (i.e., group homes, Oxford Houses, etc.) with a summary of the memorandum included in the Agenda Packet. He stated that he cannot think

of any laws that the Board could pass that would withstand legal muster and make any appreciable change in the fact that Oxford Houses are choosing to locate in residential neighborhoods. He recommended that the Board move that the Planning Commission discontinue any further consideration of ordinance amendments to address this. He noted that the Board had requested that he write a letter to Oxford Homes requesting that it self-impose restrictions and indicated that he will do so in the coming week and copy the Board Chair.

Mr. Onizuk commented that he believes this has been part of the legislative agenda and that the legislators in Richmond can have an impact on this situation.

Mr. Kinsman remarked that the Federal Fair Housing Act makes individuals who are recovering from chemical dependencies in a home like this a protected class, so really it is pretty difficult to navigate any legal implications of attempting to regulate it. He reported that last year James City County and Williamsburg made identical requests for legislation to place limitations on what types of people are allowed in these particular facilities, but the legislation did not fare very well and was dropped.

Mr. Onizuk observed that this is a challenge that is being faced at state level as well.

Mr. Kinsman confirmed this.

Mr. Onizuk noted that a lot of these homes are located in his district and many citizens have spoken on this topic, and while the Board is aware of the concerns and will assist in any way that it can, its legal capacity to change anything is very limited.

Mr. Hipple clarified that Oxford Homes does not actually own the houses it uses, but rents them from homeowners.

J. BOARD REQUESTS AND DIRECTIVES

Ms. Larson announced on Ms. Sadler's part that Chickahominy Community Day is scheduled for Saturday, October 28, starting with a parade at 10 a.m. followed by activities, lunch and a talent extravaganza at the park. The festivities end at 4 p.m. and the entire community is invited to come and join the fun. She then reported on some of the activities she has participated in over the last few weeks including Jamestown Jams last Friday. She thanked staff for putting together Jamestown Jams and reported that this was a great thing for the season. She remarked that she was glad to see the area put to such use, that people are really excited about it and she hopes to see more events in the future. She stated that she and Mr. Hipple worked at the Food Bank on Elected Officials Day and she encouraged citizens to donate to food drives if they can because there are people going hungry in our area.

Mr. Hipple commented that helping out at the Food Bank on Elected Officials Day was a wonderful experience. He remarked that it is sad that there are children who are being provided meals during the week at school, but go home on the weekend and do not have what they need. He also wished his son, Sam, a happy 15th birthday. He thanked the citizens of James City County for their hospitality as

he has gone around visiting door-to-door and looks forward to serving on the Board for another four years.

Mr. McGlennon offered his condolences to the family of Ms. Betty Walker and observed that it was clear that she had a very strong passion for providing information to her fellow citizens as she made a special effort to attend Board meetings and express her opinions in good grace and humor. He reported on his attendance at the dedication of the new Virginia Department of Veterans Services office at the Dillard Complex on the campus of the College of William & Mary, noting that the facility is going to be very useful for the large veteran population in the area.

Mr. Onizuk wished Ms. Larson a happy birthday. He thanked James City County staff for a great Jamestown Jams season, acknowledging that they worked very diligently to put it together and provided a lot of volunteer hours. He also thanked the citizens for coming out and having a blast in a family friendly, safe environment. He echoed Mr. McGlennon's sentiments regarding the loss of Ms. Betty Walker and expressed his sympathy for the passing of Mr. Bob Cline, recognizing that he was a very avid supporter of James City County. He commented that there are a lot of fun things to do in James City County in the fall and coming up in December there will be tons of fantastic Christmas things to see and do, noting that it's still a great time to visit seven days a week.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Hill recognized the great job of staff and volunteers, especially Ms. Laura Messer, Event Coordinator, in organizing Jamestown Jams, remarking that this year's attendance eclipsed 3,200. He thanked the residents for coming out and noted that he is excited how the County is rolling into next year as well as having Billsburg Brewery opening soon. He referred the Board members to his monthly report and offered to answer any questions.

Mr. Hill made the following announcements for upcoming events in the County:

Household Chemical Collection and Computer Recycling

Saturday, October 14, 8 a.m. to 12 p.m., Warhill High School parking lot

Prescription Drug Takeback Initiative

October 28, 10 a.m. to 2 p.m., County Law Enforcement Center

Potentially dangerous, expired, unused and unwanted prescription drugs will be collected for proper disposal.

Trick or Treat

October 31, 6-8 p.m., children 12 and under

Police would like to remind anyone who will be driving to watch for children Trick or Treating as they might forget to watch out for you.

Mr. Hill thanked Ms. Jody Puckett, retired Communications Director, for her 22 years of service in James City County.

Mr. Onizuk asked when the Billsburg Brewery grand opening is scheduled to happen.

Mr. Hill replied that he believes it is October 27.

At approximately 6:07 p.m., Mr. Onizuk recessed the Board of Supervisors in order to conduct the Board of Directors meeting.

At approximately 6:09 p.m., Mr. Onizuk reconvened the Board of Supervisors.

L. CLOSED SESSION

Mr. Kinsman notified the Board that Ms. Sadler would like to participate in the Closed Session by telephone. According to the Board's adopted Remote Participation Policy, the Board must make a motion and vote to allow Ms. Sadler to participate telephonically from her home because she is ill and unable to attend the meeting.

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

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

Ayes: Larson, Hipple, McGlennon, Onizuk

Absent: Sadler

A motion to Enter a Closed Session was made by Ruth Larson, the motion result was Passed.

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

Ayes: Larson, Hipple, McGlennon, Onizuk

Absent: Sadler

At 6:10 p.m., the Board entered into Closed Session and Ms. Sadler joined the discussion telephonically.

At 6:25 p.m., the Board re-entered Open Session.

1. 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, Sadler, McGlennon, Onizuk

2. Consideration of a personnel matter, the appointment of individual(s) to the Peninsula Airport Commission (PAC) pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

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, Sadler, McGlennon, Onizuk

The Board recommended that Mr. McGlennon be appointed to serve on the Peninsula Airport Commission.

3. Consideration of a personnel matter, the appointment of individual(s) to fill a vacancy on the Planning Commission, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

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, Sadler, McGlennon, Onizuk

The Board recommended that Ms. Felice Pete be appointed to fill the balance of the unexpired term on the Planning Commission that expires on January 31, 2018.

4. Consideration of a personnel matter, the appointment of individual(s) to the Community Action Agency (CAA) pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

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, Sadler, McGlennon, Onizuk

The Board recommended that Ms. Sadler be appointed to the Community Action Agency Board of Directors for a term that will expire on September 25, 2022.

M. ADJOURNMENT

1. Adjourn until 4 pm on October 24, 2017 for the Work Session

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

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

Ayes: Larson, Hipple, McGlennon, Onizuk

Absent: Sadler

At 6:28 p.m., Mr. Onizuk adjourned the Board.


Bryan J. Hill, County Administrator