

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**BUSINESS MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**November 22, 2022**  
**1:00 PM**

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**A. CALL TO ORDER**

Mr. McGlennon called the meeting to order at approximately 1:02 p.m. following the James City Service Authority Board of Directors Regular Meeting.

**B. ROLL CALL**

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

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

**ADOPTED**

**JAN 24 2023**

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

Mr. McGlennon requested a motion to Amend the Agenda to add discussion about the James City County Marina as an item under Board Discussions.

A motion to Amend the Agenda as noted 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

**C. PRESENTATION**

1. James City County Parks & Recreation National Reaccreditation: National Parks and Recreation Association, Commission for Accreditation of Park and Recreation Agencies, and State Awards-Virginia Recreation & Park Society

Mr. McGlennon welcomed Mr. John Camifax, Director of Parks & Recreation, to the meeting for a presentation.

Mr. Camifax addressed the Board recognizing staff and James City County in a positive light as accreditations and awards reflected the team effort of staff and community in conjunction with the Board's leadership. Mr. Camifax recognized Ms. Linda Knight, a member of the Parks and Recreation Advisory Commission and an employee of the College of William & Mary, who was in attendance. He thanked Ms. Knight for being present at the meeting. Mr. Camifax noted the accreditation process in a PowerPoint presentation, adding the County's Parks & Recreation Department was first accredited in 2017. He further noted accreditation was held every five years with the process beginning again in 2022. Mr. Camifax stated the Commission for Accreditation of Park and Recreation Agencies (CAPRA) was the only national accreditation of parks and recreation agencies and was comprised of professionals throughout the country. He added those professionals were from both the practical and educational sectors. Mr. Camifax continued the presentation noting 10 core areas with 36 fundamental standards were required to be met for the accreditation process. He highlighted

the criteria required for the 36 standards based on initial accreditation or reaccreditation. Mr. Carnifax noted Parks & Recreation achieved all the standards with the initial accreditation in 2017 and the current reaccreditation in 2022. He expressed his thanks to the Parks & Recreation team for a job well done. Mr. Carnifax continued the presentation noting the evaluation and site visit included team members from across the country would travel to review the Parks & Recreation files and facilities over a three-day period prior to the COVID-19 pandemic. He noted the shift to virtual meetings during the pandemic with the review process extended to five days. Mr. Carnifax further noted CAPRA was considering an in-person for the initial accreditation evaluation with virtual evaluation for reaccreditation via Zoom every five years. He added the cost-saving aspect of virtual evaluations as travel expenses were not incurred would probably occur with future reaccreditations. Mr. Carnifax continued the PowerPoint presentation highlighting the top five benefits of the accreditation which included: highest level of customer service, taxpayer accountability, agency credibility, strategic planning/continuous improvement, and team comradery. He noted staff's accountability regarding resources, years of service for high-level management, and other factors noted during the reaccreditation process. Mr. Carnifax further noted these factors reflected well on the County and how staff was treated and thanked everyone for their ongoing work. He added the importance of maintaining a long-term plan and benchmarks for measuring the success of programs. Mr. Carnifax noted staff began reaccreditation plans 18 months prior. He further noted over 10,000 parks and recreation agencies existed in the United States, but only 197 agencies were nationally accredited. He stated the significance of that point, adding James City County was one of only 14 agencies in Virginia with that distinction. Mr. Carnifax continued the PowerPoint presentation highlighting members of the CAPRA leadership team for the reaccreditation. He noted the challenges of new initiatives and programs but also the opportunities to explore new ventures.

Mr. McGlennon asked if any Board members had comments.

Ms. Larson congratulated Mr. Carnifax and staff. She noted the County had a fantastic Parks & Recreation Department with a variety of programs for multiple age levels. Ms. Larson further noted the beautiful parks and their amenities throughout the County.

Ms. Sadler echoed Ms. Larson's comments.

Mr. McGlennon noted he had participated in the CAPRA process. He further noted the CAPRA team's praise of County staff and its work. Mr. McGlennon addressed the responsiveness of Parks & Recreation to address new initiatives and programs. He acknowledged the commitment and dedication of staff and team leaders.

The Board thanked the leadership team.

Mr. Carnifax thanked the Board for its comments. He added last week the Department had attended the state conference where it had received several awards from the Virginia Recreation and Parks Society (VRPS). Mr. Carnifax noted the awards were another positive reflection on the community. He further noted one award, the Best New Environmental Sustainability, was presented for the Chickahominy Riverfront Park Shoreline Restoration project. Mr. Carnifax stated the collaborative efforts of different department members working with Parks & Recreation staff on this project. He thanked the Board for its efforts in supporting the project and protecting the property into the future. Mr. Carnifax added the Best New Program award was for the Parks Scavenger Hunts, which began with a new staff member, Ms. Sarah O'Reilly, the Program Manager/Program Coordinator at Freedom Park. She was joined by Ms. Terry Martin, Ms. Anneliese Ricker, and Mr. Scott Amman who also work at Freedom Park. Mr. Carnifax noted the next award, Most Creative Marketing Piece, REC TV. He further noted Ms. Angie Sims was involved with this project which presented educational benefits of various programs. Mr. Carnifax stated REC TV was a valuable

information tool for residents and visitors. He continued the presentation highlighting the next award which was Most Creative Marketing Strategy. Mr. Carnifax noted the REC Connect program, the before and after school program, had been in existence for 35 years. He further noted the logo was developed by staff which included Ms. Kelley Herbert, Ms. April Melton, Ms. Katrina York, and Mr. Zollie Hayes. Mr. Carnifax stated the next award, Snapshot Moment, featured Marshmello Visits Boo Bash at the Beach, and was led by Ms. Joy Johnson and Ms. Veda McMullen. He continued with the next award, the Presidents Award, to Ms. Kelley Herbert for her multi-year involvement with the Leadership Training Institute. Mr. Carnifax noted the final award, James C. Stutts Fellows Award, was presented to Ms. Arlana Fauntleroy for her contributions to VRPS and the community. He cited Ms. Fauntleroy's many contributions to both groups, adding it was a well-deserved award.

The Board congratulated the award recipients in attendance.

#### D. CONSENT CALENDAR

Mr. McGlennon asked if any Board member wished to pull an item.

Ms. Sadler noted she did not wish to pull an item, but asked if Ms. Sharon McCarthy, Director of Financial and Management Services, or Mr. Stevens could notify the public how Item No. 3 would be addressed.

Mr. Stevens noted the County was following a similar payout option as that being used by the James City Service Authority (JCSA) which was noted earlier at the JCSA Board of Directors meeting. Mr. Stevens further noted a bonus of \$1,000 paid to full-time employees and \$500 to part-time employees and the option of leave being sold back on a weekly basis to the County. He stated the leave payout was based on up to 10 years of service (one week), 10-20 years of service (two weeks), and over 20 years of service (three weeks) with a maximum payout of \$3,000. Mr. Stevens noted the funding recommendation was appropriation of the Unassigned Fund Balance. He further noted Fiscal Year 2022 budget ended with approximately \$16 million surplus which was reflected with vacancy savings and higher than expected revenues. Mr. Stevens stated staff had continued to provide services with reduced employee numbers and other challenges. He noted the payout option allowed staff with more leave time on the books than could possibly be used to have the opportunity to sell time back to the County.

1. Abatement of Unsafe Structures - 7259 Merrimac Trail and 1320-1320 A Moses Lane

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

2. Authorization to Amend the Terms of the Memorandum of Agreement with the Economic Development Authority for Property Located at 2054 Jamestown Road

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

3. Authorization for One-Time Bonus Payment and Leave Payout

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

4. Contract Award - \$112,877 - Emergency Communications Center Boiler and Pumps

Replacement

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

5. Contract Award - \$219,000 - Sanford B. Wanner Stadium Locker Room HVAC Replacement

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

6. Grant Award - \$41,030 - Commonwealth's Attorney - Virginia Domestic Violence Victim Fund

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

7. Grant Award - \$337,500 - School Security Officer - Williamsburg-James City County Schools

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

8. Grant Award - \$6,108 - Virginia Department of Forestry

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

9. Minutes Adoption

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

The Minutes Approved for Adoption included the following:

- October 11, 2022, Regular Meeting
- October 25, 2022, Business Meeting

10. Opioid Settlement Funding - \$150,670

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

11. Purchase of Property Located at 5300 Olde Towne Road

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

12. Replacement of Uninterrupted Power Supply at the Emergency Communications Center at 3131 Forge Road, Toano, Virginia 23168

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

## E. BOARD DISCUSSIONS

### I. American Rescue Plan Act (ARPA) Funding Update

Mr. Stevens addressed the Board noting last year's discussion on the \$14.8 million ARPA funding received by the County. He highlighted several key points of the ARPA overview in a PowerPoint presentation. Mr. Stevens noted the financial breakdown of financial allocation and the four main areas of allowable uses for that funding. He further noted the four areas were: response to the COVID-19 public health emergency or its negative economic impacts; provide premium pay to essential workers of local government; provide government services to the extent of revenue reductions due to the public health emergency; and make necessary investments in water, sewer, or broadband infrastructure. Mr. Stevens stated the information had been compiled into one 11 x 17 handout for the Board members to reference, but it was also available on the County's website for residents. He noted the No. 1 project was a Grant/Special Project Analyst who meticulously examined the funding and its status. Mr. Stevens further noted Ms. Stephanie Williams-Ortery was the analyst, adding she was joined by Ms. McCarthy at today's meeting. He recognized their work in monitoring appropriate spending of the ARPA funds as well as maintaining the deadline schedule for the spending. Mr. Stevens stated Nos. 1-21 were the same projects presented to the Board in November 2021 with a brief description and status of each project. He noted the exception of No. 19, Lower County Park, and site selection, adding there was still time on the use of the funds for that project. Mr. Stevens highlighted some projects had savings such as the Satellite Office Renovation (No. 9) in which the ADA improvements were made, but the structural improvements were delayed pending more discussion on the future government center. He noted additional savings with the nonprofit grant and the Capital Projects Coordinator position with some funds reallocated to a Procurement Specialist position. Mr. Stevens further noted No. 21, Tourism and Hospitality Grant Program, had received separate funding. He highlighted the savings of approximately \$1.1 million on Line 22. He stated new items were the Police Department and Fire Department Compensation Adjustments (Nos. 25 and 26), which were recently added with some of the \$1.1 million savings previously mentioned. He noted these adjustments were allowable under ARPA guidelines in addition to the timeline criteria of December 2024. Mr. Stevens highlighted Nos. 1-21 had been previously seen by the Board with the addition of Nos. 24-27. He noted approximately \$224,000 was currently unallocated funds from the \$14.8 million ARPA funding.

Ms. Larson asked for clarification on the Tourism grant money and housing.

Mr. Stevens noted the Tourism and Hospitality Grant was a grant program designated for the business side with the \$500,000 allocation. He further noted the County received \$900,000 as it had also applied for Community Development Block Grant (CDBG) funding program through the state for businesses. Mr. Stevens added the County had given \$15,000 grants to approximately 75 businesses. He noted in lieu of the \$500,000, the \$900,000 had been used. Mr. Stevens further noted the \$500,000 had been applied toward the Police and Fire Compensation Adjustments.

Ms. Larson asked how much of the grants were tourism and hospitality related.

Mr. Stevens said he would get back with that information, adding it was not strictly related to

those groups.

Ms. Larson thanked Mr. Stevens.

Mr. McGlennon asked if the Board was agreeable to the amendments of the ARPA funding plan. No member expressed objections. Mr. McGlennon noted an evaluation within the next few months of the projects prior to the budget season.

Mr. Stevens confirmed yes. He noted the separate funding allocation for these projects could be updated periodically.

Mr. McGlennon thanked Mr. Stevens for the update.

## 2. Short Term Rentals

Mr. Paul Holt, Director of Community Development and Planning, addressed the Board regarding recent conversations on short-term rentals. He provided an update that approximately 370 short-term rentals were actively listed in the County. Mr. Holt noted some owners listed on multiple websites or platforms, therefore a search on these various sources indicated 573 rentals for the total of 370 units. He further noted approximately nine were new listings within the last 30 days for a minimum of one- to seven-day stays. Mr. Holt stated that short-term rentals were generally permitted by-right for properties zoned R-4 in the Zoning Ordinance. He noted that included areas such as Kingsmill, Greensprings, and Ford's Colony which had single-family homes and relatively large-size resort components to those areas. Mr. Holt further noted other areas included Mixed Use Districts such as New Town, R-5 zoned properties, the multifamily district, and many timeshare properties zoned R-2. He stated these four categories represented a significant majority of the locations for short-term rentals in the County. Mr. Holt added zoning approvals and legislative applications were not required as such.

Mr. McGlennon noted the majority of the 370 units were allowed by these zoning uses. He asked if the timeshares were considered based on the timeshare community or the individual unit.

Mr. Holt confirmed it was the individual unit. He noted if a timeshare owner chose not to use his/her particular week, it could then be flipped to an Airbnb rental for example. Mr. Holt further noted if all the by-right properties on all the by-right listings were removed, and a review of the remaining units County-wide where Special Use Permits (SUPs) would otherwise be required, there would be approximately 32 short-term rentals listed that would need legislative approvals. He referenced the general locations were represented by green dots in the PowerPoint presentation. Mr. Holt noted while there were a number of short-term rentals, less than 10% were in current violation of the Zoning Ordinance. He further noted staff was contacting these owners and would continue to do so. Mr. Holt stated Ms. Christy Parrish, Zoning Administrator, was in attendance and they were both available for any questions.

Ms. Larson noted while the short-term rentals were allowed, tax implications existed on those properties. She asked who was monitoring that aspect.

Mr. Holt replied he was unsure. He noted the short-term rentals had been reviewed by staff based on the County's Zoning Ordinance. Mr. Holt further noted the Commissioner of the Revenue had not been part of the County staff review at this point, but he could defer to the Commissioner regarding revenue on room nights, business licenses, and other factors.

Ms. Larson noted the importance of that aspect on the County side. She further noted some owners were doing the right thing and paying their taxes and obtaining the proper business licenses.

Mr. Stevens stated he would contact the Commissioner of the Revenue to Ms. Larson's point. He noted he would work with the Commissioner on that process as needed, adding he felt that was the Commissioner's duty, but staff would assist where it could. Mr. Stevens further noted he would follow up with the Commissioner and notify the Board of the Commissioner's plan and process.

Ms. Larson replied that was great. She asked Mr. Holt if this would be something that would be regularly monitored. Ms. Larson inquired if there was a contract with a third party.

Mr. Holt noted it was not an annual appropriation, adding it was done on a trial basis this first year with savings from last year's fiscal budget. He further noted it was done on a one-year annual license. Mr. Holt stated staff evaluation would determine if enough value existed to continue the process in future years. He added this was currently not a Fiscal Year 2024 budget item.

Ms. Larson noted if the revenues were collected on the rentals, then perhaps the funding would be available to pay the annual contract.

Mr. Stevens noted an annual subscription.

Mr. Holt confirmed yes there was one.

Mr. Stevens asked if a report could be run in late May or June to determine the impact. He noted then staff could evaluate if an annual contract or a report every two to three years was run to monitor the number of rentals and maintaining compliance.

Ms. Larson noted some short-term rentals could be taking place in neighborhoods which allowed them, despite some homeowners associations (HOAs) sharing a different viewpoint. She further noted the County was not involved with HOAs and its allowance of activities within those neighborhoods.

Mr. Holt confirmed that was correct as those cases would continue to be a civil matter between the HOA and the landowner within the subdivision. He noted the rentals were only being evaluated in terms of compliance with the County's Zoning Ordinance.

Ms. Larson thanked Mr. Holt.

Ms. Sadler inquired if Mr. Holt had an idea of the length of time the non-compliant rentals had been occurring.

Mr. Holt thought some rentals could be reviewed.

Ms. Parrish noted some of the rentals could be reviewed based on the first listing in the database. She further noted some rentals were dropped and then added back so a historical review of the first advertisement would be necessary. Ms. Parrish noted despite the drop/add cycle, the initial date of the listing was typically noted on the site.

Ms. Sadler asked if the timeline was years.

Ms. Parrish responded it was likely the last several years.

Ms. Sadler thanked Ms. Parrish.

Mr. McGlennon referenced the 32 cases and asked how much of the rental owners should have applied for an SUP.

Mr. Holt and Ms. Parrish both confirmed all 32 cases.

Mr. McGlennon asked if there was follow-up on those cases.

Ms. Parrish noted the process had started, adding three to four letters had been sent to repeat offenders or owners who were denied an SUP. She further noted that was the initial phase with the next round to send a general letter notifying owners of the violation and requesting the owners speak with County staff. Ms. Parrish stated if those notifications were ignored, then an official letter of violation would be sent regarding the noncompliance. She noted the process was to reach out followed by enforcement.

Mr. McGlennon referenced his past participation on a webinar hosted by one such commercial firm that monitored such rentals. He noted the company's regular monitoring for its clients as postings move on and off sites frequently. Mr. McGlennon further noted some listings went up in the evening but were promptly removed by morning which made detection of the listing more difficult. He referenced technology in that respect.

Mr. Holt noted these third-party firms consistently marketed and sold their services from both accuracy and documentation viewpoints. He further noted the necessity of documentation during enforcement action. Mr. Holt stated the system the County was working with used an automatic update system. He added the update was at least once a week and included photographs and other information which assisted in tracking some of the properties.

Ms. Parrish noted when staff identified a violation then it doublechecked the information received from the third-party firm. She further noted that process involved photographs taken by County staff to compare to the firm's information for comparison. Ms. Parrish added approximately 300 listings were cited but without locations. She noted she had clicked on those links and the listings were sometimes hotels or timeshares. Ms. Parrish further noted some of those may be trackable, but many times when rentals were advertised distinguishing features were not always available until after booking was completed. She explained interior features of homes were displayed, but not exterior details which presented difficulties for both staff and the software team for identifying the properties. Ms. Parrish noted the difficulty with identifying all the properties.

Mr. McGlennon noted overly policing the situation was not the answer but having everyone operate on the same playing field was important. He suggested a fact page on the County's website explaining short-term rentals in James City County and by-right zones, while also noting the tax paying obligations. Mr. McGlennon further noted notification that 90% of the County's advertised rentals were by-right and that information could be shared with the public and the members of the General Assembly. He stated this information served as a reminder that the majority of the County's short-term rentals were not subject to SUPs and could possibly clarify any misconceptions of the County's stance on short-term rentals.

Ms. Larson noted hesitancy on compliance.

Mr. McGlennon replied no.

Ms. Larson stressed the need to have everyone follow the law. She questioned the cost of the service, adding she felt it was a good investment so why not have the service.



Mr. Stevens noted the 300 and some number would pay for itself. He further noted if the amount lowered to 10 or 20, was it worth that yearly amount or allocate an annual, biennial, or other frequency amount in the budget. Mr. Stevens stated he felt there was worth in knowing what rentals were in the community. He noted the need for compliance and the cooperation of the Commissioner of the Revenue regarding the business license component. Mr. Stevens further noted he was concerned about spending \$14,000-\$20,000 for a \$100 collection and addressing the financial feasibility of the service.

Ms. Larson noted she would appreciate an update particularly if the Commissioner of the Revenue had any hesitancy regarding this matter.

Mr. Hipple suggested the Commissioner of the Revenue attend the Board's next Business Meeting to address questions. He noted the legality of the short-term rentals but asked if taxes were being paid on those rentals. Mr. Hipple further noted late evening bookings for rentals, adding Airbnb was doing better with taxing, but owners still had their share to do with tax payments to the County.

Ms. Sadler asked if some of the non-compliant owners had applied for SUPs for which they were denied.

Ms. Parrish noted there were a few applications with some withdrawn or denied.

Ms. Sadler asked if those owners were still operating.

Mr. Holt and Ms. Parrish confirmed yes.

Mr. Hipple stated he saw a trend here and with other cases that had come before the Board. He noted owners who were denied yet continued to do business while the responsible taxpayers were paying. Mr. Hipple stressed equality with all owners paying taxes.

Ms. Sadler asked if those owners were being addressed first.

Ms. Parrish noted letters had already been sent to those owners.

Ms. Sadler responded good. She thanked Mr. Holt and Ms. Parrish.

Mr. McGlennon thanked Mr. Holt and Ms. Parrish for the report. He stated he looked forward to an update.

The additional item, the Marina Discussion, followed next.

Mr. McGlennon welcomed Mr. Carnifax back for discussion on the Marina.

Mr. Carnifax addressed the Board highlighting some history of the Marina which James City County had owned and operated since 2005. He noted the purchase of both the Marina and Jamestown Beach Event Park at the same time. Mr. Carnifax further noted repairs had been maintained by the County's General Services staff, but a third-party evaluation by a marine business consultant was made on the two covered boat slips. Mr. Carnifax stated that report was made available on October 7, 2022, reviewed by the General Services staff, followed by a meeting with the County Attorney and the County's Risk Manager. He highlighted areas for repair in the PowerPoint presentation and gave a summary of the assessment. Mr. Carnifax continued the presentation highlighting the completion of Phase One with the exception of the fuel system placement. He noted adjustments in the Marina Master Plan to address the increased cost of Phase One. Mr. Carnifax further noted the adjustments included Areas F (16 new boat slips) and T (15 new transient boat slips) for a cost of \$870,000. He added a

Request for Proposals would be sent out soon for a restaurant-type facility through a public-private partnership and the importance of the transient slips for that facility. Mr. Carnifax noted the current challenges during boating season with only the Billsburg Brewery on-site. He added Area F would also generate additional revenue. He continued the presentation highlighting the existing covered boat slips, which if replaced with open, uncovered slips, would cost approximately \$2.25 million. Mr. Carnifax explained that number encompassed the extra dredging that would need to take place, adding the County already possessed the dredging permit. He noted if the boat slips were replaced and covered then the cost was an additional \$620,000. Mr. Carnifax further noted staff discussion on covered slips or cost savings with uncovered slips. He added this information was for the Board's benefit in light of the upcoming budget and decisions. Mr. Carnifax noted, after consultation with the County Attorney and Risk Management, that a letter be sent for boats to be removed from the covered slips by January 16, 2023. He explained each owner had an annual lease with expiration on December 31, adding this was the time any fee increases or changes were sent with the annual leases. Mr. Carnifax noted the County had the legal authority to end the lease on December 31 but wanted to give boat slip owners time. He further noted he had spoken with Hampton Marine Services regarding several boats that were not able to be trailered. He added Hampton Marine Services indicated those boats could be moved to nearby land parcels for storage where the boat owners would pay the dry storage fee. Mr. Carnifax noted if the Board approved this plan then a letter would promptly go out to covered boat slip owners.

Ms. Larson asked if the County would store all the boats until the owners removed them or just the boats that were not able to be trailered.

Mr. Carnifax noted the trailered boats could remain on land and pay the dry storage fee. He further noted another option was the boats be towed to a different site. He added approximately six boats had no trailer option. Mr. Carnifax noted the timeline if Areas F and T were begun immediately was 12 months where the covered or uncovered slips would take 18-24 months. He further noted the boats could be out of the water for a maximum of two years. He stated 44 boats were currently under the covered slips, while Area F only had 16 slips. Mr. Carnifax noted over 150 people were on the wait list for covered and uncovered slips.

Mr. Hipple asked what the cost savings were if Areas F and T and both covered slips were done.

Mr. Carnifax responded \$2.8 million plus the \$870,000.

Mr. Hipple asked if there would be any cost savings if they were done together.

Mr. Carnifax replied yes. He noted the same had been true during Phase One, but unexpected events like the COVID-19 pandemic had occurred. Mr. Carnifax further noted cost increases were also results of COVID-19.

Mr. Hipple noted the premium covered slips and asked if the County charged double for a covered slip versus an open slip.

Mr. Carnifax replied no.

Mr. Hipple noted a different rate should be reviewed for the covered slips and it could generate additional revenue. He further noted his choice would be to incorporate Areas F and T, the two covered slips, and Area M into the next phase. Mr. Hipple stated more people wanted slips and that number could increase more over the next few years. He noted the revenue opportunity for the County over time.

Mr. Carnifax noted the PowerPoint presentation addressed upcoming fee increases. He further noted every two years a market analysis was done, adding the County was below market value on covered and uncovered slips. He referenced the proposed fee increases the past year and the feedback received on that consideration. Mr. Carnifax noted the uncovered slip fee was set to increase closer to the market rate. He further noted with improvement completion and a wait list, the demand would dictate the cost which could meet or exceed market rate.

Mr. Hipple noted the condition of the covered slips had been an issue for years. He expressed concern for delay in the event of a roof collapse and potential liability. Mr. Hipple further noted the safety issues if the project was delayed.

Mr. Carnifax agreed. He noted he had discussed the construction of a dry stack storage with several people. Mr. Carnifax further noted the storage could be located at either the Marina or Chickahominy Riverfront Park. He addressed the County's need to recover costs with such an endeavor, adding the talks were in the preliminary stage. Mr. Carnifax noted two active individuals were interested in pursuing that option in the future. He further noted many boat owners were interested in the dry stack storage where they could call and have their boats put in the water upon their arrival.

Mr. Icenhour referenced the lease terminations at the end of December and the liability concern if the slips were addressed in another year.

Mr. Carnifax confirmed yes. He noted the recommendations from the third party and the greater risk for the County based on the findings.

Mr. Icenhour asked about the best mix of options and the potential timeline for pay back when the County saw a recoup of its costs. He asked if the project was not going to pay for itself, how close would the cost be for the project. Mr. Icenhour referenced the efficiency of dry storage as an option.

Mr. Carnifax noted he could get those numbers for Mr. Icenhour. He further noted it would take time to recover costs, but he would run numbers as part of the budget process. Mr. Carnifax stated he would include various scenarios, their respective costs, and potential revenue. He noted with the restaurant and other amenities, the potential for increased revenue existed as the Marina became a destination.

Mr. Stevens noted sensitivity toward the boaters regarding the notice for the boat removals. He further noted the quick timing, but the structure had been in poor shape for some time. Mr. Stevens stated the consultant's report confirmed there were no quick, easy fixes and the boats needed to be removed sooner rather than later. He noted the inconvenience to boat owners and the timeline but added the importance of the boat removals if the structure should collapse. Mr. Stevens further noted the County would work with the boat owners and try to accommodate spaces. He added that if someone had a boat lease then that person had that boat lease forever. Mr. Stevens noted discussion on that point for the County moving forward with the possibility of a lottery system used every five years. He further noted that system offered more opportunity for residents' use of the Marina. Mr. Stevens added a decision was not necessary for today, but future discussion would be needed as the timeline for the covered slips was approximately two years. He commented on the bid design process, budget discussion, and other factors. He added funding was available in the future Capital Improvements Plan (CIP) budget for the covered slip replacement with open slips that had been programmed into the budget out past two years. Mr. Stevens noted creating a design plan that would be shared with the Board in the next few months. He further noted he wanted to notify the Board prior to the letters going out to the slip holders.

Mr. Icenhour addressed the Board taking action based on the liability aspect though he noted

the scope of that action was presently unknown. He noted the importance of letting the public know the situation and the actions being taken.

Ms. Larson noted the difficulty of marinas making any money and the bidding history of the Marina. She further noted Mr. Carnifax's reference to the Marina as a destination and acknowledged it was one of the few active waterfront properties with so many amenities in the County. Ms. Larson cautioned against having boats that could not be trailered in the future, adding she was concerned that some of the boats' removal might become the County's responsibility. She noted if a boat had not been fixed, the likelihood of removal was limited and that should be a future consideration. Ms. Larson further noted following the market rate. She added on a different note the butterfly garden at the Marina was a mess and asked if some attention could be given to the garden.

Mr. Carnifax noted he had met with the individual who had spearheaded that volunteer project. He further noted the individual was retiring, adding the butterfly garden was the proposed location for the new restaurant.

Ms. Larson asked if a good mowing could take place.

Mr. Carnifax agreed and said he would follow up.

Ms. Larson thanked Mr. Carnifax.

Mr. Carnifax noted when market studies were done and fees were reviewed, the operational standards were also analyzed. He agreed with Ms. Larson that some things had occurred at the Marina which were not done at other marinas. Mr. Carnifax noted as this discussion moved forward, those standard operational procedures for boat owners should be incorporated. He added boat conditions, ability to be trailered, and other factors would be considerations for leases. Mr. Carnifax noted the last PowerPoint slide highlighted the proposed fee increases for 2023. He further noted the increases were closer to the market average. Mr. Carnifax explained every other marina charged a fee for trailer storage on the property in addition to the boat slip fee. He noted that fee had not been collected since the County owned the Marina and that fee would be collected going forward.

Mr. Stevens asked for clarification. He inquired if a slip was rented from the County and no fee had been paid, would a percentage of the fee be paid.

Mr. Carnifax noted an additional fee would be paid for storing the boat and/or trailer on land.

Mr. Hipple questioned the \$15 charge to the uncovered boat slip and asked if that included the 30-amp service.

Mr. Carnifax noted yes as that charge had not been applied previously. He further noted each marina was different as some charged per foot of a boat's length. Mr. Carnifax said that was not the route Parks & Recreation wanted to pursue, adding most of the Marina's boats were 20-27 feet.

Mr. Hipple asked if these increases covered the County's cost.

Mr. Carnifax noted staff felt it did. He added the covered slips were on individual meters which was required. He further noted the uncovered slips were monitored to check that point as those slips were not on individual meters.

Mr. Hipple noted it would be great if those slips were also on their own meters.

Mr. Camifax referenced the large breaker panel that had been in that area and was cleaned up. He noted the water view from Billsburg Brewery was no longer blocked with the panel removal. He further noted a fee increase notification was being sent to the uncovered slip holders as well as the email and letter he referenced earlier with plans to send out that information by the end of the week.

Mr. McGlennon noted that was a necessary action.

Ms. Larson added it was important no one get hurt.

Mr. Hipple noted basically leases were not being renewed.

Mr. Camifax confirmed yes.

Mr. Hipple stated no lease renewals until things were properly operating.

Mr. Camifax noted information would be provided to the Board before or during the budget process on future actions.

Mr. McGlennon referenced the historical lease for a lifetime and asked if that lease was limited to that individual or could it be passed to family members.

Mr. Camifax noted the lease was limited to the specific individual.

Mr. McGlennon asked if the boat had to be registered in that individual's name.

Mr. Camifax confirmed yes.

Mr. Hipple noted in the past the leases were passed around and sold if an individual left.

Mr. Camifax noted some situations related to that point which had been corrected over the past few years.

The Board thanked Mr. Camifax.

#### **F. BOARD CONSIDERATION(S)**

None.

#### **G. BOARD REQUESTS AND DIRECTIVES**

Mr. Icenhour noted the Virginia Association of Counties (VACo) conference had gone well. He referenced the Legislative Agenda and errata sheet and getting that information from VACo for distribution. Mr. Icenhour noted the importance since the Board endorsed the VACo Legislative Agenda acknowledging the work put into that effort.

Mr. Hipple referenced a speaker's comment regarding climate and the Ice Age from one of last year's Board meetings. He noted receiving a copy of a 1977 *Time* magazine which covered a story on preparation for the new Ice Age. Mr. Hipple further noted the changes of climate in the world.

Ms. Larson referenced the VACo conference, noting three Board members attended. She added 687 plus attendees were there in addition to great workshops and discussions. Ms. Larson noted the Greater Williamsburg Chamber of Commerce had its Board of Directors meeting which she had attended the previous week. She further noted it was a great meeting,

but she wanted to highlight Mr. Icenhour who served on the Military Affairs Committee. Ms. Larson said this Committee sponsored soldiers an opportunity to come home. She asked if it was a \$300 stipend.

Mr. Icenhour confirmed yes, it was a \$300 stipend to assist soldiers with transportation to get home for Christmas.

Ms. Larson asked the number of recipients from last year.

Mr. Icenhour noted 23.

Ms. Larson acknowledged it was a tremendous project, particularly in the local area where many military personnel lived. She expressed her appreciation of Mr. Icenhour's work with the Committee. Ms. Larson noted the day before she had met with the President of the Williamsburg/James City Education Association (WJCEA). She added a number of teachers had attended the last Williamsburg-James City County School Board meeting regarding pay. Ms. Larson noted those comments had also been raised at the School Liaison meetings. She felt these concerns could arise during the budget process and she encouraged collaboration with the School Board regarding quality education and teacher salaries.

Ms. Sadler referenced the VACo conference and acknowledged Ms. Larson's election as First Vice President to the VACo Executive Committee. She congratulated Ms. Larson and thanked her for her representation.

Ms. Larson thanked Ms. Sadler.

Ms. Sadler acknowledged Mr. Christopher Johnson, Director of Economic Development, and the Economic Development Authority (EDA) group. She noted the EDA hosted the recent Business Awards at The Maine of Williamsburg. Ms. Sadler further noted it was a beautiful venue. She stated several long-operating local businesses were recognized, adding the list included: Williamsburg-Jamestown Airport, Anheuser-Busch, and Ball Metal. Ms. Sadler noted the event was well attended and she extended her appreciation to all the local businesses and to Mr. Johnson.

Mr. McGlennon echoed congratulations to Ms. Larson for her VACo election. He noted the Virginia Coalition of High Growth Communities also met at the VACo conference and discussed potential legislature that may restrict local government authority over land use decisions. He further noted relaying positive information regarding that use of authority in addressing the issues of preservation of community life and the need for affordable housing. Mr. McGlennon referenced the four "Ss" with the first being November 26, which was Small Business Saturday. He noted he had issued a proclamation which declared November 26, 2022 as Small Business Saturday in James City County. He further noted the importance of small businesses with 32 million in the United States. Mr. McGlennon highlighted the importance of small businesses, particularly in comparison to large corporations and advertising. He extended his congratulations to the Virginia Department of Transportation on the completion of the Skiffes Creek Connector project. Mr. McGlennon noted both past and present Boards had supported the project, adding the importance of this access to Interstate 64 for commercial and manufacturing areas. Mr. McGlennon extended his thanks to the current Board for its support and in particular Mr. Hipple for his work on the various Hampton Roads Transportation committees. He noted his third "S" involved the recent Stuff the Cruiser event sponsored by the James City County Police Department. Mr. McGlennon further noted the event provided food for those in need for the holidays and served as a reminder of Police involvement within the community. Mr. McGlennon stated the final "S" involved the School Liaison meeting that he, Ms. Larson, and Mr. Stevens recently attended. He noted discussion regarding the future school enrollment forecast. Mr. McGlennon stated the report forecasted a

low, mid, and high enrollment number. He further noted the Board, along with the Williamsburg City Council, had been in agreement with the School Board over the past few years to use the low enrollment number as the basis for budgeting and capital consideration. Mr. McGlennon noted this year the School Board suggested a shift to the mid or moderate growth number due to increased enrollment this year. He stated the Board's use of the low projection number as it accounted for long-term school system growth. He added the impact to numbers over the past two years with the COVID-19 pandemic. Mr. McGlennon noted reviewing the enrollment numbers in the next year. He added if the numbers projected were on the low level then it indicated low growth at the elementary level over the next 10 years. He further noted this important point as the School Board sought funding for the construction of a tenth elementary school. Mr. McGlennon added while the Board supported the need, it currently felt the need was not there. He noted construction on two existing school properties would provide pre-Kindergarten (pre-K) space within two years as opposed to potentially five years with the construction of a new elementary school. Mr. McGlennon further noted the County's position was the continued use of the low enrollment projections while moving forward on the pre-K buildings and a reevaluation in several years on the enrollment numbers. He stated the School Administration noted an increased cost from \$26 million to \$40 million for the two pre-K centers with 250 students in each facility. Mr. McGlennon noted the \$40 million needed for construction of the new elementary school, which would house 750 students, was now projected to cost \$60 million for the facility with approximately \$7 million for the land for a total of \$67 million. He further noted if pre-K was included at that facility then an additional \$13 million or more could be incorporated into the cost for over \$80 million for the project. Mr. McGlennon added the enrollment numbers could be reevaluated in the next few years, but also noted an elementary school was built into the long-range CIP budget, but not in the five-year CIP budget. He noted upcoming requests from the School Board for significant assistance in many areas, including teacher compensation. Mr. McGlennon recognized the needs but stressed the importance of a list of priorities.

## **H. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Stevens addressed the Board noting a new initiative that launched in 2022. He noted the Repair Fair and Recycling Expo which was spearheaded by the Clean County Commission and General Services staff and coordinated by Ms. Cassie Cordova, the County's Environmental Sustainability Coordinator. He further noted the second Repair Fair and Recycling Expo had taken place on November 18 and it included a recycling and shredding drive-through with persons inside the building repairing broken items. Mr. Stevens stated he attended the event, which was organized and served the community well. He added the Expo would likely be an annual fall event and expressed his appreciation to the Clean County Commission, staff, and volunteers for their efforts in the successful venture.

Mr. McGlennon asked Mr. Stevens for an update on the leaf collection program.

Mr. Stevens noted several changes had taken place regarding leaf drop-off at the Jolly Pond Convenience Center. He further noted through early January, leaves could be brought to the Jolly Pond location. Mr. Stevens added the leaves were not required to be in plastic bags. He noted a schedule, previously published, highlighted days in early December for leaf pickup in neighborhoods. Mr. Stevens further noted the information was on the website, which included leaves were to be in clear plastic bags with a maximum of 30 bags per household. He added if the date for an individual's neighborhood was missed, the options were to call the County and schedule a pay pickup or drop them off at the Jolly Pond Convenience Center.

Mr. McGlennon thanked Mr. Stevens for the update.

## **I. CLOSED SESSION**

A motion to Enter a Closed Session for discussion of a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities, pursuant to Section 2.2-3711(A)(5) of the Code of Virginia 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

At approximately 2:39 p.m., the Board of Supervisors entered a Closed Session.

At approximately 2:47 p.m., the Board re-entered Open Session.

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

- I. Discussion of a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities, pursuant to Section 2.2-3711(A)(5) of the Code of Virginia

Mr. McGlennon noted a motion was before the Board regarding an Economic Development issue and he sought a motion on that resolution's approval.

A motion to Approve the resolution 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

## J. ADJOURNMENT

- I. Adjourn until 9 am on December 2, 2022 for the Joint Meeting with the Williamsburg City Council and the WJCC School Board at JCC Recreation Center, 5301 Longhill Road, Williamsburg, VA

A motion to Adjourn 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

At approximately 2:48 p.m., Mr. McGlennon adjourned the Board of Supervisors.

  
Deputy Clerk