

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
September 10, 2019
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

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

ADOPTED

OCT 08 2019

Board of Supervisors
James City County, VA

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Boy Scouts of America Troop 414, accompanied by former Planning Commission member Mr. Heath Richardson, led the Board and citizens in the Pledge of Allegiance

E. PRESENTATIONS

1. 2019 Virginia Association of Counties Achievement Award - Keep James City County Beautiful - Wildflower Beautification Project

Ms. Dawn Oleksy, Environmental Coordinator, introduced Ms. Angela Inglett, Director of Program Development with the Virginia Association of Counties (VACo).

Ms. Inglett gave a brief history of VACo and stated in 2003 VACo established an achievement program which recognized innovative approaches by counties to public services. She further stated James City County, as well as 25 other counties, were chosen to receive this award out of a total of 96 entries. She presented an Achievement Award to the County in recognition of its "Keep James City County Beautiful - Wildflower Beautification Project."

The Board members gathered for a photo and extended their appreciation for the award.

Ms. Oleksy stated this was a collaborative effort and gave a brief synopsis of the project.

Mr. Icenhour stated this was an award for the community and citizens as well as staff, and expressed his appreciation for everyone's efforts in making this project successful.

2. Home Repair Blitz

Ms. Janet Green, Chief Executive Officer, Habitat for Humanity Peninsula and Greater

Williamsburg, stated September 7, 2019, was the first large-scale home repair blitz done in partnership with Housing Partnerships, United Way, and the County. She further stated there were 17 team leaders and approximately 160 volunteers who worked on 17 different homes. She noted each home received approximately 10-15 various projects. She referenced a particular house which needed repairs and briefly shared its history as well as that of the homeowner. She expressed her appreciation to Mr. Craig Meadows and Ms. Roberta Sulouff for their contributions toward the success of the program.

The Board and audience applauded.

Mr. Hipple expressed his gratitude to Ms. Green and Habitat for Humanity Peninsula and Greater Williamsburg for everything they do for the community. He stated it was a day of neighbors helping each other and commented he looked forward to the next event. He expressed his thanks to fellow Board members for their participation with this project.

Mr. McGlennon expressed his gratitude to Mr. Hipple for organizing the event.

Mr. Icenhour expressed his kudos for a job well done.

Mr. McGlennon referenced a home that had been a past Habitat for Humanity project and noted the long-lasting impact it had on the community.

Mr. Hipple stated Mr. Paul Holt, Director of Community Development and Planning, and Mr. Stevens were present at the event and expressed his kudos to everyone who participated.

3. Clean County Commission Annual Report

Ms. Peg Boarman, Clean County Commission Chair, addressed the Board and gave a summary of a PowerPoint slideshow. She noted that other Clean County Commission members were not present; however, she recognized her fellow constituents: Ms. Emma Zahren-Newman, Commission Co-Chair; Mr. Charles Loundermon, Berkley District; Mr. Marc Meiring, Berkley District; Mr. Kevin Radcliff, Roberts District; Ms. Alexa Provost, Jamestown District; and Mr. Tim Winstanley, Roberts District. She stated the Commission had a busy and productive year. She remarked that in fall 2018, the Good Neighbor Environmental Grant projects included: "Neighborhood Litter and Debris Cleanups," "Walking Trail Improvements," "Entry Way Landscaping," and "General Beautification of Common Areas Using Sustainable Plants and Erosion Control Measures." She noted the group included Berkeley's Green, Greensprings West, Jamestown 1607, Kingspoint, Liberty Crossing, Season's Trace, and Stonehouse. She stated the 5th Annual Litter and Recycling Expo at Jolly Pond Convenience Center held in November 2018 was the most successful event. She recognized various recycling opportunities and briefly discussed community education and outreach events. She spoke of the Quarterly Clean Business Award slide and noted the business winner for each quarter. She referenced the Virginia Peninsula Clean Business Forum "James City County's Zero Tolerance for Litter Policy," and expressed her thanks to Police Chief Brad Rinehimer for his presentation. She mentioned the "Adopt-A-Spot" program slide and listed the eight currently active groups. She acknowledged the "County-Wide Spring Cleanup" slide and stated this event had occurred for the past 41 years. She further acknowledged this year's event had 31 participating groups, with 331 volunteers who collected 18 tons of debris as well as 88 tires. She commented "the Keep James City County Beautiful program is the true volunteer arm of our group." She noted there was an ongoing volunteer recruitment campaign that aligned with the County's Strategic Plan and was trying to increase more public participation. She discussed the yearly "Litter Index" slide which included three campaigns; "Recycling Education," "ZERO Tolerance for Litter," and "Community Beautification" as well as the "Results of Our Labors" information. She concluded the

presentation by briefly summarizing the "Results of Our Labors" slide and stated it depicted the "Litter Cleanups" summary: 90 litter cleanups; 794 volunteers; 3,913 volunteer hours valued at \$95,829; 1,929 cubic yards of litter collected; as well as 88 tires. The slide also depicted the "Community Outreach and Education" summary: 56 group presentations and displays; and 5,446 citizens in attendance.

The Board and audience applauded the efforts of the Clean County Commission.

Ms. Boarman invited the Board and public to attend the Litter Expo on November 9, 2019, at 11 a.m., to be held at the Jolly Pond Convenience Center.

4. Fall Prevention Awareness Week 2019 Designation

Ms. Rebecca Vinroot, Social Services Director and Fire Chief Ryan Ashe addressed the Board and gave a brief summary of the memorandum and resolution included in the Agenda Packet. She stated that in 2018, James City County designated the third week of September as Fall Prevention Awareness Week, after the passage of Senate Joint Resolution No. 47 and House Joint Resolution No. 81 by the Virginia General Assembly. She noted she and Chief Ashe were before the Board to request the third week of September as Fall Prevention Awareness Week for James City County.

Chief Ashe stated currently in James City County the population of residents aged 65 and older was approximately 25% of the population. He further stated that in 2018-2019 the James City County Fire Department responded to approximately 15% mobility-related emergencies. He referenced and briefly explained the CONECT (Community Outreach Network Educate Care Thrive) Program. He explained that the departments of Social Services, Fire, and Police work jointly to meet the needs of senior residents in order to reduce the risk of injury due to falls. He noted that since the program began in March 2018, there had been over 300 referrals, with 71% of the referrals being new to Social Services.

Ms. Vinroot stated "going along with that, we want to make sure we are reaching everyone and will be opening up this program to community referrals. As part of the information sharing of our program, we partnered with the County video team to have a video to show the Board that will be released to the public to make them aware of the program." She further stated the program was submitted to the Virginia Municipal League Innovation Award and won in the Public Safety category.

The Board and audience viewed the video and applauded.

Ms. Vinroot introduced staff who participated in the video: Ms. Ellie Rest, Family Services Specialist II; Fire Rescue Battalion Chief Jason Sweet; and Police Sergeant John LeClair.

Mr. McGlennon stated the video was a great way to connect with residents in the community and was proud of the innovation shown as well as the integration of services across the departments. He commented he continued to be impressed by the County video team and its ability to communicate so effectively.

Mr. Hipple stated he may want to "take this on the road to the Planning District Commission and the Transportation Planning and Organization in order to let the other 17 jurisdictions we are connected with, know what we are doing in James City County."

Mr. McGlennon inquired about recognition in Roanoke, Virginia, at the Virginia Municipal League annual meeting.

Mr. Icenhour expressed his congratulations.

The Board and audience applauded.

F. PUBLIC COMMENT

1. Ms. Merilee Fox, 5020 River Drive, addressed the Board in regard to increased water traffic at Diascund Creek. She referenced an accident in the creek that occurred a few weeks prior and read from a report from the Virginia Department of Game and Inland Fisheries regarding the accident. She expressed her concerns regarding safety challenges in the creek.

2. Mr. James Miller, 5024 River Road, addressed the Board in regard to Diascund Creek safety concerns. Mr. Miller passed out photos to the Board members and discussed the accident Ms. Fox previously mentioned. He proposed the County establish a No Wake Zone be implemented to the creek area marked on his handout. He asked for direction in solving this problem area and referred to it as "an accident waiting to happen." Mr. Icenhour replied that after the Board meeting, Mr. Stevens would provide information on the next steps that could be taken. Mr. Miller stated this area of discussion encompassed 10 lots and over the last 10 years there had been six bulk head failures, with three currently in a state of repair.

3. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board in regard to a School Board liaison meeting to be held on September 12, 2019, which Mr. Icenhour and Ms. Larson would be attending. He handed out literature to the Board members and briefly discussed current and future projections of the amount of school-age children residing in the County, as well as schools and redistricting-capacity issues.

4. Mr. Ron Feigenbaum, 3500 Hunters Ridge, addressed the Board in regard to restrictive parking for the Powhatan Crossing Homeowners Association (HOA). He handed out photos to the Board members and referenced an Ordinance regulation that allowed HOAs to restrict parking within an HOA. He noted he was only referring to restrictive parking within Powhatan Crossing HOA and discussed the HOA being given the opportunity to regulate its own parking. He stated he would like the Board to act on, approve, and implement Powhatan Crossing's application for restrictive parking.

G. CONSENT CALENDAR

1. Minutes Adoption - August 13, 2019 Regular Meeting

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

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

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

2. Fall Prevention Awareness Week 2019 Designation - Resolution Adoption

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

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

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

3. Award of Security Contract to Top Guard Security - \$44,939

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

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

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

4. Grant Award - Department of Motor Vehicles - Alcohol Enforcement - \$20,000

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

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

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

5. Grant Award - Department of Motor Vehicles - Occupant Protection - \$5,840

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

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

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

6. Grant Award - Department of Motor Vehicles - Speed Enforcement - \$20,000

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

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

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

7. Appropriation of \$15,693 - Comprehensive Community Corrections Act Grant, Department of Criminal Justice Services

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

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

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

8. Budget Appropriation that will Allow James City County to Participate in the Virginia Department of Housing and Community Development's Acquire, Renovate, and Sell Program

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

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

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

9. Budget Appropriation that will Allow James City County to Participate in the Virginia Department of Health's Virginia Environmental Endowment Septic System Repair Cost Share Program

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

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

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

10. Contract Award - James City County Library Children's Area Renovations Project - \$310,000 and Additional Appropriation - \$97,000

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

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

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

11. Clarification of Resolution to Amend Easement on 2511 and 2611 Forge Road

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

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

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

H. PUBLIC HEARING(S)

1. Case No. SUP-19-0015. 4440 Ironbound Road Tourist Home

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

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

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

Mr. Icenhour noted the Planning Commission representative present was Mr. Rich Krapf.

Ms. Tori Hayes, Planner, gave an overview of a staff report and resolution included in the Agenda Packet. She stated staff found the proposal to be compatible with surrounding development and consistent with the recommendations of the adopted Comprehensive Plan. She further stated staff recommended approval of this application, subject to conditions.

Mr. Icenhour asked his fellow Board members if there were any questions.

Mr. Krapf stated the Planning Commission recommended approval of this Special Use Permit (SUP) by a vote of 6-0 at its August 2019 meeting. He further stated the main factors the Commission considered as favorable: one being the property had been used as a rental property for the College of William & Mary students to reside in and would continue to be used as a student rental during the academic year. The other favorable factor was the house faced Ironbound Road and directly across the street was the Virginia Department of Transportation offices, which minimized any impact on residential properties. He noted there was no other discussion and the only speaker was the applicant.

Mr. Icenhour opened the Public Hearing.

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

Mr. McGlennon expressed his thanks to the applicant for putting together a clear and detailed set of information for the Board. He expressed kudos to staff for the updated packets regarding these types of cases.

2. Case No. SUP-19-0014. 6096 Centerville Road Tourist Home

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

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

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

Mr. Jose Ribeiro, Senior Planner II, gave an overview of the staff report and resolution included in the Agenda Packet. He stated staff found the proposal to be compatible with surrounding development and consistent with the adopted Comprehensive Plan and Zoning Ordinance. He further stated staff recommended approval of this application subject to the SUP conditions.

Mr. Krapf stated the Planning Commission recommended approval of this SUP by a vote of 6-0 at its August 2019 meeting. He further stated one of the determining factors was that there was an existing SUP for an accessory apartment. He mentioned that during the Planning Commission discussion phase they did speak of the increasing number of SUP applications for tourist homes in residential neighborhoods. He noted concerns voiced by Planning Commissioners was the fact that since an SUP lays in perpetuity with the property, regardless of who it could be sold to, subsequent owners might not maintain the property or allow activities and behaviors on the part of the tenants that would be disruptive to the other neighbors in that residential community and potentially impact property values or quality of life. He further noted the Commission broached the idea of looking at sunset clauses or some sort of a two- or three-year review process that would allow an application to be reviewed to see if there were any neighborhood impacts. He remarked Mr. Kinsman was very helpful with his

comments at the meeting and followed up afterward. He further remarked the Commission was hopeful this point would be discussed during the Comprehensive Plan review.

Mr. Icenhour opened the Public Hearing.

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

I. BOARD CONSIDERATION(S)

1. Case No. Z-19-0007/MP-18-0004 Forest Heights Proffer and Master Plan Amendments

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

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

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

Mr. Holt gave an overview of the staff report included in the Agenda Packet. He stated the applicant had requested this proposal be deferred for four months while the opinion of an R-3 District was pursued and further investigated. He further stated staff concurred with the request and recommended the Board of Supervisors postpone consideration of this application to its January 2020 meeting.

Mr. Icenhour inquired if the initiation of the R-3 process should be complete by December 2019.

Mr. Holt replied yes.

2. Residential Impacts

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

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

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

Mr. Paul Holt, Director of Community Development and Planning, gave an overview of the memorandum and resolution included in the Agenda Packet.

Mr. McGlennon stated "this was a good opportunity for us to make the Comprehensive Plan even more useful as a tool for the Board and the community to understand more fully what the implications are of the decisions we might make, but more importantly, to get a sense of the whole picture of development in the County."

J. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour stated there was a motion to Amend the Adopted Calendar to have the work session on September 24 to begin at 3:30 p.m. for the purpose of a closed session for the discussion of plans related to the security of any governmental facility, building, or structure, or the safety of persons using such facility, building, or structure pursuant to Section 2.2-3711(A) (19) of the Code of Virginia.

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

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

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

Mr. Hipple stated he had nothing to add to the Board Requests and Directives.

Ms. Larson stated she and Mr. Stevens had been speaking regarding the Powhatan Crossing situation and hoped to get a resolution sooner rather than later, as it was a very frustrating situation. She referenced a photo handed out earlier during the Public Comment and noted the trailer in the picture did not have a current inspection sticker. She referenced the public comment section of the meeting and expressed her appreciation to everyone for their attendance as well as the information regarding the situation at Diascund Creek. She further stated she recently attended the Butterfly Festival held at Freedom Park and expressed her kudos that it was an incredible event. She noted an event at Freedom Park she attended which honored the Jamestown High School Envirothon Team. She expressed her gratitude to Habitat for Humanity and all the volunteers as well as commented a small gesture can help someone. She offered her congratulations to the CONECT program noting it played an important role in the community and was not income related.

Ms. Sadler expressed her appreciation to the Boy Scouts of America Troup 414 for its participation in the Pledge of Allegiance and noted the Troop was working on its Citizenship Community Merit Badge. She invited everyone to Fire Station 1 located on Forge Road, on September 11 at 7 p.m., for the annual 9/11 ceremony in remembrance of the September 11, 2001, terrorist attacks against the United States. She remarked recently she attended a few open houses and orientations held at local elementary and middle schools and expressed kudos to teachers and staff. She further remarked she attended an event held by Williamsburg Realty which celebrated five years as a successful business in the area.

Mr. McGlennon had nothing further to add.

Mr. Icenhour stated he and Mr. Stevens attended meetings held with local legislatures regarding issues at Jolly Pond Road. He further stated they had an opportunity to meet with the Honorable U.S. Congresswoman Elaine Luria and previously met with the Honorable U.S. Congressman Rob Wittman. He remarked he would be attending a ceremony with firefighters on September 11 at 7 a.m., as well as attend an 8 a.m. school liaison meeting. He stated "it is always humbling when you are around our first responders and think about what those people do for us and what they did for us on that day many years ago."

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens stated Social Services was offering a Foster/Adoptive Parent Orientation and Training September 26 from 6-7:30 p.m., at the James City County Human Services Center, located at 5249 Olde Towne Road. He further stated the need in the community was real and remarked anyone interested could come out and learn more about what was entailed and required. He noted September was National Preparedness Month and stated each September the County promotes family and community disaster planning. He commented recently an emergency test was conducted which fortunately we, as individuals, did not have to put into practice. He referenced the County Podcast and noted James City County Emergency Management recently discussed National Preparedness Month and what families needed to do in order to be prepared. He encouraged residents to tune in and learn how to be better prepared in terms of disaster and noted the Podcast could be found at <https://jamescitycountyva.gov>.

L. CLOSED SESSION

A motion to Enter a Closed Session 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

At approximately 6:20 p.m., the Board entered Closed Session.

At approximately 7:27 p.m., the Board re-entered Open Session.

A motion to Certify the Board spoke about those items indicated that it would speak about in Closed Session was made by John McGlennon, the motion result was Passed.

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

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

1. Discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia

2. Consideration of the appointment and performance of individuals to County Boards and/or Commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, specifically:

3. Social Services Advisory Board Appointment

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

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

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

The Board recommended the appointment of Ms. Heidi Southcombe for a four-year term to expire on September 9, 2023.

4. Stormwater Program Advisory Committee Appointment

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

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

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

The Board recommended the appointment of Mr. Glenn Carter for a four-year term to expire on June 30, 2023.

5. Economic Development Authority Appointment

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

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

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

The Board recommended the appointment of Ms. Lynn Meredith for a four-year term to expire on August 1, 2023.

6. Consideration of a personnel matter, evaluation of the County Administrator, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

A motion to give the County Administrator a 3% raise, effective October 1, 2019, 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

M. ADJOURNMENT

1. Adjourn until 3:30 p.m., on September 24, 2019, for the Work Session

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

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

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

At approximately 7:28 p.m., Mr. Icenhour adjourned the Board of Supervisors.


Deputy Clerk