

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**WORK SESSION**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**October 27, 2020**  
**4:00 PM**

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**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 ongoing medical condition 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. BOARD DISCUSSIONS**

Mr. Icenhour acknowledged Mr. Rich Krapf, Planning Commission Chairman, would call the Planning Commission meeting to order.

At approximately 4:45 p.m., Mr. Krapf called the Planning Commission Working Group (PCWG) October 27, 2020, meeting to order.

Mr. Paul Holt, Director of Community Development and Planning, called the roll.

**ROLL CALL**

**Planning Commissioners Present:**

Barbara Null  
Julia Leverenz  
Frank Polster  
Jack Haldeman  
Tim O'Connor  
Rich Krapf

**ADOPTED**

**DEC 08 2020**

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

**Planning Commissioners Absent:**

Rob Rose

I. Briefing on the Engage 2045 Comprehensive Plan Update Process

Ms. Ellen Cook, Principal Planner, addressed the Board with a PowerPoint presentation on the Engage 2045 Comprehensive Plan Update. Ms. Cook noted this update represented the fourth check-in with the Board. She further noted Mr. Vlad Gavrilovic, Principal with EPR, P.C., and Ms. Leigh Anne King, Director, Clarion Associates. Ms. Cook noted Ms. Ginny Wertman, PCWG member and Acting Chair of the Community Participation Team (CPT) was also in attendance. Ms. Cook further noted the significant progress the PCWG, CPT, consultants, and staff had made in the Comprehensive Plan update since the May 2020 meeting. Ms. Cook noted the PowerPoint presentation focused on a summary of the second round of public input and the scenario planning process results. She further noted two frameworks, Revising the Plan and the Preferred Scenario, would be highlighted in the presentation.

Ms. King addressed the Board highlighting the five-phase project process in the PowerPoint presentation. She noted the community engagement process included four key components. Ms. King noted public engagement in the process was a cumulative effort which was built on the existing 2035 Comprehensive Plan, the 2019 Citizen Survey, Round One input, and the Round Two input. She further noted two additional rounds of input were upcoming. Ms. King continued the presentation with statistical breakdowns of key issues from the 2019 Citizen Survey. She noted five public input priorities were developed from Round One of the Summit on the Future: nature; community character; affordable housing; economic development; and quality of life. Ms. King continued the presentation highlighting information in each of those five key areas. She noted specifics from Round Two, which included a virtual assembly and online questionnaires to gather additional input. She further noted the importance of education, and while not a focus of a specific 2035 Comprehensive Plan goal, it was identified as an important component of the community per the 2019 Citizen Survey.

Mr. Gavrilovic continued the presentation and addressed the scenario effort planning. He noted two scenarios were developed with one showing current trends and the second showing an alternative vision based on public input. He further noted both scenarios were run through three computer models: land use indicators, transportation indicators, and economic and facilities indicators. Mr. Gavrilovic noted the results were shared with the PCWG and the public and incorporated into a questionnaire for citizen response. He continued the PowerPoint presentation highlighting the results of the scenario testing and modeling conclusions from the PCWG. Mr. Gavrilovic noted these results were shared with the public through maps, images, and numbers, which were incorporated into an online questionnaire for citizen preference on the scenarios. He further noted the process regarding the questionnaire in the presentation, adding the input was very robust and thorough. Mr. Gavrilovic continued the PowerPoint presentation with a statistical breakdown for both scenarios in the three areas of maps, images, and numbers. He noted Scenario B was the preferred choice in all three areas and a more site-specific evaluation will need to be done to create the actual Future Land Use map. Mr. Gavrilovic noted the Round Two inputs were consistent with the 2019 Citizen Survey and the Round One public input priorities. He further noted the CPT's and PCWG's roles in the development of the information.

Ms. Wertman addressed the Board noting the coordination between the CPT and the Planning Commission on the instruments to gather public input. She noted the numerous opportunities for citizens to provide open-ended comments and the valuable information gathered from those comments. She further noted CPT-planned in-person events were abandoned due to the pandemic, but added social and digital media were used in that absence. Ms. Wertman noted

the use of advertising on the Williamsburg Area Transit Authority buses as well as live question and answer sessions during virtual assembly. She further noted the use of the Williamsburg Regional Library bookmobile for electronic survey access as well as paper copies upon request through the Planning Division for citizens who may have electronic restrictions. Ms. Wertman noted a significant decline in citizen participation even with those actions taken. She further noted most of those participants indicated this was the first time they had been involved in a County planning process. Ms. Wertman noted this was largely due to the outreach efforts and the CPT would continue to find creative ways to engage citizens regarding participation and feedback.

Mr. Icenhour thanked Ms. Wertman and asked for questions and/or comments from the Board.

Mr. McGlennon noted the presentation was very helpful and useful. He further noted a clear sense from citizens on what they did and did not want in the County. He asked about scenarios regarding management of the population growth and the possible incorporation into the next round.

Mr. Gavrilovic noted the scenarios had purposely held the populations constant in establishing a standard baseline, but added population adjustments could be incorporated into policies and actions.

Mr. Hipple noted more development appeared to be mostly in the Primary Service Area (PSA) and possible changes to how the PSA is currently used. He further noted those changes could potentially free up the rural lands and allow the rural character to remain intact. Mr. Hipple noted reviewing if the PSA was truly in the right place with directional adjustments but not size reduction. He further noted a potential protection zone for rural roads so no change would occur in those areas.

Ms. Sadler asked if the pandemic had changed the timeline for the process. She inquired if additional meetings would be factored into the timeline.

Ms. Tammy Rosario, Assistant Director of Community Development and Planning, noted some adjustment had taken place with the overall timeline. She further noted the original Round Two Public Input Session schedule had been impacted by a month. Ms. Rosario noted the pandemic, in combination with the complicated nature of the material, had impacted the schedule also. She further noted adjustments within the timeline to address the process as a possible late summer Board consideration item. Ms. Rosario noted an approximate two-month delay in the process to date.

Ms. Sadler thanked Ms. Rosario for the update. She inquired if citizens who had not participated in the survey would have an opportunity to do so.

Ms. Rosario responded yes. She noted an extension of the public input period from three or four to seven weeks. She further noted the CPT was currently considering that point.

Ms. Sadler asked if late arrivals to the process would feel their input was still important. She stressed that citizen involvement was crucial.

Ms. Rosario responded yes the input would be valuable and welcome in the process. She noted the educational aspect of the process so that each new participant would understand and want to be involved.

Mr. McGlennon referenced Mr. Hipple's comments on the PSA and the preservation of agricultural area surrounding it. He noted a need to also protect natural areas within the PSA

too. He further noted reexamining property within the PSA for redevelopment and restoration.

Mr. Gavrilovic noted citizens had denoted areas for preservation on the Preserve Change Map at the November 2019 Summit. He further noted the feedback reflected a wide range of preservation in and out of the PSA and the specific features of that preservation.

Ms. Larson noted citizen input was paramount, but questioned if citizens fully understood the process. She further noted input from the PCWG for changes to the Comprehensive Plan. Ms. Larson inquired how to address people and let them know that not everything will be obtained in this Comprehensive Plan. She questioned, based on past experience, if people were okay if some things were addressed and they felt someone was listening to their input.

Ms. King addressed the point referencing a comment Mr. Hipple had made during work on the Strategic Plan. She noted that not everyone would agree on all points, but if it was a good consensus plan, that was the goal. Ms. King further noted listening to all input and building on it. She noted the next steps in the process addressed specific policy direction and implementation. Ms. King further noted transparency and open discussion were important.

Mr. Hipple noted finding the balance and harmony between development and greenspace. He further noted the importance of those elements for citizens, developers, and the County.

Ms. Larson noted the importance of the things that were already established and could not be changed. She further noted any change would be a process.

Ms. Cook noted Ms. King would continue the presentation by addressing Visions, Goals, and Policies for the nine chapters of the Comprehensive Plan.

Ms. King noted in the PowerPoint presentation that the process was moving in Phase Three. She further noted revision of the plan framework was based on the 2035 Comprehensive Plan and encompassed Vision, Goals, Strategies, and Actions (GSAs). Ms. King continued the presentation highlighting significant overlap and consistency in themes from the 2035 Vision Statement which are seen in the current input process. She noted GSAs from the 2035 Comprehensive Plan and gave statistical information on each component. Ms. King further noted that in analyzing the public input, both new policy ideas and enhancement of existing policies became evident as noted with Land Use.

Ms. Larson asked what would be an example of the policy idea that stated 'support a greater mix of uses within or adjacent to existing and new neighborhoods.'

Ms. King noted this included more biking and walking opportunities between various communities and not just within isolated communities.

Mr. Gavrilovic noted this addressed citizens' responses for the opportunities to walk to shopping, restaurants, or other amenities. He further noted potential redevelopment of areas as mixed use to support those opportunities.

Ms. King continued the presentation noting policy considerations for Community Character. She noted the next goal, Economic Development, received public input for focus on higher paying jobs and industries. Ms. King further noted policy ideas for consideration with Housing, which included clarification on the local housing market targets. She continued the presentation addressing Transportation. Ms. King noted strong public support for additional biking and walking facilities. She further noted Parks and Recreation and Public Facilities policy considerations in the PowerPoint presentation. Ms. King addressed the final component of Population Needs.

Mr. Gavrilovic noted a 50-page document, the Preferred Scenario Framework, was included in the Agenda Packet. He further noted the presentation indicated the key ideas from the Preferred Scenario Map, the alternative Scenario B. Mr. Gavrilovic discussed the six main points from the citizen input, which included limiting new residential development in rural lands, potential reduction of the PSA, redesignation of land use toward Mixed Use. He noted Complete Communities would benefit from the Mixed Use designation to encompass walking to shops, restaurants, and other amenities together within the community. Mr. Gavrilovic continued the presentation highlighting additional planning concepts that embraced current market trends and best practices in the profession.

Ms. Leverenz addressed the Board noting the Planning Commission's review on the GSA framework, which built upon the 2035 plan. She noted similarities and overlaps in the 2035 Vision Statement, but added there was enough variation in the public input themes to warrant reviewing the language and organization of the Vision Statement. Ms. Leverenz cited the Nature theme from the 2035 Vision Statement and the 2045 public input both included the intent to protect sensitive features such as greenspace. She noted the public input also referenced water quality and sea level rise. She further noted the PCWG felt that a revision of the Vision Statement was needed using the input as a guide. Ms. Leverenz noted education as an important factor to be considered in any revisions. She further noted watching the gap areas, as seen during the PowerPoint presentation, particularly moving forward with the Strategies and Actions in the Comprehensive Plan. Ms. Leverenz added if there was an area the public felt was important, but did not think the County was there yet, that needed to be considered. She noted Round Two public input brought new ideas forward, which the Planning Commission added to as well. She further noted the importance of these ideas during the review process.

Mr. Krapf addressed the Board and expressed his thanks for the opportunity to share the PCWG's thoughts on the Scenario Framework document. He noted the PCWG had spent considerable time on this process, adding that it was new and very complex. He further noted some of the PCWG's work had included guiding the concepts for the scenario modeling process, reviewing the indicator results for the two scenarios, developing a questionnaire with the public in coordination with the CPT, and consideration of the questionnaire results and concepts discussed within the framework document. Mr. Krapf noted the PCWG reviewed the input and found significant support for the Scenario B model, which represented a departure from the current trend in James City County. He further noted the next steps in the PCWG's review of policies and the Land Use map.

Mr. Icenhour inquired if there was any discussion or questions from the Board or the PCWG. He noted the presentation that showed the gap analysis was enlightening. He further noted it indicated areas where citizens liked the idea, but acknowledged the County was not there yet. Mr. Icenhour noted he was very pleased with the presentation and results and felt confident moving to the next step in the process.

Mr. Hipple noted he felt it was a well put together plan with good citizen information, but added he was disappointed there had not been more participation. He further noted caution regarding making things too tight and adjusting the PSA. He added he was for some growth to keep things moving, but also wanted to protect the rural areas. Mr. Hipple stressed caution on changing the land use, but supported limited growth that was managed and planned. He noted he liked how the plan addressed accessibility to waterways and safer bike trails.

Ms. Larson noted the hard work that had been done. She further noted not just having a Comprehensive Plan that had check boxes, but a real working plan on which to make decisions. Ms. Larson expressed concern about how to be all things to all people and possible Board actions and decisions going forward, particularly with land use. She noted attendance at Round One of public input and the diverse age group that attended, but added the pandemic's

impact on the schedule. Ms. Larson expressed hope that people would continue to stay involved in the process. She thanked everyone for their involvement.

Mr. McGlennon thanked the PCWG, CPT, and the consultants for their hard work. He noted the opportunity to rethink and envision new things as citizens provide input on how they want things to be in the County. He noted as the process moved forward to make citizens aware of the difficult choices that will make a better community. Mr. McGlennon noted affordable housing is an area where citizens know tough decisions need to be made if particular policies or needs within the community are valued. He further noted he felt the process was heading in the right direction and looked forward to additional participation in future stages.

Ms. Sadler thanked everyone involved in the process and noted she felt they were moving in the right direction. She further noted she and Mr. Hipple both lived in the rural part of the County and she echoed his thoughts on development. Ms. Sadler noted citizen concern on maintaining the rural character and its uniqueness. She further noted development and school concerns.

Mr. Icenhour noted a clear message to move forward was being sent to move ahead with the Preferred Scenario Framework. He further noted he was impressed with the presentation and urged the group to keep up the good work.

Mr. Holt noted there were several housekeeping items for the Planning Commission to address.

Mr. Krapf thanked the Board for the positive reinforcement.

Mr. Holt noted as the Planning Commission meeting this evening was a public meeting with a physical quorum present, rather than a virtual meeting held under the County's Continuity of Government Ordinance, remote participation of Ms. Leverenz and Mr. O'Connor required approval from a majority of the Planning Commission members physically present at the evening's meeting. Mr. Holt noted the approval for both could be done by the same motion and vote. He recommended Mr. Krapf call for said motion and a voice vote would be recorded for the minutes.

Mr. Krapf asked for a motion to accept the virtual participation of Ms. Leverenz, due to a medical condition that prevents her from attending, and Mr. O'Connor, due to personal reasons, as stated.

Ms. Null made the motion.

Mr. Krapf noted the vote passed unanimously. He asked for a motion to adjourn the PCWG meeting until 4 p.m. on November 9.

Ms. Null made the motion.

Mr. Krapf noted the vote passed unanimously.

At approximately 6:04 p.m., Mr. Krapf adjourned the Planning Commission Working Group meeting.

At approximately 6:04 p.m., Ms. Sadler left the Board of Supervisors meeting.

## 2. Contract Award and Lease-Purchase - Portable Radio Replacement

A motion to Approve 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

Fire Chief Ryan Ashe addressed the Board referencing the Contract Award resolution before it. He noted these devices were used by both the Fire and Police Departments. He further noted the current equipment was purchased in 2003-2004 as part of the regional radio system upgrade. Chief Ashe noted difficulty in obtaining parts in addition to the units were at their end-of-life stage. He further noted the replacements would be for Fire, Police, Sheriff's Office, and Emergency Communications. Chief Ashe noted enhanced technological features on the units. He further noted originally this was funded as a cash purchase, but with COVID-19 and the current financial climate and after discussion with Ms. Sharon Day, Director of Financial and Management Services, and staff, it was determined a lease-purchase option was the best route. Chief Ashe noted the resolution in the Agenda Packet allowed the County Administrator to enter into the contract and transfer money from the Capital Improvements Program Fund to the Debt Service Fund for the initial payment with the four additional payments to be included in future budgets.

Ms. Larson noted it was impressive the units had lasted the duration, particularly with technological advances. She inquired about the lifespan on the new models.

Chief Ashe noted 12-15 years was the expectation. He credited personnel for taking care of their equipment as well as the maintenance program, but noted the department was excited about the upgraded units.

Ms. Larson noted those technological advances were very important in connecting first responders with the Call Center, both for the first responders and the citizens.

Mr. Icenhour noted Item No. 3, 2021 Legislative Agenda items would be moved to the end of the Board Discussions.

### 3. Contract Award-JCC Marina Improvements

A motion to Approve 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

Mr. John Carnifax, Director of Parks and Recreation, addressed the Board noting the Agenda Packet contained a memorandum and resolution for a contract award for Phase One of the Marina. He noted last year only one bid had been received, but three bids had been received this year. Mr. Carnifax further noted Carolina Marine Structures, Inc. received the bid, adding the company was currently working on the shoreline stabilization project at Chickahominy Riverfront Park. He noted several site modifications due to budget constraints. Mr. Carnifax further noted evaluation upon completion of Phase One to adjust Phase Two, which is slated for 2023, in hopes of bringing some amenities back at that time.

Ms. Larson thanked Mr. Carnifax and staff for their work. She noted the Marina definitely needed some work and attention and as the County owned it, she was appreciative it was being addressed.

Mr. McGlennon asked about the anticipated completion date.



Mr. Carnifax noted as part of the negotiated price, the project was extended from 180 to 220 days. He further noted late spring was the anticipated timeline, but added it could extend to June 2021.

4. Board Appropriation - Settlement at Powhatan Creek

A motion to Approve 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. Toni Small, Director of Stormwater and Resource Protection, addressed the Board regarding an appropriation request of \$137,200 from a held surety account to an escrow account. She noted the appropriation would address the remaining construction issues associated with Phase Two of the Settlement at Powhatan Creek. Ms. Small noted any unused funds would return to the financial institution once the project was complete.

Mr. Icenhour inquired what the remaining work entailed. He asked if Best Management Practices (BMPs) were part of the work.

Ms. Small noted BMPs were part of it, adding the Phase Two punch list addressed specific areas of work. She further noted stabilization, several sinkholes, and other elements were also part of that work.

Mr. McGlennon asked if a contractor was lined up pending the Board's action for approval of the appropriation.

Ms. Small noted coordination with Mr. Barry Moses, Capital Projects Engineer. She further noted he was ready to move on the project pending setup of the appropriation. Ms. Small noted December-January was the anticipated start date.

Mr. McGlennon asked if she anticipated completion of the project in early 2021.

Ms. Small confirmed yes.

5. FY2021 First Quarter Financial Update

Ms. Day addressed the Board regarding the County's AAA bond rating and recent good news. Ms. Day further noted the three bond rating agencies (Moody's, Fitch, and Standard & Poor's) periodically performed 'surveillance' as part of their due diligence in which they request financial information and operational updates. She noted Fitch had contacted her requesting this information, particularly how the County had been impacted by the COVID-19 Pandemic and the County's response to it. Ms. Day further noted they were particularly interested in how the County ended last fiscal year and if any Fund Balance had been used to balance last year's books or to balance this year's budget. She noted she was proud to respond that Fiscal Year 2020 (FY 2020) ended with a surplus, all due to expenditure savings despite the revenue shortfall in addition to balancing the FY 2021 budget without the use of any Fund Balance. Ms. Day noted the budget had been built in anticipation of reduced spending. She further stated on October 26, 2020, she received notification that there would be no change to the County's rating or its positive outlook and that the County's AAA rating was upheld. Ms. Day noted this positive note spoke highly of both the Board's leadership and that of Mr. Stevens. She further noted it reinforced the team effort and that the departments played a crucial role in response to the pandemic with curtailed spending without a drastic cut



to services. Ms. Day noted collaboration with County partners, in particular the Williamsburg-James City County (WJCC) School Division. She further noted difficulties and sustainability, but added that it seemed to point toward the right direction in the current circumstances.

The Board thanked Ms. Day.

Ms. Day noted the County's General Fund or Operating Revenues on a cash basis as well as an accrual basis in a PowerPoint presentation. She further noted the cash basis reflected actual cash received so far this year. Ms. Day noted the revenue downfall was about 7.8% or \$2.4 million. She further noted the budget reflected a 10% reduction so currently the County was trending slightly better than budget. Ms. Day continued the PowerPoint presentation highlighting the accrual basis, which she noted are figures that will be audited and rolled into the County's General Fund. Ms. Day noted in the presentation assumptions on the timeline for the hardest hits in revenue as well as the slow recovery timeline. She further noted the importance of the updates to monitor the 10% reduction and time to react and adjust if needed. Ms. Day noted the biggest contributors to the variances in the budget and the actual results are the other local taxes and charges for services. She further noted a more detailed look at the other local taxes as that represented the category most impacted by tourism revenue. She added that the charges for services were impacted by reduction in medic transport fees and Parks and Recreation fees from membership, camps, and programs. Ms. Day noted in the presentation a cash comparison from the same time period from last year compared to the current year. She further noted the local taxes were comprised of the sales, lodging, and meals and those were impacted the most by the loss of tourism revenue. Ms. Day continued the presentation noting tax collection as remitted on the state and local levels. She noted local sales tax were down about 15%. She further noted the volatility associated with collection of the Historic Triangle 1% Sales Tax with the amounts up and down across different months. Ms. Day noted FMS did not have details on the businesses impacting this, but guessed late payments from businesses could be a factor. She further noted though tax revenue was lower than last year, and the sales tax was doing better than the reduced revenue budget. She added the lodging and meal taxes were taking a harder hit.

Mr. McGlennon asked if the cash basis and accrual basis numbers were related to the overall decline in revenue.

Ms. Day confirmed yes.

Mr. McGlennon asked if this was where it was all happening.

Ms. Day confirmed yes. She noted a significant decline in personal property tax had not been seen, but added only one of the two collections had been made to date.

Mr. McGlennon referenced a previous slide on state and local funding and questioned if the balance reflected any Coronavirus Aid, Relief, and Economic Security (CARES) Act money.

Ms. Day noted the CARES Act money was in a different fund and had not been co-mingled with the General Operation numbers.

Mr. Icenhour inquired if the June to August deferral on the personal property payment had affected the accrual rate. He asked if the deferral had not been made would the revenue be closer to the 10% mark.

Ms. Day confirmed yes. She cited an accrual change from 45 days to 60 days in the revenue collection. She noted a significant one-time refund to a business was the primary reason for the lower amount. Ms. Day continued the presentation highlighting trend data showing monthly breakdowns for the respective taxes from the current year compared to last year. She noted

the next part of the presentation addressed the spending side of the budget. Ms. Day further noted the top expense was 54% for the School Division followed by County payroll. She continued the PowerPoint presentation detailing each department's spending as well as payments to outside services, which are done at the beginning of the year. Ms. Day noted the restriction on expenditures remained in place due to the uncertainty surrounding the COVID-19 Pandemic.

Ms. Larson asked if a specific benchmark was used when departmental budget requests were made.

Ms. Day confirmed yes.

Ms. Larson asked if the benchmarks were being checked before moving forward with the next year's budget.

Mr. Stevens noted if specific items are benchmarked, then yes that can be monitored. He further noted the items included departmental salaries, projects and reports, and service. Mr. Stevens noted tracking service to the community adding Parks and Recreation did that very well regarding camps and various programs as well as General Services and the convenience centers.

Ms. Larson thanked Ms. Day for the financial updates. Ms. Larson noted a recent promotional piece from Busch Gardens and inquired if there was any update.

Mr. Stevens noted a recent conversation with Mr. Kevin Lembke, Park President, Busch Gardens Williamsburg, regarding some programming that would take place through December. He further noted Mr. Lembke's comment on some progress on capacity, but not a significant increase. Mr. Stevens further noted Mr. Lembke was pleased with any increase as it would be helpful to the park and was awaiting news on the possibility.

## 6. 2021 Legislative Agenda

Mr. Kinsman addressed the Board regarding the compilation of items for the 2021 Legislative Agenda to be presented to the General Assembly. He noted a review of the Board's previous legislation and what actions had occurred with it. Mr. Kinsman noted the first item focused on the distribution of online sales tax by physical address not zip code for account reconciliation. He further noted that item had not been picked up by any legislator. Mr. Kinsman noted the second item involved designation of Special Conservators of the Peace in the definition of criminal justice agency. He further noted this allowed County Park Rangers access to Virginia Criminal Information Network (VCIN). Mr. Kinsman noted no legislator had picked up that item, but he would try another direction. He further noted the next item addressed a County Code amendment to prohibit e-cigarette store locations within 1,000 feet of a public school. He added that item had not been picked up either. Mr. Kinsman noted the fourth item addressed a County Code amendment to allow taxation on amusement machines that take payment in forms other than coins. He added that would not be one to potentially pursue in light of other items. He further noted the next item addressed amendment of the Virginia Code regarding requirement of absentee voting record by precinct if more than 25 votes were cast. Mr. Kinsman noted this item was supported by Delegate Amanda Batten and had made it to a House of Representatives' subcommittee where it remained on the table. He further noted the County's General Registrar, Dianna Moorman, had strong opposition to this item.

Mr. McGlennon noted he did not understand the objection as he felt the information was already in the record. He further noted the information would need to be reported, but collection would already be done.

Mr. Kinsman asked the Board's thoughts on the online sales tax, e-cigarette store locations, and absentee voting special reports.

Mr. Icenhour asked if any of the legislators would be willing to pick up any or all of the three items.

Ms. Larson noted the General Registrar's opposition to the Board's request to move forward on the absentee voting.

Mr. Kinsman noted he would talk with Ms. Moorman.

Discussion ensued on the point.

Mr. Kinsman noted he would retain that point and have Ms. Moorman join him at the next meeting to discuss it. He further noted the additional legislative items to be considered for the General Assembly's 2021 agenda included an item Mr. Hipple requested for a provision to add an increased litter tax. Mr. Kinsman noted the tax, which was on retailers, wholesalers, and manufacturers, is collected by the Commonwealth, but 95% of it is delivered back to localities.

Mr. McGlennon noted the action would be a request to the state to raise the tax.

Mr. Kinsman confirmed yes. He noted it was taxation at the source of the trash and not at the individual(s) who distributes it on the roads, but added the funding would hopefully help clean up the County. He further noted Mr. Hipple requested a provision that localities require sprinkler systems in residential houses. Mr. Kinsman noted James City County was not the first County to consider this and he had researched it. He further noted this point generally fell under housing standards within the Commonwealth's Department of Housing and Community Development. Mr. Kinsman provided background and update on this requirement elsewhere in the state.

Mr. Hipple noted jurisdictional authority, not a statewide one. He further noted there were some provisions that should be statewide, but also allowed for some decision flexibility at the local level too.

Mr. Kinsman noted he would review the County Code. He further noted this would be a unique section of the Code in terms of directing construction outside of the Uniform Statewide Building Code.

Discussion ensued.

Mr. Kinsman noted the next item was requested by Ms. Larson. He further noted it addressed imposition of stiffer penalties for violation of motor vehicle with loose loads on highways. Mr. Kinsman added this involved a mandate that such loads be covered. He noted the penalty was a Class IV misdemeanor which is a fine of not more than \$250. He further noted Class III was \$500, Class II was \$1,000 with the possibility of jail, and Class I was up to \$2,500.

Ms. Larson felt this was both a litter and a safety issue.

Mr. Kinsman asked if she had a magical number to assign to this request.

Ms. Larson noted \$2,000 to \$500.

Mr. Kinsman noted the next item was also at Ms. Larson's request and it addressed an

increased assessment for Air BnB properties. He further noted discussion with Mr. Jon Fountain, Director of Real Estate Assessments. Mr. Kinsman noted the assessment is based on the highest and best use theory and if the assessment were switched from residential based to commercial based, the potential for reduced tax revenue would be the result unless the property owner made a large amount of money for the Air BnB use. He further noted he and Mr. Fountain 'ran the numbers' and determined the property or properties would need to be rented almost daily and at a high charge to see the net taxable income exceed the charge as use as a residential home.

Ms. Larson asked if this meant no double dipping was allowed in terms of how the house was used.

Mr. Kinsman confirmed yes.

Discussion ensued on properties with Special Use Permits for rental, commercial use, and tax collection.

Mr. Kinsman noted a section of the Virginia Code allowed localities to operate an Air BnB registry. He further noted James City County did not have a registry, but it could have one if desired. Mr. Kinsman noted if an Air BnB was operating and not on the registry, a fee could be imposed on the unregistered unit.

Discussion ensued on establishing a registry and monitoring legal versus illegal Air BnBs within the County.

Ms. Larson noted she would talk with Mr. Stevens to address some of these points and review options.

Mr. Kinsman noted the next item, also requested by Ms. Larson, addressed increased assessments for residences that are unfinished for an extended period of time. He further noted, after conferring with Mr. Fountain, that unfinished homes are assessed on the stage of the last approved construction regardless of the length of that stage. Mr. Kinsman noted that adding a penalty for the extra time would be difficult in keeping everything fair and equitable. He further noted Mr. Fountain would review the unfinished homes and check the status for assessments.

Ms. Larson questioned fair and equitable assessments of the neighboring homes to the unfinished homes. She noted the impact on home value when a home sat unfinished for as many as 27 years.

Mr. Kinsman noted there were possible provisions in the Uniform Statewide Building Code where this point could be addressed. He further noted the County was doing that and had filed a case to test that law.

Mr. Hipple noted some localities charged for Certificate of Occupancy (CO). He further noted if a home was incomplete, a temporary CO could be granted and a fee would be charged incrementally until completion. Mr. Hipple questioned a state law that addressed this fee.

Mr. Kinsman noted it was probably a fee charged every three months or so to renew the temporary CO. He further noted that was something he would review.

Mr. Hipple noted the incremental fee might motivate people to finish building.

Mr. Kinsman noted the next item was requested by Mr. Icenhour. He further noted it addressed amendment of the Virginia Code to explicitly give Board of Supervisors the ability

to impose sunset clauses on use permits. Mr. Kinsman noted the State Code explicitly stated Boards of Zoning Appeals had the ability, but not specifically Boards of Supervisors.

Mr. Icenhour requested Mr. Kinsman pursue that item.

Mr. Kinsman noted the next item was requested by Ms. Sadler and addressed a change to the State Code which allowed the Commissioner of the Revenue to release the names of all businesses in the County. He further noted a high level of exclusions to which the Commissioner was held, adding this was currently not one of them.

Mr. McGlennon asked in this case could the Board request the Commissioner communicate its particular message to those businesses.

Mr. Kinsman noted he had not thought of it that way.

Mr. McGlennon noted it would not require changing the law, but instead use the Commissioner of the Revenue to convey the message.

Mr. Kinsman noted he would speak with Mr. Richard Bradshaw, Commissioner of the Revenue. He further noted Items No. 8-10 were probably page 2 positions rather than direct legislation. Mr. Kinsman noted Item No. 8 addressed a request to the General Assembly for additional 9-1-1 funding or to additional funding to offset the Next Gen 911. He further noted Item No. 9 was a request from Ms. Larson for General Assembly funding for the General Registrar's Office.

Ms. Larson noted the number of laws regarding voting, but added it was unfunded mandates. She further noted the General Registrar's salary was set by the state and the County needed some relief in that area.

Mr. McGlennon noted citizens were pleased with these changes and would likely continue to use them more.

Discussion ensued on funding assistance, space limitations, and other factors.

Mr. Kinsman noted the last item was requested by Ms. Moorman. He further noted she requested the Board take the position that the General Assembly should not approve the proposed change to extend polling place hours on Election Day. He detailed the proposed change and referenced senior citizen poll workers and the extended time for them.

Ms. Larson questioned poll worker participation as once you start work, you stay.

Mr. Kinsman confirmed yes.

Ms. Larson noted the poor lighting at many of the elementary school polling places due to limited nighttime events.

Discussion ensued regarding polling hours.

Mr. Kinsman noted the remaining 2020 items were the same as previously. He further noted some wording changes to the Eastern State Hospital surplus property item. Mr. Kinsman noted the next steps for preparing the 2021 Legislative Agenda and the timeline. He further noted that at the November Work Session, the items would be presented to the legislators to see who would carry which items. Discussion ensued on the legislative deadline, average daily membership in schools, and other points.

#### **D. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon noted the passing of one of his constituents, Mr. Roy Hock, of COVID on October 25, 2020. He extended his condolences.

Ms. Larson noted she, Mr. Stevens, and representatives from Economic Development recently attended the groundbreaking ceremony for The Maine, an event venue across from Governor's Land. She further noted The Maine anticipated opening next year. She noted the Burlington Plantation, an event venue on Route 5 in Charles City County, was booked every weekend of the year. She further noted it was an outdoor venue, adding she felt The Maine would also do quite well. Ms. Larson welcomed them to the County and the Berkeley District. She noted she had a Virginia Peninsula Jail meeting which addressed how well the Superintendent and staff handled any COVID-19 cases there. Ms. Larson reminded her fellow Board members of the upcoming Finance meeting with the Tourism Council and welcomed any to attend the open meeting. She noted the recent joint meeting of the Board of Supervisors, the City of Williamsburg, and the WJCC School Board. Ms. Larson further noted in the current uncertain times, the County and its citizens were to be commended for its contribution to education. She noted the County was one of 46 localities that exceed the 100% mark in this area with the County at 115%. Ms. Larson further noted the continued work of the three entities moving forward.

Mr. Hipple noted updates to the various Transportation groups, as well as the Finance and Budget meetings. He further noted a Bond Letting of \$600 million through the Hampton Roads Traffic Advisory Committee, which secures another part of the Hampton Roads Bridge Tunnel. Mr. Hipple noted the amazing amount of money it takes to do transportation projects. He further noted the next Bond Letting schedule for 2021 would be approximately \$1.3 billion.

Mr. Icenhour noted the recent Mayors and Chairs virtual meeting with James City County serving as the host. He further noted the group was always looking for items that could be worked on collectively. Mr. Icenhour noted the boat trail and indicated Mr. Stevens would address that point. He further noted the Board's invitation to the Hampton Roads Utility and Heavy Contractors Association's social event.

Mr. Stevens noted he had no County Administrator's report, but wanted to follow up on the boat trail of the birthplace of America. He further noted it had been part of a previous study which linked bicycle and pedestrian paths that connect to the Capital Trail and down to Fort Monroe and the City of Hampton. Mr. Stevens noted the County Administration Officers as well as the Mayors and Chairs of the different localities were discussing the pieces along the route. He further noted the City of Newport News was working on incorporation of a part as well as James City County and other localities. Mr. Stevens noted the collaborative efforts for funding to assist with the project.

#### **E. CLOSED SESSION**

None.

#### **F. ADJOURNMENT**

1. Adjourn until 5 p.m. on November 10, 2020 for the Regular Meeting

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

At approximately 7:16 p.m., Mr. Icenhour adjourned the Board of Supervisors.

  
Deputy Clerk