

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**May 8, 2018**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

Michael J. Hipple, Powhatan District  
P. Sue Sadler, Stonehouse District  
James O. Icenhour, Jr., Vice Chairman, Jamestown District  
John J. McGlennon, Roberts 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 - Fenix Aguilar, a 6th-grade student at Berkeley Middle School, and a resident of the Berkeley District

**E. PUBLIC COMMENT**

1. Mr. Jay Everson, 103 Branscome Boulevard, addressed four points with the Board: 1) the issue of tax equalization between cities and counties and the tax authorization in relation to responsibility of the roads, 2) state funding regarding the Car Tax and its repeal, 3) Purchase of Development Rights (PDR) and the transference of property to large landowners and 4) page A-11 of the budget and the power of fiscal responsibility in regards to the Strategic Plan. Ms. Larson noted that tax bills for the County are due June 5 and December 5 as a point of clarification.
2. Ms. Linda Rice, 2394 Forge Road, spoke to the Board regarding funding and PDRs. She addressed several points which all focused on money. She noted the PDR program was a voluntary program. She referenced several options to garner revenue for reinstatement of the PDR program. She also cited the beauty of Forge Road and

**ADOPTED**

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options to assist those local landowners. She noted streamlining the PDR process.

3. Ms. Peg Boarman, 17 Settlers Lane, noted the Spring Clean-Up was a big success. She stated the volunteers cleaned the roads, but in a short time, the trash was back. She noted there are laws regarding trash, but community involvement from everyone was needed. She further noted she would address the Board at a later date on some suggestions/recommendations to address the continual trash issues. She also expressed kudos to students at Norge Elementary School for an outstanding Earth Day presentation and the invitation to attend. She listed some upcoming County events.
4. Mr. Scott Parkinson, 9045 Marmont Lane, addressed the Board regarding fertilizer. He noted he was a Board member of the Ware Creek Homeowners Association (HOA) and referenced property at 8780 Croaker Road regarding a possible chicken coop on that property. He cited the HOA concerns for the proposed coop citing the environmental impact, the Resource Protection Area, infrastructure concerns with traffic and property values. He posed several questions regarding the zoning, commercial business establishment and impact on adjoining neighborhoods. Ms. Larson noted that a staff representative would likely come over to address Mr. Parkinson's questions after his comments.
5. Ms. Barbara Henry, 141 Devon Road, spoke to the Board on its decision regarding the 1% sales tax increase and not returning it to the County's citizens. She cited two recent tax increases, but noted County spending has not alleviated taxpayer burden. She noted the PDR program and cited "government overreach". She further noted "she did not want her tax dollars spent in that fashion; government has no place in this". She requested the recording and posting of the Board members' voting records for future reference at voting time.
6. Mr. Joseph Swanenburg, 3026 The Point Drive, addressed the Board and asked if 5 p.m. could be the standard starting time across the County for Board meetings. He noted that government will do what government will do. He cited concerns regarding funding, taxes and returning money to County citizens. He commented on the PDR program. He stressed leadership and developing new and creative ways to manage the County's growth.
7. Mr. Stephen Clement, 2477 Forge Road, noted he was a recipient of a PDR. He stressed the need to maintain the rural character of land. He encouraged the Board to readdress the PDR program promptly and identify

the right types of property to consider.

**F. PRESENTATIONS**

1. Presentation of Safe Boating Week Proclamation

Ms. Larson made the presentation to members of the U.S. Coast Guard proclaiming May 19-25, 2018, as Safe Boating Week. She thanked the representatives for their safety classes and hard work to ensure safe boating.

**G. CONSENT CALENDAR**

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

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

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

Mr. Icenhour noted he had a comment on Item No. 3 on the Consent Calendar. He gave an update on regional cooperation on the veterans housing vouchers.

1. Minutes Adoption
2. Dedication of the Streets in Phase 2 of the Marywood Subdivision
3. Veterans Affairs Supportive Housing Vouchers

**H. PUBLIC HEARING(S)**

1. SUP-0002-2018. 234 Peach Street Tourist Home

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

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

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

Ms. Larson welcomed Mr. Frank Polster, Planning Commission representative, to the meeting. She also welcomed Ms. Roberta Sulouff, Senior Planner, to the meeting.

Ms. Sulouff gave staff's evaluation regarding 234 Peach Street, highlighting any necessary limitations, and noted staff's approval for the application.

Ms. Sadler asked Ms. Sulouff if additional letters had been received on this application.

Ms. Sulouff noted none other than the support letters received from the applicants' surrounding neighbors.

Mr. Polster noted there had been no comments or discussion on this application at the Planning Commission Public Hearing. He further noted the Planning Commission voted 7-0 to recommend approval to the Board.

Ms. Larson opened the Public Hearing.

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

2. Proposed Fiscal Year 2019-2024 Secondary Six-Year Plan

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

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

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

Ms. Larson welcomed Ms. Tammy Rosario, Principal Planner, to address the Board.

Ms. Rosario noted the Virginia Department of Transportation and the James City County Board of Supervisors work together to develop a list of project priorities for the Secondary Six-Year Plan. She gave an update on proposed allocations and listed the priorities as Phase I widening of the Longhill Road, Croaker Road widening, Phases II and III Longhill Road widening. She noted staff recommended Board adoption of the resolution in the Agenda Packet which endorses the secondary road list as presented.

Ms. Larson opened the Public Hearing.

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

**I. BOARD CONSIDERATION(S)**

1. FY 2019-2020 Budget Adoption & Resolution of Appropriation

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Nays: Sadler

A motion to Return to the County Administrator's budget and reduce the real estate tax by one cent was made by Sue Sadler, the motion result was Denied.

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

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

Ms. Sue Mellen, Director, Financial and Management Services, addressed the Board, referencing recommendation materials in the Agenda Packet. She noted changes to specific funds based on Senate Bill 942 (SB 942). She noted Ms. Sharon Day, Assistant Director, Financial and Management Services, was in attendance also.

Ms. Larson thanked Ms. Mellen, Ms. Day and staff for all the hard work. She also thanked Mr. Porter and staff.

The Board had no questions for Ms. Mellen, but commented on several items.

Ms. Sadler thanked staff for their hard work and motioned to amend the proposed budget by reducing the machinery and tools tax by 25%.

Mr. McGlennon questioned Ms. Sadler about the relation between the machinery and tool tax and the sales tax.

Ms. Sadler noted she wanted any surplus to return to the community. She further noted this was an opportunity to give back to the community.

Mr. Icenhour asked if Ms. Sadler wanted to discuss each point of change or review them collectively.

Ms. Sadler stated she would prefer discussion on individual amendments.

Mr. Hipple and Mr. McGlennon asked about the funding and where cuts in the budget would be made.

Ms. Sadler noted the office space study was a starting point in addressing the budget cuts.

Mr. Hipple noted budget cuts are fine, but a definite plan for where and how must be in place.

Discussion ensued on this matter.

Ms. Sadler withdrew her amendment motion on the machinery and tool tax amendment. She stressed the return of money back to citizens. She made a motion to return to the County Administrator's budget and reduce the real estate tax by one cent.

Ms. Larson asked for direction from the Board moving forward.

Mr. Kinsman noted Ms. Sadler's second motion was still on the floor.

Mr. Icenhour noted the dilemma of returning the money back to where it originated.

Mr. McGlennon addressed the need to save the money for future projects and emphasized caution in use of those funds.

Discussion ensued on this matter.

Mr. McGlennon made a motion to Approve the resolution noting the unique nature of this year's budget and referenced the Dillon Rule, which restricts the power of state localities. He further noted the localities want the ability to raise their revenues and how, but not to have the revenues raised for the localities with expectations on its use. He stressed the strengths of the budget, but noted careful prioritization for future projects.

Mr. Icenhour thanked staff and Mr. Porter for their work. He noted the final product satisfied him.

Ms. Larson thanked staff and all department heads in their work addressing the efficient and conservative budget, but requested a follow-up on the machine tool tax information from the Work Session. She referenced the monitoring of revenue in relation to SB 942. She noted that funding be evaluated in the next budget cycle.

2. An Ordinance to amend and reordain The Code of James City County by adding Appendix A - Fee Schedule for Development Related Permits and by adding a five percent fee to defray the costs incurred by the County for additional resources and technology to administrate each program

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

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

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

Mr. Paul Holt, Director, Community Development, addressed the Board citing the Five Percent Fee Ordinance as included in the Agenda Packet.

3. Contract Award - Firefighting Turnout Gear - \$191,853

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

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

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

Ms. Larson thanked Fire Chief Ryan Ashe, staff and the Police Department for all their hard work.

Chief Ashe addressed the Board regarding the resolution for additional gear for firefighters. He noted the additional number of this year's turnout gear request warranted Board approval on the contract.

4. Contract Award-Administration of Group Medical, Stop Loss and Prescription Drug Coverage

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

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

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

Mr. Patrick Teague, Director, Human Resources, addressed the Board regarding the Contract Award for group medical coverage with Cigna.

5. Contract Award - Asphalt Pavement Repairs, Sealcoating, and Line Striping at Various County Facilities - \$133,312.64

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

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

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

Mr. Rick Koehl, Capital Projects Coordinator, addressed the Board regarding the nine sites throughout the County for asphalt repairs as stated in the Agenda Packet. He noted staff recommended approval of the Resolution.

Ms. Larson noted that many of these areas were in need of these repairs.

At approximately 6:22 p.m., Ms. Larson closed the Board of Supervisors meeting for the James City Service Authority Board of Directors meeting.

At approximately 6:26 p.m., Ms. Larson re-opened the Board of Supervisors meeting.

## J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon clarified floor comments regarding the Car Tax and its impact on localities from state legislative action. He echoed the strong endorsement for staff's hard work regarding the budget as well as staff response from public safety departments. He mentioned his upcoming Town Hall meeting with Senator Monty Mason and Delegate Mike Mullin and General Assembly legislation. He extended an invitation to the public to attend and noted he would be there to address questions or issues relating to the County.

Mr. Icenhour noted he attended a ribbon-cutting Habitat for Humanity ceremony, highlighting six ribbons were cut. He noted the new business ribbon-cutting of Sola Salon he attended in New Town. He spoke of his radio interview on WMBG, which focused on the budget and County Administrator search. He added he had attended the Teacher of the Year Award Ceremony with several other Board members at the College of William & Mary School of Education.

Ms. Sadler noted her attendance at the Community Action Agency Board of Directors meeting. She further noted the upcoming Economic Development Authority meeting. She addressed the upcoming Kingsmill activity with the Ladies Professional Golf Association (LPGA) in town.

Mr. Hipple noted the Purchase of Development Rights Committee. He stated he was on the Committee when it was put on hold, but with renewed interest and support as shown in the evening's meeting, it warranted monitoring it moving forward. He noted comments from the floor referencing higher taxes and clarification on that point. He acknowledged the need for the fire gear request and a balanced budget, which he emphasized demonstrated the best use of County funds.

Ms. Larson noted her attendance at a chiropractor ribbon-cutting event at 4511 John Tyler Highway. She noted it was in the shopping center with the former Farm Fresh location and commented on the new businesses coming into that area. She said she and Mr. Hipple attended a tourism capital meeting with surrounding localities. She noted a repeal decision from the City of Williamsburg could necessitate a budget amendment for the County. She stated it was a public meeting addressing tourism and measuring it.

Mr. Hipple noted the breakdown of spending allowed for accountability that citizens could view.

Mr. McGlennon asked about the transition from Williamsburg Area Destination Marketing Committee (WADMC) to this new tourism committee.

Discussion ensued on this matter.

## **K. REPORTS OF THE COUNTY ADMINISTRATOR**

### **1. Monthly Report**

Mr. Porter noted the Kingsmill Championship is returning next week with a junior LPGA event. He listed other upcoming events throughout the County. He noted an Agenda change for the Board to adjourn until 12 p.m., May 15, 2018, for a Closed Session for discussion of individual County Administrator applications.

## **L. CLOSED SESSION**

A motion to Enter a Close Session was made by James Icenhour Jr, the motion result was Other.

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

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

1. Discussion or consideration of the acquisition of real property for a public purpose, 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
2. 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 and pertaining to the Economic Development Authority

At approximately 6:45 p.m., the Board entered a Closed Session.

At approximately 7:25 p.m., the Board ended the Closed Session.

1. Certification of a Closed Session

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

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

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

**M. ADJOURNMENT**

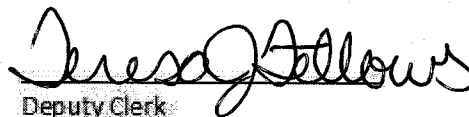
A motion to Adjourn was made by John McGlennon, the motion result was Passed.

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

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

At approximately 7:26 p.m., Ms. Larson adjourned the Board.

1. Adjourn until 4 p.m. on May 22, 2018 for the Work Session

  
Deputy Clerk