

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
August 2, 2022

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:02 p.m., August 2, 2022, in the East Room, York Hall, by Chairman Sheila S. Noll.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, W. Chad Green, and G. Stephen Roane, Jr.

Mr. Thomas G. Shepperd, Jr. was absent.

Also in attendance were Neil A. Morgan, County Administrator; Mark L. Bellamy, Jr., Deputy County Administrator; Brian Fuller, Assistant County Administrator; James E. Barnett, County Attorney; Richard Hill, Deputy County Attorney; and Heather L. Schott, Legislative Assistant.

**WORK SESSION**

**RIVERWALK LANDING/WATER STREET GRILLE DESIGN PRESENTATION**

Mr. Neil Morgan, County Administrator, stated that the purpose of the presentation is to provide the Board with the details on the design of the Riverwalk Water Street restaurant. He reminded the Board that they had previously discussed the business and financial side of this project, but this evening they would focus on the design aspect. He thanked Mr. Steve Meade, Economic Development Authority (EDA) Chairman, for his attendance this evening in support of the project. He noted that updating the Board on the Riverwalk and Water Street Grille restaurants, both of which are approximately 17 years old, has been discussed for some time. During his brief presentation, he also provided the following information:

- The County owns the building and leases it to the County's Economic Development Authority, which in turn leases it to Marconn Enterprises, Mr. Buffa's restaurant operation.
- The primary emphasis of the project is to refresh the facilities so that they focus on the water, upgrade the systems and keep it a premier attraction to draw people to it and other attractions on the waterfront.
- The EDA has signed a lease with Marconn Enterprises which will contribute 37.5 percent of the capital cost of this project.
- The Board set aside \$2 million of federal ARPA money for this project in the last Capital Improvements Plan. The project is currently out to bid with a submission due date late this month.
- Should the bids come in close to the architect's estimate, it would leave an approximate delta of \$600,000 which would likely be taken from the Board's appropriate Economic Development reserve.

Mr. Morgan then introduced the upcoming speakers: Mario Buffa, President of Marconn Enterprises, Gil Entzminger, Principal at Enteros Design, and Kristi Olsen-Hayes, Director of Economic and Tourism Development.

Ms. Olsen stated that Mr. Buffa will provide information on the vision for this project and some background from a restaurant ownership perspective.

Mr. Buffa stated that he has been a tenant of Riverwalk and Water Street Grille for almost 10 years and as such has a clear understanding and true vision of the potential of these facilities moving forward. He explained that he has been working closely with Mr. Entzminger on the design of the new restaurant. In addition, he provided the following project information:

- Focus is now on one entity with one entryway, one kitchen, and one staff team.

August 2, 2022

- With the larger footprint and a more efficient kitchen, a 20 to 30 percent increase in sales is expected.
- Over the past 10 years, profits at the Riverwalk restaurant have diminished while sales at the Water Street Grille have been consistently good which supports the concept of creating one good restaurant.
- The new facility will be large enough to handle the peak season but can be managed in a smaller footprint in the off-season.
- The new facility will be able to handle more and larger events such as weddings and will include large restrooms on each end of the structure.
- Although the restaurant will provide casual dining, the service provided will make one imagine you are in a fine dining setting.

In conclusion, Mr. Buffa stated that he is very excited about the project and the design that Mr. Entzminger has created. He thanked the County for everything they have done to bring this project to fruition.

Mr. Green asked Mr. Buffa if he is seeing a trend from formal dining to more casual family-style dining.

In response, Mr. Buffa concurred with Mr. Green's conclusion and added that although fine dining has not gone away, more popular is the casual dining setting. In addition, he stressed that the majority of people, weather permitting, want to dine outdoors as close to the water as possible which the new design will also provide.

Mr. Zaremba asked Mr. Buffa to provide the timeline for the project.

Mr. Entzminger stated that the project is out for bid currently with submission of the bids due in a couple of weeks with construction occurring shortly thereafter.

Mr. Roane asked for assistance in visualizing what the dining experience would be like as it relates to the atmosphere.

In response, Mr. Entzminger stated that an accurate description of the facility will be coastal casual with more of a bar atmosphere on the Water Street end of the new facility.

Mr. Buffa added that he plans to update the menu and include more seasonal items; however, he pointed out that the mounted TVs will still be a part of the restaurant.

Ms. Olsen-Hayes then introduced Mr. Gil Entzminger to take us through some of the drawings and answer any questions posed by the Board.

Mr. Entzminger provided the following information on the design of the new facility:

- The two restaurants will be combined into one restaurant to simplify the flow and operation of the new restaurant.
- In an effort to create only one prominent entranceway to the facility, a new covered entryway with a new vestibule has been designed which makes a more visible statement in how you enter the building.
- The old entrance to the Grille will become an outdoor dining area with a circular wall that separates it from the fountain which will still be accessible to the public.
- Upon entering the new facility the wall that once blocked the water view will be eliminated; however, a raw bar, as well as a sit-down bar, will be visible in this area providing a welcoming, lively atmosphere.
- The new restaurant will include two sets of restrooms, one at each end of the facility.
- There will be only one kitchen; however, it will be expanded and upgraded to provide better service to each side of the restaurant.
- The seating capacity will be approximately the same as the two previous restaurants combined.
- The interior dining space will be slightly smaller on the Riverwalk side and it will be the same size on the Water Street Grille side; however, the outdoor dining space will be significantly enlarged.

- The outdoor dining will be in use nearly all year as a clear plastic screen will drop down to allow for these spaces to be heated during inclement weather.
- The existing outside architectural features of the restaurants will be maintained in the new facility.
- The high ceiling spaces/volume of the old facility will remain in order to maintain the facility's character.
- The light fixtures will provide good lighting with a nautical touch.
- The size and style of the windows to be used in the rear of the facility will allow an expanded, unobstructed view of the waterfront.

In conclusion, Mr. Entzminger stated that he would be happy to entertain any questions from the Board.

Mr. Roane asked if the covered porches in front of the restaurant would also have the transparent plastic wall available during harsh weather.

In response, Mr. Entzminger stated that they will and these temporary barriers will be controlled through a motorized push button system which can make the transition very quick and easy.

Mr. Green asked about the status of those architectural items that had been transferred from the old Nick's restaurant to the new Riverwalk restaurant.

Mr. Entzminger stated that they will be protected during the construction process and then relocated to the new facility.

Mr. Green asked if the number of dining tables will remain the same as what was contained in the two previous structures and if so, how can they expect to increase sales by 20 or 30 percent.

Mr. Buffa stated that this is indeed possible because the new kitchen will be so efficient and effective that it will turn the tables much faster.

Mr. Roane asked Mr. Buffa if he believes he will have sufficient staff to run the new restaurant.

In response, Mr. Buffa stated that the employment trend is starting to turn in a positive direction. Also with the new facility being so open, it will allow servers to move more efficiently and expeditiously.

Chairman Noll asked if the construction would be phased so that they may maintain some clientele. If not, how long will the current restaurant be closed and when will the new facility be open to the public.

Mr. Buffa stated that it would be impossible to serve food while the construction is occurring. However, it is believed that the entire project should be completed in seven to eight months.

Mr. Roane asked about the emergency exits.

Mr. Entzminger stated that there are numerous exits around the perimeter of the building.

On behalf of the Board, Chairman Noll thanked Mr. Buffa, Ms. Entzminger, and Ms. Olsen for an informative presentation.

#### DISCUSSION OF THE PROPOSED QUEENS LAKE DAM AND DRAINAGE MEMORANDUM OF UNDERSTANDING

Mr. Morgan stated that his presentation focuses on a Memorandum of Understanding (MOU) for which he is seeking the Board's support. Specifically, he explained the proposed MOU would be with the Queens Lake Community Association (QLCA) as it relates to the dam, lake, and drainage system in the Greater Queens Lake area. He then introduced Mr. Jack Dooley, one of three members of the Queens Lake special committee, who will be speaking on behalf of the committee, Mr. Doug Ellis, and Mr. Mark Frankel both of which serve on the committee and

August 2, 2022

are in attendance. Mr. Morgan also introduced Mr. Robert Krieger, the Acting Public Works Director, who will also share how the County's staff will be assisting in the project. He explained that should the Board indicate this evening they are inclined to support the MOU, he will add this item to a meeting agenda in order to obtain formal approval. Upon the Board's approval, Mr. Morgan stated that he would then task the Public Works Department with modifying the current Capital Improvements Plan (CIP) to include the subject project, which is already closely related to an existing CIP project.

Mr. Morgan provided the following additional information on the project:

- A substantial amount of stormwater passes through the basin and County stormwater easement into Queens Lake.
- The agency that regulates dams sent a letter to the QLCA which stated that because a public roadway goes over the dam the standard of care is more rigorous.
- The associated dam and spillway were constructed largely before State and County stormwater regulations.
- The QLCA contacted an engineer who specializes in dam maintenance to examine the roadway.
- In early spring 2022, the QLCA asked for the County's assistance and guidance regarding stormwater management.
- The QLCA submitted to the County all of the information gleaned from the engineer they had funded so that the County engineers could examine the documents and obtain a better understanding of the situation.
- Staff then started working on the MOU; however, it is possible that in a few months we may learn that we need another type of agreement or at least modifications to the MOU since the parties can only commit to what we believe to be currently true.
- The MOU basically defines the County as the lead on the public drainage flow and spillway repairs and the QLCA is taking the lead on the dam. However, both entities' efforts will require coordination to be successful.

Mr. Green expressed concern that the existing dam appears too thin to safely confine a large amount of water. He noted that increasing the dam width might jeopardize its structural integrity.

Mr. Morgan stated that prior to his retirement, the former Director of Public Works, Brian Woodward stated that barring some catastrophic event the dam was not in immediate structural danger. In addition, he noted that the spillway has a pretty high capacity which helps to alleviate additional pressure on the dam.

Mr. Dooley stated that the neighborhood group that has been seeking a resolution to this issue has consulted with various engineers who have evaluated the situation and stated that there are five or six potential ways to fix the dam. However, it was decided that the best method to resolve the issue was by increasing the creek side of the dam with additional backfill, dirt, and stone.

Mr. Zaremba asked the age of the dam.

Mr. Dooley stated that it was between 80 to 100 years old.

Mr. Morgan explained that the proposed MOU is a document that basically states that the community and the County will work together to determine how to resolve this issue. He stated that we want to ensure a sustainable stormwater management plan for the larger basin; assure Route 716 as public road access for emergency vehicles and school buses; and be in compliance with state regulations (Department of Conservation and Recreation (DCR)) and the Chesapeake Bay Act for stormwater management. He noted that they have had meetings with the Virginia Department of Transportation (VDOT); however, according to VDOT's rules and procedures, they will not get involved with dam maintenance. He pointed out that VDOT will definitely meet with us when we have determined the best course of action to address the dam issues; however, they will not contribute any money unless there is some kind of special appropriation provided. As such, he stated that we will move forward with the assumption that no state money will likely be provided. He noted also that the County already has some easements in the tributaries where the current CIP project area is located and the thought is to modify

that project to include the dam/spillway project as well. He explained that via the MOU the homeowners association will grant the County the needed easements at no cost and control of the spillway so if necessary we can upgrade the drainage all the way thru the spillway. The dam upgrade strategy that Mr. Dooley spoke about earlier will be developed concurrently with the drainage/spillway design after which the two items will be combined into one project to save time and money.

Mr. Roane asked if this project is required because of the existing problem or to meet new state regulations.

In response, Mr. Krieger explained that DCR did not change their rules; however, they did reclassify the dam because of the road. Moreover, he stated that in order to bring the dam into compliance so that the road will be useable, there are improvements to the dam that must occur which will result in accruing points with DCR. He further noted that several options to accomplish this have been suggested; however, there are a lot of unknowns and the County has had insufficient time in which to analyze the information provided by the QLCA in order to accrue the points to make the dam more compliant with DCR regulations.

Mr. Roane asked what the main driver is to repair/upgrade the dam and spillway.

Mr. Morgan stated that compliance with regulations is the main driver.

Mr. Dooley, Chairman of the Queens Lake Community Association's (QLCA) special committee, introduced Mr. Doug Ellis, a current QLCA Board member and a member of the special committee, and Mr. Mark Frankel, a former QLCA Board member, both of whom were also in attendance at the meeting. He thanked Mr. Zaremba, Mr. Morgan and several other staff members with whom the committee has been working with since last March. He noted that DCR inspected the dam in June 2021 and reclassified the dam to a higher designation requiring an engineering firm to evaluate and make a recommendation on how to meet the new standards. DCR then issued a conditional certification through June 2023 in order to meet the new requirements, but are willing to extend that deadline if needed since they know we are working with the County to resolve the matter. After the special committee met with Mr. Morgan and the stormwater staff, the membership voted overwhelmingly to proceed with entering an MOU with the County to facilitate a comprehensive stormwater management approach. He provided a brief history on the Queens Lake development and noted that just recently the informal QLCA spent \$70,000 on engineering studies relative to the dam and another \$36,000 to purchase the necessary wetlands credits in order to perform the required dam work. He explained that taking on a project of this magnitude would be impossible for the QLCA; however, they are optimistic that moving forward in collaboration with the County the required tasks can be accomplished to implement a safe, sustainable solution that is mutually beneficial.

Mr. Roane asked why the purchase of the wetlands credits was necessary.

Mr. Morgan explained that in anticipation of the dam upgrade which will require a change in the slope of the dam with the required fill will destroy wetlands so credits had to be purchased to offset the loss of wetlands in the area.

Mr. Roane asked when VDOT absorbed the subject roadway into its system.

Mr. Morgan stated that he did not know; however, smaller dams in the state have recently come to light having problems that have gained VDOT's attention even though they do not oversee dams.

Mr. Krieger provided a brief history of the stormwater drainage improvements and sewer projects the County had accomplished in the Queens Lake area. Currently, he noted that the County has scheduled CIP projects for the same area in fiscal years 2024 and 2025 with the Board's approval. He noted that the current CIP program could be modified to include the dam/spillway project. Furthermore, if supported by the Board, staff could consult with the QLCA's engineers to formulate a plan to look at the spillway and dam together. As such, he stated a plan could be presented as an agenda item at a future Board meeting and if supported, appropriate modifications could be made to the CIP.

August 2, 2022

Mr. Roane asked about the projected cost of the dam/spillway project.

Mr. Morgan stated that at this early stage he does not know; however, if this project replaces the current ravine CIP project, the associated \$1.2 million would be applied towards the dam/spillway project. However, he noted that it could cost more than that and it might develop into a phased project.

Chairman. Noll questioned the feasibility of the County entering into an MOU with a group that does not have a formal homeowners association.

In response, Mr. Dooley stated that the QLCA has funds in the bank to cover dam repairs per current projections and he noted that the residents will be increasing their non-obligatory membership dues to make this project a reality.

Mr. Roane asked what will happen to the road and dam if we do nothing.

Mr. Morgan stated that the road would eventually have to be closed. However, he stated that we need to protect the road and dam for future generations. The DCR has given the County's Public Works Department the sense that they will work with us since they know we are trying to work with the QLCA to resolve this issue.

Mr. Krieger concurred and stated that the DCR has actually given us a two-year extension in order to address this problem.

Mr. Green sought specific guidance as to what staff was looking for from the Board this evening.

In response, Mr. Morgan stated that his recommendation, if the Board appears supportive of the MOU, would be to place it on the agenda for the next Board meeting for a formal vote.

After a brief discussion among the Board members, the decision was made to place the item on a future agenda for action.

## PERSONAL PROPERTY TAX RELIEF

Mr. Morgan stated that Ms. Theresa Owens, Finance Director, and Greg Gillette, Senior Budget Analyst, were in attendance this evening to share information on the Personal Property Tax Relief Program. He explained that he will provide some history as to how we got to this place and what we are attempting to do; Ms. Owens will share how she arrived at the calculation to implement the rebate program; and Mr. Gillette will provide the math associated with the program. Mr. Morgan explained that in response to the Board's expressed desire to devise an equitable way to reimburse citizens for their June Personal Property bill, a team composed of the Finance Department, the Commissioner of the Revenue, the Treasurer, the Attorney's office and County Administration worked hard to devise a way. He pointed out that this proposal will require a public hearing, which will be advertised for consideration at the Board's next meeting, so that the December bills will provide the relief requested by the Board. He then provided a brief presentation that highlighted the following information:

### Measures Taken to Reduce Impact of the June Personal Property Bill:

- Reduced late penalty from 10 percent to 2 percent for the period of July 20th to September 30th.
- Hardship Relief Program was provided.
- Rebate to be applied to the December bill.

### Major Considerations:

- Identify factors that led to higher tax bills.
- Provide relief to those most affected.
- Provide meaningful relief to as many vehicles as possible.
- Desire to balance complexity with equity.

### Constraints:

- Vehicles are required by law to be assessed on January 1<sup>st</sup> of the tax year.
- Limited to what the law allows (rate, timing)
- Assessment data limited to County records.
- Prioritizes taxpayers who paid tax on the same vehicles in CY2021.

Since the value of vehicles varied greatly, Mr. Morgan stated to apply a set percentage to decrease the December bill would not be equitable. As such Mr. Gillette was tasked with developing a formula whereby citizens who had their Personal Property Taxes greatly increased would see a substantial rebate; those who saw no increase would see no rebate and so forth.

Ms. Owens provided a brief presentation highlighting the following information on how the calculation for the December bills was determined:

Excess Revenue Determination

- Adopted budgeted Personal Property Tax, net of \$1 million estimated delinquent taxes.
- 50 percent of the above value attributed to the second half of FY 2022 (1<sup>st</sup> half 2022 calendar).
- All tax revenue estimated to be collected for June 2022 Personal Property bills by August 15, 2022, will be included.

Excess Revenue Calculation

- Personal Property Tax net of the estimated delinquent taxes in budget is \$15.9 million.
- The amount attributable to June is 50 percent of the aforementioned number that we are going to return as a rebate in December.

Mr. Gillette stated that the following information that he will provide explains how the rebate program will work and how it is equitable:

- The percentage increase that residents saw in their June Personal Property bill will be the same percentage that will be used to reduce their December bill.
- 10 to 15 percent of the Personal Property bills saw little to no increase but those who saw an increase will be reimbursed in equal measure.
- 60 percent of all of the vehicles fall into a category that saw an increase of 25 to 65 percent in their June bill and will see the same percentage used to rebate them in their upcoming December bill.
- Components of the Personal Property Tax bill include the assessed value, the County's tax, and the PPTRA (Personal Property Tax Relief Act) which is a fixed amount of money provided by the state each year that decreased this past fiscal year and is applicable only for specific vehicles.
- According to the program, 3 percent of vehicle owners will see no rebate because the vehicle's value decreased and their vehicle did not qualify for a PPTRA reduction.
- 25 percent of the vehicles fall into the 10 to 15 percent range.
- The majority of vehicle owners fell into the 60 percent range whose Personal Property Tax increased considerably in June and who also saw a decrease in the PPTRA funds.

Mr. Zaremba asked how this proposed rebate program is going to be publicized.

In response, Mr. Morgan stated that all of the slides shown to the Board this evening explaining how the rebate program will work will be placed on the website tomorrow.

Mr. Gillette then provided the next steps which included:

- Public Hearing at the August 16 Board meeting.
- Upload sample file and verify rebates properly applied to accounts (test mode).
- Determine final unexpected revenue amount based on collections through August 15<sup>th</sup>.
- Perform final rebate calculations and upload.
- December bills sent to printer in early October.

In response to a Board question, Mr. Morgan stated that there had been 30 hardship case applications submitted all of which were successful and received a grant which was coordinated through the County's Housing Office and the Treasurer's office. He pointed out during the

August 2, 2022

public hearing on the rebate that the Board will also be asked to retroactively endorse the 2 percent penalty on delinquent Personal Property tax bills and the Hardship Program.

In conclusion, Chairman. Noll commended staff on the excellent job they did to implement an equitable Personal Property Tax reduction.

Mr. Roane added commendations to the Commissioner of the Revenue, the Treasurer and the Information Technology offices for their collaboration to assist residents by decreasing the Personal Property Tax December bill.

Mr. Zaremba concurred with the aforementioned commendations.

**CONSENT CALENDAR**

The Consent Calendar was considered and **approved on a vote of 4:0.** A summary of actions taken are below.

Mr. Green moved that the Consent Calendar be approved as submitted, Item Nos. 4 and 5 respectively.

On roll call the vote was:

Yea: (4) Zaremba, Green, Roane, Noll  
Nay: (0)

**Item No. 4. HAZARD MITIGATION PLAN UPDATE AND ADOPTION. Resolution R22-128:**

A RESOLUTION ADOPTING THE 2022 HAMPTON ROADS HAZARD MITIGATION PLAN UPDATE

**Item No. 5. CIRCUIT COURT RECORDS PRESERVATION GRANT FUNDS. Resolution R22-124:**

A RESOLUTION TO ACCEPT AND APPROPRIATE GRANT FUNDING OF \$74,779 IN THE COUNTY GRANTS AND DONATIONS FUND FROM THE LIBRARY OF VIRGINIA FOR THE CIRCUIT COURT RECORDS PRESERVATION GRANT PROGRAM

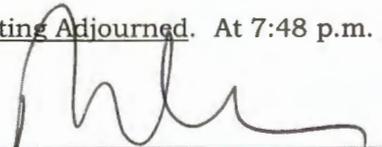
**OPEN DISCUSSION**

Mr. Green encouraged residents to attend the Board's August 16<sup>th</sup> meeting at which time they can share their opinions on the proposed Personal Property Tax Relief Program.

Mr. Zaremba requested that the School Superintendent come to a Board meeting to talk about the curriculum for the upcoming school year.

Mr. Morgan stated that a Chair and Vice Chair meeting of the two bodies, i.e. Board of Supervisors and the School Board, is tentatively planned for late fall.

Meeting Adjourned. At 7:48 p.m. Chairman Noll declared the meeting adjourned sine die.

  
Neil A. Morgan  
County Administrator

  
Sheila S. Noll, Chairman  
York County Board of Supervisors