

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
July 23, 2019
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

Board of Supervisors

Michael J. Hipple, Vice Chairman, Powhatan District
Ruth M. Larson, Berkeley District
P. Sue Sadler, Stonehouse District
John J. McGlennon, Roberts District
James O. Icenhour, Jr., Chairman, Jamestown District

Scott A. Stevens, County Administrator
Adam R. Kinsman, County Attorney

Planning Commission

Odessa Dowdy
Julia Leverenz
Frank Polster
Danny Schmidt
Tim O'Connor (Absent)
Richard Krapf, Vice Chairman
Jack Haldeman, Chairman

ADOPTED

FEB 11 2020

Board of Supervisors
James City County, VA

C. BOARD DISCUSSIONS

1. Proclamation Presentation

Mr. Jason Purse, Assistant County Administrator, introduced Mr. Kojo Yankah, a scholar from Ghana and author of *From Jamestown to Jamestown: Letters to an African Child*, Ms. Arafua Aning, representative from the Jamestown District in Ghana, and Mr. Luke Pecararo, Director of Jamestown-Yorktown Foundation Curatorial Services.

Mr. Icenhour presented and read a Proclamation that recognized and celebrated the Jamestown District in Accra, Ghana, and the Historic Jamestown Island in James City County, Virginia. He proclaimed June 18 as "From Jamestown to Jamestown Day" in the County of James City. He awarded Mr. Yankah the Proclamation, a large County logo, and a James City County flag, as well as giving Mr. Yankah and Ms. Aning each a souvenir book from Jamestown.

The Board gave a standing ovation.

Mr. Yankah expressed his gratitude to the Board and citizens and stated that in 1994 he

attended the 375th Anniversary of the Arrival of the First 20+ Africans in British North America, which was held in Jamestown, Virginia. He stated it was important for him to look at the link between Jamestown, Virginia, and Jamestown, Accra, Ghana. He further stated Jamestown had the fort that was also a slave trading post and used Jamestown as his reference point to represent all the coastal towns in southwest Africa where slaves were captured and taken to the New World. He commented he had compiled this information into a readable fashion story, *From Jamestown to Jamestown: Letters to an African Child*, to tell the history of "our people" since that time. He remarked "Here with all my travels in this part of the world, those who have African descent do not know where they come from, similarly those on the continents have no idea what happened to those that went out as captives to the New World." He noted he tried to put all those pieces together in a very simple story, a painful story that had to be told so history was not distorted. He addressed Mr. Icenhour and stated he was happy to announce currently the book was out and it was his pleasure to present him with a copy of the book.

Mr. Icenhour expressed his appreciation to Mr. Yankah.

Mr. Yankah presented an additional copy of his book to Mr. Purse and thanked him for his collaboration.

Mr. Purse expressed his gratitude.

At approximately 4:08 p.m., the Board took photos and recessed in order to move into the adjoining Work Session room to continue the meeting.

The Board reconvened at approximately 4:28 p.m.

2. Briefing on the Update of the County's 2015 Adopted Comprehensive Plan, Toward 2035: Leading the Way, and Development of Other Strategic Plan Item

A motion to Approve was made by James Icenhour Jr, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Icenhour welcomed the Planning Commissioners in attendance.

At approximately 4:29 p.m., Mr. Jack Haldeman, Chairman, Planning Commission, called the Planning Commission meeting to order.

Ms. Tammy Rosario, Principal Planner, provided an overview of the County's 2015 Comprehensive Plan, *Toward 2035: Leading the Way*, methodology, scope, and timeline provided in the Agenda Packet. She stated staff had been making steady progress on the initiation of the Comprehensive Plan update. She further stated staff had worked to select a consultant to assist with the update in the development of several Strategic Plan operational initiatives. She commented Mr. Vlad Gavrilovic, Principal with EPR, P.C., would update the Board on this integrated effort and lead in discussion of some key questions. She further commented County staff worked with staff from the University of Virginia Center for Survey Research to conduct a citizen survey. She stated the Comprehensive Plan update would contain several key elements as noted in the memorandum included in the Agenda Packet.

Mr. Gavrilovic stated he was honored to be present in launching this landmark effort and to receive input and guidance from the Board and Commission. He gave an overview of the PowerPoint slideshow documented in the Agenda Packet, and pointed out he would speak in regard to the purpose, project process and roles, scenario planning, as well as next steps and

questions. He referenced a Consultant Team photo included in the Agenda Packet and gave a brief synopsis of the expert members of the team. He noted this was a more sophisticated approach to a Comprehensive Plan in terms of what goes into the process and what comes out. He explained computer models would be built for land use, transportation, infrastructure, and fiscal impacts, which would allow more information and data in an effort to analyze the County policy choices for the future. Mr. Gavrilovic remarked there would be models left behind that could assist staff in areas such as planning for proffers, the impact of development, infrastructure facilities, fire stations, and schools. He stressed this was especially important when going into the capital budget, Capital Improvements Program, and future updates to the Strategic Plan. He surmised this was a sophisticated scientific process, as well as one built on the cornerstone legacy of good planning by the County and highlighted the following reasons for this update:

- The State Mandate
- The County's Legacy of Prudent Planning
- Forces of Change
- Implementing the County's Strategic Plan

He reviewed the following 2035 Strategic Plan Initiatives:

- Land Use/Fiscal Evaluation of Proposed Large Land Use Changes
- Cumulative Fiscal, Infrastructure, Community Character, and Environmental Impacts of Expanding the Primary Service Area (PSA)
- Refine Fiscal Impact Model to Assess Development Impacts on Fiscal Health
- Update the Comprehensive Plan

Mr. Gavrilovic briefly addressed the following "Four Frameworks for this Plan Update":

- Refine the County's Vision for Growth and Protection of Quality of Life for the Next 25 Years
- Wisely Steward Public Resources in the Face of Future Uncertainty
- Create a Blueprint for Land Use and Infrastructure to Guide Private and Public Investment
- Set Realistic Priorities for Action

He discussed a summary schedule of five phases included in the Agenda Packet and noted it was a process that would take approximately two years. He further noted the current "laying the foundation" phase, which included two days of meetings with County staff and department heads, as well as laid a cornerstone for this collaborative process. Mr. Gavrilovic commented in the fall and winter these integrated models would commence being built and reach out to the community with a public forum through the County website. He discussed that over the spring and summer public input would allow for building of alternative scenarios and visions for the future. He concluded at that point information gathered would be brought back before the Board and Commission and community in an effort to see which was closest to the vision for the future. He commented that would provide the team the following winter to determine a clear direction of future land use vision policy framework that would be used to build the Comprehensive Plan and an implementation matrix. He discussed the roles and responsibilities in the process as noted in the PowerPoint document included in Agenda Packet. He briefly discussed new lens for looking at the Comprehensive Plan Scenario Planning, which was essentially a more scientific and objective crystal ball to answer key questions about what might be in store for the County in the future. He reviewed the slide titled "Why Scenario Planning" and explained scenario planning looked at alternative futures; whereas, traditional long-range planning looked at trends and projections. He stated he wanted to model the existing policy framework as well as hear what the community and policy makers said regarding the future vision and noted it should give a rich sampling of options and data. He

remarked that by organizing all the potential trends into a series of discrete land use scenarios and testing each one against the three models: land use, cumulative impacts, and fiscal impact, the Comprehensive Plan was built element by element. Mr. Gavrilovic stated the key issues in the project are the two uses of data and discussed a slide titled "Scenario Approaches" which included:

- Baseline - Our Current Path: Building Out Based on Our Current Land Use Policies
- Testing Alternatives: Informed by Public Forums and Input and Could Include Testing of Changes Inside the PSA and/or Rural Lands

He explained they are data driven which chooses policy direction based on the best performing results, and data guided which used data to guide policy decisions based on a range of considerations.

Mr. Gavrilovic reviewed the "Next Steps: Phase 1 - Laying the Foundation" slide which concentrated on the following:

- Engage the CPT and Planning Commission Working Group
- Develop Project Branding and Messaging
- Launch Project Website
- Analyze Existing Conditions

In conclusion, he noted two key questions that would help with this process:

- What questions should this process help you answer?
- How would you define success for this process?

Mr. Icenhour inquired if the Board had any questions.

Mr. Hipple stated he liked that the procedure was data driven and felt it provided an enhanced comfort level as well as a better process to be utilized in the future. He answered the question "What questions should this process help you answer?" with "Where the citizens would expect James City County to be" and "What are they looking for in James City County?" He commented the Board was a small group that knew how its members felt; however, citizen's choices needed to be recognized. He briefly discussed putting the metrics into place to achieve success.

Mr. McGlennon referenced the development process and asked how it was changing from past development. He reflected to previous development in years past and noted there had been changes in terms of the nature of residential and business developments. He asked how much of that was being driven by the way land was viewed in the past and if this was consistent with what was happening in other places. He mentioned after looking at the results of the survey there was an overwhelming concern about the rate of growth in the County and briefly discussed that issue. He stated in regard to defining success in the process, he felt the following questions were critically important:

- How had the lives of County residents changed?
- How had the economic environment been affected?
- What had happened to the physical environment in which we live?

Mr. McGlennon referenced housing and noted there always seemed to be a demand for more housing but less growth. He questioned if the focus could be on ways in which good housing could be more adequately provided, regarding safety and being more solidly built. He further questioned were there opportunities to revitalize areas that could sustain more population with better circumstances. He commented these were the types of things he felt could be useful. He

expressed his concern on everything being conditioned on more growth. He stated he would like to see if there were ways that could be recognized; whereas, improvement could be accomplished while moderating the rate of growth.

Ms. Sadler stated she wanted to make certain there was enough communication throughout the community. She further stated many people she had spoken to did not know what a comprehensive plan was and felt a measure of success would be that people were well educated in the process. She commented this was a very diverse community and wanted to ensure everyone was able to take part in the process, making communication critical. She remarked these were key things she would look for in order for the process to be successful.

Ms. Larson commented she would follow along that same path. She briefly discussed concern toward areas of the survey regarding racial respondents. She expressed the need for a broad base of information and communication in order to make decisions moving forward for things like growth, business, and economic development. She stated the defining success would be something to live, plan, and build on the future.

Mr. Icenhour stated he would start with an underling assumption that had always been made in the past, which was "a road pays for itself." He commented, "I think we find it does not, but how you quantify that and how you build your models to take that into consideration would be a very important part of the task before you." He further commented "there were many houses on the block not yet built and a huge capital budget trying to provide schools; therefore, looking forward we want to be sure and make more realistic decisions about how to pay for what will be required for that growth." He referenced the Comprehensive Plan survey and briefly discussed it was important to get that information and supplement it with public outreach. He noted the process of going from a division with a Comprehensive Plan through the Strategic Plan to the budget.

General discussion ensued on this matter.

Mr. Polster stated that when reviewing the survey responses to services and satisfaction, the question "How do you preserve the rural character of the County over the next 20 years?" stood out to him. He remarked when looking at the services and satisfaction it showed a cap analysis, so people wanted the rural character but were not satisfied with what the County was actually doing. He inquired about the tools and strategies used to preserve the rural character. He stated between the land use and scenario planning, there would be a better idea of those alternatives as they were presented to the community. He further stated that in Appendix E of the survey, there was a lot of sentiment about how to preserve rural character, and hoped there were tools and strategies inside of those comments that citizens were seeking. He noted the gap analysis needed to close and if it had not closed there were things left to do.

Mr. Krapf referenced the 25-year look ahead and stated he would like the questions addressed regarding the ability to develop a new revenue stream in the County. He commented the primary focus was on the tourism and hospitality industries. He noted the 2008 recession brought home the fact that those were the first industries affected by a down turning economy and the last to rebound. He briefly discussed the last Comprehensive Plan and noted he would like to see a discussion of "was there the ability to develop a new revenue stream and how long would that take and what were the trade-offs any time you develop a new revenue stream like that."

Ms. Leverenz stated the area had a lot of shoreline and as part of the scenario planning, it would be helpful for the County to know what might be the worst case if all that the doomsayers said about climate change came true. She briefly discussed this possibility and commented the County should be prepared and have some tools in hand.

Mr. Schmidt expressed his concern that we were a bit more fatuitous than our neighbors to the east. He questioned any kind of modeling that could be done, or perhaps was already being done, as the future population inevitably moved west.

Mr. Haldeman referenced the population forecast from the last Comprehensive Plan and commented the forecasts should be updated in this Comprehensive Plan. He regarded the fiscal, environmental, and traffic impacts and stated he would like to see "What this County would look like in 2040 or 2045 if the population hits this milestone or that milestone."

Mr. McGlennon stated many of those lots were in master plan communities and a question to ask was whether the original master plan was relevant today.

Ms. Larson mentioned tourism and remarked that even with the downturn of the economy, sports tourism did well in James City County and parents continued to travel and spend money. She noted a field house did not rate very high in the survey; however, it ended up paying off as a piece of revenue.

Mr. Hipple briefly discussed a scenario with a community the size of James City County and its evolution over a 30-year period, thus providing an idea of where the County could be in the future. He deliberated on future highways and transportation in areas of congestion and funding.

Mr. Schmidt inquired about neighboring counties involvement in the Comprehensive Plan. He referenced local home divisions that had been approved in nearby counties and the current congestion.

Mr. Hipple suggested a regional look at surrounding counties and how they were affected during the process.

General discussion ensued regarding traffic congestion issues in the area.

At approximately 5:12 p.m., the Board took a short recess.

At approximately 5:17 p.m., the Board reconvened.

Ms. Rosario introduced Dr. Thomas Guterbock, Ph.D., Director, Center for Survey Research at the University of Virginia, on the speaker phone.

Dr. Guterbock compiled the County's citizen survey results and was prepared to answer any questions. Dr. Guterbock expressed his regrets for not being able to attend the meeting in person, due to a traffic accident involving a tractor trailer and another vehicle on Interstate 64 at the time he was traveling to James City County. He located a nearby business and was able to participate in the meeting by speaker phone. He expressed his thanks to Ms. Rosario and Mr. Alex Baruch, Senior Planner, for their guidance throughout the project. Dr. Guterbock gave an overview of the James City County Comprehensive Plan Survey 2019 Report of Results as included in the Agenda Packet. He stated this was not a satisfaction survey, but was a survey aimed at receiving input to the comprehensive planning process; therefore, it focused on citizen's opinions on County services and included satisfaction questions. He noted there were more specific questions regarding land use and development which asked how residents felt about the County growing and what could be done to manage that growth. He commented there were also questions regarding communication and relay of information from the County. He briefly discussed the "Survey Methods" detailing how the survey was performed. He noted the slide that depicted the weighted data showing there were 1,060 completions; a response rate of 35.33%; and an overall margin of error of +/- 3.62%. He briefly discussed there were another 55 responses after the deadline cut-off and 207 with bad addresses. He summarized it

was a remarkable response rate, which spoke to the concern and involvement citizens had in the process. He moved forward and discussed the "Demographics" as well as the "Importance of Services," "Satisfaction with Services," and "Value with Services" and reviewed the details of its findings as shown in the Agenda Packet. Dr. Guterbock discussed the "Gap Analysis" portion of the presentation and stated "this was predicated on the idea that since you cannot be perfect at everything, you should focus your efforts on the things that people find most important." He reviewed the following greatest satisfaction gaps listed on the slide.

- Affordable Housing (33%)
- Roads and Highways (24%)
- Attracting Jobs and Businesses (20%)
- Preserving Rural Character (16%)
- Protecting Environment (15%)

Dr. Guterbock commented there was another way of putting importance and satisfaction together and discussed the slide titled "Priority Matrix" listing from the most to least important items. He discussed a slide section titled "Land Use and Development," and highlighted questions/response percentages regarding residential, office, retail, and industrial types of development in the County. He briefly discussed questions/response percentages regarding the opinions about development issues such as: "Developers Should Pay Fee to Offset Public Costs", "Farmland More Important than Development", "Residential Development Too Fast", "Better to have Small-Scale Retail/Offices in Neighborhoods", "Better to Have Homes on Smaller Lots to Preserve Land", "Less Development Important, Even if Taxes are Higher", and "Better to Have Mixed Income Neighborhoods". He further discussed topics highlighted in subsequent slides which included: "Importance of Proximity", "Rate of Growth", "Measures to Manage Growth", "Satisfaction with Communication", "Sources of Information", and "Rating of Website". In conclusion, Dr. Guterbock reviewed the slide titled "Summary of Findings".

Mr. Hipple inquired about the slide titled "Safety," included in the Agenda Packet, that showed the feelings of safety in daylight and evening hours as follows:

Daylight

77.2% Very Safe
21.5% Somewhat Safe
1.3% Somewhat Unsafe
0.0% Very Unsafe

Evening

46.0% Very Safe
44.2% Somewhat Safe
9.2% Somewhat Unsafe
0.5% Very Unsafe

Mr. Hipple inquired if this was something that could be attributed to the age of the community as it grows older.

Dr. Guterbock replied that was quite possible; however, there was a difference in the way this survey was conducted as compared to the one in 2014 and briefly discussed these differences and comparisons.

Mr. Schmidt inquired about any other dramatic changes between the two surveys.

Dr. Guterbock gave a brief overview of survey questions focusing on the variation in rate changes between the two surveys.

Mr. McGlennon congratulated Dr. Guterbock on the strong response rate. He inquired if the additional surveys that came in late would be seen or only the surveys weighted at the time of the deadline.

Dr. Guterbock replied there was a firm deadline to get this information in time for the planning process and briefly discussed this issue.

Mr. McGlennon inquired about the timeframe regarding the collection.

Dr. Guterbock replied approximately six or seven weeks.

Mr. McGlennon stated there was an extended and somewhat controversial case relating to affordable housing during that time period and asked if that might have affected the outcome on issues of mixed income development.

General discussion ensued regarding this topic.

Mr. McGlennon referenced the range of surveys done for localities across the Commonwealth or across the country, and inquired about the relative performance of James City County in terms of the rating of services.

Dr. Guterbock replied, overall very good.

Mr. Haldeman asked Dr. Guterbock when he made a statement such as "the rate of growth is too fast," was he referring specifically to the rate of growth and not the absolute amount.

Dr. Guterbock replied yes, that was his interpretation and it was his opinion that "it was not about the size, but how you are growing too fast."

Mr. Haldeman referenced "Figure III-1: Opinion on the Amount of Types of Development in James City County," page 21 (page 18 of the presentation) of the survey.

General discussion ensued regarding this data.

Ms. Dowdy inquired about existing vacant retail stores in the County.

Ms. Larson inquired about the language "now or approved" and asked if most people truly understood what was already approved.

Dr. Guterbock replied it was his opinion that the vast majority of people were not aware of particular developments, with a minority of people following things very closely.

Mr. Polster stated "you mentioned the qualitative nature of Appendix E and in your report you indicate that you have not yet figured out how to display that quantitative information. Are you going to be able to give us some indication of the form of that quantitative data? I did a word frequency for the rural piece on the first question and went back and highlighted the word 'rural' to get a context of that frequency." He found it interesting to see things like "preserve farming" that reinforced the gap analysis. He commented he was interested to see if something like that had been done for the growth piece, because those qualitative pieces told a little more about the context of what was being said.

General discussion regarding this topic ensued.

Mr. Icenhour expressed his gratitude to Dr. Guterbock on behalf of the Board.

3. Proposed Ordinance Revisions

Mr. Paul Holt, Director of Community Development and Planning, gave an overview of the memorandum included in the Agenda Packet. He stated before leaving the topic of comprehensive planning, the Board may wish to identify the current impacts of residential dwellings on public facilities and resources, and affirm its goals for workforce housing. He noted two draft resolutions were included in the Agenda Packet for consideration and gave an overview of each resolution.

Mr. McGlennon suggested a couple of editorials on the resolutions, such as taking into account the cost of land associated with various infrastructure to incorporate public transit along with the automobile, pedestrian, and bicycle traffic. He also suggested the Board take a closer look at these matters in terms of impacts and discussed this issue noting past examples.

General discussion ensued.

Mr. Hipple inquired if Item No. 7 listed on the resolution could be further explained.

Mr. Holt stated Item No. 7 was to implement the recommendations of the watershed studies the Board had seen and adopted.

Mr. McGlennon stated in regard to workforce housing, he was uncomfortable with using James City County's Area Median Income (AMI), due to it being an unusually wealthy community. He further stated the use of the County AMI would drive up the cost of what would be defined as "affordable housing." He commented "if we were talking about that being affordable housing, it did not mesh with what I think was being reflected in public comments about wanting to have more housing available to people who cannot currently afford housing in the County."

Mr. Polster reflected the same concern and referenced page 10 of the Workforce Housing Task Force report which read "... in 2018 the average home price in the County was \$316,500." He noted that according to the Federal Reserve Bank of St. Louis, the average for the United States as a whole was \$317,400 and thus, at the average, James City County did not have overly expensive housing. He stated according to the report an annual income of \$79,000 was required to purchase a median priced home and commented the County AMI was \$80,000. Mr. Polster further stated the median rent in 2016 was \$1,236 per month and the annual income required to comfortably carry such rent was \$49,400, both of which would be higher in 2019 due to inflation. With these findings, he concluded a household would need to earn 65% of AMI to afford the average rent in the County. He stated the problem lays not with the averages, but with the mismatched dispersion around the average. He noted the older housing opportunities policy went up to 120% of AMI and felt the filter should be much lower than 100% perhaps as low as 50%.

Mr. McGlennon stated that was the dilemma faced in the County and suggested perhaps allowing the market to play itself out.

Mr. Holt discussed he would go back and reverify the methodology as this was an area-wide median income and did not think it was an AMI specific to this jurisdiction. He stated previous documents referenced affordable and workforce housing which focused on household incomes between 30-120% of AMI. He further stated the Workforce Housing Task Force spent a lot of time trying to get its mission and value statements correct in what it was trying to achieve. Mr. Holt commented when all was said and done the Workforce Housing Task Force recommended looking at a range of 30-100% of AMI, but much of this work would continue

through the Comprehensive Plan. He noted questions could be part of the Comprehensive Plan update conversations regarding the range of AMI and commented the 100% figure was used as a reflection of work by the Workforce Housing Task Force.

Mr. McGlennon expressed his appreciation that the Workforce Housing Task Force recognized the 120% figure was unrealistic as a way of dealing with housing affordability.

Mr. Hipple commented it would be nice to know how it compared to the region.

Mr. Polster stated there was reference to "affordable" however, no definition of "affordable" was given.

Mr. Holt stated it would be part of the "fact sheet."

Mr. Polster again referenced the Workforce Housing Task Force report and read "... the Board aspires for at least 20% of residential dwelling units in the County to be offered for sale or made available for rent as follows ...". He stated "new residential dwelling units", might be text that was intended and therefore would add the word "new" as a modifier.

Mr. Holt stated it was a general aspirational statement which might be revisited and at this point staff would recommend not adding in the additional language. He stated staff would come back before the Board as the Comprehensive Plan update continued, with things such as recommendations for improved financial models and improved calculations based on new methodology.

General discussion ensued.

Mr. McGlennon stated the Board was asking for something to verify the numbers and consider if it wanted to set the 100% figure previously mentioned.

Mr. Icenhour clarified that his fellow Board members were referencing the goals for the Workforce Housing Task Force resolution and would like staff to work on it and bring it back before the Board at its next meeting.

Mr. Hipple replied correct.

Mr. Icenhour asked if there was a consensus from the Board.

The Board members agreed.

Mr. Icenhour stated the original resolution titled "Impacts to Public Facilities and Resources Related to Residential Dwelling Units" along with its edited version by Mr. McGlennon, would be brought back before the Board at its next meeting in an effort for all the Board members to review.

4. Proposed Zoning Ordinance Amendment to Section 24-16, Proffer of Conditions

Mr. Holt gave an overview of the memorandum and proposed Ordinance revisions included in the Agenda Packet. He stated staff would be following the same format being consistent with previous work sessions where Ordinance amendments had been discussed. He commented staff would provide a brief synopsis of the item and options available, followed by recommendations of the Policy Commission as applicable. He referenced Section 24-23 of the Zoning Ordinance and noted all final development plans should be consistent with Board adopted master plans, but may deviate from the master plan if the Planning Director concluded

that development plans did not contain significant changes. He further noted that at its May 22, 2018 work session, the Board asked the Commission to consider limiting the number of residential dwelling units that could be transferred by a master plan consistency determination under Section 24-23. He concluded since that time the Policy Committee had discussed that section and possible revisions.

Mr. Haldeman referenced the Ordinance revisions previously mentioned and noted they were written by the Policy Committee with help from Planning staff. He stated this was then referred to the Planning Commission without a recommendation and the Planning Commission voted unanimously 6-0 to recommend this Ordinance not be adopted by the Board of Supervisors. He noted "we did it without making any changes to the Policy Committee's work."

Mr. Icenhour cited this came back to issues he raised earlier, one regarding Stonehouse and the other concerning master plan issues in New Town and Ford's Colony. He noted the Planning Commission had recommended to leave it alone.

Mr. Holt confirmed the consensus was not to advertise this item or bring it forward to the Board.

Mr. Icenhour replied correct.

Mr. Holt referenced Item II in the memorandum, titled "II. Ordinance Amendments to Address Protections for the Public Water Supply and Areas of Public Health and Water Quality Sensitivity" and gave an overview of the memorandum included in the Agenda Packet.

Ms. Leverenz stated a great deal of information was discussed at the last meeting of the Policy Committee. She noted the Chesapeake Bay Ordinance currently covered perennial streams and a 100-foot buffer around the reservoirs. She further noted this would duplicate the Chesapeake Bay Ordinance on perennial streams and intermittent streams and add a 100-foot buffer. She remarked that in order to prevent overlap and make this less confusing, the Policy Committee decided it would add intermittent streams as well as add the 100-foot buffer around the reservoir and let perennial streams remain adequately covered by the existing Ordinance.

Mr. Hipple clarified that would be 200 feet for the reservoir.

Ms. Leverenz replied yes and 100 feet for the intermittent streams, which were not covered by the Chesapeake Bay Ordinance.

Mr. Hipple expressed concern regarding gasoline and oil underground storage tanks somehow leaking into the waterways. He further expressed concern regarding restrictions on any type of lots or housing developments.

General discussion ensued regarding this matter, potential contamination, and surrounding locality protections.

Ms. Leverenz inquired if there were any comments, questions, or concerns regarding the inclusion of intermittent streams.

Mr. Hipple replied he had concern regarding as what was being added, a stream which was only active six months a year could limit what someone was able to do with their land.

Ms. Leverenz inquired if there were any advantages to limiting anything with regard to intermittent streams. She stated if intermittent streams were not covered at all we could not regulate anything. She noted the first question was if intermittent streams should be considered

being put in this Ordinance, without the question of to whom it applied.

Mr. Hipple briefly discussed intermittent streams seasonally impacted, with dry in the summer but contained water in the winter.

Mr. Holt replied intermittent streams were not covered by the Chesapeake Bay Ordinance.

General discussion ensued.

Ms. Larson clarified with Ms. Leverenz that her recommendation was 100 feet.

Ms. Leverenz replied 100 feet around the intermittent stream.

Mr. Holt commented this would not be duplicative of the Chesapeake Bay Ordinance.

Mr. Hipple stated if someone had a "tight lot" they were not going to put anything on it.

Mr. Icenhour stated it would depend on what it was restricting and referenced the memorandum.

Mr. Hipple referenced a handout provided by Ms. Leverenz. He briefly discussed the impact of an additional 100 feet in an area set for developing in James City County and the potential for contamination.

Ms. Sadler clarified if Mr. Hipple meant "restricts specific uses" as opposed to "putting in an entire buffer around the whole thing."

Mr. Hipple replied yes.

Mr. Icenhour inquired "restrict specific uses where?"

Mr. Hipple replied within a certain area around a reservoir.

General discussion ensued regarding this issue.

Mr. Icenhour expressed concern of not getting "hung up" on buffers, but instead focusing on uses to regulate and keep from getting "that stuff" into the watershed.

Mr. Hipple stated if the buffer was not considered certain existing properties would never become anything due to the regulations.

Mr. Icenhour stated we want to prohibit or limit the discharge of things that would actively hurt the water supply anywhere within the watershed. He further stated he did not know if we needed to get wrapped up in buffers or footage; or to say "here are the uses for the watershed."

General discussion ensued.

Mr. Holt stated staff could come back before the Board with a larger representative map of all the Skiffes Creek reservoirs and show the concepts with 200- and 100-foot buffers. He further stated the way the Ordinance was currently written, the intent would be to leave those buffers generally undisturbed. He briefly discussed a scenario if the provisions within all of the watershed for Skiffes Creek Reservoir in the draft Ordinance were the focus.

Mr. Icenhour stated he was looking for performance requirements and backup when dealing

with what could potentially come from normal uses like a service station, as opposed to others that had no place in the watershed.

Mr. Hipple noted that would take care of the 200-foot buffer, because what was going in next to a reservoir could be regulated.

Mr. Holt stated correct and noted it would be limited to those uses.

Mr. Hipple stated he would like the map extended down and extended to the other reservoirs so that the entire scenario could be seen.

Ms. Sadler inquired how this would affect existing farmers.

Mr. Holt replied adding specifically in the Ordinance was the best way to administer the Ordinance and to know exactly what the Board wanted.

Mr. Icenhour inquired if there were any agricultural-related feedlots or livestock impoundments in the buffer zones that had been reviewed.

Mr. Hipple remarked there needed to be caution because we were promoting agri-tourism.

Mr. Icenhour stated there was a difference between agri-tourism and feedlots, and the question was "Where would it be appropriate?"

Mr. Hipple replied A-1, Zoning, which was around most upper end County reservoirs. He suggested incorporating a definition of "feedlot."

Ms. Sadler inquired about the definition of an "impoundment".

Mr. Holt replied everything upstream of a dam.

Ms. Sadler inquired about "livestock impoundment."

Mr. Holt replied in that context it was everything on the inside of a fence.

Mr. Schmidt stated it might be a good idea to have some type of buffer between pesticides and herbicides.

Ms. Sadler remarked it was not the farms, it was the lawns.

Mr. McGlennon stated the impact of commercial agricultural activity within the 200-foot buffer could potentially contaminate the drinking supply.

Ms. Larson inquired if this subject had been discussed with the Economic Development Authority (EDA) because it was actively pursuing this area.

Ms. Leverenz inquired about intermittent streams.

Mr. Holt clarified the items staff would bring back before the Board.

Ms. Sadler inquired about farmland at the upper end of the County.

Mr. Holt stated if the Board wanted staff to bring back something other than enlarged watershed maps as well as reaching out to the EDA, to let him know.

Ms. Leverenz stated "residential, particularly subdivisions" should be added to the list of definitions clarified.

Mr. Holt stated from the staff's perspective it may be helpful to see if there was a consensus on use before bringing in additional definitions. He further stated he would bring back, at the James City County level, the existing definitions.

General discussion ensued.

Mr. Holt reviewed Item III in the memorandum. He inquired if the Board wanted staff to review prospective Code provisions on restricting parking of heavy vehicles in residential neighborhoods.

Ms. Larson noted there had been a lot of feedback from residents who were not in favor of that type of equipment being on neighborhood roads.

Mr. Hipple inquired what the Code would look like if someone had worked late and brought the vehicle home noting this was an unusual circumstance.

Mr. Holt responded he did not know; however, discussion would need to take place with the Police Department.

Mr. Hipple stated the Fire Chief would need to be included in that particular discussion, point in case, a large vehicle was on the road and limited access to neighbors beyond the point where there may be an emergency.

Ms. Leverenz inquired if this covered "monster" recreational vehicles.

Mr. Holt replied most Codes expressed that in terms of gross vehicle weight or the number of axles.

Mr. Haldeman referenced inoperative vehicles and commented one of the items on the Use List for the A-1, General Agriculture was Automobile Graveyards.

Mr. McGlennon clarified these were operable big trucks.

Ms. Larson remarked that a constituent had reached out to her, concerned about the same type of situation going on in her neighborhood.

Mr. Holt reviewed Item IV in the memorandum. He stated ORD-19-0002 put back in practice the ability for the County to accept proffers as part of new residential developments or amendments where residential units were proposed. He noted this item had been reviewed by the Planning Commission who had added some specificity with applicable reference to the State Code. He remarked "before this comes before the Board for a vote, it is recommended that this return to the Planning Commission."

The members of the Board of Supervisors and Planning Commission agreed.

D. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour asked his fellow Board members if they had any Board requests and directives.

Mr. Hipple replied no.

Ms. Larson replied recycling continued to be a concern. She stated she wanted to acknowledge hearing from citizens who had not gotten a cart; did not want a cart; carts not being picked up; as well as homeowner associations concerned about getting carts out of the way. She noted even with all the aggravation, she continued to give kudos to General Services. She expressed her appreciation for everything the County was doing, but felt frustrated by the whole process. She commented that information regarding recycling needed to continue to be forthcoming. Ms. Larson remarked she would not be present at the August 2019 meeting.

Mr. McGlennon inquired if anyone was keeping count of the number of homes whose recycling was being picked up on a weekly basis. He remarked that in the past week he noticed a significant decline in the number of recycling bins placed at residential curbs and noted this was before people were being billed for the service.

Mr. Stevens replied he would assume counts for the initial month were being kept, but would find out that information.

Mr. McGlennon mentioned he attended a memorial for Mr. Rob Till, Director of Grove Community Garden, and expressed thanks to Parks and Recreation staff for the work it did in making the facility available and providing support for the event.

Ms. Larson stated her concerns with recycling and its fiscal impact. She further stated she wanted to stay abreast with the number of people opting out. She noted if someone was opting out they were increasing their trash and therefore the private providers might raise their fees.

Mr. Stevens replied the Virginia Peninsulas Public Service Authority (VPPSA) has the contract with TFC Recycling to pick up carts and noted there was language in the contract that protected the County in terms of lowering the number. He stated TFC Recycling would like all 25,000 households to stay in the program and noted that presently the count was down to approximately 21,000 households. He estimated a loss of a few more thousand participants once billing begins, approximating the number of participants to be 15,000-20,000. He mentioned he felt the change in the name, with TFC Recycling on the side of the carts that were delivered, was a concession that VPPSA gave so that TFC Recycling could use the carts elsewhere. He commented "in terms of the garbage cost going up, it could be months before the collectors on that side see their tonnages change and know that is a real change in what they have seen before. I think it could have an impact on what people pay for garbage service, but it may be six months removed or a year removed and by that time you may or may not equate it to being because of the recycling change or lack of people recycling as much. I do not know how to answer that question exactly, but in concept I am with you. I think it is likely it could cost people more for garbage service, for a number of factors, but recyclables going into the trash is certainly one of those."

Ms. Larson stated she hoped the County would continue to educate about the importance of recycling.

Mr. Stevens replied absolutely.

Mr. Icenhour referenced an explanation he received in regard to recycling different types of plastics and asked if the information was on the County website.

Mr. Stevens replied he would make sure it was on the County website.

The Board expressed its thanks to the Planning Commission for its time at this meeting and the hard work it had done.

E. CLOSED SESSION

None

F. ADJOURNMENT

1. Adjourn until 5 p.m., on August 13, 2019, for the Regular Meeting

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Haldeman asked for a motion to Adjourn the Planning Commission Board.


A motion to Adjourn the Planning Commission was made by Julia Leverenz, the motion result was Passed.

AYES: 7 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Odessa Dowdy, Jack Haldeman, Richard Krapf, Julia Leverenz, Frank Polster, Danny Schmidt

At approximately 7:04 p.m., Mr. Haldeman adjourned the Planning Commission.

At approximately 7:05 p.m., Mr. Icenhour adjourned the Board of Supervisors.


Deputy Clerk