

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
June 26, 2018
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

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

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

ADOPTED

JUL 10 2018

C. BOARD DISCUSSIONS

1. Stormwater Program Advisory Committee Report to the Board of Supervisors

Ms. Fran Geissler, Director of Stormwater Division, introduced Mr. Darren Curtis, Chairman, Stormwater Program Advisory Committee (SPAC).

Mr. Curtis introduced Mr. Allen Ayers, the former Chair and Ms. Wendy Ruffle, Vice Chair of the Committee. Mr. Curtis gave an overview of the PowerPoint presentation included in the Agenda Packet.

Mr. Hipple inquired if SPAC visited homeowner associations as an educational force regarding stormwater runoffs and pollutants.

Mr. Curtis replied that was part of the Clean Water Heritage outreach program.

Mr. Ayers stated that SPAC provided assistance to over 80 neighborhoods through presentations, drainage requests and such.

Mr. Hipple inquired if a neighborhood reached out to SPAC, would SPAC go out and speak with them and offer guidance.

Mr. Ayers replied yes; it is a prime mission of SPAC to do those types of things in an effort to educate the public on this subject.

Mr. Hipple referenced chemical products frequently added to lawns that drained into stormwater.

Ms. Geissler discussed the Turf Love Program, an agreement the County had with the Virginia Cooperative Extension.

General discussion ensued regarding stormwater chemical pollutants as well as flood events.

Mr. Hipple and Mr. McGlennon expressed their gratitude for the time and hard work involved regarding this issue.

Mr. McGlennon inquired about the maintenance of stormwater ponds in the County.

Mr. Ayers replied that there are approximately 900 ponds in the County and SPAC does provide assistance.

Mr. Icenhour inquired if many homeowner associations had the resources needed to do what needed to be done.

Mr. Ayers replied that is true; however, the efforts of SPAC to educate homeowner associations go a long way.

General discussion ensued regarding this issue.

Ms. Geissler introduced Mr. Trevor Long, Watershed Planner and Mr. John Fuqua, Stormwater Coordinator, and detailed both position responsibilities and how citizens could contact them if necessary. She briefly discussed neighborhoods with new sections developed and the resources available.

The Board expressed its gratitude to everyone dedicated to this ongoing effort.

2. Business License Billing Discussion

Ms. Larson welcomed Ms. Jenni Tomes, James City County Treasurer and Mr. Richard Bradshaw, Commissioner of the Revenue, and expressed the Board's gratitude for them joining the conversation.

Ms. Tomes stated that there were issues with business license billings that caused a lot of heartache in the County. She commented that there was a mailing of 448 business license invoices that went out on March 7 and were due on April 5. She noted that 69 of the invoices were paid on time, 292 had been paid since the due date, and the remaining business license invoices were still outstanding. Ms. Tomes further stated that she had received 60 formal requests to waive penalty and interest charges and remarked that approximately 90 accounts were noted in regard to invoices that had not been received. She referenced a packet provided to the Board that contained a business license renewal form that clearly stated the payment was due by April 5. The packet also included a copy of the County Ordinance that listed the filing due date of March 1 and the payment due date as April 5, which became effective in 2002. She noted that when telephone calls began coming into the office in regard to businesses not receiving the invoices, she spoke with her staff regarding the issue. She stated staff recalled sending out approximately 450 bills, bringing envelopes to the mailroom and noted that the postage meter showed postage was paid that week. Ms. Tomes commented that she reached out to the Post Office and inquired about any issues or glitches in their system, but they were not aware of any incidents. Next, she reached out to Mr. Kinsman, the Treasurers Association Legal Counsel as well as other area Treasurers, and concluded that she did not have the authority to waive a penalty or interest based on an invoice not being received. She further discussed items in the packet she referenced earlier in the conversation. She stated that James City County is one of less than 10 localities, out of approximately 130, that has a different file and pay date. She further stated that most localities file and pay on March 1 and suggested this could be a new process that would remove the invoice

requirement. She commented this would help her office and the software system it recently purchased, and added that the current process was a time-consuming manual process for business license billings.

Ms. Larson commented on the fact that the County still mailed the business license invoices and many other counties do not. She clarified that if the County commenced the process of "File and Pay" on March 1, there would be no mailing of invoices.

Ms. Tomes replied correct; however, delinquent notices would be mailed.

General discussion ensued regarding rates, the issue of the invoice mailing gone bad and educating the public on a new process.

Ms. Sadler expressed her thanks to citizens that attended the meeting regarding this issue. She inquired if a timeframe had been established to sit down and formulate a new plan.

Ms. Tomes replied that an Ordinance change must be the first step.

Mr. Bradshaw explained the current license Ordinance states that renewal must occur by March 1 with payment due no later than April 5 and stressed that it was hardcoded into the County Ordinance and would need to be the first change made.

Mr. Kinsman clarified that he and Ms. Tomes frequently talked, but that he was not her attorney and thus the reason she spoke with the Treasurers Association of Virginia. He stated that in his research he could not find the authority for the Board of Supervisors to fix this and noted the Attorney General's opinion picked up this exact circumstance and basically stated that if a taxpayer does not receive a bill that was the taxpayer's problem.

General discussion ensued regarding billing, late payments, range of liability and the proposed procedure for future business license billing/ mailing/ payment.

Ms. Larson stated she received a letter that requested an audit needed to be done for the Office of the Treasurer and assumed it was out of the Board's prevue.

Mr. Kinsman stated correct.

Ms. Tomes stated there were annual audits with the County as well as the Auditor of Public Accounts.

Mr. Hipple stated that was available if any citizen wanted to review it.

Ms. Larson expressed her gratitude to Ms. Tomes and Mr. Bradshaw for attending the meeting and remarked that she had great empathy for citizens paying interest and penalties that they did not want to pay. She asked that if the Post Office responded with any information on what happened to make the Board aware of the update.

Mr. McGlennon inquired if there was a time limit to appeal to the Circuit Court.

Mr. Bradshaw replied that generally the normal appeal for taxes was three years from the due date.

Mr. McGlennon clarified that the expectation would be to pay the tax and then appeal.

Mr. Bradshaw replied correct and remarked that the interest would continue to accrue if not paid.

General discussion ensued regarding notification to the public concerning the appeal option.

Ms. Larson stated that the Board should be notified if the Treasurer's Office decided to move forward with changing the Ordinance.

Ms. Tomes inquired if the Board would consider this option of new procedure in moving forward.

The Board members replied yes.

3. Purchase of Development Rights Presentation

The Board welcomed Mr. Jason Purse, Assistant County Administrator, to the meeting.

Mr. Purse introduced Ms. Tammy Rosario, Principal Planner and Mr. Paul Holt, Director of Community Development, Mr. Chris Johnson, Ombudsman and Ms. Sue Mellen, Director of Financial and Management Services. Mr. Purse gave an overview of a PowerPoint presentation included in the Agenda Packet.

Mr. McGlennon discussed his recollection of the development of programs mentioned in the slideshow in an effort to bring anyone unfamiliar with the terminology or benefits of the programs.

Mr. Purse stated that if the County continued to have two programs it was important to understand the differences of each program in an effort to guide people in the right direction.

Mr. Icenhour stated that Purchase of Development Rights, Purchase of Greenspace, Conservation Easements or Agricultural and Forestal Districts (AFD) are all tools that can be used and; therefore, he would like to see a program of Land Preservation to preserve the unique characteristics of the County and discussed this suggestion.

General discussion ensued regarding this toolbox topic and past benefit experience with these programs.

Ms. Sadler stated that the Berkeley District presently had 435 acres, Powhatan District 10,408, Roberts District 1,610 and the Stonehouse District 5,654, which made a grand total of 18,107 acres. She briefly discussed her appreciation of the AFD program and commended that they were renewable as well as supported the opportunities they provided to farmers.

General discussion ensued regarding these programs.

Ms. Larson inquired to Mr. Icenhour if he wanted staff to go out and gather information.

Mr. Icenhour replied that he would like staff to return to the Board with a proposal that recommended the structure of the program and how it would work. He stated this needed to be in place before an amount of money was determined to be put into various categories before going into the next budget cycle.

Mr. Hipple inquired was it possible to be done within a two-month period.

Mr. Purse replied the October timeframe would work better or perhaps a reading file before that time.

Mr. McGlennon inquired if something regarding finances could be included.

Ms. Mellen replied yes.

Mr. Hipple inquired about the length of time if anything needed taken out to the voters.

Mr. Kinsman briefly discussed the procedure of this possibility:

The Board went into a brief recess and reconvened at approximately 5:29 p.m.

D. CLOSED SESSION

A motion to Enter a Closed Session was made by Sue Sadler, the motion result was Passed.

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

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

At 5:35 p.m., the Board entered into Closed Session.

1. Consultation with legal counsel employed by a public body regarding specific legal matters requiring the provision of legal advice, pursuant to Section 2.2-3711 (A)(8) of the Code of Virginia and pertaining to the Settlers Market Bond Matter
2. Consultation with legal counsel employed by a public body regarding specific legal matters requiring the provision of legal advice; in particular, revisions to attendance policies applicable to County boards and commissions pursuant to Section 2.2-3711 (A)(8) of the Code of Virginia
3. 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 and the Williamsburg Regional Library Board of Directors
4. Certification of Closed Session

At 6:48 p.m., the Board re-entered Open 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: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

5. Actions Resulting from Closed Session

Mr. McGlennon made a motion to appoint Dr. Theodore Hiller to the Williamsburg Regional Library Board of Directors for a term that will expire on July 31, 2022.

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: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

Mr. Hipple made a motion to reappoint Ms. Sally Andrews to the Williamsburg Regional

Library Board of Directors for a new term that will expire on July 31, 2022.

A motion to Appoint Individuals to Boards and Commissions 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

E. ADJOURNMENT

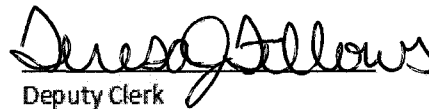
1. Adjourn until 5 p.m. on July 10, 2018, for the Regular Meeting

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 6:50 p.m., Ms. Larson adjourned the Board of Supervisors.


Deputy Clerk