

MINUTES FOR THE WEEKLY MEETING OF THE STEERING COMMITTEE ON MONDAY, MARCH 23rd, 2009 AT 4 PM IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, BUILDING F.

PARTICIPANTS:

MEMBERS PRESENT:

Chris Henderson
Julie Leverenz
Mary Jones
George Billups
Tom Tingle
Mark Wenger
Jack Fraley
Ruth Larson
Vaughn Poller
Bill Porter

NOT PRESENT:

Rich Krapf

STAFF PRESENT:

Tammy Rosario, Planning
Leanne Reidenbach, Planning
Ned Cheely, Parks and Recreation
Steven Hicks, Development Management
Allen Murphy, Planning
Scott Whyte, Planning
Jose Ribeiro, Planning
Terry Costello, Planning

I. CALL TO ORDER

Mr. Jack Fraley called the meeting to order at 4:05 p.m., noting that Mr. Rich Krapf would not be in attendance.

II. PUBLIC COMMENT

Mr. Steve Romine, an attorney with LeClair Ryan, spoke on behalf of Verizon Wireless regarding cell towers and cellular technology. His comments also extend to the broader cellular industry. He stated that Verizon is required to service customers in the County. Their FCC license mandates that service be provided and that responsibility is taken very seriously. Mr. Romine stated that Verizon has a long and good working relationship with the County. Verizon understands that when wireless communications facilities are a component of the Community Character discussion. He stated that Verizon wants to be a resource through this process and participate in this process. Mr. Romine first addressed the part in the Community Character technical report concerning new technologies. He referenced that a federal telecommunications law is clear and specific that states and localities cannot and should not mandate a prescribed certain technology. He wanted to make clear that anytime there is a reference to new technology, even though it may be generic, it is not an area that localities and states are allowed to preference. Mr. Romine stated that all licensed providers in the area agree on this principle and wanted to make sure that nothing in conflict with the law would be included in the Comprehensive Plan. He stated that there is presently language included in the technical report that sets a preference to encouraging new technologies. He asked that this language be eliminated in the technical report and in the goals, strategies and actions and that the language that is in the current Comprehensive Plan be kept.

Mr. Chris Henderson asked Mr. Romine about the state of the industry with respect to the technology. He asked him to describe what is currently in place today, what the future looks like, and where the technology might be headed in five to ten years.

Mr. Romine answered that technology continues to change. He stated that most in the industry believe that land based delivery antenna systems will be around for a long time. He stated that low orbiting satellites that

have been tested have not been refined enough to be marketable. He stated that as more data gets pushed through the system, there will be a continued need for spectrum and delivery systems, and these systems will adapt to the particular environments. Mr. Romine stated that Verizon has been sensitive to the rural lands and historic areas as the current Comprehensive Plan suggests. He stated it may be a matter of where towers are placed, which are the best and strongest places to deliver backbone signal. They could look at areas in the master planning process where approval is more likely. Mr. Romine asked that the Committee look at making the process not so stringent where it is economically feasible to have the service.

Mr. Henderson asked if it were fair to state that as technology improves, a single location will have greater capacity to handle more information and more customers and perhaps a larger geographical area.

Mr. Tim Dykestra, the Director of System Performance for Verizon, stated that part of his task was designing the network that delivers voice and data products. He stated that he is in the process of designing the future generation of networking, which is similar to what is currently deployed. He stated there is still a need for towers. Mr. Dykestra said that towers have inherently added more capacity, and there is more capacity on the same amount of spectrum. He stated the next level that will be attained is 4G, and this will continue to happen.

Mr. Henderson asked if they perceived the height limitations that are imposed on cell towers in the Zoning Ordinance and cell towers as an impediment of the development of an efficient network. He also asked if there were some other optimal height at which the companies would prefer to operate.

Mr. Dykestra answered that in the more rural areas the height limitation can be a limiting factor. In these areas, more cell sites are needed to cover the geographical area.

Mr. Henderson asked about the merger of Alltel and Verizon and whether this affects their network and plans for James City County.

Mr. Dykestra answered that the process has been started to look at how to combine these two networks. He stated the number of towers will probably not decrease in the area.

Mr. George Billups asked for clarification concerning the comment about representatives being a resource for the County and for the request for the language in the Comprehensive Plan to remain the same. There seemed to be a conflict of interest in his mind.

Mr. Romine answered that they feel that the language goes too far in the draft version with respect to technologies. He stated they would like to participate if there is some kind of master planning done with respect to wireless facilities.

Mr. Vaughn Poller asked about the economic impact of the availability of wireless and its economic development potential.

Mr. Dykestra stated that companies are asked constantly when coverage will be available. The absence of coverage or limited coverage impedes individuals to work from home, and impedes small businesses to operate.

Mr. Poller asked if this area is included in the Baltimore-Washington region.

Mr. Dykestra answered yes.

Mr. Poller then asked when this area would receive the latest technology when it was deployed.

Mr. Dykestra stated that normally the technology is first employed at the population centers and then is worked outwards. He stated when broadband and the 3G technology was deployed, this area was one of the first areas in Virginia to receive it.

Mr. Poller asked where they would be working out from in the Hampton Roads region.

Mr. Dykestra stated that the County is part of the Chesapeake, Virginia Beach area. He stated the County would most likely be included, but at the edge, of the first rollout area for new technology.

Mr. Poller asked about the comments in the draft documents where specific technology is addressed.

Mr. Romine answered that their comments did not address a specific technology but that they would like to see the language removed that addressed any new technology.

Mr. Poller stated that the Committee was probably interested in addressing the technology issues from more of a consumer point of view. He felt the emphasis was on allowing the consumer to have the best possible product and allow for competition in the industry. He asked Mr. Romine where he would place the emphasis.

Mr. Romine answered that they would be supportive of that, but with regards to the wording in the draft, it appeared to go too far. Their concern was the appearance that a specific technology would be mandated in a certain area.

Mr. Poller asked if the distribution was adequate in the County to meet their demand needs.

Mr. Dykestra stated more is always needed, but that measures and data are constantly collected and analyzed so as to ensure that facilities are obtained to provide the best optimal service.

Mr. Tom Tingle asked if Mr. Romine could submit some language that addresses the concerns of those in the industry.

Mr. Romine agreed to do so.

Mr. Henderson asked about master planning and if any representatives may be interested in contributing.

Mr. Dykestra stated they can work towards this. He stated that sometimes when looking at County-wide plans there may be some issues regarding disclosure of future plans with competing cellular providers.

Mr. Henderson suggested overlaying the industries' needs on a public facilities map that is being worked on.

Ms. Julie Leverenz stated that the industry most likely faces topographical issues when trying to locate a facility.

Mr. Fraley stated that he was assured by the County Attorney that having language in the Comprehensive Plan that suggests exploring new technology was appropriate. He stated the Committee needs to address whether the language may have gone beyond that. He would appreciate any language that the industry could provide. He wanted to thank the representatives here that have agreed to support a master plan. Mr. Fraley stated it has only been successful when the industry has participated.

Mr. Bill Halterman stated that he needed the overhead view which was not working. He stated he will come back on Thursday to provide his public comments.

Mr. Mike Pense stated he was with Virginia Real Estate Development Corporation. He spoke concerning 3126 Forge Road, 8021 Richmond, and 3118 Forge Road. He stated the owners are interested in marketing the properties similar to what it is suggested in the Toano Mixed Use Area Land Use Designation to keep the Toano character. Mr. Pense would like to keep the identity of the property as it has been in the past.

Mr. Tingle asked if this parcel was part of the land use discussion.

Ms. Tammy Rosario stated that she thought the property is currently moderate density residential and staff had proposed a mixed use designation.

Mr. Tingle asked staff to make sure the land owners were aware of the proposal.

Ms. Lisa Murphy spoke on behalf of AT & T. She supported the information presented by Mr. Romine and Mr. Dykestra. She stated the key for wireless was flexibility in the regulatory scheme. The challenges for facilities are many. Ms. Murphy stated the more flexibility the companies have, the more ways that creative solutions can be obtained. She stated that it would be beneficial not to dictate a particular site or technology, but assist the companies with flexibility to come up with creative solutions. Ms. Murphy stated this is an economic development issue for businesses and individuals. She stated citizens do not pay for infrastructure, but the companies provide the infrastructure. She did state master planning can be difficult since it is hard to predict how the population will grow and where future sites will need to be. Ms. Murphy stated that master planning can take away the flexibility that is needed and that some localities that had developed master plans had actually stopped using them.

Mr. Poller asked when companies look at differentiating the technology.

Ms. Murphy answered that there are larger structures height wise, and then as service is provided to residential areas, it gets smaller.

Mr. Mahoney spoke on behalf of AT&T. He stated that when designing sites, co-locations are first considered. If a light pole works, then those are utilized. He stated that the first objective is to determine what is currently out there and what is available.

Mr. Henderson asked the representatives for examples of localities where the regulations were clear and that they preferred to work in.

Mr. Mahoney stated that there was no locality without issues or problems to deal with.

Ms. Murphy stated that the ones with the most flexibility were easier to deal with. One issue they have with the ordinance is with the design required, especially in reference to a camouflage tower.

Mr. Mahoney would like a by-right option.

Ms. Murphy suggested flexibility in the setbacks.

Mr. Mahoney mentioned that the carriers all met with the City of Williamsburg and offered suggestions and concerns for providing service to the historic area. The carriers would be willing to do the same with the County, though it is significantly larger.

Mr. Poller asked that with new technology, and with 4G, will there be a need for additional or fewer poles.

Mr. Mahoney answered that it is the spectrum that is addressed with new technology. There has been no announcement of the details of AT&T's 4G technology, but if it were deployed, the signal would carry farther.

Mr. Fraley stated that it would be his hope that the County will be flexible, and that the master planning process would not rigid. He believes the master plan would address these kinds of issues.

III. MINUTES

Ms. Leverenz made a motion for approval of the March 16th minutes.

Ms. Mary Jones seconded the motion.

In a unanimous voice vote, the minutes were approved (10-0, Absent: Krapf).

IV. PARKS AND RECREATION

Ms. Leanne Reidenbach continued her presentation of the Parks and Recreation Technical Report. She started with four strategies and actions that were deleted because they are included in the Parks and Recreation Master Plan and in previous strategies and action discussed last week. She began with Strategy 1.3.

Ms. Ruth Larson asked with reference to Strategy 1.3 as to whether a park foundation would be a source of revenue.

Mr. Ned Cheely answered that the goal would be to provide for everything from donations to bequeath. He stated that in the past there has been some interest on how this would interface with the Capital Improvements Program (CIP). The CIP is an established plan that is reviewed and anything that would be funded by the park foundation would be a positive thing.

Mr. Fraley asked Mr. Cheely to elaborate on Action 1.3.1 with regards to the business plan.

Mr. Cheely stated that in general the Division has had a high recovery rate for the programs that they currently offer. As the park system continues to be developed, the recovery rate has continued to decline. He stated that the only way to offset that is to look at opportunities that provide for development of facilities within the park system that would generate a positive cash flow.

Mr. Billups asked what portion of their budget would include matching funds for grants.

Mr. Cheely stated that the Division has a revenue recovery rate of approximately 45%. He stated that the grants vary year to year. He stated that over the last few years, grant opportunities have diminished greatly.

Mr. Billups asked about any personnel requirements attached to the grants.

Mr. Cheely stated that most of the grants received have been able to maximize existing dollars in the currently funded CIP. They may range in funding from a 10% to a 25% match.

Ms. Larson asked if there was staff person that specifically handled grants.

Mr. Cheely answered that Ms. Carla Brittle searches for and manages the grants.

Mr. Porter asked how the revenues were recorded as far as for specific programs and whether revenues offset programs that do not have a positive cash flow.

Mr. Cheely stated that all revenues go into the general fund. With this action, he was referring to looking at a long-range business plan similar what would be done in the private sector.

Mr. Henderson questioned why the revenue recovery would be declining.

Mr. Cheely stated that in past years there has been a disproportionate emphasis on the program side. There is no charge to use the parks and fields. He stated that due to the growth on the park side, it is starting to minimize the revenues as a whole.

Mr. Henderson asked if there was any reimbursement for use of the fields and facilities by sports teams, etc.

Mr. Cheely stated there are some revenues associated with the use, but that the Division has tried not to be the direct program provider due to the operational costs.

Mr. Henderson asked if the largest operational cost would be the Recreation Center on Longhill Road.

Mr. Cheely answered that might not be accurate. The Community Center has traditionally had a high revenue recovery rate.

Mr. Poller asked about Action 1.3.2 and whether the grant-in-aid program referred to tot lots and parks in subdivisions.

Mr. Cheely stated yes.

Mr. Poller asked if legacy parks in some of the neighborhoods that do not have Homeowner's Associations would be included.

Mr. Cheely stated there is a specific set of criteria and requirements that they would have to meet in order to apply for these funds. He stated for instance there is a stipulation that if a neighborhood were to accept monies they would have to open the recreational facility to the general public.

Mr. Poller asked if the number of these parks were growing.

Mr. Cheely stated that in the past when funds were available, it was a way for the County to assist neighborhoods and avoid blight.

Mr. Porter was concerned about maintenance.

Mr. Cheely stated the County would not be involved in the maintenance.

Ms. Leverenz suggested changing the wording to neighborhood park improvements.

Mr. Billups asked about meeting the needs of residents in areas where no facilities exist.

Mr. Cheely stated the Division is attempting to establish standards as it relates to different types of park areas. It would be unlikely that this would be analyzed from a neighborhood perspective. He did state that the grant program would allow small neighborhoods that want recreational facilities in their area to develop or improve a neighborhood park. Additionally, in-kind volunteer hours could be used as a match in order to qualify for the grant. Mr. Cheely also stated that is a concern of the importance of reaching across a broader spectrum of neighborhoods and citizens. He stated that this is attempted to be address in the Master Plan.

Mr. Fraley asked about the Purchase of Development Rights program.

Mr. Porter answered that the County has acquired greenspace.

Ms. Rosario stated the program is active. She stated there will be some information presented during the Community Character section.

Mr. Henderson commented that he thought the water access issue had been addressed.

Ms. Reidenbach mentioned the survey data which concluded that 72% of respondents found water access was very or somewhat important. According to the Virginia Outdoors Plan, 50% of the respondents stated that water access was the most needed recreational activity opportunity the state of Virginia. She stated the need for additional water access opportunities fall in line with some Hampton Roads Planning District Commission's goals.

Mr. Cheely believed that water access may be preferred for the sake of convenience as opposed to access itself.

Mr. Henderson stated the County has achieved two point of access, Jamestown Yacht Basin and the Chickahominy Riverfront Park.

Mr. Billups asked about program requests from the youth, such as canoeing.

Mr. Cheely answered that the youth and teen program does have programs that include outdoor activities such as canoeing and kayaking.

Mr. Henderson stated that most people would trailer their boat as opposed to run it to their desired location.

Mr. Porter stated that there are a large number of residents who kayak and canoe, and these launch services may need to be more evenly distributed throughout the County.

Mr. Henderson asked if Action 1.5.2 regarding encouraging developments to dedicate land for sidewalks, bikeways, and greenways, would apply to developments in the rural lands.

Ms. Reidenbach answered that this would probably be addressed during the Ordinance update as to what zoning districts it would apply to. She stated that generally speaking, in terms of actually providing bikeways and trails, there are some identified on the Greenways Master Plan in the rural lands.

Mr. Tingle stated he would like to see a sidewalk fund established as an option for developments that do not have a clear, contiguous connection of internal sidewalks.

Ms. Reidenbach stated there has been discussion as to whether the Parks and Recreation or the Transportation section will address that. Staff will have an answer by next Monday.

Mr. Henderson asked if a one-size-fits-all formula was being created here for neighborhoods that now may be required to have these recreational facilities, especially when developers and residents may not wish to have them.

Ms. Reidenbach stated that currently through the legislative process for certain types of developments, there are density bonuses awarded by proffering the Parks and Recreation Master Plan Proffer Guidelines.

Mr. Billups asked if the designs of recreational facilities were addressed when these facilities are proffered.

Ms. Reidenbach answered that the proffer guidelines do outline some design specifications with regards to size of park land, type of topography, standards of what types of trails are preferred and also activities that would be included in a playground.

Mr. Tingle asked what the Inclusion service was in Action 1.6.3.

Mr. Cheely answered that levels of need are determined on an individual basis when deciding what kind of service to provide disabled individuals who wish to participate in Division programs.

Mr. Billups asked if this documentation is shared with the schools or even the health field.

Mr. Cheely stated that the Division works closely with both of those groups.

Mr. Henderson asked if the Division reviews fees biannually.

Mr. Cheely answered yes.

Ms. Leverenz asked if Action 1.7.4 would include private sponsorships.

Mr. Cheely answered that it would include public and private sponsorships and naming rights.

Ms. Leverenz thought that Action 1.7.4 belonged in the section concerning alternative funding.

Ms. Reidenbach stated it could be moved.

Mr. Poller asked about free access to transportation, especially for youth who rely on adults to get to the facilities. He asked about van transportation.

Mr. Cheely answered that the Division provides transportation as it relates to specific programs. He stated they are in the secondary transportation business. They do work with the school system; however, he stated that with the current economic conditions, this is being evaluated.

Mr. Poller asked if the ridership has increased with regards to public transportation.

Mr. Cheely stated that probably yes there has been an increase by both youth and adults, but that he did not have hard figures.

Ms. Larson stated the school system is currently evaluating the transportation to and from these programs.

Mr. Cheely mentioned the partnerships that the County has formed with the different clubs and organizations in the area. He stated that sometimes money is donated by these groups and has been used for transportation.

Mr. Poller asked if these programs will stay in place.

Mr. Cheely answered that there have been modifications to some of these programs.

Ms. Jones asked about a change in wording for Strategy 1.8.

Mr. Cheely suggested promote programs instead of stress programs.

Ms. Leverenz suggested that Action 1.10.3 could actually be a strategy.

Ms. Jones suggested that a – d could be condensed.

Ms. Reidenbach stated it was done like this to mirror what was done in the Public Facilities section.

Ms. Leverenz suggesting referring to the Public Facilities section and not duplicating actions here.

Ms. Reidenbach stated there is one subsection that pertains specifically to parks and development. She stated that if the Committee would like, the majority can remain in the Public Facilities section.

Mr. Poller asked about a LEED for parks and recreation.

Ms. Reidenbach answered there is not a LEED for parks and recreation currently. There are some localities that are developing standards on their own.

Ms. Leverenz suggested Actions 1.10.3 a and b be moved to the Public Facilities section, and Actions c and d remain in the Parks and Recreation section.

Mr. Tingle stated that he interpreted this item as facilities being built to standards and not certification, especially since parks and recreational facilities (such as restroom buildings and shelters) are usually smaller than other County facilities. He stated the procedure to obtain the certification is quite often way beyond the value that is achieved for these smaller facilities.

Mr. Fraley stated this section contained a lot of detail. He felt that some items were applicable to jobs within the Division.

Mr. Mark Wenger stated this was a lot of information and detail. He asked the Committee if items that the Division is currently doing should be eliminated.

Mr. Tingle answered that the Committee is trying to make the Comprehensive Plan concise and readable. The reader may need to see all this information. He does not see the benefit in going through and deciding which to delete and which items should remain. He appreciated staff's work and Mr. Cheely's knowledge.

Mr. Cheely stated that in past years there has not been an emphasis on some of these program driven strategies and actions. Many times it is the programs that drive the need for the facilities so staff felt it was important to include these items in this update.

Mr. Wenger stated that the big unknown for parks and recreation is the Shaping our Shores project.

VI. OTHER ITEMS

Mr. Fraley stated the next meeting will be Thursday, March 26, 2009 from 7 p.m. to 9 p.m. There was a consensus to start the Community Character section at the next meeting. It was also decided to extend Thursday's meeting until 10 p.m.

Ms. Rosario asked the Committee for input concerning April meetings. It was decided to start the April 6th and 13th meetings at 3 p.m. instead of 4 p.m.

VII. PUBLIC COMMENT

There was no public comment.

VIII. ADJOURNMENT

Mr. Poller made a motion to adjourn, with a second from Ms. Leverenz.

The meeting was adjourned at 6:20 p.m.

Mr. Jack Fraley, Chair