

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 24TH DAY OF NOVEMBER 2009, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

James G. Kennedy, Chairman, Stonehouse District
Mary Jones, Vice Chair, Berkeley District
Bruce C. Goodson, Roberts District
James O. Icenhour, Jr., Powhatan District
John J. McGlennon, Jamestown District

Sanford B. Wanner, County Administrator
Leo P. Rogers, County Attorney

B. MOMENT OF SILENCE

C. PLEDGE OF ALLEGIANCE – Jaysen Aubuchon, a fifth-grade student at Rawls Byrd Elementary School, led the Board and citizens in the Pledge of Allegiance.

Mr. Kennedy recognized Mr. Chris Henderson in attendance representing the Planning Commission.

D. HIGHWAY MATTERS

Mr. Todd Halacy, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, stated that VDOT crews have continued to clean up debris as a result of the 2009-11 Rain Event. He stated that assistance has been requested from the Federal Emergency Management Agency (FEMA). He also reported that the Secretary of Transportation announced that the State and Federal transportation revenues are projected to decrease between \$2.1 and \$2.6 billion over the next six years. This is in addition to the \$1.1 billion reduction in the six-year improvement program that took place a year ago. The Commissioner of VDOT presented a high-level plan outlining how it will respond to the six-year revenue forecast and position the department to address long-term economic changes to transportation. He stated the Commonwealth Transportation Board (CTB) has scheduled a public hearing on the draft revised plan on December 1, 2009, at 6 p.m. He stated the presentations could be reviewed on the CTB website.

Mr. Wanner stated that the Board has received the presentations via email.

Mr. Icenhour asked Mr. Halacy to evaluate potholes on a portion of News Road near the intersection with Monticello Avenue and stated the homeowners association at Season's Trace has requested that the drainage ditches be cleared of debris. He commented on stop signs in New Town which were placed by the developer. He noted that since the streets had not all been accepted into the Secondary Road System, some four-way stops may be changed when the roads are accepted based on VDOT's requirements.

Mr. McGlennon asked for drainage ditches to be examined on Lake Powell Road as a result of the 2009-11 Rain Event.

E. PRESENTATIONS

1. Stormwater Management

Mr. John Horne, General Services Manager, commented that the purpose of the presentation was to examine how the stormwater management infrastructure is regulated by the Stormwater Management division. Mr. Horne introduced Ms. Fran Geissler, Stormwater Management Director.

Ms. Geissler gave a brief presentation of the Stormwater Management program and the goals for improving stormwater in the County. She reviewed flood management in the County and the requirements of Municipal Separate Storm Sewer System (MS4) permitting along with the role that the Stormwater Management Division plays in fulfilling those requirements. She commented on water quality monitoring and controlling bacteria in waterways. She reviewed the overall Stormwater Management division roles and mission, accomplishments, emerging issues, and future needs. She commented on budgetary needs for improvements and reviewed the capital needs by voting districts.

Mr. Icenhour asked about the capital budget requirements for stormwater management.

Ms. Geissler stated that some funds were carry-over monies for the Ironbound Square regional Best Management Practices (BMP), and effectiveness has been increased each year.

Mr. McGlennon commented on the assertion that there would be smaller, more numerous BMPs.

Ms. Geissler stated that would be a result of newer technologies that would be more effective than larger regional BMPs.

Mr. McGlennon stated that it was critical to observe site plan design.

Ms. Geissler stated that was correct.

Mr. Icenhour commented on a lecture on the effectiveness of regulations of existing BMPs. He asked if the BMPs are effective based on current regulations. He requested that information be provided to the Board in a work session.

Ms. Geissler stated that Scott Thomas, Environmental Director, would be knowledgeable on that matter.

2. Energy Update

Mr. John Horne stated that the second presentation was on the County's baseline emissions study. He stated that energy efficiency is a core principle in the General Services Department to reduce greenhouse gas emissions and reduce energy costs. He introduced Ms. Jennifer Privette, Environmental Coordinator.

Ms. Privette recognized Mr. Matt Michenfelder, Research Assistant, who assisted with the data collection. Ms. Privette gave a presentation on the results of the greenhouse gas inventory. She referred to the County's participation in the Cool Counties program which was a catalyst in assessing greenhouse gas emissions in the County. She reviewed the Community and Government portions of the baseline study. She noted that the majority of the Carbon Dioxide (CO₂) emissions were a result of the buildings. She commented that residential electrical usage was the greatest energy usage and transportation generated the most CO₂ emissions. She commented that the majority of emissions are generated by the community. She reviewed measures that have been taken to reduced government greenhouse gas emissions, including lighting upgrades, programmable thermostats, and energy-efficient facilities such as the new Police facility. She stated that the cumulative reduction with all the measures would be a one-percent reduction, but the full commitment would require a two-percent annual reduction. She commented on milestones of the current program and the next steps that should be taken. She commented that partnerships with the community would be critical to lower the community's carbon footprint.

Mr. McGlennon commented that it was important to establish a baseline. He commented on a chart that had a spike in electrical usage.

Ms. Privette commented that was a result of warmer weather in FY 2008.

Mr. McGlennon commented that if FY 2008 and FY 2009 were compared, the decline would be more significant.

Ms. Privette stated that was correct.

Mr. McGlennon asked if partnerships would help benefit the community as a whole.

Ms. Privette stated that was correct.

Mr. McGlennon asked what was anticipated to make the greatest difference.

Ms. Privette commented that the greatest impact was private residential usage. She commented that being energy-smart and replacing light bulbs, as well as reduction in driving would make an impact. She stated that it would require coordination and that it was important to involve community organizations that are already implementing these programs.

Mr. McGlennon asked Mr. Michenfelder how an average citizen could evaluate his/her impacts on emission reductions.

Mr. Michenfelder stated that simple measures such as weatherization and energy-efficient bulbs can have a cumulative impact.

F. PUBLIC COMMENT

1. Mr. Mac Mestayer, 105 Gilley Drive, commented on zoning and land use. He commented on important factors of zoning, such as protecting the common good and land use predictability. He commented on the Economic Opportunity (EO) designation and stated that agribusiness should be pursued on those properties.

DESCRIPTION: 2809 Durfey's Mill Road
TAX MAP/PARCEL NOS.: (47-4) (01-0-0003)
James City County, Virginia

FILING FEE: \$10.00

TOTAL AMOUNT DUE: \$330.00

3. Restatement of the Amended and Restated Cooperative Service Agreement – Virginia Peninsula Regional Jail Authority

RESOLUTION

RESTATEMENT OF THE AMENDED AND RESTATED COOPERATIVE SERVICE

AGREEMENT - VIRGINIA PENINSULA REGIONAL JAIL AUTHORITY

WHEREAS, James City County (“County”) entered into an Amended and Restated Cooperative Service Agreement (“Service Agreement”) on August 1, 1995, with the Virginia Peninsula Regional Jail Authority (“Jail Authority”), which provides for the financing, construction, and operation of the Jail Authority; and

WHEREAS, on September 13, 2005 and April 11, 2006, the Board of Supervisors approved amendments to the Service Agreement; and

WHEREAS, the Board of Supervisors is of the opinion that the County should consolidate the Service Agreement and the two amendments into one document, the Restatement of the Amended and Restated Cooperative Service Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute the Restatement of the Amended and Restated Cooperative Services Agreement in order to incorporate the agreements and amendments into one document.

4. Ratification of 1974 Hill Pleasant Farm Subdivision

RESOLUTION

RATIFICATION OF 1974 HILL PLEASANT FARM SUBDIVISION

WHEREAS, by Deed dated December 31, 1974, and recorded in the James City County Clerk’s Office in Deed Book 158, page 176, Harold J. Hunt, Jr. excepted from conveyance on behalf of his son, Donald C. Hunt, a one-acre portion (the “Homestead Parcel”) of the 426-acre parcel of land in James City County (the “County”) located at 7152 Richmond Road and commonly known as the Hill Pleasant Farm (the “Farm Property”) and designated as A-1, General Agriculture; and

WHEREAS, in 1974, the minimum lot size in the A-1, General Agriculture, zoning district was 20,000 square feet and, as such, a one-acre subdivision would have been permitted as a matter of right; and

WHEREAS, since 1974, the County has treated the Homestead Parcel as being owned by Donald C. Hunt and subdivided from the Farm Property by assigning the Homestead Parcel an address and tax map number unique from the Farm Property, by assessing the Homestead Parcel separately from the Farm Property, by excepting the Homestead Parcel from the Agricultural and Forestal District in which the surrounding Farm Property is included, and by listing Donald C. Hunt as the owner of record for the Homestead Property, rather than Hill Pleasant Farm, Inc., which owns the surrounding Farm Property; and

WHEREAS, upon Harold J. Hunt, Jr.'s death in 2005, it was discovered that the formal requirements to subdivide the Homestead Parcel from the Farm Property were not properly completed; and

WHEREAS, this resolution should clarify for all purposes, if needed, that the Homestead Parcel was, in fact, subdivided from the Farm Property in 1974.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that:

1. The one-acre parcel of property located at 7150 Richmond Road in James City County, Virginia, and further identified as James City County Real Estate Tax Map No. 241010007 is subdivided from the parent tract located at 7152 Richmond Road in James City County, Virginia and further identified as James City County Real Estate Tax Map No. 2410100005 and commonly known as the Hill Pleasant Farm.
2. The Subdivision Agent is hereby empowered to affix his signature to those documents, including a subdivision plat, necessary to legally acknowledge the 1974 subdivision.

H. PUBLIC HEARING

1. Case No. SUP-0023-2009. Hunt Family Subdivision

Mr. Allen Murphy, Planning Director, stated that the matter in this public hearing was addressed in Consent Calendar Item G-4 and required no action from the Board.

Mr. Kennedy opened the Public Hearing.

As no one wished to speak to this matter, Mr. Kennedy closed the Public Hearing.

I. BOARD CONSIDERATIONS

1. 2010 Legislative Program

Mr. Rogers stated this item was discussed in the Board's work session, and several amendments were recommended to the Legislative Program. He recommended that the Board approve the Legislative Program as amended.

Mr. McGlennon made a motion to adopt the 2010 Legislative Program with the amendments recommended during the work session.

On a roll call vote, the vote was AYE: Goodson, Jones, McGlennon, Icenhour, Kennedy (5). NAY: (0).

RESOLUTION

2010 LEGISLATIVE PROGRAM

WHEREAS, James City County has developed a Legislative Program for the consideration of the 2010 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its legislative program and believes that it is in the best interest of the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the County's 2010 Legislative Program and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that a copy of the County's 2010 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

2. Adoption of the 2009 Comprehensive Plan

Mr. Kennedy stated that he would like to open up any additional discussion by the Board on the Comprehensive Plan.

Mr. McGlennon commented that there were a number of issues that were discussed. He said he was unsure if there was interest in voting on substantive items that were discussed. He asked for feedback from the Board.

Mr. Kennedy commented that there was consensus to remove the amendment process.

Mr. Goodson stated there was also consensus on adding language referring to Thomas Nelson Community College (TNCC). He stated he could move the adoption of the plan with the addition of the amendments that the Board had agreed upon.

Ms. Jones stated that she supported the adoption of the Comprehensive Plan. She stated there was extensive participation input and numerous meetings held to develop the Comprehensive Plan. She stated she served on the Steering Committee for nine months and felt this Plan had made extraordinary strides to address citizen concerns, including growth management. She commented on the addition of the EO zone as a result of citizens' requests for economic vitality and diversification. She commented on the recommendation to assess cumulative impacts of development and provisions for affordable and workforce housing. She commented on recommendations to address flooding issues as well. She stated the process has been open, inclusive, and commended. She thanked the citizens, staff, and officials who participated in the process.

Mr. Icenhour commented that based on citizen input, he considered whether the Comprehensive Plan reduced the long-term growth rate to an acceptable level. He stated the current growth rate was not sustainable. He asked if the plan would account for cumulative impact of previously approved growth. He stated his overall impression was that there was excellent citizen involvement, Steering Committee was too large, and there was a lack of Board discussion on policy matters related to the plan. He stated his satisfaction that the plan preserved the primary service area (PSA), strengthens growth control for rural lands, and implements an affordable housing policy. He stated the weaknesses resulted from not assessing cumulative impact of previously approved development or the effects on the environment and the plan was inconsistent on growth due to the EO zone designation. He commented on what he would like to see. He indicated that he did not like the amendment process and felt that the EO zone should be applied only to land inside the PSA. He stated he wanted the Board to recognize that the Comprehensive Plan was a policy document and to recognize that past efforts to control growth have not met expectations. He stated he wanted the plan to assess the cumulative impact of previously-approved growth before continuing growth.

Mr. McGlennon acknowledged the citizen involvement in the process. He stated he understood that citizens felt that the pace of growth was too high. He stated there were negative consequences on the quality of life. He stated concern that there was not adequate recognition that there should be more done to decrease the rate of growth. He stated that it has been reflected that there is no consensus on the way to handle growth in the County. He stated there was a great deal of good initiatives in the plan, but he felt that underlying is the expectation of excessive growth in the County. He commented on fundamental issues that should be addressed, such as whether or not additional affordable housing would benefit some employees in the County. He stated that it was important to think about how the County would sustain itself economically. He said the plan reflects many good ideas, but he will work with the Board to accomplish the best strategies for accomplishing what he feels would be in the best interest of the community. He commented that he felt that the plan did not fully reflect how the community would like to go forward in the next 20 years.

Mr. Goodson stated that he supported the process because it removed politics from the equation. He commented that citizen involvement was reflected in the plan rather than political goals. He stated that he did not wish to incorporate many changes beyond those of consensus that were recommended. He stated support for the development of the plan and the plan itself.

Mr. Kennedy stated that he began the Comprehensive Plan process as part of the Planning Commission, and the process took over two years. He stated he was disappointed with the turnout of the community meetings and that various organizations were encouraged to come to meetings and give their feedback. He stated he felt the process was inclusive and provided opportunities for community input. He stated he felt the Steering Committee was well-represented and of a good size and the process resulted in a good plan. He stated that meetings were held on the draft plan and what was expected, but he would have welcomed additional individual discussions to work together more collaboratively. He stated concerns about the rural lands, including issues of the Taylor Farm and Hill Pleasant Farm. He commented on the Purchase of Development Rights Program, but the funding was not there to sustain these properties. He stated the rural land owners did not have options. He commented that the farm owners have resisted development and should not be punished for preserving the rural lands. He stated the Economic Development Authority (EDA) was working on ways to make farming more viable in the County, but there were still difficulties. He commented that the EO zone would be an option for the future. He stated that this could be discussed in more depth along with exploration of Transfer of Development Rights (TDR) and changing the PSA for environmentally sensitive areas. He stated there were options and it was important to compromise. He stated he could support the plan regardless of its flaws with the amendments. He stated that there should be significant discussion on ordinances and rural lands.

On a roll call vote, the vote was AYE: Goodson, Jones, Kennedy (3). NAY: McGlennon, Icenhour (2).

RESOLUTION

ADOPTION OF THE 2009 COMPREHENSIVE PLAN

WHEREAS, the Code of Virginia, Title 15.2, Chapter 22, Section 15.2-2223 requires James City County to prepare and recommend a Comprehensive Plan for the physical development of its territory, and Section 15.2-2230 mandates that at least once every five years the Comprehensive Plan be reviewed by the local Planning Commission; and

WHEREAS, the James City County Planning Commission has reviewed the original Comprehensive Plan and determined it advisable to amend that plan; and

WHEREAS, a 10-member Community Participation Team met weekly for 11 months informing County citizens and gathering their diverse views for the future; and

WHEREAS, an 11-member Steering Committee held 36 meetings over a nine-month period reviewing community input, technical reports, text, goals, strategies, and actions; and

WHEREAS, amendments have been proposed for incorporation in the 2009 James City County Comprehensive Plan and Land Use Map; and

WHEREAS, the James City County Planning Commission held a public hearing on September 30, 2009, and unanimously recommended approval of the *Historic Past, Sustainable Future* 2009 Comprehensive Plan and Land Use Map on October 7, 2009; and

WHEREAS, a public hearing on the *Historic Past, Sustainable Future* 2009 Comprehensive Plan was held on November 10, 2009, by the Board of Supervisors; and

WHEREAS, the Board of Supervisors held a joint work session with the Planning Commission on July 28, 2009, and an additional work session on November 10, 17, and 24, 2009, to discuss the *Historic Past, Sustainable Future* 2009 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, adopts the *Historic Past, Sustainable Future* 2009 Comprehensive Plan and Land Use Map for James City County.

J. PUBLIC COMMENT

1. Mr. Ed Oyer, 139 Indian Circle, commented on shortfalls in the Virginia State budget over the next two years; upside-down mortgages in Virginia; voting records of Board of Supervisors members; and problems with school redistricting.

2. Mr. Robert Richardson, 2786 Lake Powell Road, displayed a video clip of the Board of Supervisors work session on November 17, 2009.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Wanner announced that County, State, and Federal offices would be closed in observance of the Thanksgiving holiday on Thursday, November 26, 2009, and Friday, November 27, 2009. He noted this weekend was the grand opening of Christmas Town at Busch Gardens. Mr. Wanner stated that when the Board completed its business, it should adjourn to 7 p.m. on December 8, 2009, which would be the last Board meeting of the year. He noted that following adjournment, there was a scheduled meeting of the James City Service Authority Board of Directors.

L. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour commented that he recently attended a meeting of Peninsula Council for Workforce Development regarding the development of a Youth Career Café. He stated that due to financial constraints and an anticipated grant application, the lease is being postponed until early 2010.

Mr. McGlennon commented on the passing of A.G. Bradshaw who served for 39 years on the Planning Commission. He extended condolences to the Bradshaw family and stated his appreciation for the contributions of Mr. Bradshaw. He commended Ms. Kira Allmann, the newest Rhodes Scholar from the College of William and Mary. He noted that only 32 Americans were selected and she was the 6th in the history of the College.

Ms. Jones commented that she attended a home dedication in Ironbound Square through Habitat for Humanity with contributions from the Wal-Mart Distribution Center. She commented on Black Friday at Prime Outlets and asked citizens to educate themselves and others on the parking and public safety measures being taken in order to respect those who live near the shopping center.

Mr. Kennedy stated that he participated in the groundbreaking of the new Police facility. He commented that the building was well-deserved, and a local firm was doing the construction. He also noted that the James City-Bruton Volunteer Fire Department and the James City County Volunteer Rescue Squad installed new officers.

M. ADJOURNMENT to 7 p.m. on December 8, 2009.

Mr. McGlennon made a motion to adjourn to 7 p.m. on December 8, 2009.

On a roll call vote, the vote was AYE: Goodson, Jones, McGlennon, Icenhour, Kennedy (5). NAY: (0).

At 8:43 p.m. Mr. Kennedy adjourned the Board to 7 p.m. on December 8, 2009.

Sanford B. Wanner
Clerk to the Board