

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

---

**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

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

**ADOPTED**

**DEC 11 2018**

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

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Cub Scout Pack 103, Den 8 led by Jeff Parker

**E. PUBLIC COMMENT**

1. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board in regard to spending surplus of the schools and Capital Improvements Program (CIP) expenditures.
2. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board in regard to trash, litter and recycling in the County.

**F. PRESENTATIONS**

1. Colonial Soil & Water Conservation District Presentation

Mr. Robert Lund, Director of the Colonial Soil & Water Conservation District, gave an overview of the presentation available on its company website and included in the Agenda Packet. He introduced Mr. Ed Overton, a fellow Director and Mr. Jim Wallace, District Manager, who were both in the audience. He reviewed topics concerning the colonial district overview, agricultural programs, education programs, urban programs as well as challenges and future opportunities. He concluded his presentation and asked the Board for any questions.

As the Board had no questions, Ms. Larson thanked Mr. Lund for his thorough update.

2. Proclamation - National Native American Day

Ms. Larson and Ms. Sadler presented a Proclamation to Chief Anne Richardson of the Rappahannock Tribe, as a descendant of Chief Powhatan and Pocahontas, recognizing November 23 as National Native American Day.

The audience gave a standing ovation.

Ms. Sadler asked audience members who represented the other six tribes mentioned in the presentation to stand for recognition. She presented Chief Richardson with a bouquet of flowers and a James City County pin.

Chief Richardson expressed her gratitude for being welcomed and tribes honored. She blessed the land as well as the government of James City County.

#### **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, McGlennon, Sadler, Icenhour Jr, Larson

1. Minutes Adoption
2. Grant Award - Comprehensive Community Corrections Act Grant, Department of Criminal Justice Services - \$746
3. FY19 DEQ Litter Grant - \$13,889
4. Grant Award - Naloxone for Law Enforcement - \$2,025
5. Federal Grant Award - Bulletproof Vest Partnership - \$27,092
6. Acceptance of Funds - Virginia Forfeited Asset Sharing Program - \$1,995
7. Contract Awards - Annual Stormwater Construction and Repairs Services
8. Contract Awards - Annual Building Envelope Technical Support Services
9. 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
10. Encroachment Agreements - Kings Way and Queens Path
11. Grant Award - Kinship Navigator Program - \$40,000
12. Resolution to Waive Building Permit Fees for Repairing Damage Caused by the Tropical Storm Michael and Tornado in James City County

#### **H. PUBLIC HEARING(S)**

1. Sale of County Property Located at 6213 Old Mooretown Road

A motion to Approve was made by John McGlennon, the motion result was Passed.  
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Hipple, McGlennon, Sadler, Icenhour Jr, Larson  
Ms. Liz Parman, Assistant County Attorney, gave an overview of a memorandum and resolution included in the Agenda Packet.

Ms. Larson opened the Public Hearing.

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

2. Conveyance of County Property Located at 1653 Green Mount Parkway

A motion to Approve was made by Michael Hipple, the motion result was Passed.  
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Hipple, McGlennon, Sadler, Icenhour Jr, Larson  
Ms. Parman gave an overview of a memorandum and resolution included in the Agenda Packet.

Ms. Larson opened the Public Hearing.

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

3. SUP-18-0024. Christ Community Church Multipurpose Building

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, McGlennon, Sadler, Icenhour Jr, Larson  
Mr. Alex Baruch, Senior Planner, gave an overview of a memorandum and resolution included in the Agenda Packet.

Mr. Danny Schmidt, Planning Commission Representative, stated several members of the Commission commented they were pleased at the thoroughness of the application. He further stated there were no speakers during the Public Hearing portion of the meeting and the Planning Commission voted unanimously for approval of this item. Ms. Larson opened the Public Hearing.

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

4. Proposed Amendment to County Charter

A motion to Approve was made by John McGlennon, the motion result was Passed.  
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0  
Ayes: Hipple, McGlennon, Sadler, Icenhour Jr, Larson

Mr. McGlennon noted he moved the motion for Approval if the General Assembly gave the County the ability to address serious problems regarding unsightly vehicular appearances.

Mr. Kinsman gave an overview of a memorandum and resolution included in the Agenda Packet.

Ms. Larson opened the Public Hearing.

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

5. SUP-18-0011. 750 Blow Flats Road Borrow Pit Renewal and SUP-18-0023. 700 Blow Flats Road Borrow Pit Renewal

Ms. Terry Costello, Deputy Zoning Administrator, gave an overview of the staff reports and resolutions included in the Agenda Packet.

Mr. Hipple inquired about the mining history of the parcels and the length of time for the renewals.

Ms. Costello replied that staff would like the opportunity to periodically review the impacts of activity, due to the Resource Protection Area, floodplain on the property and possible regulation change.

General discussion ensued regarding this topic.

Mr. McGlennon inquired about the type of inspections that had to occur through the Department of Mining.

Ms. Costello replied it performed yearly inspections and suggested the applicant address the question since he was more familiar with the process.

Mr. Icenhour remarked this had been on-going since 1992 and noted Ms. Costello had mentioned that ultimately the plan would be to redevelop when the operation was concluded. He inquired if the estimated lifespan could potentially go on another 50 or 60 years.

Ms. Costello replied the potential was there, but felt the applicant would have a better idea of an estimated time.

Mr. Schmidt stated the Commissioners had several curiosities about the oversight process at the borrow pit which carried over into discussions with the applicant. The applicant told the Commissioners that the Department of Mines, Minerals and Energy inspected the site every two years, as well as the County Zoning staff inspecting it on an annual basis. He stated the Commissioners discussed time limitations and decided to maintain the eight-year time limit by a vote of 7-4 with none against, subject to the conditions in the staff report.

Mr. Hipple inquired if the time limit was in regard to the future possibility of land being sold.

Mr. Schmidt replied yes and discussed the Commission's concerns.

General discussion ensued regarding this item.

Mr. McGlennon inquired about the applicant's cost of the Special Use Permit (SUP)

process in a case of this nature.

Ms. Costello replied there was a cost for the original SUP as well as a cost of \$400 for each renewal.

Mr. McGlennon inquired about the annual revenues.

Ms. Larson opened the Public Hearing.

1. Mr. Julian Lipscomb, Jr., 3144 Hollow Oak Drive. Mr. Lipscomb an Environmental Manager at Branscome, Incorporated, briefly discussed permit compliance, inspections, revenues, redevelopment of property for industrial use, time restriction as well as a brief

history of the aforementioned pits.

Mr. McGlennon inquired if Mr. Lipscomb owned one of the two properties discussed in this item.

Mr. Lipscomb replied yes.

Mr. McGlennon inquired about the second property and asked Mr. Lipscomb approximately how long he would continue this type of an operation.

Mr. Lipscomb replied possibly another 15 to 20 years of mining.

Mr. Hipple inquired about the mining permit and possible scenarios regarding future mining permits. He inquired about similar SUPs in the County.

Mr. Paul Holt, Director of Community Development and Planning, joined the conversation.

General discussion ensued regarding this topic.

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

Mr. Hipple made a motion to Amend Case No. SUP-18-0011 750 Blow Flats Borrow Pit Renewal to a 20-year period, the motion result was Failed.

AYES: 2 NAYS: 3 ABSTAIN: 0 ABSENT: 0

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

Mr. McGlennon noted he moved the motion as presented and entertained the motion to extend it to 10 years and briefly discussed his reasoning.

Mr. McGlennon made a motion to Amend Case No. SUP-18-0011 750 Blow Flats Borrow Pit Renewal to a 10-year period, the motion result was Passed.

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

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

Mr. McGlennon made a motion to Amend Case No. SUP-18-0023 700 Blow Flats Borrow Pit Renewal to a 10-year period, the motion result was Passed.

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

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

## **I. BOARD CONSIDERATION(S)**

1. Revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual

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, McGlennon, Sadler, Icenhour Jr, Larson

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

2. Federal Grant Award - Department of Justice, Office on Violence Against Women - \$416,248

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

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

Ayes: Hipple, McGlennon, Sadler, Icenhour Jr, Larson  
Mr. Hal Diggs, Colonial Community Corrections Director, gave an overview of the memorandum and resolution included in the Agenda Packet.

Mr. McGlennon inquired about the dollar amount of this grant and asked if it covered the costs of the programming.

Mr. Diggs replied there had been some slight modifications and briefly discussed these changes.

3. Grant Award - Commonwealth Attorney - Victim's Witness Grant Program - \$183,260

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

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

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

Mr. Nathan Green, Commonwealth Attorney, gave an overview of the memorandum and resolution included in the Agenda Packet.

4. Contract Award - Amblers House Exterior Restoration Project - \$498,732

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

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

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

Mr. Shawn Gordon, Chief Civil Engineer, gave an overview of the memorandum and resolution included in the Agenda Packet.

Ms. Sadler inquired about the Amblers House asbestos situation.

Mr. Gordon replied that part of the floor needed replacement, the crawlspace needed encapsulation and the asbestos needed to be removed.

Ms. Sadler inquired about long-range goals for the Ambler House.

Mr. Gordon replied it was his understanding that Economic Development was working on a partnership for future events.

5. 2019 Legislative Agenda

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, McGlennon, Sadler, Icenhour Jr, Larson

Mr. Kinsman briefly refreshed the Board on the content of the proposed 2019 Legislative Agenda and gave an overview of the memorandum and resolution included in the Agenda Packet.

Ms. Larson expressed her appreciation to Mr. Kinsman and citizens for the work involved in developing the Legislative Agenda and noted it was a citizen-driven agenda. She mentioned that Board members had recently returned from the Virginia Association of Counties (VACo) Conference where its Legislative Agenda was discussed.

6. FY 2018 School Year-End Spending Plan Appropriation-\$1,857,399

Ms. Sharon Day, Assistant Director of Financial and Management Services, gave an overview of the memorandum and resolution included in the Agenda Packet. She stated the School Board held its meeting this evening with staff attending who would normally be in attendance at this meeting. She noted the Superintendent provided the following remarks:

- Of the 12 items being requested, four of those items are below the current \$50,000 CIP threshold. This would include items such as the Matthew Whaley Elementary School entrance, the Toano Middle School bleachers, a replacement maintenance truck and a parking lot extension at Central Office. Also, out of these 12 items, three items are not CIP related which include cafeteria table replacements, portable field lights and text book replacements.
- The Berkley Middle School well removal has been included in the CIP as requested since 2016 and is currently not funded until an out year; however, due to safety concerns the school division would like to move that date forward.

Mr. Hipple briefly discussed the annual excess school surplus. He noted funds from this year could possibly be saved to go toward next year's potential increase and lessen the financial impact during the upcoming year's budget season.

General discussion ensued on this topic.

Ms. Sadler suggested the process could be revised to include a list detailing items that might potentially be needed. She stated the list could be given to the Board of Supervisors in advance for the sake of transparency. She remarked that ideally she would like the schools to budget its money so there was no excess school surplus. She asked Mr. Stevens if he could find out how enrollment projections affect how hiring is done and why, before the Board has its joint meeting with the schools.

Mr. Icenhour stated it was not good business to operate at a deficit. He noted that a good stewardship of the money would usually wind up with some underspending. He further stated the magnitude of the underspending as a percentage of the total budget was approximately 2%; therefore, the focus was trying to figure out 98% of a budget that one cannot go over. He remarked there needed to be a better understanding of how personnel was budgeted. He further remarked that the School Liaison Committee was a good place to begin such a discussion and noted that the money given to schools was managed very responsibly.

Mr. Hipple stated he agreed the money was being managed very responsibly.

General discussion ensued regarding this item. Discussion included the importance of asking questions and having discussions, the importance of security at school entrances, snow removal equipment, well removal, textbook rotation, budget and clarity of future information needed in an effort to move forward.

Ms. Larson stated there were several choices in regard to this item:

- This item could be voted on this evening;
- Staff could take questions back and come to the next meeting for a vote; or
- Wait until after the joint meeting with the City of Williamsburg and the School Board, where discussion would be held regarding future CIP projects and enrollment.

Mr. Hipple stated he would like to wait until after the joint meeting. He emphasized the importance of seat belts in school buses and remarked future buses should be ordered that have seat belts for the students.

Mr. McGlennon stated he was in favor of holding off on this item. He further stated he would like to get the questions in writing.

Ms. Larson agreed with getting the questions in writing, get them to staff and have a

representative from the schools come to the December 13, 2018, Board of Supervisors meeting.

Mr. Hipple suggested Ms. Teresa Fellows, Board Secretary, compile the questions from each supervisor.

7. Colonial Group Home Commission - Revision to Joint Use of Powers

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

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

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

Mr. John Carnifax, Director of Parks and Recreation, introduced Mr. Chris McDonald, Citizen Representative, who gave an overview of a PowerPoint presentation. The slideshow focused on the following Colonial Group Home Commission topics:

- Services Offered
- Vision and Mission Statement
- Purpose
- Fiscal Year 2018 Recidivism and Outcome
- Value of a Community Youth Home
- Cost-to-Benefit
- The Bottom Line
- Founding Document Revision

Mr. Carnifax briefly discussed two funding formulas: 1) a population of the locality-based formula and 2) utilization of services-based formula. He stated the goal was to bring this organization into the same funding formula as other facilities.

General discussion ensued regarding this topic.

The Board expressed its gratitude for the work this organization does for the community.

**J. BOARD REQUESTS AND DIRECTIVES**

Ms. Larson stated that based on the recent annual review of the County Attorney and based on the positive outcome of that review she would like to entertain the motion to grant the County Attorney a 2% salary increase retroactively effective July 1, 2018, to be paid for out of contingency funds.

Mr. Hipple made a motion to grant the County Attorney a 2% salary increase retroactively effective July 1, 2018 to be paid out of contingency funds, the motion result was Passed.

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

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

Mr. Kinsman expressed his thanks to the Board.

Mr. McGlennon stated several Board members attended the annual VACo meeting and mentioned that on November 12 the Coalition of High Growth Communities met. He noted the great turnout from several localities across the state. He commented several localities continually struggle with how to deal with the rate of growth that James City County encounters and surmised the meeting was very spirited with good discussion.

Mr. Icenhour stated he attended the Colonial Group Home celebration. He also noted a contract had been signed for removal of the cobblestones in New Town and work should



begin in approximately a week and was estimated to take five to seven days to complete. He further stated several Board members attended the opening tour of Publix at Monticello Marketplace and welcomed the grocery store into the County. He noted he was privileged to attend the Volunteer Firefighters Banquet and thoroughly enjoyed the event.

Ms. Sadler stated she also attended the VACo conference and gained a tremendous amount of knowledge and looked forward to seeing some of the things that were discussed on the Legislative Agenda in Richmond. She asked Mr. Purse if he could check if there was an update from the Virginia Department of Transportation regarding Rochambeau Drive. She stated she had attended the Volunteer Firefighters Banquet and was privileged to swear in the new Volunteer Firefighters and EMTs.

Mr. Hipple stated he would be meeting with transportation on November 15 and would continue to “push transportation” for James City County in an effort to save as much as possible.

Ms. Larson commented that at the VACo conference several members of the General Assembly were in attendance and expressed thanks to her colleagues and Mr. Stevens for attending. She remarked there was a lot of discussion regarding unfunded mandates. She commented that the new Tenacity exhibit at Jamestown was incredible. She referenced preserving techniques of historic documents in the exhibit and the unique public viewing opportunity. She referenced the intersection of Route 5, Greensprings and Centerville Roads. She noted she was frequently approached by citizens about this intersection and had been approached about a citizens’ working group where discussion would focus on possible solutions for the intersection. She stated she was not aware if anything similar had been done in the past in the County. She briefly discussed some of the issues within the intersection and commented the road was not originally intended for the amount of daily traffic it received. She stated there was genuine concern how this area would be handled as County growth continued.

Mr. Stevens stated County staff and the Board are happy to listen to citizen concerns and ideas.

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

Mr. Stevens conveyed the various County facilities that would be open or closed during the week of Thanksgiving. He stated the County would provide one round of leaf collection between December 3-19. He noted that specific details and the collection schedule were posted online or information could be obtained by calling General Services at 757-259-4080.

Ms. Larson addressed Ms. Renee Dallman, Public Information Officer and inquired about current podcasts.

Ms. Dallman stated the current podcast was the Workforce Housing Task Force series and noted Mr. Stevens had recently finished a County Administrator podcast that would be done on a monthly basis. She commented that Ms. Dianna Moorman, General Registrar, spoke on a podcast the week before the election. She stated podcasts were available on the County website, jamescitycountyva.gov.

At approximately 6:58 p.m., Ms. Larson recessed the Board of Supervisors in order to conduct the James City Service Authority Board of Directors meeting.

At approximately 7:39 p.m., Ms. Larson reconvened the Board of Supervisors.

#### **L. CLOSED SESSION**

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

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, McGlennon, Sadler, Icenhour Jr, Larson

At approximately 7:41 p.m., the Board entered Closed Session.

At approximately 7:47 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, the motion result was Passed.

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

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

3. Appointment to the Chesapeake Bay and Wetlands Boards

A motion to Appoint Mr. Robert Lukens, to fill the balance of a vacated term that expires on October 1, 2023, 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

4. Appointment to the Williamsburg Area Arts Commission

A motion to Appoint Ms. Robin Phillips, to fill the balance of a vacated term that expires on June 30, 2020, 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

#### **M. ADJOURNMENT**

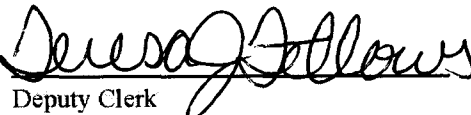
1. Adjourn until 4 p.m. on November 27, 2018 for the Work Session

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

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

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

At approximately 7:48 p.m., Ms. Larson adjourned the Board of Supervisors.

  
Deputy Clerk