

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
October 24, 2017
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

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

Jason Purse, Deputy County Administrator
Adam R. Kinsman, County Attorney

C. BOARD DISCUSSIONS

1. Public Hearing - Case No. ZA-0005-2017. The Promenade at John Tyler - Appeal of a Proffer Interpretation

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

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

Ms. Christy Parrish, Zoning Administrator, addressed the Board with an overview of the memorandum and proposed resolution included in the Agenda Packet. She explained that Mr. Vernon Geddy, on behalf of Franciscus at Promenade, LLC, is appealing her determination that the relevant price of a dwelling unit is the total sales price inclusive of any options or upgrades as shown on the closing disclosure or HUD-1 Settlement Statement.

Mr. Onizuk opened the Public Hearing.

1. Mr. Vernon Geddy, 1177 Jamestown Road, addressed the Board on behalf of the applicant, Mr. Gary Werner, Franciscus at Promenade, LLC. He reminded the Board that this is a project where all the units are proffered to be built within the price tiers of the County's Housing Opportunities Policy (HOP). He stated that in looking at a policy the first thing to review is what the words themselves say, and as he pointed out in the appeal letter, everywhere in the policy or the guidelines for the policy it does not say "sold," it says "offered for sale." He explained that Franciscus has a base price per unit with limited upgrades available such as granite countertops, a screen on the balcony or a refrigerator. He concluded by saying that they believe what they are doing complies with what the policy says.

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Mr. McGlennon noted that the proffers allocate certain numbers of units to certain price points and wondered if that would change as a result of people purchasing upgrades.

Mr. Werner replied that it could change and stated that the concern is a unit can be offered for sale near the top of a price band and it would be considered affordable as long as nobody puts a washer and dryer in it, but if they do, then it no longer falls in the affordable housing price band.

Mr. McGlennon expressed concern that the policy was adopted in order to ensure there are housing units available at particular prices, but if people have the opportunity to bid up units that were supposed to be offered at one price to higher prices because of upgrades, it seems that would not be consistent with the policy.

Mr. Werner related that the units would continue to be offered at the base price.

Mr. McGlennon responded that the proffers were made and the project was approved on the assumption that there were going to be houses that people could buy within specific price ranges and that the ultimate project would have that kind of distribution in it.

Mr. Onizuk stated he would be concerned about setting a precedent that would allow a builder to offer a unit for sale that is stripped down and then have expensive upgrades and still say they are offering the unit at an affordable housing price. He also noted that this would affect the secondary resale market on affordable housing.

Mr. Geddy pointed out that the total amount of upgrades for this project is only about \$5,000.

Mr. Werner confirmed that the upgrades are in the 2% range of the sales price, or \$4,000 to \$5,000 depending on the house.

Mr. Onizuk reiterated his concern that if the proposal is approved for this project, then a precedent will be set.

Mr. McGlennon commented that this would result in a double hit on the County. First, it would change the composition of the units in the project to a higher number that are at a higher price point and then the County would be asked to count them at the lower price point, meaning there would be a greater reduction in the proffer.

Ms. Sadler asked if this would be something that could be dealt with on a case-by-case basis until the Workforce Housing Task Force is in place and has developed a policy that the Board approves.

Mr. Onizuk answered that it can certainly be handled that way, but cautioned that once something has been approved, it does set a precedent.

Mr. Hipple asked Mr. Geddy how this change would benefit James City County and its citizens.

Mr. Geddy answered that this is the only project he is aware of that is doing 100% of the units in a high quality project with extensive amenities in a key location in accordance with HOP and noted this change would make it significantly easier for them to be successful.

Mr. Hipple replied that the project is already in place and asked again what benefit the change will bring to the citizens of James City County.

Mr. Geddy responded that it will allow the developer to deliver what the County had hoped it would be able to deliver when the project came through.

Mr. Hipple continued with an example of when it was decided to raise the berm and move the soil to save money it was a benefit to the developer cost-wise and a benefit to the County as far as making it more appealing and questioned where exactly the citizens would benefit from this change.

Mr. Geddy had no further answer other than what he had already stated.

Mr. Onizuk asked if the benefit is being open to more affordable housing projects in the future because of the flexibility.

Mr. Geddy answered yes.

Ms. Larson asked if a Settlement Statement is received in every instance when a unit is sold.

Ms. Parrish noted that the policy does say that the Settlement Statement is required and is in the portion of the soft second mortgage; however, if a unit is sold that does not require a soft second mortgage, it is not listed on the HUD-1 Settlement Statement. She noted that state law changed several years ago that said the proffer could only be collected after the final building inspection and prior to the Certificate of Occupancy, which occurs at the same time. She stated that this does cause a problem where the sale has not closed so there is no Settlement Statement. She explained that how it has worked in the past is usually the developer will report what the contract sales price is and the proffer is collected based on that figure and then later, after a copy of the Closing Disclosure has been received, she verifies that the correct amount of proffer was collected. She also receives a copy of the Deed, which has the Right of First Refusal language.

Ms. Sadler asked Mr. Geddy to review where the Settlement Statement falls in the lineup of a sale.

Mr. Geddy revealed that often at the time a proffer payment is due, there will not be a Settlement Statement because closing has not occurred, so the Settlement Statement comes after the fact. He stated that it is prohibited by law to share the Closing Disclosure without a buyer's specific permission, so it is possible to run into a case where the buyer says they do not want the Closing Disclosure shared.

Ms. Parrish reported that collecting Settlement Statements has not been a problem in the past.

Mr. Geddy noted that his proposal would be to include with the proffer payment a certified copy of the Sales Contract, which would have the binding sales price on it, and then provide verification if needed after the fact.

Mr. Onizuk confirmed that the Closing Disclosure now cannot be released without approval of all parties and that there is no longer a HUD-1 Settlement Statement.

Mr. Hipple commented that if people start moving in and realize this is a good

neighborhood and then people start trying to outdo each other with upgrades, it becomes a neighborhood outside what had originally been discussed.

Mr. Geddy reiterated that there are very limited upgrades available, such as granite countertops, screened in balcony, refrigerator, etc., so if there is a unit priced at the upper limit of one of the price tiers and the purchaser wants to add an upgrade, that bumps it over that price tier, causing problems for the developer.

Mr. Werner added that this leaves him in the position where he cannot sell any upgrades. He remarked it is interesting that if he sells an upgrade, the house is no longer considered affordable, but if the homeowner opts to buy the upgrade elsewhere, such as from Lowe's, it is still affordable. He stated that if he offers units for sale at prices that comply with the established price bands, he believes he has complied with the proffer. He recalled the rezoning hearing three years ago where he had to determine if he could do the project within the price bands on the basis of offering the units at base prices. It never occurred to him that if someone wanted a refrigerator it would leave him in the position of having to say either no or discount the base price of the unit to accommodate the upgrade. He pointed out once again that the upgrades are minimal, only a few thousands of dollars for granite, refrigerators or things of that nature.

Mr. McGlennon observed that a few thousand dollars in granite and then refrigerators, appliances and hardwood floors may bump the price up \$10,000 to \$20,000 and these could be units that could potentially be priced outside the affordable range entirely because of upgrades.

Mr. Onizuk read No. 2a from HOP: "At least 20 percent of a development's proposed dwelling units should be offered for sale or made available for rent at prices that are targeted at households earning..." and noted that the developer may have a base price unit offered for sale, but in the end that unit with upgrades is not actually being offered for sale at that price, it's being offered for sale at a higher price.

Ms. Larson commented that the policy is what was agreed upon.

Mr. McGlennon added that it is the policy that has been followed by the County consistently.

Mr. Onizuk expressed his concern that a Pandora's Box could be opened allowing developers to set a base price with the goal of upgrading all of the units to make projects more profitable.

Mr. McGlennon observed that it does raise the question of exactly what the pricing of these items would be. If there are 120 units being priced at 61-80% of the average income rate, it is only the ones that are in the 80% range that are going to be pushed over the maximum and if most of the units in this project are going to be priced at 80%, then again that is going to skew the affordability of the development.

Mr. Onizuk closed the Public Hearing.

Ms. Sadler asked how the market affects affordability.

Mr. Onizuk explained that as market prices go up and down, it impacts affordability, but it also impacts the price points within HOP, noting that HOP price points 10 years ago are different than today's price points.

Ms. Sadler wondered how is this accounted for on an ongoing basis.

Mr. McGlennon noted that the applicant voluntarily offered to provide these units at a rate that was affordable to people that fall under certain income categories, so they read the market in a particular way and made the decision that they could do this. He stated that it is not an entirely market-driven choice once proffers are submitted because the applicant is saying that they recognize the County does not have to give approval for this rezoning, but they want the County to know that something valuable is being provided through this project.

Mr. Onizuk asked if Ms. Parrish or Mr. Paul Holt, Director of Community Development, could answer how price points are determined and how often they are updated.

Mr. Holt stated that price points are determined by the U.S. Department of Housing and Urban Development (HUD) because they determine what the area median income is. Staff verifies this at least once a year, but HUD does it on an infrequent basis. He indicated that staff is happy to rerun these numbers for developers and noted that they did that in this instance as well.

Mr. Onizuk commented that the HUD Median Income Level is used throughout the housing industry, even in the mortgage world to determine who qualifies for first-time homebuyer programs and subsidized mortgage programs.

Mr. Geddy pointed out that an additional protection for the County is the right of first refusal, which gives the County the opportunity to buy a unit at the affordable price if it feels the price is out of whack and resell it.

2. Update from the Greater Williamsburg Chamber and Tourism Alliance

Ms. Karen Riordan, President of the Greater Williamsburg Chamber and Tourism Alliance (GWCTA), introduced Mr. Kevin Jones, President and CEO of King's Creek Plantation and Chairman of the GWCTA Board of Directors, and Mr. David Cromwell, Park President of Busch Gardens and member of the GWCTA Board of Directors. She then addressed the Board with a presentation detailing the marketing efforts of GWCTA, which was included in the Agenda Packet.

Mr. Onizuk asked what the impetus was for changing the Harvest Festival to a spring event (renamed Williamsburg Taste Festival).

Ms. Riordan revealed that based on research and doing some post-analysis at the conclusion of last year's Harvest Festival, it was discovered that many people were confused by the name, thinking it was going to be a family type event with hayrides, pumpkins, face-painting and other children's activities rather than a foodie festival with food, beer and wine, which led to the decision to rename the event to better communicate that it is a food and wine festival. Additionally, based on feedback from tourism partners, specifically restaurants and hotels, it was learned that spring would be a better time of year for the event.

Ms. Larson asked where the Culinary Village at the Williamsburg Taste Festival will be located.

Ms. Riordan explained it will be a tented area adjacent to the Community Building near the Williamsburg Regional Library where people will buy a ticket ahead of time or at the door to be able to participate in tastings of food and drink. She noted there will also be food vendors promoting fresh Virginia food.

Ms. Larson asked if the plan is to have the Culinary Village at the same location every year.

Ms. Riordan replied that because it is a collaborative effort between James City County, GWCTA, the City of Williamsburg and York County, the plan is not to keep it at the same location every year, but to try other locations such as the Jamestown Marina and Riverwalk Landing in Yorktown.

Ms. Riordan continued her overview, focusing on tourism numbers for the calendar year through July 2017.

Mr. Onizuk observed that the County's number of hotel rooms increased by about 4% and the number of occupied hotels went up by about 4%, so occupancy percentage in the hotels was basically flat. He also noted that the number of occupied timeshares is going up and the County is benefitting from a reduction in the number of rooms available in the City of Williamsburg and the overall region. He then pointed out that a lot of what Ms. Riordan reported in her presentation is also part of the efforts of the Williamsburg Area Destination Marketing Committee (WADMC), specifically the public relations items and VisitWilliamsburg.com.

Ms. Riordan gave an overview of GWCTA's budget to show that it is working very hard to efficiently use the money the County invests to do a lot of good things for the destination.

Mr. McGlennon asked which of the investments seem to be the most beneficial and which areas are not as productive.

Ms. Riordan replied that Consumer Sales and Marketing are incredibly important in increasing visitation. She pointed out that Conference Sales is a much smaller number, but is very important to hoteliers that provide conference sales service and really need that business.

Ms. Larson asked how the \$2 Lodging Tax is reported on timeshares that are rented.

Mr. Onizuk reported that this is a question that has been looked into over the past year due to concerns in James City County that this tax was being under-reported. He noted that the Commissioner of the Revenue does audits and is good about tracking reporting and receipt of the tax.

Ms. Riordan added that the timeshare owners are paying property tax in James City County in addition to buying tickets to attractions and events, eating out and creating economic impact for the County, just not through the \$2 tax.

Ms. Larson emphasized that she was specifically asking about timeshares that are being rented out by owners and whether they are responsible for self-reporting the Lodging Tax or if the timeshare company is reporting it.

Mr. Jones reported that if a unit is in the rental pool, the timeshare company pays the \$2 Lodging Tax.

At approximately 5:19 p.m., Mr. Onizuk recessed the Board of Supervisors for a break.

At approximately 5:25 p.m., Mr. Onizuk reconvened the Board of Supervisors.

Before moving on to the next agenda item, Mr. Onizuk noted that as he is involved with WADMC he wanted to clarify that a lot of the accomplishments noted in slides 11-26 of Ms. Riordan's presentation represented WADMC dollars and initiatives with the support of GWCTA. He noted that GWCTA and WADMC are somewhat of a combined organization with an overlap of duties and employees but each has a distinct charter. He stated that WADMC focuses on summer tourism while GWCTA is focused on fall, winter and spring tourism.

3. GO Virginia Project Update and Resolution of Support

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

Mr. Purse addressed the Board with an overview of the GO Virginia grant proposal for a Hampton Roads unmanned systems testing, demonstration and recreational facility as detailed in the Agenda Packet. He explained that all of the specifics have not been identified yet and that the first step in the process is to ask the state for grant money.

Ms. Amy Jordan, Director of Economic Development, added more details about the location of the proposed project.

Mr. McGlennon asked how competitive is the process, indicating that his understanding is that GO Virginia has not been funded at requested levels.

Mr. Purse and Ms. Jordan responded that there is between \$3 and \$5 million, indicating that there is a regional pot and a statewide pot.

Ms. Jordan stated that in this area she believes they are looking at roughly \$3 million for this type of project. She noted that they had some other GO Virginia initiatives that were separate from this more of an implementation type project. She reported that there are two projects in this region that are going forward that have been supported at the Hampton Roads Planning District Commission level.

Mr. McGlennon asked if there is any expectation of matching funds.

Mr. Purse explained that the grant is a 50% matching grant, so the application is for \$1 million, leaving the regional group to come up with \$500,000. He explained that this would be based on how much localities want to commit. For example, a locality like Poquoson that does not have developable land to do any type of project might want to participate at a higher level to get a higher rate of return on their investment. This dollar amount would come after the GO Virginia grant has been approved because if there is no money from GO Virginia, there is no pot of money to start from.

4. Legislative Agenda Initial Discussion

Mr. Kinsman noted that at last year's meeting on the Legislative Agenda the Board

requested extra time for discussion, so it has been stretched out more this year to allow a little more time for discussion. He referred Board members to the list he had provided them of what happened in the 2017 legislation and remarked that he had one suggestion for direct legislation this year. He noted that last year there was a change to the Virginia Code that states single-family residential building plans are now to be considered confidential and not subject to the Freedom of Information Act (FOIA). He commented that not being subject to FOIA means the public cannot see them, but the General Assembly did not define from whom the plans are to be confidential. He stated that his office is taking a conservative approach to this and saying there is a very limited number of staff that can look at single-family residential building plans submitted to the County at least until there is some clarity given on the wording. He is recommending a couple of alternatives to include just removing the word confidential and saying single-family residential building plans are not subject to FOIA, meaning the public cannot see them, or leaving the wording as is with an exception noted that staff can look at the plans. He noted that he would forward his suggestion to the Board after this meeting.

Mr. McGlennon asked if this is referring to when somebody is building a house on an already subdivided lot.

Mr. Kinsman confirmed this. He stated that he thought this comes from home designers wanting to protect their plans.

Mr. Hipple observed this is going to make it tough on inspectors if they cannot look at the plans.

Mr. Kinsman responded that if someone is turning in plans to get approval, it is inferred that Building Code staff can look at them, but stated that he is unsure of how far the inference can be taken.

Mr. Kinsman reported that this is the only direct legislation item he has. He noted there are a number of positional statements in the second part of the Legislative Agenda, many of which carry over year to year. He asked the Board to look at these and see if any can be taken off.

Mr. Onizuk referred to list Item 1-1: "Include James City County as one of the localities that may regulate inoperable motor vehicles pursuant to Virginia Code § 15.2-905." He indicated that this is something that had been lobbied for and he had talked to Delegate Brenda Pogge, who was opposed to the suggestion. She said she had some constituents with concerns, in particular one concern that made it something she would not support. He suggested that Mr. Kinsman reach out to her and find out more about the concern and what can be done to allay it.

Mr. Kinsman revealed that some of the very rural localities are concerned that this could lead their localities to follow suit, taking away their citizens' right to have inoperable motor vehicles on their property.

Mr. Onizuk indicated that he thought this was along the lines of Delegate Pogge's issue with it, but there seemed to be a slight tweak that could be done to pacify the concern.

Mr. McGlennon recalled that in discussion with Delegate Pogge she focused a lot on farm equipment.

Mr. Kinsman stated that if the Board wants to include this again this year, he will be

happy to reach out to Delegate Pogge and make another run at it.

Mr. Onizuk replied that Delegate Pogge may be able to give some guidance and advice on what would make it palatable for her and some of her fellow delegates.

Ms. Larson observed that there is nothing on the list specifically about proffers.

Mr. Kinsman noted that there is the positional statement from last year. He noted that in his discussions with fellow local government attorneys and on a special panel that included Mr. McGlennon, he feels there is not going to be any real desire to change the proffer law at this point. He stated that it is his hope that a study group of local government practitioners and builders can be brought together to come up with something that would be acceptable to everyone. He noted this is the first positional statement, but if the Board would like something stronger or direct legislation that would order the General Assembly to establish a subcommittee, he can change it.

Mr. Hipple observed that York County does proffers for schools, but James City County does not.

Mr. Kinsman confirmed this and revealed that every locality has dealt with the proffer law differently. To his knowledge, James City County and the City of Norfolk are the only two localities that have chosen not to accept proffers anymore while other localities have instituted complicated procedures to allow proffers. He remarked that if the Board changes its mind, procedures can be adopted to accept proffers, noting it would take just a little bit of time to do it.

Ms. Larson asked if this could be something discussed at a future Board meeting.

Mr. Kinsman agreed and stated that nothing has changed since his memorandum from approximately a year ago, other than a couple of communities have come up with different ways of accepting proffers.

Mr. McGlennon noted that he had circulated to the Board some information on proffer legislation from a High Growth Coalition conference he attended in June. He noted that high growth locales are going to be looking at a reasonable impact fee alternative to proffers, which would apply to all new construction as opposed to only rezoning cases. He recalled an effort to impose impact fees a few years ago, but the level of compensation was ridiculously low so it did not go over well. He also reported that the Virginia Chapter of the American Planning Association is trying to work with others to organize an informal study on how impact fee laws work in other states.

Mr. Hipple remarked that this would be tough on someone building one house.

Mr. McGlennon replied that if it is extended to all properties, the per unit cost would come way down.

Mr. Hipple acknowledged this, but stated that he would be more worried about a grandfather or father giving land to a son or daughter to build a house as opposed to a huge development.

Mr. McGlennon stated this could still be covered by HOP, which could be adapted to an impact fee policy with a sliding scale depending on cost of construction or income.

Mr. Hipple noted this could be something covered at the Board retreat.

Mr. McGlennon stated that he does not think this is something that is going to happen until there has been a legislative study.

Ms. Larson remarked that a legislative study is something the Board should support.

Mr. Kinsman commented that impact fees are in the Code and are primarily used for transportation. He noted that they are different enough from proffers that it may be something everybody is willing to take a look at and may have a better chance of making it through than establishing a committee to look at proffers again because that gets heated pretty quick.

Ms. Larson brought up her conversation with Mr. Kinsman regarding panhandling because that is something she is asked about a lot. People feel it is a distraction in a very busy area on Monticello Road. She remembered that Mr. Kinsman had said this was something that was going to be brought up at a conference he was going to be attending and she asked for an update on what he had learned.

Mr. Kinsman advised that nothing can be done legislatively as the courts have consistently found that medians are a public forum; therefore, people have a First Amendment Right to Freedom of Expression there. He commented that there has been a very good argument brought up that it is extremely dangerous and the courts have agreed; however, the First Amendment is not considered with danger, so the County cannot prohibit people from being in the median. He acknowledged that there are localities that have laws that way. In fact, even the Virginia Code has given the Virginia Department of Transportation (VDOT) the capability of saying people cannot be in the median, but he noted that these laws will not be upheld if challenged. He stated that the ways localities have dealt with the issue has been with signage that says "Please Do Not Encourage Panhandling" and gives a phone number for people to call if they need help. He stated that some localities have gone as far as installing landscaping in the median to make it less inviting. He noted that he has been working with Mr. Bryan Hill, County Administrator, and Mr. Purse on some alternatives to bring to the Board.

Mr. McGlennon wondered if something could be done if it is documented that a safety hazard is being caused.

Mr. Kinsman replied that it could help, but going up against the First Amendment means it is going to be under strict scrutiny. It would have to be a documented problem that has been tried to be solved multiple other ways and this would be hard to do unless it is one small median or a busy intersection.

Mr. Onizuk commented that if someone was being harassing or impeding traffic or something of that nature, that would be something that could be reported to the police department.

Mr. Kinsman answered that if someone is impeding traffic and moving into the travel lanes, there are different laws for that, but if the person is staying in the median, there is not much that can be done.

Mr. Purse added that he has been working with graphic design staff on what potential signs could look like so they can be run by VDOT to see if they pass their requirements and do some cost evaluations.

Mr. Kinsman observed that VDOT has to approve the signage, noting that he believes they are mostly looking at sight lines, so as long as the sign is not too big and obtrusive, it should not be a problem to get approval.

Mr. Kinsman explained that he will make whatever changes that come out of this meeting, email the updated list to the Board and then bring the updated Legislative Agenda to the Board for formal adoption at its next meeting on November 14. After it is adopted, the legislators will be brought in to the next work session.

Mr. Onizuk noted that work is being done to add a tourism item to the Legislative Agenda.

Mr. McGlennon asked for more information on the tourism item.

Mr. Onizuk stated that they are working with a consultant on how to redirect tourism funding.

Ms. Larson noted that last week in a discussion with Ms. Kyra Cook, Chair of the School Board, Standards of Quality came up and the issue of decreased funding for education. She asked if requesting that funding for schools not be reduced any further would be better as a position statement or a legislative action item.

Mr. Kinsman explained that an action item requests that a section of the Virginia Code be changed versus a positional statement, which is a general request to the General Assembly such as: please do not issue any unfunded mandates, please do not reduce funding to schools or please let us have taxing equity between cities and counties.

Ms. Larson asked if the positional statements have an impact.

Mr. Kinsman noted that in his time with the County the positional statements have not been gone over with the legislators and noted it is probably a better question to ask them.

Mr. McGlennon suggested having a statement prepared ahead of time to let the legislators know what the Board is hoping to get out of the legislative session in terms of both specific action items and positional statements.

Ms. Larson remarked that she liked that idea.

Ms. Elizabeth Parham, Assistant County Attorney, addressed the Board with an overview of the three recommendations she has received from the Department of Social Services (DSS) leadership over the past few weeks, which are in part two of the Legislative Agenda. The first recommendation is that the County support the Virginia Department of Aging and Rehabilitative Services' proposal to fund software licenses and training for local departments of social services under the No Wrong Door Virginia program. She explained that No Wrong Door Virginia is a data system and statewide network of local partnerships that allow providers to securely share personal level data.

Mr. McGlennon asked if this would require individual citizens to approve the transfer of their information.

Ms. Parham replied that she does not know the details, but she imagines that under the Health Insurance Portability and Accountability Act they would have to approve

the sharing of their personal information.

Mr. Hipple asked about the possibility of people not wanting to participate and causing the effort to not actually be a help to citizens.

Mr. McGlennon stated he thought it is a great thing to do to make things more convenient for people but at the same time people should have the opportunity to opt out of it.

Ms. Sadler observed that it is similar to what is being done at doctors' offices where people can go to any office that is part of a provider's group and they automatically have their information.

Ms. Parham continued to the second recommendation, Emergency Conservator Appointments, where DSS is requesting that the County support the Virginia League of Social Services' efforts to amend Virginia Code Section 63.2-1609 to provide for the emergency appointment of a temporary conservator in cases where alleged financial exploitation imposes an immediate threat to incapacitated persons. She explained that this section of the Code already allows for the appointment of a guardian, who can make general health decisions, but conservators are focused on financial decisions and it can take a while to appoint a conservator through the Circuit Court. This request is to allow someone to be temporarily appointed as conservator when there is an emergency or they feel the exploitation cannot be stopped by another means. She then stated that the third request is for state funding for mandated services provided by Community Services Boards.

D. CLOSED SESSION

1. Consideration of a personnel matter involving a performance review of the County Administrator, and the County Attorney, pursuant to Section 2.2-3711 (A)(1) 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: Larson, Hipple, Sadler, McGlennon, Onizuk

At approximately 5:59 p.m., the Board entered Closed Session.

At approximately 6:19 p.m., the Board re-entered Open Session.

2. Certification of Closed Session

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: Larson, Hipple, Sadler, McGlennon, Onizuk

3. Actions Resulting from Closed Session

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

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

Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

Mr. McGlennon made a motion to authorize a 4% salary increase for the County Attorney, retroactive to July 1, 2017, and he requested that Human Resources calculate that amount and then for County Administration to transfer that amount from the Contingency Fund.

Mr. Onizuk stated that the performance review of the County Administrator would be continued until the November meeting.

E. ADJOURNMENT

1. Adjourn until 5 p.m. on November 14, 2017 for the Regular Meeting

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

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

Ayes: Larson, Hipple, Sadler, McGlennon, Onizuk

At approximately 6:20 p.m., Mr. Onizuk adjourned the Board.



Bryan J. Hill, County Administrator