

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
April 14, 2020
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

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

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

Mr. Icenhour asked for a motion to allow Ms. Sadler to participate in the meeting remotely, due to a medical condition that prevented her attendance.

A motion to allow Ms. Sadler to participate remotely was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

Mr. Icenhour welcomed Ms. Sadler to the meeting.

Ms. Sadler acknowledged her presence on the call.

Mr. Icenhour noted on Monday morning that staff became aware of an error in the public notice for Agenda Item I. 2 Authorization to Request Establishment of a No Wake Zone on Diascund Creek. He further noted no action would be taken this evening on this item. Mr. Icenhour noted staff would readvertise the item and it would be brought before the Board at the May 12, 2020 meeting.

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Mr. Icenhour noted he had the pleasure of leading the Board and citizens in the Pledge of Allegiance

E. PRESENTATIONS

None.

F. PUBLIC COMMENT

ADOPTED

MAY 12 2020

Board of Supervisors
James City County, VA

Mr. Icenhour noted there was one recorded comment.

1. Mr. John Delellis, 6732 Westbrook Drive, Colonial Heritage, addressed the Board and thanked everyone's efforts for keeping the County running. He noted several concerns. Mr. Delellis further noted his street, which had been paved for over a year, was still not in Global Positioning System (GPS) and this posed problems with deliveries such as InstaCart. He requested assistance from the County's mapping division. He noted this had been a minor concern prior to the virus situation, but now that he and his wife were not going out, it would be helpful for people to find their location, Mr. Delellis noted his second concern was the reporting of the COVID-19 data for James City County. He further noted he had looked at the Virginia Department of Health (VDH) map and press site. Mr. Delellis further noted the site listed the number of cases, but did not provide a breakdown for the number of cases in James City County for hospitalizations or deaths. He noted the information was available for medical districts, but added it would be very useful to have a better idea of what was going on in the County. Mr. Delellis noted it 'would be nice not to be in a vacuum as far as that goes'. He further noted his third point addressed adequate staffing capacity and preparedness of area hospitals for handling the peak volume in terms of personal protection equipment (PPE), ventilators, and other necessary equipment. He thanked the Board.

Ms. Larson noted she could hear the last concern, but asked about the second concern. She asked if that was the VDH.

Mr. Icenhour confirmed it referenced the VDH and the COVID data.

Mr. McGlennon noted Mr. Delellis wanted the information broken down by jurisdiction for hospitalizations and deaths as well as cases.

Ms. Larson thanked her fellow Board members. She noted she could not hear the name, just the address, but she knew the information was recorded.

Mr. Stevens noted that information was available and he would share it.

Ms. Larson thanked Mr. Stevens.

Mr. Stevens noted most of the information requested from the speaker was state information and that the County had been pushing to get that as well. He further noted those data points were continually requested by the County.

Ms. Larson thanked Mr. Stevens.

Mr. McGlennon asked Mr. Stevens if that information was given to him.

Mr. Stevens noted they received the case count and the number of deaths for James City County, but further noted names of hospitalized persons, recovered persons, or such information was not available to the administration.

Ms. Larson asked if a County citizen traveled elsewhere, was hospitalized, or passed away, would that information be available through a national network, if there was such a thing, to the different health departments. She asked this in reference to someone who may have traveled out of the local community for only three days.

Mr. Stevens noted he would ask as he did not have the answer to that question. He further noted a case in the County initially had involved testing elsewhere, but added the County was credited with the case. Mr. Stevens noted in the beginning that information seemed to be available, but was unsure if someone passed away in another community if the information

stayed in the case count for that particular location.

Mr. Icenhour asked if the deaths were based on people who were hospitalized as opposed to someone who self-quarantined, became ill, and died at home. He noted if there was no testing or confirmation, how would the County know the death count.

Mr. Stevens noted he had heard different reports to that point. He further noted some testing had been done after the deaths, some had not, and the variables involving different jurisdictions, testing availability, and other medical factors. Mr. Stevens noted he would inquire and get more clarity as some things may have changed as there was a lot of information.

Mr. Icenhour noted there would be further discussion on these points at the end of the meeting.

G. CONSENT CALENDAR

A motion to Approve was made by Ruth Larson, the motion result was Passed.

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

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

1. Minutes Adoption

The Minutes Approved for Adoption included the following meetings:

- March 10, 2020 Regular Meeting
- March 17, 2020 Special Meeting
- March 24, 2020 Work Session

2. Memorandum - The Department of Housing and Urban Development Housing Choice Voucher Program

3. Grant Award - Virginia Housing Development Authority Community Impact Grant - \$42,900

4. Award - Virginia Homeless Solutions Program COVID-19 Emergency Shelter Operations Funds - \$37,373

H. PUBLIC HEARING(S)

1. Proposed Real Property Tax Increase

Ms. Sharon Day, Director of Financial Management and Services (FMS), addressed the Board stating the purpose of the public hearing was to invite public comment on the increase and property tax levies based on the recent real estate reassessments. She further noted the value based on real property, excluding additional assessments due to new construction or property improvements, exceeded last year's total assessed value of real property by approximately 1.81%. Ms. Day noted the tax rate, which would levy the same amount as last year, when multiplied by the new total assessed value of real estate with the exceptions noted above, would be .8248 per \$100 of assessed value. She further noted this rate would be known as the lowered tax rate. Ms. Day noted James City County proposed to adopt a tax rate of \$.84 per \$100 of assessed value with the difference between the lowered tax rate and the proposed tax rate equal to \$.0152 per \$100 or 1.81%. She further noted this difference would be known as the effective tax rate. Ms. Day noted individual property taxes may increase at a percentage rate greater or less than the above percentage. She noted no action

was required of the Board at this meeting. Ms. Day further noted the budget work sessions were scheduled for Tuesday, April 21, 2020, at 4 p.m. and Tuesday, April 28, 2020, at 4 p.m. She noted the Board was scheduled to adopt the budget as amended at its May 12, 2020 meeting.

Mr. Icenhour opened the Public Hearing.

As there were no speakers, Mr. Icenhour closed the Public Hearing.

Mr. Icenhour noted the James County Service Authority (JCSA) Board of Directors meeting would begin with both meetings opening simultaneously.

At approximately 5:11 p.m., Ms. Larson opened the Board of Directors meeting.

2. Fiscal Year 2021-2022 County Biennial Budget

Mr. Icenhour noted Ms. Day would begin the presentation followed by Mr. Doug Powell, General Manager of the JCSA.

Ms. Day addressed the Board noting the evening's presentation would highlight the County Administrator's Fiscal Year (FY) 2021 proposed budget and the FY 2022 plan. She noted, prior to the budget details, she wanted to discuss how the County had responded to the COVID-19 pandemic from a fiscal standpoint. Ms. Day further noted on the revenue side that the County anticipated a negative impact on revenue collection and cash flow. She noted in her PowerPoint presentation revenue collection was a challenge to accurately predict at this time in addition to the time lags which varied from one to two months and possibly over a quarter for collections depending on the revenue source. Ms. Day highlighted some of the actions the County was taking during this time rather than focusing only on the numbers. She noted, after closing to the public, the immediate absorption of the credit card transaction fees which allowed residents to pay more conveniently, safely, and timely. She further noted that real estate and personal property taxes were the largest revenue sources. Ms. Day noted there were no current plans to change the June 5 due date. She added that if the Board approved an extension of that date, penalties and interest would apply. Ms. Day noted the most likely revenue source to have an immediate impact would be the meals and occupancy tax revenue which collectively comprised around \$10.5 million. She further noted those taxes were paid in arrears so March would be collected later this month. Ms. Day noted a significant increase in non-filers and expected lower meal tax revenue due to the no-inside dining restriction. She further noted on the tourism side there was an estimated 78% drop in travel spending in the state for March. Ms. Day noted these factors as well as the \$2 Historical Triangle additional lodging tax to be significantly impacted. She continued her presentation noting sales tax lagged by two months. Ms. Day noted March sales tax would not be received until late May so it would a while before the impact was known, but she felt it would be significant due to store closings. She further noted the 1% Historic Triangle tax and the sales tax for Education will also be impacted. Ms. Day noted good news regarding the collection of sales tax on internet sales. She further noted most of the Parks and Recreation programs had been canceled until further notice, which saved on the expenditure side, but it also meant that revenue would not come in. Ms. Day noted in Community Development, as a safeguard to citizens and staff, inspections were limited. She further noted the overall significant decrease in charges for service as County facilities remained closed and the stay-at-home order remained in place. Ms. Day noted the quick and immediate response on the expenditure side based on the efforts of Emergency Management's experience with natural disasters and FMS staying current on FEMA guidance. She further noted due to these factors, federal guidelines were able to be launched to departments almost immediately with the awareness of this issue. She noted this allowed the tracking of emergency response costs from the beginning, which started on March

13. Ms. Day noted this would ultimately help the County recover costs through the various state and federal relief programs. She further noted significant reduction in departmental spending limits. Ms. Day noted additional layers for spending approval were in place with purchases greater than \$5,000 and \$10,000 and included the Purchasing Director, the Finance Director, and the County Administrator. She further noted local government was comprised of people and infrastructure with the focus on personnel and Capital Projects. Ms. Day noted on the personnel side that a hiring freeze was in place, furlough of part-time employees, as well as monitoring the efficiency, effectiveness, and productivity of staff's time under alternate means of working. Ms. Day noted the suspension of several discretionary programs. She further noted the focus was on preserving cash flow and providing essential services. Ms. Day noted solicitation from departments to help delay or eliminate entirely non-essential, non-personnel items as well as Capital Projects. She further noted closely working with partners, including the school division as it comprised 52% of the County budget, and to ensure everyone was doing their part. Ms. Day continued her presentation noting the proposed budget was prepared prior to COVID-19. She noted \$500,000 originally intended for employee compensation had been moved to a contingency account. She further noted the change in effective date to mid-year for several items. Ms. Day noted the move to January 1, 2021, would allow sufficient time for reassessment of the County's financial position and priorities. She further noted more adjustments were expected as additional information became available. Ms. Day noted in the presentation overview that the County had a two-year budget cycle, which allowed the Board to adopt and appropriate for the first-year budget for immediate implementation as well as provide a plan for the second year. She further noted the second year allowed for changes to be made for new developments. Ms. Day noted the evening's focus was on FY 2021, the first year of the biennial budget, which begins on July 1, 2020 and ends on June 30, 2021. Ms. Day further noted the budget continued to incorporate the County's Strategic Plan goals and initiatives. She noted the County's main operating fund, the General Fund, allocated funding to several other funds and JCSA. Ms. Day noted the other funds included a Capital Fund for County and school projects, a Debt Service Fund for outstanding debt obligations, and several other funds to account for substantial federal and state grants which the County used to provide services to residents including Social Service programs, Housing and Neighborhood Development programs, Probation and Pre-Child Services, and tourism, all of which were vital to the community. Ms. Day further noted the FY 2021 Proposed Budget was \$261.9 million, which reflected a 6% increase over the current budget. She noted FY 2022 plan was \$265 million, which reflected a 1.2% increase over the FY 2021 Proposed Budget. Ms. Day continued the presentation noting compensation adjustments included a placeholder for potential mid-year salary increases, increased health insurance (which is shared with employees), increased costs for employees' retirement, and worker's compensation benefits. Ms. Day noted the General Fund had an FY 2021 Proposed Budget of \$216 million. She further noted the FY 2022 plan reflected a 1.6% increase over the FY 2021 Proposed Budget, which included the addition of four positions effective January 1, 2021, as well as no change in the real estate tax rate. Ms. Day noted the estimated costs to provide services greatly exceeded the revenue projection; the requests exceeded \$11.8 million and were not funded. She further noted personnel requests of over \$2 million which were not funded. She noted 24 positions were requested with four of those positions in the Proposed Budget. Ms. Day further noted personnel requests were evaluated by Human Resources, and while they were not without merit, were not funded due to funding constraints. She noted on the non-personnel side, there was over \$9.7 million in requests that were not funded. Ms. Day added most of that was related to Capital Improvements Program (CIP) projects, about \$7.1 million, and while not funded when requested, most of those projects did make it into the five-year plan. She noted some of the non-personnel requests which were not funded were tied to personnel requests. She cited the example of additional police personnel requests funding and the corresponding police vehicle request funding. Ms. Day noted the majority of the County's revenue for the General Fund was derived from real estate and personal property taxes, which accounted for 65% of the total budget. She further noted of the overall \$4.2 million increase in the General Fund revenue from FY 2020, the majority (\$3.5 million) was from general

property taxes. Ms. Day noted the FY 2021 Proposed Budget included an increase of \$900,000 in public service tax revenue from the new Dominion Energy Skiffes Creek connector. She further noted the Proposed Budget included no change in the real estate or personal property taxes. She noted the Other category (as seen in the PowerPoint presentation) included charges for services in the Proposed Budget for slight increases in Park revenues and development revenues that were mainly surety and stormwater related. Ms. Day further noted, if approved, those increases would be effective January 1, 2021. She noted with FY 2021 as a reassessment year, the general reassessment resulted in a 1.8% overall increase with residential assessments increasing on average 2%, and the overall commercial was slightly less than 1%. Ms. Day noted other local taxes such as the Historic Triangle 1% sales tax, which was estimated to increase by \$50,000 in FY 2021. She further noted, as directed, that entire revenue source had been designated for one-time spending specifically for CIP. Ms. Day noted that due to General Assembly action addressing the equalization of taxing authority for counties and effective July 1, 2021, James City County would be authorized to tax the sale of cigarettes at a maximum of \$0.40 per pack. She further noted, should the Board wish to do so, the revenues were estimated to be \$900,000 and the Proposed Budget has allocated that funding entirely to CIP. Ms. Day noted other revenue highlights which included the Recycling Program. She further noted the program had transitioned to a fee-based service in FY 2020 and addressed the revenue adjustment for FY 2021 based on the current level of participation. Ms. Day further noted proposed fee increases, if approved, would be effective January 2021 for Parks and Recreation, Planning and Building Safety Permits, and Stormwater. She noted the All Funds Summary increased in FY 2021 due to a planned \$9 million JCSA bond issuance, adding that the increase in FY 2022 was due primarily to Capital Projects. Ms. Day noted the expenditure summary in the presentation. She further noted the County's General Fund was broken down into functions or departments with the school division receiving 52% of that funding. She continued her presentation with a graphic depicting the financial breakdown for every dollar collected. Ms. Day noted the County's Strategic Plan addressed seven goals and how the allocations from the Budget were tied to those specific goals. She further noted \$2.2 million was dedicated to stormwater and watershed management projects throughout the County. Ms. Day noted \$1.45 million was dedicated to transportation funding. She further noted the economic development of Navien Inc. to the County in addition to continued improvements to the County Marina (FY 2022), Ambler House (FY 2023), and Jamestown Beach (FY 2024). Ms. Day noted four areas of public service were impacted: replacement of Computer-aided Dispatch system; replacement of cardiac monitors; construction of a sixth fire station, and replacement of the Records Management System for mobile data reporting in the Police Department. She further noted the breakdown for school projects. Ms. Day continued her presentation highlighting compensation adjustments and employee benefits costs. Ms. Day noted one of the Strategic Planning Goals was for the County to have a sustainable water supply. She introduced Mr. Powell to the Board for the JCSA budget presentation.

Mr. Icenhour opened the Public Hearing for the Board of Supervisors' meeting.

Ms. Larson opened the Public Hearing on the Fiscal Year 2021-2022 James City Service Authority Budget.

Mr. Icenhour noted there was one voicemail comment received.

Mr. Stevens confirmed that was so.

1. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board regarding the Budget, specifically Item No. 2 on Page No. B-3 and revenue. He noted concerns regarding the amount of revenue coming in from the Tommy Tax, the Hotel Tax, and the Meals Tax, which combined was about \$15 million. He further noted he felt that number should be significantly reduced, which would impact the Sales Tax number. Mr. Everson noted with the closing of

businesses, the Default Tax needed to be reduced also. He further noted on Page No. B-8, a number of entries for the Recreation Center regarding various fees and such would probably be impacted with possible refunds or reduced revenue. Mr. Everson noted taking \$15 million off the top and then build the budget that way. He further noted if the money 'came back' then it could be added later. He noted consideration of the budget from this viewpoint and since the schools were approximately half of the County's expenditures, he recommended they (the schools) take half the hit to the local government. He thanked the Board for its time and wished everyone well.

As there were no other speakers, Mr. Icenhour closed the Public Hearing for the Board of Supervisors.

Ms. Larson closed the Public Hearing for the JCSA Board of Directors and the Board of Directors meeting adjourned.

Mr. Icenhour noted the Board of Supervisors meeting would continue per the Agenda. Discussion ensued regarding the budget.

Mr. McGlennon noted sending any budget questions to Ms. Day, Mr. Stevens, or both. He further noted this was a particularly difficult budget process with so many unknowns.

Mr. Icenhour noted, in the event he forgot, that the Public Hearing was closed. He noted Mr. McGlennon's point that any budget questions prior to the April 21, 2020 Budget Work Session be forwarded.

Ms. Larson noted she had a follow-up question. She asked if the school division had any budget adjustments or what discussions had taken place with them. She noted her understanding that Governor Northam was holding on raises and asked Ms. Day for confirmation.

Ms. Day confirmed that was her understanding. She noted the school division had been having conversations with the County, particularly the Purchasing Department. She further noted Mr. Stevens had conversations with them as well as an upcoming phone call with them to address more specifics for this year's and next year's budgets.

Ms. Larson thanked Ms. Day.

Mr. Hipple noted the Budget Work Session and discussion on tax collection as well as potential revenue loss. He further noted various percentage losses and the length of time before this situation was over. Mr. Hipple noted reviewing many things, including the school division, to address those items and the need to work together.

Mr. McGlennon noted it would be interesting to see how this turned out as there were a lot of moving parts at this time with no firm grasp on any of it. He further noted the approval of approximately \$3.3 billion to Virginia to be divided between the state and localities to replace lost revenue as a result of this event. Mr. McGlennon noted the revenue big hits were not across the board and possible deferment on real estate tax payments for some people. He further noted rather it would be seen with hotel and motel taxes and understanding the different levels and their impacts. Mr. McGlennon noted his understanding of a move toward another recovery package that would include substantial money for state and local governments regarding revenue losses.

Ms. Day noted some domino effects and watching events at the state level. She further noted if no raises were provided to their employees for the constitutional officers then the County would not provide those raises, but it would also not have the revenue. She added from a

budget standpoint they offset. Ms. Day noted revenue from the Lodging Tax, of which 60% was mandated to be used for tourism-related activities, was used to fund several agencies. She further noted if that revenue was not available that would be a discussion to have with the Board and the County's other partners. She noted some expenditures were directly tied to revenue, while others were not. Ms. Day further noted the number of variables as well as the length of time would impact the situation.

Mr. Hipple noted the citizens who were unemployed and the burden on them. He further noted a fluctuation in the curve on incoming revenue and how to fill the gaps.

Ms. Larson asked if anyone had spoken with Busch Gardens as this was a big thing since it was closed for Spring Break. She questioned the impact if Governor Northam's Stay Home Order lasted until June 10, 2020. Ms. Larson asked about the process for slowly reopening and that impact on the revenue picture. She noted a second question involved getting updates from Economic Development and conversations it is having with area businesses. Ms. Larson also asked if the partners or agencies had reached out to see how the budget impacted them moving forward.

Ms. Day noted she had not heard from most of the agencies for the FY 2020 impact. She further noted most of that funding was done in a lump sum, depending on the dollar amount, so most of the agencies had already received their FY 2020 funding. Ms. Day noted there were very few agencies that received monthly or quarterly payments. She further noted receiving some phone calls from the agencies regarding funding for next year. She noted conversations with those agencies regarding their respective budgets and working together to communicate with each other. Ms. Day further noted conversations center around timeline, budget impacts, and such.

Mr. Stevens noted the County was monitoring the state's directive on the reopening of businesses. He noted the April 28 and June 10 timelines Governor Northam had implemented, adding that the number of cases will increase when reopening happens and whether that date was pushed out to July, August, or even September. He further noted the date was a state-level decision, but he felt the business community would follow suit pretty quickly. Mr. Stevens noted he had been on a call with Busch Gardens in which it was asked about reopening. He further noted the response had been it depended on the Governor's guidance to determine the business model and the process for moving forward. Mr. Stevens noted it hinged on information from the state level and its availability. He further noted an update at Governor Northam's 2 p.m. press conference on April 22. Mr. Stevens noted conversations with Hampton Roads and the Peninsula area so that they all start re-opening together. He further noted hesitation to open sooner in counter to the business community in terms of recreation centers and libraries and not be a community source for problems, but added the localities were talking on a very regular basis and discussing the process of reopening buildings to the public.

Mr. Hipple noted a letter from the Board sent to Governor Northam which encouraged a soft opening sooner than June 10 that could be done in a safe manner. He further noted the numbers in the County slowing down and the possible opening in parts of the state versus a statewide opening.

Ms. Larson expressed concern at Mr. Stevens' reference to reopening in July or August. She noted that would decimate the economy, but stressed safety was the first priority. She further noted she was hopeful, at the state level, that they were being reactive to current events as well as being proactive to future events and how to co-exist in the midst of an outbreak. Ms. Larson noted the composition of the County's community. She questioned the impact of a standstill through July.

Mr. Stevens noted he did not mean the County would be shut down through July, but referenced the numerous models available predicting the future when reopening occurred. He further noted four scenarios based on an April 23 reopening date from a University of Virginia model that had been shared by Governor Northam. Mr. Stevens noted, based on the model, two around April 23, two around June 10, with three of those models having similar peaks showing an increase of cases upon reopening. He further noted the expectation for an increase in the case count, but with varying peak times. Mr. Stevens noted one peaked in July, one in August, and another in September. He further noted it was a model and there were variances in models based on assumptions. Mr. Stevens noted the models were consistent for the expectation of a rise in the number of cases for whenever the economy started back up anywhere in the country. He noted the flattening of the peak or lowering the total number based on the actions that had been taken. Mr. Stevens further noted the past month's actions had allowed for PPE orders to be received for County Fire, EMS, and other personnel, where that had not been the case three weeks earlier. He continued with an update on incoming equipment and noted the timing had gotten better on shipments. Mr. Stevens noted a plan was in place to convert the Hampton Convention Center to a hospital if needed, but at present that was not the situation. He reiterated that upon reopening, expect the case count to rise across the Commonwealth.

Mr. McGlennon noted these thoughts must be going through the state's leaders' minds as well with regard to extended shutdowns in relation to public health. He further noted the area was a tourist town and he felt it would take time for tourists to come to an area where physical separation was more difficult. He cited Busch Gardens in relation to the practicality of maintaining the 6-foot social distancing. Mr. McGlennon noted tourism would have a difficult time in the immediate future even with sanctions lifted. He further noted he heard sectors would be opened at a time and that those particular sectors allowed for distancing. He expressed caution on a sense of filling hotels and restaurants sooner than what could be based on people and what they would want to do.

Ms. Sadler noted tourism and the need to have communication with York County and the City of Williamsburg on the Senate Bill 942 money allocation for advertisement. She further noted keeping that money fully funded so when the area reopened for tourism, the advertisement would be there to support it. She noted the school division and her hopes it was revising or amending its budget. Ms. Sadler further noted she had not heard anything on that point as of yet. She asked Mr. Stevens if he had any information to share it with the Board prior to the Budget Work Session. Ms. Sadler noted she felt the school division should take its fair share of the shortfall in terms of allocation and to be prepared for a budget revision on its part. She thanked everyone for all they were doing during the constantly changing situation. Ms. Sadler noted she had spoken with Mr. Icenhour regarding a letter to Governor Northam as Mr. Hipple had suggested and including other localities in doing the same thing. She further noted sending a unified message to Richmond.

Ms. Larson noted the difficulty of this situation regarding the value of economy over human life, but the reality remained. She further noted constituent concerns that this was the flu, but she added this was a severe respiratory attack that could require a ventilator. Ms. Larson noted the need to get more information out regarding testing and vaccination.

Mr. Icenhour noted his desire to open the economy as soon as possible also, adding that when that happens people needed to be aware a spike in the number of cases will occur. He further noted, from a public safety aspect and something where the state may need to be involved, was more better testing and tracking needed to be available. Mr. Icenhour noted once reopening occurred, if things went wrong, it would be a worse situation. He further noted a tracking mechanism for monitoring, but added he did not feel one was available right now.

Ms. Sadler noted that should be included in the letter to Richmond.

Mr. Icenhour echoed that statement.

Ms. Larson asked what was the latest information regarding testing.

Mr. Stevens noted there were ongoing conversations. He further noted communication with hospitals regarding testing. He added the fairly long turn around time on the testing. Mr. Stevens noted Sentara Hospital had tried to get internal testing for quicker turn time. He noted testing was available, but timing was still an issue for drive-up or walk-in, adding the criteria still needed to be met prior to testing. Mr. Stevens noted he felt the test timing would get better, but it still had a long way to go.

Mr. Hipple noted the letter for a soft opening should include allowing a limited number of attendees to Busch Gardens or restaurants. Mr. Hipple noted the American people were getting restless as well as County residents. He further noted opening the economy up and moving at incremental speeds until it was fully operational.

Discussion ensued on these points.

3. An Ordinance to Amend and Reordain the Code of James City County by Amending Appendix A - Fee Schedule for Development Related Permits to Improve Formatting and Readability; An Ordinance to Amend and Reordain James City County Code, Chapter 22, Wetlands; An Ordinance to Amend and Reordain James City County Code, Chapter 23, the Chesapeake Bay Preservation Ordinance

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 of Community Development, addressed the Board regarding the May 8, 2018, adoption of an Ordinance to Appendix A to allow for development-related fee references to be consolidated into one table. He noted prior to the 2018 adoption, fee references had been spread throughout the various chapters of the County Code. He further noted the Ordinance in the Agenda Packet continued the consolidation by including Chapter 22, Wetlands and Chapter 23, the Chesapeake Bay Preservation Ordinance. Mr. Holt noted the revisions improved formatting and readability with no fee changes or other substantive changes. He further noted staff recommended approval of the fee Ordinance.

Mr. Icenhour opened the Public Hearing.

As there were no speakers, Mr. Icenhour closed the Public Hearing.

Mr. McGlennon asked if it was permissible to move all three Ordinance changes in one motion.

Mr. Kinsman indicated yes.

4. An Ordinance to Amend and Reordain the Code of James City County by Amending Appendix A - Fee Schedule for Development Related Permits to Increase Certain Fees to Defray the Costs Incurred by the County and for Additional Resources to Administrate Each Program

Mr. Holt addressed the Board noting several staff amendment proposals to Appendix A of the

County Code as part of the FY 2021-2022 budget process. He noted the amendments addressed defrayment of costs for administration of various development-related programs. He further noted the amendments fell into three categories: formatting for consistency, changes to existing fees, and new fee proposals. Mr. Holt noted these categories were included in the Agenda Packet. He further noted two of the more substantive ones included a fee structure for the Stormwater Division, which involved land disturbance and construction and the wetlands impact. Mr. Holt noted when these instances occurred, significant staff and resource time was needed. He further noted additional fee structure for the Stormwater Division that would proactively administer and manage the development surety process. Mr. Holt noted the Division was managing 326 sureties to date, with a quarter of those 10 years old. He further noted staff's use of the additional resources on various items. Mr. Holt noted staff's recommendation to conduct a Public Hearing at the evening's meeting. He further noted no action was required of the Board at the evening's meeting, but rather be reviewed at the May meeting as part of the FY 2021-2022 budget process. He noted Mr. Tom Coghill, Director of Building Safety and Permits, and Ms. Toni Small, Director of Stormwater Management, were in attendance if the Board had any questions.

Mr. Icenhour asked the Board if it had any questions.

Mr. Hipple expressed his thanks to staff.

Ms. Larson noted her hope that some of the Stormwater implementation would assist citizens with long-term concerns. She also expressed her thanks to staff.

Discussion ensued on this point.

Mr. Icenhour opened the Public Hearing.

As there were no speakers, Mr. Icenhour closed the Public Hearing. He noted no action was required at this meeting, but it would be brought forward at the May meeting.

5. Amendment to Regjag/Gilley Deed of Easement

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

A motion to Approve with the Amendment stated by the County Attorney 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. Tammy Rosario, Assistant Director of Community Development, addressed the Board regarding an existing conservation easement for the collectively known Regjag and Gilley properties. She noted the details regarding the construction of an 8-foot wire mesh fence as part of a reforestation and water quality project. Ms. Rosario further noted the amendment would allow the County to consider and grant written permission for fencing not expressly permitted. She noted the final amendment would move the fencing provisions into its own section to further clarify that fencing was not considered an accessory structure. Ms. Rosario noted staff's recommendation that the Board adopt the attached resolution.

Mr. McGlennon asked if the intention was to retain the fencing permanently or would it be removed after the reforestation was completed.

Ms. Rosario noted it would remain permanently. She further noted the property owner wanted to protect the property from damage.

Mr. McGlennon asked about the possibility of any timbering.

Ms. Rosario noted the property owner indicated a hardwood mix would be planted with a 50- to 60-year maturity growth. She further noted approximately 15-20 years into that time, some thinning would occur to maintain a healthy forest. She noted it was not the property owner's intention, in his lifetime, to harvest the trees.

Mr. Hipple asked if this only applied to the property at 134 Smokehouse Lane. He asked if the wording addressed the other three properties coming back before the Board if they wanted to fence their properties.

Ms. Rosario noted the current posting applied to all of the other properties and would not require them to come before the Board if they wanted the same type of fencing and met the same criteria.

Mr. Hipple noted he would prefer the request coming back to the Board. He asked about the dimensions for the fencing and referenced the diagram in the Agenda Packet.

Ms. Rosario noted reviewing the fencing layout.

Discussion ensued on the fencing dimensions of the Smokehouse property, residency, neighbors, and concerns on other property owners fencing their respective properties.

Mr. Icenhour asked Mr. Kinsman about the change to restrict the fencing amendment to the 134 Smokehouse Lane property only and that surrounding property owners would need to come before the Board separately if they wanted to add fencing.

Mr. Kinsman noted an amendment to the first "Now therefore it be resolved" section of the resolution to only refer to 134 Smokehouse Lane could be made.

Mr. Hipple noted he found that mention in rereading the material and apologized to Ms. Rosario for not getting that concern to her earlier.

Mr. Icenhour opened the Public Hearing.

As there were no speakers, Mr. Icenhour closed the Public Hearing and sought a motion.

6. Readoption of Continuity of Government Ordinance

A motion to Approve was made by Ruth Larson, the motion result was Passed.

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

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

Mr. Kinsman addressed the Board noting at its March 24, 2020 meeting the adoption of an Emergency Continuity of Government Ordinance. He noted per the Virginia Code that the Ordinance be properly advertised and re-adopted, which was currently before the Board. He further noted on April 7, 2020, he was contacted by Counsel for the School Board and asked that they be added to that Ordinance, which he did. Mr. Kinsman noted that was the only change from the previously adopted Ordinance. He further noted recommendation to adopt the Ordinance.

Mr. McGlennon asked if this could be done for the schools.

Mr. Kinsman noted per its attorney yes.

Mr. McGlennon noted he asked the question since the School Board was a joint School Board with the City of Williamsburg.

Ms. Larson noted that was true and asked if the City was required to do the same.

Mr. Icenhour noted the School Board had reached out to him first and further noted the City had no problem with it. He further noted that upon verification, the Board had proceeded.

Mr. Kinsman noted since both elected and appointed members comprised the School Board, he had added them, but specifically excluded them from the Board of Supervisors' restrictions on subordinate boards and commissions so that the School Board and the City of Williamsburg could apply their own procedures.

Mr. Icenhour opened the Public Hearing.

As there were no speakers, Mr. Icenhour closed the Public Hearing.

I. BOARD CONSIDERATION(S)

1. Contract Award-Administration of Group Medical, Dental, 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, Human Resources Director, addressed the Board noting a Request for Proposal (RFP) had been solicited for comprehensive, full-service medical, dental, prescription drug, and reinsurance to support the medical program on behalf of eligible employees, pre-65 retirees, and dependents for the County. He noted 10 companies had responded to the RFP with their experience and references. He further noted staff's recommendation to approve the contract award to OPTIMA Health and Delta Dental for a one-year term.

Mr. Hipple asked about a comparison to what the County currently had and the quality of the program.

Mr. Teague noted OPTIMA had a larger in-state network with more specialty coverage in addition to approximately 99% of current providers were in the OPTIMA network compared to Cigna. He further noted the big difference was the price and based on the budget presentation and the anticipated increase in costs, OPTIMA's 2-5% range was better than the 15% range with Cigna.

Mr. Hipple noted good job. He asked about Delta Dental, which in previous years was less accepted at many dental offices, and if that had changed.

Mr. Teague noted Delta Dental had approximately 99% penetration in the Virginia markets. He further noted good experience with the group over the past few years.

Mr. Hipple thanked Mr. Teague for all the hard work.

2. Authorization to Request Establishment of a No Wake Zone on Diascund Creek

No action taken on this item this evening, see Page 2 for details.

J. BOARD REQUESTS AND DIRECTIVES

Ms. Sadler noted she did not have much to report. She further noted replying to numerous emails. Ms. Sadler noted the upcoming Food Drive on Saturday, April 18 at the Williamsburg Community Chapel through the Community Faith Network with a list of needed items. She encouraged others to send the list to their homeowner associations (HOAs).

Mr. McGlennon noted he had not attended many events for obvious reasons. He expressed his appreciation for the people who were working to provide necessary services in grocery stores, pharmacies, Emergency Management, and others. Mr. McGlennon noted loss in the community, but also acknowledged the resiliency and efforts of the County's citizens.

Ms. Larson noted her work on the Tourism Council was still ongoing. She further noted phone meetings with the group and the upcoming open meeting for the budget. Ms. Larson noted if any Board members were interested in listening to contact her for the phone information. She further noted the bleak outlook, but added there was a carryover of funds. Ms. Larson noted when the timing was appropriate, the Tourism Council would resume the media to promote tourism for the area. She further noted the Council's leadership was working with state tourism and other leaders as well as advertising. Ms. Larson noted the Finance meetings were also continuing with the next meeting in May. She further noted when the time was right, the area would be ready to welcome tourists back. Ms. Larson echoed Mr. McGlennon's comments on the workers who were keeping the country going in grocery stores, first responders, and other areas. She reminded people to have patience and understanding at this time. Ms. Larson thanked the community for all that it was doing.

Mr. Hipple noted the various Transportation Boards were continuing to meet, though in various formats. He further noted transportation being an economic driver for the state. Mr. Hipple noted the work among localities for these projects and the funding aspect. He further noted the Hampton Roads Military and Federal Facilities Alliance (HRMFFA) meeting. Mr. Hipple noted as its Finance Chair, he hoped at the upcoming and last meeting to finalize the budget with a zero balance. He further noted that meant not seeking funding from communities or private citizens who had joined HRMFFA for a year. Mr. Hipple noted funding was currently in place. He further noted the No Wake Zone discussion that had been postponed until May and his discussion with citizens for the best option for everyone. Mr. Hipple thanked the citizens and the employees who were working every day, whether at home or out in the community. He further noted extending thanks to the staff for its ongoing work.

Mr. Icenhour noted he had two interviews conducted from home. He further noted one was WHRO and the other with WMBG. Mr. Icenhour noted the radio interviews gave the Board members the opportunity to let the public know what was going on. Mr. Icenhour echoed the comments on how well County citizens were doing, though he noted there had been some golf complaints. He noted the golf courses being crowded, but he added that only one golfer per cart and social distancing were being practiced. He noted his neighborhood, Ford's Colony, had a walking path and it was being used regularly with residents being very respectful. Mr. Icenhour noted the commitment of staff to the citizens. Mr. Icenhour further noted the passing of Mr. Bob Stein, a former Ford's Colony HOA president, and the personal loss to the community. He extended thoughts and prayers to the Stein family. Mr. Icenhour noted congratulations were in order for Mr. Stevens on his recent marriage.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens noted his thanks to Ms. Day and her staff for the budget work, particularly during the technology challenges of the remote work environment. He further noted ongoing discussion regarding revenue reduction forecast and expenditure. Mr. Stevens noted contingency plans based on the COVID-19 situation. He further noted the Board's Work Sessions on April 21 and April 28, with a virtual Community Meeting on April 23 at 12:30. Mr. Stevens noted though the County buildings were closed to the public, County staff was working and available to answer questions, emails, and phone calls. He encouraged citizens to contact the County with concerns. Mr. Stevens noted ongoing conversations with the VDH, other localities, local hospitals, and that the measures taken were helping to 'flatten the curve'. He further noted the conversations also focused on reopening and the timeline. Mr. Stevens noted the County had an adequate supply of PPE for first responders, which had not been the case several weeks prior. He further noted with this week's supplies there should be a sufficient amount to last through the summer in terms of primary equipment such as surgical masks, N95 masks, and gowns. Mr. Stevens noted masks for general workers, teleworking, office cleaning, and other steps. He further noted the commitment of County workers. Mr. Stevens noted the ongoing updates from the County and the state on social media to keep the community informed. He further noted for citizens who were not on social media or have website access, they could call 564-2140 for daily updates. Mr. Stevens reminded everyone to stay home, and when out, practice social distancing, regular hand washing, and the use of masks. He thanked the employees for their continuation to serve the community, the residents for taking it seriously and being patient working with staff.

Ms. Larson noted she shared the daily social media updates every morning. She noted kudos on the updates.

Mr. Stevens thanked her and noted he would pass that on.

Mr. McGlennon noted the same to the Social Services Department.

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 7:00 p.m., the Board entered Closed Session.

At approximately 7:13 p.m., the Board re-entered Open Session.

A motion to Certify the Board spoke only about those items indicated that it would speak about in 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

1. Chesapeake Bay/Wetlands Board Appointment

A motion to Elect Michael O'Brien to the Chesapeake Bay and Wetlands Board 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 the appointment of Mr. Michael O'Brien to the Chesapeake Bay and Wetlands Board as an alternate for a term effective immediately and which would expire on March 31, 2025.

2. Economic Development Authority Appointment

A motion to Elect Brandon Nice to the Economic Development Authority 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 the appointment of Mr. Brandon Nice to the Economic Development Authority for a term that would expire on March 31, 2021.

M. ADJOURNMENT

1. Adjourn until 4 p.m., on April 21, 2020, for the Budget 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 7:14 p.m., Mr. Icenhour adjourned the Board of Supervisors.


Deputy Clerk