

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
June 9, 2020
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

Michael J. Hipple, Vice Chairman, Powhatan District
Ruth M. Larson, Berkeley District
P. Sue Sadler, Stonehouse District - via phone
John J. McGlennon, Roberts 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 an illness that prevented her attendance.

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

Ms. Sadler acknowledged her presence on the call.

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Mr. Icenhour led the Board and citizens in the Pledge of Allegiance

E. PRESENTATIONS

None.

F. PUBLIC COMMENT

Mr. Icenhour noted several phone-in comments had been received.

1. Ms. Lara Barrett-Lansford, 2784 Jonas Profit Trail, addressed the Board requesting it make no cuts to the Williamsburg-James City County (WJCC) Public Schools budget. She noted this was not the time to limit resources to the schools with children in need of intervention and support in the current societal times.

2. Ms. Elisa Moore, 114 Cooley Road, a rising student at Lafayette High School, addressed the Board requesting funding continue for the School Division, particularly for art and music.

ADOPTED

JUL 14 2020

Board of Supervisors
James City County, VA

3. Ms. Caprice Munson, Mount Vernon Avenue, addressed the Board requesting no funding be removed from beneficial programs such as music, art, and reading.

4. Mr. Nathan Bradley, no address given, addressed the Board regarding the cuts to the WJCC School budget. He noted it was a massive mistake on several levels.

5. Mr. Steve Delaney, 12 Landing Circle, addressed the Board regarding the budget cuts to the School Division. He noted the trying times, but encouraged the Board to be creative and limit school cuts.

6. Mr. Glenn Piasecki, 3631 Lavender Lane, addressed the Board and expressed his strong opposition to school budget cuts.

7. Mr. Jordan Staley, 4743 Revolutionary Way, addressed the Board regarding School funding. He noted the need for a specific school funding source. He further noted fully funded education was paramount and acting for the good of the children and their future.

8. Ms. Dawn Estrin, 18460 New Kent Highway, addressed the Board. She noted she was a WJCC school teacher and the changes in education due to the current environment. She further noted the community's reputation for its quality of education and the commitment to maintain it.

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

Mr. Icenhour noted if there were no items to be pulled, he sought a motion for Approval.

1. Minutes Adoption

The Minutes Approved for Adoption included the following meetings:

- May 5, 2020 Budget Work Session
- May 12, 2020 Regular Meeting

2. Acceptance of Funds - Virginia Forfeited Asset Sharing Program - \$4,745
3. Grant Award - Virginia Housing Development Authority COVID-19 Emergency Funding Support: Department of Housing and Urban Development Housing Counseling Network - \$40,000
4. Grant Award - Fiscal Year 2020 Coronavirus Emergency Supplemental Funding - \$34,507
5. Dedication of the Streets in the Westport Ford's Colony Subdivision
6. Revisions to Chapter 5 of the James City County Personnel Policies and Procedures Manual
7. Olde Towne Medical and Dental Center - Addition of Full-Time Dentist/Dental Coordinator

8. Application for Community Development Block Grant COVID-19 Urgent Need Funding - \$348,104
9. COVID-19 Urgent Need Funding - Community Development Block Grant Application - Adoption of Section 504 Grievance Procedure
10. COVID-19 Urgent Need Funding - Community Development Block Grant Application - Adoption of Section 3 Business and Employment Plan
11. COVID-19 Urgent Need Funding - Community Development Block Grant Application - Adoption of Fair Housing Certification

H. PUBLIC HEARING(S)

Mr. Icenhour noted Mr. Rich Krapf, Planning Commission representative, was in attendance. Mr. Icenhour noted all five Special Use Permit (SUP) cases dealt with tourist homes or the rental of rooms. He further noted Mr. Krapf would present the Planning Commission's summary for all five cases after which the Board could discuss additional points or ask questions.

1. Case No. SUP-20-0007. 805 Arlington Island Road Tourist Home

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

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

Ayes: Icenhour Jr, Larson, McGlennon, Sadler

Abstain: Hipple

Mr. Hipple noted he was the property owner and as such he removed himself from the Board, stepped off the dais, and abstained from voting as he was the applicant for the SUP.

Mr. Tom Leininger, Planner, addressed the Board regarding the SUP. He noted the application detailed the short-term rental of a two-bedroom residential home as a tourist home. Mr. Leininger noted at the May 6, 2020 Planning Commission meeting, the Commission voted 4-3 to recommend approval of the application to the Board. He further noted staff recommended the Board approve the application subject to the proposed conditions. Mr. Leininger noted he and the applicant were available for questions.

Mr. Icenhour asked if any Board members had questions.

Mr. McGlennon asked for clarification on the number of rooms. He noted the home had three bedrooms, but questioned that only two rooms would be rental in relation to the septic system.

Mr. Leininger confirmed the septic system, according to the Virginia Department of Health (VDH), was only approved for two bedrooms. He noted for the third bedroom to become rental, the applicant must comply with the VDH requirements on the system.

Mr. Icenhour welcomed Mr. Krapf to the podium.

Mr. Krapf thanked the Board for its flexibility and noted the five cases were short-term rentals, with four of the five being split votes in the Planning Commission. He further noted the fifth case was a universal denial by the Commission. Mr. Krapf noted the reasons for the split votes was consistent among the four cases and a summary for all the cases would be beneficial. He further noted Planning Commissioners' concern on split votes regarding short-

term rentals, though defined and authorized in County Ordinances, it was felt more study on the issue was needed as well as recommendations from the study. Mr. Krapf noted the study would be beneficial, particularly as the Comprehensive Plan review process began. He further noted one concern was a lack of firm evaluation criteria. Mr. Krapf noted a better definition of key elements to review the metrics for short- and long-term rentals. He further noted the lack of a sunset clause was a consistent point in these rentals. Mr. Krapf noted time limitations and the Board of Zoning Appeals jurisdiction, but added SUPs convey with the property forever. He further noted concern that some short-term rentals were at variance with several Comprehensive Plan goals of affordable housing, enforcement of SUP conditions, and location (too close to railroad tracks or too deep within existing neighborhood). Mr. Krapf noted all-in-all that the Planning Commissioners felt there was more work to be done on short-term rentals. He further noted the aforementioned factors contributed to the split votes on the SUP cases before the Board.

Ms. Larson noted those were valid and important points for consideration. She thanked Mr. Krapf.

Mr. Icenhour asked Mr. Paul Holt, Director of Community Development, if the time period for short-term rentals was six months. He questioned the classification between short-term and long-term rentals.

Mr. Holt noted a transient stay was under 30 days.

Mr. Icenhour asked if a rental was for two or three months or longer was it considered like a one-year lease or long-term rental.

Mr. Holt confirmed yes, that it is the transient occupancy that makes the definition and distinction.

Mr. Icenhour thanked Mr. Holt for the information.

Mr. Icenhour opened the Public Hearing. He noted there were no registered speakers.

Mr. McGlennon asked Mr. Hipple about the number of bedrooms and the septic system.

1. Mr. Michael Hipple, 821 Arlington Island Road, addressed the Board noting when he purchased the property it had three bedrooms. He noted during the process, VDH notified him that the septic system, installed in the 1960s, was a two-bedroom system. Mr. Hipple further noted Septic Specialists analyzed the system. He detailed the septic tank capacity and the line capacity for supporting the three-bedroom house. Mr. Hipple noted he would add additional lines to better support the three-bedroom home, and that process was currently in the permit stage. He further noted until the permit was granted, the SUP was only for two bedrooms. He noted he had to meet state approval and guidelines, then County, before he could proceed with the third bedroom.

Mr. McGlennon asked if the application before the Board approved two bedrooms until VDH then approved the quality of the septic system.

Mr. Hipple confirmed yes, adding at that point he would put the additional septic lines in to support the third bedroom. He noted contact with the septic contractor and the timeline for installation and inspection. Mr. Hipple noted this property on the water would not work as a workforce development property, but he acknowledged the Planning Commission's thoughts on rentals for workforce development.

Mr. McGlennon noted Mr. Krapf had reported on all the applications, but inquired if the

public hearing was for all the applications.

Mr. Icenhour noted no, that all the Public Hearings were independent, but Mr. Krapf was available for additional questions if needed.

As there were no additional comments, Mr. Icenhour closed the Public Hearing and looked to the Board for discussion.

2. Case No. SUP-20-0001. 2898 Lake Powell Road Tourist Home

A motion to Deny was made by John McGlennon, the motion result was Failed.

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

Ayes: Larson, McGlennon

Nays: Hipple, Icenhour Jr, Sadler

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

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

Ayes: Hipple, Icenhour Jr, Sadler

Nays: Larson, McGlennon

Mr. Leininger addressed the Board detailing the application including number of bedrooms, zoning district criteria, and other factors. He noted at the March 4, 2020 Planning Commission meeting, the application had been approved 5-2 and recommended for approval by the Board of Supervisors. He further noted staff recommended the Board approve the application subject to the proposed conditions.

Mr. McGlennon noted the question about a property management firm handling the rental as the property owner lived out-of-state. He further noted the applicant's answer had been he frequented the area enough and would take care of the property. Mr. McGlennon expressed concern over that point and cited property maintenance. He noted establishment of clear guidelines as these types of applications were increasing. Mr. McGlennon referenced the mention in the Planning Commission minutes that the applicant lived out-of-state.

Mr. Krapf noted that had been a concern, but further noted that the homeowner was not required to reside at the property under the category's criteria. Mr. Krapf noted there was no indication that a property management firm had to be involved and that was another point in reviewing the short-term rental criteria.

Mr. McGlennon noted in the other cases, there was reference to a local contact regarding the property.

Mr. Krapf confirmed yes, adding the homeowners lived nearby or had an agent to represent the homeowners.

Mr. McGlennon thanked Mr. Krapf for the information.

Mr. Hipple asked Mr. Krapf if that property was rented on a yearly lease, would a property management company be required or could the homeowner rent the property for just a year.

Mr. Krapf noted the property could be rented by the owner himself. He further noted a yearly rental was more appealing to the Planning Commission as it offered a continuity of tenant as opposed to a turnaround every 30 days. Mr. Krapf noted it generally proved less wear and tear to the property.

Discussion ensued on yard maintenance, tourism home regulations versus rental home regulations, and criteria for both categories.

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

3. Case No. SUP-20-0005. 230 Peach Street Tourist Home

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

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

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

Mr. Leininger addressed the Board detailing the application including number of bedrooms, zoning district criteria, and other factors. He noted at the May 6, 2020 Planning Commission meeting, the application had been approved 4-3 and recommended for approval by the Board of Supervisors. He further noted staff recommended the Board approve the application subject to the proposed conditions. Mr. Leininger noted he and the applicant were available for any questions.

Mr. McGlennon noted this application also involved a ruling from VDH on the septic system.

Mr. Leininger noted the house currently had three bedrooms with an unfinished fourth bedroom. He noted the septic system only supported the three bedroom. Mr. Leininger noted upon completion of the fourth bedroom, the septic system would need improvement.

Mr. Icenhour opened the Public Hearing.

1. Mr. Gary Campbell, 234 Peach Street, addressed the Board and introduced his wife, Ms. Jennifer Campbell. He noted they were in attendance on behalf of his parents, Mr. Armond and Ms. Linda Campbell of 230 Peach Street, regarding the application.

Ms. Larson asked if Mr. Campbell's parents would be moving from their home.

Mr. Campbell responded no, noting this was their primary residence. He noted they had vacation property in the Outer Banks, but this would be an intermittent rental property with a timeline of 2021 for rentals.

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

4. Case No. SUP-19-0030. 124 B Cooley Road Rental of Rooms

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

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

Ayes: Hipple, Larson, McGlennon

Nays: Icenhour Jr, Sadler

Mr. Thomas Wysong, Senior Planner, addressed the Board detailing the application including the number of bedrooms, zoning district criteria, and other factors. He noted staff found several favorable factors for the application which included an on-site caretaker and the presence of adequate off-street parking. Mr. Wysong noted there were several unmitigated issues of concern. He noted those issues included this use was on a local road rather than an arterial or collector road per the Comprehensive Plan standards; the location of the existing parcel as fully integral to the existing neighborhood; and the property size and its potential

impact to adjacent properties. He noted due to the unmitigated issues, staff was unable to recommend approval of the application. Mr. Wysong noted at the February 5, 2020 Planning Commission meeting, the application was unanimously denied. Mr. Wysong noted he and the applicant were available for any questions.

Mr. Icenhour asked the Board if it had questions for staff or Mr. Krapf. As there were none, Mr. Icenhour opened the Public Hearing.

1. Mr. Gilbert Demari, 124 B Cooley Road, addressed the Board and introduced his wife, Ms. Eileen Demari. He noted the application was for the rental of one room. He detailed the plans for the property, including parking, as well as support letters from his neighbors. Mr. Demari noted the arterial or collector road point as his property was six houses from the corner of either type of road.

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

Ms. Sadler asked about the letters from Mr. Demari's neighbors. She noted she did not have them.

Ms. Larson noted the Board had received the letters from the Deputy Clerk to the Board prior to the meeting.

Ms. Sadler asked if the letters were from neighbors who were not opposed to the rental.

Ms. Larson responded yes that the letters were from the five neighbors.

Discussion ensued on the property, its cul-de-sac, and neighbors.

Ms. Sadler thanked Mr. Demari.

Mr. Hipple noted there were issues with rentals within neighborhoods, but further noted the support of the surrounding neighbors for the rental application. He noted the pros and cons of the application.

Mr. McGlennon asked staff for clarification on the policy regarding notification to applicants regarding arterial or collector roads.

Mr. Wysong noted the ideal situation involved the submission of a conceptual plan and a property review which listed items for staff review. He further noted since no conceptual plan was submitted, the material went into the SUP review process with the application.

Mr. McGlennon noted some form of guidance for applicants at the beginning of the process which detailed conditions to be met. He further noted making that point part of the broader discussion going forward.

Mr. Hipple noted prior to an applicant spending money to get to this point, a list would be helpful that offered guidance to the applicant on potential areas where rentals would not occur. He further noted then it was at the applicant's discretion to continue pursuing the SUP and bringing it before the Board for review.

Mr. McGlennon inquired if a conceptual plan was required prior to the SUP application in this case.

Mr. Wysong noted it was not a requirement, but typically a recommendation on any legislative case received. He further noted after receipt of the conceptual plan, staff's full comment list

was then available to the applicant.

Mr. McGlennon noted a closer look at affordable housing and short-term rentals was needed.

5. Case No. SUP-20-0002. 3374 Ironbound Road Tourist Home

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. Thomas Wysong addressed the Board detailing the application including number of bedrooms, zoning district criteria, and other factors including location, parking, and appearance. He noted staff's conditions on the application included restrictions on commercial signage and lighting, and any future expansion of this use would require an SUP amendment. Mr. Wysong noted at the March 4, 2020 Planning Commission meeting, this application was approved 5-2. He noted staff recommended the Board approve this application with the noted conditions. Mr. Wysong noted he and the applicant were available to answer any questions.

Mr. McGlennon noted the application referenced the availability of a fifth bedroom several times. He asked what the Board was being asked to approve in this application. Mr. McGlennon noted a four-bedroom home with a maximum of eight guests, but questioned how the Board and staff would know if that was how the property was being operated.

Mr. Wysong noted the application was for five bedrooms. He further noted staff's review was based on County records which listed the property with four bedrooms.

Mr. McGlennon asked how that point was enforced.

Mr. Wysong noted that was a good question. He further noted the assumption was that was the intent of the property's use, but if a complaint were received then follow-up would be warranted.

Mr. Holt addressed the Board noting several things would take place if the Board approved this case. He further noted when the applicant goes to the Commissioner of the Revenue's Office to obtain a business license and necessary paperwork, those details are then forwarded to Zoning to match up with the approved resolution. Mr. Holt noted a continuation of the details follows through the process and can be reviewed based on complaints.

Mr. Krapf noted the Planning Commission's comments referenced the Ironbound Road location as less obtrusive, as well as concerns regarding the additional bedroom. He further noted there were no guarantees on the room's use other than the integrity of the applicant.

Mr. Icenhour asked Mr. Holt if the property had ever been used as office space or always as residential.

Mr. Holt noted it had been residential, but the applicant was available.

Mr. Icenhour opened the Public Hearing.

1. Ms. Jeanette Brady, 2501 Manion Drive, noted the original house had been torn down and replaced with a new modular home. She further noted it had always been residential. Ms. Brady gave additional details on the property.

Mr. Icenhour noted his question addressed several buildings in the back.

Ms. Brady confirmed yes that they had built a multi-bay garage there.

Mr. Icenhour thanked her for the clarification.

Mr. McGlennon asked Ms. Brady if her intention was to allow rental on only the four bedrooms.

Ms. Brady confirmed yes.

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

6. Case No. AFD-19-0003. Barnes Swamp AFD Addition, 811 and 917 Stewarts Road

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

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

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

Mr. Thomas Wysong addressed the Board with the application's details concerning zoning district criteria, Primary Service Area, and other factors. He noted staff found the proposal compatible with the State Code, Comprehensive Plan, Zoning Ordinance, and surrounding development. He noted at the January 23, 2020 Agricultural and Forestal District Advisory Committee meeting, this application was unanimously approved. Mr. Wysong further noted at the March 4, 2020, meeting Planning Commission unanimously approved the application. Staff recommended the Board approve this application subject to the proposed conditions. Mr. Wysong noted he was available to answer any questions.

Mr. Krapf noted this application generated no discussion at the Planning Commission meeting. He noted the unanimous approval on the application as a valuable land preservation tool within the County.

Mr. Icenhour opened the Public Hearing.

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

Mr. McGlennon noted his endorsement of this application, but added he hoped for a term longer than four years when such renewals arose. He further noted the commitment of the landowners and the desire to increase the time period.

7. Ordinance to Amend and Reordain Chapter 1, General Provisions, Sec. 1-13(b), Courthouse maintenance; court security and jail processing fees

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

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

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

Mr. Kinsman addressed the Board citing 2020 General Assembly legislation that amended the Virginia Code to allow localities to increase the current \$10 fee charged in any criminal or traffic case when the defendant is found guilty to \$20. He noted the \$20 goes toward funding for courthouse security personnel. Mr. Kinsman noted the money went directly to the Sheriff's Office and would be effective July 1, 2020. He further noted a typographical error in the County Code so the word statue had been changed to statute. Mr. Kinsman recommended adoption of the Ordinance.

Mr. Icenhour opened the Public Hearing.

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

8. An Ordinance to Readopt an Emergency Ordinance to Suspend Tax Payment Penalty and to Waive Convenience Fees

A motion to Appoint Individuals to Boards and Commissions was made by Michael Hipple, the motion result was Passed.

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

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

Mr. Kinsman addressed the Board noting at its May 5, 2020 meeting, the Board adopted an Emergency Ordinance to suspend certain tax payment penalties and to waive convenience fees. He noted there was no advertised Public Hearing prior to the adoption. Mr. Kinsman noted State Code required adoption following a Public Hearing at this meeting. He recommended adoption of the resolution.

Mr. Icenhour opened the Public Hearing.

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

I. BOARD CONSIDERATION(S)

1. Grant Award - Coronavirus Aid, Relief, and Economic Security Relief Funds - \$6,676,337

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. Stevens addressed the Board noting the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 provided funding to address the COVID-19 pandemic. He further noted the Coronavirus Relief Fund (CRF) was a primary component of the CARES Act in assisting local governments, among other groups. Mr. Stevens noted the allocation of CRF funds was based on the locality's population in proportion to the statewide total population. He further noted the County's allocation was \$6,676,337. Mr. Stevens noted the funds may be used for qualifying expenses of local governments. He further noted the requirements of the CRF funding included: covering costs for necessary expenditures incurred due to the public health emergency; were not accounted for in the budget most recently approved as of March 27, 2020 for the State or government; and were incurred during the period that begins March 1, 2020, and ends December 30, 2020. Mr. Stevens noted the funding should not be used to make up for revenue shortfalls nor for ongoing services and/or base operations. He further noted any funds not expended or expended on necessary expenditures on or before December 30, 2020, must be returned by that day. He further noted any CRF funds expended in any manner that does not adhere to official federal guidance shall be returned within 30 days of a finding that the expenditure is disallowed. Mr. Stevens noted the recommendation that the Board adopt the attached resolution to accept these emergency funds and appropriate the use of these funds in the administration and operation of the County during the COVID crisis.

2. 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

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. Holt addressed the Board noting as part of the Fiscal Year (FY) 2021-2022 budget process, staff was proposing several Ordinance amendments to the County Code. He further noted these changes included format changes for clarity, increased fees to offset rising costs, and new fees for resources to proactively administer and manage the development surety process among others. Mr. Holt noted the Public Hearing for this item was held on April 14, 2020, and no changes had been made since then. He further noted staff recommended approval, and if approved, the changes would be effective January 1, 2021.

Mr. Hipple asked about the date of January 1 as opposed to the County calendar year of July 1.

Mr. Holt noted there was a six-month deferral period.

Mr. Hipple asked if that was for education and such.

Mr. Holt noted it aligned with the larger budget piece.

Mr. Hipple thanked Mr. Holt.

Ms. Larson opened the Board of Directors meeting for the budget presentation.

Mr. Powell noted since both the Board of Supervisors and the Board of Directors were in session, Mr. Stevens would present the FY 2021-2022 County budget.

3. Fiscal Year 2021-2022 Budget Adoption and Resolution of Appropriation

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

Mr. Stevens expressed his pleasure in presenting the FY 2021 budget totaling \$238.2 million for all James City County funds and the James City Service Authority. He noted the General Fund was the County's primary operating fund, which for FY 2021, its budget was \$196.2 million. Mr. Stevens noted this was \$15.6 million or 7.4% below FY 2020. He further noted no tax rate change was recommended for the FY 2021 budget. Mr. Stevens referenced a resolution to appropriate the FY 2021 budget in the Board's package which reflected changes the Board made to the proposed budget at budget meetings and work sessions. He noted the majority of the changes were related to the COVID-19 economic impact which were anticipated to result in revenue shortfalls. Mr. Stevens further noted the shortfall correlated to expenditure reductions. He noted an attached errata sheet detailed those changes and recommended Board approval to adopt the resolution to appropriate funding for FY 2021 for James City County. Mr. Stevens noted Mr. Powell would address the budget summary for the James City Service Authority.

Mr. Powell presented the budget summary.

Mr. Icenhour noted the Board of Supervisors meeting resumed following the adjournment of the Board of Directors meeting. He further noted a motion to support the budget resolution was needed.

Mr. McGlennon noted the challenging times in terms of fiscal impact to the locality as well as the uncertainty of the impact itself. He referenced that the budget may come before the Board at a later date and hopefully revenues will be better than anticipated. Mr. McGlennon noted the great work done by the fiscal staff and departments and noted the work of both Ms. Sharon Day, Director of Financial and Management Services, and Mr. Stevens. He noted the community response to educational needs, the hold on teacher salary increases, and deferral of several Capital Improvements Program projects. Mr. McGlennon noted the largest portion of the cuts to the schools would not impact its operational budget. He further noted the approximately \$2.3 million additional funding to help close the gap between where we were to where we are. Mr. McGlennon noted in response to citizen concern about programs that the Board appropriates funding to the schools, but the School Division determines which programs receive that funding. He further noted if citizens had concerns over particular programs, they should address them to the School Board. Mr. McGlennon noted the difficulty the Board faced when making cuts and the impact on vital programs throughout the County. He further noted he was hopeful that more could be done with the budget, but cited the purchase of electronic devices through the CARES Act funding. Mr. McGlennon noted the use of that funding to assist the schools with safety and health aspects. He extended his appreciation to Ms. Sandra Caballero, Executive Director, Centro Hispano de Ayuda y Apoyo, for assistance in translating a Board memorandum for distribution to households with Spanish as the primary spoken language. He noted the challenges of the fiscal crisis before the Board, but added he was optimistic.

Ms. Larson noted her frustration regarding schools reopening in the fall and the steps to accomplish that point. She asked Mr. Stevens for more information at the next meeting after his discussions with school leaders. Ms. Larson noted on the Reopening of Schools Task Force that no appropriating body member was present, but rather political appointees. She further noted no commitment from the state on the second part of the CARES Act in terms of allocation to localities. Ms. Larson noted the associated costs to implement the guidelines and cited one child per seat on school buses as an example. She further noted concern about the pot of money available. Ms. Larson noted local activity in stores and the opportunity to look at the numbers to see the revenue impact. She further noted both the lodging revenue as well as the sales tax impact with businesses closed. Ms. Larson noted her passion for education, the impact of the economic times, and difficult decisions. She further noted a future revenue discussion that addressed a long-range view as a result of the current situation. Ms. Larson noted the County stepping up to help schools, while the state and federal stepped out, as well as concern for more funding needs possibly in August. She added that other localities were making similar budget cuts. She thanked her colleagues for sending out information and encouraged citizens with questions to reach out to Board members.

Mr. Hipple noted disappointment with how some members of the School Board had presented information. He further noted we are all the same community and the need to work together to figure things out. Mr. Hipple noted it was important citizens understood the Board fully funded the School Division's operational budget. He further noted the pride surrounding the schools and the educational quality. Mr. Hipple noted the importance of understanding how funding is delegated to schools and what part is state and what part is local. He further noted working together to get through this time.

Ms. Sadler concurred with her Board colleagues on their comments. She noted one caller had asked for creative solutions. Ms. Sadler further noted that Mr. Stevens and Ms. Day had done that from the beginning in discussions with the School Division. She noted she was optimistic that things would turn around, but there were many unknowns. Ms. Sadler noted she would like the School Board to present information to the citizens which explained the funding process as well as the sources. She further noted doing what was best and safest for the children, as well as the community despite current difficulties. Ms. Sadler thanked everyone

involved during the decision process.

Mr. Icenhour noted his appreciation to Mr. Stevens, Ms. Day, and staff for the difficult leg work to assist the Board with its decision. He further noted his appreciation of Dr. Olwen Herron, School Superintendent and her staff for their work with County Administration and staff.

4. Extension of Special Use Permit: Colonial Heritage

A motion to Amend the resolution to change the expiration date to October 1, 2021, 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

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

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

Ayes: Hipple, Larson, Sadler

Nays: Icenhour Jr, McGlennon

Mr. Kinsman addressed the Board noting Mr. Greg Davis of Kaufman and Canoles, PC, on behalf of the developers of Colonial Heritage, has requested an extension to an SUP. He noted it was SUP No. 0003-2015 and the change of the expiration date to October 1, 2023. Mr. Kinsman further noted a condition of the SUP required the public utilities be built by November 10, 2018. He further noted an automatic extension was in place at that time with the Virginia Code. Mr. Kinsman noted in the 2020 General Assembly session that particular section of the Virginia Code was not renewed therefore this particular SUP would expire on July 1, 2020 without an extension request on the utilities. Mr. Kinsman noted the extension was for a new date of October 1, 2023. He further noted both he and Mr. Davis were available for questions.

Mr. McGlennon asked about the required extension time and the three-year time period.

Mr. Kinsman confirmed yes that the time period could be extended at the will of the locality.

Mr. McGlennon asked about an upcoming zoning request on this case.

Mr. Kinsman noted he would defer to Mr. Holt on that point.

Mr. Holt noted the application was received and in the review process, but no tentative dates were set for the Planning Commission or the Board of Supervisors.

Mr. McGlennon asked if the details of the request were known.

Mr. Holt noted since the case was under review, it could be subject to change. He further noted the proposal was to rezone approximately 220 acres with a change from A-1, General Agricultural and rural cluster to MU, Mixed Use with proffers. Mr. Holt noted it would be subject to the existing Colonial Heritage proffers and provided the details of the number and type of housing units.

Mr. McGlennon noted déjà vu when this application had been before the Board previously. He further noted the possibility of increased unit count with the public utilities added.

Ms. Larson asked if the Board voted to approve the utility extension, then the number of units

could be addressed as a separate issue at a later date.

Mr. Icenhour confirmed yes. He noted his understanding was this application strictly dealt with the timeline for the utilities to be put in place.

Ms. Larson asked her fellow Board members if they would rather the date be changed to October 1, 2021.

Mr. McGlennon noted that date was more palatable, but added he was unsure if he would support it.

Ms. Sadler asked if the change was from three years to one year.

Ms. Larson confirmed yes.

Ms. Sadler asked about the reason.

Mr. Greg Davis addressed the Board and noted the 2023 date extension matched his client's wetland impact permit from the state. He detailed the work at the Deer Lake development and noted if rezoning was unsuccessful and the SUP was not extended, his client's rights would be wiped out after subdivision plan approval and the other work.

Ms. Sadler asked if the three years applied to what was currently slated to be done without a potential rezoning.

Mr. Davis confirmed yes.

Discussion ensued on the extension, the pipework across the wetlands, and other factors.

Mr. Kinsman clarified that the Board would vote on Ms. Larson's amended resolution which reflected the date change from 2023 to 2021 and then would come back and vote on the resolution.

5. Extension of Special Use Permit: Mason Park

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. Kinsman addressed the Board noting this extension request was submitted by Mr. Vernon Geddy, Geddy, Harris, Franck, and Hickman, LLP, on behalf of George Nice & Sons, Inc. and Mason Park Development, LLC, in a similar manner to the previous application for use permit extension. Mr. Kinsman detailed the history of the application from October 10, 2006 and the extensions from the Virginia Code. He noted like the previous case the new extension date was July 1, 2020. He further noted the request for extension was for July 1, 2021. Mr. Kinsman noted Mr. Geddy was in attendance.

Mr. McGlennon asked if there were any pending applications for this property.

Mr. Holt addressed the Board noting there were no legislative applications currently pending with building permits in for the model homes and under review process.

6. Land and Water Conservation Fund Grant Acceptance

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

Ms. Carla Brittle, Community Centers Administrator, Department of Parks and Recreation, addressed the Board regarding acceptance of a land and water conservation fund grant of \$687,500 to purchase 119 acres of land on the Chickahominy River for Brickyard Landing Park.

Mr. McGlennon and Mr. Icenhour each noted that was great.

Mr. Hipple noted this was an asset to the County as it provided access to the Chickahominy River. He further noted as the property was developed in the future, it gave Parks and Recreation another feature to utilize in the upper end of the County.

J. BOARD REQUESTS AND DIRECTIVES

Ms. Sadler noted she had received a call from Mr. Pete Snyder of the Virginia 30 Day Fund with an update on funding for several local businesses. She further noted Mr. Andy Fox, WAVY TV, was hoping to do a story on James City County's partnership with the Virginia 30 Day Fund to promote the funding source. Ms. Sadler noted the County had received its funding allocation which benefited 30 area businesses in a three-day turnaround. She further noted additional updates would be available in the next few days. Ms. Sadler extended her thanks to Mr. Christopher Johnson, Director of Economic Development.

Mr. McGlennon thanked his fellow Board members and colleagues for their condolences at the passing of his mother-in-law, Ms. Irene Urbanski. He noted she had been one of the founders of the Virginia Head Injury Foundation, now known as the Brain Injury Foundation. Mr. McGlennon noted the recent news regarding police brutality and misbehavior among various groups, the need for reform, and the need for change in the country. He further noted he and Ms. Larson had attended a recent event in Colonial Williamsburg which commemorated the signing of a covenant between organizations representing the local African-American community and local law enforcement agencies. He noted the event was attended by 600-800 people with the Honorable Senator Thomas Norment, Delegate Amanda Batten, Delegate Michael Mullin, and the Honorable Senator Monty Mason in attendance. Mr. McGlennon noted the importance of the event and to make sure this situation does not go away as the headlines fade. He further noted the historical importance of the County and the need for inclusivity and diversity as a part of the Strategic Plan. Mr. McGlennon highlighted a message from the Come to the Table spokesperson regarding 'No Peace, No Justice', but to think of that phrase as 'Know Peace, Know Justice'. He thanked Police Chief Brad Rinehimer for his participation and open communication during recent rallies. Mr. McGlennon noted it was time to look at things in a fresh way and to really listen to citizens.

Ms. Larson encouraged citizens to view some of the Colonial Williamsburg videos where citizens interviewed each other. She also thanked Chief Rinehimer for his work in the community. Ms. Larson noted until all feel safe then no one should feel safe. She further noted her pride in the community and the responses of local police, first responders, and their actions. Ms. Larson noted she had never encountered a public situation that made her uncomfortable with James City County Police and she wanted to recognize them for that. She expressed her appreciation to law enforcement members. Ms. Larson noted citizens wanted their voices to be heard. Ms. Larson noted the creativity of local businesses during Phase One and her appreciation of those groups, both in revenue support and assistance with human services needs. Ms. Larson noted her frustration with the state and the inequitable reopening of parts of the Commonwealth. She further noted encouraging Governor Northam and the

decision makers in Richmond to work with businesses and tourism to help the locality.

Mr. Hipple noted the uniqueness of the first quarter with so much going on, lots of decisions, and many unknowns. He thanked the Board, County Administration, School Administration for working together with so many unknown factors in planning and budgeting. Mr. Hipple also thanked Police Chief Rinehimer, Fire Chief Ryan Ashe, and others during the time of unrest. He noted peaceful demonstration and having voices heard. He noted his pride in the County and how people worked well together, but noted more things can be done to make the County better. Mr. Hipple further noted Chapter One of the budget was done, but more chapters were to come, and noted the commitment to citizens to carefully monitor the money during this time. He thanked everyone for all their hard work.

Ms. Sadler thanked her fellow Board members for their representation at the recent Colonial Williamsburg event. She noted her appreciation of Chief Rinehimer and his work.

Mr. Icenhour noted his attendance at the Colonial Williamsburg event. He further noted the relationship locally, while different and not perfect, was a concerted effort to the point of 'it's different here' as noted at the original covenant signing, and he appreciated the opportunity to reaffirm it.

Mr. Icenhour noted his appreciation of Mr. Stevens, Chief Rinehimer and the Police Department for their actions in handling difficult times. He further noted peaceful resolutions of County incidents that do not make the news because of such actions.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens noted County facilities were mostly open to the public by appointments or limited walk-ins. He further noted the County website for information and if citizens had questions to call 253-6728. Mr. Stevens noted the numerous requests on the James City County Recreation Center, the Abram Frink Jr. Community Center, and the reopening of pools at Chickahominy River Park and Upper County Park. He further noted June 15 was the reopening date and more information would be posted. Mr. Stevens noted restrictions would be in place in compliance with Governor Northam's Executive Orders regarding social distancing requirements. He further noted contacting the County or checking the website for more information on the requirements. Mr. Stevens noted the Recreation Center and Abram Frink Jr. Center would have normal operating hours, but certain restrictions on items within each facility. He added the ever-changing events at these locations and encouraged citizens to call or check for updates. Mr. Stevens noted Parks and Recreation camps and classes were scheduled to resume activities on June 29, also with social distancing measures in place. He added registration was ongoing. He further noted, per Governor Northam's Executive Order regarding face coverings, that the public practice social distancing and if possible, use face coverings for their protection and staff's as they visit County facilities.

Mr. Icenhour noted, based on Board discussion of short-term rentals and Air BnBs, he was requesting the County Attorney bring forward a resolution for the July 14, 2020 meeting, to allow the Board the opportunity to put future considerations on those rentals while reviewing the impact to the Comprehensive Plan. He further noted the Board's guidance to assist the Planning Commission in developing better guidelines.

Mr. McGlennon noted that was a good move, but expressed concern over a way to communicate if the Board was not going to review many more of these cases until policies were in place, then the message should go out this evening. He further noted this allowed staff to inform citizens of timelines.

Ms. Larson noted the illegal operation of rentals.

Mr. Kinsman noted a number of rentals are permitted and would be continued to operate legally. He further noted Mr. Holt stated there was one Air BnB application pending.

Mr. Hipple noted his concern was that was a one-year term.

Mr. Kinsman noted one year was the maximum time. He further noted the Board could set any time, but recommended keeping it aligned with the Comprehensive Plan.

Mr. Hipple asked if July 2021 would be the date for alignment with the Comprehensive Plan. He noted there were some rentals which raised concerns, but others did not and he cautioned the one-year timeframe. Mr. Hipple noted the possibility of using zones.

Mr. Icenhour noted it was the situation of making a decision on criteria while making a decision on criteria. He further noted the fairness of putting a temporary hold on the rentals, while still allowing for filing. Mr. Icenhour noted working with the Planning Commission for a shorter timeframe in establishing rental criteria. He further noted a work session with the Commission in determining the different criteria.

Ms. Sadler asked how this would affect the pending case Mr. Holt referenced earlier versus those who have already applied.

Mr. Kinsman noted it depended on what the Board adopted. He further noted the Board could not refuse to accept an application. Mr. Kinsman noted someone could still apply for a particular use and have the Planning Commission review it within the requisite time. He further noted at the Board level, no cases of this type would be heard until the one-year time mark was up, which started when the Planning Commission meeting began and then count forward one year at which time the County Code noted a decision had to be made. Mr. Kinsman noted effectively said an application came be submitted, but do not expect to hear about it for some time. He further noted this was done with Air BnBs a year ago.

Mr. McGlennon expressed concern regarding fairness to applicants as well. He noted an applicant submitting \$1,200, but finding out later criteria was not met. Mr. McGlennon further noted communicating to the applicant that criteria being reviewed could potentially exclude his or her particular property. He noted his concern earlier about the criteria regarding arterial or collector roads in a previously heard SUP case that evening.

Mr. Hipple noted the Board had been dealing with these applications before without any criteria in place, but was now putting everything on hold to establish criteria. He further noted his concern over what message this sent to citizens.

Ms. Larson noted reviewing the one pending application and moving forward on it. She further noted there were still so many questions as Mr. Krapf had mentioned. Ms. Larson added that the Board would then delve deeper into the issues of criteria and other factors.

Mr. Icenhour noted if the house rental was long-term, that was just a rental agreement. He further noted when the SUP was submitted, it followed the house. He noted the applications already processed and done were done and there was no going back and changing them. He further noted since this was a permanent change that went with the land, it deserved a closer look at the criteria. Mr. Icenhour added he did not have confidence, nor did he think the Planning Commissioners did, with the current criteria being fair and equitable. He noted having more discussion after Mr. Kinsman presents the resolution and following Ms. Larson's lead on reviewing the application currently in the pipeline.

Ms. Sadler noted her agreement on hearing that one case, but added she hoped the current discussion would not influence the Planning Commission's decision on that case. Ms. Sadler noted evaluating that case on the same criteria currently used and then moving forward in reviewing the criteria.

Mr. Hipple asked if the timeline could be shorter than July 2021 when the Comprehensive Plan was updated.

Mr. Holt noted that was not a problem as this was one component of many pieces that comprised the Comprehensive Plan update. He further noted a point where a general consensus between the Planning Commission and the Board of Supervisors for handling these cases in this specific short-term land use rentals would not have to wait until July 2021. Mr. Holt noted next July would represent the formality of voting on the Comprehensive Plan similar to the recent process with the budget and its adoption. He further noted once a consensus on policy was established, it could be in place prior to July, though zoning issues would need to also be addressed.

Mr. Hipple asked if the criteria and policy were in place in eight months, would the Board need to wait for other factors.

Mr. Holt noted no, the Board could do something at that time.

Mr. Hipple asked Mr. Holt if eight months was enough time for staff to develop the criteria based on the Board's and Commission's input.

Mr. Holt noted he would get back on that point after checking with staff, but further noted this was one of several points that staff knew the Board and the Commission wanted to address first in preparing for the Comprehensive Plan update. He noted the Engage 2045 meetings were upcoming, but would check dates and get back to the Board on the timeline.

Mr. Kinsman noted he and Mr. Holt could draft a resolution to present to the Board with the earliest date they could determine would work.

Mr. Hipple noted letting people know this evening the Board was working on the criteria and these cases would be on hold until criteria was established.

Mr. Icenhour noted the Public Comment was closed, but the Board would speak with the individual after the meeting.

L. CLOSED SESSION

A motion to Enter a 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

At approximately 7:30 p.m., the Board entered Closed Session.

At approximately 7:43 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. Social Services Advisory Board Appointments

A motion to Elect Sharon Cornelius and Christopher Howard to the Social Services Advisory 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 Ms. Sharon Cornelius to a second term on the Social Services Advisory Board and the appointment of Mr. Christopher Howard to an initial term on the Social Services Advisory Board, both to four-year terms terminating on June 30, 2024.

2. Williamsburg-James City County Community Action Agency Board Appointment

A motion to Elect Lynette Diaz to the Williamsburg-James City County Community Action Agency 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 Ms. Lynette Diaz to the Williamsburg-James City County Community Action Agency Board for an unexpired term ending September 25, 2022.

3. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel; in particular, the legal status of the unimproved 50-foot-wide right-of-way located along Overlook Drive in the Kingspoint neighborhood, pursuant to Section 2.2-3711(A)(8) of the Code of Virginia.

M. ADJOURNMENT

1. Adjourn until 4 p.m. on June 23, 2020, for the Work Session

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

At approximately 7:45 p.m., Mr. Icenhour adjourned the Board of Supervisors.


Deputy Clerk