

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
October 9, 2018
5:00 PM

A. CALL TO ORDER

Ms. Larson welcomed Mr. Scott Stevens, the new County Administrator, to his first meeting. She also extended a welcome to his family.

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

Scott A. Stevens, County Administrator
Adam R. Kinsman, County Attorney

ADOPTED

NOV 13 2018

**Board of Supervisors
James City County, VA**

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leaders - Cub Scout Pack 103 Den 1 and their Den Leader Eric Smith, led the Board and citizens in the Pledge of Allegiance.

Ms. Larson welcomed the Arrow of Light Cub Scout Pack and noted that Pack 103 was the oldest and largest Cub Scout Pack in the Williamsburg area. She further noted these scouts were in the 5th grade and working on their "Building a Better World" badge, where they study government and the role of citizens. Ms. Larson noted Mr. Smith would introduce the scouts.

E. PUBLIC COMMENT

1. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board and welcomed Mr. Stevens. He expressed appreciation for the expeditious EMS response to his recent medical situation. Mr. Everson referenced the recent article in The Virginia Gazette that addressed the \$94 million in Capital Improvements Plan for schools with \$38 million for the elementary schools. He cited the statistics for the student capacity overage by 2027 and the costs associated with addressing the capacity issue. Mr. Everson noted traditionally K-5 constituted elementary school, but further noted that Bright Beginnings Program was also using the classrooms. Mr. Everson stated the \$38 million expenditure could possibly be reduced if the classrooms were used for K-5. He noted the extra space at the Annex at James Blair Middle School could house the Bright Beginnings. Mr. Everson addressed his next point regarding the Head Start Preschool Program and longitudinal studies and the loss of gains by the 3rd grade. He noted the effectiveness of school programs in relation to the loss of classroom space. Mr. Everson stated that Jamestown High School was overcrowded due to the School Board's refusal to redistrict. He cited Lafayette High School had been downgraded to a different sports division level due to lower enrollment per federal criteria, but not so for Jamestown and Warhill High Schools. Mr. Everson cautioned overspending on schools without maximizing

current potential in existing schools.

2. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board about trash noting the roads were looking better. She noted the Clean County Commission and the Keep James City County Beautiful group would be doing a litter survey on October 19. She further noted she would report any improvements in the Stonehouse District to Ms. Sadler next month. Ms. Boarman asked the Board to "Save the Date" of November 3, 10 a.m.-2 p.m. and extended an invitation to everyone for the 5th Annual Expo, hosted by the James City Clean County Commission. She noted the celebration of "America Recycles Day" on November 15 at the Jolly Pond Convenience Center. She highlighted the events and participants such as Goodwill for donations, as well as educational information. Ms. Larson addressed Ms. Boarman noting that while the Board generally did not respond to Public Comment, she wanted to note she "channeled" Ms. Boarman when she recently responded to a pizza delivery person dropping trash in the community. Ms. Boarman thanked Ms. Larson for her diligence in reminding people of keeping the County clean and litter-free.

F. PRESENTATIONS

1. Community Video Center Staff - NATOA Awards

Ms. Larson welcomed Mr. Patrick Page, Director of Information Resources Management, to the meeting.

Mr. Page addressed the Board noting that on August 30, 2018, the Community Video Center Staff won four government programming awards at the National Association of Telecommunications Officers and Advisors (NATOA) Conference in Philadelphia. He noted the team won two first place, one second place and one third place awards. Mr. Page further noted the video team received its first government programming nomination last year for the Mainland Farm documentary, for which they received third place. He detailed the submission, scoring and judging process and noted the compiled submission was available for viewing on YouTube. Mr. Page further noted pride in the video team members: Brett Lewis, Randy Hisle and Chris Williams and their work as well as the numerous staff members and their participation.

A PowerPoint presentation highlighted the video team's work and the respective awards.

Ms. Larson and the Board acknowledged the hard work of the video staff and extended congratulations for the NATOA awards.

G. CONSENT CALENDAR

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

The motion to Approve, made by John McGlennon, included the first nine Consent Calendar items with Item No. 10 to be considered at the next Board meeting.

1. Minutes Adoption - September Meetings

2. End Declared Emergency

3. Grant Award - Walmart - \$1,000
4. Grant Award - Justice Assistance Grant - \$10,443
5. Acceptance of Funds - Virginia Forfeited Asset Sharing Program - \$1,277
6. Veterans Affairs Supportive Housing Vouchers - \$29,724
7. Grant Award - Radiological Emergency Preparedness - \$30,000
8. Adoption of Debris Management Annex to Emergency Operations Plan
9. Establishment of a Full-Time Regular Spray Technician
10. Initiation of Consideration of Amendments to the Zoning and Subdivision Ordinances to Address Protections for the Public Water Supply and Areas of Public Health and Water Quality Sensitivity

Ms. Larson asked if any items were to be pulled from the Consent Calendar.

Mr. McGlennon noted a request for discussion on Item No. 10 had been made, but he had no objections to a deferment on that Item until the next Board meeting. He further noted the importance of investigating this issue and protecting the County's water supply, especially the drinking water.

Ms. Larson noted Item No. 10 would be discussed at the October 23, 2018 work session.

Mr. McGlennon noted the offline opportunity to discuss this Item with concerned parties. He further noted Public Hearings with the Planning Commission and the Board of Supervisors prior to any resolution or action on the Item.

H. PUBLIC HEARING(S)

1. Ordinance to Vacate a Portion of Right-of-Way Adjacent to 201 Norman Davis Drive

A motion to Approve 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

Ms. Liz Parman, Assistant County Attorney, addressed the Board noting Ms. Karen J. Wilson requested a vacation of a portion of right-of-way adjacent to her property at 201 Norman Davis Drive in addition to the purchase of that portion of the right-of-way. Staff recommended a purchase price of \$1,300, which is 25% of the assessed value of the land. Ms. Parman noted this portion of right-of-way was unapproved and had not been accepted into the Secondary State Highway System. She stated the County's Planning Division advised no inconvenience would result if vacated. Ms. Parman noted consideration of this application was pursuant to Code of Virginia Section 15.2-2006. She further noted Ms. Karen Wilson and Mr. Robert Wilson were in attendance.

Ms. Larson opened the Public Hearing.

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

2. Ordinance to Amend County Code Section 12-5, License Requirement

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. Richard Bradshaw, Commissioner of the Revenue for James City County, addressed the Board regarding the Ordinance to Amend County Code Section 12-5, which would move the date of payment for business licenses from April 5 to March 1. He noted this amendment would bring the County in conformity with the other jurisdictions on the peninsula and the Tidewater area.

Ms. Sadler asked how businesses would be notified about the date change.

Mr. Bradshaw explained the date change would be on the license renewals and noted additional paperwork to reinforce the date change was being considered.

Ms. Sadler stated the more information provided, then the better to highlight the date change.

Ms. Larson asked if an electronic option was in response to previous recommendations.

Mr. Bradshaw noted the software company was working on that option, as were other jurisdictions, but the availability would not be this spring.

Ms. Larson reiterated more information to highlight this change would be critical.

Ms. Larson opened the Public Hearing.

As no one wished to speak, Ms. Larson closed the Public Hearing.

3. Case No. Sup-18-0010. Outdoor Flea Market at 6623 Richmond Road

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. Jose Riberio, Senior Planner, addressed the Board regarding Mr. David Otey and his application for an Outdoor Flea Market at 6623 Richmond Road. Mr. Riberio highlighted the land use and specifics of the property, as well as hours of operation and parking designations. He noted the 2006 Special Use Permit for this property and further noted that since that time, this property had not been used at full capacity. Mr. Riberio cited staff's recommendations regarding this application and compliance with the 2035 Comprehensive Plan.

Mr. McGlennon asked about the enhanced landscaping that would take place. He referenced the look of the property after the Sears store closed.

Mr. Riberio noted the northern corner of the property would be the site for the Flea Market. He further noted the applicant would be submitting a landscape plan that staff would review.

Mr. McGlennon also asked about signage.

Mr. Riberio noted signage would comply with County Zoning Ordinances.

Mr. McGlennon asked if the signs would be removable and only placed out during the Flea Market's operation hours.

Mr. Riberio noted he did not have that information at this time, but would provide it later.

Mr. Icenhour asked if this was the Flea Market that had previously been located where a fire had occurred. He asked about the historical information of number of vendors and area, as well as parking capacity.

Mr. Riberio noted in each category, this Flea Market was smaller and limited to weekend use for parking.

Ms. Larson welcomed Mr. Frank Polster of the Planning Commission to the meeting.

Mr. Polster noted the Planning Commission voted 7-0 in favor of the Flea Market and recommended approval by the Board of Supervisors.

Ms. Larson opened the Public Hearing.

1. Ms. Mildred R. Webb, 202 Elmwood Lane, spoke in favor of the Lightfoot Flea Market. She cited it as a "fun" event, but also noted it provided revenue for vendors. Ms. Webb highlighted the positive, friendly atmosphere at the Flea Market and she extended a welcome to all to visit upon its opening pending the Board's approval.

2. Mr. David Otey, 109 Peter Lyall, addressed the Board as the representative for the applicant, Mr. Neil Jones, who was in attendance with his son, Mr. Chris Jones. He noted they had run the Flea Market operations for several years. Mr. Otey also thanked staff and particularly Mr. Riberio for his work on this application. He also noted the economic opportunity the Flea Market provided.

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

Mr. Hipple noted his endorsement of the Flea Market.

Ms. Larson reiterated coordinating the landscaping plan between the County staff and the applicant.

4. Eastern Virginia Regional Industrial Facility Authority

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. Amy Jordan, Director of Economic Development, addressed the Board and introduced Mr. Todd Lynn of Patten, Wornom, Hatten & Diamonstein, L.C., the firm brought on to assist with the creation of the RIFA. She noted the highlights of the RIFA were presented at the September work session, but welcomed any questions. Ms. Jordan also noted the resolution and agreement were before the Board for approval.

Mr. Icenhour noted he had several comments for Board discussion.

Mr. McGlennon asked about the status of agreement from the participating localities in relation

to finality and ability to affect the nature of the agreement.

Mr. Lynn noted the organizational documents had been circulated to the participating localities for comments. He further noted synthesization of those comments was made and the documents were recirculated. Mr. Lynn provided an update on the work sessions within the respective localities and noted no pending comments were on the documents to his knowledge at the current time.

Mr. McGlennon noted that no localities had adopted the organizational documents at this time.

Mr. Lynn confirmed that point and noted that tonight's action would be the first formal vote on the document. He further noted a deadline pending on November 7 with GoVirginia funding for all the Ordinances to be passed, but noted that could be extended if necessary.

Ms. Larson opened the Public Hearing.

As no one wished to speak, Ms. Larson closed the Public Hearing.

Mr. Icenhour noted he sent an email to his fellow Board members and had spoken to Mr. Kinsman. Mr. Icenhour noted he had two concerns. One concern was Article 4, Paragraph 1, addressing two representatives with one Board member elected in the locality. Mr. Icenhour expressed concern over the proliferation of outside Boards and the pressure to participate which put demands on attendance of Board members and their respective schedules. He also noted the withdrawal clause of the agreement highlighting the voting process as well as the monetary obligations for current and subsequent general dues as a result of the withdrawal.

Mr. Kinsman addressed the Board citing possible workarounds to Mr. Icenhour's concerns. Mr. Kinsman referenced the provision that should a Board member be unable to attend a meeting, the selection of alternates would allow for the locality's representation. He noted the provisions for withdrawal were tied to the Code of Virginia and that any concerns about operational expenses were tied to the Board's authorization and knowledge of those expenses.

Ms. Sadler questioned the Code of Virginia with regards to the majority of the other localities granting permission to withdraw from the agreement.

Mr. Kinsman deferred to Mr. Lynn.

Mr. Lynn confirmed that point. He also noted that no operational dues could be approved without the Board's approval, thus eliminating anticipation of any dues. He further noted that no participation was necessary in projects if deemed so. Mr. Lynn also stated that if a project came forward and the Board declined participation in it, then there was no financial or legal obligation to it. He noted if James City County wanted to participate in a project, then negotiation for that project would be on the Participation Agreement terms acceptable to James City County.

Ms. Sadler asked what constituted a potential operating expense.

Mr. Lynn noted none were anticipated at this time as no locality wanted expense at this time. He further noted it is project-based, and if a locality opted for that project then expenses would be incurred.

Discussion ensued on this matter.

Mr. Hipple noted this was a regional effort to move economic development for localities offering a variety of resources such as land or capital to further local economies. He further

noted the protection of James City County citizens was of paramount importance.

Mr. Lynn confirmed that stating “the opportunity, not the obligation” was there as the locality determined its participation in a project it wanted.

Mr. McGlennon asked about the process initiative with regards to GoVirginia.

Ms. Jordan noted an earlier resolution for a GoVirginia grant. She explained that as part of that process, a RIFA was required by State Code for participation in a regional effort. The RIFA acted as a mechanism for the regional participation. She emphasized this presented James City County “a seat at the table.”

General discussion ensued on this matter.

I. BOARD CONSIDERATION(S)

1. Contract Award - Forest Glen Neighborhood Drainage Repair - \$209,832

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 noting the five areas of drainage repair in the Forest Glen Neighborhood. He further noted David A. Nice Builders, Inc. had won the bid and staff recommended approval of this project.

Mr. Icenhour asked about the location of Forest Glen Neighborhood.

Mr. Koehl indicated this was off Centerville Road.

Mr. Hipple noted this was a much needed project for his district with water issues in that area.

2. Resolution Approving a Plan to Finance and Refinance Certain Public Facilities Projects through the Issuance of Revenue and Refunding Bonds by the Economic Development Authority of James City County, Virginia

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. Sue Mellen, Director of Financial and Management Services, addressed the Board noting new financing and refinancing of bonds in relation to revised tax laws with the elimination of advanced refunding. Ms. Mellen introduced Mr. Chris Kulp from the Bond Counsel to give an overview of the Board’s role, the Economic Development Authority (EDA) role and the financing mechanism.

Mr. Kulp of Hunton Andrews Kurth LLP, Richmond, Virginia, addressed the Board with an overview of the financing structure and both parties’ roles. Mr. Kulp referenced the 2016 Master Trust Agreement and Master Financing Agreement that were implemented for the County for lease revenue financing that setup the accounts and structure. He highlighted the structure of the Debt Service Agreement and the County’s responsibility.

Mr. Icenhour asked about the two-fold bond financing and the maturity dates.

Mr. Kulp noted matched maturity, and no extension.

Mr. McGlennon noted the comprehensive review.

Discussion ensued on this matter.

3. Contract Award - Replacement Fire Apparatus - \$3,232,945

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

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

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

Fire Chief Ryan Ashe addressed the Board noting the presentation of two Contract Awards for replacement of fire apparatus and an ambulance. He noted the replacements entailed one ladder truck at Station 3 and two ladder and rescue vehicles at Station 1. Chief Ashe highlighted the financing details.

4. Contract Award - Replacement Ambulance - \$259,653

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

Chief Ashe noted the replacement ambulance would be for Station 3.

At approximately 6:12 p.m., Ms. Larson recessed the Board of Supervisors meeting for the James City Service Authority Board of Directors meeting.

At approximately 6:15 p.m., Ms. Larson reconvened the Board of Supervisors meeting.

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon, attired in a fire helmet, praised the Open House at the Fire Station. He noted the attendance of young people and County citizen response. Mr. McGlennon further noted the fire personnel's appreciation to the Board for recent changes to its pension calculations. He stated Mr. Stevens joined him in a tour of the Roberts District. Mr. McGlennon mentioned the opportunity to be at the dedication of the new middle school, James Blair Middle School, with several Board members and Mr. Stevens.

Mr. Icenhour noted he had taken a 12-day European trip and in his travels, he noted and questioned how the town boundaries, abundance of open space and preservation of countryside had been maintained over time. He attended the School Liaison Committee meeting, Greater Peninsula Workforce Development Board meeting where an unprecedented regional agreement was signed between two workforce development regions, and the dedication of James Blair Middle School. He complimented the young lady who sang the National Anthem at the dedication. Mr. Icenhour noted the availability of real ID driver's license (suitable for boarding airplanes) and the ability for veterans to have that information on licenses. He noted attending the local Vietnam Veteran chapter meeting where commemorative Vietnam veteran pins were given to County veteran residents and highlighted the program and its schedule. He further noted if communities were interested in recognizing their veterans to contact him. Mr. Icenhour and Mr. Jason Purse, Assistant County Administrator, noted the upcoming cobblestone removal and repaving in New Town. He further noted paving of roads

in his district.

Ms. Sadler welcomed Mr. Stevens and thanked him for the opportunity to discuss events in the Stonehouse District. She noted the ribbon-cutting ceremony at the Kensington School Hickory Neck location. Ms. Sadler attended an informational community meeting at the library for the new Walnut Farm development. She also joined Warhill High School students on the Manufacturing Day tour. Ms. Sadler extended sympathy to the Ware Family at the passing of Ms. Martha Ware, the matriarch of Toano.

Mr. Hipple attended numerous Hampton Roads Transportation Accountability Committee, Virginia Department of Transportation and special advisory committee meetings for Hampton Roads Transportation. He cited the volume of projects, schedule and funding necessary for this work. Mr. Hipple noted the Volunteer Fire Department Fish Fry in Toano. He extended a welcome to Mr. Stevens and noted their upcoming visit to the Powhatan District. He wished his sons, Michael, Jr. and Sam, happy birthday.

Ms. Larson noted the upcoming 50th birthday celebration of Thomas Nelson Community College with Mr. McGlennon representing the Board and Ms. Jordan along with fellow EDA staff representatives joining them. She expressed her thanks to them citing the importance of the community partnership. Ms. Larson and Mr. Hipple worked the Food Bank during Elected Officials Day and noted that with the closure of Farm Fresh, the Food Bank had a significant reduction in donations. She stressed community support with donations to the Food Bank. Ms. Larson attended the School Liaison meeting noting a pre-budget meeting to review the Capital Improvements Plan and coordinating student enrollment with cost. She noted the request to move primaries at local schools and the necessary scheduling changes. Ms. Larson highlighted some outreach plans to the real estate community. She also noted the Tourism Council meetings continue and changes to the Chamber. Ms. Larson, at the invitation of the Stormwater Program Advisory Committee, toured the Mill Creek watershed to view stream restoration projects. She expressed her appreciation for staff's hard work and results in this area. Ms. Larson also extended a welcome to Mr. Stevens.

K. REPORTS OF THE COUNTY ADMINISTRATOR

1. County Administrator's Report

Mr. Stevens thanked everyone for the warm welcome. He thanked staff members for their patience, particularly Mr. Bill Porter and Mr. Kinsman. Mr. Stevens noted he was looking forward to meeting community and business leaders he had not already met. He also thanked the Board for the opportunity to work with them and the community. Mr. Stevens stated Mr. Porter's Interim County Administrator Report was in the Agenda Packet, but noted the Board Calendar needed amending to officially add the following dates: November 11, 2018 at 10 a.m. (Virginia Association of Counties conference in Hot Springs, Virginia) and December 6, 2018 at 8:30 a.m. (Joint meeting with School Board).

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. Stevens mentioned the Stormwater Management Workshop offered by the County on October 13, 8:30-10:30 a.m. He provided the details for registration. Mr. Stevens also mentioned the Absentee Voting procedure and contact information. He noted that staff was tracking Hurricane Michael and encouraged preparedness, further noting staff would continue to monitor and update as needed.

Ms. Sadler requested Mr. Stevens look into the property at 6925 Richmond Road and provide a progress report on the fire clean-up at that location for the next meeting.

L. CLOSED SESSION

A motion to Enter a Closed Session 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

At approximately 6:36 p.m., the Board of Supervisors entered a Closed Session.

At approximately 7 p.m., the Board of Supervisors re-entered Open Session.

1. Closed Session Certification

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

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; appointments to the Chesapeake Bay Board and Wetlands Board

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. McGlennon noted Mr. Charles Roadley was reappointed to the Chesapeake Bay Board and the Wetlands Board, with the appointments of Mr. Louis Botts and Ms. Haley Dunn as alternates for five-year terms.

M. ADJOURNMENT

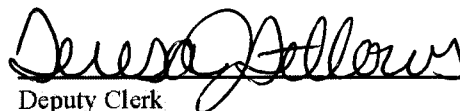
1. Adjourn until 4 p.m. on October 23, 2018, for the Work Session

A motion to Adjourn 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 approximately 7:02 p.m., Ms. Larson adjourned the Board of Supervisors.


Deputy Clerk