

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
October 8, 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

NOV 12 2019

Board of Supervisors
James City County, VA

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Wyatt Sylvester, a 5th-grade student at Laurel Lane Elementary School and a resident of the Berkeley District, led the Board and citizens in the Pledge of Allegiance

Ms. Larson introduced Wyatt and welcomed both Wyatt and his principal, Ms. Karen Swann, to the Board meeting.

E. PRESENTATIONS

1. Neighborhood Speed Awareness Signs - Recognition of Alastair Smith

Mr. McGlennon welcomed Alastair Smith, a former Pledge Leader. He noted he and Alastair had seen each other in the grocery store and Alastair had expressed concerns regarding the volume of speeding traffic and safety issues in his neighborhood. Mr. McGlennon noted Alastair had seen "Watch for Children" signs in other neighborhoods, but none in his area so he and Mr. McGlennon questioned what they could do to make the neighborhood safer. Mr. McGlennon noted Alastair lived on Indian Circle. He further noted he researched the request and met with staff to see about a sign for the neighborhood. Mr. McGlennon stated staff no longer placed the signs, particularly since the Virginia Department of Transportation (VDOT) did not like the signs due to research that indicated "they just fade into the background and most people don't even recognize that they are there and at the same time give a false sense of security to parents and children who might be nearby the road when cars are going fairly quickly." Mr. McGlennon researched and found that Fairfax County had designed a program which reminded people of the importance of this issue. Mr. McGlennon added that due to Alastair's persistence, a new program will be implemented in the County. He noted a series of signs would be used in neighborhoods to alert drivers to speed limits and safety issues. He also thanked James City County Police for displaying them at the meeting. Mr. McGlennon noted Alastair's family was in attendance. He thanked Alastair for his significant contribution to neighborhood safety and presented him with a Certificate of Recognition. Mr. McGlennon

noted Indian Circle should get the first round of signs, but he added that the Planning Department (757-253-6671) would be responsible for distributing the signs as other neighborhoods requested them.

Ms. Larson questioned Mr. McGlennon about the program, its cost, and the number of available signs. She noted this was a hot topic on the First Colony Facebook page due to speeding within the neighborhood. She credited the James City County Police for its help in working with First Colony to address the issue. Ms. Larson noted it was a dangerous and continuous problem. She further noted she feared for children playing. Ms. Larson asked the number of neighborhoods where the signs could be placed.

Mr. Jason Purse, Assistant County Administrator, noted that both the County Police and Administration received calls on neighborhood speeding situations. He further noted in addition to working with Mr. McGlennon, the County also talked with VDOT and homeowners associations (HOAs). Mr. Purse added these signs would be on private property with neighbors displaying them. He noted the importance of communication between the County, Police, and HOAs with limited rotation time across multiple neighborhoods. He further noted Sgt. Johnson handled many of the HOA meetings and was a valuable resource in this area. Mr. Purse added this was another "tool" for Sgt. Johnson to use and hopefully positive change would come from this program.

Ms. Larson noted Mr. McGlennon's reference to a Traffic Calming booklet from VDOT which can be shared with HOAs. She also noted "self policing" with speeding. Ms. Larson thanked Alastair for approaching Mr. McGlennon about the speeding concern as well as Police involvement. She noted "it is a real problem" and "that people don't take things seriously until somebody gets killed and I would hate to see anybody get killed in a neighborhood from speeding."

2. James City County Parks & Recreation State Awards - Virginia Recreation & Park Society

Mr. Icenhour welcomed Ms. Arlana Fauntleroy, Recreation Services Administrator.

Ms. Fauntleroy addressed the Board with an update on the latest accomplishments of the Parks & Recreation team. She noted awards bestowed on the County at the recent Virginia Recreation & Park Society Annual Conference. She further noted of 115 applications received, James City County won top honors in four categories. Ms. Fauntleroy introduced the winning staff and programs in her PowerPoint presentation: Best New Program - FiveFortySeven; Best New Environmental Sustainability - The Wildflower Pilot Project; Most Innovative Marketing Piece - Boo Bash; and Outstanding New Professional. Ms. Fauntleroy noted FiveFortySeven received top honors and was led by Program Coordinators Ms. Sarah O'Reilly and Mr. Christopher McKnight with the support of all Program Coordinators. She noted other Program Coordinators were in attendance: Mr. Mark Aker, Ms. Joy Johnson, and Ms. Kristen Tolj. Ms. Fauntleroy highlighted the initiatives of Project FiveFortySeven. She thanked staff for its work. She continued her presentation noting The Wildflower Pilot Project with Parks & Recreation in collaboration with General Services, Keep James City County Beautiful, and the Historic Rivers Chapter of Virginia Master Naturalists. She noted this initiative was led by Mr. Alister Perkinson, Parks Administrator. Ms. Fauntleroy continued her PowerPoint presentation with Boo Bash at the Beach Floor Decals, led by Ms. Joy Johnson, Program Coordinator. Ms. Fauntleroy noted Ms. Johnson was recognized as the Outstanding New Professional at the convention. She also recognized other Parks & Recreation staff who were in attendance at the meeting: Mr. John Carnifax, Director; Ms. Carla Brittle, Recreation Centers Administrator; Ms. Veda McMullen, Senior Communications Specialist; Ms. Kelley Herbert, Operations Manager; and Ms. Julie Northcott-Wilson, Business Manager. Ms. Fauntleroy thanked the Board and County residents for support of the staff and department.

Mr. Icenhour thanked the Parks & Recreation department and the winners. He noted "it's always a pleasure to see this kind of recognition who are on our staff and work for our citizens."

3. Virginia Department of Transportation Quarterly Update

Mr. Icenhour welcomed Mr. Rossie Carroll, Residency Administrator, VDOT.

Mr. Carroll addressed the Board highlighting completion of 793 of 899 work orders received from July to September. He noted the 106 remaining work orders concerned drainage. He further noted maintenance completion: a drainage project in the Norge area; 9,500 feet of roadside ditching; site triangle clearing for Route 60 and Route 30; patched over 200 potholes throughout the County; 20 tons of asphalt patching; drainage repair on Route 60 near Westminster and Route 60 near Barnes Road; cross train replacement at Diascund Road; third quarter mowing with updates on the next phase of mowing. Mr. Carroll noted the arrival of the ferry, Powhatan and its dedication. He continued with updates on VDOT projects noting the ongoing Phase III I-64 widening with bridge work slated for a June 2021 completion. Mr. Carroll noted the joint closure and overlay for bridges in James City County and Surry County. He further noted bridge work in the County as well as the plant mix schedule. Mr. Carroll stated the Longhill Road widening project, a SmartScale 2018 project, was slated to begin at the end of October. He highlighted specifics of the project including a completion date of fall 2021. He noted a Longhill Road and Olde Towne Road turn lane improvement project. Mr. Carroll further noted other projects and their respective timelines included News Road and Centerville Road intersection work, Skiffes Creek connector project, Croaker Road widening from the Williamsburg Regional Library to Route 60, an approximate 4-mile pedestrian and bicycle lane on Route 60. Mr. Carroll noted the SmartScale 2020 included the Longhill Road shared use path. He added a number of traffic studies had been done throughout the County and identified the various sites. He noted preparations were being made for the upcoming snow season.

Mr. Hipple noted the possibility of a traffic light at Jolly Pond Road as well as at Forge Road and Route 60. He further noted on Route 60 near the Lightfoot-Norge-Toano area, that grass had grown into the drainage breaks in the concrete. He added that when it rained, the grass pushed the water into the road and questioned what could be done.

Ms. Larson noted someone contacted her about neighborhood speeding and the suggestion for a thin stripe on the outside of the road which gave the appearance of a narrow bike lane. She further noted studies showed that people slowed down in those areas even if no one was using the bike lane. She questioned if VDOT had done that previously.

Mr. Carroll said that was part of traffic calming.

Ms. Larson asked about the responsibility of who paid for that project.

Mr. Carroll noted VDOT would work with HOAs or neighborhoods through the traffic calming to review the best avenue to pursue. He further noted a process was in place, but it required a collective community involvement.

Ms. Larson noted noise concerns associated with the use of speed bumps. She also asked about an update on the intersections of Route 5 and Centerville Road and Route 5 and Greensprings Road.

Mr. Carroll responded a Road Safety Assessment (RSA) had been completed and the signage

update scheduled based on the RSA recommendations. He noted a speed limit evaluation had been completed.

Ms. Larson asked about a contact person regarding the interstate signs for tourism markers. She noted the signs were very dirty and difficult to see. She asked about cleaning of the signs.

Mr. Carroll noted the Historic Triangle sign was a joint purchase with the County, York County, and the City of Williamsburg. He further noted contacting Virginia Logos regarding maintenance of the sign. He added he would also check with the localities and let Ms. Larson know.

Ms. Sadler noted the area of Forge Road and Route 60 where drivers are experiencing difficulty entering the road. She further noted a traffic light or reduced speed limit might be helpful there. She stated three accidents had occurred since September 11, 2019 near Stonehouse Elementary School and asked about the possibility of a traffic light there due to increased traffic with the build-out. Ms. Sadler said she had received communication from concerned citizens and appreciated any help VDOT could lend to that area.

Mr. McGlennon thanked Mr. Carroll for his responsiveness to requests and concerns. He asked if the Croaker Road four-lane widening included bicycle or pedestrian paths.

Mr. Carroll responded that would be a separated path.

Mr. McGlennon questioned the area from Croaker Road on Route 60 to Old Church Road and if there would be a sidewalk and bike path. He also asked if an access across Route 60 for bicycle and/or pedestrian traffic would be available.

Mr. Carroll asked if Mr. McGlennon was referencing a crosswalk.

Mr. McGlennon said yes.

Mr. Carroll confirmed yes.

Mr. McGlennon noted there would not be a crosswalk on the north side.

Mr. Carroll said he would review the plans.

Mr. McGlennon referenced a constituent's request for the explanation of process to request a bicycle/pedestrian crosswalk consideration at Route 199 near the County Government Center over to the Quarterpath Crossing Shopping Center. He noted the constituent's point of encouragement for bicycling and walking to destinations. Mr. McGlennon asked if there was a process on a limited access road like Route 199.

Mr. Carroll said there was a process for the request; however, he noted it was a "tough one" and said while Route 199 was a limited access road, this particular section of the route did not prohibit bike or pedestrian traffic. He added there were several challenges involved at this intersection: no sidewalks or separated walk paths; Mounts Bay was a private road, and Quarterpath Crossing Shopping Center was in the City of Williamsburg. Mr. Carroll noted "to have a crosswalk, you have to have some sort of facility, a pedestrian facility" which he added was not currently in place on either side of Route 199. He added that incorporating a crosswalk in this section of Route 199 "would lower the level of service" and that would be a point of consideration. Mr. Carroll noted facilities would have to be in place for VDOT to review a crosswalk request.

Mr. McGlennon thanked Mr. Carroll for the information. He noted the tall vegetation on

Jackson Drive in James Terrace near Adams Drive. He added Lake Powell Road off Neck-O-Land Road and the resurfacing needs for possible inclusion in next year's paving projects. He noted the request for possible funding for work on Route 60 East.

Mr. Icenhour asked about the Skiffes Creek connector project. He also asked since it was a design build process, had all of the property been acquired.

Mr. Carroll said no; the property acquisition was part of the process.

Mr. Icenhour asked about the completion of the traffic study on 321 Monticello right turn at News Road.

Mr. Carroll noted he would share that information with Mr. Icenhour.

Mr. Icenhour noted an angry constituent had addressed that area and possible options.

Mr. Carroll said options similar to Longhill Road and Olde Towne Road would be reviewed.

Mr. McGlennon asked about the Jamestown Road traffic study and the location of the speed limit sign installation.

Mr. Carroll noted it would be at Neck-O-Land Road, coming from Jamestown, and would be a flashing yellow light for awareness.

The Board thanked Mr. Carroll for his presentation.

4. Colonial Soil & Water Conservation District Report

Mr. Bob Lund, Director, Colonial Soil & Water Conservation District, addressed the Board and noted fellow members, Mr. James Wallace, District Manager and Ms. Robyn Goad, Urban Conservationist were also in attendance. Mr. Lund noted the Annual Report for the past fiscal year was included in the Agenda Packet. He highlighted the Colonial District overview in a PowerPoint Presentation. Mr. Lund noted supplemental funding from local governments and grants allowed the District to support more than the state funded agricultural cost year program. He highlighted the agricultural programs in the County in his presentation. He noted the Colonial District's advocacy to promote program changes to ease the burden on participants in order to get more practices installed. Mr. Lund noted conservation planning, mandated by the Chesapeake Bay Preservation Act, needed local funding which was no longer funded by the state. He further noted the County continued to supply funds. Mr. Lund stated the Colonial District collaborated with the County staff on parcel selection. He highlighted the funding based on the two-year grant and the site specific management benefit. Mr. Lund noted the District's partnership with the Jamestown High School Envirothon Team, Williamsburg Community Growers, Warhill High School Pathways Program, and Partnership with School Health Initiative Program. He continued the presentation detailing the Virginia Conservation Assistance Program (VCAP). He noted VCAP had assisted homeowners, schools, and homeowners associations. Mr. Lund further noted the partnership and collaboration with the County's Stormwater and Resource Protection Division. He highlighted the Turf Love and the Garden Love programs, both of which educated and benefitted homeowners. Mr. Lund noted an equine assessment in the County. He further noted challenges and future opportunities with VCAP, the County Horse Project, and the Turf Love program in the PowerPoint presentation.

Mr. Icenhour asked the Board for any questions.

Ms. Larson noted she had no questions, but thanked Mr. Lund for the very thorough report.

F. PUBLIC COMMENT

1. Mr. Jeff Anthony, 336 Mill Stream Way, addressed the Board on behalf of the Pickleball community and the Veterans Park Pickleball court renovation. He noted the increased numbers of players and the need for the court repairs. Mr. Anthony further noted three things he wanted to express: thanks to Parks & Recreation's leadership and staff; thanks to players who encouraged others to play; and thanks in advance to the Board for its' favorable approval of the contract for the renovations.

2. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board about the "3 R's" - reduce, reuse, and recycle, and a little bit of trash. She encouraged everyone to reduce their amounts of trash, reuse as much as possible, and to recycle. Ms. Boarman noted recycling was important, but also emphasized knowing what items could be recycled. She noted the Recyclopedia, on the County website, was an excellent resource tool. She gave a "shout-out" to Ms. Grace Boone, Director of General Services, Ms. Joanna Ripley, Ms. Pam Dawson, Ms. Holli Haney, Ms. Pat Smith, Mr. Josh Norris, Lauren, Mariah, Janice, and Meredith along with others in General Services as well as Mr. Jim Hill and his group with Recycling and Solid Waste for their hard work in meeting the needs of the residents of the County. She thanked anyone else involved, but she also thanked Ms. Dawn Olesky, Clean County Commission Coordinator and Environmental Sustainability Coordinator. Ms. Boarman reminded everyone of the upcoming Litter and Recycling Expo at Jolly Pond Convenience Center on November 9. She thanked the Board and encouraged everyone to do "their part in litter prevention and recycling and to do it wisely."

Mr. McGlennon noted the Keep James City County Beautiful Committee, which Ms. Boarman headed, was one of the recipients of the Parks & Recreation awards. He thanked Ms. Boarman for her work on that project also.

G. CONSENT CALENDAR

Mr. Icenhour asked if there were any items to be pulled.

Ms. Larson requested Item No. 6 be pulled.

1. Minutes Adoption - September 10, 2019 Regular Meeting

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

Item Nos. 1-5 were approved.

2. Grant Award - Kinship Navigator Program - \$67,146

3. Grant Award - Functional Exercise and Education to Thrive Program - \$20,000

4. Authorization to Enter into Memoranda of Understanding with Private Entities for the Provision of Services and Shelter in Times of Emergency

5. Contract Award - Leaf Collection Services - \$210,000
6. Initiation of Review of Zoning Ordinance to include Beekeeping as a Use Permitted in Certain Residential Districts

Ms. Larson noted she pulled Item No. 6 as she did not want the item lost in the Consent Calendar agenda and the possibility of allowing beekeeping in R-1 zoning. She further noted she wanted people to be aware of the resolution and encouraged involvement and discussion during the Public Hearing portion of the meeting.

A motion to Approve Item No. 6 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

H. PUBLIC HEARING(S)

Mr. Icenhour noted Ms. Odessa Dowdy, Planning Commission representative, was in attendance.

1. An Ordinance to Authorize the Williamsburg-James City County Public School Division to Install and Operate a Video-Monitoring System in or on School Buses

A motion to Approve 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

Ms. Liz Parman, Assistant County Attorney, addressed the Board regarding the Ordinance based on reports from County school bus drivers who noted numerous violations.

Ms. Larson inquired about the penalty.

Ms. Parman noted it was similar to traffic infractions.

Mr. Hipple asked if a violator was caught, would the process entail a letter to the violator with the fine amount and the process.

Ms. Parman confirmed yes, adding that a review of these videos would go to the Police Department. She noted the Police Department had confirmed it could do the review.

Mr. Icenhour opened the Public Hearing.

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

2. An Ordinance to Amend County Code Sec. 9-7 and Sec. 9-8 to Require the Installation and Maintenance of Smoke Alarms in Residential Buildings in Conformance with Va. Code § 15.2-922

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

Ms. Parman addressed the Board noting the Ordinance amendment would align the County Code with the State Code.

Mr. Hipple noted he had several rental properties and asked about notifications. He further noted he had a company that inspected the properties annually and questioned if that information needed to be sent to the County.

Ms. Parman said no and noted it was not a requirement of the Virginia Landlord-Tenant Act. She cited that was a private right of action between the landlord and the tenant. She added the County Code required that landlords comply with the Statewide Building Code and the Fire Prevention Code and one confirmation that the fire alarms were operational must be sent to the tenant. Ms. Parman noted the landlord was not required to send any certification to the County.

Mr. Hipple asked if this amendment was to "bring us up to State Code."

Ms. Parman confirmed yes.

Mr. Icenhour opened the Public Hearing.

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

3. Virginia Department of Transportation Project No. UPC 100920, Croaker Road Widening - Underground Utilities

A motion to Approve 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. Paul Holt, Director of Community Development and Planning, addressed the Board and referenced Mr. Carroll's VDOT presentation which included the Croaker Road Widening project. Mr. Holt referenced the existing utility policy in the Comprehensive Plan. He cited the necessity of undergrounding the existing utilities in this Community Character Corridor. He noted the 2015 update to the Comprehensive Plan addressed the expense of placing existing underground utilities. Mr. Holt further noted the efficiency of working in conjunction with transportation projects so "the County does not have to bear all the cost." He added that VDOT required adoption of an Ordinance designating the Croaker Road project limits as an underground utility district. Mr. Holt noted the adoption of a resolution committing the County to funding the actual cost difference between relocating the utilities overhead versus underground. He highlighted the projected cost as well as the funding details in the Capital Improvements Program (CIP) budget. Mr. Holt recommended the Board adopt the Ordinance and resolution in the Agenda Packet.

Mr. Hipple noted he had spoken with VDOT and expressed concern about the Virginia Natural Gas "hut next to the bank." He further noted VDOT was looking into the right-of-way concern. Mr. Hipple noted this was a 20-year project and questioned shared cost to the County if Virginia Natural Gas had to relocate its structure.

Mr. Holt noted there would be no shared cost to the County; it would be a project cost if the structure had to be moved or relocated.

Mr. McGlennon noted he would address underground utilities during Board Requests and Directives.

Mr. Icenhour opened the Public Hearing.

As there were no speakers, Mr. Icenhour closed the Public Hearing and asked the Board for any questions or comments.

4. Case No. ORD-19-0001. Zoning Ordinance Amendment to Section 24-16, Proffer of Conditions

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. Holt addressed the Board noting in 2016, an amendment to the Zoning Ordinance stated the County would no longer accept proffers for applications for any portion of a rezoning application that included a residential component. He noted in 2019 the General Assembly made changes to Section 15.2-2303.4 of the Code of Virginia referred to as Chapter 245. Mr. Holt noted the Board advised staff to review the effects of Chapter 245 and recommend any warranted changes to the County Code regarding acceptance of proffers associated with any new residential rezoning or zoning map amendment, or any new residential component of a multiuse district rezoning or zoning map amendment. He noted the changes were in the Agenda Packet and that staff recommended approval of them.

Mr. McGlennon asked Mr. Kinsman about the change. He noted the state created a new process for adopting proffers, but asked if the old process was still available for builders.

Mr. Kinsman responded yes. He noted the way the proposed changes to Section 24-16 had been written allowed the developer two options. He further noted that the new changes gave the developer one option which was to "submit it basically like we used to."

Mr. Icenhour asked "with this they don't have the option of going back."

Mr. Kinsman confirmed yes and cited the County's ability to maintain no acceptance of proffers with this writing and "only be if they submitted them under that particular subsection that basically takes you back to where we started."

Ms. Dowdy addressed the Board on behalf of the Planning Commission. She noted she had no additional information to Mr. Holt's thorough explanation. She further noted the Planning Commission was in favor with a 6-1 vote. Ms. Dowdy noted one Commissioner had concerns about proceeding at this time and the residential growth relating to proffers.

Mr. Icenhour opened the Public Hearing.

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

Mr. McGlennon noted this was an issue for local governments that were experiencing rapid growth and an area of concern. He further noted the passage of the 2016 legislative "was a tremendous mistake on the part of the General Assembly" and cited the 2019 amendments offered some improvement. Mr. McGlennon noted more work needed to be tested in that area. He added the County was a member of the Coalition of High Growth Communities and noted the Coalition worked with the Home Builders Association and the General Assembly. Mr. McGlennon said the Ordinance as currently drafted allowed for flexibility and mitigation for proposals. He cited balance and recommended adoption to see how this worked.

5. Case No. SUP-19-0018. 6623 Richmond Road - Train Control System Assembly and Storage

A motion to Approve 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. Jose Ribeiro, Senior Planner, addressed the Board regarding the applicant, Mr. Joseph Stanko of Diverging Approach, Inc. (DAI), for a Special Use Permit (SUP) for a processing, assembly, and storage of light industrial products within a portion of an existing structure at 6623 Richmond Road. Mr. Ribeiro detailed the zoning designations and the SUP requirements. He noted DAI was a train signal and communications contractor and further noted DAI did not manufacture any materials, but assembled the various components. Mr. Ribeiro stated all operations would occur indoors. He noted the applicant was in attendance and that staff recommended approval.

Ms. Dowdy noted the Planning Commission unanimously agreed on this SUP and voted 6-0 on its approval.

Mr. Icenhour opened the Public Hearing.

Mr. Vernon Geddy of Geddy, Harris, Franck, & Hickman, LLP, 1177 Jametown Road, and representative for the applicant, addressed the Board. He thanked the staff and administration for their help. Mr. Geddy noted DAI was an excellent company, the type the County would want, and the SUP represented a use change only.

Mr. Icenhour closed the Public Hearing.

Ms. Sadler, on behalf of the Economic Development Authority (EDA) as the Board liaison, noted receipt of a letter from Mr. Thomas Tingle, Vice Chair of the EDA in support of the approval of the SUP for DAI. Ms. Sadler read the letter noting the business impact for the County and appreciation for the expedited review process. She noted her approval of the SUP.

Mr. Icenhour noted this was a very adaptive use of that building.

I. BOARD CONSIDERATION(S)

1. Contract Award - Veterans Park Pickleball Court Renovation

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. John Carnifax, Director of Parks & Recreation, addressed the Board with a history of the courts and surfacing issues. He noted the City of Williamsburg had budgeted to convert three of the seven Kiwanis courts to pickleball. He further noted the tennis community was not in favor of the conversion. Mr. Carnifax noted he met with both groups for discussion on the courts and the consensus was to convert the courts. He added the Kiwanis courts were lighted and he addressed several challenges such as the grading angle and resurfacing. He recommended support of this project.

Ms. Larson asked why tennis had a higher use at the Kiwanis courts.

Mr. Carnifax noted the City of Williamsburg operated the majority of the tennis programs and the County did not duplicate tennis programs. He further noted those courts had traditionally been the hub for local tennis activity. Mr. Carnifax highlighted different locations in the County that had public courts, but were not lighted. He discussed the popularity of pickleball and the dual lining for tennis and pickleball at Jamestown High School.

Ms. Larson asked about dual lining on the indoor court at the County Recreation Center.

Mr. Carnifax said yes, but the schedule for the gymnasium made its use more difficult.

Ms. Larson noted the tennis community's approval, but asked about the occasional tennis player who may come to Veterans Park and find tennis courts no longer there.

Mr. Carnifax noted communication and public notice would be part of the process. He further noted this project was the most cost-effective solution to the immediate need.

Mr. Hipple noted the pickleball community was very close-knit. He further noted he had stopped by to watch on several occasions and it was very interesting.

Mr. McGlennon noted the need to review more facilities as both pickleball and tennis continued to be popular sports.

Mr. Carnifax noted there would be seven lighted tennis and eight lighted pickleball plus the tennis courts at the high schools.

2. Case No. Z-19-0011. Mason Park Proffer Amendment

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

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

Ayes: Hipple, Icenhour Jr, Larson, Sadler

Nays: McGlennon

Mr. Ribeiro, Senior Planner, addressed the Board regarding the application from Mr. Jonathan Cramer of HHHunt Homes to amend adopted proffer language to remove the "detached garages" reference. Mr. Ribeiro highlighted the zoning details of the property. He noted the applicant had stated that attached garages were a current preference in the housing market for residential units. He further noted the garages would be placed at the rear of the dwelling units, but no longer detached. Mr. Ribeiro noted the Planning Commission's 7-0 approval at its September 4, 2019 meeting. He further noted staff's recommendation for approval of the application.

Mr. McGlennon noted in reviewing this application and the original one, there had been both a rezoning and an SUP. He further noted with the SUP there had been a requirement for commencement of construction within three years or it expired. Mr. McGlennon added he had spoken with the County Attorney about General Assembly legislation during the housing crisis which extended those deadlines. Mr. McGlennon questioned what constituted the beginning of construction and "what would be our expectations that construction would continue beyond doing something just to stop the clock." He questioned if the site plans need approval.

Mr. Ribeiro noted the construction plans had been approved.

Mr. McGlennon noted changes were now in place.

Mr. Ribeiro noted the applicant could amend the plan to show the garages.

Mr. McGlennon noted this was not construction.

Mr. Ribeiro confirmed that was true. He noted construction typically began with permits.

Mr. McGlennon asked if any permits had been issued.

Mr. Ribeiro noted the land disturbing permit had been issued, but was unsure of any other permits.

Mr. McGlennon expressed concerns and noted the start of construction and projects that remain "in limbo" for years. He also questioned the "vagueness" of certain areas and noted the paving to the garage and the grassy area. He asked what was required by these proffers.

Mr. Ribeiro noted Proffer No. 9 addressed environmental protections. He cited materials which could be used.

Mr. McGlennon noted the items could be used, but were not required.

Mr. Ribeiro replied yes, that was not a specific proffer language for a requirement.

Mr. McGlennon noted in reviewing the 2006 case materials, there had been a lot of reference to affordable housing. He further noted he had not seen anything in the proffers which addressed that aspect. Mr. McGlennon questioned if more specific language was mentioned for addition to the application, particularly since the County had an affordable housing policy and expectation.

Mr. Ribeiro noted in 2006 there was no Housing Opportunity Policy (HOP). He further noted "that was not the type of product that the applicant is proposing" and no discussion on that aspect had taken place with the applicant.

Mr. McGlennon noted in the HOP, there was "an option for a developer who doesn't want to have a mix of housing costs to make a payment in lieu of" and other options. He further noted outdated green building standards and possibly updating those.

Mr. Ribeiro noted the applicant had been asked if there were additional updates beyond the detached garage amendments. He further noted the applicant said there were none.

Mr. McGlennon noted this involved policy issue and bringing the standards up-to-date.

Mr. Purse referenced the 2006 SUP and noted the construction's start within 36 months and details.

Mr. McGlennon asked if that had happened.

Mr. Holt said no. He noted that due to the continued extension of the State Code language, the new expiration date for the subdivision construction plans, which had already been approved by County staff, and the new SUP would be July 1, 2020 for new construction to begin.

Mr. McGlennon asked if this was the result of the housing crisis of 2009.

Mr. Holt confirmed yes.

Mr. Icenhour asked if this resets the expiration.

Mr. Kinsman said no and added "the only reason this is still around is because the State Code saved it." He noted the permits had not been obtained and the County's expiration time would have been within 36 months of January 1, 2008, but the General Assembly stepped in prior to expiration and extended it. He further noted an extension was made about every two years. Mr. Kinsman stated this will come before the 2020 General Assembly for another possible extension.

Mr. Icenhour asked if "they continue to extend it, then having anything in there is really meaningless."

Mr. Kinsman confirmed yes.

Mr. Holt added the three-year clock began with the construction commencement as defined in the SUP condition and had to be met by 2020 or the SUP would expire. He noted a land disturbance permit had been pulled and a surety was in place. He further noted if the developer pursued this application without amending the subdivision construction plans previously submitted, then a building permit was the next step.

Mr. Kinsman noted the question of updating policy as asked by Mr. McGlennon. He further noted the Board could not change anything, but the applicant could make changes.

Mr. McGlennon noted he understand that, but questioned if the Board should review existing proffers and suggest to the applicant ways to meet contemporary standards.

Mr. Kinsman noted that was within the Board's ability.

Mr. McGlennon asked the applicant if the intention was to continue with this project or if this project might be on the market for sale.

Mr. Jon Cramer, HHHunt, addressed the Board noting the company moving ahead on the 15 homes.

Mr. McGlennon expressed concern that the company had waited 13 years to move forward. He questioned resources and other factors and noted this project could move on to "another developer who may not have the same vision of what that community might look like." Mr. McGlennon noted more specificity to the proffers would be helpful for this particular project and cited the timeline.

Mr. Cramer noted the previous lead design had higher standards than those required at the original time. He further noted those same standards met or exceeded current requirements and that was the reason for not changing the plans.

Mr. McGlennon asked "as the project is built, what mechanism is there to enforce those lead requirements?" and questioned the proffer wording.

Mr. Cramer said those requirements were in the construction documents which the builder followed.

Mr. McGlennon asked about the environmental proffer requirement.

Discussion ensued.

Mr. McGlennon noted the responsibility regarding this project involved holding whomever

worked on it to a level of accountability. He questioned the enforceability of this project.

Mr. Hipple said staff would enforce that accountability.

Mr. McGlennon noted that was per the 2008 proffers. He further noted that HHHunt would meet higher standards.

Mr. Hipple noted those standards would be better meeting the 2006 requirements.

Ms. Larson noted some work had been done and asked about that.

Mr. Cramer noted some survey on groundwork might need to be done. He further noted HHHunt wanted to get moving on this project.

Ms. Larson asked staff about the timeframe on this type of application and impacts on schools and other areas.

Mr. Kinsman noted staff was limited in reviewing the application given to them. He further noted the change was based on the garage location, not the whole development for impact. He noted if the addition of another house, exceeding the original 15 homes, was being proffered, then that one could be considered under the newer standards.

Ms. Larson noted "Wow ... there's probably a lot out there that's been sitting and we have no idea what's ahead." She further noted this was not new construction, but rather approval on existing homes to have attached garages.

Ms. Dowdy, Planning Commissioner, addressed the Board noting the Commission's support and focus had been on the change regarding the attached garages. She commented on the great feedback and comments from the Board.

Mr. McGlennon noted ultimately he could support this proposal, but felt the need to "tighten up" some expectations. He further noted experience had shown instances after rezoning changes were approved that ownership changed. He added he wanted confirmation that the vision shown matched the commitment. Mr. McGlennon noted a need for clarification in the proffer language, particularly in the environmental area.

Mr. Hipple disagreed. He noted the language addressed detached versus attached garages and not the whole development. He further noted the record of HHHunt and the quality of homes built in the area. Mr. Hipple added his support.

Ms. Sadler noted she agreed with Mr. Hipple that the decision was based on the garages. She further noted "properties that have been sitting for all these years and now they're finally going to do something with it" and commended them for the project. She offered her support.

Ms. Larson expressed her concern about items on the books and asked if Planning could notify the Board of situations like this coming forward.

Mr. Icenhour noted previously he had voted against this project and cited environmental concerns as well as traffic impact. He further noted Mr. McGlennon's point and decisions on property. He noted some decisions were outdated over time and there was a gross disproportionality on impacts. Mr. Icenhour noted a need for forward thinking and "it would be nice if the General Assembly gave us some authority to say there is some timeframe." He supported the change citing the garage change. Mr. Icenhour stressed the need to review these decisions going forward.

At approximately 7:03 p.m., the Board of Supervisors recessed for a short break.

At approximately 7:08 p.m., the Board of Supervisors reconvened.

3. Initiation of Abandonment of a Portion of Jolly Pond 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

Mr. Kinsman addressed the Board referencing its indication for Initiation of Abandonment on a portion of Jolly Pond Road near the dam. He noted with the adoption of that resolution in the Agenda Packet then that process would begin.

Mr. McGlennon asked about the process and a public hearing if requested.

Mr. Kinsman noted if a public hearing was requested then yes. He further noted this action started the process of advertisement in various locations over 30 days. Mr. Kinsman noted if no public hearing was requested, then the Board concluded the process by adoption of the resolution or abandonment of the process.

Mr. McGlennon noted this was initiating the process, but added if any thoughts that people had on it, this meant "the clock was ticking" and to come forward.

Mr. Hipple questioned if this was just the asphalt of the road.

Mr. Kinsman confirmed yes. He noted the County owned the asphalt.

Ms. Larson asked Mr. Stevens if the Kanes wanted to discuss anything.

Mr. Stevens said no, but noted there had been a lot of discussion with the Kanes and some Jolly Pond area residents.

Mr. Hipple noted discussion with the Kanes, residents, and staff. He further noted the history of the dam, the cost, and other factors.

Ms. Larson noted many people had been impacted by this closure. She expressed her appreciation of staff time, the Kanes, and the local residents on Jolly Pond Road. She noted her frustration about the initial opening and confusion for residents who thought the road would remain open. Ms. Larson expressed a desire for a plan if a similar situation arose. She referenced a dam in her neighborhood and VDOT's original paperwork on the privately owned dam, which was under the homeowners association. Ms. Larson noted "it is very difficult to put public money into something that is private when you know that public money is needed some places where the public are able to use it."

Ms. Sadler echoed similar sentiments and noted the traffic concerns near Stonehouse Elementary School and the use of funding. She noted prioritization of funding and the Board's responsibility to citizens.

Mr. McGlennon noted he welcomed thoughts and ideas and "it's really painful to see a piece of infrastructure go away when it's still being utilized by citizens." He further noted no reasonable cost option had been presented yet.

Mr. Hipple noted Jolly Pond Road was in his district and this was a painful decision, but one that needed to be made to start the process.

4. Amend Adopted Meeting Calendar to Add Joint Capital Improvements Program Meeting with Williamsburg-James City County Schools nad the City of Williamsburg in December 3, 2019, at 9 a.m., at Legacy Hall

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 asked if the Comprehensive Plan Town Hall meeting on November 18, 2019, needed to be amended.

Mr. Holt noted it would not be a collective meeting, but five different locations with one in each Board representative's district. He asked for confirmation from the County Attorney.

Mr. Kinsman confirmed "you're separate, you're okay."

Ms. Larson requested if regularly planned meetings could be put on the calendar. She noted adjustments and rescheduling came up, but having those meetings on the calendar would be great.

Mr. Stevens noted that for next year.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Hipple attended the Hampton Roads Transportation Accountability Commission (HRTAC) budget meeting for this month. He noted his honor to speak to the Plantation Club about transportation in the County and the region. He further noted attendance at HRTAC, Hampton Roads Transportation Planning Organization, and Hampton Roads Planning District Commission meetings. Mr. Hipple noted attendance at the Powhatan ferry celebration. He apologized to his fellow Board members as invitations from VDOT had not been received, but he noted he picked up commemorative coins for Board members and several staff members.

Ms. Larson noted she and Mr. McGlennon had volunteered at Local Officials Day at the Food Bank. Ms. Larson said she received a card from the organization highlighting the distribution of 230 backpack bags to children per week at seven elementary schools in Williamsburg-James City County. She cited the growth and highlighted awareness of this issue. Ms. Larson noted the Williamsburg House of Mercy had requested supplies. She further noted the holidays and an Advent calendar that promoted a daily food item donation in lieu of candy. Ms. Larson added she and Mr. McGlennon had attended a panel for the Williamsburg Area Association of Realtors with the Honorable Monty Mason, Virginia Senator, the Honorable Tommy Norment, Virginia Senator, the Honorable Brenda Pogge, Virginia House of Delegates representative, and the Honorable Walter Zaremba, York County Board of Supervisors. She noted they also read a letter from Ms. Sadler. Ms. Larson noted her attendance with Mr. Stevens, several staff members from Stormwater and Resource Protection, as well as the Chesapeake Bay Foundation, on the James River Cruise. She further noted how educational the program was as well as attendance from York County, Virginia Beach, Hampton, Norfolk, and others. Ms. Larson highlighted the work being done and the clean water programs and encouraged others to attend. She noted her attendance at Laurel Lane Elementary School to talk with the 3rd-grade students about the Civics unit. She thanked Brian, a local Laurel Lane Elementary School student, who recognized and spoke to her at the grocery store. Ms. Larson noted receiving recent calls and asked Mr. Kinsman about neighborhood deer

concerns. She questioned the controlled hunt process.

Mr. Kinsman noted the Police Department and the Department of Game & Inland Fisheries (DGIF) handled controlled hunts.

Ms. Larson asked about bow hunting.

Mr. Kinsman responded the County did not regulate bow hunting, but stressed responsible bow hunting. He noted the County had two bow hunting seasons.

Ms. Larson asked if neighbors had to be notified of bow hunting in their area.

Mr. Kinsman responded no, but with caution.

Mr. Purse noted an upcoming Podcast would be posted within two weeks that addressed hunting regulations. He further noted the Podcast guests consisted of County and DGIF staff.

Mr. Hipple noted Urban Archery season ran from October through March which allowed urban hunting.

Ms. Sadler highlighted the upcoming events in her district: Fish Fry at Station 1 - Oct. 12; Chickahominy Day - Oct. 26.

Mr. McGlennon noted his honor at representing the Board at Thomas Nelson Community College's 10th Anniversary at the Historic Triangle campus. He highlighted events of the celebration. He noted he had handed out National Parks Conservation Association challenge coins to his fellow Board members in appreciation of their efforts to prevent the overhead power lines over the James River. Mr. McGlennon stated a Public Hearing on remediation was slated for October 22 regarding the U.S. Army Corps of Engineers who violated the requirements of the law when a permit was issued to Dominion Energy. Mr. McGlennon noted Judge Royce Lamberth, U.S. Circuit Court of Appeals for the District of Columbia, would take testimony on how to remediate the violation. Mr. McGlennon noted the annual Virginia Association of Counties (VACo) meeting at The Homestead. He further noted a designated representative from the locality had to be elected and added Mr. Icenhour would be in attendance at the VACo meeting. Mr. McGlennon made a motion to elect Mr. Icenhour as the County's representative.

Mr. Icenhour noted an alternate needed to be elected.

A motion to Appoint James Icenhour as the Voting Delegate and Ruth Larson as the Alternate 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. McGlennon noted discussion with Mr. Kinsman on concerns about vaping. He further noted a death in Virginia and lung injuries related to vaping. He added Mr. Kinsman and Ms. Parman were already working on this issue. Mr. McGlennon noted reviewing the regulation of authority for vaping establishments and proximity to schools or prohibition of such establishments within certain zoning districts where they were currently permitted. He referenced the earlier discussion on underground utilities and the possible consideration of a fund in the CIP process for dedicated funding based on the CIP priorities. He noted favorable issues with underground utilities.

Mr. Hipple noted this was a good thing. He further noted previously there was a program.

Mr. McGlennon replied yes; it was a half penny program.

Mr. Hipple added Dominion Energy buried lines in his area and would be burying additional lines also. He noted accessing the former power line pole for an eagle's nest. He further noted Dominion Energy had a free program that established an eagle nest there.

Ms. Larson referenced meeting with Dominion Energy in the Route 5 area where numerous power outages occurred as well as the number of dead trees in that location. She noted VDOT shared statistics on that area.

Mr. Icenhour noted discussion with some Board members and Mr. Kinsman regarding retaining walls in New Town as part of Best Management Practices (BMP). He further noted some of the BMPs had walls 35-40 feet in height and in close proximity to housing and children. He noted the difficulty encountering homeowners associations and required administrative approval. Mr. Icenhour requested staff review potential problem areas, compile a list, and offer some potential language on prevention of the build-up of retaining walls. He noted the walls in New Town were high so space was not compromised and houses were built to those walls. He further noted a height change be required and possible Ordinance changes to address the issue.

Ms. Larson asked if there was a requirement about the fence. She noted that a citizen had asked about the danger and a fence at Settlement at Powhatan.

Mr. Purse noted the difference between the BMP and retaining walls. He further noted BMPs did not require fencing and some BMPs were very steep.

Mr. Icenhour noted this created a safety issue. He asked the Board if there was a consensus to have staff review this point and provide information for future thought.

Ms. Larson asked if changes were introduced would it only apply to future BMPs and retaining walls.

Mr. Kinsman confirmed yes.

Mr. Hipple suggested reaching out to the engineering community for information.

Ms. Larson noted a retaining wall failure at the Villas at Five Forks and the cost for that homeowners association.

Discussion ensued regarding safety and the proper structure without financial burden to homeowners associations.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens noted he had two items. He further noted the upcoming November election. Mr. Stevens added Ms. Dianna Moorman, Director of Elections, had requested a reminder for voter registration deadline for the general election was October 15, 2019; absentee ballot deadline by mail, October 29; absentee voting in person, Monday-Friday during normal voting registration office hours as well as October 26 and November 2; and deadline for absentee voting in person, November 2. He noted if questions, call 757-259-4949. Mr. Stevens added the upcoming Boo Bash at the Beach on October 19, 1-4 p.m. He noted \$5 cost per car.

L. CLOSED SESSION

None.

M. ADJOURNMENT


1. Adjourn until 4 p.m., October 22, 2019, for the Work Session

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

At approximately 7:43 p.m., Mr. Icenhour adjourned the Board of Supervisors.


Deputy Clerk