

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
August 13, 2019
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

Michael J. Hipple, Vice Chairman, Powhatan District
Ruth M. Larson, Berkeley District-Absent
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

ADOPTED

SEP 10 2019

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

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Williamsburg Youth Baseball League (WYBL) 2019 Babe Ruth 7U All-Star Team, led the Board and citizens in the Pledge of Allegiance

Mr. Icenhour noted Supervisor Sadler would make the introductions for the WYBL All-Star Team.

Ms. Sadler stated "that would be Grandma tonight." She noted the Pledge Leaders for the evening consisted of the members of the WYBL 2019 Babe Ruth 7U All-Star Team. She introduced Coach Ricky May and welcomed him to the podium for the team and coach introductions.

Coach May thanked the Board for the invitation and announced the following team members:

Bryce Jennings (#8)
Jose Perez (#9)
Graham Stevens (#5)
James Trogdon (#18)
Connor Schultz (#6)
Brayden Murdock (#10)
Preston Henry (#7)
Jackson May (#21)
Jimmy Kokolis (#4)
Derbin Bourne (#25)

Coach May noted several players were not in attendance. He introduced Assistant Coach Pete Kokolis.

Ms. Sadler thanked the players and noted each one would receive a certificate with their name

and number as well as James City County pins. She noted their record highlights included the first ever State of Virginia 7U All-Star Tournament title with zero losses during the competition in Glen Allen, Virginia. Ms. Sadler also noted she was the proud grandma of No. 6, Connor Schultz.

E. PRESENTATIONS

1. Historical Commission Annual Update

Mr. Icenhour introduced Mr. Stephen Phillips, Historical Commission Chair.

Mr. Phillips highlighted the mission of the James City County Historical Commission, its membership roster, and he recognized Ms. Tori Haynes, staff liaison to the Commission. Mr. Phillips gave a PowerPoint presentation documenting the Commission's Essay Contest and its winners, the Norge Depot Association work, funding for the Toano sign repair, and assistance with the Toano Commercial Historic District and its recognition on the National Register of Historical Places. He noted ongoing projects included work on the Ambler House (the James City County property at Jamestown Event Park), a study on the Ewell Hall house for remediation, community interaction on the July 4 weekend at the Tomb of the Unknown Patriot, and the ongoing initiative of the Log Cabin Beach marker project. Mr. Phillips presented upcoming events and projects for 2019-2020 also included: County tourist publications including a revised paper map and a Google maps project, Elizabeth Bland Grave Marker at the Church on the Main, Stonehouse Archaeology Study, and the 75th anniversary of the end of World War II and local veteran recognition. Mr. Phillips provided information for contacting the Historical Commission in his presentation and welcomed anyone interested to volunteer.

As there were no questions, the Board thanked Mr. Phillips.

2. Jamestown High School Envirothon Team Recognition

Mr. Icenhour noted Jamestown High School science teacher, Mr. Charles Dubay, started the Envirothon program in 1997 when the school opened. Mr. Icenhour further noted the legacy of the school's program. He stated this year the team had participated in both regional and state competitions where it placed first place overall in both events. Mr. Icenhour further noted the team's recent participation in the international-national Envirothon competition in Raleigh, North Carolina, where it placed first overall. Mr. Icenhour stated James City County's culture honors and supports citizens who make significant efforts to improve the community. He commended the students for their contributions by tackling real world environmental problems, researching ways to address them, and finding solutions. Mr. Icenhour introduced the team members in attendance: Ms. Audrey Root, Ms. Lisa Small, and Mr. Joseph Kang. He noted Ms. Anna Song and Ms. Rachel Smith were not in attendance. He also invited the coaches to the podium. Mr. Icenhour presented the team members and coaches with certificates and County pins.

Mr. Icenhour noted a second presentation was forthcoming. He introduced the Honorable Michael Mullin, Virginia House of Delegates representative, to the podium for the presentation.

Delegate Mullin addressed the group and noted the opportunity to highlight James City County and its schools. He commented on the impressive work the group had done in the Envirothon as an example. He noted the impressive level of international competition from Canada and China, as well as within the United States, with the team's achievement. Delegate Mullin noted the Virginia General Assembly prepared a resolution commending the team for their work and

achievement. He presented the coaches and the team with the resolution on behalf of the General Assembly.

Coach Dubay thanked everyone for the team's commendation. He noted that in China, the Jamestown High School team was an example of how to solve problems and "do the environmental thing." Coach Dubay further noted the Chinese team was reviewing the Jamestown High School team's model as a way to improve and proceed. He stated the win was a team effort and credited the members with learning to work together as a team in addition to their time and dedication. Coach Dubay also thanked fellow coaches, Ms. Rebecca Elton and Ms. Amanda Mullane, for their expert problem-based learning approach. He noted the team followed this model, worked well together as a team, and solved a problem on an international level in six hours. Coach Dubay thanked the numerous community supporters: Colonial Soil and Water Conservation District - Ms. Sheila Jaruseski and Mr. Jim Wallace; Virginia Soil and Water Conservation District - Ms. Bonnie Mahl; Dominion Energy; and Smithfield Foods. He also thanked Mr. Howard Townsend, Principal of Jamestown High School, Coaches Dana Hogan and Kerry Polantz, as well as parents, and Mr. Scott Thomas and Ms. Kristen Owen from the Virginia Department of Conservation and Recreation. He also expressed thanks to the Trailblazer Club of Ford's Colony for providing judges at simulated practices. Coach Dubay also thanked Mr. Brad Thomas, Chief Ranger of York River State Park; Ms. Sarah Cochrane, Manager of Waller Mill Park, Mr. Michael Van Odenhoff, Mr. Brent Hall, Ms. Stephanie DeNicola, and many others. He commended the community, teachers, and the students.

Mr. McGlennon noted he and Ms. Larson had joined Delegate Mullin at a recent dinner to honor the team. He expressed his appreciation to everyone involved and the opportunity to meet the team, parents, and coaches. Mr. McGlennon noted how proud James City County was of the team and its accomplishments and looked forward to great things in the future. He further noted the presence of Mr. Bob Lund, an elected representative on the Colonial Soil and Water Conservation District and a strong supporter of Envirothon.

F. PUBLIC COMMENT

1. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board regarding trash and the three R's. She noted trash was an ongoing problem. She stressed everyone doing the right thing and not illegally dumping trash. Ms. Boarman noted vigilant citizens watching for illegal dumping and identifying those individuals or groups. She further noted the hot topic of recycling in the County and assured everyone that calls and comments were reviewed as the County "worked through the glitches". Ms. Boarman asked for patience as change was always difficult. She noted a volunteer subcommittee, under the Clean County Commission, that was also working on the recycling changes. She stressed the necessity of recycling and the involvement of everyone "one way or another". Ms. Boarman noted the tool "recyclopedias" on the County website and encouraged everyone to use it and become educated on recycling. She added the Clean County Commission would host the Clean Business Forum Breakfast on August 21 at Kingsmill. Ms. Boarman noted this was a quarterly event and the recipient of the award at this meeting was Trader Joe's. She highlighted Trader Joe's recycling initiative and encouraged others to learn about it and come to the breakfast. Ms. Boarman also noted the Clean County Commission's partnership with the Williamsburg-James City County school system regarding recycling within their campuses. Ms. Boarman stated the Commission had gotten involved with Lois Hornsby Middle School and encouraged other schools to partner with the Commission. She gave a shout-out to Ms. Karen Downing and Ms. Debra Tucker as well as volunteers. She noted some competitions would take place at the school to promote the recycling program. Ms. Boarman further noted short- and long-term volunteers were needed and welcomed anyone interested to contact her at PBoarman@cox.net.

2. Mr. Ron Feigenbaum, 3500 Hunters Ridge, addressed the Board as the representative of the Powhatan Crossing Homeowners Association (HOA). He noted several Board of Directors and members were also in attendance. Mr. Feigenbaum noted the HOA had presented information to Mr. Kinsman and Mr. Stevens previously. He stated there was a problem as the HOA was unable to enforce its bylaws which indicated specific boats, etc. cannot be parked in driveways. Mr. Feigenbaum noted when the HOA contacted the residents to remove these items, the residents then moved those items to the street, where there was no HOA jurisdiction and said "it's not their problem". He said residents noted there were no parking restrictions on the streets in James City County, particularly in that specific neighborhood. He also noted non-residents had begun parking vehicles on the street and some of these vehicles were large trailers. Mr. Feigenbaum stated the HOA had legal fees regarding court trials and screening for the vehicle owners and then just prior to the court date, the residents moved the vehicles to the street. He stated "without the help of James City County, I imagine us and any other number of HOAs have the same situation with our hands tied". He noted a County Ordinance, under Chapter 13, Section 36, existed that granted the County Administrator the authority to do restrictive parking on streets in James City County. Mr. Feigenbaum also referenced Administrative Regulation No. 51, that gave homeowner associations the ability to apply to the County for restrictive parking if the Board of Supervisors sign off on it. He noted the Board had signed off on the restriction and the HOA was willing to pay for the signage that accompanied it. He also noted that upon sign-off, the application was sent to Police Chief Brad Rineheimer. Mr. Feigenbaum stated Chief Rineheimer reviewed the documents, drove through the Powhatan Crossing neighborhood, and stated it was not a traffic safety issue, which was a police concern. Mr. Feigenbaum noted a part of it was a traffic safety issue if the equipment or trailers blocked a driver's view of potential risk to children and such. He stated the County mandate to have homeowner associations when developments were built, but the lack of support to enforce the homeowner associations bylaws created a "catch 22". Mr. Feigenbaum asked for support and noted the County would face a similar situation when restrictive parking caused people to move vehicles from their properties to the street. He asked the HOA packet be approved and if not, why not approved.

Mr. Icenhour reminded all speakers of the time constraints during Public Comment.

3. Ms. Margaret Steele, 3504 Hunters Ridge, addressed the Board and expressed her appreciation of the County and the work involved to maintain the County. She stated she felt the restrictive parking should be county-wide and the safety issue it posed. Ms. Steele said there were options for work vehicles at homes with side yards. She supported the restriction for all the County neighborhoods and to maintain the safety and appearance of the County.

4. Ms. Karen Rollins, 4481 Powhatan Crossing, addressed the Board noting the restrictions in the Powhatan Crossing neighborhood. She further noted that had been a consideration in purchasing in the specific development. She added that there were restrictions on trailers and recreational vehicles and noted the bylaws stated these must be garaged or if too large then screened or moved behind the home. Ms. Rollins noted her view of the community park was blocked by a recreational vehicle upon entering/exiting the neighborhood. She also noted additional trailers in the area, which impacted her property value and safety when walking her dogs. Ms. Rollins stated "I want my neighborhood to be attractive and now we can't enforce these (restrictions)". She asked the Board for help.

5. Ms. Marie Ellender, 4477 Powhatan Crossing, addressed the Board regarding neighborhood covenants. She noted she wanted to sell her home, but the realtor noted the trailers and recreational vehicles on the streets were a deterrent. Ms. Ellender expressed the "catch 22" of the situation and questioned how many more trailers or vehicles would be parked on the street. She noted "This was not what I bought into. I thought the covenants covered it, but it doesn't". She added that due to the trailers, etc. on the streets, there was

restrictive passage for vehicles driving down the street and she had waited for cars to pass on occasions due to the lack of space.

G. CONSENT CALENDAR

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

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

1. Minutes Adoption - June 25, 2019 Work Session and July 9, 2019 Regular Meeting
2. Authorization to Purchase Eight Police Vehicles - \$180,048
3. Grant Award - Commonwealth Attorney - Victim's Witness Grant Program - \$183,260
4. Initiating Resolution - Combat Ranges
5. Initiating Resolution - Warehouse, Storage, and Distribution Centers in the Mixed Use District
6. Highway Naming of Route 614, Centerville Road, in James City County, from Route 5000 to Route 613, News Road, as the Earl M. "Buddy" Heisler Memorial Highway

H. PUBLIC HEARING(S)

1. Case No. ORD-19-0002. Zoning Ordinance Amendment - Section 24-111, Temporary Offices

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

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

Mr. Icenhour noted Ms. Julia Leverenz of the Planning Commission was in attendance as its representative.

Mr. Paul Holt, Director of Community Development and Planning, addressed the Board referencing a 2018 application under review by the Development Review Committee (DRC) and the Planning Commission in which the applicant requested a waiver on the requirements of the Zoning Ordinance in Section 24-200, Public Utilities, as it applied to a temporary office trailer. He noted this particular Section required utility lines be placed underground. He further noted at a subsequent meeting of the Policy Committee, a Committee member asked staff for a potential amendment to the Ordinance to make future waiver requests, which allowed for overhead utility lines, easier for applicants who were proposing temporary office trailers. Mr. Holt stated based on that request, a proposed Ordinance amendment was drafted and was included in the Agenda Packet. He noted staff did not generally recommend creating an exception for all structures and further noted the language of the Ordinance was applicable to structures used as temporary offices, usually at construction sites. Mr. Holt stated staff noted this was the only section of the Zoning Ordinance that defined and permitted temporary structures, and set forth time limitations for the removal of such structures. He continued by

stating that no other section of the Zoning Ordinance allowed staff to attach a time limit to the placement/construction of structures that were otherwise allowed by-right. Mr. Holt noted the Policy Committee, at its May 9, 2019 meeting, approved this item with a 3-0 vote. He further noted the Planning Commission, at its June 5, 2019 meeting, also approved this item with a 6-0 vote.

Mr. Icenhour asked how long a temporary structure could exist with the overhead utility lines.

Mr. Holt replied one year.

Mr. Icenhour inquired if an extension could be requested.

Mr. Holt noted the Zoning Administrator had the ability to extend that out based on certain criteria, but generally not beyond a year.

Mr. Icenhour asked if so, would the applicant need to seek permission for an extension.

Mr. Holt said yes and noted the waiver was not a "blanket waiver".

Ms. Leverenz noted as this amendment had been reviewed by the Planning Commission and the DRC and with staff's input to the language, the Planning Commission recommended approval.

Mr. Icenhour opened the Public Hearing.

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

2. Case No. SUP-19-0011. 5026 River Drive Tourist Home

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

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

Mr. Icenhour welcomed Mr. Jose Ribeiro, Senior Planner, to the meeting.

Mr. Ribeiro noted Ms. Anne McCann, had applied for a Special Use Permit (SUP) to allow for the operation of a tourist home. He further noted the SUP would allow for a short-term rental of a three-bedroom residential home with no changes to size or footprint. He continued with the details of the property. Mr. Ribeiro noted staff recommended the approval of the SUP, subject to the following conditions: limitation on number of rooms rented, number of total occupants at any one time, parking, and signage. He further noted the Planning Commission voted 5-1 to recommend approval on the application at its July 3, 2019 meeting. Mr. Ribeiro also stated the Commissioners had questions/concerns at that meeting regarding the standards used to inspect a "tourist home" and if the manufactured home subject to this SUP application had a Department of Housing and Urban Development seal or tag. He identified staff's responses to those questions/concerns as Attachment No. 5 in the Agenda Packet.

Ms. Leverenz noted the Planning Commission had a lot of discussion on this SUP. She further noted someone had said the GPS had shown one approach to this address was on non-paved road and requested the applicant supply prospective renters with the safest route to the address. Ms. Leverenz said the Commission had concerns about the trailer which was built in 1985 and its condition in addition to the County's responsibility to ensuring the condition of

such properties was good. She noted staff had addressed most of the questions/concerns and that the Planning Commission recommended approval.

Mr. Icenhour opened the Public Hearing.

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

Mr. McGlennon asked staff for clarification that with this SUP approval the residence would not turn into a tourist home, but rather be allowed for that use above and beyond its residential use and to go back and forth as such in its use.

Mr. Ribeiro said yes.

I. BOARD CONSIDERATION(S)

1. Residential Impacts and Goals for Workforce Housing

Mr. Icenhour noted the Board decided to pull Item No. 1 for additional work to be done by staff.

2. Initiation of Rezoning Within the Forest Heights Road Area

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

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

Mr. Holt addressed the Board referencing a 2011 rezoning decision by the Board within the Forest Heights Road area in which various parcels were changed from R-2, General Residential to MU, Mixed Use. He noted at the Board's June 11 and July 9, 2019 meetings, a Master Plan Amendment for the existing Forest Height neighborhood had been reviewed by the Board. Mr. Holt further noted this request included new residential units and a proposed mini-storage development on property currently owned by the Salvation Army. During the Board deliberation, several questions were asked regarding if the Mixed Use Zoning District, which required a non-residential land use, was still the appropriate zoning for the property and particularly as the Salvation Army was no longer proposing its facilities. Mr. Holt added that an Initiating Resolution was in the Agenda Packet. He noted the resolution was for the Board's consideration that would begin the process of rezoning all of the MU zoned parcels to R-3, Residential Redevelopment District. He further noted this change would allow for compatibility with surrounding developed areas. Mr. Holt stated that unlike the MU, the R-3 District did not require a non-residential use. He noted that if the resolution was adopted, staff would begin the process of notifying the affected property owners and scheduling a public hearing with the Planning Commission.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Hipple noted the Presidential visit to the County for the 400th anniversary of the First Representative Legislative Assembly in the Western Hemisphere, held in Jamestown and his attendance at the event. He further noted attendance at various transportation meetings which included Hampton Roads Transportation Accountability Commission (HRTAC), Hampton Roads Transportation Planning Organization (HRTPO), Hampton Roads Planning District Commission (HRPDC), Hampton Roads Military & Federal Facilities Alliance (HRMFFA). Mr. Hipple commented "there is always a lot going on with transportation" and he thanked Mr.

Holt for continually researching funding for County transportation. He agreed that trash in the County was an ongoing problem and asked the citizens not to throw trash but also to report anyone seen dumping trash. Mr. Hipple stressed keeping the County clean.

Ms. Sadler noted she had also attended the 400th anniversary celebration at Jamestown. She added that “it is a very proud moment when we can be a part of a community that has such an influence on our country being the birthplace of our nation.” Ms. Sadler noted how proud she was to be there as a representative of James City County. She further noted she had attended National Night Out and visited many of the neighborhoods in her district. She thanked First Responders and all those involved with National Night Out and the opportunity to showcase the people who protect the residents of the County.

Mr. McGlennon noted his attendance at the Envirothon dinner and the commemoration at Jamestown Island. He further noted he was asked to donate an item to the time capsule placed in the church by Jamestown Rediscovery. Mr. McGlennon stated he was pleased to donate County Fire and Police challenge coins to the capsule. He added that “sometime in the future they will be recognized once again for the great work that they are doing today for us.”

Mr. Icenhour addressed Ms. Boarman saying “you have had an effect.” He referenced a recent conversation with his wife at a traffic light when they witnessed a man flicking a cigarette out of his car. He noted his wife almost got out of the car to address the situation, but the light changed. He further noted he had attended the Mayors and Chairs meeting where leaders in surrounding localities share information. He also attended Ironbound Day, an annual event that involved the Ironbound Village community. Mr. Icenhour participated in National Night Out at two areas in his district. He also extended his compliments to Chief Rineheimer and the Police force for the fantastic job on that event. He also encouraged his fellow Board members to promote the event with more neighborhood participation in their respective districts. Mr. Icenhour noted his attendance at the Kiwanis Club of Colonial Capital meeting. He passed on his kudos to Mr. Jason Purse, Assistant County Administrator, for the “James City County Today” presentation information he had compiled for Board members to use when talking about the County with different groups. Mr. Icenhour noted he used it at the meeting and it was well received. He added his attendance at the Kingsmill Resort for a continuing education event for the New York Bar Association. Mr. Icenhour noted the group was very pleased with the locality.

Mr. Hipple added there would a “home blitz” in the Forest Glen neighborhood on September 7. He noted 12 homes would have exterior repairs done and he would send notice on the event to the Board.

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

Mr. Stevens addressed the Board highlighting several items of interest which included the August 30 Jamestown Jams concert and encouraged people to come out. He noted the Fall 2019 Good Neighbor Grant application that was currently available for neighborhood environmental and beautification projects. He further noted applications were available online and provided additional information on the program. Mr. Stevens stated the Community Fair, sponsored by Social Services Department, would take place on August 17, 10 a.m.-2 p.m., at its office on 5249 Olde Towne Road. He noted the event showcased the department's various programs.

L. CLOSED SESSION

Mr. Icenhour noted in lieu of the Closed Session, the Board had agreed to discuss the

appointments in Open Session.

1. Appointments - Historical Commission

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

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

Mr. McGlennon made the motion to appoint the following individuals, all with term expiration on June 30, 2021, to the Historical Commission:

- Mr. Russell Henke
- Ms. Kathleen Mullins
- Mr. Eric Reed

2. Appointments - Clean County Commission

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

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

Mr. McGlennon made the motion to appoint the following individuals, all with term expiration on July 31, 2022, to the Clean County Commission:

- Ms. Peg Boarman - Stonehouse District
- Mr. Charles Loudermon - Berkeley District
- Mr. Tim Winstanley - Roberts District

3. Appointments - Community Action Agency

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

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

Mr. McGlennon made the motion to appoint the following individuals, all with term expiration on Sept. 25, 2022, to the Community Action Agency:

- Ms. Charvella West
- Ms. Karen Ford

M. ADJOURNMENT

1. Adjourn until 5 p.m., on September 10, 2019, for the Regular Meeting

A motion to Adjourn was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

At approximately 6:10 p.m., Mr. Icenhour adjourned the Board of Supervisors.


Deputy Clerk