

**AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY,
VIRGINIA, HELD ON THE 9TH DAY OF AUGUST 2011, AT 4:00 P.M. IN THE COUNTY
GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY,
VIRGINIA.**

A. CALL TO ORDER

B. ROLL CALL

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

Robert C. Middaugh, County Administrator
Leo P. Rogers, County Attorney

C. BOARD DISCUSSIONS

1. Christmas Marketing

Mr. Robert Middaugh, County Administrator, discussed with the Board the purpose of the presentation, which is to provide information about a proposal for using the tourism incentive fund created in the FY 12 budget.

Mr. Carl Lum, President, Busch Gardens and Water Country USA, gave a presentation on "Christmas in Williamsburg, a Partnership Opportunity." He further explained the advantages and benefits to the partnership, with two anchor attractions, Colonial Williamsburg and Busch Gardens, and other event attractions located in the greater Williamsburg area. The opportunity is to enhance and brand the shopping experience for holiday travelers and to increase meals, lodging, and sales tax revenue for James City County. The marketing plan is to target the Washington D.C. area, as it is the largest growing market for Busch Gardens. They may also market to residents located in Norfolk and Richmond. This opportunity will connect consumers to James City County using a website with links. Mr. Lum further discussed the benefits of investing for the County and the breakdown of advertisement and overall benefits of building James City County as a Christmas destination. They are asking James City County to provide \$100,000 toward an overall \$1 million campaign.

Mr. Middaugh asked Mr. Lum to explain why the time of this marketing is important.

Mr. Lum replied that it is important to buy advertising by Labor Day.

Mr. Kennedy asked what is the request to Williamsburg and York County for funding.

Mr. Lum replied that neither the City of Williamsburg nor York County has been asked for additional funding, but that they would be asked.

Mr. Goodson asked how the County can know how much revenue is being spent in stores.

Mr. Lum replied that the data can be reviewed by meals tax data for Busch Gardens, sales tax for the area, and hotel occupancy.

Mr. Kennedy asked Mr. Richard Schreiber, Greater Williamsburg Chamber and Tourism Alliance, about the website and who is the targeted audience.

Mr. Schreiber commented that the idea is to bring people to the area to for a weekend of activities. He also commented that the websites are a vital element which gives tourists information about all activities in the area during the Christmas season.

Mr. McGlennon commented that he believed in leading by example, however, he would like to see other efforts from other localities to participate in the marketing as well. He commented about encouraging pre-reservations to encourage people to come back for the summer.

Mr. McGlennon asked about making Route 60 more attractive, possibly a seasonal boulevard.

Mr. Lum commented that Busch Gardens is about to improve the landscaping along Route 60. It was further discussed about possibly having Route 60 lit up with Christmas lights from Busch Gardens to Colonial Williamsburg.

Mr. Middaugh commented on Christmas and a tree lighting event possibly in New Town.

Mr. Kennedy stated that the County needs an event for Christmas.

Mr. Goodson asked staff to look into holiday lighting along Route 60.

Ms. Jones commented on the holidays and possibly an Old Fashioned Christmas theme for Sullivan Square such as caroling, tree lighting, and having the Fife and Drum participating.

Mr. Middaugh asked if the Board wished for Mr. Lum to proceed. The Board agreed to continue the discussion at the end of the meeting.

2. Discharge of Firearms Ordinance Amendment

Mr. Middaugh introduced the Discharge of Firearms Ordinance Amendment. This presentation is to follow up on previous information sent to the Board regarding laws, both State and local, governing the discharge of firearms in the County. Mr. Middaugh introduced Mr. Todd Engelmeyer, Virginia Department of Game and Inland Fisheries (DGIF), and County staff; Ms. Lola Perkins, Mr. Emmett Harmon, and Mr. Allen Murphy. He further discussed the various options offered for hunting through DGIF.

Mr. Engelmeyer discussed the various options of permits that are issued outside and during deer season. He further commented on different permits and wildlife plans that are available through DGIF. DGIF writes deer plans for neighborhoods and data is collected and used to further the goal of controlling the deer population.

Mr. Middaugh asked Mr. Engelmeyer about platforms and stands for deer hunting.

Mr. Engelmeyer replied that DGIF does not get involved in those decisions. DGIF leaves it up to the counties and local ordinances. Citizens must comply with local ordinances even if they receive a DGIF permit or plan.

Mr. Middaugh commented about the option to expand DGIF's role and explore the possibility of allowing hunting on County property. One potential ordinance amendment is to provide a better definition for a subdivision. Another proposed amendment is to add DGIF plans to the exceptions which currently only include DGIF permits. Lastly, the County must change the reference to pneumatic guns based on a new law passed by the General Assembly.

Mr. Kennedy asked staff about hunting on subdivided property and can it be done on a resident's property. He used the example of one citizen that has problems with coyote and deer in the orchards. He asked if a property owner can protect their property.

Mr. Middaugh responded that under the County's ordinance, a citizen can discharge a weapon to protect his/her life. He stated that an owner can get a permit or management plan.

Mr. Engelmeyer commented that the issuance of a kill permit could be an issue in some instances, for example, if it is already hunting season it is an issue. He hopes that more people utilize the hunting season since this is the primary structure for management of wildlife populations.

Mr. Middaugh asked would a plan help with this issue on subdivided property.

Mr. Engelmeyer further discussed various other wildlife hunting plans could be used for a homeowner to protect their property. He further discussed that as the County grows there may be more issues with wildlife.

Mr. Kennedy asked staff if a family is excluded from hunting on their property.

Ms. Perkins replied that the family cannot hunt unless the homeowner uses one of the exceptions provided for in the ordinance.

Mr. Kennedy asked staff if the County has another subdivided property with similar issues which the homeowner is allowed to hunt.

Ms. Perkins replied not to her knowledge.

Mr. Murphy commented that some properties are allowed to hunt by deed and recorded plat. These properties are very old and they can hunt on their property. This would apply to property divided before August 1, 1964.

Ms. Perkins commented on the need for clarification though an amendment to the definition of subdivision to read: "*of property into two or more lots which (i) occurred after August 1, 1964; (ii) was approved by the county; and (iii) has a plat of which has been recorded in the county's circuit court clerk's office for the circuit court of the county.*" If it was deed or plat it would be recorded and meet the definition.

Mr. Kennedy asked if an individual can do anything to address this issue.

Mr. Engelmeyer responded that the individual is limited based on the County's ordinance and the fact that the property is in a recorded subdivision.

Ms. Perkins clarified that the exception is available if a permit is issued by DGIF and approved by the Chief of Police. The proposed ordinance amendment would also expand the exception to include DGIF issued wildlife management plan approved by the Chief of Police.

Mr. Kennedy wanted to confirm that DGIF would sign the permit for the homeowner.

Mr. Engelmeyer stated that having the permit issued would not be a problem.

Mr. Kennedy asked staff if the homeowner has been told they can protect their property, which staff responded no. He requested that the homeowner be informed that they can protect their property under certain circumstances, such as coyote.

Ms. Perkins discussed how the exceptions in the County Code 15-36 apply to all subsections including Section A and Section C and how there is no limitation on which type of firearm is used.

Mr. Kennedy requested that the Board meet with the two property owners and list everything in detail so the homeowner fully understands the procedures as well as answer any questions in reference to the ordinance.

Mr. Middaugh commented that he is trying to schedule a meeting with the property owner and asked the Board if it supports the two changes proposed by staff.

Mr. Goodson commented that he supports the changes recommended by staff.

Mr. Middaugh commented that it would be a policy change to hunt on County properties.

3. Review of County Memberships and Organizational Affiliations

Mr. Middaugh discussed the review of County memberships and organizational affiliations which was requested by the Board. He further discussed the two principal locations for these expenses which are in non-departmental budgets (contributions to other outside agencies) and also are within each department budget in the dues, subscriptions, and membership's line item. The Board was provided information on a spreadsheet and by departments. He further commented that the debate of sustainability has nothing to do with the International Council for Local Environmental Initiatives (ICLEI).

Ms. Jones commented that she discussed with the Board in June about ICLEI and Agenda 21. Citizens of the County want to be good stewards of the environment, but she thought it was good for the Board to have an open discussion and she supports withdrawing the County's membership from ICLEI.

Mr. McGlennon asked what was the basis to make the decision on this particular question. ICLEI's support of sustainability is consistent with the County's policies, and it has saved the County money by eliminating the need for consultants. He stated that he could not find any evidence where ICLEI has ordered the County what to do nor do they have any authority to direct it to do anything.

Ms. Jones commented that citizens are for sustainability, but not the type in Agenda 21. There is a lot of expertise in this community; the planners and the citizens have very good input on how to be creative and sustainable in James City County.

Mr. McGlennon commented that the Board heard comments from citizens asking the Board to withdraw and challenging the concept of sustainability.

Ms. Jones commented about the citizens challenging the sustainability outlined in Agenda 21, not sustainability in general.

Mr. McGlennon commented about the citizen concerns about private property, and that speakers said private property should not be regulated which conflicts with the Comprehensive Plan.

Mr. McGlennon stated that he has heard from citizens who have used the services of ICLEI and have benefited tremendously. Former members of the Planning Commission have used the software on a regular basis to make good plans. He further commented that ICLEI is a service and membership that has saved the County money. He further commented that the Board should not take this action.

Mr. Goodson commented that based on staff recommendations he would not support renewal of membership.

Mr. McGlennon stated that Agenda 21 has nothing to do with membership of an organization that assisted the County with the tools that were needed for the Comprehensive Plan.

Ms. Jones commented that the tools and resources can be found from other sources to further assist with planning and sustainability in the County. She also commented on keeping the planning local in the area. Ms. Jones again commented that she has asked the Board not to renew the membership and asked for a straw vote.

Mr. Kennedy further commented that it is a divisive issue and all he was looking for was the value of the membership and what amount is being spent. He also commented on other memberships and organizations.

The Board further discussed the various committees.

Mr. Icenhour commented that there will be times when boards and organizations may commit to and be involved in different issues with which the County might not agree. He also commented taking an organization like this one, and singling it out compromises our principal, and to do what is right for the citizens in the community.

Mr. Goodson stated that it is a divisive issue and that he believes the Board should let the membership for ICLEI lapse.

Ms. Jones reminded the Board about the work session agenda and that the Board needed to give guidance on funding for the Busch Gardens Christmas marketing and on memberships and organizations.

The consensus of the Board was to support the \$100,000 contribution for the Busch Gardens Christmas marketing program.

Mr. Kennedy commented on his concerns about the lack of participation from other localities and that they have events unique to them. Busch Gardens is looking for ongoing support for this marketing and he wants to see from staff what is unique to James City County and how revenue would be generated for the County.

Mr. Goodson stated that the Board should have a presentation to see how the marketing benefitted the County.

Mr. Icenhour stated that before the County invests its funds for this marketing again, the Board should be sure about the County's return on the investment.

Mr. Kennedy commented on Agenda 21 being a divisive issue and that he supports the Chairman not renewing the membership with ICLEI. He further stated that he would continue to evaluate the membership and reserved the right to change his mind before the membership expires in December 2011.

D. BREAK

At 6:07 p.m. the Board took a break.

E. CLOSED SESSION

At 6:12 p.m., Mr. Goodson made a motion to go into Closed Session to consider 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.

At 6:17 p.m., Mr. Icenhour made a motion to adopt the Closed Session resolution.

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

RESOLUTION

CERTIFICATION OF CLOSED MEETING

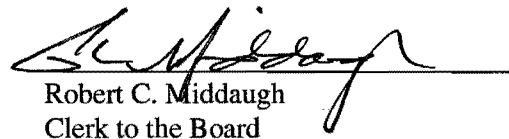
WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1) of the Code of Virginia, consideration of a personnel matter, the appointment of individuals to County boards and/or commissions.

F. RECESS

At 6:18 p.m., the Board recessed until 7 p.m.


Robert C. Middaugh
Clerk to the Board