

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
August 11, 2015
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

Mary K. Jones, Berkeley District
John J. McGlennon, Roberts District
Kevin D. Onizuk, Vice Chairman, Jamestown District
James G. Kennedy, Stonehouse District
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator
Michelle M. Gowdy, County Attorney

C. BOARD DISCUSSIONS

1. Strategic Plan Update

Mr. Hill addressed the Board noting the process of lining the future of James City County with a Strategic Plan initiative, which he had indicated during his interview for County Administrator. Mr. Hill noted of the nine counties in Virginia that were viewed as top tier, which included James City County, seven had a Strategic Plan online that he had reviewed. He thanked Mr. Onizuk, Mr. McGlennon, Ms. Jody Puckett, Director of Communications, Mr. Adam Kinsman, Assistant County Administrator and Mr. Allen Murphy, Development Manager, for their involvement in this process. Mr. Hill noted of the 12 vendors reviewed, the final selection was Clarion Associates. Mr. Hill welcomed Mr. Greg Dale, McBrideDale Clarion, to the meeting for an overview of the process.

Mr. Dale noted that while the Board had his PowerPoint presentation in the Agenda Packet, he would highlight several key points. He further noted the necessity of a strategic roadmap as more counties navigate through uncertain times. Mr. Dale introduced his team, via presentation, noting it contained the Clarion team with Leigh Anne King, Emily Crow, Nate Baker and himself, as well as the TischlerBise team with Carson Bise and Julie Herlands. Mr. Dale added that Clarion focused on the particulars of strategic planning and implementation. He further added that TischlerBise focused on economic analysis and fiscal impact analysis in terms of government operation. Mr. Dale noted Ms. King from Clarion and Ms. Herlands of TischlerBise would lead the team. His presentation highlighted establishing the County's vision and linking it to a specific action plan for the County's future. He noted the plan addressed actions and implementations, as well as stressing economic opportunities and analysis of fiscal conditions. He further noted TischlerBise's strength in fiscal analysis with the marginal approach versus average cost method. Mr. Dale presented a proposed five-phase plan and timeframe. He noted the proposed plan encompassed input from the Board of Supervisors, a Strategic

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Board of Supervisors
James City County, VA

Planning Advisory Group, Technical Advisory Group, key public and private stakeholders and the general public. He further noted this was a consensus of ideas from the various groups and stressed getting the people involved throughout the process.

The Board thanked Mr. Dale for the hard work and presentation.

Mr. Hill welcomed comments from Mr. McGlennon and Mr. Onizuk.

Mr. McGlennon noted it had been an interesting process. He further noted the Comprehensive Plan, but said citizens had questioned the lack of a Strategic Plan. Mr. McGlennon said this process would strengthen a unified approach of the County and its future versus individualized decisions. He highlighted some of Clarion's work in other counties developing strategic plans.

Mr. Onizuk questioned the Strategic Plan need and its cost initially. He noted after receiving public input, he realized the County needed direction in "what do we want to be when we grow up" and a Strategic Plan was a strong tool for accomplishing that goal. He stressed the plan would be owned by the citizens, businesses and other groups who are directly impacted by its implementation. Mr. Onizuk noted Clarion's presentation captured the need and direction of what the plan should be for the County noting it was "about the steak, not the sizzle."

Mr. Hill noted, upon his hire, that he was charged with creating a Capital Improvements Plan that detailed five-year increments for the County. He further noted the need for a financial plan via the budget, Strategic Plan and Comprehensive Plan all combined to fulfill that charge. Mr. Hill emphasized that a roadmap for the future was necessary.

Mr. Kennedy noted that were a variety of responses from citizen meetings for the County's direction. He further noted his dislike of "crisis management" and how the County had reacted to situations that arose. Mr. Kennedy stated the need for the Strategic Plan to alleviate those situations. He further noted the commitment to follow through on studies that had been conducted and adhere to the Strategic Plan.

Ms. Jones thanked Mr. Onizuk, Mr. McGlennon and Mr. Hill for their work on this process. She emphasized clarity in the differences between the Strategic Plan and the Comprehensive Plan for citizens and all involved parties. Ms. Jones noted assessing and identifying key components of the Strategic Plan. She cautioned about consensus building and direction.

Mr. Hipple noted part of his Board of Supervisors campaign addressed the need for future planning and a Strategic Plan. He endorsed Clarion and the need for such a plan. Mr. Hipple also thanked Mr. Onizuk, Mr. McGlennon and Mr. Hill for time and involvement in the process. He noted the Strategic Plan document would be useful for future Boards and the direction for the County.

Mr. Hill stated the importance of the Strategic Plan running the Comprehensive Plan and not the reverse.

Discussion ensued on this matter.

Mr. Onizuk asked Mr. Dale to explain the differences between the Strategic Plan and the Comprehensive Plan.

Mr. Dale noted a series of elements, like housing and economic development, with corresponding actions in the Comprehensive Plan. He further noted the volume of actions listed and said the Strategic Plan was the driving force on the decisions surrounding what actions at what times for the County. Mr. Dale stated the Strategic Plan set the course of action, with adjustments as needed, as it gave direction on short-, middle- and long-term basis over the five-year increments.

Ms. Jones suggested reviewing the Business Climate Taskforce Report and other policies to gather information.

Mr. Dale noted his team would review reports and policies to pull the information together.

Mr. Hill asked the Board to allow the team to work with Mr. Dale and move the process forward. He noted the annual delivery of the Report Card to show transparency of priorities and projects. Mr. Hill further noted he wanted a quarterly delivery of the Report Card once the process moved forward.

Mr. Hipple noted the diversity of the current Board and its level of involvement. He stressed continuing to be actively engaged in conversation and activity.

Mr. Kennedy asked about the project's timeline.

Mr. Dale noted a year to cover the full range of work without rushing it. He further noted setting a time script for staff to follow on a seasonal basis.

Mr. Hill asked about the Board's position on the Strategic Plan.

Mr. McGlennon noted the general consensus of the Board was agreement on moving forward and having staff negotiate an agreement with Clarion.

Mr. Hill stated he needed a schedule, statement of work and contract agreement.

Upon the Board's approval to move forward with the contract with Clarion, Mr. Hill notified Mr. Dale he would be in touch to discuss the contract.

2. Ordinance Update Discussion

Mr. Hill addressed the Board regarding subtle changes in Ordinances based on input from the citizens. He noted Ms. Gowdy had reviewed the Ordinances and found 18 that continually arose in discussion. Mr. Hill termed "The Good, the Bad and the Ugly" for the Ordinances. He further noted a ranking or decision on those Ordinances was needed from the Board and stated some were several decades old. Mr. Hill noted he wanted these reviewed semi-annually.

Ms. Gowdy addressed the Board, noting she did not review any Zoning, Subdivision or Criminal Offense Ordinances initially. She noted the list as supplied in the Agenda Packet included a range of items from dance halls to blight. Ms. Gowdy noted the first item was Required Personal Liability Insurance on Privately Owned Automobiles Used on County Business, which she further noted had not been updated since 1952.

Mr. McGlennon asked if any requirement was in place.

Ms. Gowdy noted current procedure, but added she would review the risk pool

information. She also noted some departments had very strict requirements around using personal vehicles on business.

Mr. Onizuk noted it was redundant as state law already covered that point.

Ms. Gowdy noted there were three False Alarm Ordinances, which she wanted to combine into one for consistent use with the Fire and Police Departments.

Mr. Onizuk asked if there was a financial penalty for the false alarms.

Ms. Gowdy noted the penalty was \$100. She further noted the amount was increased based on the number of false alarms.

Mr. Onizuk asked if that same penalty applied to private residence and business.

Ms. Gowdy replied yes, adding hotels traditionally posed more problems with false alarms. She noted the next Ordinance focused on Dance Halls, with the last update in 1986. Ms. Gowdy said it had a provision for separate bathrooms, but added that in current times that point seemed irrelevant.

Mr. McGlennon asked about noise objections.

Discussion ensued on this matter.

Ms. Gowdy noted the fourth Ordinance focused on the Adoption of the Statewide Fire Prevention Code, which referenced the 2000 edition. She further noted updating it to reflect the 2012 edition. Ms. Gowdy added that the Fire Marshal had requested a meeting to discuss further changes to that chapter of the Code. She further noted the next two Ordinances were recommendations from General Services. Ms. Gowdy cited refuse removers, an unused portion of trash pick-up and landfill, which the County no longer operated.

Mr. Hipple asked if the County still maintained the landfill.

Ms. Gowdy noted the Department of Environmental Quality did monitor the landfill, but the removal of the Ordinance would not affect it.

Mr. Onizuk noted approval on additional landfill land.

Mr. Hipple noted the land was there, but not available. He questioned the refuse removers.

Ms. Gowdy noted the guidelines were not followed by the refuse removers.

Mr. Hipple wanted to ensure the Ordinance change would not impact some of the smaller companies involved in refuse removal.

Ms. Gowdy noted she would seek additional information and clarification and report back to the Board. She addressed the next Ordinance, Smoking, and noted state law was in effect regarding smoking.

Mr. Kennedy noted public land should not allow smoking and asked if that could be addressed. He added the insurance benefits of a non-smoking property.

Mr. Hipple asked if this was a ban on all smoking on public grounds.

Mr. Kennedy said yes.

Ms. Gowdy noted she would look into it. She stated the next item addressed Pawnbrokers, of which there were currently none in the County. She further noted it was not in compliance with the State Code regarding bonding requirements and needed amendment.

Mr. Onizuk noted the update focused on state compliance.

Ms. Gowdy confirmed that point. She noted the next item, Buyers of Gold, Silver, Diamonds, and Jewelry, was similar in requiring an update for State Code compliance. Ms. Gowdy addressed the next item, Parking, explaining out-of-state parking tickets and the structure of those proceeds into the general fund which impacted James City County and Chesterfield County under the state Ordinance. She further noted the Police Department was hindered by the inability to get parking ticket information as the State Police disallowed access to VCIN information, such as ownership, address and other such private information for non-criminal purposes. Ms. Gowdy noted at a meeting with the Police Department that there were not many occurrences of unpaid tickets. She further noted tracking the number of unpaid out-of-state parking tickets for a year and then discussing whether or not it should be a criminal violation, which would result in a State Code change.

Mr. Kennedy asked where the County enforced parking.

Ms. Gowdy noted primarily around the high school and mostly kids, which she further noted made the change to a criminal violation a concern.

Discussion ensued on this matter.

Mr. Onizuk stated he was not interested in making the parking issue a criminal offense.

Ms. Gowdy addressed the next item, Noise, which recently had an issue that went before Judge Killilea. Ms. Gowdy noted Judge Killilea's preference to use the City of Williamsburg's Ordinance which used a decibel meter to ascertain violations. She further noted additional work was needed on an Ordinance that addressed the decibel meter and location like Mixed-Use sites. Ms. Gowdy noted she had four versions of an updated Ordinance for review and regulation.

Mr. Kennedy noted during inclement weather there had been noise complaints over generators running throughout the night.

Ms. Gowdy addressed that noting one Ordinance allowed for a one week grace period for noise during inclement weather. She specified that situation would have to be a declared emergency to apply.

Mr. Onizuk noted additional discussion on the Ordinance was needed.

Ms. Gowdy addressed the next item, Weapons, in relation to subdivisions and signage. She noted there was no signage and that the Ordinance could not stop anyone from shooting in those areas. Ms. Gowdy further noted Mr. Kinsman had rewritten the Ordinance to address that. She also noted aligning the County Code with the state model guidelines.

Mr. Kennedy discussed shooting ranges and safety. He asked if the Ordinance applied to these facilities.

Ms. Gowdy noted she was asked to rewrite it with a less restrictive verbiage. She further noted removal of the subdivision reference and distance requirements from dwellings. Ms. Gowdy added most of the subdivisions were under homeowner associations (HOAs) and the HOA restrictions addressed specifics regarding weapons with enforcement from the HOA rather than the County. She noted Police Chief Brad Rinehimer said that was the big change with the HOA enforcing the rules.

Discussion ensued on Department of Game and Inland Fisheries, concealed weapons and compliance with State Code.

The Board asked Ms. Gowdy to clarify the Ordinance with less intrusive language.

Ms. Gowdy addressed the next item, Illicit Discharge, at the request of the Stormwater Division. She noted the draft was based on the Environmental Protection Agency model and the County of Roanoke, which had been revised within the past 18 months. Ms. Gowdy further noted the draft would be reviewed by Stormwater and then brought before the Board, but that update was mandated for County Code compliance with State Code.

Mr. Kennedy asked for clarification about discharge and run-off.

Mr. McGlennon noted it involved permitting an alternate on-site sewer system that provided adequate use.

Discussion ensued on this matter.

Ms. Gowdy addressed the next item, Plat Vacation, noting the 25% assessed value on buy back right-of-way. She noted updating the Resolution and questioned if 25% was a fair price. Ms. Gowdy further noted another option to vacate plats and suggested cleaning up the Resolution and creating a Code amendment.

Mr. McGlennon asked if 25% was appropriate.

Ms. Gowdy noted that percentage was in question due to the Resolution's original adoption date in 1987 and she wanted the Board to be aware of it. She further noted an annual review of the percentage for consistency.

Discussion ensued on this matter.

Ms. Gowdy stated she would review some of the previous buy backs and present the information to the Board. She moved to the next item, Local Telecommunications Tax, which she noted needed updating for compliance with the 2007 repeal of the Virginia Code section. Ms. Gowdy noted with the repeal James City County had no authority to enforce the tax. She addressed the next item, Taxicabs and Other For Hire Vehicles, noting no updates had been made since the 1980s and did not address Uber or other similar companies. She noted more research would be reviewed.

Ms. Jones questioned if any changes discussed would be heard at Public Hearings before adoption.

Ms. Gowdy confirmed yes.

Mr. McGlennon asked if Uber was available in the County.

Ms. Gowdy addressed the Chesapeake Bay Preservation Act at the request of the Department of Engineering and Resource Protection. She noted a review was necessary prior to sending it to the Department of Environmental Quality and then it would go to the Board for consideration. Ms. Gowdy moved to the next item, Sign Ordinance, noting a United States Supreme Court ruling on the regulation of signs. She noted the Local Government Attorneys Association of Virginia had created an ad hoc committee to create a model Ordinance. She further noted upon completion of that model, it would be reviewed by the Board. Ms. Gowdy noted that last item concerned Blight. She said a draft Ordinance was in place for the Board's review.

Mr. Onizuk expressed concern about blight and homes that were not maintained.

Mr. Kennedy noted inclusion of unsightly trash, inoperable automobiles and boats and other issues.

Ms. Gowdy asked if there were additional requests or concerns.

Mr. Kennedy noted cleanup in the A-1 areas of his district. He expressed concerns about the cleanup challenges.

Ms. Gowdy stated she would check on those issues.

3. Adjustments to Meeting Structure

Mr. Hill noted public comments on the meeting structure and concerns on the format.

Mr. McGlennon stated Public Comment ended at 7 p.m. for Board meetings with it resumed in the second half of the meeting. He noted a possible situation with Board Consideration, not subject to Public Hearing, where speakers wished to be heard, but the second Public Comment would come after the Board decision. He further noted flexibility to accommodate public speakers after 7 p.m.

Discussion ensued on this matter.

Mr. Hill noted he would review several scenarios and present them at the January meeting.

D. CLOSED SESSION

1. Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the litigating posture of the public body, pursuant to Section 2.2-3711 (A)(7) of the Code of Virginia and pertaining to Whisper Ridge, LLC

A motion to Enter a Closed Session was made by Michael Hipple and the motion result was Passed.

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

Ayes: Hipple, Kennedy, McGlennon, Onizuk.

Abstain: Jones.

Ms. Jones declared a potential conflict of interest and abstained from the vote to enter Closed Session and left the room for the duration of the Closed Meeting.

At approximately 5:45 p.m., the Board entered into a Closed Session.

2. Closed Session Certification

A motion to Certify the Closed Session was made by John McGlennon and the motion result was Passed.

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

Ayes: Hipple, Kennedy, McGlennon, Onizuk.

Abstain: Jones.

At approximately 5:51 p.m., the Board re-entered Open Session.

E. ADJOURNMENT

1. Adjourn until the Regular Meeting

A motion to Adjourn was made by John McGlennon and the motion result was Passed.

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

Ayes: Hipple, Jones, Kennedy, McGlennon, Onizuk.

At approximately 5:51 p.m., Mr. Hipple adjourned the Board of Supervisors.


Deputy Clerk