

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
March 13, 2018
5:00 PM

ADOPTED
APR 10 2018

A. CALL TO ORDER

B. ROLL CALL

John J. McGlennon, Roberts District
James O. Icenhour, Jr., Vice Chairman, Jamestown District
P. Sue Sadler, Stonehouse District
Michael J. Hipple, Powhatan District
Ruth M. Larson, Chairman, Berkeley District

William C. Porter, Interim County Administrator
Adam R. Kinsman, County Attorney

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Ms. Barbara Henry led the Board and citizens in the Pledge of Allegiance

A Message from the Board of Supervisors; Read by Ms. Larson:

“The recent sales tax proposal that is at the General Assembly that the Honorable Senator Tommy Norment introduced has passed and currently sits on the Governor’s desk. It is critical that the citizens of James City County understand that this has been a state-driven process and that the Board of Supervisors does not get a vote on the proposed tax increase. The state legislator gives counties a limited number of possible ways to generate revenue. The State Code itself sets out the very specific taxing authorities. We have a limit on food and beverage taxes, tourism and room night taxes, gas or transportation taxes, cigarette taxes and most importantly sales tax. The Board of Supervisors must get state approval to change these taxes and historically we have been denied the ability to impose taxes especially in terms of the cigarette tax. Every year our legislative agenda focuses on our goal of having the legislators support the locality by limiting the amount of money needed from our citizens to pay for various unfunded mandates and taxes. I did attend a meeting on November 1, 2017, with the County Administrator, as well as the 15+ members of the Historic Triangle Collaborative. The discussion centered on potential sources of revenue to enhance and revitalize tourism in our area. No vote was taken. Senator Norment did float ideas to increase tourism funding similar to what has been done in other localities where funding is much greater. Again, this meeting was for informational purposes only, there was no action taken. The state has a similar process to localities in terms of a public hearing process, but it takes place entirely in Richmond. The Sales Tax Bill was submitted in January with all of the other legislation for this term. They had committee meetings, hearings and multiple public votes on the issue. While the Board members are free to make comments, like any other citizen, Virginia remains a Dillion Rule state.

Legislators in Richmond dictate our authority on many issues. Cities and counties are treated differently in terms of taxing authority. The City of Williamsburg is able to levy an admissions tax and can raise their food tax. James City County cannot. This new sales tax is contingent on the City of Williamsburg rescinding their tourism taxes. Once the City rescinds their taxes, James City County loses the ability to levy the tax at all. As a formality, we can strike the language from our Code, but it is strictly and merely housekeeping at that point. While the City of Williamsburg can cause the new sales tax to expire, James City County does not have that same authority. Our Board prides itself on our public input process. Our budgeting calendar includes multiple public hearing opportunities as well as multiple community meetings and work sessions. We try to give our citizens many chances to understand our budgeting priorities and strategic goals as well as the impact of our various revenue sources. We will continue the commitment of open and transparent decision-making processes this year as we begin our budget deliberations. I am certain that at the end of the meeting during Board Directives that the individual Board members may decide to make comments on this issue, but we wanted to make sure that we had an explanation as to how taxing does and does not work for James City County.”

E. PUBLIC COMMENT

1. Mr. Jeff Anthony, 336 Mill Stream Way, addressed the Board in regard to the explosive growth of pickleball and the gap that exists between the sport, players and the availability of regulation courts. He expressed kudos to Mr. John Carnifax and the Parks and Recreation staff for being world-class stewards of recreational resources.
2. Mr. Dorsey Smith, 105 Lake Drive, addressed the Board in regard to excessive speed on a blind curve on Jamestown Road in the vicinity of the Lakewood subdivision, Lakewood Drive and Neck-O-Land Road.
3. Mr. Lawrence Luck, 126 Ware Road, addressed the Board in regard to reducing the speed limit on Jamestown Road in the vicinity of the Lakewood subdivision, Ironbound Road and Neck-O-Land Road.
4. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board in regard to sales tax and the cost of services provided.

F. PRESENTATIONS

1. VDOT Quarterly Update

Mr. Rossie Carroll, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, gave an overview of the VDOT Quarterly Transportation Update included in the Agenda Packet.

Ms. Larson inquired about the speed issue mentioned in the Public Comment section and confirmed the awkwardness of the road configuration in the area mentioned and what was required to reconfigure it.

Mr. Carroll replied that both a Speed Safety Study and a Speed Study had been done by traffic engineers and discussed the findings of the two studies as well as possible options.

Mr. Porter stated that he understood traffic engineers did not think reducing the speed would be beneficial; however, it would not hurt.

General discussion ensued regarding this subject.

Mr. McGlennon expressed his appreciation on the work that VDOT had done in public project meetings regarding Skiffes Creek and Pocahontas Trail improvements. He extended kudos to VDOT for its work on County potholes and commented that the area of Brookwood Drive, Lake Powell Road and Rolling Woods Drive had potholes in need of repair.

General discussion ensued regarding the repair of potholes.

Mr. McGlennon inquired about the Brookwood Drive expansion in regard to school bus traffic.

Mr. Carroll replied that except for two days, the work on Route 199 would be done at night with traffic maintained throughout the process.

Mr. Icenhour inquired about a status update regarding a pedestrian crosswalk review for Ironbound Road at Old Field Road.

Mr. Carroll replied that the study was completed and details were still being discussed.

General discussion ensued regarding this matter.

Mr. Icenhour inquired about the status of additional work being done at the intersection of News and Ironbound Roads.

Mr. Carroll replied that it was still on-going and discussed concerns of the crossing.

Mr. Icenhour requested the Board be updated frequently regarding this issue.

Ms. Sadler stated that she received an email from a citizen concerned with dangerous driving conditions due to the narrowness of Newman Road. She inquired about potential options or if a study had been done regarding widening this road.

Mr. Carroll replied that work on low shoulder and tree removal areas would begin this summer on Newman Road and commented that there was variable width right-of-way. He noted that this concern would be considered.

Ms. Sadler stated that signage was down in the median near the Stonehouse development as well as at Exit 227. She mentioned that there was litter at the same intersection.

Mr. Carroll noted the situation for March litter pickup.

Ms. Sadler reiterated the desire for a stoplight in front of Stonehouse Elementary School.

2. Parks and Recreation Sponsorship Recognition

Ms. Julie Northcott-Wilson, Business Analyst, Parks and Recreation, gave an overview of a three-minute video that expressed appreciation and highlighted the contributions from the many sponsors and advertisers in 2017.

3. Introduction of New Police Officers

Police Chief Brad Rinehimer introduced newly hired Officers Michael Bowen, Kurt Dykstra, Logan Heishman and Michael Renner and gave a brief biography of each officer.

Ms. Larson welcomed the Police Officers to the County and to the Police Department and expressed her appreciation to all Police Officers for the job they do every day. She recognized Commonwealth Attorney Nate Green, Commissioner of the Revenue Richard Bradshaw and Planning Commission Representative Jack Haldeman in the audience.

G. CONSENT CALENDAR

1. Minutes Adoption - February 13, 2018, Regular Meeting

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

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

Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

2. Minutes Adoption - July 11, 2017, Regular Meeting

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

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

Ayes: McGlennon, Sadler, Hipple, Larson

Abstain: Icenhour Jr

3. Grant Award - Commonwealth Attorney - V-Stop Grant Program Fund - \$59,425

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

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

Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

4. Resolution of Appreciation - Mr. L. Carlyle Ford

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

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

Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

Ms. Sadler read the Resolution of Appreciation, included in the Agenda Packet, to Mr. Ford and the audience.

Mr. Ford expressed his gratitude to the citizens of James City County for their support in doing something that he totally enjoys. The Board and audience applauded his speech.

5. Resolution of Appreciation - Dr. Jack Edwards

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

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

Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

Mr. McGlennon read the Resolution of Appreciation, included in the Agenda Packet, to Dr. Edwards and the audience.

Dr. Edwards thanked the Board for his recognition and briefly spoke about his years serving on the Board. The Board and audience applauded his speech.

H. PUBLIC HEARING(S)

1. Ordinance to amend and reordain Chapter 22, Wetlands

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

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

Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

Ms. Liz Parman, Assistant County Attorney, gave an overview of the memorandum and ordinance included in the Agenda Packet.

Mr. McGlennon noted the good work done on the ordinance.

Ms. Larson opened the Public Hearing.

As there were no registered speakers, Ms. Larson closed the Public Hearing.

2. SUP-0014-2017. Yard Works SUP Amendment

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

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

Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

Ms. Savannah Pietrowski, Senior Planner, gave an overview of the staff report and resolution included in the Agenda Packet.

Mr. Jack Haldeman, Planning Commission Member, stated that the Planning Commission unanimously recommended approval of this item.

Mr. McGlennon stated that he intended to support the Special Use Permit (SUP). He commented that he hoped the conditions listed in the SUP would help minimize the possibility of a smoldering fire like occurred last year at the facility.

A representative from Yard Works stated that he felt that had happened due to the following: the property had gotten out of control, previous dumping, and materials had to be combined in one area when being cleaned-up.

Ms. Larson opened the Public Hearing.

As there were no registered speakers, Ms. Larson closed the Public Hearing.

L. BOARD CONSIDERATION(S)

1. Contract Award - Fire Station 2 HVAC Replacement - \$223,500

A motion to Approve was made by James Icenhour Jr, the motion result was Passed.

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

Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

Mr. Mark Abbott, Operations Project Coordinator, General Services, gave an overview of the memorandum and resolution included in the Agenda Packet.

Mr. Icenhour inquired about the funding.

Mr. Abbott replied that the funds were currently in the FY 18 budget.

Mr. Hipple inquired about a bidding list for the project.

Mr. Abbott replied that it was not bid out. He explained that for approximately six years Trane equipment was sole sourced with Damuth Trane, out of Chesapeake, being the local representative. He further explained this provided a safety net for the County by housing the same brand of equipment throughout the vast variety of 60 commercial buildings and noted that this included the control system monitored daily.

General discussion ensued regarding sole source contracting, review process every two years and the benefits of the control system currently used.

2. Contract Award - Fire Station 5 HVAC Replacement - \$217,500

A motion to Approve was made by James Icenhour Jr, the motion result was Passed.

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

Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

Discussion combined with previous item.

3. A New Chapter 12 Conflict of Interest & Whistleblower Added to the James City County Personnel Policies and Procedures Manual

A motion to Approve was made by Sue Sadler, the motion result was Passed.

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

Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

Mr. Patrick Teague, Director of Human Resources, gave an overview of the memorandum and resolution included in the Agenda Packet.

Mr. McGlennon inquired if this policy was an in-house draft or modeled after another locality.

Mr. Teague responded that the first review was the Code of Virginia. He stated that recommended language was reviewed from grant funding agencies, other localities were viewed and through that process the draft was put together.

Mr. McGlennon stated that it seemed very thorough and well crafted.

J. BOARD REQUESTS AND DIRECTIVES

Ms. Sadler stated that she recently attended the Neighborhood Forum, Economic Development Authority meeting and the Arbor Day celebration. She mentioned that she participated in "Read Across America Day" at Stonehouse Elementary School. She addressed SP942 and agreed with constituents who had contacted her by telephone, email and conversations. She stated that she opposed this legislation and contacted Delegate Pogge, prior to her vote, asking her to oppose it; whereas, she was told that Delegate Pogge had voted against it. She further stated that if the Governor signed this tax bill, staff would need direction in regards to what should happen to the extra money when the County received it. She proposed the following options and discussed each one:

- Manufacturing Base
- Business, Professional and Occupational License Tax
- Real Estate Tax

In conclusion, she stated that security in area schools should be viewed if this bill was signed and noted that the approximate half million dollars in grocery taxes could be added to any portion of the above or the surplus budget revenue to accommodate the cost of security.

Mr. McGlennon requested staff research a natural gas power generation plant to be located in Charles City County. He stated that he would like to be briefed on the nature of such a facility before the April meeting and be provided information on potential benefits and/or risks posed. He mentioned that in regard to the demand for power, which was the basis for approval for the power line to cross the James River, he would like a clear understanding of how much that proposal was conditioned on being the only means of providing additional power to the peninsula.

The Board agreed on requesting staff to provide it the above-mentioned information before the April meeting. Mr. McGlennon shifted his focus to the proposed sales tax increase and stated that he had asked for additional information a few times over several months and still had not received the type of information he sought. He proposed the following opportunities:

- Ask staff to address specific questions such as the following:
 - What share of the revenue that is generated can reasonably be assigned to local citizens, as opposed to tourists and visitors to the community?
 - Are any other counties in the Commonwealth taxed, in terms of the general population, to support the services of tourism?
 - What has the state done in recent years in terms of providing tourism funding?

Mr. McGlennon suggested that the Board send a brief message to the Governor that indicates there are still unanswered questions about the implications of this legislation. He further suggested that the Board ask for deferral on any positive action on the legislation until it has the opportunity for its work session. He inquired if his fellow Board members would be comfortable with doing this.

Ms. Larson inquired if questions that Board members had could be followed up in writing with staff.

Mr. McGlennon replied that he would follow up with his questions in writing to staff.

Mr. Hipple inquired if the work session would be prior to the Governor's deadline.

Mr. McGlennon replied yes and reiterated his suggestion that the Board could ask that the Governor defer action on the legislation until such a point in time.

General discussion ensued regarding this topic.

Ms. Larson asked Mr. McGlennon to write up suggested language and if all Board members agreed on the text, then the email could be sent to the Governor.

Mr. McGlennon discussed the possible language to be used in the message.

General discussion ensued regarding this subject.

Ms. Larson pointed out that nothing had been sent out as a Board in support of this legislation. She asked staff if they could get many of the questions answered within the next two weeks.

Mr. Porter replied yes.

Mr. Icenhour gave a brief overview of meetings he had attended to include: the Heart Save Presentation, Peninsula Council for Workforce Development, School Liaison, Neighborhood Forum, Arbor Day Awards, community meeting and Economic Development Authority (EDA) meeting. He commented that he had feedback from one citizen regarding panhandling signage at the intersection of Richmond and Olde Towne Roads. He noted a safety issue where individuals cross off the median into traffic of multi-lanes in order to collect money. He stated that he had sent a letter to the Governor requesting him to veto the legislation previously discussed and had included his reasons for doing so within the letter. He further stated his concerns about the process and briefly discussed this issue and his concerns regarding tourism funding.

Mr. Hipple stated that he met with the EDA, Planning District Commission, Transportation Planning and Organization and the Pottery. He further stated that if the Governor signed this legislation into effect, the Board would have a conversation regarding how the money would best be used for the citizens of James City County. He discussed various opinions and options for potential use of the money.

Ms. Larson stated that she had attended many meetings as well and stated that the community budget dates, with the Board members present, would be held: April 12, Legacy Hall, 6:30 p.m., and April 16, Croaker Library, 6:30 p.m. She further stated she had questions regarding the budgeting process, expansion of three high schools and the percentage the County had picked up on non-funded mandated items over the last five years on both the school and County sides.

Mr. Porter remarked that there were personnel in the Regional Jail and the Sheriff's Department that the local government had picked up and briefly described the process.

Ms. Larson stated that more information regarding this bill could be found at viriniageneralassembly.gov and noted to search for SB942ER.

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

Mr. Porter acknowledged the County Administrator's Report included in the Agenda Packet and stated that he would be glad to answer any questions. He noted the following upcoming events: the 21st Annual Candlelight Vigil on March 27 at the King of Glory Lutheran Church sponsored by the Child Abuse Prevention Coalition of Greater Williamsburg and "Understanding Your Credit" workshop hosted by Social Services at 6 p.m. on March 20 at the Human Services Center.

L. CLOSED SESSION

Mr. McGlennon suggested the Board remain in Open Session and the Board members agreed.

1. Consideration of 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

2. Agricultural and Forestal District Committee Appointments

A motion to Appoint Individuals to Boards and Commissions was made by John McGlennon, the motion result was Passed.

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

Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

Mr. McGlennon made a motion to appoint Mr. John Grantz and Mr. Sanford Wanner to the vacancies on the Agricultural and Forestal District Committee with no expiration date for either term.

3. Social Services Advisory Board Appointment

A motion to Appoint Individuals to Boards and Commissions was made by John McGlennon, the motion result was Passed.

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

Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

Mr. McGlennon made a motion to appoint Mr. Lawrence Gholson to the Social Services Advisory Board for a term that will expire on April 11, 2021.

M. ADJOURNMENT

Ms. Larson stated that the Board was contacted by Ms. Sienna Ferguson, Student Council President at Warhill High School, who asked the Board members to participate in the walkout to be held at her school. Ms. Larson referenced literature sent home to parents that stated this practice was limited to students only. She expressed her appreciation to the thoughtful dialogue with this student reaching out to the Board.

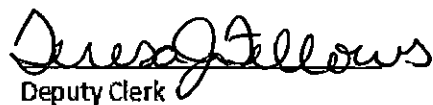
1. Adjourn until 9 a.m., on March 16, 2018, for the Joint Meeting with the WJCC School Board and the City of Williamsburg at Legacy Hall

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

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

Ayes: McGlennon, Icenhour Jr, Sadler, Hipple, Larson

At approximately 7:19 p.m., Ms. Larson adjourned the Board of Supervisors.


Deputy Clerk