

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**WORK SESSION**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**November 28, 2017**  
**4:00 PM**

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**A. CALL TO ORDER**

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

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

**B. ROLL CALL**

**C. BOARD DISCUSSIONS**

1. Legislative Priorities Discussion with State Legislators

Mr. Onizuk introduced the Honorable Tommy Norment, Member of the Virginia Senate, the Honorable Montgomery Mason, Member of the Virginia Senate, the Honorable Michael Mullin, Virginia House of Delegates and the Honorable Brenda Pogge, Virginia House of Delegates.

Mr. Kinsman gave an overview of the Legislative Agenda included in the Agenda Packet. He referenced and briefly discussed the following items:

Part I, 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.

Part I, No. 1-2. AMEND VIRGINIA CODE § 36-105.3 TO CLARIFY THAT EMPLOYEES OF A LOCALITY MAY REVIEW ENGINEERING AND CONSTRUCTION DRAWINGS AND PLANS FOR ANY SINGLE-FAMILY RESIDENTIAL DWELLING.

Mr. Kinsman stated that Part I, No. 1-2 was new this year and stated that at last year's General Assembly there was a change to the Building Code and in Section 36-105.3. He stated that the General Assembly is trying to keep builders' from swiping other builders plans by using the Freedom of Information Act (FOIA) which is fine; however, the statute reads that building drawings and plans shall be confidential and shall not be subject to disclosure under FOIA. He surmised that if not being subject to disclosure under FOIA means it cannot be shown to the public, then confidential must mean something else and it must mean someone in the locality; therefore, we are having a difficult time figuring out who in the locality can view the

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plans. He remarked that he feels an easy fix would be to remove the word "confidential," they are not subject to FOIA, and that keeps builders from coming in and making copies. He stated that otherwise there is no other legislature that we are asking to be introduced on behalf of the County. He referenced and briefly discussed the following items:

Part II, No. 2-16. NO WRONG DOOR VIRGINIA

Part II, No. 2-17. EMERGENCY CONSERVATOR APPOINTMENTS

Part II, No. 2-18. STATE FUNDING FOR MANDATED SERVICES PROVIDED BY COMMUNITY SERVICES BOARDS

Mr. Kinsman stated that Ms. Rebecca Vinroot, Director of Social Services, was present to answer any questions.

Mr. Onizuk stated that Part I, Item 1-1 was carried forward and noted that there had previously been some objections. He asked for a refresher regarding the objections.

Delegate Pogge replied that it appeared to be something that could cost County residents a lot of money. She stated that she objected to the possible effects in rural areas where residents may reside because of the property rights and freedoms. She further stated that her district is comprised of several rural areas and therefore she has received many complaints regarding this issue.

General discussion ensued regarding this item.

Mr. Onizuk asked Mr. Kinsman what types of complaints have been received and what the potential cost would be to a landowner that needed to make corrections.

Mr. Kinsman stated approximately one a year or so and they tend to be from older communities and neighborhoods that are not homeowner association related.

Delegate Pogge stated that the Legislation would cover the rural areas unless it is created to target the neighborhoods of certain acreage or less. She further stated that she objected to the infraction on property rights of residents who have bought for a purpose and then the rules changed.

Mr. McGlennon stated that a lot of neighborhoods in his district are pre-homeowner association requirements and lots are smaller than .25 acres, making it a close proximity to someone who has essentially created a junkyard, detracting from the value of the neighborhood.

Delegate Pogge stated that there may be residents in the rural areas that collect farm vehicles and have the acreage to allow them to remain there; however, the original language of the Bill was going to affect those people as well.

Mr. Onizuk stated that there have been some challenges with enforcement.

Mr. Kinsman replied that it is a "neither/nor" situation, whereas they have neither a valid license plate nor a valid inspection sticker. He gave an example of an inoperable automobile with regular or antique license plates on it that never gets inspected. He explained this would be a situation where we could have problems if they continued putting new stickers on the license plates and stated that we asked to

be added to the list of named localities in 152905. He addressed the issue of restoration of vehicles already in the statute.

Delegate Pogge inquired if there is much flexibility to create your own ordinances once added to the list.

Mr. Kinsman replied that there is limited flexibility and commented that to custom tailor an ordinance under this action, the answer is no.

General discussion ensued regarding this item.

Delegate Pogge referenced:

Part I, Item 1-2. AMEND VIRGINIA CODE § 36-105.3 TO CLARIFY THAT EMPLOYEES OF A LOCALITY MAY REVIEW ENGINEERING AND CONSTRUCTION DRAWINGS AND PLANS FOR ANY SINGLE-FAMILY RESIDENTIAL DWELLING.

Delegate Pogge stated that when this new piece of legislation went through it created unintended consequences about FOIA and confidentiality and inquired if that should be an easy fix without a lot of controversy. She remarked that she would be willing to carry it if there was a draft.

Senator Norment stated that it would surprise him if the legislative intent was to prohibit or restrict staff from reviewing it, remarking that clearly staff has to be able to access it.

Mr. Kinsman stated that with the removal of the four words "shall be confidential and" it would be an easy fix.

Delegate Pogge stated that if Mr. Kinsman would draft the language, she would turn it in to legislative services.

Senator Mason referenced funding and commented that the Chairman of the Senate Finance Committee is present.

Senator Norment discussed funding.

Mr. McGlennon stated that there have been several requests for statewide funding and noted that here in the County and in local governments generally, some of the sources of revenue are experiencing decline. He gave the examples of sales and communication taxes and noted that with rebenchmarking our experience has been that we do not benefit from additional state funding and therefore are looking for more flexibility at the local level to be able to pick up. He further stated we are finding that in transportation, even with good strategy to go in and gain a lot of funding with local dollars, we are now having to spend local dollars in order to compete for regional transportation funding. He commented that all of these things suggest that a lot of the inability to fund at the state level is coming down and hitting us at the same time that our traditional sources of revenue are declining.

Senator Norment stated that the population distribution in Northern Virginia is top heavy and nothing is slowing down and noted that a major push for mass transit needs to be made because of the hundreds of millions of dollars being put into their system. He commented that it is important for proportionality to remember that almost a third of the General Assembly is now from Northern Virginia; therefore, if

they congeal together they are formidable when it comes to transportation dollars. He further stated that in reference to the declining sales tax revenues he had three words "market place equity," and commented he feels that there will be some shift on the federal level, noting that is something that would be a game changer for everyone.

Mr. McGlennon stated that an area of struggle is Olde Towne Medical and Dental Center, which has experienced a sharp increase in use, with many residents using the services and having no insurance. He further stated the costs of providing services are not being reimbursed and anticipates needing help to cover costs. He noted that the community has been very generous to Olde Towne Medical and Dental Center, but costs need to be addressed, staffing has to be increased and the lack of patient insurance coverage makes it a real challenge. He remarked that the Virginia Peninsula Regional Jail inmates frequently struggle with physical and mental health issues which require expensive services that are not reimbursed beyond a fairly small level. He further remarked that he is hopeful the General Assembly will have a change in view on the ability of localities and counties to have the same kinds of flexibility as cities in making decisions in terms of resources. He commented that over the years the Board has asked for the ability to impose cigarette taxes and believes it is viewed that counties and cities are both dealing with the same kinds of problems and financial stresses and therefore need the same types of flexibility to find resources.

Mr. Onizuk stated that revenues and funds collected from citizens are having to be contributed toward roads and the Virginia Department of Transportation, which hinders the ability to help organizations; whereas, in previous years that was state revenues.

Mr. McGlennon stated that in 2016 the General Assembly decided to impose new legislation that restricted the ability to collect proffers and provided no alternative. He further stated the end result is we cannot afford to approve development requests that require rezonings and have significant impact on our schools, roads, parks and recreation along with everything else. He commented there is going to be a lot of pressure with the new businesses coming to Northern Virginia and other places, but the problem is simply the local governments are saying we cannot afford to do this and noted that Prince William County approved one rezoning last year for six housing units.

Senator Norment replied yes it is tough.

General discussion ensued regarding proffers, rezonings, and physical and mental healthcare costs.

Mr. Hipple inquired about working together as a community team of leaders, with everyone having various responsibilities, and work with limited funds in order to make sure everyone's needs are covered for our citizens.

Senator Norment replied that depending on how you choose to count 11 jurisdictions, 131 localities, things get complex. He stated that those present in the room may absolutely concur on every issue stated on the papers; however, that does not mean that the group has the ability to execute it in a deliberative legislative body of 140 legislators representing 131 different localities. He further stated that a lot of localities may need to look at more self-initiative, commenting that you still have to go through the General Assembly process. He further commented that trying to do it on a mass scale is more complicated, due to a lot more people involved, and noted

that the parochial interests that we have in the historic triangle are not the same parochial interests that they have out in Bristol, VA, for example. He remarked that this is the point where it gets complex and does not think it is an adversarial relationship.

Delegate Pogge reference an example being school starting dates. She cited examples of some areas having a tourism economy wanting later school start dates; whereas, another area that may be prone to a lot of snow throughout the winter may want schools to start earlier. She stressed that every year the House of Delegates has a battle regarding this issue.

Mr. Hipple stated that he may not have explained himself correctly.

Senator Norment replied yes he did and stated that we could congeal on an issue and be unequivocally behind it; however, that does not mean that at the end of 60 days it is going to come out because it gets into a larger community of interest.

Mr. Hipple stated that he understood that.

Delegate Mason stated that throughout the course of a year the Board can bring them things like, for example, transportation projects. He stressed that he feels there is an open line of communication with the James City County Board of Supervisors bringing awareness to the Board's likes and dislikes and commented that is a good thing to do. He stated that he would like to work on the perception that Southeastern Virginia does not work together as well as Northern Virginia.

Delegate Pogge stated that in 2008 the budget was drastically cut and they are still working on bringing back and restoring the cuts in order to bring everyone to the previous 2007 funding levels; however, they can only do several agencies at a time because the funding still is not there. She further stated that Hampton Roads is underproducing the rest of the state and the whole state of Virginia is underperforming the nation, especially in recouping losses.

General discussion ensued on this topic.

Delegate Pogge stated that she believes one thing that can be done to help is:

**Part II, Item 2-13. NO NEW STATE MANDATES AND ELIMINATE OR ADEQUATELY FUND EXISTING STATE MANDATES.**

Delegate Pogge stated that she does oppose state mandates that are unfunded.

Mr. Onizuk stated that Mr. Kinsman emailed the Board a copy of the 2016 Catalog of State and Federal Mandates on Local Governments.

Senator Norment referenced the Children's Health Insurance Program (CHIP) and commented that he expects if funding is not renewed it is something the state will have to review.

Mr. McGlennon stated that comes back around to Olde Towne Medical and Dental Center.

Mr. Onizuk stated that as a point of information, there was a brief conversation about proffers and the Board's policy seemed to be questioned. He further stated that in an effort to be clear, our Board policy is "no residential proffers." He

remarked that the Board does not have a policy indicating any leanings on applications in general, considers all applications based on merit and all are weighted accordingly.

Senator Norment stated it was a word of advice.

Mr. Onizuk expressed his appreciation for a very positive working relationship with the State Legislators and all that they do for citizens and the County.

Mr. McGlennon congratulated the representatives for those who had their mandates renewed.

Senator Norment expressed his thanks to the Board for its service. He stated that local government is a challenging but rewarding experience.

The Board went into recess at approximately 5:06 p.m.

The Board reconvened at approximately 5:14 p.m.

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

1. Discussion of the resignation of the County Administrator and discussion and consideration of prospective candidates for the position of Interim County Administrator pursuant to Virginia Code 2.2-3711(A)(1) of the Code of Virginia.

A motion to Enter a Closed Session was made by Ruth Larson and the motion result was Passed.

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

Ayes: Hipple, McGlennon, Larson, Sadler, Onizuk

At approximately 5:15 p.m., the Board entered Closed Session.

At approximately 5:35 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: Hipple, McGlennon, Larson, Sadler, Onizuk

#### **E. ADJOURNMENT**

1. Adjourn until 5 p.m. on December 12, 2017 for the Regular Meeting

A motion to Adjourn was made by Ruth Larson and the motion result was Passed.

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

Ayes: Hipple, McGlennon, Larson, Sadler, Onizuk

At approximately 5:36 p.m., Mr. Onizuk adjourned the Board.

  
Deputy Clerk