

A G E N D A
JAMES CITY COUNTY BOARD OF SUPERVISORS
BUSINESS MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
March 28, 2023
1:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PRESENTATION

1. Proclaiming April 2023 as Child Abuse Prevention Month in James City County
2. Proclaiming March 2023 as Family Services Specialist Appreciation Month
3. Proclamation - Vietnam War Veterans Day
4. VDOT Quarterly Update

D. CONSENT CALENDAR

1. Appropriation of Funds for an Unsolicited Proposal
2. Contract Award - \$514,224 - Chickahominy Riverfront Park Fishing Pier Replacement Project
3. Dedication of the Streets in Sections 2 and 3 of the Scott's Pond Subdivision.
4. General Wage Increase
5. Minutes Adoption
6. Resolution of Chesapeake Bay Preservation Ordinance Violation at 118 Pinepoint

E. BOARD DISCUSSIONS

1. Dispatch Update
2. FY 2024 Budget Review

F. BOARD CONSIDERATIONS

G. BOARD REQUESTS AND DIRECTIVES

H. REPORTS OF THE COUNTY ADMINISTRATOR

I. CLOSED SESSION

J. ADJOURNMENT

1. Adjourn until 5 pm on April 11, 2023 for the Regular Meeting

ITEM SUMMARY

DATE: 3/28/2023

TO: Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Proclaiming April 2023 as Child Abuse Prevention Month in James City County

ATTACHMENTS:

	Description	Type
☐	Proclaiming April 2023 as Child Abuse Prevention Month in James City County	Cover Memo
☐	Proclaiming April 2023 as Child Abuse Prevention Month in James City County	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	3/3/2023 - 12:55 PM
Publication Management	Daniel, Martha	Approved	3/3/2023 - 12:58 PM
Legal Review	Kinsman, Adam	Approved	3/3/2023 - 1:09 PM
Board Secretary	Saeed, Teresa	Approved	3/7/2023 - 8:30 AM
Board Secretary	Purse, Jason	Approved	3/7/2023 - 4:42 PM
Board Secretary	Saeed, Teresa	Approved	3/7/2023 - 4:44 PM

MEMORANDUM

DATE: March 28, 2023
TO: The Board of Supervisors
FROM: Rebecca Vinroot, Director of Social Services
SUBJECT: Proclaiming April 2023 as Child Abuse Prevention Month in James City County

April has long been recognized as “Child Abuse Prevention Month” throughout Virginia. Here in James City County, the Child Abuse Prevention Coalition of Greater Williamsburg has been coordinating activities to bring awareness to the importance of this topic while building strong community partnerships.

The current partners in the Coalition include representatives from James City County Department of Social Services, the City of Williamsburg Department of Human Services, James City County and Williamsburg Police Departments, James City County and Williamsburg Parks & Recreation, Williamsburg-James City County Schools, Child Development Resources, Virginia Cooperative Extension’s Family Focus, Williamsburg Regional Library, and the Commonwealth’s Attorney’s Office.

This year, an event is planned for Thursday, March 30 from 5:30 p.m. to 7:30 p.m. at the King of Glory Lutheran Church, featuring family-friendly activities. Pinwheel gardens will also be planted throughout James City County and Williamsburg. Friday, April 7 is “wear blue day” to show support for the importance of preventing child abuse.

Staff respectfully requests that the Board officially proclaim the month of April 2023 as Child Abuse Prevention Month in James City County.

RV/ap
April23-ChldAbPrev-mem

Attachment

PROCLAMATION

PROCLAIMING APRIL 2023 AS

CHILD ABUSE PREVENTION MONTH

WHEREAS, children are the foundation of a sustainable and prosperous society, and our prosperity as a County and a nation is built on a foundation of healthy child development; and

WHEREAS, regardless of who they are or the circumstances of their birth, every child should live in safe, secure, and supportive environments, free from abuse and neglect; and

WHEREAS, child abuse is considered to be one of our nation's most serious public health problems, with scientific studies documenting the link between the abuse and neglect of children and a wide range of medical, emotional, psychological, and behavioral disorders; and

WHEREAS, during Child Abuse Prevention Month, citizens of James City County are reminded of the courage and strength it takes to raise a child; and

WHEREAS, creating communities where families have access to an array of supports and resources to address the emotional and physical health of their children effectively combats child abuse; and

WHEREAS, James City County remains committed to sustaining safe, nurturing, and supportive environments for families raising children; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships between families, social services agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community; and

WHEREAS, the James County Department of Social Services strives to engage the James City County community in their continued operation of effective child abuse prevention programs; and

WHEREAS, the James County Department of Social Services participates in the Child Abuse Prevention Coalition of Greater Williamsburg to increase awareness of child abuse prevention efforts; and

WHEREAS, displaying a pinwheel during the month of April will serve as a positive reminder that together, we can prevent child abuse and neglect, and by doing so, keep children safe.

NOW, THEREFORE, BE IT PROCLAIMED that the Board of Supervisors of James City County, Virginia, recognizes April 2023 as Child Abuse Prevention Month in James City County.

IN WITNESS, WHEREOF, I hereunto set my hand and caused the seal of the County of James City, Virginia, to be affixed this 28th day of March 2023.

Michael J. Hipple
Chairman, Board of Supervisors

ITEM SUMMARY

DATE: 3/28/2023

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Proclaiming March 2023 as Family Services Specialist Appreciation Month

ATTACHMENTS:

	Description	Type
□	Proclaiming March 2023 as Family Services Specialist Appreciation Month	Cover Memo
□	Proclaiming March 2023 as Family Services Specialist Appreciation Month	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	3/13/2023 - 9:20 AM
Publication Management	Daniel, Martha	Approved	3/13/2023 - 9:24 AM
Legal Review	Kinsman, Adam	Approved	3/14/2023 - 7:29 PM
Board Secretary	Saeed, Teresa	Approved	3/17/2023 - 4:14 PM
Board Secretary	Rinehimer, Bradley	Approved	3/20/2023 - 8:39 AM
Board Secretary	Saeed, Teresa	Approved	3/20/2023 - 10:03 AM

MEMORANDUM

DATE: March 28, 2023

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Proclaiming March 2023 as Family Services Specialist Appreciation Month

March 2023 is being recognized as Family Services Specialist Appreciation Month. In James City County, there are 25 Family Services Specialists in the Social Services Department who provide a level of safety and protection from abuse and neglect to the most vulnerable citizens of the County by administering the Family Services programs.

These staff work through complex decisions every day to serve individuals and families by providing support and assistance with personal, social, health, and economic needs. Their efforts help to ensure the well-being of children, the elderly, and individuals with disabilities in our community.

Staff respectfully requests that the Board of Supervisors express its appreciation and respect for these staff by proclaiming March 2023 as Family Services Specialist Appreciation Month in James City County.

RV/md
Mar23FSSAppMth-mem

Attachment

PROCLAMATION

PROCLAIMING MARCH 2023 AS

FAMILY SERVICES SPECIALIST APPRECIATION MONTH

WHEREAS, James City County Department of Social Services provides safety and protection from abuse and neglect to the most vulnerable citizens of the County by administering the Family Services programs of Child Protective Services, Adult Protective Services, Foster Care, Adoptions, and Prevention; and

WHEREAS, Family Services Specialists in the James City County Department of Social Services serve individuals and families by providing support and assistance with personal, social, health, and economic needs; and

WHEREAS, James City County's 25 Family Services staff are at the forefront of public service, making complex decisions to provide protective services to and secure the well-being of children, the elderly, and individuals with disabilities in the community; and

WHEREAS, in Fiscal Year 2022, Family Services staff responded to 329 calls to Child Protective Services, completed 275 Adult Protective Services investigations, served 30 children in Foster Care, and finalized seven Adoptions; and

WHEREAS, Family Services Specialists provide ethical public service, respect human dignity, demonstrate personal integrity, promote professional excellence, and are responsible for the application of federal, state, and local policy and guidance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby commends all Family Services Specialists in the James City County Department of Social Services and recognizes March 2023 as Family Services Specialist Appreciation Month.

IN WITNESS, WHEREOF, I hereunto set my hand and caused the seal of the County of James City, Virginia, to be affixed this 28th day of March 2023.

Michael J. Hipple
Chairman, Board of Supervisors

ITEM SUMMARY

DATE: 3/28/2023
TO: The Board of Supervisors
FROM: Michael J. Hipple, Chairman
SUBJECT: Proclamation - Vietnam War Veterans Day

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	3/9/2023 - 11:02 AM

ITEM SUMMARY

DATE: 3/28/2023
TO: The Board of Supervisors
FROM: Rossie Carroll, VDOT Williamsburg Residency Administrator
SUBJECT: VDOT Quarterly Update

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	3/17/2023 - 4:12 PM

ITEM SUMMARY

DATE: 3/28/2023

TO: The Board of Supervisors

FROM: Bradley Rinehimer, Assistant County Administrator

SUBJECT: Appropriation of Funds for an Unsolicited Proposal

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Financial Management	Cochet, Cheryl	Approved	3/10/2023 - 3:53 PM
Publication Management	Daniel, Martha	Approved	3/10/2023 - 3:56 PM
Legal Review	Kinsman, Adam	Approved	3/16/2023 - 8:39 AM
Board Secretary	Saeed, Teresa	Approved	3/17/2023 - 4:13 PM
Board Secretary	Rinehimer, Bradley	Approved	3/20/2023 - 8:30 AM
Board Secretary	Saeed, Teresa	Approved	3/20/2023 - 10:02 AM

MEMORANDUM

DATE: March 28, 2023
TO: The Board of Supervisors
FROM: Bradley J. Rinehimer, Assistant County Administrator
SUBJECT: Appropriation of Funds for an Unsolicited Proposal

On January 24, 2023, the Board of Supervisors discussed an unsolicited proposal and a related proposal review fee payment. The Board accepted the proposal, and in order to expend the payment, the funds must be appropriated.

The purpose of these funds is to cover costs incurred by the County for professional services, materials, or staff time needed to review the proposal, identify areas for further discussion, and work through the proposal process. If the funds are not expended during this process, any remaining amount must be returned to the entity that made the proposal.

The County may receive similar unsolicited proposals and proposal review fees related to the same project. As a result, the attached resolution provides for a flexible budget, so that the amount appropriated in the Capital Projects Fund will match the actual amount of proposal review fee payments received for similar unsolicited proposals.

Staff recommends the adoption of the attached resolution.

BJR/ap
AppFdsUSP-mem

Attachment

RESOLUTION

APPROPRIATION OF FUNDS FOR AN UNSOLICITED PROPOSAL

WHEREAS, the Board of Supervisors accepted an unsolicited proposal, for which a proposal review fee payment was received; and

WHEREAS, the purpose of these funds is to cover costs incurred by the County for professional services, materials, or staff time needed to review the proposal, identify areas for further discussion, and work through the proposal process; and

WHEREAS, unspent proposal review fees must be returned to the entity that made the proposal; and

WHEREAS, the County may receive similar unsolicited proposals and proposal review fees related to the same project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appropriates a flexible budget in the Capital Projects Fund for these proposal review fees as indicated:

Revenue:

Proposal Review Fees \$20,000 (or actual amount received)

Expenditure:

Unsolicited Proposal Costs \$20,000 (or actual amount received)

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

VOTES
AYE NAY ABSTAIN ABSENT

SADLER	_____	_____	_____	_____
ICENHOUR	_____	_____	_____	_____
MCGLENNON	_____	_____	_____	_____
LARSON	_____	_____	_____	_____
HIPPLE	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of March, 2023.

ITEM SUMMARY

DATE: 3/28/2023

TO: The Board of Supervisors

FROM: Rick Koehl, Capital Projects Coordinator

SUBJECT: Contract Award - \$514,224 - Chickahominy Riverfront Park Fishing Pier Replacement Project

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Capital Projects	Koehl, Rick	Approved	3/8/2023 - 9:00 AM
General Services	Boone, Grace	Approved	3/10/2023 - 3:09 PM
Publication Management	Daniel, Martha	Approved	3/10/2023 - 3:19 PM
Legal Review	Kinsman, Adam	Approved	3/14/2023 - 7:28 PM
Board Secretary	Saeed, Teresa	Approved	3/17/2023 - 4:13 PM
Board Secretary	Rinehimer, Bradley	Approved	3/20/2023 - 8:32 AM
Board Secretary	Saeed, Teresa	Approved	3/20/2023 - 10:03 AM

MEMORANDUM

DATE: March 28, 2023

TO: The Board of Supervisors

FROM: Rick Koehl, Capital Projects Coordinator

SUBJECT: Contract Award - \$514,224 - Chickahominy Riverfront Park Fishing Pier Replacement Project

The Chickahominy Riverfront Park Fishing Pier Replacement Project will replace the existing dilapidated fishing pier and construct a new 290-foot-long fishing pier in approximately the same location. The project includes demolition of the existing pier and construction of a new pier with ADA accessible parking improvements along with improved accessibility to the new pier. All necessary permits and/or approvals have been obtained for this project.

The following qualified firms submitted bids to be considered for contract award:

<u>Firm</u>	<u>Amount</u>
Crofton Construction Services, Inc.	\$ 514,224
Lynnhaven Marine & Dock, Inc.	\$ 612,746
Waterfront Development Corporation	\$ 676,034
Kokosing	\$ 797,445
Harbor Dredge & Dock	\$ 842,680
Carolina Marine Structures, Inc.	\$ 994,117
Virginia Civil Corporation	\$1,019,452

Crofton Construction Services, Inc. was determined to be the lowest qualified, responsive, and responsible bidder. Staff has reviewed the bid and determined it to be reasonable. This project is funded through the James City County Parks & Recreation Budget.

Staff recommends approval of the attached resolution authorizing the contract award to Crofton Construction Services, Inc.

RK/md
CA-CRPPierRepl-mem

Attachment

RESOLUTION

CONTRACT AWARD - \$514,224 - CHICKAHOMINY RIVERFRONT PARK FISHING PIER

REPLACEMENT PROJECT

WHEREAS, the James City County General Services Department received a competitive bid for the Chickahominy Riverfront Park Fishing Pier Replacement Project; and

WHEREAS, seven bids were considered for award and Crofton Construction Services, Inc. was the lowest qualified, responsive, and responsible bidder; and

WHEREAS, authorized Parks & Recreation Capital Improvements Program funds are available to fund this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$514,224 to Crofton Construction Services, Inc. for the Chickahominy Riverfront Park Fishing Pier Replacement Project.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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

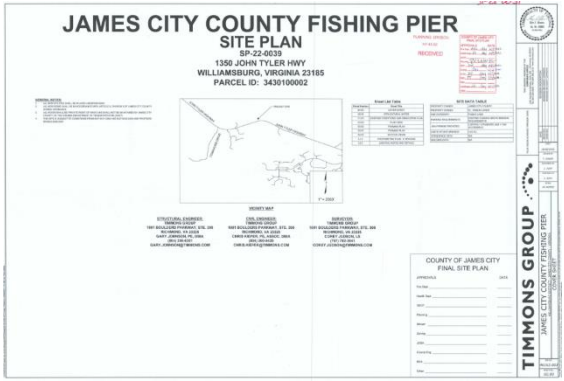
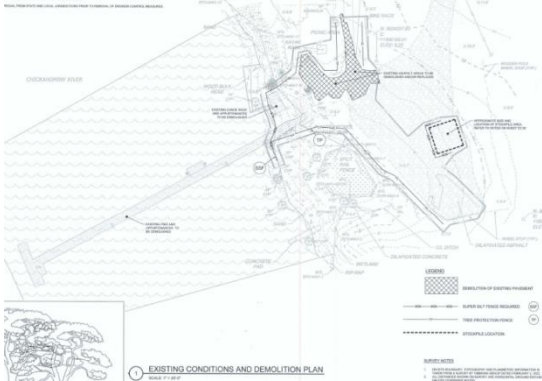
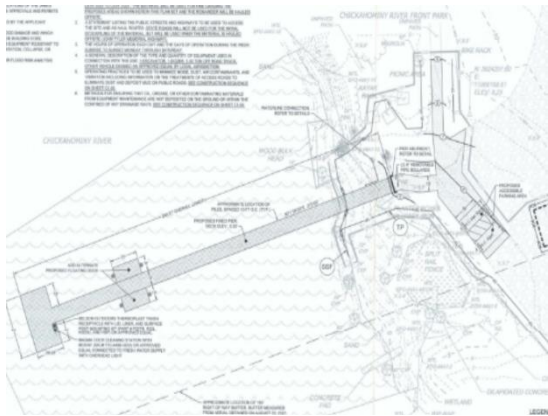
Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of March, 2023.

CA-CRPPierRepl-res

Chickahominy Riverfront Park Fishing Pier

Scope of Work

Demolish existing dilapidated pier and replace with new pier on approximately the same footprint. The project includes ADA accessibility improvements and parking lot improvements. The project will consist of survey of the site along with design of a new pier. All necessary permitting and approvals will be obtained. Project will be bid and awarded and managed through construction until completion.



ITEM SUMMARY

DATE: 3/28/2023

TO: The Board of Supervisors

FROM: Toni E. Small, Director Stormwater and Resource Protection Division

SUBJECT: Dedication of the Streets in Sections 2 and 3 of the Scott's Pond Subdivision

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution
☐	AM-4.3	Exhibit
☐	Map	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Engineering & Resource Protection	Small, Toni	Approved	3/10/2023 - 3:30 PM
Development Management	Holt, Paul	Approved	3/13/2023 - 8:38 AM
Publication Management	Daniel, Martha	Approved	3/13/2023 - 8:45 AM
Legal Review	Kinsman, Adam	Approved	3/14/2023 - 7:28 PM
Board Secretary	Saeed, Teresa	Approved	3/17/2023 - 4:13 PM
Board Secretary	Rinehimer, Bradley	Approved	3/20/2023 - 8:34 AM
Board Secretary	Saeed, Teresa	Approved	3/20/2023 - 10:03 AM

MEMORANDUM

DATE: March 28, 2023

TO: The Board of Supervisors

FROM: Toni E. Small, Director of Stormwater and Resource Protection

SUBJECT: Dedication of the Streets in Sections 2 and 3 of the Scott's Pond Subdivision

Attached is a resolution requesting acceptance of the streets in Sections 2 and 3 of the Scott's Pond Subdivision which are proposed as public rights-of-way into the State Secondary Highway System. The streets proposed for acceptance are Montpelier, Peter Van Wirt Way, Lori Mahone Overlook, Leslie Fay Overlook, and a portion of Rockingham Drive that was not previously accepted in Section 2. They are shown in red on the attached map. The streets have been inspected and approved by representatives of the Virginia Department of Transportation (VDOT) as meeting the minimum requirements for secondary roadways.

VDOT's Secondary Street Acceptance Requirements (SSAR), effective January 2005, outline processes on how streets are designed, constructed, and officially accepted for maintenance as part of the Secondary System of State Highways. Upon the satisfactory completion of construction of streets, VDOT advises and coordinates with the local governing body of the street's readiness for acceptance through the use of VDOT's Form AM-4.3. As part of the initial acceptance process, the County Board of Supervisors must request, by resolution, that VDOT accept the street for maintenance as part of the Secondary System of State Highways. Administrative procedures outlined in the SSAR/24VAC31-90-10 lists criteria for street acceptance and what information is required on the local resolution. Once the resolution is approved, the signed Form AM-4.3 and the resolution are then returned to VDOT. VDOT then officially notifies the locality of the street's acceptance into the Secondary System of State Highways and the effective date of such action. This notification serves as the start of VDOT maintenance responsibility. As part of the process, the County will hold an appropriate amount of subdivision or public improvement surety for the roadway, as required by local Ordinances, until the acceptance process is complete. Also, within 30 days of the local governing body's request (resolution), VDOT requires a maintenance surety to be posted by the developer to guarantee performance of the street for one year from the date of acceptance.

Staff recommends the adoption of the attached resolution.

TES/ap
Secs2-3ScctsPdDed-mem

- Attachments:
1. Resolution
 2. AM-4.3
 3. Map

RESOLUTION

DEDICATION OF THE STREETS IN SECTIONS 2 AND 3

OF THE SCOTT’S POND SUBDIVISION

WHEREAS, the streets described on the attached Virginia Department of Transportation (VDOT) Form AM-4.3 for Sections 2 and 3 of the Scott’s Pond Subdivision, fully incorporated herein by reference, are shown on plats recorded in the Clerk’s Office of the Circuit Court of James City County, Virginia; and

WHEREAS, the Residency Administrator for VDOT advised the Board that the streets meet the Secondary Street Acceptance Requirements (SSAR) of VDOT; and

WHEREAS, the County and VDOT entered into an agreement on July 1, 1994, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests VDOT to add the streets described in the attached VDOT Form AM-4.3 for Sections 2 and 3 of the Scott’s Pond Subdivision to the Secondary System of State Highways, pursuant to §33.2-705 of the Code of Virginia, and VDOT’s SSAR.

BE IT FURTHER RESOLVED that the Board guarantees clear and unrestricted rights-of-way as described and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Residency Administrator for VDOT.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of March, 2023.

In James City County

38846404

by Resolution of the governing body adopted March 28, 2023

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.

A Copy Testee Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision: Scott's Pond Section 3

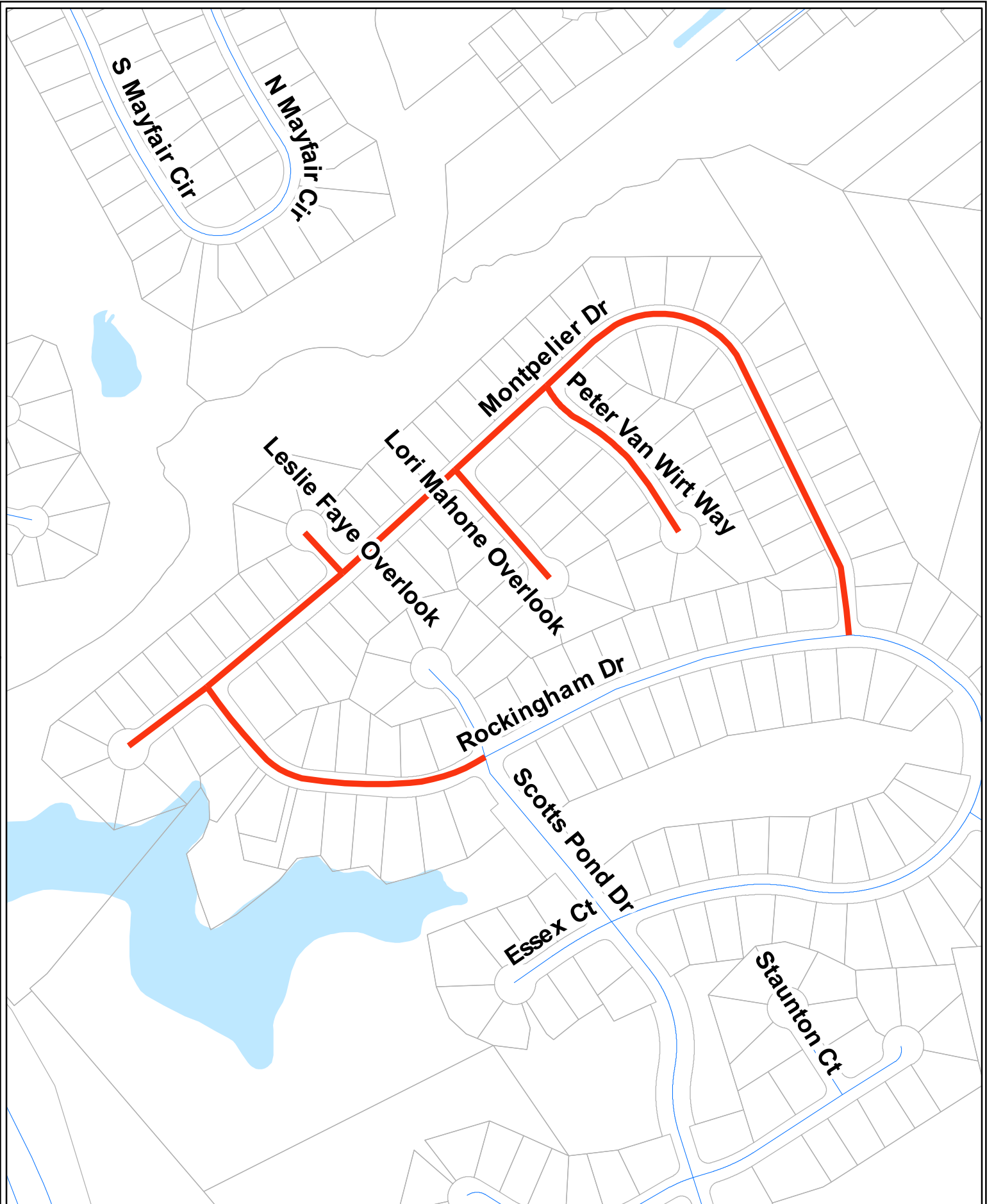
Addition - New subdivision street §33.2-705

Rte Number	Street Name	From Termini	To Termini	Length	Number Of Lanes	Recordation Reference	Row Width
1724	Rockingham Dr.	Scott's Pond Dr.	Montpelier Dr.	0.15	2		50
1794	Montpelier Dr.	cul de sac	Rockingham Dr.	0.05	2		50
1794	Montpelier Dr.	Leslie Faye Overlook	Lori Mahone Overlook	0.07	2		50
1794	Montpelier Dr.	Lori Mahone Overlook	Peter Van Wirt Way	0.06	2		50
1794	Montpelier Dr.	Peter Van Wirt Way	Rockingham Dr.	0.25	2		50
1794	Montpelier Dr.	Rockingham Dr.	Leslie Faye Overlook	0.08	2		50
1795	Leslie Faye Overlook	Montpelier Dr	Cul de sac	0.03	2		50
1796	Lori Mahone Overlook	Montpelier Dr	Cul de sac	0.07	2		50
1797	Peter Van Wirt Way	Montpelier Dr	Cul de sac	0.1	2		50

In James City County


38846404

by Resolution of the governing body adopted March 28, 2023



**Dedication of the Streets in
Sections 2 and 3 of the Scott's Pond Subdivision**

Legend

 Streets to be Dedicated

1 inch = 300 feet



ITEM SUMMARY

DATE: 3/28/2023

TO: The Board of Supervisors

FROM: Patrick O. Teague, Director of Human Resources

SUBJECT: General Wage Increase

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Human Resources	Teague, Patrick	Approved	3/15/2023 - 10:00 AM
Publication Management	Daniel, Martha	Approved	3/15/2023 - 10:04 AM
Legal Review	Kinsman, Adam	Approved	3/16/2023 - 8:28 AM
Board Secretary	Saeed, Teresa	Approved	3/17/2023 - 4:14 PM
Board Secretary	Rinehimer, Bradley	Approved	3/20/2023 - 8:36 AM
Board Secretary	Saeed, Teresa	Approved	3/20/2023 - 10:03 AM

MEMORANDUM

DATE: March 28, 2023
TO: The Board of Supervisors
FROM: Patrick O. Teague, Director of Human Resources
SUBJECT: Authorization of \$1,500 General Wage Increase

In an environment of higher inflation, and an extremely competitive job market, James City County continues to struggle with a high level of employee turnover.

James City County has recognized the need to provide a \$1,500 General Wage Increase to maintain the market competitiveness of the County's compensation plan and to recognize staff for their efforts over the past year while being fiscally prudent. The effective date would be April 1, 2023, and all full-time and part-time regular and limited-term staff, including the County Attorney and County Administrator, of James City County would be eligible. In addition, all salary ranges will increase \$1,500 including any employee affected by this change.

The estimated cost from April 1 and through June 30, 2023, is \$330,000. Revenues from local sales tax are currently trending above budget for Fiscal Year 2023, and the anticipated excess will cover the estimated cost of this wage increase. The attached resolution authorizes the appropriation of the anticipated excess local sales tax revenue and the estimated expenditures for the wage increase in the applicable departments.

Staff recommends adoption of the attached resolution.

POT/ap
AuthGenWageInc-mem

Attachment

RESOLUTION

AUTHORIZATION OF \$1,500 GENERAL WAGE INCREASE

WHEREAS, James City County desires to maintain the market competitiveness of the County’s Compensation Plan and to recognize staff for their efforts over the past year; and

WHEREAS, staff recommends a \$1,500 General Wage Increase for all full-time and part-time regular and limited-term James City County positions, including the County Attorney and County Administrator, effective April 1, 2023; and

WHEREAS, staff recommends moving all salary ranges and affected employees by the same \$1,500 effective April 1, 2023; and

WHEREAS, the estimated cost from April 1, 2023 and through June 30, 2023 is \$330,000; and

WHEREAS, local sales tax revenues are trending above budget for Fiscal Year 2023, and the anticipated excess revenues will cover the estimated cost of this wage increase.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves a \$1,500 General Wage Increase for all full-time and part-time regular and limited-term positions and pay ranges effective April 1, 2023, and authorizes the appropriation of the anticipated excess local sales tax revenue and the estimated expenditures for the wage increase in the applicable departments for a total of \$330,000.

Revenue:

Local Sales Tax \$330,000

Expenditure:

Personnel \$330,000

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

SADLER
ICENHOUR
MCGLENNON
LARSON
HIPPLE

VOTES

AYE NAY ABSTAIN ABSENT

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of March, 2023.

ITEM SUMMARY

DATE: 3/28/2023
TO: The Board of Supervisors
FROM: Teresa Saeed, Deputy Clerk
SUBJECT: Minutes Adoption

ATTACHMENTS:

	Description	Type
☐	February 14, 2023 Regular Meeting Minutes	Minutes
☐	February 28, 2023 Business Meeting Minutes	Minutes
☐	March 10, 2023 Retreat Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	3/17/2023 - 3:58 PM

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
February 14, 2023
5:00 PM

A. CALL TO ORDER

Mr. Hipple called the meeting to order at approximately 5:05 p.m. following the James City Service Authority Board of Directors Regular Meeting.

B. ROLL CALL

P. Sue Sadler, Stonehouse District
James O. Icenhour, Jr., Jamestown District
John J. McGlennon, Roberts District
Ruth M. Larson, Vice Chairman, Berkeley District
Michael J. Hipple, Chairman, Powhatan District

Scott A. Stevens, County Administrator
Adam R. Kinsman, County Attorney

Mr. Hipple noted a Public Hearing was scheduled for Item Nos. 1 and 2. He further noted the applicant's request to postpone the Public Hearing until the Board's March 14, 2023, Regular Meeting. Mr. Hipple stated the Public Hearing would be opened at this meeting and remain open. He indicated no presentation would be given at this meeting. Mr. Hipple advised any individuals who had signed up to speak this evening would be allowed to do so, but only one opportunity to speak during the Public Hearing process was allowed.

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Caroline Robertson, a 5th grade student at Laurel Lane Elementary School

Mr. McGlennon gave highlights of Caroline's interests and activities.

Caroline led the Board and citizens in the Pledge of Allegiance.

E. PUBLIC COMMENT

1. Ms. Peg Boarman, 17 Settlers Lane, noted she was present to talk trash to the Board. Ms. Boarman mentioned on February 11, 2023, she participated in a cleanup on Centerville Road resulting in three bags of trash collected. She spoke about the abundance of glass collected and highlighted the importance of recycling. Ms. Boarman stated the primary and secondary roads were recently cleaned by the County using the Virginia Department of Transportation

(VDOT) contractors. She thanked the contractors for their prompt response in addressing the concerns. Ms. Boarman briefly discussed the Litter Index which would be conducted on February 24, 2023. She stressed the avoidance of littering and the importance of cleaning trash within the community.

Ms. Larson encouraged the public to visit the Virginia Peninsulas Public Service Authority (VPPSA) website as there were some informative videos on recycling. She mentioned plastic bags had a significant impact on the machinery and highlighted numerous factors associated with putting the wrong materials in the recycling. Ms. Larson requested the public to not litter.

F. CONSENT CALENDAR

1. Contract Award - \$188,500 - James City County Marina Covered Boat Slip Demolition

A motion to Approve was made by John McGlennon, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

G. PUBLIC HEARING(S)

Mr. Hipple stated the Planning Commission representative in attendance was Ms. Barbara Null.

1. SUP-22-0015. 7294 & 7296 Richmond Rd. Pivot Energy Solar Project

Mr. Hipple stated Public Hearing Item Nos. 1 and 2 were postponed per the applicant's request until the Board's March 14, 2023, Regular Meeting, as noted at the beginning of the meeting. He advised any individuals who had signed up to speak this evening would be allowed to do so, but only one opportunity to speak during the Public Hearing process was allowed.

Mr. Hipple opened the Public Hearing.

1. Ms. Ann Marie Smith, 105 Underwood Road, addressed the Board noting various points for consideration prior to approval of this application and future solar projects in the County. Ms. Smith asked what data evaluations had been performed to validate that the current solar farms output was meeting the set forth expectations. Ms. Smith inquired what environmental evaluations had been performed in relation to the soil, wildlife, and surrounding areas for comparative impact purposes for the existing solar farms. Ms. Smith urged proper evaluation of former projects to be performed so the necessary information was obtained to make informed decisions for approval purposes. Ms. Smith touched on her second point which referenced dangerous components of solar farms such as lead, cadmium, etc. Ms. Smith asked if the materials used for the solar panels could be disclosed and would the public have access to this information. Ms. Smith discussed her third point which was recycling and disposing of solar panels should be required per approval of solar farm applications to prevent cost burden to citizens. Ms. Smith requested the Board to present the addressed information to the County citizens prior to the approval of this application and future solar panel projects.

2. AFD-22-0017. 7294 Richmond Road Hill Pleasant Farm AFD Withdrawal

Mr. Hipple stated Public Hearing Item Nos. 1 and 2 were postponed per the applicant's request until the Board's March 14, 2023, Regular Meeting, as noted at the beginning of the meeting. He advised any individuals who had signed up to speak this evening would be allowed to do so, but only one opportunity to speak during the Public Hearing process was allowed.

3. SUP-22-0022. 4711 Rochambeau Drive Tourist Home

A motion to Approve was made by James Icenhour Jr, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Ms. Suzanne Yeats, Planner, addressed the Board noting Mr. Stuart Burcham, property owner, had applied for a Special Use Permit (SUP) to allow for the short-term rental of a three-bedroom single-family dwelling located at 4711 Rochambeau Drive. Ms. Yeats stated that the property was zoned A-1, General Agricultural, designated Rural Lands on the 2045 Comprehensive Plan Land Use Map, and located outside of the Primary Service Area (PSA). She noted if granted, this SUP would allow for short-term rentals throughout the year. Ms. Yeats highlighted favorable factors of the application which included the presence of adequate off-street parking, the property was located on a major road, and the applicants were willing to obtain the proper licensing and inspections for this change of use. She added that staff found the proposed use would not negatively impact surrounding property or development nor was it expected to negatively impact the Level of Service for roads (LOS) and other public services. Ms. Yeats stated at its January 4, 2023, Regular Meeting, the Planning Commission voted 4-3 to recommend approval of this application to the Board of Supervisors, subject to the proposed conditions. She noted staff found the location to be considered appropriate for this use; however, the proposal was not fully consistent with the 2045 Comprehensive Plan recommendations for short-term rentals; therefore, staff was unable to recommend approval of this application. Ms. Yeats welcomed any questions the Board might have, adding the applicants were in attendance as well.

Mr. Hipple asked if any Board members had questions.

Ms. Null, Planning Commission representative, addressed the Board noting the property owner would not be residing within the home during the short-term rental period. She indicated SUPs were in perpetuity which raised concern if the property owner decided to sell the property. Ms. Null highlighted various safeguards implemented if approval was granted. She noted the Planning Commission voted 4-3 to recommend approval of the application.

Mr. Hipple asked if any Board members had questions.

Mr. Hipple opened the Public Hearing.

1. Ms. Heather Wiant, 304 Sassafras Lane, Shacklefords, Virginia, addressed the Board noting she was the applicant's daughter and that she would be overseeing the property during the short-term rental period. She mentioned the short-term rental period would operate from mid-spring through the fall. Ms. Wiant stated she commuted to Williamsburg five to six days a week and was willing to address any short-term rental concerns if needed.

Ms. Sadler asked if the entire single-family dwelling would be rented out opposed to renting out individual rooms.

Ms. Wiant replied correct.

Ms. Sadler asked if the applicants were in agreement with the SUP condition in relation to the sunset clause.

Ms. Wiant confirmed yes.

Ms. Sadler thanked Ms. Wiant.

Mr. Hipple closed the Public Hearing as there were no additional speakers.

Mr. Icenhour remarked he intended on supporting the application; however, he wanted to ensure the SUP condition included the compliance review process which was discussed with the applicants. Mr. Icenhour noted it would require the applicants to come back before the Board in three years to allow further evaluation. Mr. Icenhour displayed the document advising each Board member received a copy in their Agenda Packet.

Mr. McGlennon requested Mr. Icenhour to summarize the compliance review for public notification purposes.

Mr. Icenhour stated the property owner would be required to submit a letter to the Planning Director on or before November 28, 2025, requesting continuous and/or cancellation of the SUP. He noted if a cancellation request was desired, no further action would be taken. Mr. Icenhour further noted if a continuous was desired it would require the applicants to come back before the Board for a reevaluation in order to renew the SUP, adding there was no additional cost for this process. He stated staff would provide information on the SUP condition compliance and address any concerns specific to this SUP.

Ms. Larson asked if there was an issue within the three-year timeframe.

Mr. Kinsman stated there was a provision in the County Code which allowed the SUP to be revoked if compliance was not adhered to.

Ms. Larson thanked Mr. Kinsman.

4. SUP-22-0023. 2878 Monticello Avenue Tourist Home

A motion to Approve to include the two additional SUP conditions: 1) Passage of Time; and 2) Subdivision was made by Ruth Larson, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Ben Loppacker, Planner, addressed the Board noting Mr. Jeffrey Russett had applied for an SUP to allow the short-term rental of a three-bedroom single-family dwelling located at 2878 Monticello Avenue. He stated that the property was zoned A-1, General Agricultural, designated Rural Lands on the 2045 Comprehensive Plan Land Use Map, and located outside the PSA. Mr. Loppacker noted if granted, this SUP would allow for short-term rentals throughout the year, adding no changes to the footprint of the home were proposed. He discussed the favorable factors for this application, such as adequate off-street parking, the size of the lot, the existing screening and buffering to most adjacent properties, and that the applicant had agreed to obtain the proper licensing and inspections. Mr. Loppacker stated that staff found the proposed use would not negatively impact surrounding property or

development nor was it expected to negatively impact the LOS for roads and other public services. He noted staff believed the location was considered appropriate for this use; however, the proposal was not fully consistent with the 2045 Comprehensive Plan recommendations for short-term rentals. Mr. Loppacker explained the property owner would not be living on the property during its use as a tourist home; therefore, staff was unable to recommend approval of this application. He stated at the January 4, 2023, Regular Meeting, the Planning Commission voted 4-3 to recommend denial of this application to the Board of Supervisors. He welcomed any questions the Board might have, adding the applicant was available as well.

Ms. Null, Planning Commission representative, addressed the Board noting some members of the Commission had concerns with access to Monticello Avenue and surrounding property owners. She stated some Commissioners had also raised concern about the adjacent property if developed into a residential subdivision in the future and this application, if approved, could cause more impact on neighboring properties. Ms. Null noted the Planning Commission voted to recommend approval of this application; the motion failed with a vote to 3-4.

Mr. Hipple asked if any Board members had questions.

Mr. Hipple opened the Public Hearing.

1. Mr. Vernon Geddy, Geddy, Harris, Franck, & Hickman, LLP, 1177 Jamestown Road, addressed the Board providing details of the application on the PowerPoint presentation. He noted Mr. and Mrs. Russet acquired the property in October 2022 and continued the operation of the Pet Resort at Greensprings. Mr. Geddy discussed the location of the property which was designated Rural Lands on the 2045 Comprehensive Land Use Map. He mentioned the property was not located within a subdivision and access to the property was directly off Monticello Avenue. Mr. Geddy displayed various photos on the PowerPoint presentation to identify the property in question. Mr. Geddy highlighted the various pros of this application and the applicant's compliance with the Board's request regarding SUP conditions. Mr. Geddy requested the Board's approval of this application and welcomed any questions the Board might have.

Ms. Sadler asked if the entire single-family dwelling would be rented out opposed to renting out individual rooms.

Mr. Geddy replied correct.

Mr. McGlennon expressed his concern of the potential subdivision aspect of this application, adding there was no condition to restrict that. Mr. McGlennon asked if there was any objection to implementing verbiage for safeguarding purposes.

Mr. Geddy replied to his knowledge Mr. and Mrs. Russett had no intentions of subdividing the parcel, adding he and the applicants agreed to add the necessary verbiage.

Mr. McGlennon mentioned a constituent who raised concern of the subdivision aspect for this parcel. He added if the necessary verbiage was included in an SUP condition it would allow the opportunity for the Board to reevaluate the application prior to SUP renewal.

Mr. Hipple asked what the zoning was for this property.

Mr. Geddy replied A-1, General Agricultural.

Mr. Hipple stated the guidelines for the A-1 District was 20 acres or less, adding the only way to subdivide would be a family subdivision.

Mr. Icenhour asked how many acres this property was.

Mr. Hipple replied 16 acres.

Mr. McGlennon asked if the property was grandfathered.

Mr. Icenhour confirmed yes as it was under 25 acres.

Mr. McGlennon stated it could be three acres per unit. He added the concern was to add an additional SUP condition for safeguarding purposes.

Ms. Larson asked if the additional SUP condition would require the applicants to come back before the Board if future subdividing the parcel was desired.

Mr. McGlennon confirmed yes.

Mr. Hipple closed the Public Hearing as there were no additional speakers.

Mr. Hipple asked Mr. Kinsman if any additional verbiage needed to be incorporated for this SUP.

Mr. Kinsman recommended more formal verbiage be incorporated. He asked the Board to give him five minutes to do so.

Mr. Hipple noted the Board would come back to this item to allow the County Attorney time to finalize.

Mr. Kinsman stated he spoke with the applicant's attorney and Mr. Paul Holt, Director of Community Development and Planning, noting he believed all parties involved were in agreement. He requested the Board review the SUP condition that referenced the passage of time. He indicated the verbiage would reflect similarities to that particular condition. Mr. Kinsman cited the verbiage for the additional SUP condition which was titled "Subdivision".

Mr. Hipple replied thank you.

Mr. Icenhour asked if this was an edit to a current SUP condition or an additional SUP condition.

Mr. Kinsman stated it was an additional SUP condition.

Ms. Larson asked Mr. Geddy to the podium. She mentioned she did visit the property noting it was a very active site. Ms. Larson expressed her hope that there was an SUP condition which included the maximum number of occupants. She mentioned the house needed a house number plaque or sign. Ms. Larson remarked the property was well maintained and she did not anticipate any traffic concerns regarding this SUP. She asked Mr. Geddy if any of the surrounding neighbors attended the Planning Commission Public Hearing and if there were any concerns raised regarding this SUP.

Mr. Geddy replied to his knowledge he did not believe so.

Ms. Larson replied ok. She expressed her hope that surrounding neighbors would feel more at ease with the additional SUP conditions in place for safeguard purposes. Ms. Larson thanked Mr. Geddy.

Mr. Icenhour commented he was a client of the Pet Resort at Greensprings. He expressed his belief that the biggest challenge would be locating the property.

Mr. McGlennon expressed his satisfaction with the conditions set forth to address the raised concerns noted at the Planning Commission meeting.

Ms. Sadler suggested the Board have a discussion at a later date in relation to SUP conditions. She added it would help staff and future cases that come before the Board. Ms. Sadler requested discussion be included on a future Board Agenda.

Mr. Hipple replied that could be accommodated for a future Board Work Session.

5. SUP-22-0025. 7504 Richmond Road Starbucks

A motion to Approve was made by Sue Sadler, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Thomas Wysong, Senior Planner, addressed the Board noting Ms. Lauren Sweeney, Kimley-Horn and Associates, Inc., had applied for an SUP to allow the operation of a coffee shop with a drive-through that would generate more than 100 additional trips to and from the site during the peak hours of operation. He noted the proposal was for the property located at 7504 Richmond Road. Mr. Wysong further noted the property was zoned B-1, General Business, with proffers, designated Community Commercial on the 2045 Comprehensive Plan Land Use Map, and located inside the PSA. He stated this proposal was an adaptive reuse of the vacant bank and drive-through, which was specifically recommended within the goals of the Land Use chapter of the 2045 Comprehensive Plan. Mr. Wysong indicated this proposal would utilize the existing access and site design for the parcel. He added staff found this proposal to be consistent with the surrounding development and consistent with the Comprehensive Plan and Zoning Ordinance. Mr. Wysong stated at the January 4, 2023, Regular Meeting, the Planning Commission voted 7-0 to recommend approval of this application, subject to the proposed conditions. Mr. Wysong noted staff recommended approval to the Board of Supervisors. He welcomed any questions the Board might have, adding a Kimley-Horn representative was in attendance as well.

Ms. Larson commended the applicant for choosing to repurpose a vacant building within the County. She expressed her concern of the impacts this new business may have on the surrounding area. Ms. Larson asked if there was a U-turn permitted at the intersection of Richmond Road and Norge Lane going into the Norge Crossing Shopping Center.

Mr. Wysong replied he was uncertain off-hand; however, the applicant submitted a Traffic Impact Analysis as part of the proposal and was reviewed and approved by VDOT.

Ms. Larson expressed her hope that people would be cautious on opening day of the Starbucks.

Ms. Null addressed the Board noting the Planning Commission held a Public Hearing on January 4, 2023, for this SUP. Ms. Null commented the Commission discussed the proposed site design and traffic generated concerns to ensure these aspects would not negatively impact the surrounding area. Ms. Null stated that the applicant noted the addressed concerns would not be an issue. Ms. Null indicated the Planning Commission voted 7-0 to recommend approval, subject to the proposed conditions.

Mr. Hipple opened the Public Hearing.

Mr. Hipple closed the Public Hearing, as there were no speakers.

Mr. Hipple expressed he was pleased to exhibit businesses willing to reuse and repurpose vacant buildings within the County. He mentioned the collaborative efforts between the County's Economic Development, businesses, and citizens to achieve an opportunity such as this.

6. SUP-22-0031. Stonehouse Elementary School Learning Cottages

A motion to Approve was made by Ruth Larson, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Ms. Yeats addressed the Board noting Mr. Stephen Talley had applied for an SUP to allow for the installation of one temporary learning cottage including two classrooms and two ADA restrooms at Stonehouse Elementary School located at 3651 Rochambeau Drive. She stated Stonehouse anticipated an enrollment of 833 students for the 2023-2024 school year. Ms. Yeats advised per the applicant's narrative Williamsburg-James City County (WJCC) Schools were in the process of modifying the ratio of students-to-teachers based on the percentage of students in each school that were free or reduced lunches. She noted with smaller classes sizes, WJCC would need two additional classrooms at Stonehouse Elementary School. Ms. Yeats further noted the learning cottage would accommodate up to 50 students, 25 per classroom during the 2023-2024 through the 2026-2027 school years. Ms. Yeats stated staff found the proposal to be consistent with surrounding development and consistent with the recommendations of the 2045 Comprehensive Plan. She noted staff recommended approval of this application to the Board of Supervisors, subject to the proposed conditions. Ms. Yeats welcomed any questions the Board might have, adding WJCC Public School representatives were available as well.

Mr. Hipple asked if any Board members had questions.

H. BOARD CONSIDERATION(S)

1. Amendment of the Board's Meeting Calendar

A motion to Approve was made by John McGlennon, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Hipple requested a motion to amend the Board's adopted Meeting Calendar to add the Board Retreat on Friday, March 10, 2023, at 8 a.m. at Legacy Hall, 4301 New Town Avenue, Williamsburg, Virginia.

I. BOARD REQUESTS AND DIRECTIVES

Ms. Sadler extended her condolences to Ms. Linda Wallace-Cody on the recent passing of her husband. She mentioned Ms. Wallace-Cody was an active member of the community for many years. Ms. Sadler extended her deepest sympathies to Mr. Brian Oyer and his family on the recent loss of his dad, Mr. Edwin Oyer. She noted Mr. Oyer was a very active member of the community. Ms. Sadler indicated the Board would take a few minutes to honor Mr. Oyer at its April 11, 2023, Regular Meeting. She mentioned the Providence Classical School was

performing the musical “Annie” on March 10 at 7 p.m. and March 11 at 1 p.m. at Williamsburg Community Chapel. Ms. Sadler stated tickets would be available online at www.tickettour.com. She encouraged the public to attend.

Mr. Icenhour stated he did a WMBG Radio Station interview on January 25, 2023. He mentioned he attended a citizens group in York County to discuss the County’s Code of Ethics as York County was interested in adopting similar policies. Mr. Icenhour commented he met with International Association of Firefighters representatives and local firefighters to address concerns with the Board. He mentioned significant concern was the Post-Retirement Health Insurance. Mr. Icenhour stated he attended Ford’s Colony Annual meeting on February 4, 2023. He spoke about a detailed briefing on the Shentel Glo Fiber and the agreement with the Ford’s Colony homeowners association and the various services offered. Mr. Icenhour noted he attended a Greater Williamsburg Chamber of Commerce Retreat on February 6, 2023, to discuss its planning process, mission, and vision. He further noted Mr. Kinsman and Ms. Larson also attended. Mr. Icenhour stated he and Mr. McGlennon attended the Powhatan Creek Watershed Management Plan public meeting at the James City Recreation Center. He remarked it was a good turnout, adding he anticipated the results from the study around June timeframe. Mr. Icenhour highlighted positive remarks about Mr. Oyer, adding he would be sorely missed. He noted March 29 was Veteran’s Day and a ceremony would take place at Veterans Park at 1 p.m. on Wednesday, March 29, 2023. Mr. Icenhour further noted the local Vietnam Veteran chapter co-sponsored with the County, Department of Veteran Services, and the Daughters of the American Revolution. He added he anticipated a good turnout. Mr. Icenhour stated he received written correspondence from a constituent who had been pulled over by County Police at the intersection of Longhill Road and Olde Towne Road. He mentioned the constituent stopped to ensure traffic was clear prior to proceeding to turn right on red and as he turned, he was pulled over. Mr. Icenhour indicated an individual may turn right on red after coming to a complete stop to ensure traffic was clear if it was a regular traffic light. He added if it was a traffic light with a red turn arrow an individual may not proceed on a right turn until it turned green. Mr. Icenhour mentioned there were approximately four of those kind of traffic signals within the County. Mr. Icenhour expressed it was imperative to inform the public as he was unaware of this law.

Mr. McGlennon stated he intended on adding that to the legislative agenda for next year. He mentioned his attendance at the Powhatan Creek Watershed Management Plan public meeting, adding he looked forward to further discussion on the subject. Mr. McGlennon recognized Ms. Larson and her participation in a Zoom meeting with the WJCC School Board and some local legislators to discuss school concerns. Mr. McGlennon anticipated some amendments to the school budget this year which would have a significant impact on funding for WJCC Schools, specifically for support positions. He briefly highlighted positive remarks of Mr. Oyer and noted his attendance at Mr. Oyer’s memorial service.

Ms. Larson extended her condolences to the Oyer family. She mentioned a recent tragic automobile accident involving five James Madison University students, adding one of the students was a local resident here in the community. Ms. Larson extended her deepest sympathies to the family of Joshua Mardis on his passing. She spoke about her discussion on the Zoom meeting with the WJCC School Board and informative details provided by Superintendent Olwen Herron regarding support positions. Ms. Larson stated she attended the Greater Williamsburg Chamber of Commerce Retreat. She mentioned she had also spoke with the local firefighters. Ms. Larson noted she and Mr. Hipple met with the Honorable United States (U.S.) Representative Rob Wittman. Ms. Larson further noted she was a speaker at the Virginia School Boards Association to discuss relationships between school boards and the appropriating bodies. She discussed the WJCC Schools Foundation (SF) and its surprise grant delivery which was held today. Ms. Larson stated WJCC SF funded 20 innovative learning grants across WJCC Schools totaling approximately \$51,000. She mentioned she was able to attend two of the grants awarded. Ms. Larson further discussed

WJCC SF and its purpose to support programs, projects, and initiatives. She indicated the Board requested that the County Administrator include solar farms as one of the topics for discussion at the Board of Supervisors Retreat. Ms. Larson expressed the concerns raised regarding solar farms was important. She stated the Virginia Association of Counties and various Board of Supervisors throughout the Commonwealth were looking into this matter to ensure it was a safe alternative for landowners.

Mr. Hipple mentioned the discussion with the Honorable U.S. Representative Rob Wittman to address various concerns the County had such as schools, roads, future County government complex, and ways to utilize federal funds. He spoke about Mr. Oyer and his commitment to the community. Mr. Hipple recognized the passing of Mr. John “Johnny” Flannagan. He noted Mr. Flannagan had served the community on the James City-Bruton Volunteer Fire Department for many years, adding he would be sorely missed.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens noted he had no report.

Mr. Hipple stated he did not see a need to go into Closed Session for the Eastern Virginia Regional Industrial Facility Authority (EVRIFA) appointments.

A motion to Appoint Ms. Sue Sadler and Mr. Vincent Campana III to be appointed as Primary members to the EVRIFA for a new term that expires February 14, 2027, and Mr. Jason Purse and Mr. Christopher Johnson appointed as Alternate members of EVRIFA for a new term that will expire February 14, 2027, was made by Ruth Larson, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

K. CLOSED SESSION

There was no Closed Session and the appointments were made in Open Session as noted previously in the minutes.

1. Appointments - Eastern Virginia Regional Industrial Facility Authority

L. ADJOURNMENT

1. Adjourn until 1 pm on February 28, 2023 for the Business Meeting

A motion to Adjourn was made by Sue Sadler, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

At approximately 6:15 p.m., Mr. Hipple adjourned the Board of Supervisors.

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
BUSINESS MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
February 28, 2023
1:00 PM

A. CALL TO ORDER

B. ROLL CALL

P. Sue Sadler, Stonehouse District
James O. Icenhour, Jamestown District
John J. McGlennon, Roberts District
Ruth M. Larson, Vice Chairman, Berkeley District - absent
Michael J. Hipple, Chairman, Powhatan District

Scott A. Stevens, County Administrator
Adam R. Kinsman, County Attorney

Mr. Stevens noted Ms. Larson would not be in attendance due to the recent passing of her father. He expressed thoughts and prayers to Ms. Larson and her family at this time.

Mr. McGlennon echoed Mr. Stevens' comments and extended his condolences to Ms. Larson and her family. He also extended condolences to the Honorable Delegate Michael Mullin, the Virginia House of Delegates, and his family at the death of their son. Mr. McGlennon noted the strength of the community in such a difficult time.

Mr. Hipple noted a moment of silence would be observed for both Ms. Larson and the Honorable Delegate Michael Mullin and their families.

C. PRESENTATION

Mr. Hipple noted Item No. 4 would move to the first position in the Presentations and the adjusted Presentations would be: 1) Benefit Programs Specialist Appreciation Month, 2) Colonial Soil & Water Conservation Presentation, 3) Recent Election Presentation, and 4) Tourism Council Update.

Ms. Rebecca Vinroot, Director of Social Services, expressed her appreciation at the change. She noted her wonderful staff who supported the Department of Social Services benefit programs. Ms. Vinroot stated February was Benefit Programs Specialist Appreciation Month in Virginia. She noted her presentation would detail the implementation of those programs. Ms. Vinroot further recognized some of her staff who were in attendance: Ms. Diane Finney, Chief of Benefit Programs, Ms. Loran Brown, Child Care/Day Care Specialist, Ms. Nissy Jones, Program Supervisor, Ms. Dominique Morisset, Program Supervisor, and Ms. Brooke Cahilly and Ms. Louise Kee, Benefit Programs Specialists. Ms. Vinroot added the Social Services Department was comprised of over 20 staff members who delivered Supplemental Nutrition Assistance Program (SNAP), Medicaid, Temporary Assistance for Needy Families (TANF), Child Care, Fraud, Energy Assistance, and other programs that helped support lower income, struggling community families. She noted during the COVID-19 pandemic there had been a large increase in the number of individuals and families in need who previously had not received benefit program services. Ms. Vinroot added those people had to be approved by

Social Services to receive those services. She noted as the COVID-19 pandemic waned, the Medicaid program would be affected. Ms. Vinroot explained with the public health emergency ending, the individuals who had begun to receive Medicaid were not redetermined for their income until currently. She added that in April all of those cases, which was 7,391 cases in James City County or 12,707 recipients, would all require redetermination to establish if they still qualified for Medicaid. Ms. Vinroot stated that was a major task for the ladies previously identified and their respective counterparts who would be involved in that process. She noted the importance of recognizing the work staff performed for the community. Ms. Vinroot further noted the County's SNAP, formerly the Food Stamp Program, had 2,433 cases representing 5,117 recipients. She stated a Call Center was also available to answer questions from individuals regarding their benefit program cases. Ms. Vinroot noted in January the Call Center received 1,236 calls followed by 726 calls as of mid-February. She further noted the volume of phone calls and traffic in conjunction with the many programs. Ms. Vinroot expressed great appreciation for her staff and all the hard work assisting people in difficult times. She thanked the Board for honoring staff with February proclaimed as Benefits Programs Specialist Appreciation month.

Mr. Hipple read the proclamation to the audience.

1. Recent Election Presentation

Ms. Dianna Moorman, Director of Elections, addressed the Board with the 2022 Year in Review. She began her PowerPoint presentation noting the Office of Elections had moved to 4095 Ironbound Road which had more parking and accessibility. Ms. Moorman indicated the increase in the number of registered voters over the past 15 years, adding the County continued to grow. She continued the PowerPoint highlighting Voter Registration was responsible for the compilation of various transactions. Ms. Moorman noted the following statistics included information updates: 19,201; request to cancel: 3,986; denied applications: 361; duplicate applications: 985; and miscellaneous transactions: 171 for a total of 24,704 transactions. She discussed the mandated redistricting process, noting the County's expense for issuance of the new voter cards due to the redistricting. Ms. Moorman stated James City County was one of the forefront localities in the state that had completed its redistricting in the early part of the process. She noted after that point, state legislature decided it would incur the cost of voter cards for the entire state to ensure equity in everyone receiving voter cards and localities would not be tasked with that cost. Ms. Moorman questioned the cost as the cards had already been sent out in the County. She noted the response was the County would need to send out cards again. Ms. Moorman stated the redistricting was done minimally while maintaining as many precincts as possible to minimize voter confusion. Ms. Moorman continued the presentation noting numbers and predictions had shifted since early voting with no excuse began in 2020. She detailed statistics from the various voting categories such as ongoing absentee ballots. Ms. Moorman continued with a breakdown of the turnout for the November 2022 General Election. She noted election staffing projection was affected by the press and if the press' message was to go to the polls on Election Day, then more people would be at precinct polls to vote. Ms. Moorman further noted there was a direct correlation to what the press said regarding that point. She explained absentee post mail, which numbered 165, included ballots received which were mailed before 7 p.m. on Election Day and received before noon on the third day after the election. Ms. Moorman noted these ballots could be from military personnel in Antarctica. She further noted the overall actual was 59.24% while her personal projection had been 60%. Ms. Moorman continued the PowerPoint detailing the various ballot drop-off locations and the statistics for each location. She noted the reference to the Abram Frink, Jr. Community Center was incorrect as the drop-off location had moved to Building F at the Government Center on Mounts Bay Road. Ms. Moorman further noted the process for party representatives at the drop-off locations and camera surveillance for security measures. She stated 10 people were needed for 10 days at the drop-off boxes. Ms.

Moorman noted the Electoral Board had unanimously decided to discontinue the drop-off locations for the 10 days prior, adding that Virginia Election law stated it was at the determination of the Director of Elections. She further noted she respected the 10-day cessation decision but felt the drop-off locations were very important at minimum for the Presidential Election to increase more possibility for ballot drop-off, adding the number was higher for the Presidential Election in relation to a standard election year. Ms. Moorman noted she was heeding the Electoral Board's advice to discontinue the 10 days of satellite locations. She further noted her calculations indicated approximately \$50 per ballot for the satellite collections on a daily basis. Ms. Moorman noted polling places on Election Day were required by law to provide a drop location at each precinct. She continued the PowerPoint indicating the metal locking ballot box that would be used at the drop locations. Ms. Moorman noted the Office of Elections' organizational chart and expressed her appreciation of additional staff. She further noted her request for an additional two staff members. Ms. Moorman acknowledged Dr. Curtis Stoldt, the newest member of the Electoral Board, was present at this meeting. She noted she was appointed by the Electoral Board for a three-year term with reappointment at the end of each three-year term. Ms. Moorman identified the different positions in the organizational chart and stated the Front Desk Assistant position had been removed to allow for an Absentee Coordinator. She continued the PowerPoint addressing emergency planning and preparedness. Ms. Moorman noted her personal medical emergency five days prior to an election and she thanked the James City County-Bruton Volunteer Fire Department, the York County Fire and Rescue, and the Virginia Department of Elections for providing an interim Director in her absence. She added the Office of Elections received accolades from the Virginia Department of Elections for its operations. Ms. Moorman noted the Office had a continuity of operations plan with regular training and teamwork. She further noted the election was a smooth and secure operation. She continued the PowerPoint addressing security intimidation threats which numbered at 29 currently in James City County. Ms. Moorman noted her family was listed in those threats. She extended her thanks to the County Police Department and Mr. Stevens for their assistance as the threats were ongoing. Ms. Moorman highlighted the Election Schedule for January 2023 to December 2024 with descriptions for the timeline of active voting, adding 13 of the 22 months would have active voting with designated months of equipment quarantine included in the schedule. She added that both she and staff were required to work a minimum of six of the state and/or federal holidays within this timeframe. Ms. Moorman referenced the budget with regard to supply chain issues and planning and a minimum 14-week lead time requirement for many items. She noted four individual envelopes were required for election mailings and detailed the timeline for ordering the envelopes. Ms. Moorman further noted an election could occur in one fiscal year, but the budget could span into the next fiscal year. She stated the Office of Elections was simultaneously planning five elections at the current time. Ms. Moorman noted the continued interior expansion of the Office of Elections was ongoing and that the build-out would provide for a larger Vote Center on the first floor with operating space for staff on the second floor. She further noted the need to ensure these locations were extremely secure with emergency evacuation procedures in place according to the Department of Homeland Security and under the advice of the James City County Police Department.

Ms. Sadler noted she was glad to see Ms. Moorman and thanked her for all her work.

Mr. Icenhour expressed his appreciation on seeing Ms. Moorman for the presentation. He referenced Ms. Moorman's data on the 2022 federal non-Presidential Election at the 59-60% range and asked about the percentage of voter turnout for the 2020 Presidential Election and the gubernatorial race in 2021.

Ms. Moorman noted the percentage was always higher for Presidential Elections and was typically 80-82%. She further noted the gubernatorial election, which was the second highest in the election cycle, was slightly above 60%. Ms. Moorman stated the variance was the result of voter turnout with early voting and voting at the precincts.

Mr. Icenhour asked Ms. Moorman's projection for 2023 with the statewide and local elections.

Ms. Moorman referenced news articles addressing the significant exodus of many legislators. She noted the 2022 election had one item on the ballot, but the 2023 election would have 19 open offices on the ballot. Ms. Moorman added not everyone would vote on all 19 offices as it was dependent on the district in which an individual lived. She noted her projection was approximately 65%.

Mr. McGlennon thanked Ms. Moorman for the information and expressed his appreciation on seeing her continued recovery.

Mr. Hipple noted Mr. Stevens had kept the Board apprised of Ms. Moorman's situation, adding he was glad to have her present at the meeting. He thanked Ms. Moorman and her staff for all their hard work for James City County.

Ms. Moorman thanked the Board members for their comments.

2. Colonial Soil and Water Conservation Presentation

Mr. Robert Lund, Jr., Board of Directors Vice Chair, Colonial Soil & Water Conservation District (Colonial SWCD), addressed the Board noting he was one of two representatives elected from James City County to the Colonial Soil & Water Conservation District. He noted he was joined by Mr. Jim Wallace, District Manager and Ms. Robyn Woolsey, Urban Conservationist. Mr. Lund stated he would provide a brief report of accomplishments and efforts within the County and the Annual Report for Fiscal Year (FY) 2022. He added the Annual Report should be included in the Board's Agenda Packets but was also available online to the public. Mr. Lund began the PowerPoint presentation noting the Colonial SWCD was an 825-square-mile area that continually complemented agricultural conservation focus with both increased suburban and urban roles. He noted local government funding and grants enabled the Colonial SWCD to offer more than the Virginia Department of Conservation and Recreation Cost-Share programs. Mr. Lund continued the presentation highlighting the approximately 3,150 acres of farmland in James City County and the Virginia Agricultural Cost-Share Program which helped defer the cost of conservation practices on farmland in James City County. Mr. Lund noted a new focus on shoreline stabilization practices was being explored which decreased algae bloom in local waterways. He further noted these algae blooms can create fish kills and toxins. Mr. Lund emphasized the importance of conservation planning in relation to Chesapeake Bay actions, adding this important technical and support resource was no longer state funded. He continued the PowerPoint highlighting the Jamestown High School's Envirothon team's accomplishments at the regional and state competition levels. Mr. Lund noted additional educational programs included low-cost experiences at Forestry Camp, technical support for schools and community gardens, and classroom conservation education. Mr. Lund stated the Colonial SWCD created the Williamsburg Community Growers and offered continual technical and grant funding support. He noted the community work of the Williamsburg Community Growers in education, conservation practices, and gardening space for over 100 individuals and organizations. Mr. Lund stated in the past three years over 12,000 pounds of fresh produce were provided to eight community organizations in low-income neighborhoods. He continued the presentation noting the numerous field trips and educational opportunities with local schools and other areas of involvement. Mr. Lund thanked James City County and Dominion Energy for use of the land, donors and supporters, and volunteers who provided over 14,500 hours of time over the past three years. He continued the PowerPoint highlighting the Virginia Conservation Assistance Program (VCAP) and code-compliant properties. Mr. Lund noted since 2019 the interest in VCAP had generated 109 additional Colonial SWCD site visits in the County which generated more conservation

education and technical assistance. He highlighted several aspects of the urban programs under VCAP. Mr. Lund noted Colonial SWCD's Urban Conservationist served on the statewide VCAP program steering committee which influenced program policy improvements. He added past improvements included additional cost-sharing programs. Mr. Lund noted Colonial SWCD also served as a non-voting member on the County's Stormwater Program Advisory Committee. He continued the PowerPoint highlighting the Turf Love Program which educated homeowners on environmentally responsible lawn maintenance practices. Mr. Lund stated another program, the Shoreline Evaluation Program, assisted shoreline property owners with education and understanding of the Virginia Code changes regarding shoreline erosion control. He highlighted additional aspects of the program. Mr. Lund continued the PowerPoint highlighting funding points during FY22 and FY23. Mr. Lund acknowledged James City County's past funding contributions and respectfully requested continued funding for FY24. He noted the Colonial SWCD had hired a full-time Outreach Specialist to improve the ability to reach landowners, residents, and other organizations regarding the various programs offered by Colonial SWCD. Mr. Lund further noted two full-time staff members were brought on to support agricultural programs. He added Colonial SWCD now had three full-time staff members. Mr. Lund noted Colonial SWCD continually sought grant funding to complement public money for its programs. He further noted work to address the 2025 federally mandated Chesapeake Bay water quality improvements was taking place. Mr. Lund extended his appreciation to James City County's Stormwater and Resource Protection Division and James City Service Authority for their support over the years. He thanked the many partners of Colonial SWCD as well as its many volunteers and their time.

Mr. McGlennon thanked the Colonial SWCD for all its great work and acknowledged the use of funding that allowed for program expansion.

3. Tourism Council Update

Mr. Stevens introduced Ms. Vicki Cimino, Executive Director/CEO of Visit Williamsburg, the official destination marketing organization for Williamsburg, Yorktown, and Jamestown. He noted her expertise and leadership in sales and marketing efforts, visitation, and economic impact throughout the region. Mr. Stevens stated Ms. Larson was Co-Chair with Ms. Cimino on the Williamsburg Tourism Council. He noted the destination under Ms. Cimino's direction had its highest hotel occupancy rate in 10 years. Mr. Stevens further noted Ms. Cimino had been in the area since 2019 and during the COVID-19 pandemic, adding the results were seen in the hotel occupancy rate, expanded the market share, and produced award-winning advertising campaigns. He stated in 2021 Ms. Cimino was named in the Top 25 Extraordinary Minds in marketing by the Hospitality Sales & Marketing Association. Mr. Stevens noted Ms. Cimino had extensive national marketing experience.

Ms. Cimino, CEO, Williamsburg Tourism Council, addressed the Board noting the Visit Williamsburg/Williamsburg Tourism Council, which went live on July 1, 2018, was created by statute for the sole intent of marketing and promoting the area as an overnight tourism destination. She noted she joined the organization in April 2019 and then the COVID-19 pandemic occurred, adding she was pleased with the results that had been achieved. Ms. Cimino highlighted several key points in a PowerPoint presentation that included increased overnight visitation which resulted in more money spent locally. She noted other key points of the organization's existence included increased tax revenue, unification of the region under a Destination Marketing Organization (DMO) tourism brand and strategy, and improvement of reporting, analytics, and data driven optimization. Ms. Cimino indicated the Board of Directors and their respective areas of local hotels, attractions, and restaurants. Ms. Cimino noted the background on the creative strategy used was based on data and research. She stated that 12 different research programs were conducted during the COVID-19 lockdown months. Ms. Cimino noted the creative platform was called "Reunite With What Truly Matters" and from

that platform, the “Life. At Your Pace.” message allowed people to follow their lives at their personal pace and Williamsburg was the destination for achieving that pace. She further noted 45% of advertising was launched from February to April of 2022 with smaller budget increments highlighted in the ensuing months. Ms. Cimino highlighted the target audiences in the PowerPoint presentation, adding an increase in multi-generational travel was an increasing pattern observed over time. She noted last year, Visit Williamsburg was launched in 21 markets with Cleveland, Ohio, Columbus, Ohio, and New York, New York launched in 2020 with Boston, Massachusetts launched in 2022. Ms. Cimino showed the television spots that highlighted the “Life. At Your Pace.” message. She added there were three different spots aimed at the three target personas: simple strivers, culture clusters, and seers and doers. Ms. Cimino noted the different local attractions were highlighted in the spots as well. She continued the PowerPoint highlighting the digital display advertisement of the various outdoor, sports, historical, and other activities in the region. Ms. Cimino added the advertisement changes for the fall and holiday seasons with August and November, respectively. She noted several content partnerships were launched last year which included National Geographic, Golf.com, and Bon Appetit with each partnership highlighting specific local areas for promotion on broader markets. Ms. Cimino further noted the organization also worked with social media influencers from celebrities like Olympian Shawn Johnson to local social media micro-influencers and incorporated famous dogs to show the pet-friendly atmosphere in Williamsburg for traveling. She highlighted several social media posts in the PowerPoint presentation. Ms. Cimino noted the use of Out-of-Home which assisted in building the brand in some of the newer markets like New York, Boston, Cleveland, and Washington, D.C. She further noted Washington, D.C. had been a tourist source, but Out-of-Home advertising served as a reminder for Visit Williamsburg as a travel destination. Ms. Cimino explained the “Life. At Your Pace.” was also incorporated into the sales collateral through promotions for group tours, business meetings, sports travel, and other aspects. She noted a cooperative marketing program which offered a one-to-one match, adding currently there were four partners. Ms. Cimino explained the programs ran from \$2,500 to \$25,000 with Visit Williamsburg matching the investment of any of its hospitality partners in the region. She highlighted 2022 advertising highlights which indicated a 104% increase in broadcast impressions, increased impressions with the incorporation of the Boston and New York markets, and other notable increases. Ms. Cimino noted the website performance was very strong with 82% of visitors to VisitWilliamsburg.com were new to the website. She continued the PowerPoint highlighting the expansion in the newer markets such as New York. Ms. Cimino noted the power of marketing, adding the Visit Williamsburg “Life. At Your Pace.” ad campaign had won over 12 advertising awards over the past two years. She further noted the overnight occupancy levels for 2022 were just below those of 2019, adding 2019 had been the best year since 2007 for the destination. Ms. Cimino continued the PowerPoint demonstrating the average daily hotel rate and revenue per available room were higher. She noted the top 10 origin markets by visit in the presentation and the revenue breakdown for visitor spending. Ms. Cimino further noted visitor demographic household income was available through credit card information via Affinity. She noted the need to measure if Visit Williamsburg was nonexistent, what types of visitor spending would also be nonexistent. Ms. Cimino further noted Visit Williamsburg worked with an outside consultant, based in Indianapolis, Indiana, which worked with over 30 destination marketplaces and state tourism offices. She highlighted the results in her presentation. Ms. Cimino noted the results of the advertising campaign exposure showed visitors those who stayed longer, spent more, and did more. She highlighted visitor perception, economic impact, and return on investment in the PowerPoint. Ms. Cimino noted the number of people who viewed the advertising campaign and came to visit based on the Visit Williamsburg promotion. She further noted 2023 had four areas of media strategy: market evolution (broadcast, digital, and other markets), endemic lean in (trip advisors), refinement (drive overnight stays with market promotions), and cookieless expansion. Ms. Cimino noted the use of cookies was going away as a tracking source with federal regulations in place for 2024 and other options were being explored in this tracking area. She added the exploration of other partners and ways to track visitor behavior was starting to take place. Ms. Cimino

noted the importance of an early advertising campaign launch prior to Spring Break with a majority of the budget spent in the first four months of the year and a decrease in allocation as the year progressed. She highlighted the market strategy included: saturate, influence, elevate, establish, and maintain as key points while the market audiences for 2023 remained the same as those for 2022. Ms. Cimino continued the presentation showing the channel strategy from television and other sources and the budget breakdown.

Ms. Sadler thanked Ms. Cimino and applauded the hard work which resulted in the increased visitation numbers and the local revenue.

Mr. Icenhour questioned if the 50% hotel occupancy was a year-long figure.

Ms. Cimino confirmed yes.

Mr. Icenhour asked how that number compared to other destination markets.

Ms. Cimino replied it depended on which destination markets were being reviewed. She noted the local market was competitive with Gettysburg, Pennsylvania while Charleston, South Carolina was at a 98% occupancy rate. Ms. Cimino further noted the product and marketing budget were key factors in that point. She stated 2023 was off to a strong start and she was hoping for a 55% occupancy rate.

Mr. McGlennon asked if the visitor stays were hotels, short-term rentals, or timeshares.

Ms. Cimino noted timeshares were difficult to measure and that was common among destinations. She further noted the use of Star Report Data and its consistency with the same properties reporting monthly versus timeshare reporting. Ms. Cimino stated a program was used but it only measured timeshares on a third-party platform posting like Airbnb. She added that measurement was only a small percentage of the timeshares in the destination. Ms. Cimino estimated it was probably a 50:50 split between hotels and timeshares, but the ratio changed seasonally with visitor changes from families to couples and so the hotel range shifted higher. She noted there was not a perfect reporting system for timeshare usage.

Mr. McGlennon asked if that information could be tracked with surveys to visitors coming to the area.

Ms. Cimino noted that had not been done in the past but could be considered in the future. She further noted the return on investments studies were done on a regular basis throughout the year and that was a consideration. She thanked Mr. McGlennon for that point.

Mr. McGlennon thanked Ms. Cimino.

Mr. Hipple referenced Mr. Icenhour's comments and the impact of hotels and timeshares, adding some areas may have more hotels than timeshares. He questioned how areas with less timeshares affected hotel use.

Ms. Cimino noted the type of properties varied locally compared to Charleston which had more five-star and boutique properties. She further noted the local destination was vastly different than many other destinations.

The Board thanked Ms. Cimino.

4. Benefit Programs Specialist Appreciation Month

Item No. 4 was moved to the first presentation as noted above.

D. CONSENT CALENDAR

Mr. Hipple asked if any Board member wished to pull an item. As no Board member requested an item be pulled, Mr. Hipple sought a motion on the Consent Calendar's approval.

1. Acceptance of Funds - \$4,632 - Virginia Forfeited Asset Sharing Program

A motion to Approve was made by Sue Sadler, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

2. Approval of Limited-Term Family Services Specialist Position

A motion to Approve was made by Sue Sadler, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

3. Authorization to Enter into Settlement Agreement for Settler's Market

A motion to Approve was made by Sue Sadler, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

4. Contract Award - \$79,600 - Emergency Medical Dispatch Electronic Guide Card System Replacement

A motion to Approve was made by Sue Sadler, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

5. Grant Award - \$32,607 - Circuit Court Records Preservation Program

A motion to Approve was made by Sue Sadler, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

6. Grant Award - \$47,797 – Commonwealth's Attorney - V-STOP Grant Program Fund

A motion to Approve was made by Sue Sadler, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

7. Grant Award - \$200,000 - Virginia Department of Housing and Community Development

A motion to Approve was made by Sue Sadler, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

8. Lease Agreement with JCSA for 109 Tewning Road

A motion to Approve was made by Sue Sadler, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Hipple, Icenhour Jr, McGlennon, Sadler
Absent: Larson

9. Lease Agreement with Jamestown-Yorktown Foundation

A motion to Approve was made by Sue Sadler, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Hipple, Icenhour Jr, McGlennon, Sadler
Absent: Larson

10. Minutes Adoption

A motion to Approve was made by Sue Sadler, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Hipple, Icenhour Jr, McGlennon, Sadler
Absent: Larson

The Minutes Approved for Adoption included the following meetings:

- January 10, 2023, Regular Meeting
- January 24, 2023, Business Meeting

11. Participation in Proposed Settlement of Opioid-Related Claims

A motion to Approve was made by Sue Sadler, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Hipple, Icenhour Jr, McGlennon, Sadler
Absent: Larson

12. Residential Impacts

A motion to Approve was made by Sue Sadler, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Hipple, Icenhour Jr, McGlennon, Sadler
Absent: Larson

13. Resolution of Chesapeake Bay Preservation Ordinance Violation at 5209 Scenic Court

A motion to Approve was made by Sue Sadler, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Hipple, Icenhour Jr, McGlennon, Sadler
Absent: Larson

E. BOARD DISCUSSIONS

1. FY2023 Financial Update & FY2024 Budget Discussion

Ms. Sharon McCarthy, Director of Financial and Management Services (FMS), addressed the Board introducing Ms. Cheryl Holland, the County's new Budget Manager. She noted she and Ms. Holland would present together with Ms. Holland covering the current year (FY23) financial update and she would follow with the FY2024 budget update.

Ms. Holland addressed the Board with an update on FY23 via a PowerPoint presentation.

She noted the revised budget and actual revenues through December 2022, adding adjustments had been made over the year for the Fund Balance. Ms. Holland highlighted the recurring revenue sources which consisted of General Property taxes, the largest source at two-thirds of the total revenues. She added Real Estate and Personal Property taxes were part of this category. Ms. Holland noted FY23 reflected the Board's decision to provide relief to taxpayers with a decreased 2022 real estate tax rate of 83 cents on assessments and reduction of personal property to 75% on assessments. She further noted based on the tax collection dates of December 5 and June 5, a good mid-year revenue projection was seen. Ms. Holland stated the other revenue sources did not have the same billing or collection frequency as General Property taxes. She noted the Local Sales tax, which was collected two months in arrears and the Meals and Lodging tax collection at one month in arrear, so the numbers displayed in the presentation were reflective on four to five months of these specific revenues. She added the County's Business License tax was due once per fiscal year on March 1 and she would be able to provide an update at the third quarter review. Ms. Holland noted a property sale earlier in the year was reflected in the Miscellaneous & Transfers amount. She further noted the approximately \$14.2 million used in the Fund Balance was representative of support for Capital Improvements Program (CIP) projects, year-end plan with the Williamsburg-James City County (WJCC) School Division, and support for outstanding purchase orders from the prior year. Ms. Holland stated the approximately \$22 million in the FY22 Fund Balance category reflected the approximately \$7 million for the Courthouse Green purchase. She noted the red numbers in the PowerPoint presentation reflected the recurring revenues. Ms. Holland stated on the expenditure side of the budget reflected 52% due to contributions to outside entities and transfers to other funds. She continued the presentation highlighting the County's departmental spending with most departments below the 50% benchmark. Ms. Holland noted Information Technology was at 55% due to the majority of its expenses were incurred at the beginning of the fiscal year, adding contributions to outside agencies and transfers were also funded at the beginning of the fiscal year.

Mr. McGlennon noted Community Development was at 45% on the chart. He further noted WJCC Schools were at 46% and asked if that was due to the school calendar and how its budget was loaded more into the second half of its year.

Ms. Holland responded yes. She noted monthly payments were made to the School Division for operating expenses as well as transfers to debt services for school-related bonds with those payments in primarily December and June. Ms. Holland added that number would increase toward the end of the fiscal year. She noted Community Development also incurred expenditures toward the end of the fiscal year also.

Ms. McCarthy continued the presentation noting FY2024 was the second year of the two-year budget. She noted FY24 was a non-reassessment year for real estate so any new revenue projections would be solely based on new development or new construction activity. Ms. McCarthy added work was being done on the 5-year CIP which included 2024-2028. She noted there were several new projects on both the County and the School Division sides. Ms. McCarthy further noted cost escalations and analysis of pay-go projects versus borrowing considerations. She stated the analysis considered the capacity to borrow within the County's fiscal policies and how much the County could afford to borrow by reviewing current debt and possible debt that would come offline and create more ability to pay. Ms. McCarthy noted interest rates were being reviewed as well with consideration of alternative funding sources such as short-term borrowing, interest-only payments, and other options while the market potentially restabilized. She continued the presentation noting major considerations for FY2024 was School funding as it represented over half of the County's budget, CIP funding, and employee compensation. Ms. McCarthy commented this was an inflationary environment as evident in staffing costs and non-personnel costs, particularly fuel. She added the state budget was also a challenge. Ms. McCarthy stated work continued with Human Resources

(HR) for new personnel requests for the upcoming year which included new positions and compensation adjustments for reclassifications. She noted meetings had taken place since the fall with HR and County Administration. Ms. McCarthy further noted the ongoing struggle with recruitment and retention. She added the CIP requests had been submitted to the Policy Committee of the Planning Commission with those requests to be sent to FMS and County Administration soon. Ms. McCarthy noted the list was ranked in compliance with both the County's Comprehensive and Strategic Plans. She further noted receipt and review of the operating requests from County departments and the departments have met with HR, FMS, and County Administration for more detail on budget requests. Ms. McCarthy stated the outside agencies' funding requests had been received as those agencies also were experiencing cost escalations, personnel increases, and other factors. She noted revenue projections were underway, adding she had completed two analyses. Ms. McCarthy noted the first analysis was based on the first six months of 2023 with an update for the eight months of the year. She further noted the state General Assembly had not reached a consensus on the state budget approval and the General Assembly was not slated for reconvening until late March or April. Ms. McCarthy noted general guidance would be followed in the absence of specific guidance. She continued the presentation highlighting several key dates in the budget timeline with May 9 as the scheduled date for the Board's budget adoption.

Mr. Icenhour asked the location for the April 6 Community Meeting.

Ms. McCarthy responded the meeting would occur at the Government Center Board Room as well as a virtual meeting.

Mr. Icenhour thanked Ms. McCarthy.

Mr. McGlennon asked the time.

Ms. McCarthy noted 4 p.m.

Mr. Stevens noted he had 6 p.m. on his calendar and thought the time was 4 p.m.

Ms. McCarthy noted the time would be confirmed.

F. BOARD CONSIDERATION(S)

None.

G. BOARD REQUESTS AND DIRECTIVES

Ms. Sadler noted there had been discussion on updating the Comprehensive Plan regarding short-term rentals regarding State Code changes. She asked Mr. Kinsman about a law change regarding people residing on-site and ensuring the County was on track to address that point.

Mr. Kinsman noted he sent correspondence to the Board regarding a case out of a different circuit than Virginia in which a federal court rebuked the City of New Orleans' requirement to have a resident in every Airbnb. He further noted his recommendation to the Board regarding further consideration of that requirement. Mr. Kinsman noted that point was in the Comprehensive Plan and could be amended though another consideration would be that the Board adopt a resolution or provide some formal guidance regarding applying that point to future Airbnb applications.

Ms. Sadler asked if that action would be discussed at a Board meeting discussion or retreat.

Mr. Kinsman noted either option was fine.

Mr. Hipple noted that point could be established and he would let Ms. Sadler know the outcome.

Ms. Sadler thanked Mr. Hipple.

Mr. Icenhour had no comments.

Mr. McGlennon noted he had been joined by Mr. Hipple and Mr. Icenhour in attending the recent Black History Celebration event at the James City County Recreation Center, which featured Ms. Christy Coleman of the Jamestown-Yorktown Foundation. He further noted his attendance at a display for the plans Escalante Golf had proposed for the Kingsmill area to garner community feedback. Mr. McGlennon stated three events were held at various times during the day for community input with approximately 600-700 residents attending the presentations. He noted the number of legislators who had declared they would not seek reelection at the end of the recent General Assembly session. Mr. McGlennon further noted James City County was affected by that action with the Honorable Delegate Michael Mullin, the Virginia House of Delegates, and the Honorable Senator Tommy Norment, Senate Minority Leader, making those announcements as they both had played important roles. He added the Honorable Delegate Amanda Batten, the Virginia House of Delegates, and the Honorable Senator Montgomery Mason, Member of the Virginia Senate, were remaining in their positions with parts of the County in their constituencies.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens noted he had no report for the meeting.

I. CLOSED SESSION

A motion to Enter a Closed Session for discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia, and pertaining to the Request for Proposal Results, Before & After School and Summer Camp Programs; and consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, and pertaining to the Board of Zoning Appeals was made by Sue Sadler, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

At approximately 2:33 p.m., the Board of Supervisors entered a Closed Session.

At approximately 3:04 p.m., the Board re-entered Open Session.

A motion to Certify the Board only spoke about those matters indicated that it would speak about in Closed Session was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

1. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or

negotiating strategy of the public body pursuant to Section 2.2-3711(A)(29) of the Code of Virginia and pertaining to the Request for Proposal Results, Before & After School and Summer Camp Programs

2. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia and pertaining to the Board of Zoning Appeals

A motion to recommend to the Circuit Court Judge to reappoint Mr. William J. Geib and Mr. Mark Jakobowski to an additional term on the Board of Zoning Appeals was made by James Icenhour, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

J. ADJOURNMENT

1. Adjourn until 8 am on March 10, 2023 for the Board Retreat

A motion to Adjourn was made by Sue Sadler, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

At approximately 3:05 p.m., Mr. Hipple adjourned the Board of Supervisors.

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
RETREAT
Legacy Hall, 4301 New Town Avenue, Williamsburg, VA 23188
March 10, 2023
8:00 AM

A. CALL TO ORDER

Mr. Hipple called the meeting to order at 8:04 a.m.

B. ROLL CALL

P. Sue Sadler, Stonehouse District
James O. Icenhour, Jr., Jamestown District
John J. McGlennon, Roberts District
Ruth M. Larson, Vice Chairman, Berkeley District
Michael J. Hipple, Chairman, Powhatan District

Scott A. Stevens, County Administrator
Adam R. Kinsman, County Attorney

C. PRESENTATIONS

None.

D. BOARD DISCUSSIONS / GUIDANCE

1. Brief Discussion Items

a. Hazardous Dam & Strategic Plan Update

Mr. Jason Purse, Assistant County Administrator, addressed the Board to provide a brief update on two items. He stated there were two dams located within the County. Mr. Purse spoke about the dam on Overlook Drive noting Dam Safety had alerted the County that the dam had not been serviced in several years. He indicated Dam Safety inquired whether the County was willing to make the necessary improvements to bring it up to the Dam Safety's code and standards. Mr. Purse mentioned there were four parties involved who had ownership of this particular dam and discussions ensued to determine the best course of action. He spoke about one option which was to remove the dam. Mr. Purse noted a consultant firm had been hired to determine the scope of work necessary to deregulate the dam and the costs associated. He further noted this would come back before the Board once further information was obtained. Mr. Purse mentioned the objective was for all owners of the dam to agree to deregulate the dam and split the costs amongst the four parties involved.

Ms. Larson asked about the precise location of the dam.

Mr. Purse replied the dam was internal to the neighborhood of Kingspoint.

Ms. Larson asked if other property owners near the dam were interested in the financial aspect of dam maintenance.

Mr. Purse replied no not currently due to the long-term maintenance requirements.

Mr. Hipple questioned the amount the County owned with relation to the dam.

Mr. Purse replied minimal ownership.

Mr. Hipple stated it was essentially a private road for the property owner in the back of the neighborhood.

Mr. Purse replied correct.

Mr. Hipple asked if the other owners involved would be interested in the road.

Mr. Purse advised there was no interest.

Mr. Hipple suggested potential abandonment and giving up rights to resolve the issue.

Mr. Purse replied correct.

Mr. Purse noted this was not the first instance of a scenario such as this. He mentioned the Jolly Pond Dam, adding there were levels of County involvement. Mr. Purse stated the County did not own the dam but owned the road over top of it. He mentioned the owner of the dam was not interested in fixing the dam; however, the County had some reliability due to the road aspect. He mentioned the objective for the Overlook Drive dam was comparable to the Jolly Pond Dam situation with regard to resolution.

Mr. Stevens pointed out the good neighbor aspect.

Mr. Hipple asked how the County acquired the ownership with regard to the portion of the dam.

Mr. Purse replied it was platted in the 1960s to James City County. He moved on to discuss the Mirror Lakes Dam, adding the County had full ownership of the dam. Mr. Purse stated approximately 15-18 lots could be affected by this situation. He mentioned the dam safety was more significant in this case as there was a roadway involved. Mr. Purse recommended an earlier timeframe for maintenance on this particular dam. He mentioned Mr. Doug Powell, General Manager, James City Service Authority, had studies conducted in the 2020-2021 timeframe to determine the Dam Safety requirements to bring the dam up to code. Mr. Purse added at the time in which the study was conducted the approximate cost of improvements were \$500,000-\$600,000. He noted the potential costs in current dollars would be approximately \$1 million, adding this was included as a Capital Improvements Program (CIP) item in the budget for next year. Mr. Purse further noted decommissioning the dam was also an option. He mentioned decommissioning the dam would potentially impact the lots in the surrounding area as far as lake views; however, the long-term maintenance of the dam would be no longer.

Ms. Larson asked if real estate assessments and taxes would be impacted if the dam were decommissioned for those lots affected.

Mr. Dayle Gallagher, Director of Real Estate Assessments, noted in a previous instance such as this, there were some value adjustments made.

Mr. Purse replied this would impact the 15-18 lots.

Ms. Sadler asked if the dam was decommissioned what would the area look like visually.

Mr. Purse replied half of the water would go away and some vegetation would come back overtime.

Ms. Sadler asked if water would be filled in where the dam was removed.

Mr. Purse replied no.

Ms. Sadler asked if the County would then own the marsh in that specific area.

Mr. Purse replied no, adding in this case he believed all the property lines would go to the center line where the water was located.

Ms. Sadler asked if those property owners impacted would then have marsh in their backyard.

Mr. Purse confirmed yes. He recommended organizing a community meeting for public discussion on this situation. Mr. Purse mentioned potential transfer of ownership to keep the dam. He noted the County was not interested in the long-term maintenance of the dam.

Ms. Larson asked if there were any grant opportunities for this.

Mr. Purse replied the County had applied for the funds; however, it was for the one of the two options noted previously. He mentioned a discussion was needed to determine the best course of action. Mr. Purse indicated the costs to decommission the dam were similar to the costs of bringing the dam up to code.

Ms. Sadler asked what the long-term costs would be if the dam were to remain.

Mr. Purse replied he believed the costs would be another \$1 million at some point as time moved forward.

Mr. Stevens mentioned the importance of the community meeting and providing the necessary details on the costs of long-term maintenance for the dam.

Mr. Purse expressed his belief that the property owners impacted would not want to gain responsibility of the long-term maintenance for the dam.

Mr. Hipple touched on the history of the dam. He expressed his belief that the County should not own any dams, adding the costs associated with maintaining dams long-term were costly.

Mr. Purse mentioned the importance of notifying the property owners impacted, so there was an opportunity to include them on the decision and allow potential ownership transfer. He noted engineering studies were being conducted on the dam on Overlook Drive. Mr. Purse further noted he anticipated a decision being made within the next six months on that particular dam. He mentioned for the Mirror Lakes Dam there was funding available in the Fiscal Year (FY) 2024 budget, in addition to grants applied to assist with additional funds. Mr. Purse noted he believed the timeline for this dam would take longer to resolve due to various components. He looked to the Board for guidance. Mr. Purse spoke about the Strategic Plan

in which an update was conducted every five years. He noted funds were in the budget to hire a consultant and the update would begin January 2024. Mr. Purse encouraged the Board to keep the Strategic Plan in mind as time approached.

b. Property Tax Exemption Criteria

Mr. Richard Bradshaw, Commissioner of the Revenue, discussed the qualifications for real estate exemptions pertaining to elderly, disabled, and disabled veterans. He discussed the County's program and the qualifications for eligibility. Mr. Bradshaw noted those who qualify would be exempt from real estate taxes in an amount not to exceed the annual real estate rate multiplied by the first \$120,000 of assessed real estate value. He further noted the total combined annual income of household members could not exceed \$45,000, in addition combined total net worth could not exceed \$200,000 which did not include the value of the house and up to 10 acres of land. Mr. Bradshaw stated this past year there was a total of 437 applicants who qualified, and a total payout of \$419,700 in benefits to those qualified. He discussed various alternatives that other surrounding jurisdictions offered. He welcomed any questions the Board might have.

Ms. Larson asked if there was a reference list of benefits offered for surrounding jurisdictions.

Mr. Bradshaw stated Mr. Stevens compiled a list last year, adding he had three copies of that information. He asked if she would like a copy.

Ms. Larson replied yes. She asked about the deferred tax component with the risk factor if the property was not maintained.

Mr. Bradshaw mentioned a potential lien on the property annually, adding if the house was not maintained it would depreciate the value.

Ms. Larson asked about the second number referenced in the Board's Agenda Packet.

Mr. Bradshaw replied that was disabled veterans noting the Disabled Veteran Exemption was made effective in FY 2012. He explained a veteran who had been rated to have a 100% permanent and total service-connected disability by the Veterans Administration was eligible to receive a 100% exemption for the real estate tax for their primary residence. He stated there was a total of 824 disabled veterans who qualified.

Ms. Larson thanked Mr. Bradshaw.

Mr. Stevens mentioned there was an amendment to the Constitution of Virginia which the Board voted on several years ago. He mentioned various guidelines regarding Disabled Veteran Exemptions. He noted it was a loss of revenue for localities.

Mr. Bradshaw commented the County gained approximately two additional eligible disabled veterans annually.

Ms. Larson asked if there was compensation to localities from the state regarding the loss of revenue.

Mr. Stevens remarked not that he was aware of.

Mr. Bradshaw mentioned proposed legislation in Richmond which would allow a locality to petition the Commonwealth for compensation for anything over 1% in real estate tax; however, that had not been implemented as of yet. He stated when the Disabled Veteran Exemption was implemented it did not include a limit on a dollar amount, adding this created a significant issue.

Mr. McGlennon remarked based on Mr. Bradshaw's information provided to the Board in 2013 the County hit the high mark in terms of participants in the elderly low-income exception.

Mr. Bradshaw confirmed.

Mr. McGlennon inquired if the decrease in applicants was due to wage increases caused by inflation no longer allowing eligibility.

Mr. Bradshaw replied the number of applicants had decreased. He added the County was not turning down a larger percentage of applicants. Mr. Bradshaw noted when real property tax bills were sent out the program information was included. He mentioned a significant number of potential applicants were over the annual household income requirement.

Mr. McGlennon asked if the trend was applicants who were eligible for the exemption in the past who currently were not now.

Mr. Bradshaw replied no, the main reasons were because the property had been sold or the property owner had passed. He indicated the program was designed to help those who did not have the assets available to pay their real estate tax.

Mr. Hipple thanked Mr. Bradshaw.

c. Real Estate Assessment

Mr. Gallagher discussed the real estate assessment process. He spoke about validating sales, adding the Department of Taxation provided a list of sale types for qualification purposes. Mr. Gallagher indicated MLS was used as a resource to confirm data. He spoke about an excel spreadsheet that was used daily to look for trends to include factors such as number of sales, average sales, average assessment, the mean and median ratios, neighborhoods, square footage, timelines, etc. to determine the true market value. Mr. Gallagher welcomed any questions the Board might have for this part of the presentation.

Ms. Larson asked if neighborhood amenities played a role in assessments.

Mr. Gallagher replied yes.

Mr. Hipple mentioned two identical model homes may exhibit a variance in sale price based on other amenity factors that the other home may not have.

Mr. Gallagher explained visual aesthetics could not be factored into the appraisal.

Mr. Hipple expressed his belief that the appraisal amount should be based on the purchased price of the house.

Mr. Gallagher replied mass appraisal was utilized to ensure that all properties within a municipality were valued uniformly and equitably. He mentioned value could increase based on bathroom count, fireplaces, views, etc. Mr. Gallagher stated sale price did not equal assessment price. He mentioned examples such as Florida or California were states that based taxes upon purchase price of property.

Mr. Hipple asked if there was a state law in Virginia that required this practice.

Mr. Gallagher confirmed yes, the mass appraisal was a Virginia law and International Association of Assessing Officers (IAAO) standards must be met.

Ms. Larson asked the total number of staff in the Real Estate Department.

Mr. Gallagher replied currently nine.

Ms. Larson commented all personnel in the department had to be on the same page.

Mr. Gallagher replied correct. He referenced a sales statistic report that all personnel used. Mr. Gallagher remarked each staff member had approximately 5,000-6,000 parcels, adding each appraiser had their own subdivisions to concentrate on.

Ms. Larson asked if each had to follow the same criteria as their co-worker for parcel cases.

Mr. Gallagher confirmed the same methodology was used; however, each subdivision aspect was different.

Ms. Larson replied ok.

Mr. Gallagher stated the objective was to find the median price range.

Mr. Stevens asked if the amount of parcels for each appraiser was considered low, average, or high.

Mr. Gallagher replied it was a fair number, adding a new assessor was recently hired. He mentioned for a tenured assessor it was not a bad number; however, for a new hire it was an overwhelming number.

Discussion ensued.

Mr. McGlennon asked about the overall trend and what to expect for the next assessment.

Mr. Gallagher replied the market was stabilizing; however, he mentioned people were still paying over asking price and there were several cash sales. He noted it was difficult to predict future projections.

Mr. Hipple thanked Mr. Gallagher.

d. Government Center

Mr. Brad Rinehimer, Assistant County Administrator, addressed the Board to provide an update on the future Government Center. He mentioned at the Board's January 24, 2023, Business Meeting, the Board accepted an unsolicited proposal from Henderson and the Gilbane Group. Mr. Rinehimer noted further unsolicited proposals were welcome until the May 25, 2023, deadline. He spoke about a meet and greet that was conducted with Henderson and Gilbane, adding it was a productive meeting. Mr. Rinehimer stated no other proposals had been submitted yet. He mentioned an archaeological study was conducted on the James City County Recreation Center property and it was determined no findings were found. He indicated that was the proposed site for the future Government Center. Mr. Rinehimer noted once further proposals were submitted, and review was conducted, an update would be provided to the Board.

Ms. Larson asked the anticipated timeframe for the future Government Center to be operational.

Mr. Rinehimer replied he believed five years; however, it was hard to predict the timeframe

with numerous variables.

Mr. Stevens discussed the process and phases involved with this project.

Mr. Rinehimer recommended the Board view other government center layouts and Board room options to obtain an idea for design purposes.

Mr. Stevens noted he intended on conducting outreach to County personnel for feedback and recommendations as well.

e. General Services Building

Mr. Rinehimer addressed the Board providing an update on the future General Services building. He indicated the proposed site for the building was at the Warhill Water Tower site, behind Warhill High School. He stated the archaeological study was conducted and there were various findings such as the original Warhill House, setbacks, Resource Protection Areas, and the overall topography of this site which made it a non-viable option. He mentioned an alternative location across from Warhill High School; however, there was discussion if the future Government Center, the General Services building, and another fire station could be accommodated, if needed. Mr. Rinehimer confirmed all three potential buildings could fit on the site. He stated the future General Services building was scheduled to begin sooner than the future Government Center.

Mr. Stevens explained he did not want the area to look unappealing with regard to fleet equipment, so design would accommodate screening. He mentioned it was an ideal site in terms of location and proximity.

Ms. Grace Boone, Director of General Services, noted this had been a lengthy discussion to ensure it was the correct site and she was excited for the future building.

Mr. Icenhour asked where the future Fire Station 6 would be located exactly.

Mr. Paul Holt, Director of Community Development and Planning, noted it was more of a test fit at this time, adding there was still some discussion on designation. He mentioned the importance of conserving land if necessary for future.

At approximately 9:42 a.m., the Board recessed for a short break.

At approximately 9:49 a.m., the Board reconvened.

Mr. Hipple mentioned Item No. 3 would move ahead of Item No. 2.

2. Solar Industry Discussion

Mr. Stevens noted the County had asked Dominion Energy to participate in this discussion to provide information with regard to the subject.

Ms. Crystal Bright, External Affairs Manager for Dominion Energy, addressed the Board. She mentioned her team would introduce themselves and discuss solar industry.

Mr. Austin Jones, Manager, Business Development - Regulated Renewables-Solar, introduced himself and discussed distributed solar energy. He spoke about distributed energy resource systems which were small-scale power generation or storage technologies used to provide an

alternative to or an enhancement of the traditional electrical power system.

Ms. Larson asked what size defined a small-scale solar facility.

Mr. Jones replied typically up to five megawatts; however, he mentioned Dominion Energy specifically focused on small-scale solar facilities within the one-to-three-megawatt range.

Mr. McGlennon asked how much power was supplied by the one-to-three-megawatt range.

Mr. Jones replied one megawatt would serve up to 250 homes.

Mr. McGlennon asked if the three megawatts would serve up to 750 homes.

Mr. Jones replied correct.

Inaudible discussion.

Mr. Jones touched on environmental safety aspects Dominion Energy utilized.

Mr. McGlennon remarked when the County received cases pertaining to solar energy, Dominion Energy was not associated. He asked if Dominion Energy purchased the project once completed.

Mr. Jones replied sometimes. He noted the typical process for Dominion Energy was allowing another entity to develop the land, another developed all the assets necessary to constitute a project that could be built, and then Dominion Energy would purchase those assets from those entities and obtain, build, and operate it.

Discussion ensued.

Ms. Larson asked about the sequence of events regarding the process for individual contracts.

Mr. Jones mentioned Dominion Energy no longer conducted this practice regarding individual contracts, adding it was strictly internal for beneficial purposes.

Ms. Sadler pointed out that potentially these projects if managed by a private entity could benefit another locality as the majority of the land for potential development was located at the northern end of the County.

Mr. Jones commented if it was a Dominion Energy project the energy would stay within the community; however, if it was a private entity there was no guarantee that the energy would serve that specific locality in which it resided.

Mr. McGlennon asked if vast majority of cases being considered were in conjunction with Dominion Energy.

Mr. Jones replied it depended as some projects may come from Dominion Energy; however, there were a number of developers pursuing these projects for economic incentives which the federal government provided in terms of tax credits. He mentioned it had increased the number of interested parties to develop these projects and the simplicity aspect of the development process. Mr. Jones discussed various solar programs such as community solar, shared solar, etc.

Ms. Larson asked if Dominion Energy purchased a project from a developer would Dominion Energy acquire all responsibility.

Mr. Jones confirmed yes. He mentioned if Dominion Energy chose to purchase the project there was a collaborative effort to ensure all requirements were met.

Ms. Larson thanked Mr. Jones.

Mr. Hipple asked if the panels purchased for these projects were manufactured within the United States (U.S.).

Mr. Jones replied there were various manufacturers to include Southeast Asia, Europe, and the U.S. He added all factors were considered carefully prior to purchase.

Discussion ensued.

Mr. Willie Barton, Business Development Manager - Distributed Solar Business Development, discussed a potential partnership with the County to create a solar farm project located at the Jolly Pond Landfill. He mentioned the proposed project would be two three megawatt projects on the site, adding the intent would be to utilize 80 acres of this parcel for the proposed projects. Mr. Barton discussed the structure aspect and the intent to build on top of the landfill, adding the solar arrays would sit on top of cement blocks. He stated this would allow minimal ground disturbance, if at all. Mr. Barton spoke about the beneficial aspects of building at a landfill. He mentioned the importance of the interconnection and the close proximity for the project. He discussed the topography of the landfill as the land had already been cleared, graded, flat, etc., adding this was vital for development. Mr. Barton reiterated the benefits of solar projects at landfills for consideration.

Mr. Jones thanked the Board and concluded the presentation.

Ms. Bright invited the Board to tour the Rochambeau Road Solar Facility if desired.

3. Preservation Programs, Code Enforcement and Planning

Ms. Tammy Rosario, Assistant Director of Community Development, discussed the Greenspace Program which was the first funded program initiated in 1996 in terms of open space preservation. She noted this program allowed potential land acquisitions and conservation easements. Ms. Rosario further noted staff evaluated properties based on historical, environmental significance, contribution to character, and development threat aspects to establish a priority list to bring before the Board of Supervisors. She mentioned the primary focus was inside the Primary Service Area (PSA) along key corridors such as Jamestown Road, John Tyler Highway, Greensprings Road, and Powhatan Creek, in addition Norge, Toano, Anderson's Corner, and Yarmouth Creek were added later to the priorities. Ms. Rosario commented this program was considered a flexible method as it was not a state operated program and minimized restrictions. She moved on to discuss the Purchase of Development Rights (PDR) Program which was initiated in 2001. Ms. Rosario stated this program was an open application program which allowed property owners to apply during the open application periods, then staff would score the applications using a ranking sheet. She added the highest ranked properties were then pursued for acquisition with the Board's approval. Ms. Rosario advised this program focused solely on conservation easements and the focused areas were agriculture and forestry lands outside the PSA. She remarked the PDR Program was more of a fixed method as there was an established process and guidelines. Ms. Rosario touched on current efforts such as the completion of the Natural & Cultural Assets Plan, increased stewardship of existing protected lands, and preparation of new opportunities. Ms. Rosario looked to the Board for possible future directions such as a directed approach

for new acquisitions or more of an open application period for new acquisitions. She welcomed comments from the Board.

Mr. Icenhour expressed his belief that an open application period would be more beneficial.

Ms. Sadler asked if property owners who were involved in preservation programs were aware of the property restrictions and how did the County monitor property restrictions.

Ms. Rosario replied the owner awareness varied. She stated the original property owners who initiated with the County would have the highest level of awareness as there were various discussions to include legal representation. Ms. Rosario spoke about second and third generation owners who would receive real estate documents with that information disclosed. She mentioned aerial monitoring and annual on-site visits were the ways the County monitored properties.

Ms. Sadler asked if the County was notified of second and third generation property owners.

Ms. Rosario replied no.

Mr. Icenhour asked about how many easements the County was monitoring.

Ms. Rosario replied there was approximately 60 properties that were acquired.

Mr. McGlennon asked if there had been consideration on a private entity conducting the annual monitoring.

Ms. Rosario mentioned surrounding jurisdictions experienced the same concerns as the County with limited staff and resources; however, that could be a point to consider.

Mr. Hipple recommended these preservation programs be incorporated into one program.

Ms. Larson asked if a property owner had an easement was there a tax break associated with that.

Ms. Rosario confirmed. She mentioned there was an upfront cost for the easement, in addition to a tax break.

Ms. Larson expressed her concern with property owner violations. She asked if there was a staff member to relay the restrictions to property owners who were unaware.

Ms. Rosario replied she would be the one to relay that information.

Mr. Stevens mentioned individuals' interpretations varied and he recognized Ms. Rosario's efforts over the past couple of years.

Mr. Hipple commended Ms. Rosario on all her efforts. He suggested a director position who focused solely on the preservation programs and the options available.

Mr. McGlennon agreed on a more expedited approach on this subject. He expressed his concern that some opportunities required significant funds which the County may not have on-hand. He inquired whether borrowing funds would be considered as the value of land and the pressure of development would not diminish.

Ms. Rosario noted she was the one who focused on these initiatives; however, she mentioned other jurisdictions normally had a more team approach to this instance. She noted various

duties were more time consuming than others. She welcomed a team approach.

Mr. Holt noted the Board had already authorized the director position which Ms. Rosario filled. He spoke about various tasks conducted over the past couple of years with relation to preservation efforts.

General discussion ensued on priorities and projects.

4. James City County Workforce

Mr. Patrick Teague, Director of Human Resources, addressed the Board to discuss the County workforce concerns with regard to turnover, recruitment, and retention. He spoke about various reasons County employees chose to leave based on employee exit surveys. Mr. Teague touched on feedback received from current employees from the 2022 Employee Engage Survey.

Mr. Stevens indicated various Department Directors would briefly discuss their concerns within their respective departments regarding County personnel.

Ms. Boone addressed the vacancy concerns within the General Services Department and the effects caused as a result. She remarked this trend of workforce concerns started in 2018 and had continued as time moved forward. Ms. Boone discussed the challenges on current personnel.

Ms. Sharon McCarthy, Director of Financial and Management Services, addressed the Board to discuss staffing concerns within her department. She spoke about the vacancies, ways to fill vacant positions, and additional workloads on current personnel with no compensation. Ms. McCarthy mentioned various factors such as pay, balance between work and home life, telework opportunities, etc.

Mr. Tony Dallman, Interim Chief of Police, addressed the Board to discuss staffing concerns within the Police Department. He mentioned the current vacancies and the impacts associated. Interim Chief Dallman spoke about time off limitations with staffing shortages and minimum staff on-duty requirements. He noted the demand for mental health services for staff. Interim Chief Dallman touched on community outreach programs and the staff required to conduct those events. He mentioned the challenges of finding qualified applicants in addition to the hiring process and requirements necessary prior to starting the job. Interim Chief Dallman added there were also concerns with potential upcoming retirees. He highlighted department improvement initiatives. He thanked the Board for its support.

Mr. Stevens noted Mr. Teague would discuss strategies on how to potentially correct this issue; however, he felt it was imperative to allow an opportunity for discussion for the Board to be cognizant of the concerns being had throughout County departments.

Mr. Teague discussed various recommendations to alleviate staffing challenges.

Discussion ensued.

5. Debt Capacity and Financial Overview

Ms. McCarthy addressed the Board to discuss the County's CIP funding considerations, funding sources, and available funds. She expressed challenges to fund the next 5-year CIP projects new and old in its entirety due to cost escalations. Ms. McCarthy indicated the proposed CIP funds for the Williamsburg-James City County Schools Division had been fully funded. She spoke about being cognizant of the cost of borrowing due to the unprecedented times with high construction costs, interest rates, etc. Ms. McCarthy also mentioned removing and/or adding projects to the CIP could also create a domino effect in regard to costs as time moved forward.

Discussion ensued.

E. ADJOURNMENT

1. Adjourn until 5 pm on March 14, 2023 for the Regular Meeting

A motion to Adjourn was made by Sue Sadler, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

At approximately 1:32 p.m., Mr. Hipple adjourned the Board of Supervisors.

ITEM SUMMARY

DATE: 3/28/2023

TO: The Board of Supervisors

FROM: Michael Woolson, Section Chief - Resource Protection

SUBJECT: Resolution of Chesapeake Bay Preservation Ordinance Violation at 118 Pinepoint

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Location Map	Backup Material
☐	Consent Agreement	Backup Material
☐	Restoration Agreement	Backup Material
☐	Replanting Plan	Backup Material
☐	Notice of Violation	Backup Material
☐	1999 Civil Charge Policy	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Engineering & Resource Protection	Small, Toni	Approved	3/15/2023 - 4:46 PM
Development Management	Holt, Paul	Approved	3/16/2023 - 8:02 AM
Publication Management	Daniel, Martha	Approved	3/16/2023 - 8:23 AM
Legal Review	Kinsman, Adam	Approved	3/16/2023 - 8:28 AM
Board Secretary	Saeed, Teresa	Approved	3/17/2023 - 4:15 PM
Board Secretary	Rinehimer, Bradley	Approved	3/20/2023 - 9:20 AM
Board Secretary	Saeed, Teresa	Approved	3/20/2023 - 10:04 AM

MEMORANDUM

DATE: March 28, 2023

TO: The Board of Supervisors

FROM: Michael D. Woolson, Section Chief - Resource Protection
Joshua Everard, Assistant County Attorney

SUBJECT: Chesapeake Bay Preservation Ordinance Violation - Civil Charge - John and Sheila Avellanet - 118 Pinepoint Road

Attached is a resolution for consideration by the Board of Supervisors (the "Board") involving a violation of the County's Chesapeake Bay Preservation Ordinance (the "Ordinance") on property located at 118 Pinepoint Road and further identified as James City County Real Estate Tax Map Parcel No. 4930260018 (the "Property"). The case involved the clearing of vegetation within the Resource Protection Area (RPA) on the Property. This work was done without first obtaining an exception to the Ordinance.

On or about July 21, 2022, County staff received a report of unauthorized clearing on the Property. On February 4, 2022, staff had approved the removal of six trees within the RPA. On August 1, 2022, County staff visited the site and observed the removal of vegetation within portions of the Property within the RPA that was not authorized. Following the site visit, staff performed research on the Property using County records and discovered that the limits of clearing within the RPA has extended beyond what had been agreed to in writing.

In accordance with provisions of the Ordinance, the owner and County mutually came to terms to resolve and settle the violation through the County's civil charge process. The owner voluntarily signed a Consent Agreement and entered into a Chesapeake Bay Restoration Agreement with the County on March 8, 2023.

The resolution and attachments present additional specific details of the violation. Under the provisions of the Ordinance, the Board may accept civil charges for each violation of up to \$10,000. The owner has agreed to the recommended civil charge of \$3,500 for violation of Section 23-10 of the County's Chesapeake Bay Preservation Ordinance.

The Chesapeake Bay Preservation Ordinance Civil Penalty Procedures Policy, endorsed by the Board in August 1999, was used by staff as guidance in determining the civil charge amount. The Policy considers the degree of water quality impact and the degree of noncompliance involved in the case. The civil charge amount of \$3,500 is based on a moderate water quality impact and a moderate degree of noncompliance.

Staff recommends adoption of the attached resolution, establishing the civil charge for the Chesapeake Bay Preservation Ordinance violation presented.

MDW/JE/ap
CBPAViol-118PneptRd-mem

Attachments:

1. Resolution
2. Location Map
3. Consent Agreement
4. Restoration Agreement
5. Replanting Plan
6. Notice of Violation
7. 1999 Civil Charge Policy

RESOLUTION

CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE -

JOHN AND SHEILA AVELLANET, 118 PINEPOINT ROAD

WHEREAS, Mr. John and Mrs. Sheila Avellanet are the owners of a certain parcel of land commonly known as 118 Pinepoint Road, Williamsburg, Virginia, designated as Parcel No. 4930260018 within the James City County Real Estate Tax Map system (the “Property”); and

WHEREAS, on or about July 21, 2022, Mr. John and Mrs. Sheila Avellanet cleared vegetation within a defined Resource Protection Area (RPA) on the Property without prior approval of a Chesapeake Bay exception, impacting the RPA in violation of the County’s Chesapeake Bay Preservation Ordinance; and

WHEREAS, Mr. John and Mrs. Sheila Avellanet executed a Consent Agreement to remedy the violation of the County’s Chesapeake Bay Preservation Ordinance; and

WHEREAS, Mr. John and Mrs. Sheila Avellanet agreed to a Chesapeake Bay Restoration Agreement to restore vegetation on the Property to a condition that protects the natural resources of the Property, the County, and the Chesapeake Bay watershed; and

WHEREAS, Mr. John and Mrs. Sheila Avellanet agreed to pay a total of \$3,500 to the County as a civil charge pursuant to the County’s Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors accepts the civil charge in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Section 23-18 of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$3,500 civil charge from Mr. John and Mrs. Sheila Avellanet as full settlement of the Chesapeake Bay Preservation Ordinance violation at the Property occurring on or about July 21, 2022.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

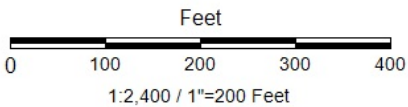
	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SADLER	_____	_____	_____	_____
ICENHOUR	_____	_____	_____	_____
MCGLENNON	_____	_____	_____	_____
LARSON	_____	_____	_____	_____
HIPPLE	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of March, 2023.



Legend

- Parcels
- Contours



Title:

Date: 3/15/2023

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.



Chesapeake Bay Preservation Civil Charge Consent Agreement

THIS AGREEMENT, made on this 8th day of March, 2023, by and between John and Sheila Avellanet, residing at 118 Pinepoint Drive, (collectively, the "OWNER") and the COUNTY OF JAMES CITY, VIRGINIA, ("COUNTY").

WHEREAS, the Owner of that certain parcel of land known and identified as 118 Pinepoint Drive, Parcel Identification Number 4930260018, has violated or has caused a violation of the James City County Chesapeake Bay Preservation Ordinance, Chapter 23 of the County Code, by removing trees and understory vegetation on that aforementioned parcel.

NOW, THEREFORE, to resolve this violation the parties hereto agree as follows:

1. The Owner hereby agrees to provide for the payment of a civil charge in the amount of \$3,500.00 (Three thousand five hundred dollars), for the violation of the ordinance described above.
2. In consideration of the Owner's payment of the civil charge, the County agrees to accept the civil charge as the final resolution of this violation and in consideration of this executed agreement the County will not prosecute the Owner under the civil penalty provision provided for within the ordinance.

Once the consent agreement is executed, the County will proceed with processing the civil charge in accordance with the provisions of Section 23-18(b) of the Chesapeake Bay Preservation ordinance. This includes scheduling the case on the consent calendar at an upcoming Board of Supervisor regular meeting.

OWNER:

JOHN AVELLANET

COUNTY OF JAMES CITY, VIRGINIA

By: _____

[Handwritten signature]

Approved as to form:

[Handwritten signature]
County Attorney



Chesapeake Bay Restoration Agreement

THIS AGREEMENT by and between John and Sheila Avellanet (collectively, the “Owner”), residing at 118 Pinepoint Drive, and the County of James City, Virginia, a political subdivision of the Commonwealth of Virginia (the “County”).

WHEREAS, the Owner is (are) the owner(s) of a certain tract of land located at 118 Pinepoint Drive, (the “Property) located in the County; and

WHEREAS, restoration of vegetation within portions of the Property is the responsibility of the Owner and required by the County as shown on a plan designated as Avellanet Residence, 118 Pinepoint Drive Landscape Plan Back Yard Hillside, dated December 13, 2022, revised on February 20, 2023 and prepared by Williams Landscape & Design, Inc.; and

WHEREAS, the Owner has posted sufficient bond, letter of credit, certified or cashier’s check, or escrow fund (collectively the “Security Instrument”), pursuant to existing ordinances, approved as to form by the County Attorney, and with surety satisfactory to the County in the amount of five thousand dollars (\$5,000.00) guaranteeing the installation of the aforementioned improvements before December 31, 2023.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that for and in consideration of the premises and the covenants and agreements herein contained, the parties agree as follows:

1. The Owner does covenant and agree that it will, without cost to the County on or before December 31, 2023, construct to the approval of the County all physical improvements as required by the Chesapeake Bay Preservation Ordinance of the County, or shown on the development plans approved by the County. If, in the sole judgment of the County, circumstances beyond the control of the Owner prevent the Owner from completing the improvements in the time set forth herein, then the County may, at its sole discretion, grant an extension of time for completion of said improvements and in such instance the County shall require an amended Security Instrument approved as to form by the County Attorney, and with surety satisfactory to the County in an amount to guarantee the installation of the aforementioned improvements.
2. It is mutually understood and agreed that in the event the Owner fails to properly complete the physical improvements provided hereinabove, the County may complete, or cause to have completed, the same and render a bill therefore to the Owner who shall be liable to the County for all proper costs so incurred by the County, or the County may draw the amount necessary from the surety to complete or cause to have completed the same. The Owner hereby grants the County, its agents and contractor, access to the property to install any improvements required under this Agreement.
3. In the event the County calls, collects, or otherwise draws on the Security Instrument pledged under this Agreement, the Owner agrees to either pay, or have the County use the proceeds of the draw to pay a reasonable administrative fee of \$35.00, plus any costs actually incurred by the County in drawing on the Security Instrument. The charge for an administrative fee plus costs shall apply regardless of whether the County later accepts a renewal or amendment of the Security Instrument.
4. It is mutually understood and agreed that this Agreement does not relieve the Owner of any responsibilities or requirements placed upon them by the various ordinances of the County applicable to such development of the property, and the development of the Property will be done in strict accordance with such ordinances.

5. It is mutually understood and agreed that if the Owner shall faithfully execute each and all requirements of the Chesapeake Bay Preservation Ordinance and the provisions of this Agreement, and shall indemnify, protect, and save harmless the County from all loss, damage, expense, or cost by reason of any claim, suit, or action instituted against the County or its agents or employees thereof, on account of, or in consequence of any breach on the part of the Owner, then the Security Instrument shall be released by the County to the Owner.

IN WITNESS WHEREOF, the parties hereto, being first duly authorized, have affixed their signatures on the date first above written.

ATTEST:

(Signature)

Owner: JOHN AVERETT (Owner)
(Print Name & Title)

By: [Handwritten Signature]
(Signature)

Approved as to form:

[Handwritten Signature]
County Attorney

COUNTY OF JAMES CITY, VIRGINIA

By: [Handwritten Signature]
County Agent

DATE: March 10, 2023

Qty	Botanical Name	Common Name	Size/Condition	Remarks
Trees				
1	ACER RUBRUM 'OCTOBER GLORY'	MAPLE OCTOBER GLORY	#15 CANOPY	1" CAL. - 6-8HT
5	AMELANCHIER CANADENSIS 'GLEN FORM'	SERVICEBERRY RAINBOW PILLARS	#15 (CLUMP)	.75" CAL. - 5-6HT
3	AMELANCHIER X GRANDIFLORA 'AUTUMN BRILLIANCE'	SERVICEBERRY AUTUMN BRILLIANCE (CLUMP)	#15 (CLUMP)	.75" CAL. - 5-6HT
3	BETULA NIGRA 'BNMTF'	BIRCH RIVER DURA HEAT	#15 CANOPY	1" CAL. - 6-8HT
6	CHIONANTHUS VIRGINICUS	FRINGE TREE WHITE	#15 (CLUMP)	.75" CAL. - 5-6HT
6	MAGNOLIA VIRGINIANA	MAGNOLIA SWEET BAY	#15 (CLUMP)	.75" CAL. - 5-6HT
3	TAXODIUM DISTICHUM	CYPRESS BALD	#15 CANOPY	1" CAL. - 6-8HT
Shrubs				
9	CORNUS SERICEA 'BAILEY'	DOGWOOD RED TWIG BAILEY	#7	24" - 30" HT
33	ILEX GLABRA 'DENSA'	HOLLY GLABRA DENSA INKBERRY	#7	24" - 30" HT

NOTE : ALL TREES & SHRUBS TO BE FIELD LOCATED & PLANTED IN ACCORDANCE TO EXISTING SITE CONDITIONS PER EXISTING TREES & STUMPS
 NOTE : ADDITIONAL CONDITIONS PER J.C.C.
 ALL EXISTING STUMPS MAY BE FLUSH CUT WITH THE GROUND
 ALL EXISTING BRANCH DEBRIS LESS 6" DIAM. MUST BE CHIPPED & RESPREAD IN AREA
 ALL EXISTING TREE TRUNK MATERIAL GREATER 6" MUST REMAIN ON THE GROUND
 NO CANOPY TREES MAY BE PLANTED IN THE SEPTIC FIELD AS MARKED



Serviceberry Rainbow Pillar



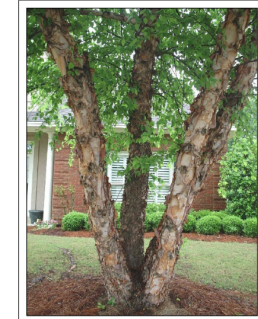
Cypress Bald



Serviceberry Autumn Brilliance



Dogwood Red Twig Bailey



River Birch Bark



Holly Inkberry



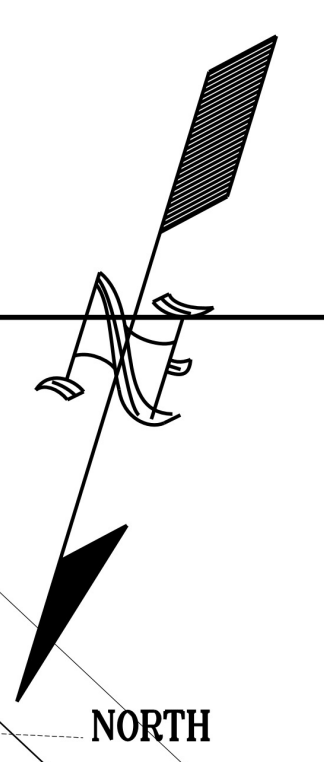
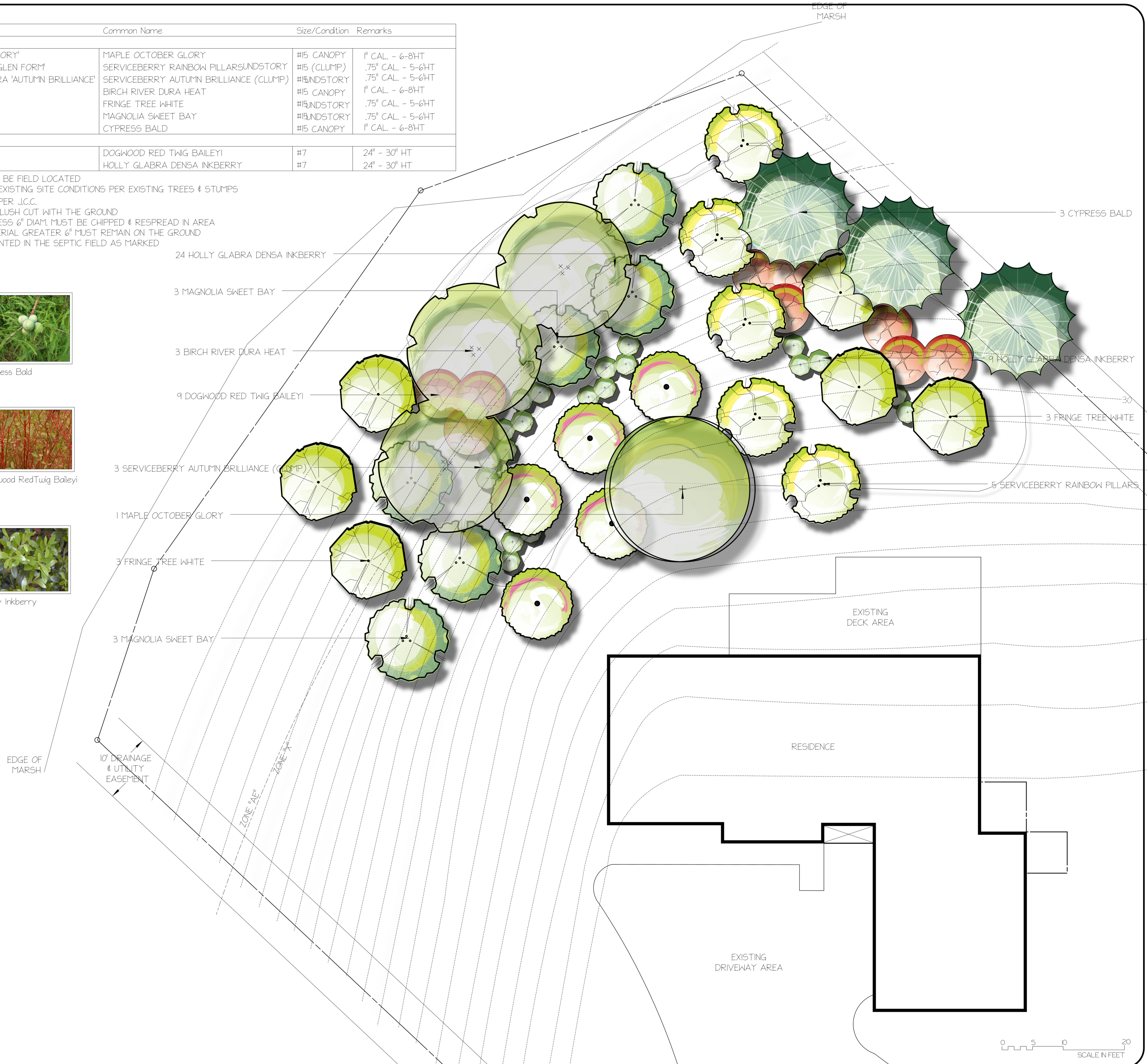
Fringe Tree Flower



Magnolia Sweet Bay



Maple October Glory



10' DRAINAGE & UTILITY EASEMENT

EXISTING DECK AREA

EXISTING DRIVEWAY AREA

AVELLANET RESIDENCE
 118 PINEPOINT ROAD
 WILLIAMSBURG, VA.
 SCALE 1" = 10'
 DATE 12/13/22
 DRAWING # RY5N : 2.2023
 LANDSCAPE PLAN : BACK YARD HILLSIDE
 PROJ # -01





General Services
107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080
General.Services@jamescitycountyva.gov
jamescitycountyva.gov

Capital Projects
107 Tewning Road
Williamsburg, VA 23188
757-259-4080

Fleet
103 Tewning Road
Williamsburg, VA 23188
757-259-4122

**Stormwater and
Resource Protection**
101-E Mounts Bay Road
Williamsburg, VA 23185
757-253-6670

Facilities & Grounds
113 Tewning Road
Williamsburg, VA 23188
757-259-4080

Solid Waste
1204 Jolly Pond Road
Williamsburg, VA 23188
757-565-0971

August 10, 2022

Mr. John and Ms. Sheila Avellanet
118 Pinepoint Road
Williamsburg, Virginia 23185

Re: Resource Protection Area and Scenic Easement – 118 Pinepoint Road
SRP-22-0009

Mr. and Ms. Avellanet:

On July 21, 2022, representatives of the James City County Stormwater and Resource Protection Division were informed of the removal of trees and vegetation that has occurred in the Resource Protection Area (RPA) and scenic easement at 118 Pinepoint Road. The exception request CBPA-22-0012 was approved on February 4, 2022 for the removal of 6 trees within the RPA and Scenic easement. Upon site inspection, the completed work exceeds what was approved and shown in the submitted site plan and application.

Section 23-7 of the James City County Chesapeake Bay Preservation Ordinance (CBPO), which regulates activities within the RPA, prohibits the removal of trees without approval from the Stormwater and Resource Protection Division. This activity is a violation of the CBPO, subject to a Civil Penalty of up to \$5,000.00 for each day of the violation per property or a Civil Charge of up to \$10,000.00 per property.

In order to resolve this situation, you must replant outside of the approval area. This area is approximately 0.10 acres in size and will require 11 canopy trees, 21 understory trees, and 33 shrubs, all native to Virginia and typically found on the hillside that was cleared. You must enter into a Chesapeake Bay Restoration agreement to guarantee the replanting. Because you willfully exceeded your approved limits of work, a civil charge of \$4,500 is assessed based upon the Board of Supervisors approved Civil Charge Determination Matrix of major degree of non-compliance and a moderate degree of water quality impact.

Should you wish to appeal this decision, you must initiate the appeal process by September 16, 2022. After this date, the matter is no longer appealable.

Please contact our office at 757-253-6670 to discuss this matter by September 16, 2022.

Best,

Michael Woolson

Michael Woolson

Section Chief, Stormwater and Resource Protection Division

757-253-6823

Michael.Woolson@jamescitycountyva.gov

cc: Toni Small, Stormwater and Resource Protection Division Director, via email
Joshua Everard, Assistant Deputy County Attorney, via email
Paul Holt, Community Development Director, via email
Christy Parrish, Zoning Administrator, via email
Superintendent, Colonial National Historical Park, via regular mail

Chesapeake Bay Preservation Ordinance Civil Penalty Procedures
 (As adopted by the Board of Supervisors - August 19, 1999)

Principle

All violations of the Ordinance will be prosecuted to obtain an acceptable remedy. All RPAs and associated buffers that are disturbed without an exception or waiver granted in accordance with the provisions of the Ordinance will be restored on a 2:1 replacement basis.

Process

The process will be to document the violation with a Notice Of Violation that states the conditions necessary to bring their site into compliance with the Ordinance. If there is a failure to follow the terms stipulated in the Notice, the County will file suit to take the violator to court where civil penalties of up to \$5000 per day can be assessed. However, if the violator cooperates with all provisions of the Notice and remedies the violation, we will not file suit. An exception would be if we can determine that the violation was intentional as would be the case if we had prior contact with the violator regarding the matter of the RPA restrictions.

Penalty

In order to serve as a deterrent, even in the event of a cooperative restoration settlement, civil charges will be sought. Under current state law, the Board of Supervisors must approve all civil charges. The amount of the civil charge recommended will be dependent on the violation's impact on water quality and the degree of non-compliance. Violations that are more severe and will take longer to be restored to an acceptable condition will have larger charges recommended by staff. Violations comprising less than 100 square feet of disturbance or the removal of no more than three trees will not have a civil charge recommended unless there have been prior violations by the violator. The maximum civil charge is \$10,000 per violation.

The following table presents a matrix that will guide staff recommendations on the establishment of a civil charge for a specific violation. The amounts presented are not absolute and are intended to be a guide. Each violation will have several unique characteristics that will require the exercise of judgment in arriving at a civil charge. Charges in each case could vary by up to 100% depending on the specific circumstances involved.

		<u>Civil Charge Determination</u>		
		Significant	Moderate	Major
Water Quality Impact	Significant	\$5000	\$7500	\$10,000
	Moderate	\$1500	\$3000	\$4500
	Minor	\$500	\$1000	\$1500
		Minor	Moderate	Major
		Degree of Non-Compliance		

Water Quality Impact

The impact of a given violation will be determined based on several factors. It involves more than just the square footage of impact; it also addresses the relative environmental value of the resource lost. Factors that will be considered as they relate to the violation's impact on water quality include the size of the violation, the number of trees and other vegetation removed, the size and maturity of the vegetation removed, the amount of tree canopy removed, the amount of ground disturbance involved, etc. Mitigating factors that will be considered are whether the vegetation removed would have qualified for removal if a request was made in accordance with the Ordinance. The Ordinance allows for the removal of vegetation weakened by age, storm, fire or other natural causes or vegetation that is dead, diseased or dying. These factors will be used to determine how much of the functional value of the buffer was lost and how long it will take for the function to be recovered.

Degree of Non-compliance

This factor will be used to assess the motivation behind the violation. Factors that will be considered in assessing the degree of non-compliance are degree of willfulness, history of non-compliance, and cooperation. Unintentional violations that are cooperatively restored will not be charged the same as intentional violations that are difficult to resolve.

ITEM SUMMARY

DATE: 3/28/2023
TO: The Board of Supervisors
FROM: Scott Stevens, County Administrator
SUBJECT: Dispatch Update

ATTACHMENTS:

	Description	Type
☐	Presentation	Presentation
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	3/20/2023 - 10:04 AM



Emergency Communications Center

Consolidation History

- We have examined the potential for consolidation thoroughly over the past several years
- Studies have shown that it is both feasible and financially beneficial for the County
- Have not taken this action, primarily for the consideration of our current employees and unanswered questions about service
- Current staffing levels are more dire and the current relocation, due to our center's incident, has shown us that it can work effectively
- Greater emphasis placed on consolidation by state NG911 board- grants available

Major points

- JCC will have input over center operations
 - Regional 911 board
- Service to customers and citizens should be the same or better
- Will do all that we can to keep employees whole
 - Work with HR to provide placement in JCC positions where they are qualified
 - Work through agreement with York County regarding employee pay and benefits (USI study shows they are very similar)
 - Address/answer employee concerns



Board Action

- Desires the BOS approve the attached Resolution authorizing the County Administrator to enter into an agreement with York County for the consolidation of our emergency communication centers.
- Further authorizes the County Administrator to utilize funding previously approved in the CIP for CAD replacement for initial costs and equipment related to such consolidation, primarily licensing agreements and related software/equipment costs/building renovations

RESOLUTION

CONSOLIDATION OF EMERGENCY COMMUNICATIONS WITH THE

YORK-POQUOSON-WILLIAMSBURG EMERGENCY COMMUNICATION CENTER

- WHEREAS, Sec. 15.2-1300 of the Code of Virginia (1950, as amended allows any two or more political subdivisions to enter into agreements with one another for joint action pursuant to the provision of such Code Section); and
- WHEREAS, James City County desires to consolidate Emergency Communications services with the York-Poquoson-Williamsburg Emergency Communications Center; and
- WHEREAS, James City County is committed to negotiate with York County for equivalent employment opportunities for existing Emergency Communications staff, including salary and benefits to the extent possible; and
- WHEREAS, James City County will offer existing Emergency Communications staff preference for employment opportunities with James City County, should they not desire employment with York County; and
- WHEREAS, the Board of Supervisors authorizes the County Administrator to utilize up to \$1,500,000 in funding previously allocated for Computer-Aided Dispatch replacement for necessary licensing, equipment, and facilities upgrades.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the County Administrator to negotiate an agreement with York County for consolidation of Emergency Communications.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of March, 2023.

ITEM SUMMARY

DATE: 3/28/2023
TO: The Board of Supervisors
FROM: Scott Stevens, County Administrator
SUBJECT: FY 2024 Budget Review

- a. Funding of some items removed with FY23 excess revenue
- b. Consideration of resolution supporting teachers raise

ATTACHMENTS:

	Description	Type
☐	Presentation	Presentation

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	3/20/2023 - 10:04 AM



FY2024 Proposed Budget

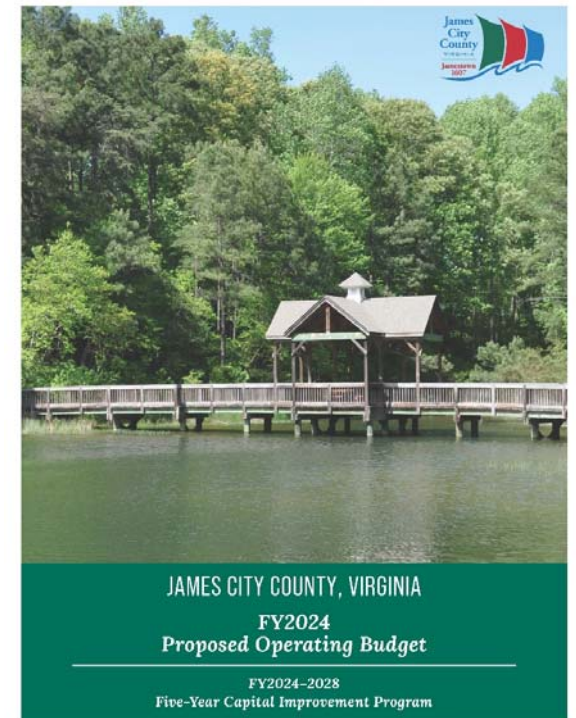
Board of Supervisors Business Meeting

March 28, 2023



FY2024 Proposed Budget Overview

- Second year of the two-year budget
- Incorporates Strategic Plan goals and initiatives
- **FY2024 Proposed Budget = \$330.2M**
 - \$98.8M, 42.7% > FY2023 Budget
- Estimated Costs to Provide Services > Revenue Projections
 - Requests totaling \$38.9M are not funded
 - No new positions funded
 - Wage increase, reclassifications, and career ladders funded





FY2024 Proposed Budget - All Funds Summary*

Fund	FY2023 Adopted	FY2024 Plan	FY2024 Proposed	Adopted vs. FY2024 Proposed
General Fund	\$ 217.1	\$ 222.1	\$ 231.1	\$ 14.0
Capital Projects Fund	16.1	70.0	95.5	79.4
Debt Service Fund	17.2	20.7	22.5	5.3
VA Public Assistance Fund	6.6	6.7	6.8	0.2
Housing & Neighborhood Development Fund	3.2	3.2	3.7	0.5
Colonial Community Corrections Fund	1.3	1.3	1.5	0.2
Special Projects/Grants Fund	3.5	3.8	4.1	0.6
Tourism Investment Fund	2.5	2.7	2.9	0.4
Less: Interfund Transfers	(36.1)	(37.3)	(37.9)	(1.8)
Total	\$ 231.4	\$ 293.2	\$ 330.2	\$ 98.8

**Amounts shown above are in millions*



FY2024 Proposed Budget – General Fund Highlights

Description	Amount
5% raise effective July 1, 2023 and salary adjustments implemented in FY2023	\$4.1M
Increase in operating contribution to WJCC School Division	\$4.0M
Increase in contingency, including WJCC Schools' pending State's action on its budget	\$2.4M
Increase in Transfers to the Capital Projects and Tourism Investment Funds	\$1.7M
Increase in fringe benefit costs, including health insurance	\$1.0M
Increase in outside entities' contributions	\$500K
Increase in Williamsburg Regional Library contribution	\$350K
Reclassifications of existing positions, market reviews, and related fringe benefits	\$140K



FY2024 Proposed Budget – General Fund Highlights

- General Property Taxes - \$7.4M
 - No changes to the real estate or personal property tax rates
 - Non-reassessment year
 - Increase primarily relates to anticipated growth in the County and assessed values of existing property
- Other Local Taxes - \$5.0M
 - Increase primarily relates to trends observed in sales, lodging, and meals tax revenues
- Charges for Services - \$0.9M
 - Recreation Center Fees
 - Before & After School Program Fees
 - Medic Transport Recovery Fees (to align with Medicare reimbursement rates)



FY2024 Proposed Budget – Capital Projects Fund

- FY2024 Proposed Budget = \$95.5M
 - \$79.4M > FY2023 Budget
- FY2024 Proposed Projects Include:
 - \$30.0M – General Services Administration Building
 - \$25.9M – Preschool Space
 - \$12.3M – County Government Center





FY2024 Proposed Budget – Unfunded Requests

Fund	Unfunded Requests
General Fund	\$12.2M
Capital Projects Fund	\$25.6M
Special Projects/Grants Fund	\$1.0M
VA Public Assistance Fund	\$0.1M
Total Unfunded Requests	\$38.9M



FY2024 Proposed Budget – Unfunded Requests

Department	Amount	Description
Community Development	\$ 45,000	Services for Solar Farm SUP guidance
County Administration	2,100,000	Settler's Market, Kingspoint Dam, Mirror Lake Dam projects
Courthouse	48,000	X-ray machine
Fire	12,500	New and replacement equipment
Human Resources	200,000	Salary study
Information Resource Mgmt.	46,300	Equipment replacement, new agenda system setup
Parks & Recreation	174,000	Legacy Hall AV upgrades, Veteran's Park off-leash area expansion, WSC turf field netting replacement and pitching mounds
Police	100,190	Equipment replacement
Stormwater	58,000	Vehicle replacement
Total	\$ 2,783,990	



Upcoming Budget Meetings

- **Community Meeting - April 6 at 4 p.m.**
- **Public Hearing - April 11 at 5 p.m.**
- **Business Meeting - April 25 at 1 p.m.**
- **Regular Meeting/Budget Adoption - May 9 at 5 p.m.**

Location for all meetings:

James City County Government Center, 101-F Mounts Bay Road





FY2024 Proposed Budget

Board of Supervisors Business Meeting

March 28, 2023

ITEM SUMMARY

DATE: 3/28/2023
TO: The Board of Supervisors
FROM: Teresa Saeed, Deputy Clerk
SUBJECT: Adjourn until 5 pm on April 11, 2023 for the Regular Meeting

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	3/17/2023 - 4:03 PM