


COUNTY OF YORK

MEMORANDUM

DATE: November 16, 2022

TO: York County Board of Supervisors

FROM: Neil A. Morgan, County Administrator 

SUBJECT: 2022 Competitive Community Development Block Grant Awardees

We received notification this week that the County was selected as one of the Virginia localities who will receive one of ten Community Development Block Grants. The grant submission was considered and approved at the Board meeting on February 15, 2022, by Resolution R22-23. The total grant award was in the amount of \$1,346,195.

The funding will be utilized for the Cary's Chapel area for homes that are in need of repair or replacement. The project will rehabilitate 12 single-family homes, demolish one deteriorated home, and substantially reconstruct two homes. A copy of the press release and awardee listing has been included from Governor Youngkin's Office and the Virginia Department of Housing and Community Development.

Fuller/3504



Commonwealth of Virginia
Office of Governor Glenn Youngkin

FOR IMMEDIATE RELEASE: November 16, 2022

CONTACTS:

Office of the Governor

Macaulay Porter

Email: Macaulay.Porter@governor.virginia.gov

**Governor Glenn Youngkin Announces Over
\$11.5 Million in Community Development Block
Grants**

*Funding will support housing rehabilitation, water and sewer improvements,
and community development projects*

RICHMOND, VA — Governor Glenn Youngkin today announced more than \$11.5 million in Community Development Block Grants (CDBG) for 10 projects across the Commonwealth.

The projects will receive funding to rehabilitate housing, improve water and sewer infrastructure and provide facilities for needed services and expand business development support and entrepreneurial ecosystem development services, benefiting more than 700 low- to moderate-income Virginians.

“Community Development Block Grants continue to be an invaluable resource for Virginia communities, offering targeted support to community-identified needs and fostering support for our most vulnerable Virginians,” **said Governor Glenn Youngkin.** “With these grants, we can make important investments in infrastructure, housing rehabilitation and economic development that will build stronger communities for all across the Commonwealth.”

The federally funded CDBG program has been administered by the Virginia Department of Housing and Community Development since 1982 and annually receives approximately \$19 million to distribute to small cities, counties, and towns. Most CDBG grants are awarded through a competitive process with a goal of benefiting low- and moderate-income households.

With these funds, localities can provide infrastructure for new or expanding industries, provide new or improved water and sewer systems in rural areas, rehabilitate housing in declining neighborhoods, revitalize commercial districts, provide support to small businesses and provide facilities for a variety of needed services, such as health clinics in underserved areas.

“While each of the 10 awarded projects support vastly different community goals, they all foster strong local partnerships and will help build a stronger Virginia economy,” **said Secretary of Commerce and Trade Caren Merrick.** “The CDBG program offers the flexibility needed to accommodate the unique needs of the community, while working towards a stronger, more cohesive Commonwealth.”



2022 COMPETITIVE COMMUNITY DEVELOPMENT BLOCK GRANT AWARDEES

November 16, 2022

B Street Community Project | \$1,500,000

Town of Chase City

The B Street Community Project will rehabilitate one housing unit, substantially reconstruct eight housing units and demolish two housing units, in addition to installing 1,100 linear feet of four-inch waterline, 320 linear feet of two-inch waterline and 1,200 linear feet of eight-inch sewer line. The project will serve 48 low- to moderate-income (LMI) persons.

Trammel Community Revitalization Project – Phase 2 | \$1,454,800

Dickenson County

The Trammel Community Revitalization Project is the second phase of a larger housing rehabilitation project serving the Trammel community in Dickenson County. This project will rehabilitate 10 single family homes and serve 21 low- to moderate-income persons and significantly alleviating dire housing needs in the Trammel community.

South Main Street Neighborhood Improvements – Phase 1 | \$1,350,000

City of Emporia

Phase one of the South Main Street Neighborhood Improvements project will rehabilitate 13 single-family homes and substantially reconstruct two homes. Additional improvements, including upgrading the stormwater drainage and street facilities, will help further preserve the existing housing stock, as well as improve the safety and walkability of the neighborhood. This project will serve 22 low- to moderate-income persons.

Cary's Chapel Road Housing Rehabilitation Project | \$1,346,195

York County

The Cary's Chapel Road project will rehabilitate 12 single-family homes, substantially reconstruct two homes and demolish one dilapidated home. This project will serve 23 low- to moderate-income persons.

Township Road Housing Rehabilitation | \$1,250,000

Brunswick County

The Township Road project will rehabilitate 11 single-family homes and substantially reconstruct two homes, serving 21 low-

to moderate-income persons. Brunswick County partnered with the Southside Planning District Commission to conduct surveys, windshield assessments and community meetings to identify this neighborhood as a priority for targeted site housing rehabilitation.

Hurley Regional Water Project – Final Phase | \$1,000,000

Buchanan County

The Hurley Regional Water Project will complete the final two phases of the project providing public water service to 131 low- to moderate-income persons who do not have potable water, creating an LMI benefit of 83%. This project will connect 1,450 households to public water once complete.

Fieldale Heritage Revitalization Project | \$1,000,000

Henry County

The Fieldale Heritage Revitalization Project will rehabilitate an underutilized historic building in Henry County into a community center that will serve an area wherein 58% of residents classify as low- to moderate-income persons. The community service facility will offer programming and services to help families through outdoor recreation, swimming lessons, gym facilities, senior programming and internet access, and it will be the only such facility in Henry County.

Banister Town Housing Rehabilitation – Phase 1 | \$798,845

Town of Halifax

Phase one of the Banister Town Housing Rehabilitation includes the rehabilitation of four single-family housing units and two mobile homes, serving nine low- to moderate-income persons. Phase one prioritizes owner-occupied housing units, while phase two will include multifamily units.

Park Street Housing Rehabilitation – Phase 2 | \$687,968

Town of Gate City

Phase two of the Park Street project includes the rehabilitation of five housing units, the substantial reconstruction of one unit and the clearance and demolition of two blighted units, serving 19 low- to moderate-income persons.

Bedford Regional VIDA Project | \$1,200,000 (Letter of Intent)**

Counties of Alleghany, Bedford, Botetourt, Franklin, Roanoke and Rockbridge, the cities of Buena Vista, Covington, Lexington and Salem, and the towns of Bedford, Boones Mill, Buchanan, Clifton Forge, Fincastle, Glasgow, Goshen, Iron Gate, Rocky Mount, Troutville, Vinton

The Bedford Regional Virginia Individual Development Account (VIDA) project will expand business development support and entrepreneurial ecosystem development services to program participants in all of the counties, cities and towns within the project area of this regional effort. The Virginia Individual Development Account (VIDA) program will leverage local resources and expertise to create business training, mentorship and funding to support new and expanding businesses. CDBG funding will be utilized to fund VIDA savers at an 8:1 ratio, providing direct incentives into small business training and development. The project is expected to serve 222 savers, with 125 VIDA savers served in the first 18 months.



COUNTY OF YORK

MEMORANDUM

DATE: November 16, 2022

TO: York County Board of Supervisors

FROM: Neil A. Morgan, County Administrator

SUBJECT: Analysis of Recent FOIA Activity



The attached report was prepared at my request for the Board's information. For some time I have been concerned that our organization's culture of good customer service and our policy of providing FOIA records at an extremely low rate of cost recovery was creating unintended consequences. Specifically, I suspected that one or a few individuals were taking advantage of policies intended to be beneficial to the general public at significant expense to the County.

There are several important takeaways from the analysis which was based on a review of FOIA requests processed by Public Affairs during the first nine months of 2022. First, the true County opportunity cost of responding to the 198 requests was just under \$140,000, conservatively estimated, during that time period.

Secondly, based on what the law allows different policies would have enabled the County to collect \$57,000. Based on our policies and procedures, the County only recovered \$1,300 or 2 percent of what the law allows. The analysis also showed that one individual was responsible for 87 percent (172) of all general purpose requests during the first nine months of 2022. Stated differently, as the result of the County's current policy, one individual is taking advantage of County policy and generating over \$100,000 of unrecovered costs to the County on an annual basis.

The implications of this study are that the Board of Supervisors may wish to modify current practices related to FOIA cost recovery. It would certainly be possible to do so in a manner that maintained convenient and inexpensive access for the occasional requestor while recovering a higher percentage of true costs for heavy users. I will confer further with the Board once you have had an opportunity to study this report.

NAM:vhd

Attachment

Freedom of Information Act (FOIA) Report

November 16, 2022

Background:

The Freedom of Information Act (FOIA, the Act) was enacted to ensure that citizens have ready access to public records, in the interest of maintaining transparency between the public body and the citizens the body represents. The statute attempts to balance the need for transparency with the need to keep certain records undisclosed, and provides specific exemptions to disclosure. The statute also recognizes that a government body may incur additional costs in complying with the statute, and allows for reasonable costs to be passed on to the requester. Generally, it provides that, unless specifically exempted in the statute, records be provided to a requester in a timely manner and, in the event that the government incurs costs specifically related to providing the document(s), at the minimum reasonable cost.

The County's current Board Policy 94-06 lays out the administration of the County's FOIA program and determines the time frame within which documents must be provided to the requester as well as the allowable charges that may be passed on to the requester. At the time of its most recent revision in November 2018, BP 94-06 reflected the policy recommendation of the County Administrator and created a favorable rate structure that sought to minimize the burden on citizens making FOIA requests. For instance, the policy allows for the reproduction of 5 pages or less and staff time of 15 minutes or less at no charge and limits the rate charged to the lesser of \$25 per hour or the actual hourly rate for the staff responding to the request. Other materials such as digital storage media are charged at cost.

Recently, there have been concerns about the level of effort required by staff to respond to the high number of FOIA requests that have come into the Public Affairs office. Not only are there increasingly time-consuming requests for documents, but the County often receives follow-on questions and requests for additional information not covered by the Act in the wake of our response to the original request. These additional requests often require the attention of senior staff, County Administration, and increasingly the advice and counsel of the County Attorney. The time spent responding to these inquiries is a drain on County resources, and time spent responding to such additional requests for information is not recoverable under the Act because the Act only requires producing records; it does not require a response to questions, requests for an explanation, etc.

The County has a longstanding tradition of trying to be as responsive as possible and has found that engaging these questions occasionally alleviates requests. However, the massive increases in these follow-up questions now require a significant amount of staff time. Furthermore, the impression among staff has been that the majority of these requests are generated by one person. Public Affairs and Finance staff undertook a study to attempt to quantify the impact these requests have on County staff productivity.

Study methods and results:

Finance staff used the FOIA request tracking log maintained by Public Affairs. Looking at these requests specifically and FOIA emails provided by Information Technology to

identify the various County departments and staff who were involved in responding to FOIA requests for the year beginning January 1, 2022 through the end of September (9-month sample period). These requests do not include those sent directly to York Poquoson Sheriff's Office, 911, or referred to Building Safety, primarily by lawyers, engineers, and realtors. These staff were interviewed to estimate the time each spent this year responding to FOIA requests or responding to other FOIA-related inquiries. Using this information, we then estimated the total costs that would be allowed under the Act. Finally, we compared this to the actual charges we have billed for 2022 (estimating the remaining three months).

The cost analysis is broken down into four parts:

- 1) The total cost of all staff time spent responding to FOIA requests and any secondary or follow-up questions. These costs include the salaries and benefits of any staff involved in the response, and represent the **opportunity costs** associated with responding to the requests.
- 2) The cost of all staff time spent responding directly to FOIA requests. These costs exclude time spent responding to follow-up questions or requests for information that are not covered by the Act, and represent the **actual costs** of complying with the Act.
- 3) Reasonable charges not to exceed actual cost in responding to FOIA requests. These costs are defined in the Act and include staff time spent accessing, duplicating, supplying, or searching for records, but exclude benefits and legal review, both of which are interpreted by the FOIA Advisory Council to be extraneous to the FOIA response. These are the **allowable costs** associated with FOIA compliance.
- 4) Actual charges billed and received by the County under the Act. These are the result of staff estimates for each request based on the current Board Policy, and reflect the **recovered costs** associated with compliance with the Act.

Thirteen people submitted 198 FOIA general purpose requests in the first 9 months of 2022. Of these, seven individuals submitted one request each. Three other individuals submitted two requests, one submitted three, and one other submitted ten. The remaining 172 requests, representing 87% of the total, were submitted by one person.

Based on the information collected during staff interviews, the total opportunity costs associated with responding to these requests was \$139,000. Excluding the time spent on non-FOIA questions and other costs deemed not allowable under the Act, the allowable costs associated with these requests was \$57,000. We estimate that the total recovered costs for 2022 will only be \$1,300.

It is evident from the data collected that one individual creates the greatest burden for staff. The typical FOIA requestor only makes 1-2 requests per year, and only two individuals had more than four. Given these results, the Board of Supervisors and County Administration may wish to revise the County's policy in a way that continues to be generous and responsive to the typical requester while modifying the cost structure to reflect what is allowed by the State Code so that frequent requestors are required to pay something closer to the County's actual costs.

COUNTY OF YORK

MEMORANDUM

DATE: November 18, 2022

TO: York County Board of Supervisors

FROM: Neil A. Morgan, County Administrator



SUBJECT: Survey of the York County/City of Poquoson Boundary

The subject of the exact location of the York County/City of Poquoson boundary line has come up several times over the years, mostly with regard to parcels that are bisected by the boundary. In such cases, questions arise about which locality's rules should be followed when improvements to real estate are being planned, and which locality has taxing authority over improvements. Staff has attempted to answer those inquiries in the past based on existing mapping, but questions still linger about the exact location of the line. The City of Poquoson has encountered similar problems in answering these questions.

The boundary between York County and The City of Poquoson was established in 1952 when the Town of Poquoson was created. A December 1951 survey plat was recorded to depict the boundary. The same plat was used for reference in the Poquoson City Charter when the Town became The City of Poquoson in 1975, but surveyors have been uncertain about interpreting the court's orders as to a portion of the boundary, such that surveys often depict the "presumed" boundary line. Over the years, there have been informal agreements between the localities concerning tax assessment of properties that have the jurisdictional line going through them, but nothing binding has ever been agreed upon.

However, the considerable amount of development that has occurred in the area since the 1951 survey plat has made it more imperative that the true location of the boundary be determined with the intent of considering common sense adjustments to the boundary. Currently, property owners do not have a clear understanding on which rules apply to them and the County and Poquoson do not have definitive answers. I believe this issue needs to be addressed on behalf of the property owners, and also because the County needs to have an accurate understanding of its own boundaries. Moreover, much confusion could be eliminated if an agreed boundary could be drawn to minimize the number of parcels that are bisected by the boundary, moving a number of such parcels entirely into one jurisdiction or the other.

Staff has identified 63 properties in the York County Property Information System that are either directly adjacent to the jurisdictional boundary or have the boundary running through the parcel, resulting in portions of the parcel lying in both localities. In order to obtain a more definitive mapping of the boundary line and understand which specific parcels are in question, a licensed surveyor will be performing the work on behalf of the County and the City. Staff will incorporate the data into current mapping. Impacted property owners will receive the attached letter next month.

York County Board of Supervisors

November 18, 2023

Page 2

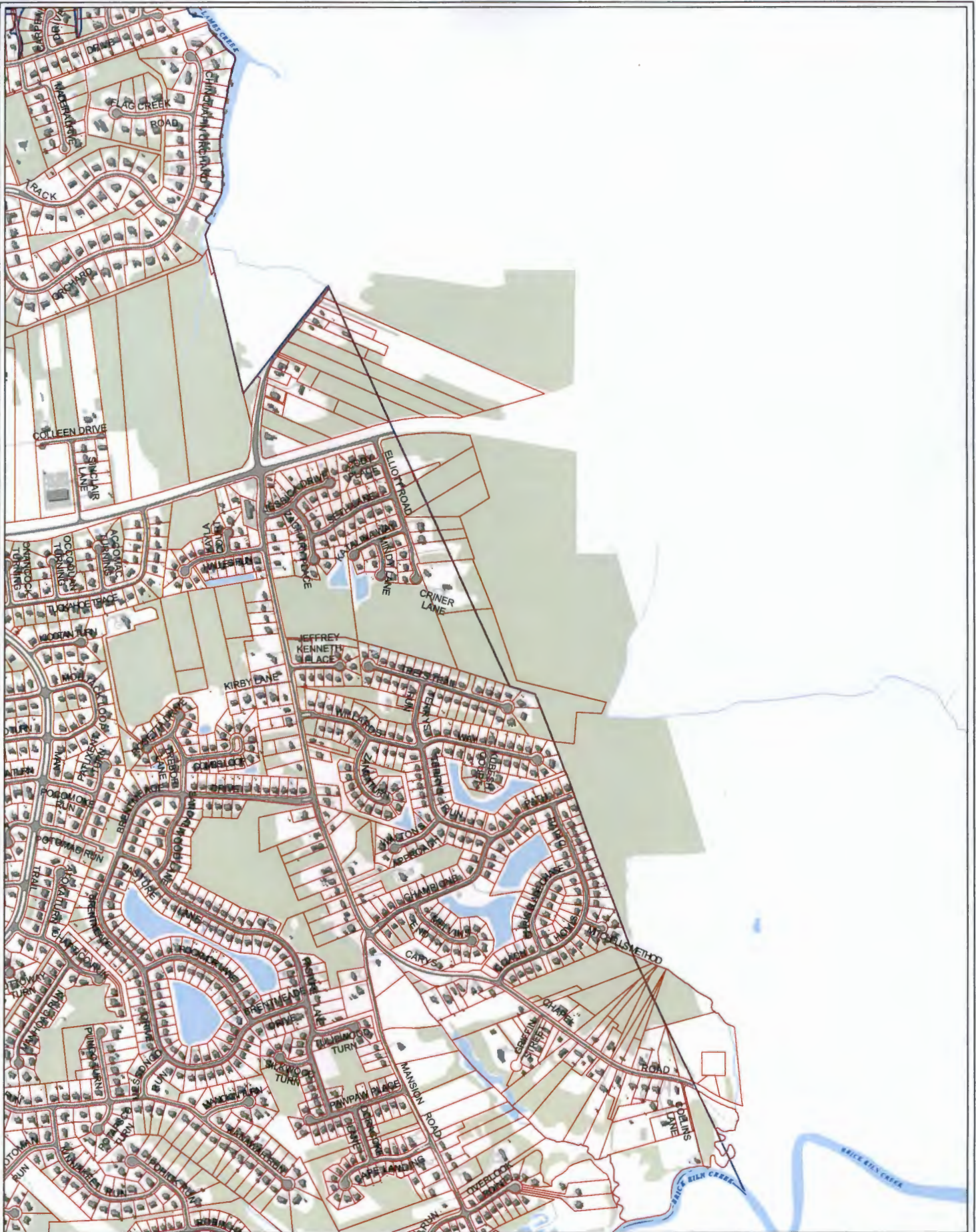
Upon completion of the survey, it is anticipated that an informed discussion could occur about any adjustments to the boundary and to clarify which rules property owners should follow. Discussions or formal actions would only proceed if there is mutual and voluntary satisfaction from both the County and The City of Poquoson. If our two localities can agree upon any boundary adjustments, we would then follow the boundary dispute process as specified in the Code of Virginia.

I will keep you updated on the process.

August/3769

Attachments:

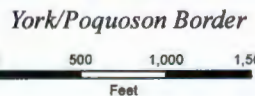
- GIS York/Poquoson Border Maps
- County Letter to Property Owners



This map should NOT be used for engineering or other design purposes without full verification having been undertaken by a qualified surveyor.

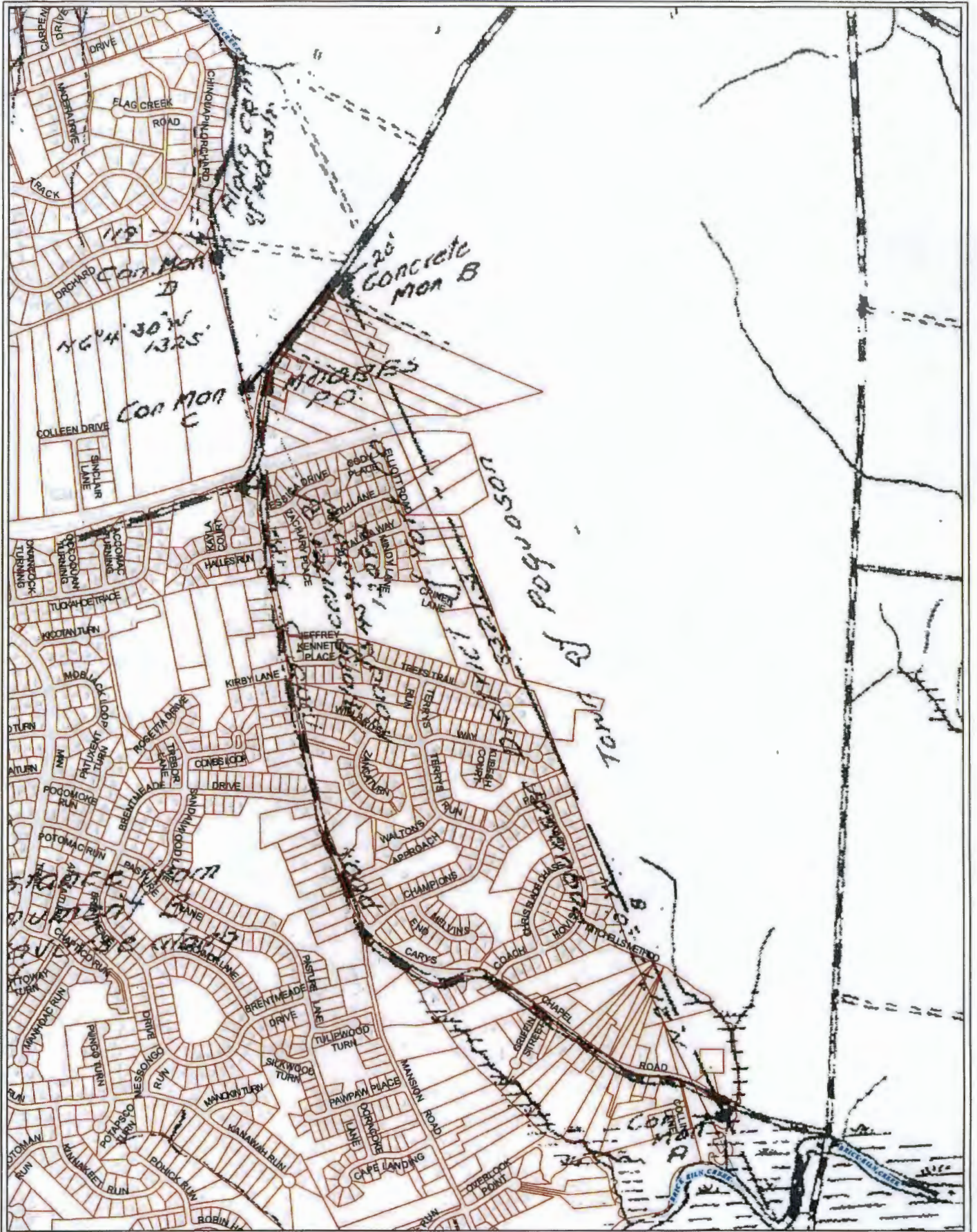
The County of York, Virginia assumes no responsibility for the accuracy of this map or the information contained herein or derived therefrom. The buyer and/or user assumes all risks and liabilities whatsoever resulting from or arising out of the use of this map.

There are no oral agreements or warranties relating to the sale and/or use of this map.

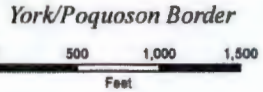


THIS IS NOT A LEGAL PLAT.
This map should be used for information purposes. It is not suitable for detailed site planning.

Published on: 09/20/2022



This map should NOT be used for engineering or other design purposes without full verification having been conducted by a qualified engineer.
 The County of York, Virginia assumes no responsibility for the accuracy of this map or the information contained hereon or derived therefrom. The proper practice and approval of rules and liabilities whatsoever resulting from or arising out of the use of this map.
 There are no oral agreements or warranties relating to the sole single use of this map.



THIS IS NOT A LEGAL PLAT
 This map should be used for informational purposes. It is not suitable for detailed site planning.
 Published on: 09/20/2022

**Department of
Public Works**

Director

Robert L. Krieger, III

Deputy Director

Joseph A. Sisler, P.E.

Assistant Director

Kevin Scott Ashworth

Engineering
Fleet Services
Mosquito Control
Utilities Operations
Waste Management
Facility Maintenance
Stormwater & Grounds
Construction Inspections
Infrastructure Management

January 15, 2023

VIA CERTIFIED MAIL

Last Name/First Name/Suffix

OtherName

House #/Street

City/State/ZIP

Dear Property Owner:

Subject: York County/Poquoson Boundary Line Delineation – Right of Entry

York County and The City of Poquoson are working together to confirm the boundary line between the two jurisdictions in an effort to resolve questions concerning tax assessment and rules regarding property development. Accordingly, pursuant to Section 25.1-203 of the Code of Virginia, I hereby request permission on behalf of the County of York and its employees, agents, and contractors to enter upon your land, identified in County tax records as **PropAdd1 PropAdd2**, beginning on February 15, 2023, and each succeeding weekday thereafter, as necessary, for the purpose of conducting surveys and examinations to collect property line information for the purpose of defining the boundary line between York County and The City of Poquoson.

Attachment 1 provides the name of the surveying company, the number of persons entering the property, the dates of entry, and the County contact person should you have any questions or concerns. A permission form and a self-addressed stamped envelope have been included for you to sign and return granting permission for representatives of York County to enter your property for the purposes stated above. Upon receipt of the signed permission form, the County or its agents will enter within the time periods stated in Attachment 1. If you have no objection to our entry, please sign the attached consent form and return it to me in the enclosed self-addressed stamped envelope no later than February 1, 2023.

The County will seek to minimize any disruption to you or the property. If you would like to be present during the inspection, please advise the contact person in Attachment 1. I do not anticipate that any damage will be done to your property, but if so, the County will reimburse you as required by Section 25.1-203, Code of Virginia, 1950, as amended.

The County looks forward to working with the homeowners in this project area to address their concerns and meet their needs as best as possible. Should you have any questions or concerns about the survey work or any other aspect of the project, please feel free to contact Mike August of my staff at 757-890-3750.

Sincerely,

Robert L. Krieger, III
Director

Copy to: Neil Morgan, County Administrator
York County

Randy Wheeler, City Manager
City of Poquoson

PERMISSION TO ENTER PROPERTY

I/We, _____, the owner(s) of the property identified on County tax records as **PropAdd1 PropAdd2, GPIN (GPIN)**, hereby give permission to the County of York and its employees, agents and contractors to enter upon this property for the purpose of making surveys and examinations to collect property line information in connection with the York County/Poquoson Boundary Line Delineation. This permission shall terminate once the survey has been completed.

I understand that it is not anticipated that any damage would be done to this property, but if so, reimbursement will be made as required by §25.1-203, Code of Virginia 1950, as amended.

Owner

Date

Owner

Date