

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
WORK SESSION
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
November 27, 2018
4:00 PM

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 - Tardy
Ruth M. Larson, Chairman, Berkeley District

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

Ms. Larson noted Mr. Hipple was delayed and would arrive shortly.

C. BOARD DISCUSSIONS

1. Meeting with State Legislators

Ms. Larson thanked the Honorable Brenda Pogge, Virginia House of Delegates, the Honorable Michael Mullin, Virginia House of Delegates and the Honorable Montgomery Mason, Member of the Virginia Senate, to the meeting. She noted the PowerPoint presentation addressed the 2019 legislative program, which highlighted direct requests from the County as well as legislation supported by the County. She welcomed discussion on those items.

The highlighted legislation to be introduced on behalf of the County included these items:

1-1. AMEND THE JAMES CITY COUNTY CHARTER TO ADD § 7.5 TO ALLOW JAMES CITY COUNTY TO REGULATE INOPERATIVE MOTOR VEHICLES PURSUANT TO VIRGINIA CODE § 15.2-905 ON LOTS EQUAL TO OR LESS THAN TWO ACRES.

Ms. Larson noted there were a number of older non-homeowner association (HOA) neighborhoods in the County that have had issues with inoperative vehicles in plain sight. She cited expiration on inspection stickers and County regulations on valid inspection stickers and/or license plates. Ms. Larson noted two previous attempts to have the legislation changed to allow the County to address the inoperative vehicle issues had failed. She further noted the Board had requested the General Assembly amend the County's Charter to allow it to regulate inoperative motor vehicles under provisions within the Virginia Code. Ms. Larson noted there had been no opposition to this request at a Public Hearing.

Senator Mason noted the request passed in the Senate, but had concerns in the House.

ADOPTED

DEC 11 2018

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

The Honorable Tommy Norment, Member of the Virginia Senate, joined the meeting.

Delegate Pogge addressed the verbiage of the request, noting the clarification of the specific acreage answered previous concerns from citizens.

Ms. Larson expressed her appreciation of support from the House for this amendment.

Senator Mason asked if Delegate Pogge was in support of this change, citing prior vote casts and acreage/agricultural concerns.

Delegate Pogge noted "while not committing to supporting it, but I am not going to start any fires around it."

Discussion ensued.

1-2. AMEND VIRGINIA CODE § 15.2-2242 TO ALLOW LOCALITIES THE OPTION OF INCREASED PROTECTION AGAINST DEVELOPERS WHO HAVE NOT MET ALL PREVIOUS LAND DEVELOPMENT OBLIGATIONS.

Ms. Larson cited this request as a surety to obtain financial obligations with regards to land development in the County. She noted the County had previously secured funding from various sources to complete residential developments when the original developer was unable or unwilling to do so. She highlighted the amendment would permit all localities the ability, not just those under the Urban County Executive form of government (ex. Fairfax County), to increase specific costs due to these land development issues. Ms. Larson noted Item Nos. 1-3 and 1-4 were inline with this amendment request. She cited the next two items in her presentation for discussion on all three amendment requests.

1-3. AMEND VIRGINIA CODE § 15.2-2241.A.5 TO ALLOW LOCALITIES TO PROHIBIT CERTAIN DEVELOPERS FROM RECORDING REMAINING SECTIONS OF A SUBDIVISION IF PREVIOUS LAND DEVELOPMENT OBLIGATIONS REMAIN UNMET.

1-4. AMEND VIRGINIA CODE § 15.2-2259 TO ALLOW THE PLANNING COMMISSION OR OTHER AGENT TO WITHHOLD ACTION ON A SUBDIVISION PLAT IF DEVELOPMENT OBLIGATIONS FOR PRIOR RECORDED SECTIONS REMAIN UNMET.

Delegate Mullin noted counties, cities and towns in the House had received requested locality changes in the proffer system over the past three years. He further noted a general consensus for adjustments may now be available.

Mr. Kinsman addressed this point, noting changes to the proffer system were on the Board's Supportive Legislation and not the Direct Legislation and the direct impact fee. He noted this request applied to developments already "on the ground" and approved versus proffers for future development. Mr. Kinsman further noted the County's cost of administrative time and outside engineering assistance.

Ms. Larson noted last year's budget reflected the creation of a position for an outside engineer to address citizens' questions and concerns on these projects to assist staff.

Discussion ensued.

Senator Norment asked what criteria would be applied in Item Nos. 1-3 and 1-4 to deny the developers those opportunities.

Discussion ensued.

Ms. Larson noted the next three requests stemmed from a series of dog attacks that occurred in the Colonial Heritage community and its residents' concerns.

1-5. AMEND VIRGINIA CODE §§ 3.2-6540 AND 3.2-6540.1 TO PERMIT COURTS TO ORDER RESTITUTION FOR EMOTIONAL DISTRESS IN ADDITION TO ACTUAL DAMAGES CAUSED BY DANGEROUS OR VICIOUS DOGS.

1-6. AMEND TITLE 3.2 OF THE VIRGINIA CODE TO PERMIT LOCALITIES TO REQUIRE THAT, WHILE THEY ARE OUTSIDE, ALL DOGS BE CONTAINED IN AN ENCLOSURE APPROPRIATE TO THEIR SIZE AND STRENGTH.

1-7. AMEND TITLE 3.2 OF THE VIRGINIA CODE TO PERMIT LOCALITIES TO IMPOSE CIVIL FINES UPON OWNERS OF DOGS WHO ALLOW THE DOGS TO ROAM IN PACKS OF TWO DOGS OR MORE WHILE OFF THE OWNER'S PROPERTY, EXEMPTING DOGS USED FOR LAWFUL HUNTING ACTIVITY.

Ms. Sadler added these requests stemmed from dog attacks in Colonial Heritage and that she and Mr. Kinsman had met with citizens there.

Senator Norment asked about Item No. 1-6 in conjunction with potential leash laws.

Mr. Kinsman noted this would be difficult to monitor and impose.

Discussion ensued.

Ms. Larson then introduced the following position/legislation that was supported by the County in the PowerPoint presentation:

2-1. IMPACT FEES

2-2. PROFFERS

2-3. UNDERGROUND ELECTRIC UTILITIES

2-4. HOUSE BILL 1615

2-5. INCREASED FUNDING FOR VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT

2-6. STATE FUNDING FOR TOURISM

2-7. SUPPORT WIDENING OF I-64 TO 295

2-8. MAINTENANCE OF NEW AND EXISTING SECONDARY ROADS

2-9. APPLICATION OF TRANSIENT OCCUPANCY TAX TO TRAVEL COMPANIES AND INTERNET SALES

2-10. ENHANCE RAIL SERVICE ON THE PENINSULA AND TO RICHMOND

2-11. SUPPORT THOMAS NELSON COMMUNITY COLLEGE IN ITS EFFORTS TO BUILD THE ADVANCED INTEGRATED MANUFACTURING (AIM) CENTER IN

JAMES CITY COUNTY

2-12. SUBSTANCE ABUSE AND MENTAL HEALTH TREATMENT

2-13. TAX EQUITY BETWEEN CITIES AND COUNTIES

2-14. ALLOW ADVERTISEMENT OF REQUIRED PUBLIC NOTICES ON A LOCALITY'S WEBSITE AND THROUGH OTHER MEANS INSTEAD OF PUBLICATION IN A NEWSPAPER HAVING GENERAL CIRCULATION

2-15. STATE FUNDING FOR PUBLIC EDUCATION, PRE-K, K-12 AND HIGHER EDUCATION

2-16. ADEQUATE FUNDING FOR PUBLIC LIBRARIES

2-17. NO NEW STATE MANDATES AND ELIMINATE OR ADEQUATELY FUND EXISTING STATE MANDATES

2-18. LEGISLATIVE PROGRAMS OF THE VIRGINIA MUNICIPAL LEAGUE, THE VIRGINIA ASSOCIATION OF COUNTIES AND THE VIRGINIA COALITION OF HIGH GROWTH COMMUNITIES

2-19. JAMES CITY COUNTY SUPPORTS CONTINUED FUNDING OF THE STORMWATER LOCAL ASSISTANCE FUNDS ("SLAF")

2-20. STATE FUNDING FOR MANDATED SERVICES PROVIDED BY COMMUNITY SERVICES BOARDS

2-21. NONPARTISAN REDISTRICTING

Mr. McGlennon opened the discussion by addressing the impact fee and proffer legislation regarding the Coalition of High Growth Communities. He noted James City County was one of the fastest growing communities in the state. He further noted the Coalition was seeking to establish a set of principles to be considered in legislation. Mr. McGlennon stated the cost of fast growing communities with possibly a more equitable approach using an impact fee system. He noted a necessary change in the system, citing the 2016 legislative changes that were not working very well.

Ms. Sadler noted that at the recent Virginia Association of Counties retreat, every breakout session she attended circled around the proffer system and issues created from it as well as unfunded mandates.

Discussion ensued.

Senator Norment questioned Item No. 2-6 and referenced the "Tommy Tax." He discussed funding from the Virginia Tourism Corporation (VTC) for the advertisement of the Historic Triangle. Senator Norment noted recent funding through the bill and stated he would not seek additional funding from the VTC.

Ms. Larson asked about pursuit of more tourism funding for the state, not just the Historic Triangle.

Discussion ensued.

Senator Mason indicated Item No. 2-20 and noted the positive work from the Community

Services Boards. He addressed a new director and possible upcoming changes, but also emphasized monitoring the new administration and local responsibility on funding.

Discussion ensued.

Mr. McGlennon noted a neverending list of areas for funding. He further noted in reviewing and determining allocation, the Virginia Retirement System funding for teachers was an area where the contribution rate could be lower and allow flexibility.

Discussion ensued.

Ms. Larson thanked the representatives for their attendance and input. She also introduced Mr. Stevens as the new County Administrator to the group. She extended her appreciation to Mr. Kinsman and her fellow Board members for their assistance. Ms. Larson asked that the representatives consider picking up any of the pieces of legislation that were presented, as they are important to the County.

Senator Mason inquired if each Board member had unanimously endorsed the legislative package presented.

Ms. Larson responded affirmatively.

At approximately 4:47 p.m., Ms. Larson recessed the Board for a short break.

At approximately 4:52 p.m., Ms. Larson reconvened the Work Session.

2. Proposed Ordinance Revisions

Ms. Larson welcomed Mr. Heath Richardson, Planning Commission Chair, Mr. Jack Haldeman, Policy Committee Chair and Mr. Paul Holt, Director of Community Development and Planning to the meeting.

Mr. Richardson noted the session was to provide information to the Board as well as to gain guidance from the Board on various work programs. He referenced the May 22, 2018, work session where the Board of Supervisors had requested the Planning Commission consider limiting the number of residential dwelling units that could be transferred via master plan consistency determination.

Mr. Holt addressed the Board noting a framework, as used on two previous occasions, was provided to assist the Policy Committee in gaining a better understanding from the Board on the proposed direction and path.

a. Potential Ordinance Amendments to Address Master Plan Consistency Determinations

Mr. Holt provided a summary of Section 24-23 of the Zoning Ordinance and possible revisions. He noted the options as presented in the PowerPoint presentation included:

Option 1. No Proposed Changes.

Option 2. Proposed Changes to the Ordinance for Master Plan Consistency Determinations.

Option 3. Special Considerations for Cluster Developments.

Mr. McGlennon asked what constituted "significant" change.

Discussion ensued.

Mr. McGlennon asked for a spreadsheet that showed what changes had been made over the past few years, with a specific breakdown showing an annual change up to a five-year period.

Mr. Holt listed numerous developments that had changes, but noted he would obtain the additional information for the Board.

Mr. Icenhour noted three specific incidents and community expectations. He referenced the number of homes in Ford's Colony and public hearings in response to administrative changes. He further expressed concern on details of the master plan and developmental changes.

At approximately 5:04 p.m., Mr. Hipple joined the meeting.

Discussion ensued.

b. Ordinance Amendments to Address Protections for the Public Water Supply and Areas of Public Health and Water Quality Sensitivity

Mr. Holt referenced the May 22, 2018, work session where the Board of Supervisors had also expressed interest in examining and discussing regulations to protect the drinking water supply and areas of public health and water quality sensitivity and on November 13, 2018, the Board adopted the corresponding initiating resolution.

Mr. Holt provided a summary of the Chesapeake Bay Preservation Ordinance and the Virginia Stormwater Management Program Ordinance. He noted the options as presented in the PowerPoint presentation included:

Option 1. Add a New Section in the Special Regulations Portion of the Zoning Ordinance.

Option 2. Create an Overlay District Within the Zoning Ordinance.

Option 3. Create a New Chapter of the County Code that Regulates the Use of and Development of Property Around Reservoirs/Public Water Supplies Within the County.

Mr. Icenhour asked about Option 2 if rezoning of all parcels in the Overlay District would be required.

Mr. Holt confirmed that point.

Mr. Icenhour noted he was not in favor of Option 2 based on the total rezoning. He asked what were the advantages of the remaining two options.

Mr. Holt noted at a high level that Option 1 in the Zoning Ordinance allowed items to be known at development as well as the process for how the Zoning Ordinance was enforced. He further noted that Option 3, which Newport News does, goes through the Engineering Division. Mr. Holt said some unknowns existed under Option 3.

Mr. McGlennon noted Option 2 was too cumbersome in identifying the overlay. He supported Option 1 and further noted the focus on the water supply.

Mr. Hipple emphasized the drinking water supply protection. He noted existing waterway protection already in place.

Discussion ensued.

The Board members favored Option 1 unanimously.

c. Other Upcoming and Needed Ordinance Amendments Due to General Assembly Actions.

Mr. Holt noted three amendments based on General Assembly actions that involved conceptual plan, Board of Zoning Appeals and changes for wireless communications facilities were highlighted in the PowerPoint presentation.

Mr. McGlennon asked if contact with other localities on these points had been made.

Discussion ensued.

Mr. Richardson thanked the Board for its input and welcomed additional comments and questions.

Mr. Hipple asked about missing proffers and if they could be incorporated into Ordinances.

Mr. Holt noted no. He further noted any cash or impact fee related items were no longer available.

The Board thanked Mr. Richardson, Mr. Holt and Mr. Halderman for the presentation.

3. Recycling Update

Ms. Grace Boone, Director of General Services, addressed the Board and introduced Mr. Steve Geissler, Executive Director of the Virginia Peninsula's Public Service Authority. Ms. Boone noted she and Mr. Geissler would provide an update to the Board on curbside recycling as well as options. She further noted approximate costs would be provided as contract proposals were still being reviewed. Ms. Boone highlighted recycling services in a PowerPoint presentation with anticipated cost, China's ban/restriction on the import of recycled materials, a review of acceptable curbside materials and program options due to cost increase.

Mr. Stevens noted that 70% of County residents participate in recycling.

Discussion ensued.

Mr. Geissler noted the timeframe.

Ms. Larson asked if true recycling was taking place.

Mr. Geissler noted recycling took place, but the profit margin had changed for the companies that collected and sold those materials.

Discussion ensued.

Mr. Stevens noted he and Ms. Boone could provide more information on the hybrid program.

Discussion ensued about the administrative costs, the general fund and manufacturing costs with glass recycling.

Ms. Boone noted Ms. Amy Jordan, Director of Economic Development, was reviewing glass recycling and manufacturing.

Discussion ensued.

The Board thanked Ms. Boone and Mr. Geissler.

D. BOARD REQUESTS AND DIRECTIVES

Mr. Icenour addressed the email from the V3 (Virginia Values Veterans) and thanked everyone. He noted it had gone to staff and expressed a desire to have someone trained on it. He also addressed tax payments from a concerned constituent and if a change had taken place.

Mr. Stevens noted a change had occurred in the past few years and resolution had taken place for the tax payments.

Ms. Larson noted a federal issue with the mail had been discussed with her from citizens. She further noted several neighborhoods had not received mail for extended times.

Mr. Stevens noted that could be addressed.

Mr. McGlennon said he and Mr. Stevens had gone to Jamestown Rediscovery. He noted he attended funeral services for Mr. Carlyle Ford, former County Commissioner of the Revenue. Mr. McGlennon extended condolences on behalf of the Board to the family.

Ms. Sadler extended condolences to Dr. Richardson's family. Dr. Richardson had served on the Board of Community Action Agency.

Ms. Larson followed up about citizens' groups and intersection issues. She noted Mr. Jared Antle, a former Lafayette High School student and current James Madison University student, had been injured in a hit-and-run accident. She further noted the community's support to Jared and his family and extended the Board's well wishes on his recovery.

Mr. Icenhour thanked everyone for his flowers.

Ms. Larson noted she and Mr. Icenhour had received some answers to questions regarding the School Liaison Committee and updated the Board on the Capital Improvements Plan.

E. CLOSED SESSION

None.

F. ADJOURNMENT

1. Adjourn until 8:30 a.m. on December 6, 2018, for the Joint Meeting with Williamsburg-James City County School Board and the Williamsburg City Council at the Stryker Building.

A motion to Adjourn 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

At approximately 6:34 p.m., Ms. Larson adjourned the Board of Supervisors.


Deputy Clerk