

**A G E N D A**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**May 10, 2022**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

**E. PUBLIC COMMENT**

**F. CONSENT CALENDAR**

1. Supplemental Appropriation Request - \$11,435

**G. PUBLIC HEARING(S)**

1. Ordinance to Establish the Colonial Juvenile Services Commission
2. SUP-22-0001. 3 Marclay Road Tourist Home
3. Sale of County Property Located at 4097 Ironbound Road
4. Lease of County Property Located at 5300 Palmer Lane

**H. BOARD CONSIDERATION(S)**

1. Grant Award \$570,000 - Virginia Tourism Corporation American Rescue Plan Act Funds
2. FY2023 - FY2024 Budget Adoption & Resolution of Appropriation
3. Legislative Agenda 2023

**I. BOARD REQUESTS AND DIRECTIVES**

**J. REPORTS OF THE COUNTY ADMINISTRATOR**

**K. CLOSED SESSION**

**L. ADJOURNMENT**

1. Adjourn until 1 pm on May 24, 2022 for the Business Meeting

**ITEM SUMMARY**

DATE: 5/10/2022

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Supplemental Appropriation Request - \$11,435

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**ATTACHMENTS:**

	Description	Type
📎	Supplemental Appropriation Request - \$11,435	Cover Memo
📎	Supplemental Appropriation Request - \$11,435	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	4/22/2022 - 3:08 PM
Publication Management	Pobiak, Amanda	Approved	4/22/2022 - 3:12 PM
Legal Review	Kinsman, Adam	Approved	4/22/2022 - 4:21 PM
Board Secretary	Saeed, Teresa	Approved	5/3/2022 - 7:59 AM
Board Secretary	Rinehimer, Bradley	Approved	5/3/2022 - 8:12 AM
Board Secretary	Saeed, Teresa	Approved	5/3/2022 - 8:43 AM

## MEMORANDUM

DATE: May 10, 2022  
TO: The Board of Supervisors  
FROM: Rebecca Vinroot, Director of Social Services  
SUBJECT: Supplemental Appropriation Request - \$11,435

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James City County Department of Social Services was allocated \$11,435 in funding under the Consolidated Appropriations Act 2021 for the Promoting Safe and Stable Families COVID-19 program, which enables localities to develop, establish, expand, and operate coordinated community-based programs and cover certain costs for conducting face-to-face contacts with children in foster care.

The funding supports the following four definitive community-based service types: Family Preservation, Family Support, Family Reunification, and Adoption Promotion and Support.

The aforementioned funds received through allocations do not require a local match.

Staff recommends the adoption of the attached resolution to the Social Services Fund.

RV/ap  
SupplAppReqCAA-mem

Attachment

## RESOLUTION

### SUPPLEMENTAL APPROPRIATION REQUEST - \$11,435

WHEREAS, the Consolidated Appropriations Act 2021, Public Law 116-260 enacted into law on December 27, 2020, makes continuing appropriations for specified federal agencies and provides temporary flexibilities and assistance in response to the COVID-19 pandemic and public health emergency. The Promoting Safe and Stable Families COVID-19 funds enable localities to develop, establish, expand, and operate coordinated community-based programs and cover certain costs for conducting face-to-face contacts with children in foster care. The four definitive community-based service types are Family Preservation, Family Support, Family Reunification, and Adoption Promotion and Support; and

WHEREAS, James City County is projected to incur expenditures in the amount of \$11,435 through the Promoting Safe and Stable Families COVID-19 program, which is to be reimbursed through the Virginia Department of Social Services; and

WHEREAS, there is no local match requirement for the aforementioned funding.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Social Services Fund:

Revenue:

Federal	<u>\$11,435</u>
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Expenditure:

Promoting Safe and Stable Families COVID-19 Program	<u>\$11,435</u>
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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

		VOTES			
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
	ICENHOUR	_____	_____	_____	_____
	HIPPLE	_____	_____	_____	_____
Teresa J. Saeed	LARSON	_____	_____	_____	_____
Deputy Clerk to the Board	SADLER	_____	_____	_____	_____
	MCGLENNON	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2022.

SupplAppReqCAA-res



**ITEM SUMMARY**

DATE: 5/10/2022

TO: Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Ordinance to Establish the Colonial Juvenile Services Commission

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**ATTACHMENTS:**

	Description	Type
📎	Ordinance to Establish the Colonial Juvenile Services Commission	Cover Memo
📎	Ordinance to Establish the Colonial Juvenile Services Commission	Ordinance

**REVIEWERS:**

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	4/14/2022 - 12:30 PM
Publication Management	Daniel, Martha	Approved	4/14/2022 - 12:35 PM
Legal Review	Parman, Liz	Approved	4/14/2022 - 12:56 PM
Board Secretary	Saeed, Teresa	Approved	4/18/2022 - 1:37 PM
Board Secretary	Rinehimer, Bradley	Approved	4/18/2022 - 2:21 PM
Board Secretary	Saeed, Teresa	Approved	4/19/2022 - 10:40 AM

## MEMORANDUM

DATE: May 10, 2022

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Ordinance to Establish the Colonial Juvenile Services Commission

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The Colonial Group Home Commission (the “Commission”) was established in 1985 through a Joint Exercise of Powers Agreement among the Counties of James City, York, and Gloucester and the City of Williamsburg, pursuant to Virginia Code § 16.1-315. One of the main programs that was operated by the Commission was the Crossroads Group Home for youth. In August of 2020, the Participating Localities and the Commission agreed to close Crossroads, which necessitated the restructure of the Commission.

With the closing of Crossroads, the Commission desires to continue to operate and to provide services to enhance public safety through a balanced approach of comprehensive, community-based programs and services focused on preventing and reducing delinquency in at-risk and under-served youth within the Participating Localities, as authorized pursuant to the Virginia Juvenile Community Crime Control Act (the Act), Code of Virginia § 16.1-309.2 et. seq., and to change its name to Colonial Juvenile Services Commission to reflect its revised mission to serve the youth of the Ninth Judicial District.

This is authorized pursuant to Virginia Code § 15.2-1300, which provides that, any two or more political subdivisions may enter into agreements with one another for joint action and the Participating Localities agree that a Joint Exercise of Powers Agreement is the most desirable plan to form a new commission to continue the work and purposes of the Commission.

Staff recommends the Board of Supervisors adopt the proposed Joint Exercise of Powers Agreement to establish the Colonial Juvenile Services Commission and authorize the County Administrator to sign the agreement.

In addition, staff requests that those persons appointed by the Board of Supervisors to serve on the Colonial Group Home Commission be appointed to the Colonial Juvenile Services Commission.

RV/md  
EstColJuvServComm-mem

Attachment

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE JOINT EXERCISE OF POWERS WITH THE COUNTIES OF JAMES CITY, YORK, AND GLOUCESTER, AND THE CITY OF WILLIAMSBURG, TO ESTABLISH THE COLONIAL JUVENILE SERVICES COMMISSION

- WHEREAS, a Joint Exercise of Powers Agreement was made and entered as of December 5, 1985, most recently amended as of December 31, 2018, by and among the COUNTY OF YORK, and the COUNTY OF JAMES CITY, and the COUNTY OF GLOUCESTER, and the CITY OF WILLIAMSBURG, each a political subdivision of the Commonwealth of Virginia (the “Participating Localities”), creating and continuing the Colonial Group Home Commission (the “Commission”) pursuant to Virginia Code § 16.1-315 et seq.; and
- WHEREAS, the Participating Localities and the Commission agreed to close Crossroads Group Home for youth as of August 13, 2020, which necessitated the restructure of the Commission; and
- WHEREAS, despite the closure of Crossroads Group Home, a need exists to continue the work and purpose of the Commission to enhance public safety through a balanced approach of comprehensive, community-based programs and services focused on preventing and reducing delinquency in at-risk and under-served youth within the Participating Localities, as authorized pursuant to the Virginia Juvenile Community Crime Control Act (the Act), Code of Virginia § 16.1-309.2 et. seq.; and
- WHEREAS, Virginia Code § 15.2-1300 provides that, any two or more political subdivisions may enter into agreements with one another for joint action and the Participating Localities agree that a Joint Exercise of Powers Agreement is the most desirable plan to form a new commission to continue the work and purposes of the Commission mentioned herein; and
- WHEREAS, with the closing of Crossroads, the Participating Localities and the Commission desire to name the new commission the “Colonial Juvenile Services Commission” to reflect its current mission to serve the youth of the Ninth Judicial District within the community; and
- WHEREAS, the Commission recommends approval of a Joint Exercise of Powers Agreement; and
- WHEREAS, in accordance with Virginia Code § 15.2-1300 and 15.2-1427, the James City County Board of Supervisors has conducted a duly advertised public hearing on this Joint Exercise of Powers; and
- WHEREAS, the Board has carefully considered the public comments and the Commission recommendation with respect to this joint exercise of powers and corresponding Agreement to establish the Colonial Juvenile Services Commission; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that the Joint Exercise of Powers with the Counties of York and Gloucester and the City of Williamsburg is approved to establish the Colonial Juvenile Services Commission as a replacement to the Colonial Group Home Commission.

BE IT FURTHER ORDAINED that the proposed Joint Exercise of Powers Agreement to establish the Colonial Juvenile Services Commission is approved and the County Administrator is hereby authorized and directed to sign an agreement substantially the same as that submitted to the Board, and in a form approved by the County Attorney.

BE IT FURTHER ORDAINED that those persons appointed by the Board of Supervisors to serve on the Colonial Group Home Commission are hereby appointed to the Colonial Juvenile Services Commission.

\_\_\_\_\_  
John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

ICENHOUR  
HIPPLE  
LARSON  
SADLER  
MCGLENNON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2022.

EstColJuvSerComm-ord

**ITEM SUMMARY**

DATE: 5/10/2022

TO: The Board of Supervisors

FROM: Terry Costello, Senior Planner

SUBJECT: SUP-22-0001. 3 Marclay Road Tourist Home

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**ATTACHMENTS:**

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Location Map	Exhibit
▣	Master Plan	Exhibit
▣	Applicant Narrative	Backup Material
▣	Unapproved minutes of the April 6, 2022 Planning Commission Meeting	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	4/22/2022 - 3:44 PM
Development Management	Holt, Paul	Approved	4/22/2022 - 3:44 PM
Publication Management	Pobiak, Amanda	Approved	4/22/2022 - 4:02 PM
Legal Review	Kinsman, Adam	Approved	4/22/2022 - 4:20 PM
Board Secretary	Saeed, Teresa	Approved	4/28/2022 - 4:12 PM
Board Secretary	Purse, Jason	Approved	5/2/2022 - 1:56 PM
Board Secretary	Saeed, Teresa	Approved	5/3/2022 - 7:59 AM

**SPECIAL USE PERMIT-22-0001. 3 Marclay Road Tourist Home  
Staff Report for the May 10, 2022, Board of Supervisors Public Hearing**

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**SUMMARY FACTS**

Applicant: Ms. Kenya DelValle, Kingdom Living Estates, LLC

Land Owner: Marclay, LLC

Proposal: To allow for a tourist home rental of an entire four-bedroom home. The owner does not live on-site

Location: 3 Marclay Road

Tax Map/Parcel No.: 4820100004

Property Acreage: ± 3.26 acres

Zoning: R-8AA, Rural Residential, Airport Approach Overlay District

Comprehensive Plan: Airport

Primary Service Area: Inside

Staff Contact: Terry Costello, Senior Planner

**PUBLIC HEARING DATES**

Planning Commission: April 6, 2022, 6:00 p.m.

Board of Supervisors: May 10, 2022, 5:00 p.m.

**FACTORS FAVORABLE**

1. There is adequate off-street parking.
2. The applicant has acknowledged that, should this application be approved, she will obtain the proper licensing and inspections through the County and will be subject to appropriate use-based taxes.
3. Staff believes that this location may be considered uniquely and complimentary to the Airport Comprehensive Plan designation. See Comprehensive Plan Analysis on Page 5.
4. Impacts: See Impact Analysis on Pages 3-4.

**FACTORS UNFAVORABLE**

1. Staff finds the proposal inconsistent with the short-term rental recommendations of the *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.
2. Impacts: See Impact Analysis on Pages 3-4.

**SUMMARY STAFF RECOMMENDATION**

Per the impacts analysis noted below, staff finds the proposed use will not negatively impact surrounding property or development nor is it expected to negatively impact Levels of Service (LOS) for roads or other public services. While staff believes that this location may be considered uniquely and complimentary to the Airport Comprehensive Plan designation, staff finds the proposal not fully consistent with the Comprehensive Plan recommendations for short-term rentals. Staff, therefore, cannot recommend approval of this application. Should the Board of Supervisors wish to recommend

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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

**SPECIAL USE PERMIT-22-0001. 3 Marclay Road Tourist Home  
Staff Report for the May 10, 2022, Board of Supervisors Public Hearing**

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approval, staff has included proposed conditions for consideration (Attachment No. 1).

**PLANNING COMMISSION RECOMMENDATION**

At its April 6, 2022, meeting, the Planning Commission voted to recommend approval of this application by a vote of 6-1.

**PROPOSED CHANGES MADE SINCE THE PLANNING COMMISSION MEETING**

None. At the Planning Commission meeting, the applicant stated that there would be a caretaker living on-site. However, the applicant has restated in her narrative that there will be no caretaker living at the residence during the rentals.

**PROJECT DESCRIPTION**

Ms. Kenya DelValle of Kingdom Living Estates, LLC, has applied for a Special Use Permit (SUP) to allow for a short-term rental of an existing four-bedroom house as a tourist home. Ms. DelValle will be acting as an agent for the property owner, Marclay, LLC. The proposal includes no changes to the size or footprint of the house. There is also an office building on the property located to the east of the residence that is not part of this application.

The Zoning Ordinance defines a tourist home as “a dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients.” The proposed conditions limit the number of bedrooms available for rental to four bedrooms.

The property has an existing driveway off of Marclay Road and an existing parking area sufficient to accommodate guests. The four-bedroom home is on private well water and public sewer. In previous tourist home applications, staff calculated the number of occupants to

be two people per bedroom. Therefore, proposed Condition No. 3 states that the maximum number of occupants per contract, including children, is eight.

**PLANNING AND ZONING HISTORY**

- There have been no legislative cases associated with the residence that was built in 2005.
- An SUP associated with the office building for a beauty shop use was approved in 1994.
- The current use of the building is office space.

**SURROUNDING ZONING AND DEVELOPMENT**

- The property is not located within any major or minor subdivision and is adjacent to the Williamsburg-Jamestown Airport.
- The properties surrounding this parcel to the north are zoned R-5, Multifamily Residential and are part of the Williamsburg Landing community.
- Properties to the south and east are zoned R-8, Rural Residential.
- Properties to the west, across Lake Powell Road, are zoned R-2, General Residential.
- All properties surrounding the parcel are also in the Airport Approach Overlay District.
- Properties to the north, west, and south are all designated Low Density Residential on the 2045 Comprehensive Plan Land Use Map. Properties to the east are designated Airport on the 2045 Comprehensive Plan Land Use Map.

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**SPECIAL USE PERMIT-22-0001. 3 Marclay Road Tourist Home**  
**Staff Report for the May 10, 2022, Board of Supervisors Public Hearing**

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<b>Impacts/Potentially Unfavorable Conditions</b>	<b>Status</b> <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	<b>Considerations/Proposed Mitigation of Potentially Unfavorable Conditions</b>
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- The proposal is not anticipated to generate traffic exceeding a typical residential use.</li> <li>- The subject property is located on the corner of a collector road and local road. No changes anticipated to LOS on Marclay Road or Lake Powell Road.</li> </ul>
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- Per the Adopted Regional Bikeways Map and Pedestrian Accommodations Master Plan, Lake Powell Road is an existing shared roadway.</li> <li>- There are no changes to the existing footprint of the building and bicycle and pedestrian accommodations are not required per Section 24-35(c)(2) of the Zoning Ordinance.</li> </ul>
<u>Public Safety</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- Fire Station 3 on John Tyler Highway serves this area of the County and is approximately 2.4 miles from the proposed tourist home.</li> <li>- Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services.</li> </ul>
<u>Public Schools</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- N/A since no residential dwelling units are proposed.</li> </ul>
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- N/A since no residential dwelling units are proposed.</li> </ul>
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- Staff finds this project does not generate impacts that require mitigation.</li> </ul>
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none"> <li>- The property receives public sewer and is on a private well.</li> <li>- The proposal does not generate impacts that require mitigation to groundwater or drinking water resources.</li> </ul>

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**SPECIAL USE PERMIT-22-0001. 3 Marclay Road Tourist Home**  
**Staff Report for the May 10, 2022, Board of Supervisors Public Hearing**

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<b>Impacts/Potentially Unfavorable Conditions</b>	<b>Status</b> <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	<b>Considerations/Proposed Mitigation of Potentially Unfavorable Conditions</b>
Watersheds, Streams, and Reservoirs Project is located in the Mill Creek Watershed.	<u>No Mitigation Required</u>	- The Stormwater and Resource Protection Division has reviewed this application and had no objections. No new impervious surface is proposed as part of this SUP request. Should exterior site improvements be made in the future, those improvements would be subject to additional environmental review at that time.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- The subject property has been previously disturbed and has no known cultural resources on-site.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	- Traffic is anticipated to be typical of a residential home, the subject property must adhere to the County's Noise Ordinance, and the proposed SUP conditions will restrict commercial signage and exterior lighting. Future expansions of the use would require an SUP amendment.
<u>Community Character</u>	<u>No Mitigation Required</u>	- Lake Powell Road is not a Community Character Corridor, and this parcel is not located within a Community Character Area.
<u>Covenants and Restrictions</u>	<u>No Mitigation Required</u>	- The applicant has verified that she is not aware of any covenants or restrictions on the property that prohibit the proposed use.

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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

## **2045 COMPREHENSIVE PLAN**

The site is designated Airport on the 2045 Comprehensive Plan Land Use Map.

Per the adopted Comprehensive Plan, the principal suggested uses for the developable land associated with the airport include aviation, with airport-related commercial and office development as clearly secondary uses. Further, land which is currently in use as a mulching operation may continue in its current or a similar use, in a limited manner consistent with state and local permits. Changes in the use of this portion of the site to an activity which is similar or less intense than the previous activity may be permitted provided that all local, state, and federal permits are obtained, and that the development of these uses is clearly secondary to the existing and future airport operations. Manufacturing, commercial, or industrial activities beyond the scope of what is described above are discouraged and any proposed development is to be considered in light of its impact on neighboring communities and subdivisions. The timing and intensity of development will be conditioned on the sufficient buffering and screening of adjacent property and the maintenance of an acceptable LOS for roads and other public services.

Staff notes that, per the adopted Comprehensive Plan language above, principal suggested uses for the developable land associated with the airport include airport-related development as secondary uses. Per the applicant's narrative (Attachment No. 4), the applicant's goal is to provide quality lodging services to potential renters flying in to the Airport.

Staff also notes that, per the adopted Comprehensive Plan language above, proposed commercial development, while discouraged, should be considered in light of its impact on neighboring communities and subdivisions, and that the timing and intensity of development will be

conditioned on buffering of adjacent property and the maintenance of an acceptable LOS for roads and other public services.

Per the impacts analysis noted above, staff finds the proposed use will not negatively impact surrounding property or development nor is it expected to negatively impact LOS for roads or other public services.

Specific to short-term rentals, the adopted Comprehensive Plan states that, if located within a residential context, short-term rentals should serve to complement the residential character of the area rather than altering its nature. Therefore, while every location can be considered uniquely, short-term rentals are most appropriately located subject to the following development standards:

- Be located on lands designated Rural Lands, Neighborhood Commercial, Community Commercial, Mixed Use, or Economic Opportunity.

*This property is designated Airport on the adopted 2045 Comprehensive Plan Land Use Map. While this designation is not one of those preferred, staff believes that this location may be considered uniquely and complimentary to the airport.*

- Be located on the edge or corner of an existing platted subdivision, rather than internal to it.

*This parcel is not located within an existing platted subdivision and fronts on Lake Powell Road.*

- Be located on a major road.

*This property fronts on Lake Powell Road and takes access from Marclay Road. This segment of Lake Powell Road is classified by the Virginia Department of Transportation as a collector road, while Marclay Road is considered a local road.*

**SPECIAL USE PERMIT-22-0001. 3 Marclay Road Tourist Home  
Staff Report for the May 10, 2022, Board of Supervisors Public Hearing**

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- Be operated in a manner such that the property owner will continue to live and reside on the property during the rental.

*The owner of the home will not reside on the same property as the proposed rental.*

**STAFF RECOMMENDATION**

Per the impacts analysis noted above, staff finds the proposed use will not negatively impact surrounding property or development nor is it expected to negatively impact LOS for roads or other public services. While staff believes that this location may be considered uniquely and complimentary to the Airport Comprehensive Plan designation, staff finds the proposal not fully consistent with the Comprehensive Plan recommendations for short-term rentals. Staff, therefore, cannot recommend approval of this application. Should the Board of Supervisors wish to recommend approval, staff has included proposed conditions for consideration (Attachment No. 1).

TC/ap  
SUP22-1\_3MarclyRdTH

**Attachments:**

1. Resolution
2. Location Map
3. Master Plan
4. Applicant Narrative
5. Unapproved minutes from the April 6, 2022, Planning Commission Meeting

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*This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

## RESOLUTION

### CASE NO. SUP-22-0001. 3 MARCLAY ROAD TOURIST HOME

WHEREAS, the Board of Supervisors of James City County, Virginia, has adopted by Ordinance specific land uses that shall be subjected to a Special Use Permit (SUP) process; and

WHEREAS, Ms. Kenya DelValle has applied for an SUP to allow for the operation of a tourist home within a single-family dwelling located at 3 Marclay Road, further identified as James City County Real Estate Tax Map Parcel No. 4820100004 (the "Property"); and

WHEREAS, the Planning Commission, following its public hearing on April 6, 2022, recommended approval of Case No. SUP-22-0001 by a vote of 6-1; and

WHEREAS, a public hearing was advertised, adjoining property owners notified, and a hearing conducted on Case No. SUP-22-0001; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds this use to be consistent with the 2045 Comprehensive Plan Land Use Map designation for the Property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, after consideration of the factors in Section 24-9 of the James City County Code, does hereby approve the issuance of Case No. SUP-22-0001 as described herein with the following conditions:

1. Master Plan: This SUP shall permit a tourist home on property located at 3 Marclay Road and further identified as James City County Real Estate Tax Map Parcel No. 4820100004 (the "Property"). The use and layout of the Property shall be generally as shown on the document entitled "JCC SUP-22-0001, 3 Marclay Road, Tourist Home" and date stamped March 3, 2022 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended. This condition does not restrict improvements typical of a residential property as determined by the Director of Planning.
2. Commencement: Evidence of a business license and updated Certificate of Occupancy shall be provided to the Director of Planning within twelve (12) months from the issuance of the SUP, or this SUP shall automatically be void.
3. Number of Rental Room Occupants: There shall be no more than four (4) bedrooms available for rent to visitors and no more than eight (8) rental occupants total at any one time.
4. Contracts per Rental Period: There shall not, during any period of time, be simultaneous rentals of the Property under separate contracts.
5. Signage: No signage related to the use of the tourist home shall be permitted on the Property.
6. Parking: Off-site parking for this use shall be prohibited. No oversized commercial vehicles associated with rental occupants of the tourist home, such as, but not limited to, buses, commercial trucks, and trailers shall be allowed to park on the Property.

7. Severance Clause: This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

		VOTES			
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
	ICENHOUR	_____	_____	_____	_____
	HIPPLE	_____	_____	_____	_____
	LARSON	_____	_____	_____	_____
	SADLER	_____	_____	_____	_____
	MCGLENNON	_____	_____	_____	_____

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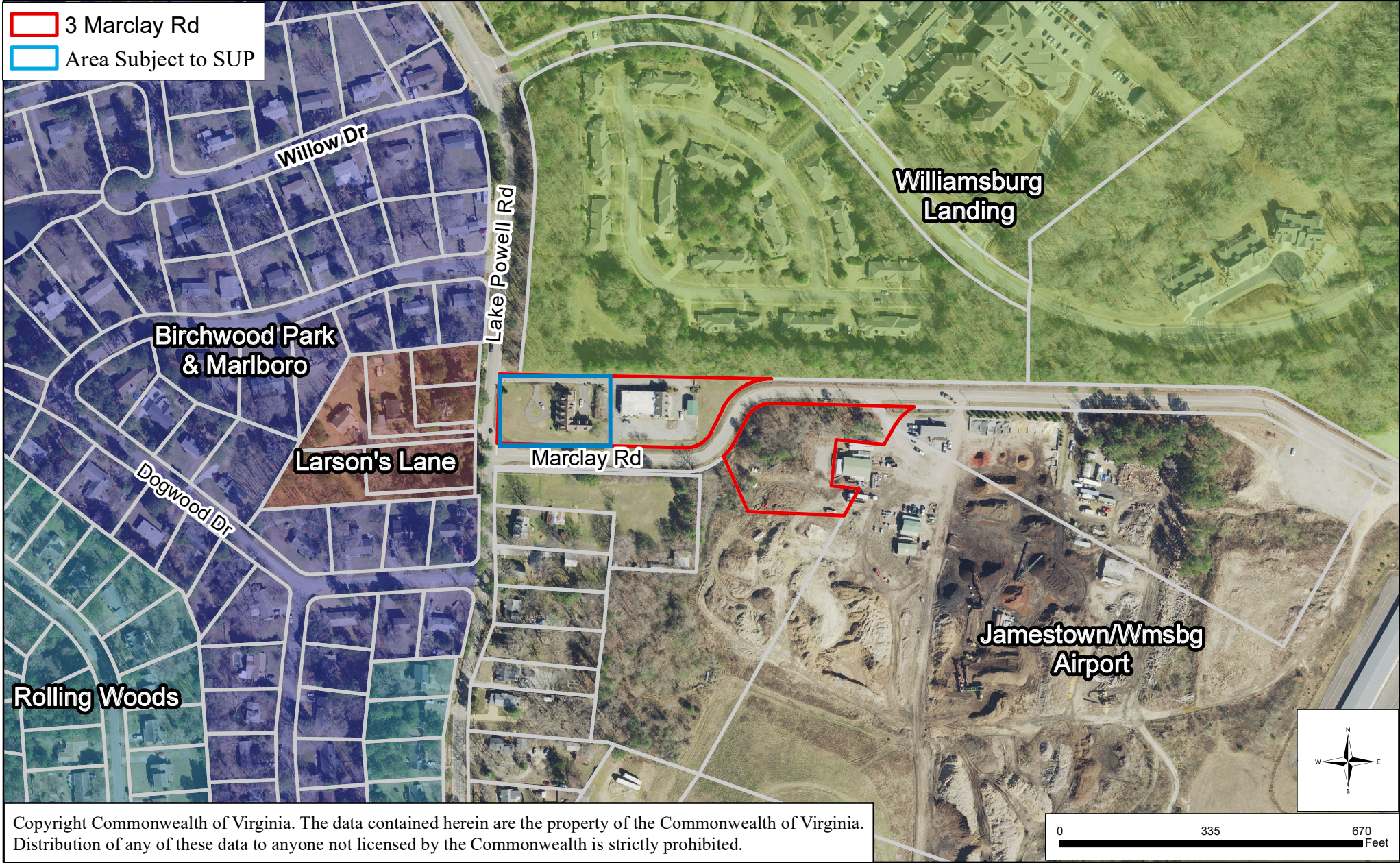
Teresa J. Saeed  
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of  
May, 2022.

SUP22-1\_3MarclyRdTH-res



JCC SUP-22-0001  
3 Marclay Rd Tourist Home





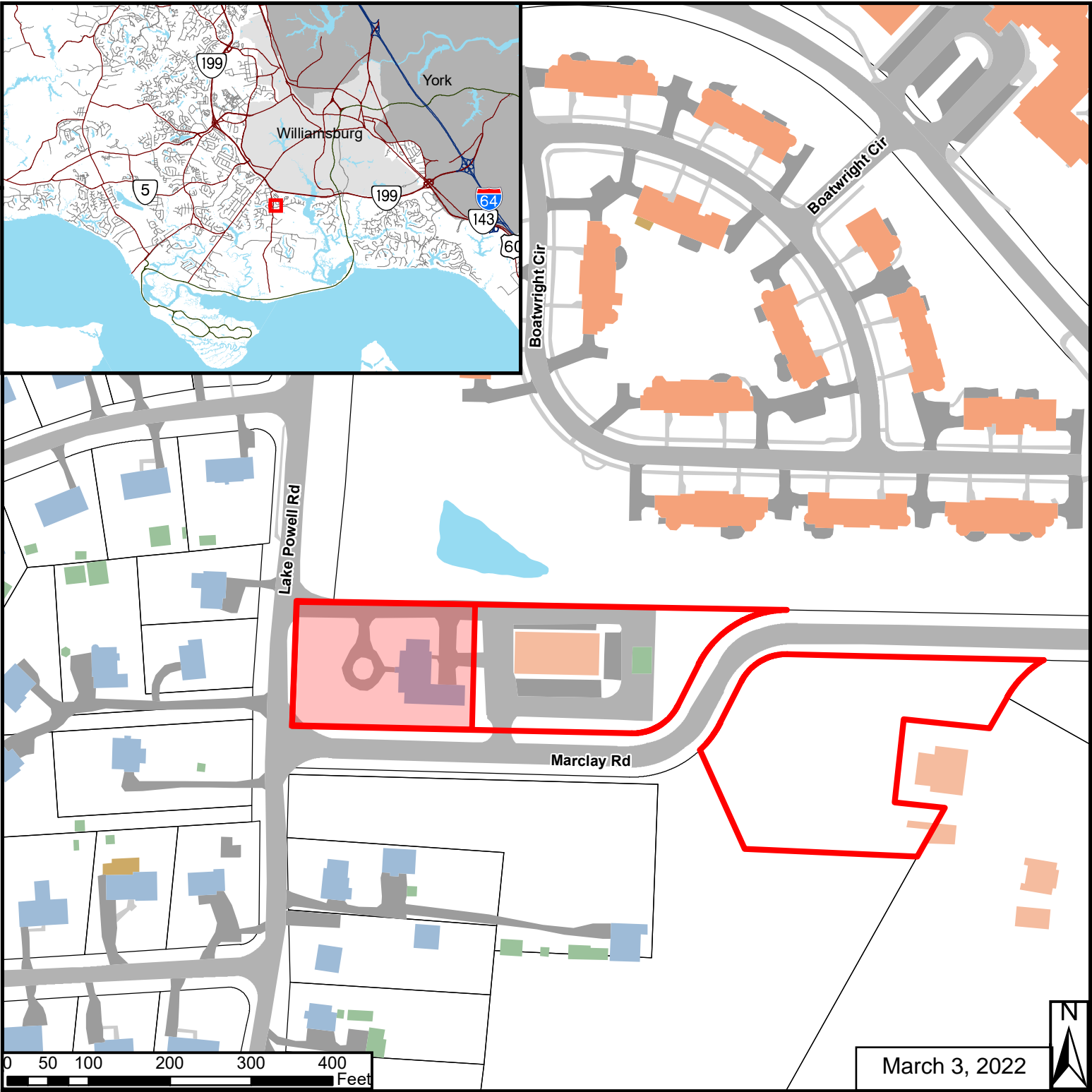
# SUP-22-0001, 3 Marclay Rd Tourist Home

### Property Information

4820100004  
MARCLAY LLC  
3 MARCLAY ROAD  
WILLIAMSBURG, VA 23185  
Zoning: R8 Rural Residential  
2045 Comp Plan: Airport  
Legal Acreage: 3.26

### General Notes

- 1. Site is served by public water and sewer.
- 2. Property is not located in a FEMA Flood zone.
- 3. Property does not contain Resource Protected Area.
- 4. Property has an existing driveway.
- 5. A minimum of three parking spots shall be provided (one parking spot per bedroom).



### Adjacent Properties

4810100063 Williamsburg Landing Inc 5550 Williamsburg Landing Dr Williamsburg, VA 23185 R5 Multi-Family Residential	4812100001 Diane J E Freedman 2951 Lake Powell Rd Williamsburg, VA 23185 R2 General Residential
4812100005 Lori M Hill 2967 Lake Powell Rd Williamsburg, VA 23185 R2 General Residential	4820100004A Larry T Waltrip & Dudley S Waltrip 10 Marclay Rd Williamsburg, VA 23185 R8 Rural Residential
4812100004 Otis Bland III Crowder, A Crowder & David Miller Crowder 2963 Lake Powell Rd Williamsburg, VA 23185 R2 General Residential	4820100005A Williamsburg-Jamestown Airport, INC 100 Marclay Rd Williamsburg, VA 23185 R8 Rural Residential
4812100003 Daniel B & Brooke E Carr 2959 Lake Powell Rd Williamsburg, VA 23185 R2 General Residential	4820100012 Short Neck LLC 20 Marclay Rd Williamsburg, VA 23185 R5 Multi-Family Residential
4812100002 Candice S Jenkins 2955 Lake Powell Rd Williamsburg, VA 23185 R2 General Residential	

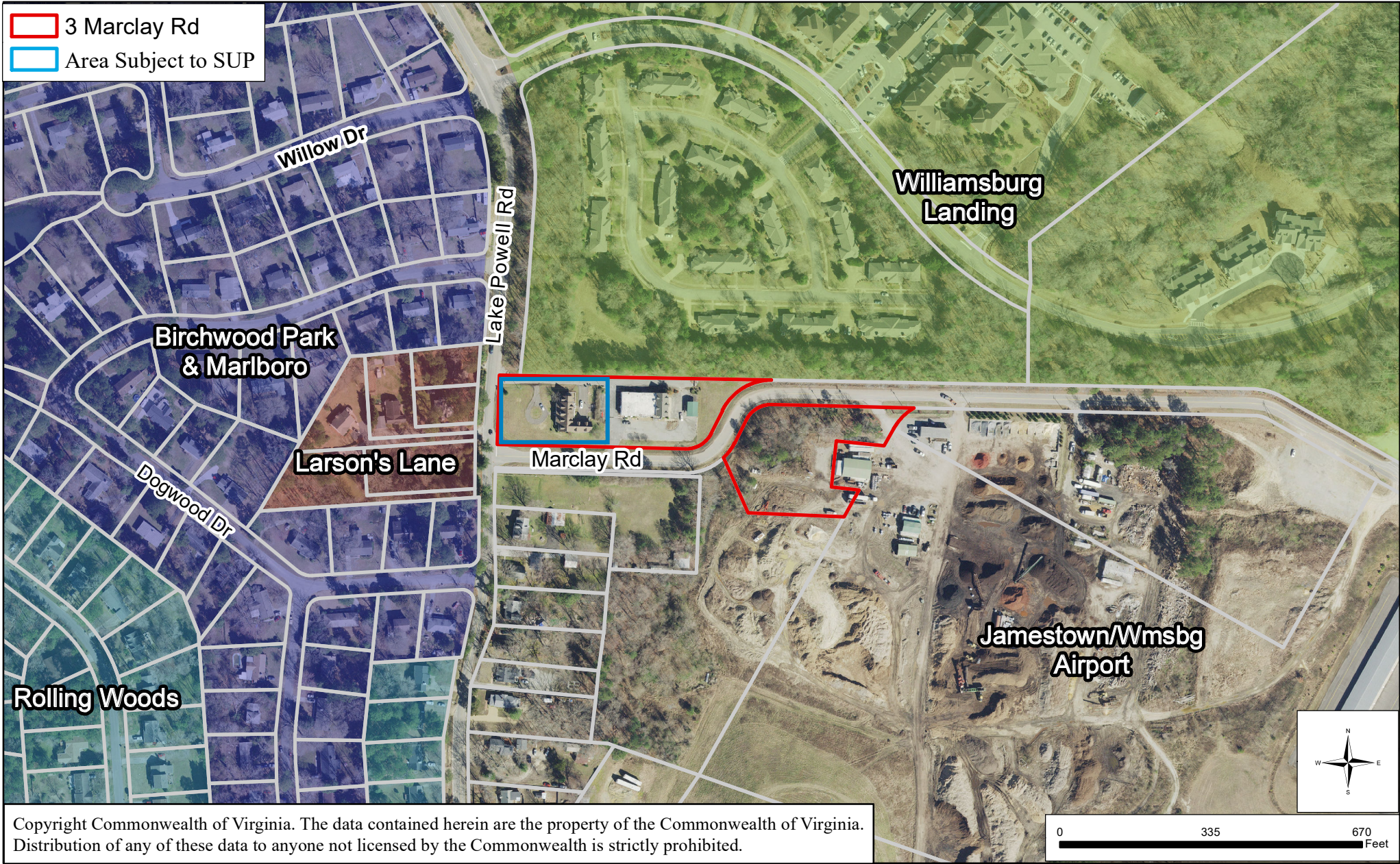
### Sheet Index

- 1. Cover Page
- 2. Location Page
- 3. Site Details



# JCC SUP-22-0001

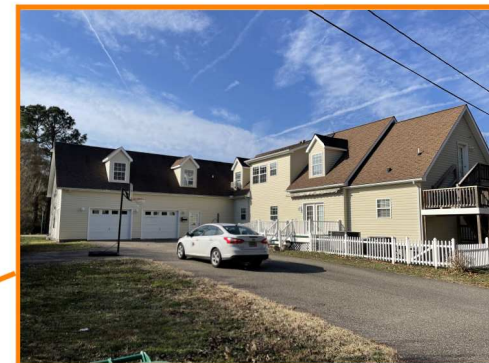
## 3 Marclay Rd Tourist Home





# JCC SUP-22-0001

## 3 Marclay Road Tourist Home





## Short Term Rental (Tourist home) Special Use Permit Narrative for 3 Marclay Rd, Williamsburg, 23185

On behalf of Larry Waltrip, we are submitting a request of approval for the property of 3 Marclay Road, Williamsburg, VA 23185 to operate as a short-term rental “tourist home”, using the AirBnB model. The Property description is PT short neck, with approximate square footage 4,134 sq ft on a total of 3.26 acres land, but about .75 acres will be used for the tourist home purposes. It is a 4 bedroom home with 3 full bathrooms and 1 half bath. The home sits at the corner of Marclay Road, Marclay Drive, and Lake Powell Road. On the James City County Property information website, the zoning for the parcel ID pin# 4820100004 for 3 Marclay Road, Williamsburg, VA 23185 according to the James City County Zoning Ordinance, this property meets the criteria, the tourist home use is allowed by special use permit (SUP) in the R-8, Rural Residential Zoning District.

After reviewing the short-term rental section of the Comprehensive Plan in Chapter 10, the Land Use section, I learned about the James City County updates as of 2020. Under Key Planning Influences, the Community Design Policies section addresses how short-term rentals of a private residential property facilitated through the AirBnB model has permitted this concept as a “tourist home” use. According to the R8 zoning for the rural residential commercial uses, 3 Marclay Road, Williamsburg, VA 23185 qualifies for a special use permit because of its location and zoning. We understand the importance of protecting the surrounding residential area and staying updated with the Certificate of Occupancy

I understand that this approval process provides the opportunity to operate a few different “tourist homes” models, but our goal and desire for the property is to specifically operate the 3 Marclay Road property as an AirBnB with the whole house being rented per stay. We do not plan to rent out the rooms individually, nor do we plan to use the property as a Bed and Breakfast model. With such a prestigious and very active airport, such as Williamsburg Jamestown Airport being nearby, that has served the Historic Triangle of Williamsburg-Jamestown-Yorktown for 50 years, this property is perfectly located to help provide quality lodging services to potential renters flying in. The airport is approximately 0.4 miles away from the property.

It is essential to us to provide the best quality of services to not only the residents of Williamsburg but to visitors from all over the world that look forward to coming here and have a great experience. Therefore, it is important to us to follow the Zoning Ordinance and stay in compliance with the fire and building code in order to have a successful business model. I understand there is a concern of transient residents, but with 3 Marclay being in a rural area without neighboring residential houses it can add to Colonial Williamsburg/Jamestown being a highly visited and tourist city for years with its rich history that it provides, without a disruption to the life of local residents. As long as the short-term rental is provided with excellence, high quality, and policies; using the AirBnB model will also aide in providing stipulations for the renters to adhere to and follow, making it a more rigorous and intimate screening process because the entire house will be rented out at a time.

We would like the Planning Commission and Board of Supervisors to consider a few factors that are concerning this particular property. According to James City County municode website under Division 8 - Rural Residential district, R8 under section 24-348 Use List, the 3 Marclay Road property falls under the commercial uses “tourist home” category. The property meets the required rural residential district R8 zoning, therefore, so we are requesting a specially permitted use to operate an AirBnB “tourist home” at the 3 Marclay Road property, which is located in a rural area near the Williamsburg Jamestown Airport.

Considering, AirBnB being a newer model to the world, it has been around since 2008. Over the last few years, it has grown, and continues grow. Recognizing that this new model has James City County creating and recreating policies and implementing new standards. As James City County work to address the new changes while moving along with the evolution that has come with this new model that are presented to the world and this County. It has been challenging for there to be any consistency and continuity with offering a fair approval process in case that are not so straight forward addressing all the standards. As I have viewed the current standards and looked at many previous SUP cases regarding AirBnB requests, I want to explain a few concerns about this SUP request we are submitting and why it is a completely different case compared to any other cases I have seen thus far.

The current standards and processes do not provide a clear and unbiased criterion measuring procedure. For 3 Marclay Road property some of the discrepancies that were found regarding this address are that because of the location of the property and the land that it sits on, it falls under two different ordinances, which could work against or in the favor of this SUP request. There is a huge concern that this case would receive its own fair review as an individual case and not be viewed as a similar request because there are multiple ordinances that it falls under and adheres to, which could result to an automatic denial if the attention is not afforded because it is not a straightforward review process. The property falls under the R-8 Rural Residential Zoning District ordinances and according to the James City County’ published Comprehensive Plan Land Use Map and evaluation of the property ownership the 3 Marclay Road falls under the Airport land use, which is commercial.



This home sits on the Williamsburg Jamestown Airport property, which are both the land and properties of Larry Waltrip, who is the owner and who is now looking to seek approval to utilize his own property as an AirBnB. He originally built the home for his mother and since then he has received approval to rent rooms out to the William and Mary Doctoral Law students while they finished their program. Since times have changed, with the new AirBnB model the location of the home is also very convenient for the Airport consumers as well as other visiting families and tourist coming to town to enjoy Williamsburg. The approval criteria for this property are offering double language that are conflicting each other with the multiple criteria to follow which are counteracting each other; automatically setting this process up for failure. How could there be truly a complete and fair judgment for denial with this qualifying process? If the land and property of the Airport and 3 Marclay Road home are all owned by Mr. Waltrip, and the home also meets the R-8 Rural residential zoning and he wants to move forward with a tourist home after utilizing it as rental rooms for college students then what is the issue with moving forward with an AirBnB model, which is not too far-fetched?

It is great because we all live right here in Williamsburg, and there is staff that lives physically on the property as wells, which makes it easier to stay on top of things, allowing immediate access to the property. This allows us to ensure that the AirBnB and James City County standards are being withheld as they will be implemented in the policies for the short-term renters to view. They will receive these policies prior to renting and a copy will be provided on site to ensure the expectations are communicated effectively regarding what is expected from the renters so that their stay or visit does not impact or interfere with the quality of life for the surrounding residents and other businesses.

The 3 Marclay Road property is located on the land designated Airport according to the James City County Comprehensive Plan Land Use Map, but it is also zoned as an R-8 rural residential home, which addresses the concern for providing a fair judgement of this property. It is not internal to an existing platted subdivision, the property is a great compliment to the residential character of its surrounding area because it is located on the corner/edge on a major road, which has homes and subdivision directly across the street. It is located on a major road named Lake Powell Road. As none of the other approved AirBnB homes that have been approved by James City County thus far and many of the other AirBnB models in the world it is not particularly the model for someone to actual live inside the home as an AirBnB model, that is a Bed and Breakfast model. The owner of 3 Marclay Road does have staff that lives on the property. Once again, this is some of that conflicting information from previous approved requests and it is addressing a completely different type of model. I hope the board would consider all views of the case and provide a fair judgment of the individualized status of this property` uniqueness. It is not too close to the nearest residential homes, it is not close to any of the nearby hotels and resorts, it is very close to the Williamsburg Jamestown Airport, it is central to many attractions offered in the Historic Triangle area, and it is a beautiful home that would provide families the ability to come and enjoy a variety of agri-tourism opportunities together under one roof. During these special times of the Covid outbreaks, this is definitely a great way for large families to come and experience a home away from home in a safe private setting.

**Unapproved Minutes of the April 6, 2022  
Planning Commission Regular Meeting**

**SUP-22-0001. 3 Marclay Road Tourist Home**

Mr. John Risinger, Planner, stated that Ms. Kenya DelValle has applied for a Special Use Permit (SUP) to permit the short-term rental of a four-bedroom single-family home at 3 Marclay Road. Mr. Risinger stated that the property is zoned R-8, Rural Residential, is designated Airport on the Comprehensive Plan Land Use Map and is located inside the Primary Service Area (PSA). Mr. Risinger stated that the property is served by public sewer and a private well. Mr. Risinger stated that if granted, this SUP would allow for short-term rentals throughout the year. Mr. Risinger noted that no changes to the footprint of the home are proposed.

Mr. Risinger stated that staff finds some favorable factors for this application, such as the presence of adequate off-street parking and that the applicant will obtain the proper licensing and inspections.

Mr. Risinger further stated that staff finds the proposed use will not negatively impact surrounding property or development nor is it expected to negatively impact levels of service for roads and other public services.

Mr. Risinger stated that while staff believes the location can be considered uniquely and complimentary to the airport Comprehensive Plan designation, staff finds that the proposal is not fully consistent with the adopted 2045 Comprehensive Plan recommendations for short-term rentals. Mr. Risinger stated that, therefore, staff is unable to recommend approval of this application.

Mr. Risinger noted that should the Planning Commission recommend approval of this application, staff has included proposed conditions for consideration.

Mr. Steve Rodgers inquired about the phrase “uniquely and complimentary to.”

Mr. Risinger stated that the primary use for the property would be aviation and secondary uses would include airport related commercial and office development. Mr. Risinger stated that the short-term rental could be considered complimentary to the airport use for patrons of the airport.

Mr. Rodgers noted that he was also curious about the use of the word unique.

Mr. Risinger stated that the recommendations for short-term rentals allow consideration of unique situations or locations such as this property.

Mr. Holt noted that this designation is unique since it is only these few parcels in the entire County with the airport designation.

Mr. O'Connor opened the Public Hearing.

Ms. Kenya DelValle, 4001 Cedarwood Lane, applicant, provided the Commission with an overview of the proposal and requested that the Commission support the application.

Mr. Rodgers inquired if M.s DelValle is the property owner.

Ms. DelValle stated that Mr. Larry Waltrip owns the property. Ms. DelValle noted that Mr. Waltrip's representative was present.

Ms. Barbara Null noted that the narrative stated the property would be managed; however, no one would be on site. Ms. Null inquired if there is a contract in place with a property management company.

Ms. DelValle stated that there is an option for someone to live in the home should the SUP be approved.

Ms. Emily Martel, 2886 Lake Powell Road, addressed the Commission in support of the application.

Mr. Vernon Geddy, III, Geddy, Harris, Franck and Hickman, LLP, 1177 Jamestown Road, addressed the Commission on behalf of the property owner to support the application.

Mr. Rodgers inquired if the intent is for someone to reside on the property.

Ms. DelValle stated that should the SUP be approved, there could be someone residing on the property as required.

Mr. Rodgers inquired if anyone currently resides in the home.

Ms. DelValle stated that the home is currently unoccupied.

Mr. Rodgers inquired if the applicant would provide a live in caretaker.

Ms. DelValle confirmed.

Ms. Sharon Dennis, 100 St. George's Boulevard, addressed the Commission in support of the application.

As no one else wished to speak, Mr. O'Connor closed the Public Hearing.

Mr. O'Connor opened the floor for discussion by the Commission.

Mr. Rich Krapf stated that this particular application would not create any intrusion in a residential area. Mr. Krapf further stated that the performance standards for short-term rentals are designed to provide safeguards residential neighborhoods. Mr. Krapf noted that the Comprehensive Plan standards are more stringent than the Zoning Ordinance requirements. Mr. Krapf stated that since

this is not a residential area, he is inclined to find that this is a unique application and recommend approval. Mr. Krapf further stated that it appears that the applicant is also willing to arrange for a live-in caretaker, thus meeting the performance standards. Mr. Krapf stated that he is willing to support the application.

Mr. Polster inquired if there were a method to enforce having a caretaker reside in the dwelling.

Ms. Liz Parman, Deputy County Attorney, stated that if it is not in the Zoning Ordinance, it would probably not be enforceable. Ms. Parman further stated that an SUP condition might or might not be enforceable.

Mr. Holt stated that, should the Commission so desire, staff could work with the County Attorney's office to develop appropriate language for an SUP condition prior to the matter being heard by the Board of Supervisors.

Mr. Polster stated that his concern with short-term rental SUPs is that the SUP runs with the land in perpetuity and without enforceable conditions, there is no opportunity to ensure adherence to the Comprehensive Plan performance standards. Mr. Polster further stated that the neighboring short-term rental property has an owner living on site. Mr. Polster stated that the issue has been covered at length during the Comprehensive Plan Review under a charge from the Board of Supervisors to develop standards that were ultimately adopted. Mr. Polster stated that he does not want to set aside those adopted standards at random. Mr. Polster stated that he is not inclined to support the application.

Dr. Rose stated that he has fewer concerns about whether an owner lives on site or not because he believes Mr. Waltrip would continue to be a good steward of the property. Dr. Rose stated that his concerns relate to what happens should the property be sold. Dr. Rose noted that many properties are being acquired for short-term rental and even Air B n B is buying properties in local communities. Dr. Rose noted that it appears there is no mechanism for tying the SUP to the current owner of the property.

Mr. Krapf asked for clarification on whether a condition requiring the owner to live on site would be enforceable.

Ms. Parman stated that there might be some question of enforceability. Ms. Parman further stated that the Commission is welcome to have the appropriate language drafted and recommend that the Board of Supervisors include it as an SUP condition.

Mr. O'Connor inquired if the wording could be "or the owner's agent" since in this case the property will be managed.

Mr. O'Connor stated that given the location and that it is part of the airport, it seems as though this would be accessory to the airport. Mr. O'Connor noted that there are no hotels close by and that it would benefit users of the airport. Mr. O'Connor stated that he would be inclined to support the application.

Mr. Haldeman stated that he is comfortable with an application because this is a unique situation. Mr. Haldeman further stated that he when the property is within an established neighborhood, he has been more inclined to recommend denial since the use has the potential to disrupt the community. Mr. Haldeman noted that this property is not in a residential area and is suited to the commercial nature of the airport. Mr. Haldeman stated that he is inclined to support the application.

Mr. Krapf clarified that he will not be recommending the addition of a condition to specify that a property owner or caretaker must reside on the property.

Mr. Krapf made a motion to recommend approval of the application with the conditions proposed by staff.

On a roll call vote, the Commission voted to recommend approval of SUP-22-0001. 3 Marclay Road Tourist Home. (6-1)

**ITEM SUMMARY**

DATE: 5/10/2022

TO: The Board of Supervisors

FROM: Bradley Rinehimer, Assistant County Administrator

SUBJECT: Sale of County Property Located at 4097 Ironbound Road

---

**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Admin	Purse, Jason	Approved	5/2/2022 - 1:56 PM
Publication Management	Pobiak, Amanda	Approved	5/2/2022 - 2:16 PM
Legal Review	Kinsman, Adam	Approved	5/3/2022 - 4:13 PM
Board Secretary	Saeed, Teresa	Approved	5/3/2022 - 4:15 PM
Board Secretary	Purse, Jason	Approved	5/3/2022 - 4:16 PM
Board Secretary	Saeed, Teresa	Approved	5/3/2022 - 4:16 PM



## MEMORANDUM

DATE: May 10, 2022

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Assistant County Administrator

SUBJECT: Sale of County Property Located at 4097 Ironbound Road

---

In 2021, James City County (the “County”) purchased the Courthouse Green Properties at 4093, 4095, and 4097 Ironbound Road for the purchase price of \$6,500,000. This price was offered by the seller for all three buildings whereas the purchase of just 4093 and 4095 Ironbound Road was set at a 20% premium. The County was already occupying 4093 Ironbound Road and has since moved other County personnel into 4095 Ironbound Road. The County desires to sell the property at 4097 Ironbound Road and is desiring to sell that property to the two tenants currently occupying that building. The price per square foot for the Courthouse Green Properties was \$180.25/square foot when purchased in 2021. The square footage of the building located at 4097 Ironbound Road is 10,493 square feet which comes to a price of \$1,891,365.

The two dental groups have formed GFE Properties, LLC, and desire to purchase the Property and have offered \$1,891,365 for the Property. Staff recommends that the County sell the Property for this price.

The attached resolution authorizes the County Administrator to execute those documents necessary to sell the Property to GFE Properties, LLC.

BJR/md  
Sale-Cty4097Irnbd-mem

Attachment

## RESOLUTION

### SALE OF COUNTY PROPERTY LOCATED AT 4097 IRONBOUND ROAD

WHEREAS, James City County (the "County") currently owns a certain parcel of land located in the County of James City, containing approximately 1.5 acres located at 4097 Ironbound Road and further identified as James City County Real Estate Tax Parcel No. 3842300004 (the "Property"); and

WHEREAS, the Property is currently occupied and leased from the County by two dental groups, who have formed GFE Properties, LLC, to purchase this property; and

WHEREAS, GFE Properties, LLC, have offered to purchase the Property for \$1,891,365; and

WHEREAS, the County has not identified any current or future need for the Property; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that the County should sell the Property to GFE Properties, LLC, for \$1,891,365.

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 those documents necessary for the sale and transfer of the Property to GFE Properties, LLC.

\_\_\_\_\_  
John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

ICENHOUR  
HIPPLE  
LARSON  
SADLER  
MCGLENNON

VOTES

AYE    NAY    ABSTAIN    ABSENT

_____	_____	_____	_____
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_____	_____	_____	_____
_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2022.

Sale-Cty4097Irnbd-res

**ITEM SUMMARY**

DATE: 5/10/2022

TO: The Board of Supervisors

FROM: Bradley Rinehimer, Assistant County Administrator

SUBJECT: Lease of County Property Located at 5300 Palmer Lane

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Admin	Purse, Jason	Approved	5/2/2022 - 1:56 PM
Publication Management	Daniel, Martha	Approved	5/2/2022 - 2:10 PM
Legal Review	Kinsman, Adam	Approved	5/3/2022 - 4:14 PM
Board Secretary	Saeed, Teresa	Approved	5/3/2022 - 4:15 PM
Board Secretary	Purse, Jason	Approved	5/3/2022 - 4:15 PM
Board Secretary	Saeed, Teresa	Approved	5/3/2022 - 4:16 PM

## MEMORANDUM

DATE: May 10, 2022

TO: The Board of Supervisors

FROM: Bradley J. Rinehimer, Assistant County Administrator

SUBJECT: Lease of County Property Located at 5300 Palmer Lane

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The County recently purchased the property at 4095 Ironbound Road, which permitted the Office of Elections to relocate to that location from its previous location at 5300 Palmer Lane. This move will be displacing the Virginia Department of Health (VDH) who is currently leasing the upstairs space at 4095 Ironbound Road. VDH has requested to be able to lease the building at 5300 Palmer Lane. The County does not have a planned current or short-term need for this space.

County staff is continuing to negotiate a lease with the Virginia Department of General Services for a yearly lease amount at a minimum of \$60,000 per year.

Staff recommends approval of the attached resolution to authorize the County Administrator to enter into a lease agreement with VDH for the property located at 5300 Palmer Lane.

BJR/ap  
Lse5300PalmrLn-mem

Attachment

## RESOLUTION

### LEASE OF COUNTY PROPERTY LOCATED AT 5300 PALMER LANE

WHEREAS, James City County (the “County”) currently owns a certain parcel of land located in the County of James City, containing approximately .2 acres located at 5300 Palmer Lane and further identified as James City County Real Estate Tax Parcel No. 3911300001B (the “Property”); and

WHEREAS, the Property was previously occupied by the James City County Office of Elections, which has now relocated to 4095 Ironbound Road; and

WHEREAS, the Virginia Department of Health (VDH) desires to lease this property for an amount that will be negotiated but at a minimum of \$60,000 per year; and

WHEREAS, the County has not identified any current or short-term need for the Property; and

WHEREAS, the Board of Supervisors, following a public hearing, is of the opinion that the County should lease the Property to VDH.

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 those documents necessary for the lease of this property to the VDH.

\_\_\_\_\_  
John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

	ICENHOUR	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
	HIPPLE	_____	_____	_____	_____
	LARSON	_____	_____	_____	_____
	SADLER	_____	_____	_____	_____
	MCGLENNON	_____	_____	_____	_____

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2022.

Lse5300PalmrLn-res

**ITEM SUMMARY**

DATE: 5/10/2022

TO: The Board of Supervisors

FROM: John H. Carnifax Jr., Director of Parks and Recreation

SUBJECT: Grant Award - \$570,000 - Virginia Tourism Corporation American Rescue Plan Act Funds

---

**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Parks & Recreation	Carnifax, John	Approved	4/27/2022 - 4:05 PM
Publication Management	Daniel, Martha	Approved	4/27/2022 - 4:09 PM
Legal Review	Parman, Liz	Approved	4/27/2022 - 4:14 PM
Board Secretary	Saeed, Teresa	Approved	5/3/2022 - 7:59 AM
Board Secretary	Rinehimer, Bradley	Approved	5/3/2022 - 8:15 AM
Board Secretary	Saeed, Teresa	Approved	5/3/2022 - 8:43 AM

## MEMORANDUM

DATE: May 10, 2022

TO: The Board of Supervisors

FROM: Carla T. Brittle, Tourism and Centers Administrator of Parks & Recreation

SUBJECT: Grant Award - \$570,000 - Virginia Tourism Corporation American Rescue Plan Act Funds

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The Virginia Tourism Corporation has awarded James City County's Department of Parks & Recreation a \$570,000 American Rescue Plan Act (ARPA) grant for the purpose of increasing visitor engagement and assisting with recovery of the tourism and hospitality industry from the effects of the COVID-19 pandemic. The intent is for the funds to be used in collaboration with each locality's Destination Marketing Organization (DMO) to develop mutually beneficial visitor programs.

The Department of Parks & Recreation will use \$275,000 for the purchase of a portable trailer stage and a portable restroom trailer to aid in special events and concerts in our parks and commerce districts. The remaining \$295,000 will pass to Visit Williamsburg (DMO) for costs associated with marketing the historic area in Boston, Massachusetts.

Fifty percent of the grant funds will be awarded immediately, and the remaining 50% will be awarded on a reimbursement basis after submission of spending documentation. Funds must be fully committed and obligated by December 31, 2023, and all expenditures must be incurred and reimbursements requested by June 30, 2024. James City County will serve as the fiscal agent and oversee reporting of all awarded grant funds.

Staff recommends approval of the attached resolution to accept the \$570,000 grant, appropriate the funds in the Tourism Investment Fund, and authorize the execution of documents to accept the Virginia Tourism Corporation ARPA grant.

CTB/md  
GA-\$570K-VTCARPA-mem

Attachment

## RESOLUTION

### GRANT AWARD - \$570,000 - VIRGINIA TOURISM CORPORATION

#### AMERICAN RESCUE PLAN ACT FUNDS

WHEREAS, under the provisions of the U.S. Treasury through the Virginia Tourism Corporation, American Rescue Plan Act (ARPA) funding has been awarded to James City County for tourism product development and a marketing campaign; and

WHEREAS, James City County considers it in the best public interest to complete the projects outlined in the application for funding in coordination with our Destination Marketing Organization, Visit Williamsburg; and

WHEREAS, of the grant amount of \$570,000, James City County will use \$275,000 for the purchase of a portable trailer stage and restroom trailer, \$295,000 will be provided to Visit Williamsburg to be used for a marketing campaign in Boston, Massachusetts; and

WHEREAS, the grant will be paid 50% immediately and the remainder will be reimbursed upon submission of required financial documentation; and

WHEREAS, the County will serve as the fiscal agent for the entire grant award and oversee reporting requirements.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to complete required documents related to the acceptance of the \$570,000 Virginia Tourism Corporation ARPA grant for tourism products and appropriates this grant award in the Tourism Investment Fund.

#### Revenue:

Virginia Tourism Corporation ARPA Grant	<u>\$570,000</u>
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#### Expenditure:

Virginia Tourism Corporation ARPA Grant	<u>\$570,000</u>
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\_\_\_\_\_  
John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

ICENHOUR
HIPPLE
LARSON
SADLER
MCGLENNON

#### VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2022.



**ITEM SUMMARY**

DATE: 5/10/2022

TO: The Board of Supervisors

FROM: Sharon B. Day, Director of Financial and Management Services

SUBJECT: FY2023 - FY2024 Budget Adoption & Resolution of Appropriation

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Errata Sheets	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Financial Management	Cochet, Cheryl	Approved	4/29/2022 - 10:19 AM
Publication Management	Pobiak, Amanda	Approved	4/29/2022 - 11:33 AM
Legal Review	Kinsman, Adam	Approved	5/3/2022 - 4:13 PM
Board Secretary	Saeed, Teresa	Approved	5/3/2022 - 4:15 PM
Board Secretary	Purse, Jason	Approved	5/3/2022 - 4:15 PM
Board Secretary	Saeed, Teresa	Approved	5/3/2022 - 4:16 PM

## MEMORANDUM

DATE: May 10, 2022

TO: The Board of Supervisors

FROM: Sharon B. Day, Director, Financial and Management Services

SUBJECT: Fiscal Year 2023 Budget Appropriation

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Attached is a resolution to appropriate the Fiscal Year (FY) 2023 budget. The resolution reflects the County Administrator's Proposed Budget and the changes made by the Board at the budget meetings. The attached errata sheet details these changes.

Changes to the proposed FY 2023 budget include:

General Fund Revenues:

Reduction of the Real Estate tax rate from \$0.84 to \$0.83:  
*General Property Taxes* (\$1,100,000)

General Fund Expenditures:

Reduction of the Real Estate tax rate from \$0.84 to \$0.83:  
*Transfer to Capital Projects Fund* (\$1,100,000)

Introduction of Business Investment Grant Program:  
*Transfer to Capital Projects Fund* (\$50,000)  
*Transfer to Special Projects Fund* \$50,000

Utility Account Representative for Recycling change in department:  
*Treasurer/Satellite Services Office* (\$47,740)  
*Solid Waste Management* \$47,740

Adjustment to contribution based on updated population:  
*Contributions to Outside Agencies* \$2,185  
*Contingency* (\$2,185)

Capital Improvement Program Revenues:

Reductions include the following:  
*Transfer from General Fund* (\$1,150,000)  
*General Fund - Fund Balance* (\$833,480)

Capital Improvement Program Expenditures:

COVID-19 reductions include the following:  
*General Services Projects* (\$612,900)  
*Public Safety Projects* (\$1,263,580)  
*Parks and Recreation Projects* (\$107,000)

Special Projects/Grants Fund Revenues:

Introduction of Business Investment Grant Program:	
<i>Transfer from General Fund</i>	<i>\$50,000</i>

Special Projects/Grants Fund Expenditures:

Introduction of Business Investment Grant Program:	
<i>Business Investment Grant Program</i>	<i>\$50,000</i>

SBD/md  
FY23BudgtApprop-mem

Attachment

## RESOLUTION

### FISCAL YEAR 2023 BUDGET APPROPRIATION

WHEREAS, the County Administrator has prepared a two-year Proposed Budget for the fiscal years beginning July 1, 2022, and ending June 30, 2023, along with the fiscal year beginning July 1, 2023, and ending June 30, 2024, and a five-year Capital Improvements Program, four years of which are for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate funds to carry out the activities proposed therein for the fiscal year beginning July 1, 2022, and ending June 30, 2023, and to set tax rates on real estate, tangible personal property, and machinery and tools, to provide certain revenue in support of those appropriations; and

WHEREAS, the Board wishes to adopt the second year of the operating and capital budgets for planning purposes, beginning July 1, 2023, and ending June 30, 2024.

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

1. The following amounts are hereby appropriated in the Fiscal Year (FY) 2023 General Fund for the offices and activities in the amounts as shown below:

<u>GENERAL FUND REVENUES:</u>	<u>FY 2023</u>
General Property Taxes	\$152,218,000
Other Local Taxes	32,400,000
Licenses, Permits, and Fees	8,657,000
Fines and Forfeitures	217,000
Use of Money and Property	337,000
Commonwealth	15,681,500
Federal Government	8,500
Charges for Services	7,396,000
Miscellaneous	<u>185,000</u>
Total Revenues	<u>\$217,100,000</u>

<u>GENERAL FUND EXPENDITURES:</u>	<u>FY 2023</u>
General Administration	\$ 4,394,495
Court Services	5,156,670
Public Safety	32,370,715
Financial Administration	5,894,610
Information Resources Management	5,489,830
Community Development	3,569,660
General Services	15,903,680
Parks and Recreation	8,080,330

Contribution to Williamsburg-James City County	
(WJCC) Schools - Operations	87,304,835
Contribution to WJCC Schools - Debt Service	14,800,000
Contribution to Williamsburg Regional Library	5,564,800
Contributions to Outside Entities	7,485,200
Transfers to Other Funds	20,737,360
Nondepartmental	<u>347,815</u>
Total Expenditures	<u>\$217,100,000</u>

The appropriation for education includes \$87,304,835 as a local contribution to the WJCC Schools operations, of which \$87,253,775 represents the County's contribution directly to the Schools and \$51,060 represents the County's payment of compensation to the School Board.

In addition, the following amount is hereby appropriated as a transfer from the General Fund to the Capital Projects Fund:

Year End Fund Balance	\$4,117,235
Transfer to Capital Projects Fund	\$4,117,235

2. That the tax rates be set for the amounts shown below and revenues appropriated in the following classifications:

TAX RATES:

Real Estate on each \$100 assessed value	\$0.83
Tangible Personal Property on each \$100 assessed value*	\$4.00
Machinery and tools on each \$100 assessed value	\$4.00
Boats, weighing 5 tons or more, on each \$100 assessed value	\$1.00
Boats, weighing less than 5 tons, on each \$100 assessed value	\$3.50

\*For calendar year 2022, an assessed value of 75% was used for motor vehicles.

3. That the following amounts are hereby appropriated in other budgets in FY 2023 for the activities in the amounts as shown below:

CAPITAL PROJECTS FUND:

Revenues:

Transfer from General Fund	\$2,750,000
1% Additional Sales Tax	5,500,000
Cigarette Tax	600,000
General Fund - Fund Balance	4,117,235
WJCC Schools - Fund Balance	2,000,000
Grants and Donations	659,585
Tourism Revenue	<u>500,000</u>
Total Capital Projects Fund Revenues	<u>\$16,126,820</u>

Expenditures:

Schools	\$3,436,000
General Services	8,832,300
Williamsburg Regional Library	600,000
Public Safety	741,520
Parks and Recreation	959,000
Other	<u>1,558,000</u>
Total Capital Projects Fund Expenditures	<u>\$16,126,820</u>

DEBT SERVICE FUND:

Revenues:

Transfer from General Fund - Schools	\$11,913,853
Transfer from General Fund - Other	8,586,147
Qualified School Construction Bonds	<u>42,500</u>
Total Debt Service Fund Revenues	<u>\$20,542,500</u>

Expenditures:

Total Debt Service Fund Expenditures	<u>\$17,189,311</u>
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TOURISM INVESTMENT FUND:

Revenues:	<u>\$2,500,000</u>
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Expenditures:	<u>\$2,500,000</u>
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VIRGINIA PUBLIC ASSISTANCE FUND:

Revenues:	<u>\$6,625,998</u>
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Expenditures:	<u>\$6,625,998</u>
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HOUSING AND NEIGHBORHOOD  
DEVELOPMENT FUND:

Revenues:	<u>\$3,234,065</u>
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Expenditures:	<u>\$3,234,065</u>
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COLONIAL COMMUNITY CORRECTIONS FUND:

Revenues:	<u>\$1,307,649</u>
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Expenditures:	<u>\$1,307,649</u>
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SPECIAL PROJECTS/GRANTS FUND:

Revenues:	<u>\$3,527,978</u>
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Expenditures:	<u>\$3,527,978</u>
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4. The County Administrator be authorized to increase the appropriation for the 3/5 Room Tax dollar per dollar for any amount collected over the original appropriation amount.
5. The County Administrator be authorized to increase the appropriation for the Additional \$2 per Night Room Tax dollar per dollar for any amount collected over the original appropriation amount.
6. The County Administrator be authorized to increase the appropriation for the Historic Triangle 1% Sales Tax dollar per dollar for any amount collected over the original appropriation amount.
7. The County Administrator be authorized to increase the appropriation for the Cigarette Tax dollar per dollar for any amount collected over the original appropriation amount.
8. The County Administrator be authorized to transfer funds and personnel from time to time within and between the offices and activities delineated in this resolution when deemed in the best interest of the County in order to carry out the work of the County as approved by the Board of Supervisors during the coming fiscal year.
9. The County Administrator be authorized to transfer up to \$50,000 per occurrence from the Contingency balance to one or more appropriation categories. No more than one transfer may be made for the same item causing the need for a transfer, unless the total amount to be transferred for the item does not exceed \$50,000. Total transfers for the year are not to exceed the amount budgeted for Contingency.
10. The County Administrator be authorized to increase appropriations for non-budgeted revenue that may occur during the fiscal year as follows:
  - a) Insurance recoveries received for damage to any County property, including vehicles, for which County funds have been expended to make repairs or purchase a replacement; and
  - b) Refunds or reimbursements made to the County for which the County has expended funds directly related to that refund or reimbursement.
11. The County Administrator be authorized to adjust the appropriations for grants in the applicable fund (General Fund, Capital Projects Fund, Virginia Public Assistance Fund, Housing and Neighborhood Development Fund, Colonial Corrections Fund, and Special Projects Fund), as applicable if and when additional federal, state, and/or local funds become available or are reduced, not to exceed \$50,000 for each individual grant, unless the terms of the grant or program require specific actions by the Board of Supervisors.
12. The County Administrator be authorized to adjust the appropriations for the Constitutional Officers (Commonwealth Attorney, Clerk of Court, Sheriff, Treasurer, and Commissioner of the Revenue), as applicable if and when additional funding from the State Compensation Board becomes available or is reduced, not to exceed \$50,000 by Constitutional Officer, to be expended in accordance with guidelines as established by the state government.

13. The County Administrator be authorized to administer the County's Personnel Policy and Pay Plan as previously adopted by the Board of Supervisors.
14. All outstanding encumbrances, Capital Projects, Grants, and Special Projects in all County funds at June 30, 2022, shall be an amendment to the FY 2023 budget, and appropriated to the FY 2023 budget to the same department and account for which they were encumbered in the previous year.
15. The County Administrator or his/her designee be authorized to make expenditures from the Donation Trust Fund for the specified reasons for which the fund was established. In no case shall the expenditure exceed the available balance in the fund as verified by the Treasurer.
16. The Board of Supervisors of James City County, Virginia, hereby adopts the following budgets for the purposes of future financial and operational planning:

FY 2024:

General Fund	\$222,050,000
Capital Projects	70,029,920
Debt Service	20,792,500
Tourism Investment	2,660,000
Virginia Public Assistance	6,656,878
Housing and Neighborhood Development	3,234,065
Colonial Community Corrections	1,310,556
Special Projects/Grants	3,777,978

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John J. McGlennon  
Chairman, Board of Supervisors

ATTEST:

		VOTES			
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<hr/> Teresa J. Saeed Deputy Clerk to the Board	ICENHOUR	_____	_____	_____	_____
	HIPPLE	_____	_____	_____	_____
	LARSON	_____	_____	_____	_____
	SADLER	_____	_____	_____	_____
	MCGLENNON	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of May, 2022.

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**Adjustments to Proposed Budget for Adopted Budget - FY2023**

**Adjustments to Proposed Budget for Adopted Budget - FY2024**

General Fund			
		Revenues	Revenues
Beginning Balance	\$	218,200,000	223,150,000
Reduction of Real Estate Tax rate by \$0.01			
General Property Taxes		(1,100,000)	(1,100,000)
<b>Total Revenues</b>	<b>\$</b>	<b>217,100,000</b>	<b>222,050,000</b>
		Expenditures	Expenditures
Beginning Balance	\$	218,200,000	223,150,000
Transfer to Capital Improvement Program		(1,150,000)	(1,150,000)
Transfer to Grants/Special Projects Fund		50,000	50,000
Treasurer		(47,740)	(47,740)
Solid Waste Management		47,740	47,740
Contributions to Outside Agencies		2,185	2,185
Contingency		(2,185)	(2,185)
<b>Total Expenditures</b>	<b>\$</b>	<b>217,100,000</b>	<b>222,050,000</b>

## Adjustments to Proposed Budget for Adopted Budget - FY2023

## Adjustments to Proposed Budget for Adopted Budget - FY2024

Capital Projects Fund					
		Revenues	Revenues		
Beginning Balance	\$	18,110,300	Beginning Balance	\$	70,487,420
General Fund Revenue		(1,150,000)	General Fund Revenue		(1,150,000)
General Fund - Fund Balance		(833,480)	General Fund - Fund Balance		692,500
Total Revenues		\$ 16,126,820	Total Revenues		\$ 70,029,920
		Expenditures			Expenditures
Beginning Balance	\$	18,110,300	Beginning Balance	\$	70,487,420
General Services Projects			General Services Projects		
Capital Building Maintenance		(612,900)	Capital Building Maintenance		(388,600)
Public Safety Projects			Public Safety Projects		
Law Enforcement Center Covered Parking		(430,100)	Law Enforcement Center Covered Parking		430,100
Fire Pumper Truck		(833,480)	Parks and Recreation Projects		
Parks and Recreation Projects			Upper County Park		(499,000)
Upper County Park		(107,000)			
Total Expenditures		\$ 16,126,820	Total Expenditures		\$ 70,029,920

## Adjustments to Proposed Budget for Adopted Budget - FY2023

## Adjustments to Proposed Budget for Adopted Budget - FY2024

Debt Service Fund							
		Revenues				Revenues	
Beginning Balance		\$	20,542,500	Beginning Balance		\$	20,792,500
Total Revenues		\$	20,542,500	Total Revenues		\$	20,792,500
		Expenditures				Expenditures	
Beginning Balance		\$	17,189,311	Beginning Balance		\$	20,742,845
Total Expenditures		\$	17,189,311	Total Expenditures		\$	20,742,845
Change in Fund Balance		\$	3,353,189	Change in Fund Balance		\$	49,655

Tourism Investment Fund							
		Revenues				Revenues	
Beginning Balance		\$	2,500,000	Beginning Balance		\$	2,660,000
Total Revenues		\$	2,500,000	Total Revenues		\$	2,660,000
		Expenditures				Expenditures	
Beginning Balance		\$	2,500,000	Beginning Balance		\$	2,660,000
Total Expenditures		\$	2,500,000	Total Expenditures		\$	2,660,000

Virginia Public Assistance Fund							
		Revenues				Revenues	
Beginning Balance		\$	6,625,998	Beginning Balance		\$	6,656,878
Total Revenues		\$	6,625,998	Total Revenues		\$	6,656,878
		Expenditures				Expenditures	
Beginning Balance		\$	6,625,998	Beginning Balance		\$	6,656,878
Total Expenditures		\$	6,625,998	Total Expenditures		\$	6,656,878

**Adjustments to Proposed Budget for Adopted Budget - FY2023**
**Adjustments to Proposed Budget for Adopted Budget - FY2024**

Housing & Neighborhood Development Fund			
Revenues		Revenues	
Beginning Balance	\$ 3,234,065	Beginning Balance	\$ 3,234,065
<b>Total Revenues</b>	<b>\$ 3,234,065</b>	<b>Total Revenues</b>	<b>\$ 3,234,065</b>
Expenditures		Expenditures	
Beginning Balance	\$ 3,234,065	Beginning Balance	\$ 3,234,065
<b>Total Expenditures</b>	<b>\$ 3,234,065</b>	<b>Total Expenditures</b>	<b>\$ 3,234,065</b>

Colonial Community Corrections Fund			
Revenues		Revenues	
Beginning Balance	\$ 1,307,649	Beginning Balance	\$ 1,310,556
<b>Total Revenues</b>	<b>\$ 1,307,649</b>	<b>Total Revenues</b>	<b>\$ 1,310,556</b>
Expenditures		Expenditures	
Beginning Balance	\$ 1,307,649	Beginning Balance	\$ 1,310,556
<b>Total Expenditures</b>	<b>\$ 1,307,649</b>	<b>Total Expenditures</b>	<b>\$ 1,310,556</b>

Special Projects/Grants Fund			
Revenues		Revenues	
Beginning Balance	\$ 3,477,978	Beginning Balance	\$ 3,727,978
Transfer from General Fund	50,000	Transfer from General Fund	50,000
<b>Total Revenues</b>	<b>\$ 3,527,978</b>	<b>Total Revenues</b>	<b>\$ 3,777,978</b>
Expenditures		Expenditures	
Beginning Balance	\$ 3,477,978	Beginning Balance	\$ 3,727,978
Business Investment Grant Program	50,000	Business Investment Grant Program	50,000
<b>Total Expenditures</b>	<b>\$ 3,527,978</b>	<b>Total Expenditures</b>	<b>\$ 3,777,978</b>

**ITEM SUMMARY**

DATE: 5/10/2022

TO: The Board of Supervisors

FROM: John J. McGlennon, Chairman

SUBJECT: Legislative Agenda 2023

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	5/3/2022 - 8:44 AM

**ITEM SUMMARY**

DATE: 5/10/2022

TO: The Board of Supervisors

FROM: Teresa J. Saeed, Deputy Clerk

SUBJECT: Adjourn until 1 pm on May 24, 2022 for the Business Meeting

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	5/3/2022 - 4:09 PM