

**A G E N D A**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**WORK SESSION**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**November 24, 2020**  
**4:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. BOARD DISCUSSIONS**

1. 2021 Legislative Agenda
2. Presentation - Street Sign Replacement Program
3. Retaining Walls
4. Solid Waste Consolidation
5. Capital Improvement Plan (CIP) Discussion

**D. BOARD REQUESTS AND DIRECTIVES**

**E. CLOSED SESSION**

**F. ADJOURNMENT**

1. Adjourn until 9 a.m. on December 4, 2020 for the Joint Meeting with WJCC School Board and City Council

**ITEM SUMMARY**

DATE: 11/24/2020

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: 2021 Legislative Agenda

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**ATTACHMENTS:**

|   | Description                | Type    |
|---|----------------------------|---------|
|  | Adopted Legislative Agenda | Exhibit |

**REVIEWERS:**

| Department             | Reviewer        | Action   | Date                 |
|------------------------|-----------------|----------|----------------------|
| Attorney               | Kinsman, Adam   | Approved | 11/10/2020 - 6:08 PM |
| Publication Management | Burcham, Nan    | Approved | 11/12/2020 - 7:13 AM |
| Legal Review           | Kinsman, Adam   | Approved | 11/12/2020 - 8:31 AM |
| Board Secretary        | Fellows, Teresa | Approved | 11/16/2020 - 9:45 AM |
| Board Secretary        | Purse, Jason    | Approved | 11/17/2020 - 9:30 AM |
| Board Secretary        | Fellows, Teresa | Approved | 11/17/2020 - 9:31 AM |



## JAMES CITY COUNTY 2021 LEGISLATIVE PROGRAM

### Part I. Legislation Introduced on Behalf of the County

#### 1-1 DISTRIBUTION OF ONLINE SALES TAX BY PHYSICAL ADDRESS

The County requests that the General Assembly require online retailers to distribute sales tax by physical address vs. ZIP codes to ensure that each locality receives the proper amount.

#### 1-2 AMEND THE VIRGINIA CODE TO ALLOW LOCALITIES TO PROHIBIT E-CIGARETTE STORES FROM LOCATING WITHIN 1000 FEET OF A PUBLIC SCHOOL.

The recent deaths associated with the unknown health effects of e-cigarettes and “vaping” have proven that these products may be deadly. Research has proven that the e-cigarette flavoring is intended to appeal to youth and that youth “vaping” is increasing. Legislation allowing localities to prohibit e-cigarette stores from locating near public schools will help remove this temptation.

#### 1-3 AMEND THE VIRGINIA CODE TO REQUIRE THAT ABSENTEE VOTES BE REPORTED BY PRECINCT WHEN THERE ARE MORE THAN 25 SUCH VOTES CAST IN THAT PRECINCT.

#### 1-4 AMEND SECTION 58.1-1707 OF THE VIRGINIA CODE TO INCREASE THE ANNUAL LITTER TAX IMPOSED UPON CERTAIN MANUFACTURERS, WHOLESALERS, DISTRIBUTORS, AND RETAILERS

Section 58.1-1707 imposes an annual litter tax upon certain manufacturers, wholesalers, distributors, and retailers, along with an extra litter tax per location of certain locations. Ninety-five percent (95%) of the proceeds of this tax are used for local litter prevention and recycling grants to localities. These grants are important to furthering the Clean County Commission’s anti-litter activities.

#### 1-5 AMEND THE VIRGINIA CODE TO ALLOW LOCAL GOVERNMENTS THE OPTION TO REQUIRE SPRINKLERS IN ALL RESIDENTIAL DWELLINGS.

#### 1-6 AMEND SECTION 46.2-1156 OF THE VIRGINIA CODE TO INCREASE THE PENALTY FOR ALLOWING THE CONTENTS OF A VEHICLE TO DROP, SIFT, LEAK, OR OTHERWISE ESCAPE UPON THE HIGHWAY.

The current penalty for such a violation is a Class 4 misdemeanor, which includes a fine of not more than \$250. The County requests that the Code be changed to include a minimum fine of \$250.

#### 1-7 AMEND VIRGINIA CODE SECTION 15.2-2286 TO EXPLICITLY GIVE BOARDS OF SUPERVISORS THE ABILITY TO IMPOSE “SUNSET CLAUSES” ON USE PERMITS.

Virginia Code section 15.2-2309(6) allows Boards of Zoning Appeals (BZA) to grant use permits unless the Board of Supervisors has reserved that right to themselves, which is the case in many localities, including James City County. Virginia Code 15.2-2309(6) states that BZAs may impose duration limits on use permits. The Virginia Code does not explicitly grant that same authority to Boards of Supervisors.

## **Part II. Position/Legislation Supported by the County**

### **2-1 AIRPORT ROAD – RICHMOND ROAD INTERSECTION IMPROVEMENTS**

The County encourages the General Assembly to provide funding to the Virginia Department of Transportation specifically for improvements to the Airport Road – Richmond Road intersection.

### **2-2 IMPACT FEES**

The County encourages the General Assembly to revise existing impact fee laws to encourage the use of statutorily-calculated impact fees in lieu of cash proffers.

### **2-3 PRIMARY DATE**

The County supports changing the primary date from the second to the third Tuesday in June.

### **2-4 LEGISLATIVE PROGRAMS OF VML/VACO/VIRGINIA COALITION OF HIGH GROWTH COMMUNITIES**

James City County supports the legislative agendas of the Virginia Municipal League, the Virginia Association of Counties, and the Virginia Coalition of High Growth Communities.

### **2-5 STATE FUNDING**

James City County requests that the state adequately fund for local road improvements, tourism, substance abuse and mental health treatment, public education, stormwater local assistance funds (“SLAF” funding), public libraries, next-generation 911, and General Registrars.

### **2-6 EASTERN STATE HOSPITAL SURPLUS PROPERTY**

James City County encourages the Department of General Services, with the cooperation of the Department of Behavioral Health and Developmental Services, to continue to work with the County to identify a site adjacent to the Eastern State Hospital for the location of a new facility for Colonial Behavioral Health, which may or may not include a joint facility with Olde Towne Medical Center.

### **2-7 PENDING/ANTICIPATED LEGISLATION**

James City County encourages the General Assembly to vote against any bills that would abrogate the qualified immunity of police officers and to vote against amending Virginia Code section 24.2-603 to require that polls remain open until 8:00 P.M.

**ITEM SUMMARY**

DATE: 10/27/2020

TO: The Board of Supervisors

FROM: Grace Boone, Director General & Capital Services Department

SUBJECT: Presentation - Street Sign Replacement Program

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**ATTACHMENTS:**

|   | Description         | Type       |
|---|---------------------|------------|
|  | Street Sign Program | Cover Memo |

**REVIEWERS:**

| Department             | Reviewer        | Action   | Date                  |
|------------------------|-----------------|----------|-----------------------|
| General Services       | Ripley, Joanna  | Approved | 10/9/2020 - 10:55 AM  |
| Publication Management | Daniel, Martha  | Approved | 10/9/2020 - 10:57 AM  |
| Legal Review           | Kinsman, Adam   | Approved | 10/9/2020 - 12:47 PM  |
| Board Secretary        | Fellows, Teresa | Approved | 10/19/2020 - 10:45 AM |
| Board Secretary        | Purse, Jason    | Approved | 10/20/2020 - 1:24 PM  |
| Board Secretary        | Fellows, Teresa | Approved | 10/20/2020 - 1:54 PM  |



# Street Sign Replacement Program

October 27, 2020

Department of General Services

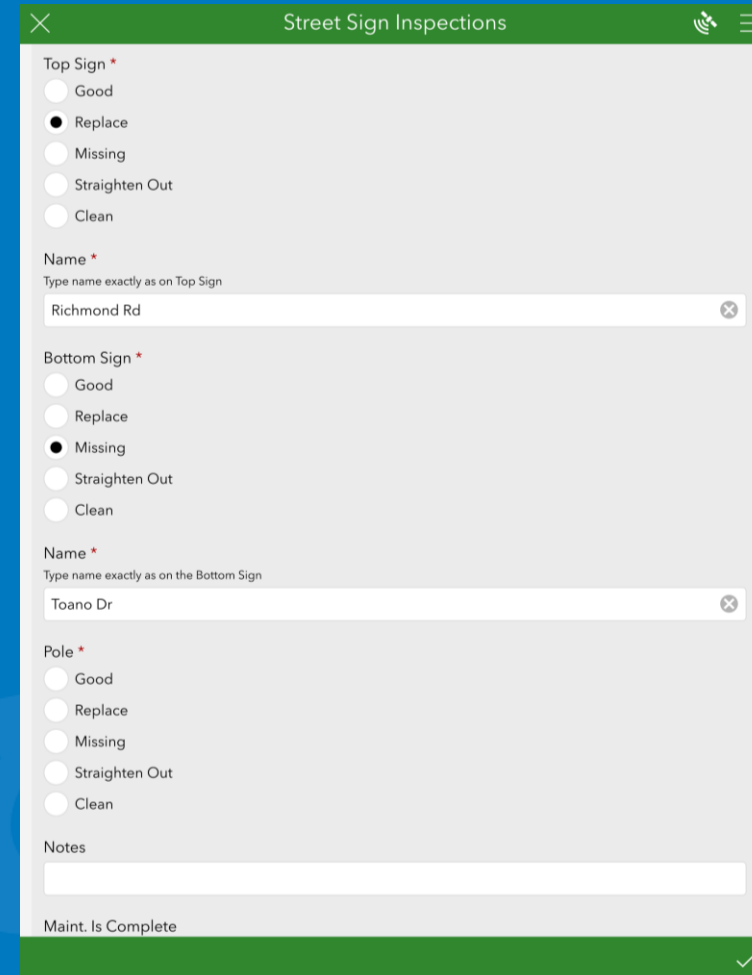
# Purpose



- Identify a systematic process to evaluate sign condition
  - Missing
  - Damaged
  - Faded
- Create a process for sign replacement

# Course of Action

- Created a cloud based GIS application to evaluate the condition of existing signs
  - Ease of use with cell phone or tablet
  - Drop down menu
  - Consistency
  - Data can be easily manipulated



Street Sign Inspections

Top Sign \*

☐ Good

☒ Replace

☐ Missing

☐ Straighten Out

☐ Clean

Name \*

Type name exactly as on Top Sign

Richmond Rd

Bottom Sign \*

☐ Good

☐ Replace

☒ Missing

☐ Straighten Out

☐ Clean

Name \*

Type name exactly as on the Bottom Sign

Toano Dr

Pole \*

☐ Good

☐ Replace

☐ Missing

☐ Straighten Out

☐ Clean

Notes

Maint. Is Complete



# Course of Action



- June 2020
  - Completed all necessary intersection sign replacements along Route 60 and Route 30
  - The following roads, including intersections, were rated using the application:
    - Jamestown Road
    - Greensprings Trail
    - Longhill Road
    - News Road
    - Centerville Road
    - John Tyler Highway
    - Forge Road
    - Monticello Avenue



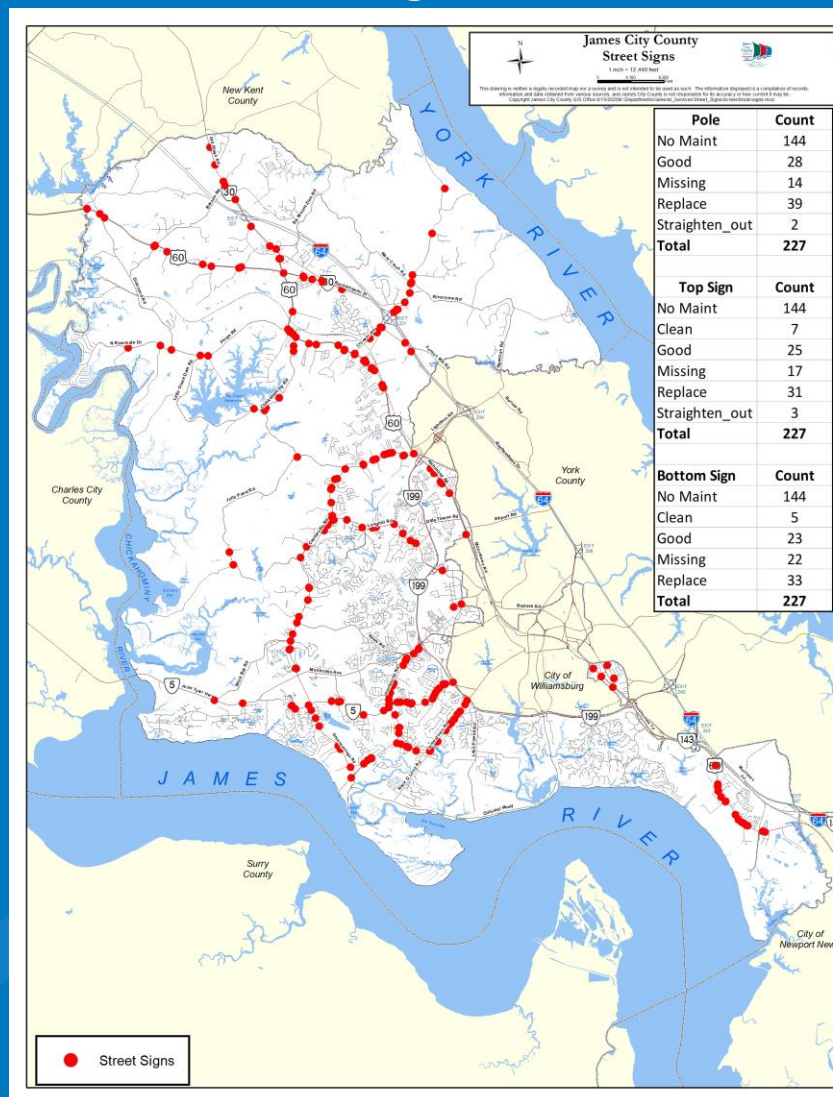
# Course of Action

- August 2020
  - Installation of new signs began

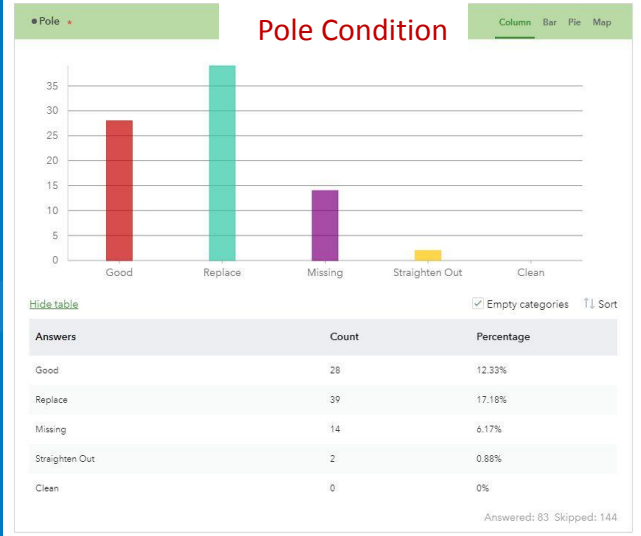
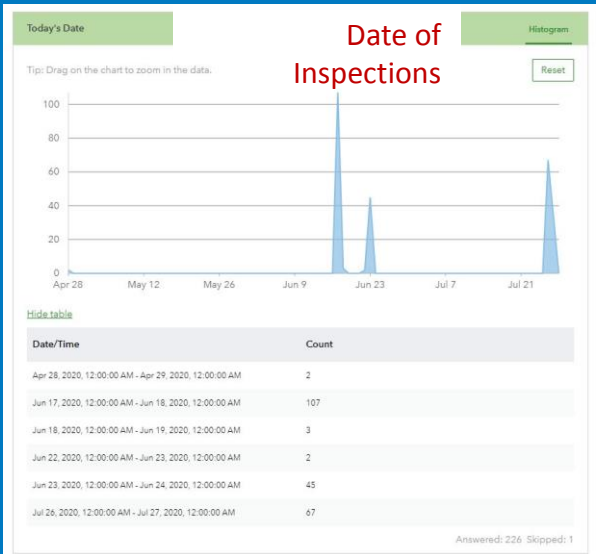
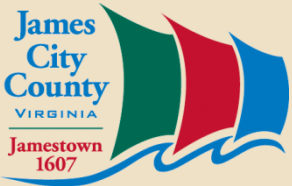
## Cost per intersection

|                                    |          |
|------------------------------------|----------|
| Pole                               | \$40.41  |
| Sign                               | \$34.00  |
| Hardware for two signs             | \$14.10  |
| Total for intersection replacement | \$122.50 |

## Street Sign Location



# ArcGIS Calculated Data



# Next Steps



- FY 21 has \$4,000 budgeted for street sign replacement
- Evaluating and ranking developments and neighborhoods
- Comprehensive replacement schedule and funding

# Questions?

Department of General Services

**ITEM SUMMARY**

DATE: 11/24/2020

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Retaining Walls

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**ATTACHMENTS:**

|   | Description | Type       |
|---|-------------|------------|
|  | Memorandum  | Cover Memo |

**REVIEWERS:**

| Department             | Reviewer        | Action   | Date                 |
|------------------------|-----------------|----------|----------------------|
| Development Management | Holt, Paul      | Approved | 11/3/2020 - 2:28 PM  |
| Publication Management | Burcham, Nan    | Approved | 11/3/2020 - 2:30 PM  |
| Legal Review           | Kinsman, Adam   | Approved | 11/3/2020 - 3:54 PM  |
| Board Secretary        | Fellows, Teresa | Approved | 11/16/2020 - 9:45 AM |
| Board Secretary        | Purse, Jason    | Approved | 11/17/2020 - 9:31 AM |
| Board Secretary        | Fellows, Teresa | Approved | 11/17/2020 - 9:31 AM |



## MEMORANDUM

DATE: November 24, 2020

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Retaining Walls

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On February 11, 2020, the Board of Supervisors adopted an Initiating Resolution directing staff to study potential amendments to James City County Code to provide for enhanced engineering, review, and approval procedures for certain retaining walls.

As expressed at that meeting and in subsequent discussions:

- Very tall retaining walls can create safety issues and concerns, especially in residential areas where small children live and play.
- Very tall retaining walls can also create significant liabilities for homeowner associations, especially in terms of costs and damage events should a retaining wall fail.
- Very tall retaining walls do not help protect community character or protect the historic and rural character of James City County.

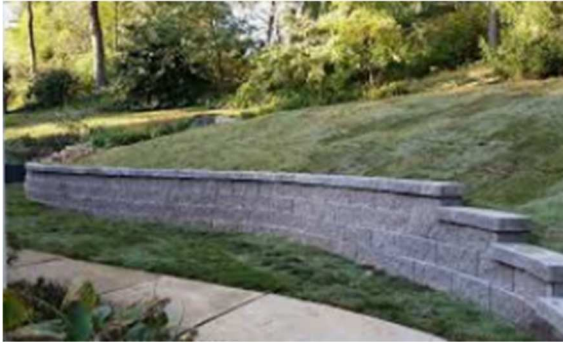
Example:



After review of other codes in the state, potential options for moving forward could include:

1. Limiting the total height of retaining walls as a firm design requirement of the County Code; no exceptions or options for allowing taller wall heights.

Examples:



2. Limiting the total height of retaining walls as a design requirement of the County Code; allowing taller wall heights only as may be approved by the Board of Supervisors (e.g., via a Height Waiver application).
3. Creating design standards within the Code that allow for taller wall heights, but with certain performance and design standards designed to help mitigate safety, cost, and community character concerns. Wall designs that follow these performance and design standards could be approved administratively.

*Hypothetical Code Text for this Example: Should the overall height of a retaining wall exceed six feet, the retaining wall shall be broken into multiple stepped walls with a minimum horizontal separation between the wall segments of at least three feet.*

Examples:





Examples, continued:



Staff looks forward to having a discussion with the Board on this item.

PDH/nb  
RetainWalls-mem

**ITEM SUMMARY**

DATE: 11/24/2020

TO: The Board of Supervisors

FROM: Grace Boone, Director of General Services

SUBJECT: Solid Waste Consolidation

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**ATTACHMENTS:**

|   | Description  | Type         |
|---|--------------|--------------|
|  | Presentation | Presentation |

**REVIEWERS:**

| Department             | Reviewer        | Action   | Date                 |
|------------------------|-----------------|----------|----------------------|
| General Services       | Boone, Grace    | Approved | 11/6/2020 - 3:38 PM  |
| Publication Management | Burcham, Nan    | Approved | 11/6/2020 - 3:40 PM  |
| Legal Review           | Kinsman, Adam   | Approved | 11/16/2020 - 9:48 AM |
| Board Secretary        | Fellows, Teresa | Approved | 11/17/2020 - 9:30 AM |
| Board Secretary        | Purse, Jason    | Approved | 11/17/2020 - 9:31 AM |
| Board Secretary        | Fellows, Teresa | Approved | 11/17/2020 - 9:31 AM |

# Solid Waste Consolidation

November 24, 2020

Department of General Services

# Background



- William and Mary Public Policy Program Students
  - Advantages
  - Disadvantages
  - Available Alternatives
  - Legal Constraints

# Advantages



- One Contractor - fewer trucks on the roads, less neighborhood disturbance
- Combine trash & recycling fees
  - Recycling Update
- Discourages illegal dumping
- Operational reductions

# Disadvantages

- Public concerns - push back from citizens
- Establishing a billing system
- Finances - adds costs by taxing or fees
- Handling current contracts with haulers
- HOAs & gated communities
- Legal obstacles

# Staff Recommendation



- Pursue an RFP for a solid waste study
  - Voluntary or Mandatory
  - Fee based or pay through taxes
  - HOAs required to participate or excluded
  - Program performed by a contractor or internal staff
  - Offer the program inside the PSA only or to all residents
  - Obtain public involvement

# Questions?

November 24, 2020

Department of General Services



**ITEM SUMMARY**

DATE: 11/24/2020

TO: The Board of Supervisors

FROM: Scott A. Stevens

SUBJECT: Capital Improvement Plan (CIP) Discussion

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- Prior year CIP Projects
- Proposed 5 year CIP

**REVIEWERS:**

| Department      | Reviewer        | Action   | Date                 |
|-----------------|-----------------|----------|----------------------|
| Board Secretary | Fellows, Teresa | Approved | 11/17/2020 - 1:16 PM |

**ITEM SUMMARY**

DATE: 11/24/2020

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Adjourn until 9 a.m. on December 4, 2020 for the Joint Meeting with WJCC School Board and City Council

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**REVIEWERS:**

| Department      | Reviewer        | Action   | Date                  |
|-----------------|-----------------|----------|-----------------------|
| Board Secretary | Fellows, Teresa | Approved | 11/16/2020 - 10:22 AM |