

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
April 13, 2021
5:00 PM

A. CALL TO ORDER

Due to technical audio issues, the Board of Supervisors meeting did not start until 5:10 p.m.

B. ROLL CALL

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

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

ADOPTED

MAY 25 2021

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

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

Mr. Vernon Geddy, Geddy, Harris, Franck, and Henderson, LLP, led the Board and citizens in the Pledge of Allegiance at Mr. Hipple's invitation.

E. PUBLIC COMMENT

1. Mr. Daniel Robles, 121 Ewell Place, addressed the Board noting he had been attending school online since the beginning of the pandemic. He noted concerns over the poor internet connection with online school. He further noted his internet service was Cox Communications, adding slow speeds and complaints had been registered with the company over the years for his service area. Mr. Robles-Hinckley noted numerous service calls and dropped Zoom connections during online school as well as programming disruptions. He further noted in some areas of the County, there were tentative internet service providers such as Verizon Fios adding Verizon Fios also provided internet service to surrounding areas such as the cities of Suffolk, Hampton, Newport News, and Richmond. He noted the price and speed comparison between Verizon Fios and Cox Communications with Verizon being more efficient and affordable. Mr. Robles questioned the Cox Communications monopoly in the County.

Mr. Hipple noted the Board had been addressing the internet issue, adding the County was looking to get providers to come into the area. He further noted looking into broadband service and the importance of internet service during the pandemic. Mr. Hipple thanked Mr. Robles-Hinckley for his comments.

2. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board to talk about trash. She noted traveling the County's roads and less trash on the main and back roads. She further noted volunteers would be assisting with litter pickup on Saturday, April 17, 2021 for the 43rd Annual County-wide Spring Cleanup. Ms. Boarman noted cigarette butts are litter too. She further noted the volunteer help during the March 26-27 Great American Cleanup. Ms. Boarman thanked the Board for its outstanding support of the Clean County Commission.

F. CONSENT CALENDAR

None.

G. PUBLIC HEARING(S)

1. Public Hearing on Fiscal Year 2022 James City County Budget

Ms. Sharon Day, Director of Financial and Management Services (FMS), addressed the Board with a brief COVID-19 update regarding finances prior to the Fiscal Year (FY) 2022 budget presentation. She noted the FY22 budget process included considerations and adjustments due to the COVID-19 impact on the local economy. Ms. Day noted in the PowerPoint presentation the FY21 adopted budget addressed anticipated revenue shortfalls through expenditure reductions and measures to conserve cash flow. She further noted the FY22 plan assumed economic recovery and a return to normalcy. Ms. Day noted during the year, assumptions were monitored and adjustments were made to the FY22 proposed budget based on actual experience. She further noted more adjustments are expected as additional information is received. Ms. Day continued the PowerPoint presentation noting the County had a two-year budget cycle and FY22 was the second year of the current biennial cycle. She noted the County had eight separate funds with a total of \$224.4 million for FY22, which reflects a \$15.7 million (7.5%) over the current FY21 budget. She further noted the total also reflected a \$10.2 million (4.3%) reduction from the FY22 plan. Ms. Day continued the PowerPoint presentation highlighting the proposed budget included the addition of 12 positions out of 30 requests, a 3% general wage increase for employees to be effective October 1, 2021, and share in the overall 3% average health insurance increase between the County and employees. She noted a significant change in this year's budget was related to structural changes within the James City Service Authority (JCSA) in addition to JCSA operating as a separate fiscal entity from the County. Ms. Day further noted JCSA presented its budget as a separate document for FY22. She continued the PowerPoint presentation noting Capital Improvements Program (CIP) revenues and expenditures were reduced in FY21 due to economic impacts of COVID-19. Ms. Day noted the state Sales Tax for Education had previously gone to the County with remittance to the School Division, but in FY22, the money would go directly to the School Division. She further noted that change was based on research of how other state localities handled the funds. Ms. Day continued the PowerPoint presentation highlighting the eight County funds: General (main), Capital Projects (includes County and School Division), Debt Service, Housing and Neighborhood Development, Public Assistance, Colonial Community Corrections, Special Projects/Grants, and Tourism Investment and their respective breakdowns. She noted the Interfund transfers were funds like the Lodging Tax, which is deposited into the General Fund; however, due to Code of Virginia restrictions, 60% must be used for tourism. She further noted 60% of that money in the General Fund goes out as an expenditure for various tourism-related projects, adding it was one revenue source that was shifted to two different places. Ms. Day noted in the PowerPoint presentation General Fund highlights: no proposed change to the real estate tax rate, implementation of a new cigarette tax with full allocation to CIP projects, and the addition of 8.5 new positions effective July 1, 2021. She further noted the estimated costs to provide services exceeded the revenue projection, adding approximately \$900,000 in requests for primarily personnel were unable to be supported in this budget. Ms. Day noted the departmental breakdown of the additional 8.5 new positions. She further noted the general property tax, which included real estate and personal property taxes, comprised the largest portion of the General Fund revenue source. Ms. Day noted the other revenue sources were primarily tourism-driven and COVID-19 had impacted those areas such as Meals and Lodging taxes and others. She further noted FY22 was a non-reassessment year for real estate, adding an increase in the Public Service Corporation tax was projected due to the Skiffes Creek Connector operation. Ms. Day continued the PowerPoint presentation

highlighting the different local taxes and projected impacts to the General Fund revenue, which included some revenue increase with business licenses and permits. She noted revenue changes on the state level included reimbursement from the Compensation Board for the mandatory 5% raise to Constitutional Officers effective July 1, 2021 as well as the removal of the Sales Tax for Education from the County budget. Ms. Day noted adjustment in charges for services which included recycling and other fees. Ms. Day continued the PowerPoint presentation highlighting the departmental expenditure summary of the General Fund. She noted the largest percentage of the budget was allocated to the School Division followed by Public Safety. She further noted incorporation of the Strategic Plan goals into the budget in the PowerPoint presentation. Ms. Day noted upcoming meetings for feedback on the budget which included a Public Hearing at tonight's meeting, the Business Meeting on April 27, 2021 at 1 p.m., and the Regular Meeting, where the budget is scheduled for adoption on May 11 at 5 p.m. She further noted all meetings would be held at the Government Center Complex at 101-F Mounts Bay Road. Ms. Day noted some changes to the budget document included design, additional information for citizens, and a project list for reference. She further noted the budget was available on the County's website with departmental breakdowns.

Mr. Hipple asked the Board for any questions.

Ms. Larson asked Ms. Day or Mr. Stevens about the requested positions versus the allocated positions in the budget.

Mr. Stevens noted departments submitted requests, which were reviewed by the Human Resources (HR) Department for validity, followed by discussion with the departments, Ms. Day, and himself on ranking the priorities. He further noted the ongoing challenge of doing more as the community continues to grow with regard to revenue and operational costs.

Ms. Day noted the request process occurred over five months. She further noted departments were required to submit data to support the requests.

Ms. Larson noted the efficiency check by HR to monitor job redundancies within and across departments. She asked about discussion regarding positions and growing needs and referenced Public Safety.

Mr. Stevens noted he and the departments had ongoing discussions. He further noted if the need was there, it would be presented to the Board for consideration and approval as needed. Mr. Stevens noted many of the positions had been requested over several years. He further noted six Public Safety positions that had not been recommended could possibly be funded by a grant at a later time.

Ms. Larson thanked Mr. Stevens and Ms. Day for the information.

Mr. Icenhour asked about vacant positions or if these were requested additional positions.

Mr. Stevens noted these were additional positions. He further noted the vacant positions not filled during the hiring freeze were currently included in the budget, but these were additional ones.

Ms. Sadler asked Ms. Day about the federal funding including the Coronavirus Aid, Relief, and Economic Security (CARES) Act and additional funding with regard to its uses for discussion at the upcoming Business Meeting on April 27, 2021. She asked about the potential impact of the cigarette tax on the Business, Professional, and Occupational License (BPOL) numbers. Ms. Sadler noted research into other states that implemented a cigarette tax affected their BPOL numbers negatively. She asked Ms. Day to research what types of businesses could potentially be impacted with the tax implementation.

Ms. Day noted she would check on the requested information. She further noted FMS and the Commissioner of the Revenue would work collaboratively to assess the tax as well as gather information from their counterparts in other areas. Ms. Day noted the additional funding, the American Rescue Plan, and a more thorough update for the Board at the April 27, 2021, Business Meeting regarding guidance. She further noted the federal funding share was approximately \$14.8 million paid out in two installments with the first installment anticipated prior to the end of the current fiscal year. Ms. Day noted the assumption was a 50-50 allocation with approximately \$7 million received this year. She further noted December 31, 2024 was the deadline to spend that money. Ms. Day noted the second installment was slated for receipt one year after the first installment is received. She further noted there were six or seven categories the total package allowed the funds to be spent on, adding some uncertainty on locality spending and state allocation. Ms. Day noted currently she knew the funding could be used as a revenue replacement on a local level based on the last full fiscal year prior to the COVID-19 pandemic, which was FY19 for the County. Ms. Day proposed targeting the tourism-related revenues, adding there were a lot of questions. She noted using the funding for direct COVID-related expenditures such as vaccinations, personal protective equipment, disinfectants, and such. She further noted uses also included assistance to non-profit organizations, small businesses, hard hit industries, economic recovery, investments in water and sewer, and broadband infrastructure. Ms. Day noted the question of the funding and if allocation will be specified to those areas or for other areas. She further noted with the CARES Act money, it was almost a year later before the details on the spending were known. Ms. Day noted the Treasury Department is working on the guidance for the funding.

Ms. Larson asked if the School Division was receiving any of the money as well.

Ms. Day confirmed yes, adding it did not appear the School Division money was part of the County's \$14.8 million. She noted it would likely be a direct allocation from the state to the School Division.

Mr. McGlennon asked for a breakdown of the utilization of the CARES money at the upcoming Business Meeting and the impact to revenues and this year's budget.

Ms. Day confirmed she would have the CARES money breakdown at that meeting.

Mr. Hipple opened the Public Hearing.

1. Mr. Jason Rescigno, 5601-7 Richmond Road, addressed the Board as representative for a local company, Atlanta Mid Distributors, a Virginia licensed wholesale provider of cigarettes and other items. He noted he was speaking in opposition to the cigarette tax, adding it may cost more than possible revenue generated. He further noted the location of three retail stores in James City County due to the attractive low cigarette taxes. Mr. Rescigno noted lower 2020 sales due to COVID-19 in addition to the state cigarette tax increase from \$3 to \$6. He further noted customers will drive to other localities and states to save money. Mr. Rescigno noted the sales impact due to closures at both Busch Gardens and Colonial Williamsburg. He further noted the tax could increase the use of the illicit market which would result in local revenue loss.

2. Mr. Jay Everson, 6923 Chancery Lane, addressed the Board complimenting the public safety personnel at the Colonial Williamsburg Visitor Center vaccination center. He noted the efficiency of the vaccination process. Mr. Everson further noted his support of the renovations at Lafayette High School in which the expansion will accommodate 250 students. He noted the cafeteria renovations at Jamestown High School as a School CIP item. He further noted the school was over capacity. Mr. Everson noted no money should be spent at Jamestown High School when simple redistricting would solve the problem.

Mr. Hipple closed the Public Hearing as there were no additional speakers.

2. Adoption of Continuity of Government Ordinance

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

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

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

Mr. Kinsman addressed the Board noting it had been almost a year when he had recommended the Board adopt a Continuity of Government Ordinance. He noted a Continuity of Government Ordinance was a stand-alone Ordinance which allowed the County to operate slightly out of the bounds of normally required Virginia Code mandates, specifically with allowance to the Board and its subservient commissions and boards to operate via Zoom or electronic-only. Mr. Kinsman noted these Ordinances are only effective for six months, adding that after July 1, 2021, the effective time extends to 12 months. He recommended adoption of the Ordinance.

Ms. Larson asked which committees were still meeting virtually.

Mr. Kinsman noted the Planning Commission and the Economic Development Authority were meeting virtually.

Ms. Larson asked how much longer those groups planned to meet virtually.

Mr. Kinsman noted he was not aware.

Ms. Larson asked if everyone on those boards and commissions had the opportunity to be vaccinated.

Mr. Kinsman noted he did not know and looked to Mr. Stevens.

Mr. Stevens noted many of the various board and commission members had been vaccinated, but could not confirm all had received vaccinations.

Ms. Larson asked that a general message be sent for those wishing to be vaccinated as opportunities opened for availability.

Mr. Stevens confirmed yes.

Mr. McGlennon noted with the removal of some language for a "light version" of the Ordinance were there any areas for concern if conditions worsened with the pandemic.

Mr. Kinsman noted he did not think so. He further noted the original Ordinance had two pages dedicated to succession of management and a few other points. Mr. Kinsman noted if the need to reinstate those sections was deemed necessary, he would appear before the Board in a special session for reinsertion into the Ordinance.

Mr. Hipple opened the Public Hearing.

Mr. Hipple closed the Public Hearing as there were no speakers.

3. Z-20-0006. 8189 & 8193 Richmond 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

Ms. Terry Costello, Deputy Zoning Administrator/Senior Planner, addressed the Board with the rezoning application details and zoning history on the property. She noted staff's recommendation that the Board approve the application and the proposed proffers. Ms. Costello noted the applicant was available for questions.

Mr. Hipple questioned the parts assembly done at the facility and if it included plating parts.

Ms. Costello noted it was just assembly.

Ms. Larson noted the appearance of the Toano Business Center with a large residential area nearby. She questioned the design guidelines and similarity to the Business Park.

Ms. Costello noted the facility was located within a Community Character Corridor and included buffering. She further noted the facility was to mirror the Toano Business Center in colors and materials.

Mr. Hipple acknowledged Mr. Jack Haldeman was the Planning Commission representative for this meeting.

Mr. Haldeman noted the Planning Commission unanimously supported the application and proffers. He further noted the discussion on the façade and meeting design guidelines.

Mr. Hipple opened the Public Hearing.

Mr. Hipple closed the Public Hearing as there were no speakers.

4. Z-21-0001. Strawberry Plains Proffer Amendment

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

Mr. Thomas Wysong, Senior Planner, noted the details of the application. He further noted staff found the proposed proffer amendment allowed for more options on the property use such as the dry cleaning facility. Mr. Wysong noted the applicant had provided two additional proffers that addressed limits on the ingress/egress of the property to the existing location on-site as well as prohibition of outdoor storage throughout the property. He further noted staff recommended approval of the application and that the applicant was available for any questions.

Mr. Icenhour noted the proffer amendment would allow the dry cleaner, but asked if other uses, which had originally been prohibited, would now be allowed on the property.

Mr. Wysong confirmed yes. He noted the amendment would restore the previous uses that had been prohibited. He further noted the list of those uses which included antique shops, beauty and barber shops, printing establishments, and others.

Mr. McGlennon noted chemicals were involved in the dry cleaning process. He inquired if any particular requirements on handling the chemicals was required.

Mr. Wysong noted he did not think so, but he would defer the question to the applicant.

Mr. Hipple opened the Public Hearing.

1. Mr. Vernon Geddy, 1177 Jamestown Road, noted he served as the applicant's representative prior to a brief PowerPoint presentation on the application and property history. He further noted the property had been vacant for the past three years. Mr. Geddy noted this location allowed the local, family-owned Swan Cleaners to consolidate its operations in one location while also occupying a previously empty building.

2. Mr. Rick Eggleston, owner of Swan Cleaners, noted the Department of Environmental Quality made regular checks and the Environmental Protection Agency regulated the handling of the chemicals. He further noted the company's move to more ecologically friendly chemicals.

Mr. McGlennon thanked Mr. Eggleston.

Ms. Larson asked if the neighbors behind the property would be impacted by chemical smells.

Mr. Geddy responded no.

Ms. Larson asked about overnight parking of vehicles.

Mr. Geddy noted three vehicles would be parked in the back behind the privacy fence.

Mr. Haldeman noted the Planning Commission unanimously supported this application. He further noted the Commission felt this was an adaptive re-use of the property, a Comprehensive Plan goal, as well as support of a locally-owned business.

Mr. Wysong noted the proffer being offered to prohibit outdoor storage would address concerns regarding outside materials.

Mr. Hipple closed the Public Hearing as there were no additional speakers.

5. SUP-21-0002. James River Elementary School Learning Cottage

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. Wysong noted the details of the application which was on behalf of the Williamsburg-James City County (WJCC) Schools for the installation of one modular learning cottage. He further noted staff recommended approval subject to the proposed conditions. Mr. Wysong noted a WJCC School Division representative was present.

Mr. Hipple opened the Public Hearing.

Mr. Hipple closed the Public Hearing as there were no additional speakers.

Mr. McGlennon commented on the necessity of the trailer and the factors regarding the need.

6. Proposed Fiscal Year 2022-2027 Secondary Six-Year Plan

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. Tom Leininger, Principal Planner, addressed the Board regarding the annual Virginia Department of Transportation (VDOT) priority project list for secondary road improvements and construction. He noted the priority list included Phase 1 of the Longhill Road widening, adding staff recommended this project remain as the first priority to ensure the project remains fully funded. Mr. Leininger further noted the second priority was Croaker Road widening between Richmond Road and the James City County Library, adding its priority would ensure full funding. He noted the next two priorities, respectively, were the second and third phases of Longhill Road though no funding was allocated at this time. Mr. Leininger noted VDOT utilizes a special funding mechanism that provides annual allocations to localities for unpaved roads and bridge projects. He further noted the priorities under that category included Peach Street (unpaved roads) and Hicks Island Road Bridge (bridge projects). He noted staff's recommendation that the Board adopt the resolution.

Mr. Icenhour noted Longhill Road Phases 2 and 3 were on the list, but not funded. He asked if the goal was to have them in place when funding became available. Mr. Icenhour noted the importance of Airport Road, but it was not included on the list.

Mr. Paul Holt, Director of Community Development and Planning, noted the prioritization was an annual process with the flexibility for the Board to revisit this list at anytime. He further noted both phases were on the list because they had been listed in past years. Mr. Holt noted the upcoming Comprehensive Plan with a new Transportation model as part of it along with updates from the Hampton Roads Transportation Planning Organization (HRTPO). He further noted with the HRTPO input, more opportunity to revisit the list will take place. Mr. Holt noted the limited funds in this area, adding the matching funds in the Transportation Fund offered greater opportunities for projects. He further noted this was not a SmartScale year for road projects. Mr. Holt noted for the Longhill Road Phase 2, Airport Road, and Richmond Road projects, the funding needs were much greater. He further noted "quick hitter" items with significantly lower costs were included on the list.

Ms. Larson noted traffic congestion issues on Route 199 at Jamestown Road.

Mr. Hipple opened the Public Hearing.

Mr. Hipple closed the Public Hearing as there were no speakers.

7. Lease of Real Property - 5249 Olde Towne Road Lease Agreement with Williamsburg Area Medical Assistance Corporation

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

Ms. Liz Parman, Assistant County Attorney, addressed the Board regarding the new lease for the operation of the Olde Towne Medical and Dental Center (OTMDC). She noted the new lease included a three-year term while a new location was pursued. She further noted the lease terms included OTMDC would pay the County \$120,000 for the first year followed by 10% increase thereafter. Ms. Parman noted the details of the lease agreement.

Mr. McGlennon asked how the 10% increase was determined.

Ms. Parman noted that amount had been negotiated by County Administration with the rent determined to be below market value. She further noted incentives for OTMDC to search for another location as the County's Social Services Department needed the additional space also.

Mr. Hipple opened the Public Hearing.

Mr. Hipple closed the Public Hearing as there were no speakers.

8. Lease Amendment - Cell Tower at 5301 Longhill Road

A motion to Approve was made by John McGlennon, the motion result was Passed.

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

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

Mr. John Carnifax, Interim Assistant County Administrator, addressed the Board regarding the lease amendment details for the cell tower at the James City County Recreation Center. He noted the lease generated approximately \$90,000 in annual revenue for the County. He further noted with the lease amendment, an additional \$393 per month or approximately \$4,000 in annual revenue would be added.

Ms. Larson asked Mr. Carnifax if he was satisfied with the \$393 per month.

Mr. Carnifax deferred the question to Mr. Kinsman.

Mr. Kinsman confirmed that was a satisfactory amount.

Mr. Hipple opened the Public Hearing.

Mr. Hipple closed the Public Hearing as there were no speakers.

Mr. Hipple noted as there were no speakers for the budget, he would like the Board of Supervisors to go into Closed Session and then return for adjournment. He further noted at that time, the James City Service Authority Board of Directors meeting could take place.

Ms. Larson agreed.

H. 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 6:31 p.m., the Board entered Closed Session.

At approximately 7:15 p.m., the Board re-entered Open Session.

A motion to Certify the Board only spoke 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. Consideration of the acquisition of an interest in real property along Ironbound Road, pursuant

to Section 2.2-3711(A)(3) of the Code of Virginia

2. Discussion of an award of a public contract for the use of the Ambler's House at the Jamestown Beach Event Park including discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia

I. ADJOURNMENT

1. Adjourn until 1 pm on April 27, 2021 for the Business Meeting

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

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

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

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


Deputy Clerk