

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**WORK SESSION**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**November 22, 2016**  
**4:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

John J. McGlennon, Vice Chairman, Roberts District  
Ruth M. Larson, Berkeley District  
Kevin D. Onizuk, Jamestown District  
P. Sue Sadler, Stonehouse District  
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator  
Adam R. Kinsman, County Attorney

**ADOPTED**  
**OCT 10 2017**

**C. BOARD DISCUSSIONS**

1. HRMFFA Discussion - Ret. Admiral Quigley, Executive Director

Mr. Hipple welcomed Admiral Quigley.

Mr. Hill noted Legislation Delegation Day and recognized the significance of Admiral Quigley speaking to the Board regarding federal legislation that is coming forward.

Admiral Quigley stated that the HRMFFA legislative priorities are federal in nature by design and are different than those prepared by the municipalities for the General Assembly; however, there is similarity wherever possible. He stated that a draft was assembled for the December 2016 quarterly meeting; whereas, at that time the 2017 Federal Legislation priorities will be reviewed. He provided the Board with a handout included in the Agenda Packet and titled Hampton Roads Military and Federal Facilities Alliance Legislative Priorities for 2016, noting highlighted areas particularly relevant to the County. Admiral Quigley gave an overview of the following:

- BRAC
- Military Construction
- Army Force Structure Reductions
- Air National Guard Cyber Unit
- CYBERCOM Persistent Training Environment
- Center for Global challenges at the College of William & Mary
- Enhancement of East Coast Ranges for Regional Exercises and

Training Opportunities

- Remotely Piloted Aircraft Wing Opportunity
- Cyber Wing “Vigilance Command” Opportunity
- NASA Langley
- New Aviation Horizons Ion Collider Project at Jefferson Lab in Newport News, Virginia
- UASI Grant Funding for the Region
- Army Corp of Engineers Civil Works

Admiral Quigley discussed the process of the HRMFFA Board in regards to the above issues and noted that the James City County Board of Supervisors has seen both the General Assembly and the Congress levels constancy of purpose and unanimity of efforts.

Mr. McGlennon inquired about prioritization.

Admiral Quigley stated that HRMFFA buckets the issues in areas of effort; whereas, they are listed in the priority order within the committee and subcommittee. He further stated that all members get exposed to all of the issues, but they have the greatest effect when there are subcommittee hearings and markups. He noted that if a subcommittee makes a decision and moves it forward to the full committee, the full house and the full senate that there is a greater chance of obtaining the goal.

Ms. Sadler expressed her gratitude for the work of the HRMFFA.

Mr. Hipple asked if there were any other questions. As there were no other questions, Mr. Hipple expressed his gratitude to Admiral Quigley.

2. Legislative Agenda Review

A motion to Approve was made by Michael Hipple and the motion result was Passed.

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

Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

Ms. Larson suggested that next year the Board have a meeting specifically for Legislative Agenda Review to discuss direction on items of concern.

Mr. Kinsman gave an overview of the Draft 2017 Legislative Program and Resolution included in the Agenda Packet.

Ms. Larson inquired if this was the time to reemphasize that this should be a decision to be made on the local level.

Mr. Kinsman referred to the Draft 2017 Legislative Program, “Part I. Legislation to be Introduced on Behalf of the County” and discussed:

- Item No. 1-2. “James City County Request that the General Assembly Not Preempt Local Fire Code or Zoning Regulation in any Proposed Airbnb Legislation.”

Mr. Kinsman noted that one version of the proposed legislation preempted all zoning regulations.

Mr. McGlennon inquired if it also preempted covenants.

Mr. Kinsman responded yes.

Mr. Onizuk stated that the Chamber of Alliance Legislative Agenda has addressed and advocated for reasonableness in their Airbnb issue.

Ms. Larson commented that she is hopeful that neighborhoods are paying attention and talking to their legislators.

Mr. Kinsman commented on the number of group home applications that have emerged in the County. He further referenced the Draft 2017 Legislative Program, "Part I. Legislation to be Introduced on Behalf of the County" and discussion ensued regarding:

- Item No. 1-3. "Amend Section 15.2-2291 of the Virginia Code to Allow Local Governments to Retain Local Zoning Control over the Placement of Group Homes;"
- Item No. 1-4. "Amend Section 37.2-408(B) of the Virginia Code to Require the Regulations of the Board of Behavioral Health and Developmental Services to give Localities Written Notice that a Proposed Group Home is to be Located in that Locality;" and
- Item No. 1-5. "Amend Section 37.2-408(B) of the Virginia Code to Require Exclusion of Certain Individuals from Group Homes Situated within 2,500 feet of a Primary or Secondary School."

Discussion led by Mr. Kinsman ensued regarding the Draft 2017 Legislative Program, "Part II. Position/Legislation Supported by the County."

Mr. Kinsman noted that the content is a carryover from last year with the exception of:

- Item No. 2-1. "Establish a Study Group Comprised of Private and Government Practitioners and Developers to Determine how the Conditional Zoning Laws may be Further Revised."

Ms. Sadler inquired about any pros or cons regarding:

- Item No. 2-10. "Tax Equity Between Cities and Counties."

Ms. Sadler further inquired about the payment of roads due to taxing.

Mr. Kinsman addressed several differences between cities and counties.

Ms. Larson expressed concern for the Sheriff's Office and Circuit Court noting their increase in workload and number of inmates and strongly emphasized:

Item No. 2-14. "No New State Mandates and Eliminate or Adequately Fund Existing State Mandates."

Discussion ensued regarding Item No. 2-14.

Ms. Sadler referenced:

Item No. 2-15. "Legislative Programs of the Virginia Municipal League, the Virginia Association of Counties and the Virginia Coalition of High Growth Communities."

Discussion ensued regarding Item No. 2-15.

Ms. Sadler stated that she did not approve of Item No. 2-15.

A motion to Pull Item No. 2-15 was made by Mr. Hipple, the motion result Failed.

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

Ayes: Sadler

Nays: Onizuk, Larson, McGlennon, Hipple

The Board took a break at approximately 4:42 p.m.

The Board reconvened at approximately 4:45 p.m.

3. Discussion with State Legislators

Mr. Kinsman thanked the State Legislators for attending the meeting. He reviewed and discussed the Draft 2017 Legislative Program, "Part I. Legislation to be Introduced on Behalf of the County" that is included in the Agenda Packet. He noted that if there were any questions that he or any Board member would be happy to answer them.

The Honorable Tommy Norment, Member of the Virginia Senate, referenced group homes and inquired if they are driven or preempted by state legislation.

Mr. McGlennon stated his understanding was that as long as regulations are things that would apply to any citizen it would be okay and commented to be careful about what was being addressed, noting it can be a real challenge.

Senator Norment agreed.

Mr. Kinsman remarked that this is particularly a concern at a public hearing. Mr. McGlennon commented that it would be very helpful to provide information to citizens about the existence of group homes and the presence or absence of problems associated with a facility.

Discussion between Senator Norment; the Honorable Montgomery Mason, Member-Elect, Virginia Senate; the Honorable Michael Mullin, Virginia House of Delegates; Mr. Hill; Mr. Kinsman and the Board ensued regarding group homes, unfunded mandates and zoning regulations in the County.

Ms. Larson stated that she recently attended the Virginia Association of Counties conference where the issue of tax equity between cities and counties was discussed and wondered if there had been any discussion on this topic.

Mr. Onizuk commented on promised funding cuts resulting in unfair burden placed on all localities.

Senator Norment stated that he understood. He discussed a budget reduction plan initiated by the Governor and commented that in December the Governor will present his budget amendments to the House Appropriations Committee and the Senate Finance Committee with work on the budget commencing in January 2017.

Discussion ensued regarding pressures that trickle down from state level to local government.

Ms. Larson inquired about the tax equity issue between cities and counties.

Mr. McGlennon inquired about listing James City County as referenced in:

Item No. 1-1. "Include James City County as one of the Localities that may Regulate Inoperative Motor Vehicles Pursuant to Virginia Code § 15.2-905."

Senator Norment stated that we will get it on there.

The Board members expressed their gratitude to everyone for meeting with them.

The Board went into Recess at approximately 5:26 p.m.

The Board reconvened at approximately 5:31 p.m.

#### **D. CLOSED SESSION**

1. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition/lease of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body pursuant to Section 2.2-3711 (A)(3) of the Code of Virginia

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

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

Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

At approximately 5:31 p.m., the Board entered into Closed Session.

At approximately 6:02 p.m., the Board re-entered Open Session.

2. Closed Session Certification

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

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

Ayes: Hipple, Larson, McGlennon, Onizuk, Sadler

**E. ADJOURNMENT**

1. Adjourn until 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, Larson, McGlennon, Onizuk, Sadler

At approximately 6:03 p.m., Mr. McGlennon adjourned the Board.

  
Bryan J. Hill County Administrator