

A G E N D A
JAMES CITY COUNTY BOARD OF SUPERVISORS
BUSINESS MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
September 28, 2021
1:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PRESENTATION

1. Retiree Recognition – Karrie D. Lee
2. Retiree Recognition – Joan M. Etchberger
3. 2021 VACo Achievement Award
4. National Night Out Proclamation
5. Clean County Commission Annual Report
6. VDOT Quarterly Update

D. CONSENT CALENDAR

1. Minutes Adoption
2. Authorization for Two Emergency Communication Officer Over-Hire Positions
3. Grant Award - Virginia E-911 Services Board Public Safety Answering Point - \$3,000
4. Grant Award- Virginia Fire Programs Fund - \$271,218
5. Grant Award - Four-for-Life - Return to Localities Fund - \$69,309
6. Grant Award - Radiological Emergency Preparedness - \$30,000
7. Grant Award - Department of Motor Vehicles - Speed Enforcement - \$29,866
8. Grant Award - Department of Motor Vehicles - Occupant Protection - \$6,424
9. Grant Award - Department of Motor Vehicles - Alcohol Enforcement - \$24,485
10. Grant Award - Commonwealth Attorney - Virginia Domestic Violence Victim Fund - \$41,030
11. Grant Award - Commonwealth Attorney - Victim Witness Assistance Program - \$183,260
12. Grant Award – Moses Lane Project Planning Community Development Block Grant - \$50,000
13. Grant Award - 2021 Scattered Site Housing Rehabilitation Community Development Block Grant - \$720,500
14. Board Appropriation - Surety Funding - Landfall at Jamestown - Phase 2B - \$21,000
15. Contract Award - Jamestown Beach Event Park Paving Project - \$118,560
16. 2021 Scattered Site Housing Rehabilitation - Community Development Block Grant - Adoption of Required Fair Housing Certification
17. 2021 Scattered Site Housing Rehabilitation - Community Development Block Grant - Adoption of Required Section 504 Grievance Procedure for Disability Nondiscrimination
18. 2021 Scattered Site Housing Rehabilitation - Community Development Block Grant - Adoption of Required Housing Rehabilitation Program Design and Residential AntiDisplacement and Relocation Plan

19. Community Development Block Grant Local Business and Employment Plan

E. BOARD DISCUSSIONS

1. Discussion of Regional Indoor Sports Complex

F. BOARD CONSIDERATIONS

1. 2021 Redistricting
2. Consideration of the James City County Comprehensive Plan, Our County, Our Shared Future: James City County 2045 Comprehensive Plan

G. BOARD REQUESTS AND DIRECTIVES

H. REPORTS OF THE COUNTY ADMINISTRATOR

I. CLOSED SESSION

1. Consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia and pertaining to the Stormwater Program Advisory Commission

J. ADJOURNMENT

1. Adjourn until 5 p.m. on October 12, 2021 for the Regular Meeting

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Melissa Cheaney, Security & Custodial Superintendent

SUBJECT: Retiree Recognition – Karrie D. Lee

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	9/7/2021 - 2:47 PM

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: John Carnifax, Director of Parks and Recreation

SUBJECT: Retiree Recognition – Joan M. Etchberger

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	9/7/2021 - 2:48 PM

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Toni Small, Director, Stormwater and Resource Protection Division

SUBJECT: 2021 VACo Achievement Award

REVIEWERS:

Department	Reviewer	Action	Date
Stormwater	Small, Toni	Approved	9/10/2021 - 4:19 PM
General Services	Boone, Grace	Approved	9/10/2021 - 4:20 PM
Publication Management	Pobiak, Amanda	Approved	9/10/2021 - 4:22 PM
Legal Review	Kinsman, Adam	Approved	9/13/2021 - 8:21 AM
Board Secretary	Fellows, Teresa	Approved	9/13/2021 - 1:50 PM
Board Secretary	Purse, Jason	Approved	9/21/2021 - 10:46 AM
Board Secretary	Fellows, Teresa	Approved	9/21/2021 - 11:07 AM

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Eric Peterson, Chief of Police

SUBJECT: National Night Out Proclamation

ATTACHMENTS:

	Description	Type
	Proclamation	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Police	Peterson, Eric	Approved	8/21/2021 - 6:06 PM
Police	Peterson, Eric	Approved	8/21/2021 - 6:08 PM
Publication Management	Daniel, Martha	Approved	8/23/2021 - 8:08 AM
Legal Review	Kinsman, Adam	Approved	8/23/2021 - 8:09 AM
Board Secretary	Fellows, Teresa	Approved	9/13/2021 - 1:52 PM
Board Secretary	Rinehimer, Bradley	Approved	9/14/2021 - 4:33 PM
Board Secretary	Fellows, Teresa	Approved	9/17/2021 - 11:16 AM

PROCLAMATION

NATIONAL NIGHT OUT - OCTOBER 5, 2021

WHEREAS, *for the 38th year, the National Association of Town Watch sponsors a national community-building campaign on Tuesday, October 5, 2021, entitled “National Night Out”; and*

WHEREAS, *the National Night Out campaign provides an opportunity for neighbors in James City County to join over 38 million neighbors across 16,000 communities from all 50 states, U.S. territories, and military bases worldwide; and*

WHEREAS, *National Night Out is an annual community-building campaign that promotes strong police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, more caring places to live and work; and*

WHEREAS, *neighbors in James City County assist the James City County Police Department through joint community-building efforts and support National Night Out 2021; and*

WHEREAS, *it is essential that all neighbors of James City County come together with police and work together to build a safer, more caring community, and*

NOW, THEREFORE, BE IT RESOLVED that I, Chairman of the Board of Supervisors of James City County, do hereby call upon all citizens of James City County to join the James City County Police Department and National Association of Town Watch in support for National Night Out on Tuesday, October 5, 2021.

BE IT FURTHER RESOLVED that I, Chairman of the Board of Supervisors of James City County, do hereby proclaim Tuesday, October 5, 2021 as “NATIONAL NIGHT OUT” in James City County.

IN WITNESS, WHEREOF, I hereunto set my hand and caused the seal of the County of James City, Virginia, to be affixed this 28th day of September 2021.

Michael J. Hipple
Chairman, Board of Supervisors

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Emma Zhara-Newman, Co-Chair of the Clean County Commission

SUBJECT: Clean County Commission Annual Report

ATTACHMENTS:

	Description	Type
	Presentation	Presentation

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	9/17/2021 - 11:33 AM

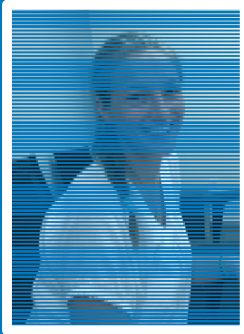
James City Clean County Commission FY21 Annual Report



Presented to the Board of Supervisors

September 28, 2021

The James City Clean County Commission



Emma Zahren-Newman
Commission Co-Chair
Jamestown



Peg Boarman
Commission Co-Chair
Stonehouse



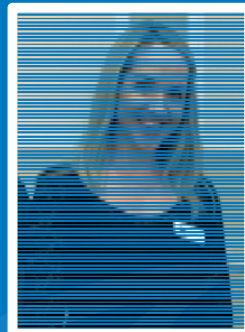
Charles Loundemon
Commissioner
Berkeley



Rachel West
Commissioner
Berkeley



Kevin Radcliffe
Commissioner
Roberts



Alexa Provost
Commissioner
Jamestown



Tim Winstanley
Commissioner
Roberts

Not Pictured: Glenn Carter
Roberts

September 2021

Litter Kits



CLEAN COUNTY COMMISSION

LITTER KITS

Want to help clean up your community? Check out a litter kit today!

What the litter loan kit includes:

- Litter grabber
- Trash collection bag
- Orange safety vest
- Gloves

For more information, contact Peg Boorman at (757) 565-0032 or the Office of Sustainability at (757) 259-5375

All COVID-19 safety guidelines should be followed. Wear masks, gloves, and no large groups.



Stewardship Hour

The James City County Clean County Commission presents...

The Stewardship Hour

Keeping Citizens Informed About County Sustainability Initiatives

The Stewardship Hour is a monthly education program for citizens of James City County to learn about the ways we can be better environmental stewards of our community. Each month, attendees will get to learn from an expert on the subject, have a chance to ask questions and engage in meaningful conversations, and walk away with **specific action steps**.



November's topic:

COMPOST

We will...

- Understand the ecological implications of composting food scraps and yard waste.
- Analyze the connection between individual actions and the environmental impact of landfill diversion.
- Evaluate if small-scale composting is a system we can accept into our lifestyle.



This month's expert: Bruno Welsh from Compost RVA!

Join us on [ZOOM!](#)
(click the image to join)



When
November 12, 2020
5:30 PM EST
Where
Meeting ID: 865 4106 8965
Password: JC4

Join us every month!

When
On the 2nd Thursday of the month
At 5:30 PM EST

Where
[The Stewardship Hour Zoom Meeting](#)
Meeting ID: 742 2476 6819
Password: JC4

Next month's topic: Minimizing Food Waste

The James City County Clean County Commission presents...

The Stewardship Hour

Keeping Citizens Informed About County Sustainability Initiatives

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July's topic:

Reducing Plastic

We will discuss...

- When plastic is useful and when it's avoidable
- The harms and dangers of plastic in our community
- How to seek plastic alternatives
- Laws that exist to reduce plastic and pollution
- How to stay updated and informed



Join us on [ZOOM!](#)
(click the image to join)



When
5:30 PM EST
Thursday July 8, 2021

Where
[The Stewardship Hour Zoom Meeting](#)
Meeting ID: 742 2476 6819
Password: JC4



The James City County Clean County Commission presents...

The Stewardship Hour

Keeping Citizens Informed About County Sustainability Initiatives

The Stewardship Hour is a monthly education program for citizens of James City County to learn about the ways we can be better environmental stewards of our community. Each month, attendees will get to learn from an expert on the subject, have a chance to ask questions and engage in meaningful conversations, and walk away with **specific action steps**.

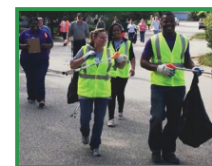


October's topic:

Litter

Prevention + Pick-Up

- How does litter negatively affect our community?
- How can citizens best prevent litter in JCC?
- What is the Zero Tolerance for Litter Resolution?
- What are the best ways and places to pick up litter?



This month's guests:
Diane Race & Kensett Teller

Join us on [ZOOM!](#)
(click the image to join)



When
5:30 PM EST, 2020

Where
Meeting ID: 865 4106 8965
Password: JC4

Join us every month!

When
On the 2nd Thursday of the month
At 5:30 PM EST

Where
[The Stewardship Hour Zoom Meeting](#)
Meeting ID: 865 4106 8965
Password: JC4

Next month's topic: Composting

Litter and Recycling Expo



September 2021

Arbor/Earth Day



September 2021

Will Barnes Day



September 2021

Pollinator and Rain Garden: Veteran's Park



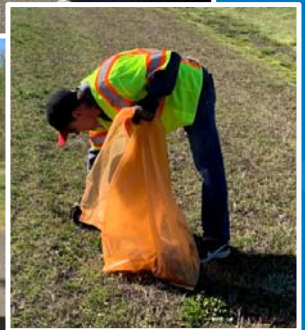
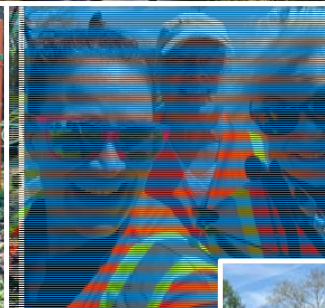
September 2021

Great American Cleanup



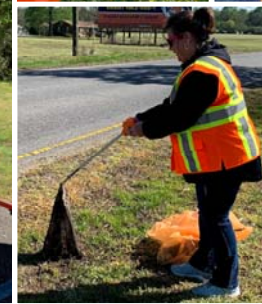
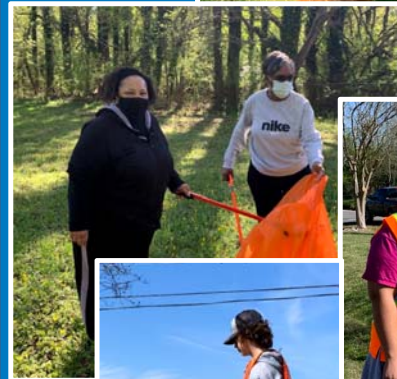
September 2021

Spring Cleanup



September 2021

Spring Cleanup



September 2021

Adopt-A-Spot Program



- 1 new location: Warhill High School Environmental Club
- 6 cleanups



September 2021

3 CAMPAIGNS...

Lots of potential opportunities to volunteer!



I. Recycling Education

- Waste Minimization
- Curbside Recycling Program
- Public Education



II. ZERO Tolerance for Litter

- Annual Litter Index
- Collaboration with VDOT
- Litter Cleanups
- Team Up 2 Clean Up Campaign
- Public Education



III. Community Beautification

- Adopt-A-Spot
- Landscaped Common Areas
- Wildflower planting

Interested in volunteering?

Call 757-259-5375 or email
sustainabilitycoordinator@jamescitycountyva.gov



RESULTS OF OUR LABORS...

LITTER CLEANUPS

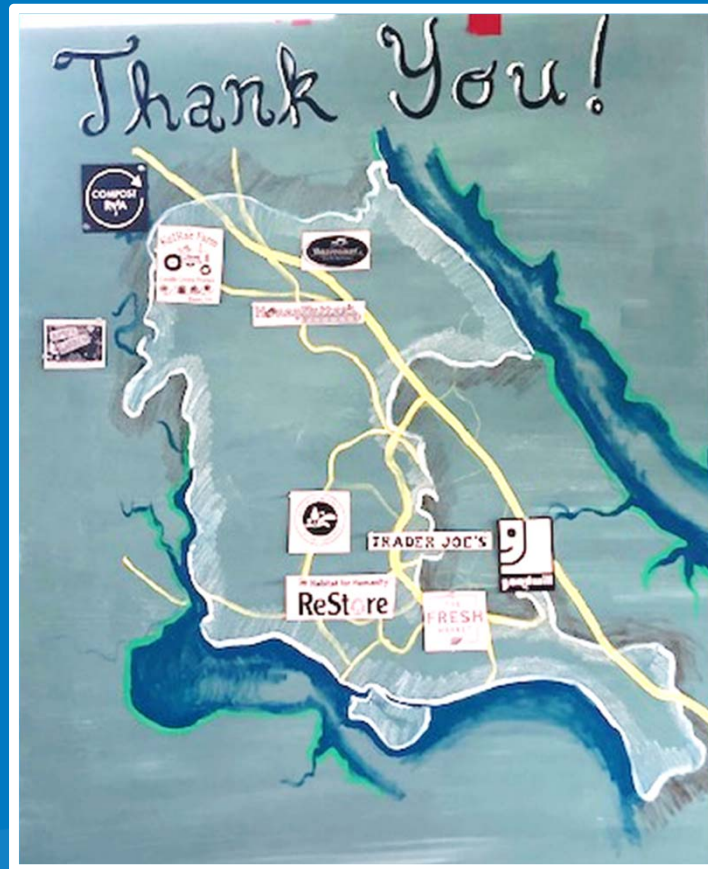
- 26 litter cleanups
- 238 volunteers
- 943 volunteer hours valued at \$23,094

COMMUNITY OUTREACH & EDUCATION

- 17 group presentations & displays
- 1,159 in attendance



Questions & Answers



September 2021

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Rossie Carroll, VDOT Williamsburg Residency Administrator

SUBJECT: VDOT Quarterly Update

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	3/16/2021 - 8:50 AM

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Minutes Adoption

ATTACHMENTS:

	Description	Type
☐	June 22, 2021 Business Meeting	Minutes
☐	July 13, 2021 Regular Meeting	Minutes
☐	July 27, 2021 Business Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	9/17/2021 - 11:23 AM

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
BUSINESS MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
June 22, 2021
1:00 PM

A. CALL TO ORDER

B. ROLL CALL

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

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

C. PRESENTATION

1. Commendation Presentation - Tom Tingle

Ms. Sadler invited Mr. Tom Tingle to the podium. She noted Mr. Tingle's countless time and service to James City County and its Economic Development Authority (EDA). Ms. Sadler further noted Mr. Tingle's resignation and read the commendation for him in acknowledgment of his long-standing work.

Mr. Tingle thanked the Board. He noted he had been an EDA member for 16 years. Mr. Tingle further noted the importance of economic development within the County.

2. VDOT Quarterly Update

Mr. Rossie Carroll, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, addressed the Board noting weather conditions had been more favorable over the past quarter for delinquent drainage calls and other areas. He noted an 86% completion rate on maintenance work orders from March 1, 2021 to May 31, 2021. Mr. Carroll further noted 77 drainage work orders were outstanding as that was still an area of major concern from customers. He noted a few highlights of the quarter included drop inlet repairs and cleaning, highway sweeping, ditching, road surface patching, and mowing. Mr. Carroll further noted current projects included the Interstate 64 (I-64) Widening Segment 3 with a scheduled December 2021 completion date. He noted driver awareness of speed and lane switches in the work area. Mr. Carroll further noted another project was the Longhill Road Widening Phase 2 with a Fall 2021 scheduled completion date. He noted the Skiffes Creek Connector was another project and construction had begun, adding earthwork was the initial phase and there would be some lane closures. Mr. Carroll noted a scheduled completion date of June 2022. He further noted the Plant Mix had started and listed the location details. Mr. Carroll noted another project was the On Call Pipe Rehabilitation, which included 12 Task Orders for pipe repair. He further noted upcoming projects included the Croaker Road Four Lane Widening from the Williamsburg Regional Library to Route 60 with construction scheduled to

start late 2023 and the Sidewalk and Bikeway on Route 60 from Croaker Road to Old Church Road, scheduled to start late 2022. Mr. Carroll noted the upcoming SMART SCALE projects included a shared use path at Longhill Road to begin in 2024. He further noted County Safety and Operational projects and several traffic studies.

Ms. Sadler thanked Mr. Carroll for the work in the Barhamsville area. She noted positive comments from constituents in the Fieldstone area regarding the reduced speed area. Ms. Sadler further noted every region had its own VDOT representative, adding Mr. Carroll was a great advocate for James City County. She noted drainage issues in Toano.

Mr. Carroll noted they were working on it.

Mr. Icenhour asked about the pedestrian signals in the New Town area.

Mr. Carroll noted he had an update. He further noted two signals had been repaired, adding it was a hardware issue. Mr. Carroll noted the signals were offline until the buttons could be repaired.

Mr. Icenhour asked about the location of the crosswalks on Old News Road.

Mr. Carroll noted one would be near or at the intersection of News Road and Old News Road. He further noted he would supply the report for the second location to Mr. Icenhour.

Ms. Larson noted a constituent comment on the light synchronization at Monticello Avenue. She further noted seeing engineers at the site and asked Mr. Carroll about that.

Mr. Carroll noted it was primarily a maintenance issue, but several other factors were involved. He further noted the installation of a syncing system several years earlier which counted cars to allow the maximum traffic flow through that corridor. Mr. Carroll noted the system has become outdated with hardware failures, adding the entire system would need an update to modify the controllers. He further noted a signal timing plan was being run for the corridor to address the issue and maximize traffic flow. Mr. Carroll noted a traffic rebound which was pre-COVID. He further noted congestion during peak hours when the syncing system was fully operational, adding ongoing traffic issues there.

Ms. Larson asked if a statistical update for Centerville Road and Route 5 could be available for the next VDOT quarterly report, particularly since the change at the intersection had been implemented. She questioned if fewer accidents had occurred. Ms. Larson also asked if there had been an increase in accidents at Monticello Avenue and Greensprings Plantation.

Mr. Carroll noted it took six months for the data. He further noted the statistics were normally reviewed after a year, adding he would provide an update after six months. Mr. Carroll noted six months may not provide enough data for a trend, adding the timeline on Police reports of traffic accidents.

Ms. Larson noted waiting for the year's data.

Mr. Carroll noted the difficulty in determining a trend without reviewing all four seasons.

Ms. Larson noted reviewing the data after a year was fine. She further noted that timeline would allow for more accurate information.

Mr. McGlennon asked Mr. Carroll about the date for the street sweeping at Pocahontas Trail.

Mr. Carroll confirmed yes.

Mr. McGlennon noted a constituent's concern about drainage issues there.

Mr. Carroll noted that was part of the curb and gutter sweep. He further noted the inlets were cleaned during sweeping.

Mr. McGlennon thanked Mr. Carroll for seeking a creative solution to address the issue in the James Terrace/Route 143 area to avoid the traffic light. He asked if the solution had been implemented.

Mr. Carroll noted it would be part of the Plant Mix work schedule. He further noted the shoulder would become a paved right turn lane.

Mr. McGlennon asked if it would be completed this summer.

Mr. Carroll noted it would be completed before the end of November.

Mr. McGlennon asked if that would also be the case for the work on Neck-O-Land Road and The Colony at Lake Powell Road.

Mr. Carroll confirmed yes. He noted he had a schedule, but the contractor had mobilization on it.

Mr. McGlennon asked about an end date on the work.

Mr. Carroll noted the end of November.

Mr. McGlennon noted the Rolling Woods neighborhood needed some attention.

Mr. Carroll noted he and Mr. McGlennon would have further discussion on that issue.

Mr. McGlennon thanked Mr. Carroll. He noted a short green light on Route 199 toward Jamestown Road from Route 5 and the relation to traffic queuing to turn on the opposite side of the road.

Mr. Carroll noted that signal had a set rate which was triggered based on volume in the turn lane and other factors that were loaded for priorities. He further noted congestion and more demand on the system to accommodate the traffic. Mr. Carroll noted permissive left turns have helped alleviate the issue.

Ms. Larson noted turning left onto Greensprings Plantation Drive, there are three cones on the side marking an area where the curbing is uneven. She further noted she was unsure if this was a County or VDOT issue or even the developer. Ms. Larson asked if she could get information on that area.

Mr. Hipple noted communication from County residents regarding the condition of local streets. He further noted working to address the streets and potholes.

Mr. Carroll noted annual evaluations of paving projects and tracing road deterioration. He further noted that information allowed VDOT to schedule road repair work based on different factors such as cracking, rideability, etc. for road rating. Mr. Carroll noted the rating allowed VDOT to set priorities and determine the best use of limited paving dollars. He further noted windshield reviews were also done in evaluating road paving for maximum use of the allocated funding. Mr. Carroll noted contractor mobilization was another factor. He further noted VDOT had a process in place to determine the best paving schedule for primary and secondary

systems.

Mr. Hipple asked about roads in the Rolling Woods neighborhood.

Mr. Carroll noted he would have to check the Critical Condition Index (CCI) for that neighborhood. He further noted the use of a pavement management system to address local areas.

Mr. Hipple thanked Mr. Carroll for the update.

3. 2021 Historical Commission Essay Contest Awards

Mr. Stephen Phillips, Historical Commission Chairman, announced the winners of the 2021 Historical Commission's Essay Contest. He noted the third place winner was Henry Kester, a home-schooled student. Mr. Phillips further noted the second place winner was Aaron Green from Lafayette High School. He noted the first place winner was Benjamin Sheriff from Jamestown High School. Mr. Phillips thanked the winners and all the participants, adding there had been great response to this year's contest.

Mr. McGlennon asked about this year's topics.

Mr. Phillips noted third place was Benjamin Ewell, a Champion of Education and Proprietor of Preparation and Strategy. He further noted the second place essay was the Battle of Green Spring and the first place essay was Madness on the James, the Battle of Green Spring and the Survival of the Continental Army in Virginia.

Ms. Larson asked if the essays were available to read.

Mr. Phillips noted Mr. John Risinger, Staff Liaison to the Historical Commission, had the essays.

4. James City County Telework Program Overview

Mr. Patrick Teague, Director of Human Resources, addressed the Board with an overview of the County's Telework Program. He noted the program's background, employee/employer benefits, history of telework within the workplace, and positioning for the 21st century. Mr. Teague noted employee benefits in a PowerPoint presentation, which highlighted time and financial savings based on national standards. He further noted the employer benefits highlighting the areas of productivity, performance, engagement, retention, and profitability. Mr. Teague noted the employer has no responsibility for the workplace setup if the employee works from home, adding that expectation is solely on the employee. He continued the PowerPoint presentation with additional employer benefits. Mr. Teague noted the County as an employer was continually competing against employers who offered telework as an employment option. He further noted teleworking allowed for a broader base of employees. Mr. Teague noted teleworking was also an option for disabled employees, as well as retirees returning to part-time work, with the flexible arrangements. He further noted teleworking had been operating in the Social Services Department over the past two years, and County-wide, when applicable, over the past year due to the COVID-19 pandemic. Mr. Teague highlighted additional details of the telework program, such as position eligibility, in the presentation. He noted the percentage of teleworking employees during the 2020 pandemic implementation. Mr. Teague further noted annual projections for telework on a regular and intermittent basis. He continued the presentation highlighting other findings. He noted a survey of all the localities in Hampton Roads, adding only one locality was not implementing an ongoing telework

program. Mr. Teague noted maintaining an ongoing telework program was a critical need to attract and retain a 21st century workforce. He further noted any concerns or feedback from the Board as a result of the overview.

Mr. Stevens noted the intent of the teleworking program was to have few employees working 100% of their time in that capacity. He further noted 100% would be the exception and not the rule. Mr. Stevens noted the flexibility of several days in the office and several days working from home as a future option with more localities offering that option to employees. He further noted telework as a recruitment tool. Mr. Stevens noted the telework program had benefited the Social Services Department with its spacing constraints, adding Ms. Rebecca Vinroot, Director of Social Services, was able to monitor staff productivity. He further noted departments were tasked with monitoring staff productivity during the COVID teleworking period. Mr. Stevens noted the majority of employees worked more efficiently and productively at home. He further noted the statistics from the presentation and addressing any concerns from the Board.

Mr. McGlennon noted the importance of the telework program. He further noted the presentation predominately addressed benefits of the program, adding what were some challenges. Mr. McGlennon noted the employee's responsibility for providing the home equipment and space, adding the concern for adequate secure computer facilities. He further noted concerns for adequate equipment for disabled employees, and availability of an in-person employee for face-to-face interaction with citizens or customers and the criteria used to determine which employee for such a circumstance. Mr. McGlennon noted the need for the work flexibility, adding not everyone will have this option available to them and will it be a source of friction. He further noted the need for employees to feel they are part of the organization and its culture, adding consideration of these and other points by an employee committee.

Mr. Teague thanked Mr. McGlennon for the feedback. He noted the equipment was County supplied or brought in to be checked for compatibility and security purposes. Mr. Teague further noted there would be case by case situations. He noted the program policy had a home checklist and applicants indicated on the checklist if a reasonable home setup was available, adding certain expectations were in place. Mr. Teague further noted an intermittent schedule of approximately two days a week for teleworking and addressing multiple staff doing the same job. He noted technological limitations on creating the culture of teamwork.

Ms. Larson noted she would have preferred less national statistics. She further noted getting the numbers for James City County employees. Ms. Larson noted the top priority was to serve the citizens and having the manpower on-site to answer questions and phone calls. She inquired about the child care piece and if parents were working from home while their children were also there.

Mr. Teague noted the presentation was based on the teleworking experience during the COVID pandemic. He further noted the teleworking program was not a daycare substitute. Mr. Teague noted an employee would be ineligible for teleworking if he/she had a child full-time at home who needed care. He further noted if the child was a high school student participating in virtual learning, the situation could be different. Mr. Teague noted the use of partial telework days that offered flexibility for workers as the focal point of the program, adding the example of teleworking when an employee had a morning appointment.

Ms. Larson noted possible innovative thinking could arise. She further noted six weeks of maternity leave for mothers in the United States while other countries offer extended time. Ms. Larson noted some opportunity in the future to assist new parents could be a possibility. She further noted the concern of available telework for employees who could buy the supplies while others could not. Ms. Larson noted the point of additional hours of work and fairness

toward employees, adding addressing burnout. She further noted teleworking was not an option for every department and consideration of that point. Ms. Larson noted the success of telework in the Social Services Department and hopefully more success in other areas as telework evolves.

Mr. Stevens noted he could have Ms. Vinroot address the telework pros and cons within her department.

Mr. Hipple noted the top priority was supplying citizen needs. He further noted distancing among employees with teleworking and the positive aspect of one centralized government building for enhanced employee contact. Mr. Hipple noted frustrations if people were unavailable to answer phones or questions, adding James City County had done a great job with meeting citizen needs during the pandemic. He further noted the need to explore the telework opportunities while maintaining fairness to employees who may not be able to telework.

Mr. Teague noted the importance of those points. He further noted the specifics of particular jobs and the strict criteria used for the teleworking policy.

Mr. Hipple noted the telework policy was a benefit like driving. He further noted if it was misused, the privilege was removed.

Mr. Teague agreed noting it was similar to the loss of the car privilege.

Mr. Icenhour noted approximately 60 of 1,000 employees would use the telework policy per the PowerPoint presentation. He further noted the small percentage of employees and targeting specific jobs and positions while maintaining service to the public. Mr. Icenhour noted the uniqueness of work during the COVID-19 pandemic, adding the policy, if done correctly, could be very beneficial, adding the importance of getting the job done and meeting constituents' needs. Mr. Icenhour noted going forward that this was a policy to consider.

The Board thanked Mr. Teague.

D. CONSENT CALENDAR

Mr. Hipple asked Fire Marshal Kenny Lamm to come forward.

Fire Marshal Lamm introduced Assistant Fire Marshal Nathan Otis. Fire Marshal Lamm noted Mr. Otis had been with the James City County Fire Department over 15 years. He further noted Mr. Otis's completion of the requirements for authorization of Police Powers and Fire Prevention Powers.

The Board thanked both gentlemen.

Mr. Hipple asked if any Board member wished to pull any items.

Ms. Larson requested Item No. 11 be pulled, adding she would move the remaining items.

1. 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 meeting:

- May 11, 2021, Regular Meeting
- May 25, 2021, Business Meeting
- June 8, 2021, Regular Meeting

2. Acceptance of Funds - Virginia Forfeited Asset Sharing Program - \$5,290

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. Appointment and Authorization of Police Powers and Fire Prevention Powers for Assistant Fire Marshal Nathan Otis

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. Appointment of Animal Control Officer and Deputy Animal Control Officers

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. Appropriation - FEMA Reimbursement - \$210,000

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. Authorization for the Reclassification of the Existing Part-time Administrative Assistant (Volunteers and Social Media) Position to a Full-time Marketing and Communication Specialist Position

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. Budget Appropriation of Transportation Match Funds - \$749,251

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. Building F Board Room Broadcast Lighting Upgrade

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. Contract amendments - County Administrator and County Attorney

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

10. Grant Award - James City County Child Health Initiative - \$265,000

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. Proposed Street Name Change - Portion of West Kingswood Drive to Klam Court

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

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

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

Ms. Larson noted a year ago she was contacted by a citizen who resides at 111 Spring Road and neighbors the Kingswood pool at 111A Spring Road. She further noted ongoing confusion about the address, adding the citizen's concern for the proper address and number for possible emergency vehicles and first responders. Ms. Larson noted the ongoing problem of packages delivered incorrectly to the residence and not the pool. Ms. Larson noted the road between the properties be given a name and requested the change to be Red Maple Place.

Mr. Icenhour asked if the citizen at 111 Spring Road would retain that address.

Ms. Larson noted his address would remain Spring Road.

Mr. Icenhour noted the pool would be the only address change.

Ms. Larson confirmed yes. She noted staff's work on this request.

Mr. Kinsman noted Ms. Larson's motion would be to approve the resolution with the amendment from Klam Court to Red Maple Place.

Ms. Larson confirmed yes.

12. Repeal of Continuity of Government Ordinance and End to State of Local Emergency

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

13. Supplemental Funding Request - Children's Services Act

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

None.

F. BOARD CONSIDERATION(S)

None.

G. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour noted attendance at the Clean County Commission's June 12, 2021 picnic. He further noted it was a successful event. Mr. Icenhour noted the Juneteenth celebration at

Freedom Park, adding his appreciation to County staff for the superb event. Mr. Icenhour noted the Hampton Roads Transportation Planning Organization (HRTPO) special meeting where the 2045 Long-Range Transportation Plan was passed.

Ms. Larson noted a triathlon at Chickahominy Riverfront Park June 26-27 and the traffic impact from that event. She further noted a need for lifeguards with compensation and additional positions. Ms. Larson noted if anyone was interested, send her an email and she would supply the link to volunteer. She further noted the housing market, neighborhoods, and homeowners associations. Ms. Larson noted the need to be cognizant of businesses and housing around areas and zoning requirements.

Mr. McGlennon noted it was graduation season and he had attended the General Education Diploma (GED) graduation ceremony. He congratulated the classes of 2020 and 2021 for their accomplishments. Mr. McGlennon noted his attendance at the Warhill High School and Lafayette High School graduations. He further noted he and Mr. Stevens attended the unveiling of the new electric school buses to be used in the Williamsburg-James City County School System. Mr. McGlennon noted the electric buses were in conjunction with a Dominion Energy program. He further noted his attendance at the Juneteenth celebration, adding the event was exceptionally well done. Mr. McGlennon noted his attendance at the celebration of Mr. Will Barnes, long-time Clean County Commission member. He further noted virtual attendance at the Hampton Roads Workforce Boards meeting, adding it was the last meeting for Mr. William Mann, Executive Director of the Greater Peninsula Workforce Board.

Mr. Hipple noted the leadership stepping down and their successors leading area localities in new ways and directions. He further noted attendance at the Hampton Roads Transportation Accountability Committee (HRTAC) meeting and the budget items regarding the Hampton Roads Bridge Tunnel. Mr. Hipple noted he passed the Hampton Roads Military and Federal Facilities Alliance (HRMFFA) gavel after his two-year stint as Chairman to the City of Chesapeake's Mayor Rick West. He further noted speaking about the Comprehensive Plan and citizen involvement on the WMBG radio show. Mr. Hipple encouraged citizens to provide input to County Boards and Commissions.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens noted his thanks to the Board for its guidance and support in working with him over the past few years. He further noted his appreciation of the five-year extension on his contract. Mr. Stevens noted his work with staff, the Board, and others to serve the County's residents. He further noted purchasing a home in the County recently.

I. CLOSED SESSION

A motion to Enter a Closed Session was made by Sue Sadler, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

At approximately 2:20 p.m., the Board entered Closed Session.

At approximately 2:225 p.m., the Board re-entered Open Session.

A motion to Certify the Board only spoke about those items indicated that it would speak about in Closed Session was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia

2. Historical Commission Appointments

A motion to Re-appoint Mr. Fred Boelt and Mr. Russell Henke to the Historical Commission with terms to expire June 30, 2024 the Appointment of Mr. Michael Routh with a one-year term to expire June 30, 2022, Mr. Christopher McDonald with a two-year term to expire June 30, 2023, and Ms. Melissa Butler, Mr. Heath Richardson, and Mr. Bruce Schoch to three-year terms to expire June 30, 2024, was made by John McGlennon, the motion result was Passed.

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

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

3. Parks and Recreation Advisory Commission Appointment

A motion to Appoint Mr. Ivan Tabb to the Parks and Recreation Advisory Commission for a term to expire April 2022 was made by John McGlennon, the motion result was Passed.

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

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

4. Thomas Nelson Community College Board Appointment

A motion to Re-appoint Mr. Scott VanVoorheese to the Thomas Nelson Community College Board for a term to begin July 1, 2021 and expire June 30, 2025 was made by John McGlennon, the motion result was Passed.

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

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

5. WATA Board of Directors - Staff Appointment

A motion to Appoint Mr. Paul Holt to the WATA Board of Directors as the staff representative for a term to begin July 1, 2021 and expire June 30, 2025 was made by John McGlennon, the motion result was Passed.

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

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

6. Peninsula Alcohol Safety Action Program - Staff Appointment

A motion to Appoint Ms. Monique Myers-Perry as the staff representative to the Peninsula Alcohol Safety Action Program for a term to begin July 1, 2021 and expire June 30, 2024 was made by John McGlennon, the motion result was Passed.

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

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

J. ADJOURNMENT

1. Adjourn until 5 pm on July 13, 2021 for the Regular Meeting

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

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

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

At approximately 2:27 p.m., Mr. Hipple adjourned the Board of Supervisors.

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

A. CALL TO ORDER

Mr. Hipple called the meeting to order at 5:06 p.m. following the James City Service Authority Board of Directors meeting.

B. ROLL CALL

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

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

Mr. Hipple noted Mr. McGlennon would introduce the meeting's Pledge Leader.

Mr. McGlennon noted Callani Williams, a resident of the Roberts District, would lead the audience. He further noted she was a rising third-grader at James River Elementary School with interests in music, singing, and gymnastics. Mr. McGlennon noted Callani's favorite subject was reading.

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Callani Williams, a resident of the Roberts District

E. PUBLIC COMMENT

Mr. Hipple noted Mr. Will Harcum was not present so he would proceed to the next speaker.

1. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board to talk about trash. She thanked Mr. Icenhour and Mr. McGlennon for their attendance at the Clean County picnic last month. Ms. Boarman noted it was grass mowing season and the trash impact. She further noted the need to make people aware of trash in James City County and trash cleanup was everyone's responsibility. Ms. Boarman noted pride in James City County and continuing trash cleanup efforts. She further noted talking trash with friends, relatives, neighbors, and others to make the County litter-free.

2. Mr. Jay Everson, 6923 Chancery Lane, addressed the Board noting its upcoming discussion with the City of Williamsburg on the Williamsburg-James City County (WJCC) Schools contract. He noted the County/City ratio of students and representatives. Mr. Everson further noted three elected members from James City County on the WJCC School Board while the other two members are appointed. He noted the three elected County members

would need to be in agreement for items to pass. Mr. Everson further noted another consideration would be the three elected members would have to approve any financial matters. He noted if the majority of the money was from the County, then the County should have more say in future school spending decisions.

F. CONSENT CALENDAR

None.

G. PUBLIC HEARING(S)

Mr. Hipple recognized Mr. Robert Ross, the Planning Commission representative, at the meeting.

1. Ordinance to Amend County Code Chapter 10, Garbage and Refuse

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

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

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

Ms. Christy Parrish, Zoning Administrator, addressed the Board noting revision of County Code regulations regarding maintenance of real property in the County. She noted Chapter 10 addressed property maintenance regarding specific garbage, trash, and other waste matter concerns. Ms. Parrish noted the 2021 Special Session of the General Assembly adoption of Virginia Code amendments which authorized localities by Ordinance to require property owners to maintain their property free from clutter accumulation, except on land zoned for or in active farming operation. Ms. Parrish noted the County Code amendment provided clarified language. She further noted staff operated on a complaint basis with property owners in violation having at least 10 days to rectify the situation. Ms. Parrish noted any expense the County incurred when abating a violation was billed to the property owner and liens were filed. She further noted staff had received one citizen comment addressing concern over the Virginia Code definition of clutter as too broad and not well defined. Ms. Parrish noted staff recommended adoption of the revision.

Ms. Larson noted the comment and inquired if the County could go beyond what the state had mandated. She further noted if so, and asked if it would be enforceable.

Ms. Parrish noted she did not believe so which was the reason the revision modeled the wording adopted by the General Assembly. She further noted the language reinforced what zoning staff would review anyway on a complaint basis. Ms. Parrish noted the Ordinance language was more specific.

Ms. Larson noted additional questions and concerns may arise from the Ordinance change. She asked Ms. Parrish if staff was prepared for those points, particularly removal.

Ms. Parrish noted she thought there would be few complaints. She further noted the statistics regarding complaints over the past few years. Ms. Parrish noted additional clarity with the Ordinance when citations were given.

Mr. McGlennon noted the lack of enforcement tools in the past and the benefit of this Ordinance amendment. He asked if this amendment would address junkyards.

Ms. Parrish noted possibly not with junkyards as that was more of a zoning code issue. She further noted some junkyards may fall under a "grandfather" provision. Ms. Parrish noted junkyard had a specific definition and would be evaluated on a case-by-case basis, adding the

land use criteria could also be a factor.

Mr. McGlennon noted the difficulty in defining clutter. He further noted anticipation of cases where clutter would be considered art.

Ms. Parrish noted some concerns might arise, adding staff tries to make realistic judgement calls on those situations. She further noted consultation with the County Attorney's Office to ensure enforcement of a County Ordinance rather than a Zoning Ordinance. Ms. Parrish noted if property was in question, she would work with the County Attorney and County Administration for direction.

Mr. McGlennon thanked Ms. Parrish for all the work.

Ms. Sadler noted the number of small businesses like flea markets and antique shops with items in the front area. She asked if this amendment would apply to those businesses.

Ms. Parrish replied no.

Mr. Hipple opened the Public Hearing.

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

2. SUP-21-0004. 1303 Jamestown Road, Unit 117, Williamsburg Wood Works at Colony Square

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

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

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

Mr. Tom Leininger, Senior Planner, addressed the Board citing the specifics of the Special Use Permit (SUP) application for Williamsburg Wood Works. He noted the applicant was Mr. Patrick Russell, the business' only employee, and that he was in attendance. Mr. Leininger further noted Mr. Russell had submitted a code analysis, in accordance with the Virginia Uniform Statewide Building Codes and National Fire Protection Association Codes. He noted the Planning Commission voted 7-0 to recommend approval of the SUP request. Mr. Leininger further noted staff recommended the Board of Supervisors approve the SUP application.

Mr. Rose, Planning Commissioner, noted the Planning Commission unanimously approved this application. He further noted the Planning Commission was fully supportive of this use for the space.

Mr. Hipple opened the Public Hearing.

1. Ms. Janet Green, Chief Executive Officer of Habitat for Humanity, 3300 Ocean Shore Avenue, addressed the Board in support of Williamsburg Wood Works. She noted the Habitat for Humanity ReStore had been located at Colony Square for 10 years. Ms. Green further noted the organization was very pleased Williamsburg Wood Works was interested in renting space at Colony Square, in addition to the other great tenants currently there.

Mr. Hipple closed the Public Hearing.

Ms. Larson noted receipt of three calls in support of this application.

3. Non-exclusive Cable Television Franchise Agreement with Cox Communications

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

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

Ayes: Hipple, Larson, McGlennon, Sadler

Abstain: Icenhour Jr

Mr. Kinsman addressed the Board regarding the proposed renewal of the 2011 Cox Television Franchise Agreement. He noted some specific points, adding while a franchise existed, it does not grant a monopoly and other providers are welcome in the County. Mr. Kinsman noted a letter of invitation to other vendors had gone out and a copy of that letter was provided to the Board members. He further noted no positive response had been received to date, but the County continued to reach out to the providers. Mr. Kinsman noted the County could not legally address the provision of broadband internet service including reliability, availability, or cost. He further noted the franchise only legally addressed the provision of television service in the County. Mr. Kinsman noted the cost for the service could not be addressed either. He further noted this agreement had few changes since 2011, adding the changes were similar to those around the Commonwealth of Virginia. Mr. Kinsman noted Cox Communications would continue to provide free television in County buildings, including the James City County Recreation Center in addition to HD programming on the Public, Educational and Government (PEG) Channels 46, 47, and 48. Mr. Kinsman noted recommendation for the Board to adopt the resolution which allowed the County Administrator to extend the agreement with Cox Communications for an additional 10 years. He further noted Mr. Barrett Stork, Cox Communications, 1341 Crossways Boulevard, was in attendance.

Ms. Larson asked Mr. Kinsman for an explanation on why the monopoly was not granted.

Mr. Kinsman noted federal and state laws applied to this case. He further noted certain provisions were not allowed, adding cost regulations and others as examples. Mr. Kinsman noted the County had contacted Cox Communications with resident questions and cost-saving measures had been mentioned.

Mr. Icenhour noted the number of constituent calls received on this matter. He further noted his frustration over the situation and the inability to change it due to state legislature. Mr. Icenhour noted concern over the point addressing the quality of the operator service as reasonable regarding the community needs. He further noted he did not feel that was the case, adding in early July he experienced cable outages of several hours across two days. Mr. Icenhour noted this happened to residents of both the County and the City of Williamsburg. He further noted he felt the service was unreliable for the price, adding he understood constituents' frustration but the Board could not do anything. Mr. Icenhour noted the lack of competition for Cox Communications, adding he welcomed other providers.

Mr. Kinsman noted if citizens had complaints, there was a location on the County website where complaints could be registered. He further noted those comments and complaints are monitored regularly.

Ms. Larson noted constituent frustrations also and reaching out to Cox Communications. She further noted her request to have Mr. Kinsman explain the situation in more depth.

Mr. Kinsman noted any complaints could be logged on the JCC TV/Cox Communications page, which then were sent to Mr. Stork with Cox Communications.

Ms. Sadler noted other providers had been invited to the County, but the response had been

there was no interest in investing in the infrastructure. She asked if this point was valid.

Mr. Kinsman noted that was a common response as the infrastructure was very costly. He further noted many providers are awaiting the implementation of 5G.

Mr. Hipple invited Mr. Stork to the podium. He noted Mr. Stork's responsiveness of questions and concerns, but he noted the ongoing issues with Cox Communications over the years. Mr. Hipple asked why Cox Communications had not addressed these issues and improved service. He noted the frustrations as the company was the only provider in the County and could be addressing these issues and moving forward as a solution to the problems in a timely manner. Mr. Hipple thanked Mr. Stork for his involvement using the federal funding to increase the internet service to County students. He asked what other ways could some of the issues the County was experiencing be resolved.

Mr. Stork noted contacting Cox Communications as Mr. Kinsman had said. He further noted Cox Communications' investment as alternative competition increases with technology such as satellite and other venues. Mr. Stork noted ongoing programs to enhance services, adding the Honorable Governor Ralph Northam was increasing the funding in the Virginia Telecommunications Initiative Fund.

Mr. Hipple noted the goal was to have 5G technology across James City County. He asked what contact information should citizens use.

Mr. Stork noted the first step was to call the Care Center, which logged the issue in the Cox Communications system. He further noted additional steps included using the Cox Communications app and contacting the County. Mr. Stork noted the County can hold the company accountable.

Ms. Sadler noted the frustration, adding Mr. Stork was very responsive to concerns she had brought to his attention.

Mr. McGlennon noted several concerns with one being the absence of Richmond television, particularly in the western part of the County. He further noted the timeline for burying underground wires and potential damage during that extended time with the wires laying on the ground. Mr. McGlennon noted concern over pricing and the rate issue, adding a better rate should be available to all customers rather than customers calling to request it. He further noted the lack of information on his own bill and ensuring customers are receiving fair and equitable treatment.

Mr. Stork noted the question about the Richmond stations had arisen numerous times. He further noted James City County was not in the Richmond Designated Market Area (DMA), adding the County was in the Norfolk-Newport News DMA. Mr. Stork noted localities receive specific stations that are in respective DMAs. He further noted Cox Communications was a rebroadcast business essentially and stations sold to vendors that did not support certain rebroadcast programs affected what was viewed. Mr. Stork noted that had occurred previously in the County with the loss of the Richmond coverage, adding the rebroadcasts were available online and could be streamed as an alternative. He further noted if wires were on the ground, contact Cox Communications. Mr. Stork noted other reasons for downed wires could be lack of markings, inaccessibility to property, and other issues that delayed the wires being buried underground in a timely manner. He further noted contacting the County so Cox Communications would have a traceable record of the report. Mr. Stork noted promotional opportunities which were available to customers when questioning cost. He further noted the company was addressing ways to simplify bills as well as the process to assist customers with services. Mr. Stork noted the broadcast vendors that Cox Communications worked with for content increase their service costs which sometimes get

passed to customers.

Ms. Sadler asked about the process to get additional channels added that were currently unavailable.

Mr. Stork noted customers can call Cox Communications. He further noted those requests were tracked so those channels could become part of rebroadcast negotiations.

Ms. Larson noted Cox Communications was in markets with competition.

Mr. Stork confirmed yes.

Ms. Larson asked about pricing data in those markets compared to the County which did not have competition.

Mr. Stork confirmed regional competition was reviewed regularly. He noted competitive pricing in neighboring localities.

Mr. Icenhour noted many of his senior constituents commented on the price, particularly for those on fixed incomes. He further noted the question of a senior rate for fixed income individuals had been raised. Mr. Icenhour asked if that was an option Cox Communications had considered.

Mr. Stork noted he was unsure of that point currently, but added it had been considered in the past. He further noted the use of promotional discounts rather than basing the discount on fixed income or age, adding Cox Communications sought to assist customers. Mr. Stork noted contact from some of Mr. Icenhour's constituents and working to assist them in finding better resolution for both service and budget.

Ms. Larson asked about a program through the school system.

Mr. Stork confirmed yes, adding there was an internet service called Connect 2Compete Program. He noted the details of the program.

Mr. Hipple opened the Public Hearing.

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

4. An Ordinance Authorizing the Lower Chickahominy Watershed Collaborative Memorandum of Understanding, a Joint Exercise of Powers Agreement

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Nays: Sadler

Ms. Tammy Rosario, Assistant Director of Community Development, addressed the Board regarding the details of the Lower Chickahominy Watershed (LCW) project, adding it was a five-year collaborative study which began in 2016. She noted James City County had been an active participant during that time. Ms. Rosario further noted Ms. Sarah Stewart, Planning Manager for PlanRVA, was in attendance and would provide additional project details.

Ms. Stewart addressed the Board noting PlanRVA, formerly the Richmond Regional Planning District Commission (PDC), was similar to the Hampton Roads PDC. She identified the many

partners and stakeholders involved with the project in a PowerPoint presentation, adding it was a cooperative project that focused on collaboration and communication. Ms. Stewart noted the history of the study as well as some of the LCW participants which included the three localities (James City County, New Kent County, and Charles City County), the three sovereign tribes (Chickahominy, Chickahominy Indians Eastern Division, and Pamunkey), multiple state agencies, universities, and nonprofit organizations. She further noted the study was funded by the Virginia Coastal Zone Management (VCZM) Program, adding the VCZM Program was funded through the National Oceanic and Atmospheric Administration (NOAA). Ms. Stewart continued the PowerPoint presentation identifying each year's highlights with Year One focused on data gathering, Year Two on economic findings, Year Three on focus groups and interviews, Year Four local government/tribe workshop and ecotourism, and Year Five on the LCW collaborative and ecotourism infrastructure plan. Ms. Stewart noted a Memorandum of Understanding (MOU) was created for the LCW Collaborative with the MOU signatories of the three localities, three tribes, and the two PDCs working together. She further noted the opportunities for interested organizations and groups to sign on as supporting cooperative partners. Ms. Stewart continued the PowerPoint presentation noting the different goals of the MOU agreement.

Ms. Larson noted the Collaborative would hold meetings, but asked who would represent the County at those meetings.

Ms. Stewart noted Ms. Rosario had been identified as a Project Officer, adding additional details would be forthcoming. She further noted Ms. Rosario and Mr. Stevens were on the contact list. Ms. Stewart noted the development of subgroups later, adding she envisioned locality staff as participants. She further noted Board representatives were welcome.

Mr. Hipple asked Ms. Stewart about the funding mechanism for the Collaborative.

Ms. Stewart noted the VCSM Program funding with the intent of future grants designated to fund staff time in addition to some HRPDC funding assistance.

Mr. Hipple noted the County's system for protecting the waterways that was currently in use. He further noted zoning provisions also protected the waterways, particularly regarding construction. Mr. Hipple asked if the MOU was another layer of governmental monitoring.

Ms. Stewart noted no, adding that question had been asked initially. She further noted governmental regulatory monitoring was not the desired goal.

Mr. Hipple asked what the specific goal was.

Ms. Stewart noted the goal was to better facilitate communication among the tribes and the localities' staff. She further noted the goal also identified opportunities for coordinated projects.

Mr. Hipple asked what safeguards prevented one locality from dominating the group and coordinating projects different from the rest of the group.

Ms. Stewart noted that was not a work or function of the Collaborative.

Mr. Hipple noted how the group can expand and need leadership and then additional levels of the program. He further noted he had observed the layering point in other groups and organizations.

Ms. Stewart noted that was a valid point. She further noted incorporating that point into the Collaborative structure. Ms. Stewart noted that was not the current nor future intent of the

project.

Mr. Hipple asked if this was a no cost project per locality.

Ms. Stewart confirmed yes.

Mr. Hipple noted the exception was staff time.

Ms. Stewart confirmed, adding that point was specifically written in the MOU.

Discussion ensued.

Ms. Sadler noted the Ordinance's title, Joint Exercise of Power, and asked what powers would be exercised.

Mr. Kinsman noted it referenced the section of the State Code that addressed localities meeting and exercising an agreement, such as the Collaborative. He further noted a section within the MOU that allows a signatory to terminate it within 30 days with no penalty to the signatory. Mr. Kinsman noted the language also specifically addressed no financial responsibility on any of the signatory localities.

Mr. Hipple noted that was the usual way when programs started. He further noted years later, changes were implemented on those programs and costs were incurred. Mr. Hipple noted that pattern had been seen in the County several times in the past.

Mr. Kinsman noted confirmation of the Virginia Code for the wording Joint Exercise of Powers by political subdivisions.

Ms. Sadler thanked Mr. Kinsman. She asked about involvement of property owners impacted by the program.

Ms. Stewart noted the property owners would be welcome.

Ms. Sadler asked what assurance those owners had that governmental control would not occur in their easements. She noted the potential opening for more government control over participating property owners.

Ms. Stewart noted whatever was within those owners' easements would remain. She further noted the Collaborative would not affect those areas.

Ms. Sadler asked if the Board approved this MOU, would reports be sent. She also asked if the County exceeded the 30-day termination timeline, was there a penalty.

Mr. Hipple noted it was not within the first 30 days. He further noted the opt out option was still available.

Mr. McGlennon noted no group was relinquishing authority with the creation of the Collaborative, but rather creating communication among the affected groups in guiding individual decisions on points such as land use, recreational opportunities, and other factors.

Ms. Stewart confirmed yes.

Mr. Hipple opened the Public Hearing.

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

5. Consideration of the James City County Comprehensive Plan, Our County, Our Shared Future: James City County 2045 Comprehensive Plan

Mr. Hipple noted a Williamsburg-James City County School Board meeting was also taking place at the same time as this Board meeting. He further noted some attendees who were unable to attend the Board of Supervisors meeting should send emails to their Supervisors with thoughts and ideas. Mr. Hipple noted tonight's meeting was to hear citizen comments, adding no Board decision would be made tonight. He further noted the time allocations for groups and individuals for public comments.

Ms. Ellen Cook, Principal Planner, addressed the Board noting the 2045 Comprehensive Plan reflected County citizen contributions, community organizations, and other stakeholders. She noted the work of the Community Participation Team (CPT), the Planning Commission Working Group (PCWG), and County staff also. Ms. Cook further noted the CPT's work had spanned two years under the leadership of Ms. Ginny Wertman, adding appreciation to everyone involved in the process. Ms. Cook noted the PCWG had actively participated over the past two years with public engagement efforts. She further noted the details and timeline of the PCWG meetings, along with those of the Planning Commission and the Board of Supervisors. Ms. Cook noted the Planning Commission's recommended amendments of the Comprehensive Plan and Future Land Use Map in a PowerPoint presentation. She further noted the amendments included: inclusion of the Mooretown Road Extended back into the Transportation Chapter and Future Land Use Map; revision of the rural lands designation description rural cluster provisions; revision of Goals, Strategies, and Actions 3.7.1 of the Environment Chapter which pertained to carbon sequestration; and designation of the parcels subject to Land Use (LU) application LU-20-0017 as Neighborhood Commercial.

Mr. Rose, Planning Commissioner, addressed the Board noting the involvement of the CPT and PCWG with the Planning Commission on the two-year development of the Comprehensive Plan. He noted the Planning Commission's vote on June 24, 2021, to recommend approval of the Plan to the Board of Supervisors with several amendment considerations. Mr. Rose further noted consideration of several points regarding the Mooretown Road Extension, projected road implications, traffic impact in the County, and other factors. He noted the Planning Commission unanimously voted to recommend the change to rural lands language and allow language flexibility on density in A-1 zoning to allow for higher density housing in clusters. Mr. Rose further noted the Commission's unanimous approval to change the language regarding carbon sequestration and specific factors pertinent to it. He noted the Commission voted to recommend maintenance of commercial designation to the LU-20-0017 application and discussion on points pertinent to that case.

Mr. Hipple opened the Public Hearing.

1. Ms. Linda Rice, 2394 Forge Road, addressed the Board noting she was the President of the Friends of Forge Road Group from Toano, adding a list of the group's concerns had been emailed to the Board. She noted appreciation to the PCWG, Planning staff, and the Board for the detailed work and attention to the Comprehensive Plan. Ms. Rice further noted the importance of rural land preservation and the balance with landowner rights. She noted instatement of the Purchase of Development Rights (PDR) program as a key factor in the preservation. Ms. Rice further noted a dedicated staff member who assisted with funding for PDR grants and other programs. She noted options available to landowners and reinstating the Rural Economic Development Committee. Ms. Rice referenced the Meadows property on one side of Forge Road with the Hall property on the other side and the changes there. She noted reviewing areas of increased buffering along the road.

2. Ms. Nancy Kruse, 3026 Forge Road, addressed the Board noting her concerns on the Comprehensive Plan's rural land policies. She noted her opposition to the density change from one unit per three acres to one unit per 20 acres for rural lands in addition to the new 400-foot setback on Community Character Corridors. Ms. Kruse further noted these policies were detrimental to landowners. She noted constraints regarding land preservation and funding, adding the lack of direct communication on the policy to the landowners was unfair and not transparent. Ms. Kruse further noted the issues regarding compensation, the PDR program, rural land preservation with land development within the Primary Service Area. She noted the PDR program could not be implemented prior to the adoption of the 2045 Comprehensive Plan, adding large lot zoning would increase housing prices in the County. Mr. Kruse further noted the burden on landowners and working class citizens for the cost of rural land preservation.

3. Ms. Mary Aadahl, 2724 Forge Road, addressed the Board in opposition to the change from one house per three-acre density to one house per 20-acre density with regard to the rural lands policy. She noted her opposition to the 400-foot corridor and the impact to the road front on her property. Ms. Aadahl further noted her family's commitment to the land preservation in the County since pre-Civil War days. She noted these policies were in contrast to preservation as lands were destroyed with these proposed changes. Ms. Aadahl noted concerns regarding the Comprehensive Plan intent for the land and buffering due to the corridor policy. She further noted the need for the PDR program.

4. Mr. Richard Durst, 4195 New Town Avenue, addressed the Board regarding the C-1 and C-2 parcels of the Eastern State property. He noted he was the President of the New Town Residential Association (NTRA). Mr. Durst further noted two recent Town Hall meetings for its residents in which a presentation from ABBA, the development company, was made regarding the land use designation change on the C-1 and C-2 parcels. He noted the change was Mixed Use-New Town. Mr. Durst further noted the second Town Hall meeting was organized by Supervisor Icenhour to hear resident concerns, which included maintaining the current land use designation. He noted concerns included infrastructure limitations and increased traffic congestion. Mr. Durst noted the development company never consulted with the NTRA regarding the addition of Mixed Use to the designation, adding NTRA members were concerned of the impact to local amenities and traffic if the designation was changed. He further noted the Association's request to remove New Town from the Mixed Use designation being considered until further discussion.

5. Mr. Mark Newcomb, 4412 Olive Drive, addressed the Board on behalf of New Town residents, adding the change to C-1 and C-2 were not opposed by the group. He noted how the development progressed was a concern to the residents and potential impacts to the community, particularly in reference to traffic impacts on Olive Drive. Mr. Newcomb noted his group's concern focused on road access. He further noted the increased buffer to 150 feet between the C-1/C-2 development to the most northern section of New Town, which was consistent with the buffer on the western side. Mr. Newcomb noted NTRA members were not consulted regarding the planning option for development. He further noted the need for a contractual commitment from ABBA regarding future development in accordance with the Board's direction. Mr. Newcomb expressed his appreciation to Mr. Icenhour for facilitating the member meeting to hear comments and concerns.

Mr. Hipple noted Mr. Icenhour had shared those comments and concerns with his fellow Board members on an individual basis.

Ms. Larson requested clarification on the last speaker's representation of a group or individual.

Mr. Hipple confirmed Mr. Newcomb spoke on behalf of a group.

Ms. Larson thanked Mr. Hipple for the clarification.

6. Ms. Virginia Stuart Dopp, 5182 Rollison Drive, addressed the Board noting Mr. Durst and Mr. Newcomb had addressed many of her concerns. She noted her concerns with traffic if the development occurred, adding the developer had indicated no access from Olive Drive and Rollison Drive would be used at this time. Ms. Dopp further noted the County and the Virginia Department of Transportation (VDOT) would be evaluating a traffic analysis along Discovery Park Boulevard, adding special attention to pedestrian traffic and others in the walking community. She noted the request that no access be extended into Parcel A or C on Discovery Park Boulevard. Ms. Dopp thanked Mr. Icenhour for his work as well as ABBA in working with the residents.

7. Ms. Nora Abbott, 8444 Ashington Way, addressed the Board in opposition to the change of the rural lands policy from one unit per three-acre density to one unit per 20-acre density. She noted the economic hardship to families such as hers and others.

8. Mr. Robert Hornsby, 2 Kensington Court, addressed the Board about the rural land policy. He noted the change in the minimum lot size in the A-1, Agricultural Zone, from three to 20 acres would drive land prices up significantly. Mr. Hornsby further noted numerous laws and regulations were in place which effectively reduced A-1 density such as private well limitations on lots, septic issues, Chesapeake Bay issues, and other limiting factors. He noted a particular 56-acre parcel, zoned A-1 on Forge Road, and the subdivision limitations subdivision of lots. Mr. Hornsby addressed the current by-right subdivision of nine lots at approximately \$150,000 per lots of five to six acres each, adding under the lot size change, only two 28-acre lots would be available for sale at an estimated price of \$350,000-400,000 per property. He noted the 400-foot buffer setback and the impact to driveways plus the maintenance as additional factors. Mr. Hornsby questioned the change from three to 20, adding five acres might be an option. He noted the impacts to the Comprehensive Plan with land use changes and requested no adoption of the Plan until smaller A-1 lots were determined.

9. Ms. Doreen Pacella, 4755 Regents Park, addressed the Board regarding her concerns over land use policies in the proposed 2045 Comprehensive Plan. She noted her main objection was the one house per 20 acres reduced density in rural lands. Ms. Pacella further noted the current one house per three acres had served the County well in the past in its efforts to preserve rural lands. She noted the impact to housing prices in the County with the 20-acre implementation. Ms. Pacella further noted the working population's salaries were not aligned with the housing cost increase, adding the Domino effect will occur in the housing market with the strict density restrictions in the rural lands. She noted the need for available and affordable housing within the County.

10. Mr. Robert Lund, 111 Swinley Forest, addressed the Board noting he was speaking as a resident and as one of two directors elected from James City County to represent the County at the Colonial Soil and Conservation District. He noted his appreciation of the draft Comprehensive Plan and his request for general support of it. Mr. Lund further noted a specific point that was intended to protect recreational use by residents and visiting tourists of County waterways for fishing and swimming, as specifically noted in Environment 1.20, to explore Zoning Ordinance amendments to include recommendations from the Colonial Soil and Conservation District pertaining to equine and other animal stocking rights. He noted seven horses per acre was too much for the small land area, adding guidance for quality pasture was one horse per acre. Mr. Lund noted James City County was one locality which allowed so many horses per acre, adding pasture degradation and soil erosion issues in addition to environmental concerns due to the daily production of 50 pounds of manure per horse. He further noted the stress on land of only one acre, potential contamination to streams that feed into the Chesapeake Bay, and other detrimental factors to the land and environment.

Mr. Lund thanked Mr. Douglas Hall, Co-Director of the Colonial Soil and Conservation District, Mr. James Wallace, District Manager, and Ms. Robyn Woolsey, Urban Conservationist, for their assistance on this recommendation.

11. Mr. Will Harcum, 108 Arena Street, addressed the Board noting he was a long-time County resident who had worked the land for his father and other area produce farmers. He noted his concerns with the Comprehensive Plan regarding the 400-foot setback and 20-acre lot size, adding his concerns echoed those of others. Mr. Harcum further noted area farmers have relied on the ability to sell small lots as necessary in the past, adding the 400 feet eliminated that possibility. He noted the 400-foot setback equaled to one acre per 100-foot section. Mr. Harcum further noted a negative point to the change would reduce available land in the land use program. He noted an earlier move with a 350-foot setback which was denied due to tremendous negative response, adding this change appeared similar except for fewer farm owners impacted and less public response. Mr. Harcum noted the disappearance of rural land in the County and the need for support of its preservation.

12. Mr. Gregory Innocent, 4297 Casey Boulevard, addressed the Board regarding the lack of infrastructure. He noted New Town currently lacked the necessary infrastructure for the connection the developer envisioned for the project. Mr. Innocent further noted the traffic issues and the impact to Discovery Park and Casey Boulevards. He noted he was not confident of VDOT's abilities in resolving that area. Mr. Innocent further noted the lack of transparency regarding New Town. He noted this development will not be the only one of this kind and how it is handled will be paramount going forward.

13. Mr. Tom Shaia, 5301 S. Bay Hill Court, addressed the Board noting he represented the property owners at 4568 Ware Creek regarding Land Use (LU) 20-0005. He further noted sending correspondence to the Board members. Mr. Shaia noted points addressed earlier in the evening looked at pieces of the Comprehensive Plan, adding the name Comprehensive Plan meant looking at it completely. Mr. Shaia noted reviewing all the points, which included change in lot size, reduction of the Primary Service Area (PSA), and the impact to New Town, would be costly to review each case over the lifespan of the Comprehensive Plan. He further noted the lot size increase and the PSA reduction created fewer places for people to build, which usually was higher density areas to retain property and housing values. Mr. Shaia noted his client opposed the changes to the Comprehensive Plan.

14. Mr. Jay Epstein, 32 Whittakers Mill, addressed the Board noting he had been active with affordable developments in the Norge and Grove areas. He noted his involvement with the Walton Farm development. Mr. Epstein further noted energy efficiency for the solar development. He noted a request to have the Marston property included in the PSA. Mr. Epstein further noted partnership with the Sierra Club and the Solar Alliance Groups to address layering trees, rather than removal, for developments. He noted the impacts of carbon footprints and decarbonization moving forward with the Solara Woods development, which he planned to build to create a zero carbon community. Mr. Epstein highlighted the Solara Woods development in a PowerPoint presentation and its energy standards. He noted the areas inside and outside of the Resource Protection Area (RPA) and their respective acreage for dedication to the development's septic system. Mr. Epstein continued the PowerPoint presentation highlighting the creation of a conservancy easement to preserve the trees and create a carbon credit, adding Solara Woods could become Virginia's first zero carbon community. Mr. Epstein noted additional points in the presentation highlighting legislative actions taken in 2020 to promote solar use and development.

At approximately 7:26 p.m., the Board recessed for a break.

At approximately 7:36 p.m., the Board reconvened.

15. Mr. Mike Ware, 9024 Bar Harbor Lane, addressed the Board noting he had been partners with Mr. Epstein for 30 years. He noted the Marston property was a by-right property. Mr. Ware noted the use of solar and Mr. Epstein's work in orchestrating solar legislation and partnership with Dominion Energy. Mr. Ware continued the PowerPoint presentation noting the water-sewer connection within the PSA was also beneficial to residents on Bush Springs Road as their septic systems aged out. He noted the creation of the conservation easement which maintained the trees, reduced carbon, and moved the concept into the future, adding there were obstacles and variables to consider. Mr. Ware further noted the County's need to place stipulations on land changes and the PSA. He noted the Comprehensive Plan's objective to support alternative energy production, carbon sequestration approaches, and the state's commitment to achieve 100% carbon-free power by 2045. Mr. Ware further noted the County's objectives and the impact of Solara Woods toward achieving those goals for Board consideration.

16. Ms. Claudia Cotton, 2117 Smith Avenue, addressed the Board noting she was appearing on behalf of the Coastal Virginia Building Industry Association which represents homebuilding in Hampton Roads. She noted the importance of reviewing the Comprehensive Plan's policy recommendations for residential land use, particularly in the new construction area. Ms. Cotton further noted statistical information on the lack of supplies for the housing market and the challenges facing the residential housing construction, which included regulatory burdens, skilled labor shortages, land and lot access, and other factors. She noted regulations imposed by all levels of government accounted for approximately 24% of a new single-family home cost. Ms. Cotton further noted the Comprehensive Plan acknowledged the need for more affordable housing, but added the policy for increased lot size in rural land use areas was contradictory. She noted the positive impacts of new residential construction to the County's economy included jobs, suppliers, real estate agents, and other groups, adding new homeowners also pay local taxes and participate in the local economy. Ms. Cotton asked if the Comprehensive Plan accounted for the economic loss to land owners with the proposed rural land use change and other factors. She noted the Association asked consideration of other options rather than the lot size change.

17. Mr. Jay Everson, 6923 Chancery Lane, addressed the Board regarding the Mooretown Road Extension. He noted discussion from the Planning Commission and the 2013 traffic study done in that area, adding several more studies had been done since then which indicating additional future traffic. Mr. Everson further noted the Mooretown Road Extension would be advantageous to traffic heading east if a hurricane prompted the reverse traffic pattern from Interstate 64. He noted other traffic areas such as Route 60 in the eastern part of the County and the addition of the Skiffes Creek connector, which was noted in the Comprehensive Plan in conjunction with the Greenmont Parkway, as routes to alleviate traffic congestion. Mr. Everson further noted no objections or concerns had been raised nor negative votes by people living in the northern end of the County. He noted concern that where someone lives determines whether traffic improvements are supported that benefit all County residents. Mr. Everson further noted ENV 3.1.17 in the Environmental Chapter of the Comprehensive Plan addressed the watershed and rain, adding that last line which referenced rain be removed from the wording.

18. Mr. Mike Joseph, 6631 Rexford Lane, addressed the Board regarding the Comprehensive Plan's reference to windmills in residential areas. He noted removal of the wording. Mr. Joseph further noted windmills were made from thermoset plastics which are not recyclable, adding the negative environmental aspect of windmills when removed or destroyed. He noted other factors included the various metals needed for production, the financial aspect of commercial use, and the residential aspects such as the limited use of a 400-watt residential windmill, unit height, and cost. Mr. Joseph further noted decreased economics with the rate of return on windmills in addition to the visual pollution they created.

19. Ms. Patrice Sadler, 5000 New Point Road, Ste. 3101, Executive Director of the Historic Land Conservancy, addressed the Board. She noted in the Conservancy's 30-year tenure over 13,555 acres had been protected. She further noted a shared partnership with James City County over the three decades on collaborative projects such as Mainland Farm. Ms. Sadler noted the Conservancy had received a letter from staff regarding two parcels, accepted as a donation by the Conservancy, were part of the Croaker Exchange PSA adjustment, and were being considered for a zoning change. She further noted the rezoning designation options with a request to allow the agriculture to continue. Ms. Sadler noted the County's Strategic Plan Goal 4 of Protected Community Character and an Enhanced Built Environment was aligned with the Conservancy's mission. She further noted the rural lands designation was the best alignment for the County as the landowner and its citizens and the importance of agriculture in the food chain. Ms. Sadler noted a farming lease on the property would assist the nonprofit Conservancy as a possible revenue source. Ms. Sadler noted public support of farmland as a balance to abundant development as voiced during public hearings and planning workshops for the Comprehensive Plan. She further noted future land use options should not be more restrictive than the allowances of a land trust. Ms. Sadler noted the Conservancy's 2015 accreditation and the specifics of the accreditation requirement, which alleviated the need for rezoning of the Mixed Use parcels for development. She further noted the concept of the parcels for recreational use was reasonable, but York River State Park was in close proximity and already had recreational amenities in place. Ms. Sadler requested the Board retain the same rural lands designation which the Conservancy currently held.

20. Mr. John Sawyer, 200 Bendix Road, addressed the Board noting he represented the landowner at 7607 Richmond Road. He noted the case, LU-20-0013, with regard to the proposed Comprehensive Plan. Mr. Sawyer further noted the specifics of the case which addressed changing the moderate density to low density, adding the request was reviewed by Planning and denied. He noted the property was in the PSA and consistent with planning and development uses, in addition to buffering. Mr. Sawyer noted the encompassing Comprehensive Plan with LU-20-0013 being just one part of it and the inconsistency of altering that one part from what the Plan designated. He further noted the density change was not necessary.

21. Mr. Bob Mandrioli, 3432 Westham Lane, addressed the Board regarding energy generation with solar and wind farms or windmills for residential areas. He noted he had lived in Europe and the use of such farms and windmills was not uncommon. Mr. Mandrioli further noted he was not addressing energy efficiency or production levels, but how the farms and windmills would be constructed, low maintenance costs, ease of operation, and other factors. He noted these factors were not the end result, adding they fell short of the mark. Mr. Mandrioli further noted the inability to recycle windmills that are used on wind farms. He noted the materials were not eco-friendly and more studies were needed before implementation of these farms or windmills in the County's residential areas. Mr. Mandrioli further noted many County residents lived in areas with homeowner associations which protected aspects of residential areas such as the aesthetics and security, adding the height of some windmills exceeded 20 feet.

Mr. Hipple noted the next scheduled speaker, Ms. Susan Mulnix, had left.

22. Mr. Daniel Roose, 3292 Reades Way, addressed the Board to discuss alternative energy and concerns regarding windmills and their locations. He noted the inability to recycle the units and broken windmills with leaked gear oil creating environmental hazards. Mr. Roose further noted additional research needed to be conducted on solar panels, adding the factors of panel longevity, metal toxicity, and other aspects. He noted concerns regarding carbon sequestration. Mr. Roose further noted no inclusion of the solar farms and windmills in the Comprehensive Plan, adding they could be added later after more research was conducted.

23. Mr. Miles Diamond, 7229 Church Lane, addressed the Board noting the words in the Comprehensive Plan mattered and impacted future actions. He noted removal of several environmental points which had been addressed by previous speakers, adding more research and study were needed. Mr. Diamond further noted retaining those points suggested action and he questioned if there was staff expertise to conduct the necessary research or pay large sums of money to consultants for it. He noted carbon neutrality, carbon sequestration, and rising sea levels were studies the state should conduct as they had the funding and expertise. Mr. Diamond noted caution regarding a commitment to wording as well as funding that is not in the County budget, adding the unknown technological aspect.

24. Mr. Vernon Geddy, Geddy, Harris, Franck, and Henderson, LLP, 1177 Jamestown Road, addressed the Board as the representative for ABBA Development. He noted ABBA was the contract purchaser of Parcel C of the Eastern State property. Mr. Geddy further noted this application was unique due to the contract purchaser and not the landowner, adding the landowner was the Commonwealth of Virginia in this case. He noted the state deemed the land to be surplus, thus it was for sale. Mr. Geddy further noted the federal, state, and county land designation for the property on the current Comprehensive Plan and specifics to this application. He noted earlier discussion on relieving pressure on rural lands and this application offered the relief opportunity for that point and traffic congestion. Mr. Geddy further noted this application was more of a conceptual plan without the detailed traffic studies, fiscal impact studies, and other factors that detail the exact impacts of a proposed development. He noted feedback from the public meetings included no vehicular access through the Charlotte Park neighborhood if ABBA moved forward on the potential development. Mr. Geddy addressed the 50-foot buffer on the New Town side of the property with a 100-foot buffer on the state side for ABBA for a total 150-foot buffer. He noted an understanding that ABBA would need to reach an agreement with the NTRA, adding ABBA envisioned Parcel C as either a part of New Town or as a standalone development. Mr. Geddy further noted Parcel C would not be part of the greater Eastern State Parcel A and B development with no road connection access. He noted the existing designation for the property in the Comprehensive Plan was correct and encouraged retaining it. Mr. Geddy suggested the description in the Comprehensive Plan read Eastern State Parcel C and remove any reference to New Town that are currently premature.

25. Mr. James Brittain, 7144 Pinebrook Road, addressed the Board noting problems in the County could be addressed with an expansion of the PSA. He noted development on Centerville Road with water and sewer utilities on one side of the road, but the other side has septic systems or community wells. Mr. Brittain further noted personal windmills should not be in the Comprehensive Plan with possible consideration of a commercial windmill on a large tract of land or winery with a minimum of 30 acres. He noted the removal of carbon sequestration wording from the Plan, adding removal of carbon sequestration utility facilities also be removed. Mr. Brittain further noted reinstating the Mooretown Road Extension back into the Plan. He noted solar farms are not permanent with a life cycle of 15 to 20 years. Mr. Brittain noted within the last 30 days, several properties on Forge Road were on the market for sale, adding those owners wanted to cash out before land use changes could impact the values. He further noted the Board should hold the Comprehensive Plan decision until more public input could be heard.

Mr. Hipple called the next speaker, Mr. Tim Kinkad. He noted Mr. Kinkad was not present.

26. Mr. Matthew Bittner, 4951 Settlers Market Boulevard, addressed the Board noting he was a New Town resident who shared similar concerns expressed earlier in the meeting. He noted the Stormwater Pollution Prevention Program and questioned its enforcement accountability with regards to increased development in New Town, particularly the Eastern State property. Mr. Bittner further noted this issue could possibly need to be addressed in other areas of the County where development has increased. He noted the importance of

greenspace preservation, adding he has observed some developers are not adhering to protection and cleanup of certain areas. Mr. Bittner further noted silt protection fences, gutter buddies, and other wetland protection and silt barrier devices remain with no cleanup or removal or along the treelines. He noted speaking with a County Stormwater representative regarding the stormwater issues, adding the representative did not feel empowered to address the construction zone cleanup issues. Mr. Bittner further noted if the issues are not being addressed with stormwater protection now, then an even larger area would be a challenge to provide wetlands protection. He noted prior to additional development occurring, the Stormwater Pollution Prevention Program needs to ensure developers are adhering to policies and are held accountable.

27. Mr. Chris Woodfin, 98 Meadowcrest Trail, addressed the Board requesting the Mooretown Road Extension be included in the Comprehensive Plan. He noted traffic impacts and congestion on Richmond Road. Mr. Woodfin further noted citizens needed more time to review the Comprehensive Plan and provide additional feedback.

Mr. Hipple closed the Public Hearing as there were no additional speakers. He noted any citizen with feedback or comments should send those emails to the Board. Mr. Hipple further noted no action would be taken on Item No. 5 tonight, adding additional work sessions for further review would take place on the Comprehensive Plan.

H. BOARD CONSIDERATION(S)

Mr. McGlennon noted the Comprehensive Plan process, while the current one would extend to 2045, was reviewed every five years. He further noted the Plan was continually reviewed.

Mr. Hipple noted the process of reviewing every five years allowed for adjustments.

Mr. McGlennon noted at the Board's June 22, 2021, Business Meeting, contract amendments were approved for the County Administrator and the County Attorney. He further noted the opportunity to recognize both individuals, particularly in the challenging past year. Mr. McGlennon noted the Board recognized their excellent service and commitment, adding the Board recognized those points in compensation and public acknowledgment of appreciation.

Mr. Hipple noted the County Administrator also received a contract extension.

Mr. Stevens thanked the Board.

Mr. Kinsman thanked the Board.

I. CLOSED SESSION

A motion to Enter a Closed Session was made by John McGlennon, the motion result was Passed.

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

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

At approximately 8:40 p.m., the Board entered Closed Session.

At approximately 9:03 p.m., the Board re-entered Open Session.

A motion to Certify the Board only spoke about those items indicated that it would speak about in Closed Session was made by John McGlennon, the motion result was Passed.

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

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

1. Discussion or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; in particular, 3 parcels of real property along Ironbound Road pursuant to Section 2.2-3711(A)(3) of the Code of Virginia
2. Discussion or consideration of the disposition of real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; in particular, real property located in Green Mount Industrial Park pursuant to Section 2.2-3711(A)(3) of the Code of Virginia
3. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
4. Appointment - Economic Development Authority
5. Appointments - Stormwater Program Advisory Commission
6. Appointments - Williamsburg Area Arts Commission

A motion to Appoint Mr. Nicholas Vrettos and Ms. Georgianna Avioli to the Williamsburg Area Arts Commission for three-year terms that would extend to June 30, 2024 was made by John McGlennon, the motion result was Passed.

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

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

7. Appointment - Williamsburg Regional Library Board of Directors

A motion to Re-appoint Ms. Jean Stettler to the Williamsburg Regional Library Board for a four-year term that would extend to June 30, 2025 was made by John McGlennon, the motion result was Passed.

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

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

Mr. Icenhour noted an Agenda item named Board Discussion, rather than Board Requests and Directives or Board Considerations, be included. He further noted that would allow individual Board Supervisors the opportunity to discuss items. Mr. Icenhour noted Board Discussion would be included for each meeting Agendas, adding it allowed for constituents to know what their respective Board members were doing.

Mr. Hipple noted the thought of separating the Board Requests and Directives and Board Considerations to different meetings had been a time consideration. He further noted the Board could change the format, adding the City of Portsmouth had its Board members video their items in advance which were shown at the end of the Board meeting video. Mr. Hipple noted he had discussed that option with Mr. Stevens and asked his fellow Board members to think about it.

Mr. Stevens noted that item would be on the July 27, 2021 agenda. He further noted he would follow the Board's lead on it. Mr. Stevens noted there were no August meetings, but it could be incorporated for the September 14, 2021 meeting.

Mr. Hipple noted the Agenda item would be discussed at the July 27, 2021 meeting.

The Board concurred on that point.

J. ADJOURNMENT

1. Adjourn until 1 p.m. on July 27, 2021 for the Business Meeting

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

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

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

At approximately 9:07 p.m., Mr. Hipple adjourned the Board of Supervisors.

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
BUSINESS MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
July 27, 2021
1:00 PM

A. CALL TO ORDER

B. ROLL CALL

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

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

Mr. Hipple requested an amendment to the published Agenda to include the Contract Award for the replacement of electronic polling books under the Consent Calendar, discussion of the American Rescue Plan Act (ARPA) funding under Board Discussions, and consulting with legal counsel employment for retainage of a public body regarding a specified legal matter to require the provision of a legal advice by such counsel under Closed Session.

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

C. PRESENTATION

1. The Roll of the Drum Award Presentation

Ms. Terry Banez, CEO of Greater Williamsburg Business Council, addressed the Board. Ms. Banez noted the Council recently changed its name back to the Greater Williamsburg Chamber of Commerce (GWBC). Ms. Banez further noted the Roll of the Drum Award was the highest honor bestowed by the Council.

Ms. Julie Summs, former Chair of the GWBC and Director of Economic Development Business Innovation at the College of William & Mary, read the proclamation that acknowledged the collaborative efforts of James City County, York County, and the City of Williamsburg during the COVID-19 pandemic.

The Board of Supervisors expressed its appreciation for the award.

2. Presentation on Homelessness in James City County

Ms. Barbara Watson, Assistant Director of Social Services, addressed the Board noting she would share a PowerPoint presentation highlighting local partners that work collaboratively to assist with homelessness in the district. She provided an overview on different definitions of

homelessness, which included the three areas of literally homeless, imminent risk of homelessness, and fleeing domestic violence. Ms. Watson noted various paths to stable housing as a primary goal. She further noted available services/programs, which included capacity limitations, more flexible funding options, and increasing affordable housing stock. Ms. Watson continued the PowerPoint presentation highlighting observations of effectiveness or challenges.

Ms. Larson asked for more detail on the expansion of additional supportive services.

Ms. Watson noted some recommendations included capacity limitations of emergency shelter options, which incorporated communal and hotel/motel uses and other factors. She further noted ongoing recommendations from the Workforce Housing Taskforce and refinement of those recommendations.

Ms. Larson inquired about additional support services and their availability. She further noted addressing funding.

Ms. Watson noted the lack of affordable housing was an issue. She further noted factors such as previous evictions presented challenges for those seeking affordable housing. Ms. Watson noted the affordability piece, adding rental assistance such as the Housing Choice Vouchers could assist people.

Ms. Larson thanked Ms. Watson for the presentation, adding this area was an important one for discussion. Ms. Larson noted the seasonal impacts to homelessness. She questioned the affordability and the possible range for rent and possible studies involving a suitable price point.

Ms. Watson noted her concerns were mainly focused on homelessness and service providers for this presentation.

Mr. Keith Denny, Manager of the Housing Office, addressed the Board. Mr. Denny noted he included information indicating the area median income of a household of four was approximately \$22,600 per year. He further noted the James City County Workforce Study shows the figure closer to \$35,000, adding that data was slightly older. Mr. Denny noted the figures increased over time. Mr. Denny noted the COVID-19 pandemic had not helped matters as the housing market had skyrocketed and landlords were skeptical on renting and instead selling due to prior circumstances. Mr. Denny noted it was challenging to gather concrete figures at this time. He further noted there was a national study called Out of Reach 2020 which identified the types of jobs available in specific localities, median pay for that job, and then categorized what that job could afford. Mr. Denny noted Section 8 Program or Housing Choice Voucher Program were 30% of the household income.

Ms. Watson welcomed Ms. Charvalla West, Director of Community Impact at United Way of the Virginia Peninsula and Chair of the Greater Virginia Peninsula Homelessness Consortium, to the podium.

Ms. West noted that the local partners are working collaboratively to assist with homelessness in the district. She further noted the funding and programs provided around homelessness follow a Housing First Model. She noted the Model follows someone who has experienced the trauma of losing his/her house and was now placed into a permanent housing solution. Ms. West encouraged providing support such as addiction services, mental health support, and financial counseling. She noted due to funding restrictions, partnership opportunities with local agencies had been impacted in their participation with the County, adding this created challenges to support those affected suitably. Ms. West addressed the affordability aspect of an individual who was spending more than 30% of his/her income on housing, considered

housing cost burdened. She noted these were some of the various metrics to measure affordability and supportive services.

Mr. McGlennon expressed his appreciation for the presentation. He noted the abundance of information presented was indicative of the participation and collaborative efforts to address the matter. He further noted the goal seems attainable, though the annual Census did not account for all the variables in that demographic area. Mr. McGlennon expressed his concern in finding the balance between those in need and legislative policy. Mr. McGlennon asked a series of questions pertaining to the vouchers and the value components.

Ms. Watson noted the challenges of increased prices in units during the COVID-19 pandemic and the limited availability of one-bedroom units. She further noted the voucher value for a one-bedroom unit had increased to \$1,100, adding eligibility for a voucher was dependent on the income and cost of rent.

Mr. McGlennon inquired on the number of vouchers issued annually and the cost.

Mr. Denny noted 154 Housing Choice vouchers and \$1.2 million of funding was received annually. He further noted the average monthly cost for 154 vouchers was approximately \$700. Mr. Denny noted any difference in the cost above the issued value of the voucher was at the individual's expense. Mr. Denny added there were 10 additional vouchers for homeless veterans and 26 vouchers for nonelderly, but disabled. He further noted if there was a program available, then that could increase the amount of vouchers. He addressed the challenge of an individual applying to the wait list with no fixed address, adding the difficulty of notifying the applicant with correspondence for eligibility.

Mr. McGlennon inquired if increasing the number of vouchers would make a significant impact on homelessness. He encouraged neighboring jurisdictions to participate in the effort. He further noted utilizing the resources and finding the most effective approach to the issue which included an identifiable cost.

Mr. Denny noted one of the challenges with the vouchers was the lack of affordable housing, adding in James City County, only 20% of the vouchers get leased before expiration.

Mr. McGlennon noted if the vouchers were not effective, there was no sense in increasing the number of vouchers. He suggested an alternative proposal to the issue.

Ms. Rebecca Vinroot, Director of Social Services, reiterated the various challenges including Housing Choice vouchers, extremity of one's circumstances, and Supportive Services.

Ms. Larson inquired on the next steps to address this issue.

Ms. Vinroot noted she first wanted to address the Board with the presented information including available resources, recommendations on facility types such as short-term and long-term, financial figures, and potential zoning information. She further noted seeking the Board's feedback on how to proceed.

Ms. Larson noted her recommendations were to return with a proposal that would be most beneficial to the vast majority, adding it may not appease every individual. She further noted if there was a solution that accommodated most individuals, then aim for that objective. Ms. Larson expressed her appreciation to Ms. Vinroot for all of the continued efforts.

Mr. Hipple expressed his concern of affordability within James City County, highlighting the increased financial costs in development. Mr. Hipple suggested developing an affordable subdivision; however, with stipulations to prevent potential investment.

Ms. Vinroot appreciated the empathy and support from the Board on the issue. She noted all of the recommendations would be communicated to collaborate on a more comprehensive solution to present in the near future.

Mr. Icenhour inquired on the annual number of homeless individuals in the City of Williamsburg.

Ms. Vinroot noted the Point in Time (PIN) count for the region was conducted by The Greater Virginia Peninsula Homelessness Consortium annually.

Mr. McGlennon noted approximately 35 were in James City County in a follow-up.

Ms. Vinroot further noted the count reflected whether individual or family, additionally the PIN was conducted in January annually to provide an accurate comparison. Ms. Vinroot noted a trend of decrease in numbers.

Mr. Icenhour asked about the number of applicants on the voucher waiting list.

Ms. Vinroot noted under a 1,000 applicants were on the waiting list.

Mr. Icenhour noted James City County was serving 190 and approximately 1,000 potential applicants.

Mr. McGlennon inquired if some of the potential applicants were not necessarily homeless, but were instead seeking financial assistance through the Housing Choice Vouchers.

Ms. Vinroot noted any individual can apply to the waiting list; however, there was certain criteria for eligibility.

Mr. Icenhour noted in addition to the homeless individuals, precariously housed individuals were also incorporated into that category.

Ms. Vinroot affirmed that point in various circumstances, but not under long-term sustainability.

Mr. Icenhour noted the challenges of affordability within James City County. He further noted the efforts James City County had made in the past were mainly focused on housing for purchase, including, a program called Soft Second Mortgage. Mr. Icenhour noted the dilemma with affordable housing was once the house sold, it was no longer affordable. Mr. Icenhour recommended focusing efforts on the rental market. Mr. Icenhour noted acquiring land and collaborating with local organizations and private partnerships to build affordable renting opportunities. Mr. Icenhour inquired on a single-site development versus increasing housing vouchers, seeking recommendations on the most effective approach and cost-efficient route.

Ms. Vinroot noted along with the recommendations, the department would supply the financial costs. She further noted collaborating with a private partnership would minimize the costs on the County.

Ms. Watson noted varying criteria for homelessness based on school data for permanent addresses versus housing in hotels.

Ms. Sadler thanked Ms. Watson for the presentation.

Ms. Larson noted concerns of zoning a single-site development could create challenges to include citizens, number of homeless children in one school, and implementing support

services.

Ms. Watson noted single-site development was a short-term relief opportunity and may not have such a substantial impact to the concerns.

3. Trash Consolidation Study

Ms. Grace Boone, Director of General Services, addressed the Board introducing Ms. Cassie Cordova, the County's Environmental Sustainability Coordinator. Ms. Boone noted the PowerPoint presentation and introduced Mr. Chris Lund, Senior Vice President of Gershman, Brickner & Bratton, Inc. (GBB), an international solid waste management consulting firm.

Mr. Lund addressed the Board. Mr. Lund noted that GBB's mission was to provide more innovative, sustainable, and economical solutions to better serve the community and environment. Mr. Lund pointed out James City County's current solid waste management did not include curbside trash collection and that all citizens contract directly through a private vendor or through a homeowners association to provide service. He noted the County provided three convenience centers, which included various services such as trash collection, bulk removal fee, leaf collection, drop off, and collection. Mr. Lund added the County provided a curbside recycling collection service which required a contract and a monthly fee. Mr. Lund noted the solid waste study would ask the pertinent questions to determine whether trash collection in the district would be an option and would be conducted over the next several months with the findings available to the Board in late fall. Mr. Lund noted there would be an opportunity for public input, with one option, adding the study would be a phone survey. Mr. Lund mentioned various questions would be incorporated in the study and noted potential advantages and other factors of the study.

Mr. Icenhour asked on the timeframe in which the phone survey would begin.

Mr. Lund stated the phone survey would begin in the next couple of weeks, with August as the timeframe.

Mr. McGlennon inquired on the verbiage that would be included on the survey to indicate recommended payment options for service.

Mr. Lund noted several revisions of the survey and verbiage had not been finalized.

Mr. McGlennon expressed his concern of impacts to the County's current local vendors. Mr. McGlennon suggested providing the details on addressing that concern in the final report.

Ms. Sadler recommended a text link opposed to a phone survey. Ms. Sadler expressed her concern of citizens in rural areas of the County who do not participate in trash services and the challenge of getting a better representation of those individuals was in question.

Mr. Hipple noted the challenge of getting an equal amount of individuals from several districts of the County to obtain an accurate representation of the citizens' needs.

Mr. Lund mentioned the survey would be able to identify what part of the district based on physical address for distribution purposes.

Mr. Hipple suggested a County-run pickup to allow the County to control professional services. Mr. Hipple expressed his concerns with recycling challenges.

Mr. Lund noted several communities were having similar challenges with recycling. He further

noted the need to develop infrastructure to alleviate these concerns.

Ms. Larson inquired on how to obtain a list of local trash providers in the County. Ms. Larson also addressed her concerns with local trash businesses and lack of debris coverings on their trucks, resulting in excess litter and additional expenses.

Ms. Boone mentioned correspondence had been sent out to the Business License Office to obtain the requested information. Ms. Boone remarked on the points mentioned above and the challenges were being addressed with the Police Department directly.

Ms. Larson expressed her concerns with contracting out services. She recommended reviewing the pros and cons of both options on in-house or contract.

Mr. McGlennon suggested a website where the public could comment.

Ms. Boone noted providing correspondence to notify County residents of the survey and encouragement to provide necessary feedback.

Discussion ensued.

The Board thanked Mr. Lund for the presentation.

D. CONSENT CALENDAR

Mr. Hipple asked if any Board member wished to pull or discuss any items.

Ms. Sadler requested Item No. 11 be pulled for further discussion.

1. Colonial Community Corrections Kitchen Construction Appropriation - \$20,000

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

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

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

2. Contract Award - Replacement Ambulance - \$303,935

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

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

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

3. Contract Award - Replacement Rescue Truck - \$904,890

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

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

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

4. Emergency Operations Center Roof Replacement

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

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Sadler

5. Grant Award - Chesapeake Bay Restoration Fund Grant

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

6. Grant Award - Virginia DEQ CBPA Support Grant - \$10,000

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

7. Official Intent to Reimburse Expenditures with Proceeds from a Borrowing

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

8. Resolution of Support for Transportation Alternative Funding Application

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

9. Supplemental Appropriation Request - \$90,305

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

10. 10. The Virginia Department of Transportation (VDOT) Revenue Sharing Program - Fiscal Year 2027-2028

11. Contract Award - Request for Replacement Electronic Pollbooks - \$194,350

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

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

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

Ms. Sadler asked Ms. Dianna Moorman, Director of Elections and General Registrar, to address the Board on Item No. 11.

Ms. Moorman stated the concern was outdated pollbooks that continue to fail. Ms. Moorman noted the Department of Elections' main focus was on election security and had decertified the current pollbooks, requiring certain new software to be installed. Ms. Moorman further noted the current pollbooks did not have the capability and memory to download the mandatory software program. Ms. Moorman mentioned the department had been using the Poll Pads and was requesting the County purchase additional Poll Pads. Ms. Moorman stated the Poll Pads had been used at the Vote Center since the Presidential Election in 2020. Ms. Moorman addressed positive feedback on Poll Pads including security, speed, and usage for the Election Officers, as well as increased speed for voter check-in time. Ms. Moorman remarked voter check-in time had been almost cut in half using Poll Pads. Ms. Moorman expressed her positive experience with the Poll Pads to ensure security certification was met with the Department of Elections and updated technology to use on Election Day.

Ms. Sadler asked Ms. Moorman if she felt confident in the Poll Pads security.

Ms. Moorman confirmed yes. She noted on Election Day there was a requirement prohibiting use of the Cloud. Ms. Moorman further noted she was a Cloud advocate for tracking efficiency. Ms. Moorman commented on the additional built-in security, with Poll Pads vetted by the FBI, Homeland Security, and many other similar security organizations. Ms. Moorman noted the reduced amount of vendors as another security measure.

Ms. Sadler inquired if the voting device used were part of systems in question.

Ms. Moorman stated no, the devices in question were voting systems. Ms. Moorman noted this device was an Electronic Poll Pad. Ms. Moorman further noted the only information put on the devices was available through the Freedom of Information Act. Ms. Moorman added citizen information was redacted for further security purposes. Ms. Moorman commented on the accuracy of the check-in count and continued to express high positive feedback on the Electronic Poll Pad system.

Ms. Sadler wanted to verify funding was from the County.

Ms. Moorman confirmed yes.

Mr. Icenhour asked how many Poll Pads the County was buying.

Ms. Moorman stated 130 Electronic Poll Pads would be purchased. Ms. Moorman noted the cost includes Ipads, cases, software support, and printers.

Mr. Icenhour asked if the Voter Registration list was a public docket.

Ms. Moorman confirmed yes.

Mr. Icenhour noted although Voter Registration list could be used through the Cloud, it was a public document, allowing alternative ways to access. Mr. Icenhour asked Ms. Moorman if the Cloud usage on Election Day was prohibited.

Ms. Moorman confirmed yes. Ms. Moorman noted potential discussion with the

Commissioner of Elections and the Information Resources Management Department for use of the Cloud base on Election Day. Ms. Moorman further noted concern if the Cloud was accessible for 45 days prior to Election Day, would one additional day be a factor. Ms. Moorman mentioned tracking daily efficiency, which included ballots issued daily and check-in count.

Mr. Icenhour noted the process of casting and counting a ballot without an internet connection to ensure potential hacking was not possible.

Ms. Moorman confirmed yes, voter turnout and election results were separate entities therefore not connected. Ms. Moorman noted numbers were compared to ensure tracking efficiency. Ms. Moorman further noted paper ballots were a separate entity in which voting equipment was not considered.

Ms. Sadler asked if the Cloud was connected during the election season.

Ms. Moorman confirmed yes, it was connected to the secure server at the Vote Center.

Ms. Sadler questioned the concern of security precautions.

Ms. Moorman commented it was strictly used for voter turnout, to determine who checked in and at what time. Ms. Moorman noted it did not track information such as voter elections results and other criteria. She further noted the receipts were pertinent if any questions arose which would allow comparison of what was on the receipt versus the Electronic Poll Pad.

Mr. McGlennon inquired if the number of votes that were actually casted would be a check of numbers reflected in the pollbooks in terms of turnout and participation.

Ms. Moorman confirmed yes. Ms. Moorman pointed out the voting equipment used was extremely secure. Ms. Moorman noted the voting equipment were never connected to the Cloud, Bluetooth, or any Wireless server.

E. BOARD DISCUSSIONS

1. ARPA Funding

Ms. Sharon Day, Director of Financial and Management Services, addressed the Board to provide an update on the ARPA funding, as well as discuss the next potential steps. Ms. Day noted Congress and President Biden approved a \$1.9 trillion relief package in March 2021. Ms. Day further noted the main focus was the local component. Ms. Day mentioned the ARPA funding came directly to the locality as opposed to being distributed by the state. Ms. Day highlighted the timelines in which \$14.8 million ARPA funding would be allocated. Ms. Day noted the allocations would be distributed in two separate equal components, with the first allocation of \$7.4 million received in May 2021. Ms. Day further noted a public hearing and Board appropriation was held in June 2021. Ms. Day stated the second allotment of \$7.4 million would be anticipated in May 2022, in which a public hearing would take place and a Board appropriation would be requested. Ms. Day addressed the ARPA funding guidelines which require all costs be obligated by December 2024 with those costs to be spent by December 2026. Ms. Day noted the ARPA funding terms of allowable uses included responding to the COVID-19 health emergency or its negative economic impacts, providing premium pay to essential workers of local government, providing government services to the extent of revenue reductions due to the public health emergency, and making necessary investments in water, sewer, or broadband infrastructure. Ms. Day recommended using the

allocated money towards the revenue loss component as it was the most flexible in terms of use. Ms. Day explained the calculation revenue formula. Ms. Day addressed the terms for which the money could not be used included the following: reduce taxes or delay a tax increase, spend on pension deposits, pay down debt, legal settlements or judgments, and increase reserves. Ms. Day addressed the eligible terms which included the following: impacted industries, small business support, housing assistance, transportation projects, capital improvement projects, and water, sewer, and broadband infrastructure. Ms. Day recommended having a public hearing to obtain community feedback as well as the Board's insight. Ms. Day noted the ARPA funding was put into a separate fund for various factors. Ms. Day mentioned various criteria for ARPA funding such as, developing an internal process to vet and prioritize requests, monitor sub-recipients, ensure proper coding and adequate supporting documentation, monitor FAQs from the Treasury, participate in federal, state, and local meetings, prepare and submit required periodic reporting on the use of funds as ARPA was subject to audit at local, state, and federal levels, and exercise caution given the temporary nature of these funds.

Ms. Larson recommended utilizing the funds for the hospitality industry. Ms. Larson expressed the County was a tourism town and assisting those local businesses that were impacted was a priority.

Ms. Day mentioned developing a form for local businesses to supply information. She noted with regards to the hospitality industry, ARPA funding focus was to assist with reopening as opposed to responding to the pandemic. Ms. Day noted varying criteria; however, developing a form would provide necessary guidance.

Mr. Hipple recommended utilizing the funds for fiber optics or broadband infrastructure. He expressed he would like to see every home in James City County have internet. Mr. Hipple noted New Kent County was beginning fiber optic infrastructure.

Mr. McGlennon inquired on the timeframe of the expenditures.

Ms. Day commented December 2024 to obligate and December 2026 to make payments.

Mr. McGlennon asked if the money could be spent over several years.

Ms. Day confirmed yes, adding that was the recommendation from the Treasury.

Mr. McGlennon inquired on utilizing funding for potential housing issues.

Ms. Day confirmed yes and mentioned housing would lend itself very well in regard to a regional effort. Ms. Day noted the state was using some of its ARPA funding to implement broadband and address housing issues. Ms. Day further noted looking into what potential opportunities might be available.

F. BOARD CONSIDERATION(S)

1. PUBLIC HEARING: Amendment to the Fiscal Year 2022 (FY2022) Adopted Budget for the Purchase of Property

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

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

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

Mr. Brad Rinehimer, Assistant County Administrator, addressed the Board to discuss the

following properties of 493, 495, and 497 Ironbound Road, Williamsburg, Virginia. Mr. Rinehimer noted the owners of the buildings reached out to the County regarding a potential purchase. Mr. Rinehimer further noted after negotiating, an agreement was made on a maximum price of \$6.5 million, a maximum \$100,000 in closing costs, and a maximum \$400,000 in renovations to provide services needed. Mr. Rinehimer further noted potentially relocating the Voter Registrar's Office to one of the buildings. Mr. Rinehimer mentioned after reviewing the building costs and in order to proceed, it would require amending the Fiscal Year (FY) 2022 budget, as the asking price was 1% over the FY22 budget. Mr. Rinehimer added the resolution presented would amend the budget to allow \$7 million from the County's fund balance to be used towards purchasing the buildings, and authorized the County Administrator to sign off once a finalized negotiation was made. Mr. Rinehimer noted commercial building inspections were still being conducted, authorizing up to the amounts previously referenced.

Mr. Hipple opened the Public Hearing.

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

2. Virginia United Methodist Homes of Williamsburg, Inc. \$65,000,000 Revenue Bond Issuance

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

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

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

Mr. Kinsman addressed the Board regarding the bond issuance for the Virginia United Methodist Homes of Williamsburg Inc. to approve Economic Development Authority's (EDA) issuance of up to \$65 million in revenue bonds in order to refinance existing bonds and other support for WindsorMeade. Mr. Kinsman noted these were pass through bonds which are not a debt of the County nor the EDA. Mr. Kinsman further noted a meeting was held, with a unanimous vote to approve the request. Mr. Kinsman introduced Mr. T.W. Bruno, Bond Council for Virginia United Methodist Homes of Williamsburg. Mr. Kinsman added the County's bondsman, Mr. Chris Kulp, was on the telephone via Zoom.

Mr. Bruno addressed the Board on behalf of Virginia United Methodist Homes of Williamsburg Inc. to seek approval of the application request. Mr. Bruno noted a history of previous bond issuances since 2007. Mr. Bruno further noted specific details on this issuance.

Mr. McGlennon inquired if the previous bond of \$50 million had been utilized.

Mr. Bruno confirmed yes it was used; however, it was utilized to pay off existing debt from a previous issuance.

G. BOARD REQUESTS AND DIRECTIVES

Ms. Sadler noted she participated in the clean-up at Audrey Simpson Jones Park in Toano, Virginia. Ms. Sadler added James City County Police Department (JCCPD) also participated in the efforts. Ms. Sadler also mentioned attending the grand opening of Kid Zone at the James City County Library. Ms. Sadler noted she attended a Ruritan dinner. Ms. Sadler further noted she attended a meeting and Ms. Kate Sipes, Assistant Director of Economic Development, provided a presentation on the Owens-Illinois Bottle Recycling Program. Ms. Sadler stated she had attended a Ruritan concert which included fundraising to offer scholarships. Ms. Sadler added she was planning on attending the EDA meeting, but was interrupted by a flat tire. Ms. Sadler was assured it was a brief and productive meeting.

Mr. Icenhour noted he attended Hampton Roads Transportation Planning Organization (HRTPO) and Hampton Roads Planning District Committee (HRPDC) meetings. Mr. Icenhour further noted pullback of railroad authority, observed an increased number of youth riding the trains, restoring services, and looking into a new passenger rail line between Washington, D.C. and Stafford, Virginia. Mr. Icenhour added during the HRPDC Meeting, there was discussion on offshore wind projects and legislative agenda items which included the Interstate 64 gap at mile 29. Mr. Icenhour mentioned a Business Council meeting held on July 21, which included a presentation by Dominion Offshore Wind. The presentation included implementing 25% of Virginia customers' power and the process. Mr. Icenhour mentioned information in relation to COVID-19 patients currently hospitalized at Sentara Hospital who were not vaccinated. Mr. Icenhour mentioned the Business Council FY22 budget and surplus revenue details. Mr. Icenhour touched on the fiber optics topic and various questions that may arise if the County were to implement fiber optics or broadband. Mr. Icenhour recommended additional information in order to further the discussion.

Mr. Hipple noted he would provide further information.

Ms. Larson asked for a follow-up on the Business Council since the resignation of Ms. Von Gilbreath from the Greater Williamsburg Partnership (GWP). Ms. Larson requested an update noting the County contributes funding to the organization.

Mr. Stevens noted an agreement existed between the County and the Chamber. He further noted payment continued to be made per the agreement currently. Mr. Stevens stated the other localities were also making payments to the GWP with Ms. Gilbreath's salary being a significant part of the payments. He noted the Business Council was moving forward to fill her vacant position quickly. Mr. Stevens noted the localities had requested several months to review the process and identify the best approach. He further noted ongoing evaluation and discussion with Mr. Doug Smith, Hampton Roads Alliance, for a possible opportunity there or to maintain the current economic development model with the GWP housed at the Chamber. Mr. Stevens noted additional information would be forthcoming with September as the target date for recommendation or direction.

Ms. Larson asked if the County was continuing to pay the fee.

Mr. Stevens noted the County had already paid the annual amount. He further noted the County was still expecting the services, but added Ms. Gilbreath's salary had been a large part of the money.

Ms. Larson stated she had attended the Olde Towne Medical Board meeting. Ms. Larson noted partnership with Colonial Behavioral Health was unlikely. Ms. Larson further noted The Williamsburg Health Foundation had provided additional information. Ms. Larson mentioned on July 21, she had attended a volunteer breakfast at the Salvation Army. She expressed her gratitude for all the Salvation Army does for our community. Ms. Larson also noted attending a Tourism Council meeting which addressed an increase in visitation. Ms. Larson further noted daily rates had almost doubled since 2019. Ms. Larson pointed out while occupancy rates were lower than normal, the rates were still good. Ms. Larson noted a presentation presented by Mr. Eric Terry, President of the Virginia Hospitality and Travel Association. Ms. Larson further noted Ms. Victoria Cimino, CEO of Williamsburg Tourism Council, allowed opportunity to hear from industry experts. Ms. Larson mentioned individuals were welcome to join with in-person meetings beginning in September. Ms. Larson questioned the policy on mask mandating if unvaccinated.

Mr. Stevens remarked if unvaccinated individuals are indoors, they should be wearing masks. Mr. Stevens noted the mask policy had not been aggressively monitored; however, if there

was a circumstance in which an individual was known to be unvaccinated, not wearing a mask, and was reported, then it would be addressed accordingly.

Ms. Larson expressed her concern of the increased number of cases and vaccinated individuals being exposed to the COVID-19 delta variant strand. Ms. Larson touched on the safety of protecting our community. Ms. Larson spoke about the lack of pool space in our County. She noted a neighborhood in her district went from being a community pool to becoming a practice facility year-round for a swim club. Ms. Larson mentioned the swim club previously used Eastern State Hospital's pool; however, since the property is for sale and there was an issue with the pool, Eastern State Hospital had chosen not to invest in the infrastructure. Ms. Larson noted the concerns of the swim club moving its operations to the neighborhood pool and how this had now caused an issue with the neighborhood residents. Ms. Larson remarked she believed it would be an on-going issue in our area and recommended a procedure in which the community could vote on behalf of decisions made.

Mr. Stevens noted looking into that issue to see how it could be addressed with future changes.

Mr. McGlennon noted he met with Ms. Carol Sale, President and CEO of Williamsburg Community Health Foundation, to discuss new direction and more details would be provided at a later date. Mr. McGlennon further noted he attended Little Zion Baptist Church Grove Community Meet and Greet, which was held at the Grove Playground. Mr. McGlennon mentioned the numerous participants involved and thanked everyone for their efforts.

Ms. Larson expressed her gratitude to Mr. Carnifax for his tenure as Interim Assistant County Administrator.

Ms. Sadler thanked all the First Responders for their efforts.

Mr. Hipple stated he also had a meeting with Ms. Sale on the new direction. Mr. Hipple mentioned Fort Eustis had a pool which allowed groups to use as a potential option.

Ms. Larson remarked she believed Fort Eustis exclusively dealt with the Coast Guard Blue Dolphins.

Mr. Hipple noted the County's Fire Department had been called to Ms. Sadler's district for an incident. Mr. Hipple and Mr. Stevens were able to stop by to thank all departments for their efforts and safety measures in the event. Mr. Hipple stated his time as Chairman for Hampton Roads Military and Federal Facilities Alliance (HRMFFA) had been completed, and the new Chairman had taken over. Mr. Hipple noted no August meetings for the Board of Supervisors.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens noted hurricane season was approaching, reminding families to have enough supplies on hand to take care of themselves for a period of three days. Mr. Stevens further noted Jamestown Jams was starting back up on Friday, July 30, with gates opening at 5:30 p.m. and concert starting at 6 p.m. with Good Shot Judy performing. Mr. Stevens recognized Mr. John Carnifax and Mr. Jason Purse for their interim roles.

I. CLOSED SESSION

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

At approximately 3:24 p.m., the Board entered Closed Session.

At approximately 5:15 p.m., the Board re-entered Open Session.

A motion to Certify the Board only spoke about those items indicated that it would speak about in Closed Session was made by John McGlennon, the motion result was Passed.

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

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

1. Discussion or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body pursuant to Section 2.2-3711(A)(3) of the Code of Virginia
2. Consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

3. Reappointments - Colonial Behavioral Health Board

A motion to Appoint Ms. Teresa Christian to the Colonial Behavioral Health Board for a term that would expire June 30, 2024, and Mr. Ryan Ashe for a term that would expire on June 30, 2024 was made by John McGlennon, the motion result was Passed.

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

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

4. Appointments - Social Services Advisory Board

A motion to Appoint Ms. Laura Hill to the Social Services Advisory Board, Re-appoint for Mr. Christopher McDonald and Mr. Lawrence Goldstein for terms that expire September 30, 2025, the motion result was Passed.

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

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

5. Appointment - Economic Development Authority

A motion to Appoint Ms. Ellen Gida to the Economic Development Authority for a four-year term that would end on August 1, 2025 was made by John McGlennon, the motion result was Passed.

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

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

6. Appointments - Stormwater Program Advisory Commission

J. ADJOURNMENT

1. Adjourn until 5 p.m. on September 14, 2021 for the Regular Meeting

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

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

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

At approximately 5:17 p.m., Mr. Hipple adjourned the Board of Supervisors.

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Rebecca Williams, Director of Emergency Communications

SUBJECT: Authorization for Two Emergency Communication Officer Over-Hire Positions

ATTACHMENTS:

	Description	Type
☐	AuthECCOvrHire-mem	Cover Memo
☐	AuthECCOvrHire-res	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	8/23/2021 - 2:41 PM
Publication Management	Daniel, Martha	Approved	8/23/2021 - 3:11 PM
Legal Review	Kinsman, Adam	Approved	8/23/2021 - 3:11 PM
Board Secretary	Fellows, Teresa	Approved	8/24/2021 - 11:12 AM
Board Secretary	Rinehimer, Bradley	Approved	8/24/2021 - 1:46 PM
Board Secretary	Fellows, Teresa	Approved	9/13/2021 - 1:50 PM

MEMORANDUM

DATE: September 28, 2021

TO: The Board of Supervisors

FROM: Rebecca Williams, Emergency Communications Director

SUBJECT: Authorization for Two Emergency Communication Officer Over-Hire Positions

The Emergency Communications Center historically has experienced a higher than average turnover rate of new recruits within the first six months of training due to the complicated nature of the profession. The in-house training program typically takes six months to a year to complete. This negatively affects The Emergency Communications Center's operational staffing during the time that the new-hire is in introductory training. Although Section 2.8G of the James City County Personnel Policies and Procedures Manual authorizes the County Administrator to grant a 30-day overlap, this time period is often inadequate to allow the replacement employee time to complete the in-house training program. Thus, the Emergency Communications Center must often wait up to one year until the replacement employee is able to fulfill the position.

The attached resolution, if approved, would establish up to two over-hire positions for the Emergency Communications Center. In the case of a new recruit not completing the in-house training program, the Emergency Communications Center would be granted an over-hire for up to 45 days. The over-hire positions would only be filled on an as-needed basis. The Board of Supervisors passed a similar resolution in September 2017 for the Police Department and on December 8, 2020 for the Fire Department. The attached resolution maintains consistency with Police and Fire's current practice. The Emergency Communications Center will also consult with County Administration, Human Resources, and Financial and Management Services to determine budget availability and necessity if filling these positions.

Staff recommends approval of the attached resolution.

RW/ap
AuthECCOvrHire-mem

Attachment

RESOLUTION

AUTHORIZATION FOR TWO EMERGENCY COMMUNICATIONS OFFICER

OVER-HIRE POSITIONS

WHEREAS, the Emergency Communications Center historically has experienced a higher than average turnover rate of new recruits within the first six months of training due to the complicated nature of the profession; and

WHEREAS, the in-house training program typically takes six months to a year to complete; and

WHEREAS, the resulting reduction in operational staffing during the transitional periods adversely affects service delivery; and

WHEREAS, funds are available within the Emergency Communication Center's personnel budget to create two full-time over-hire positions.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes two full-time regular Emergency Communications Officer over-hire positions to only be used on an as-needed basis when a new recruit does not complete the training program. Each over-hire position will be implemented no more than 45 days in advance in the case of retirement or other separation.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

SADLER
ICENHOUR
LARSON
MCGLENNON
HIPPLE

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2021.

AuthECCOvrHire-res

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Rebecca Williams, Director of Emergency Communications

SUBJECT: Grant Award - Virginia E-911 Services Board Public Safety Answering Point - \$3,000

ATTACHMENTS:

	Description	Type
▣	GA-911PSAP22-mem(RebeccaWilliams)	Cover Memo
▣	GA-911PSAP22-res(RebeccaWilliams)	Resolution
▣	GA-911PSAP22-award letter	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	8/23/2021 - 2:41 PM
Publication Management	Daniel, Martha	Approved	8/23/2021 - 3:15 PM
Legal Review	Kinsman, Adam	Approved	8/23/2021 - 3:19 PM
Board Secretary	Fellows, Teresa	Approved	8/24/2021 - 11:12 AM
Board Secretary	Rinehimer, Bradley	Approved	8/24/2021 - 1:47 PM
Board Secretary	Fellows, Teresa	Approved	9/13/2021 - 1:52 PM

MEMORANDUM

DATE: September 28, 2021

TO: The Board of Supervisors

FROM: Rebecca Williams, Emergency Communications Director

SUBJECT: Grant Award - Virginia E-911 Services Board Public Safety Answering Point - \$3,000

The James City County Fire Department Emergency Communications Division has been awarded a Wireless E-911 Public Safety Answering Point Education Program (PSAP) grant in the amount of \$3,000 from the Virginia E-911 Services Board under the Fiscal Year 2022 PSAP Grant Program.

The funds are to be used for 911 and geographic information system-specific group education and training opportunities. The grant award is for registration, per diem, and lodging only and is a reimbursement grant.

The grant does not require a local match, though costs in excess of the award and for other than registration, per diem, and lodging will be paid by the Emergency Communications Division.

Staff recommends adoption of the attached resolution to appropriate funds.

RW/ap
GA-911PSAP22-mem

Attachment

RESOLUTION

GRANT AWARD - VIRGINIA E-911 SERVICES BOARD PUBLIC SAFETY

ANSWERING POINT - \$3,000

WHEREAS, the James City County Fire Department Emergency Communications Division has been awarded a Wireless E-911 Public Safety Answering Point (PSAP) Education Program grant in the amount of \$3,000 from the Virginia E-911 Services Board under the Fiscal Year 2022 PSAP Grant Program; and

WHEREAS, the funds are to be used for 911 and geographic information system-specific group education and training opportunities; and

WHEREAS, the grant does not require a local match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following appropriation to the Special Projects/Grants fund:

Revenue:

PSAP Grant Education	<u>\$3,000</u>
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Expenditure:

PSAP Grant Education	<u>\$3,000</u>
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Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

SADLER
ICENHOUR
LARSON
MCGLENNON
HIPPLE

VOTES

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Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2021.

GA-911PSAP22-res

Curtis Brown
Chairman
VDEM

Hon Kevin W. Hall
Sheriff
Vice Chairman
City of Covington

David A. Von Moll
Treasurer
Comptroller



Dorothy Spears-Dean
Deputy State Coordinator
VDEM
(804) 840-7260

Terry D. Mayo
911 Services Board Executive
Administrative Assistant
VDEM
(804) 718-9026

COMMONWEALTH of VIRGINIA

Virginia 9-1-1 Services Board

January 7, 2021

Dear James City PSAP:

Mary M. Blowe
Chief Financial Officer
City of Winchester

Gary Critzer
Emergency Mgmt/ EMS Dir
City of Waynesboro

Terry Ellis
Comcast

R. Scott Garber
Fire Chief
City of Staunton

Danny Garrison
Richmond Ambulance
Authority

Pete Hatcher
AT&T

Jeffrey T. Merriman
Verizon Communications

Nelson P. Moe
CIO - VITA

Kelvin Wright
Chief of Police
City of Chesapeake

Jolena Young
Twin County

Shawn Talmadge
Public Safety & Homeland
Security
Advisor

I am pleased to advise you that the Virginia 9-1-1 Services Board has approved your FY22 PSAP Education Program (Individual PEP) grant request. You have been awarded \$3,000.00 for 9-1-1 and GIS education and training opportunities, Grant ID PEP-050. Funding for this grant award will be available beginning July 1, 2021.

The Grant Payment Reimbursement Process is described in the PSAP Grant Guidelines. Payment will be made on a reimbursement basis only for allowable costs. All funding requests must be submitted on the PEP Grant Payment Request Form. In order for the form to be processed, invoice(s) that support the amount requested should be attached to the form when it is submitted. All invoices must be submitted within 30 calendar days of the end of the education/training event and dated after July 1, 2021. Finally, grant payment requests will be held until all required reports are received. This includes annual true-ups, or any other documents required by the Board.

If you have any questions, please do not hesitate to contact your Regional Coordinator or me via email.

Congratulations on your grant award!

Sincerely,

A handwritten signature in cursive script that reads "Lisa Nicholson".

Lisa Nicholson
Public Safety Program Specialist

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award - Virginia Fire Programs Fund - \$271,218

ATTACHMENTS:

	Description	Type
☐	GA-VAFirePrgFd21-mem	Cover Memo
☐	GA-VAFirePrgFd21-res	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	8/26/2021 - 10:10 AM
Publication Management	Pobiak, Amanda	Approved	8/26/2021 - 10:27 AM
Legal Review	Kinsman, Adam	Approved	8/26/2021 - 11:07 AM
Board Secretary	Fellows, Teresa	Approved	9/13/2021 - 1:52 PM
Board Secretary	Rinehimer, Bradley	Approved	9/14/2021 - 4:31 PM
Board Secretary	Fellows, Teresa	Approved	9/17/2021 - 11:15 AM

MEMORANDUM

DATE: September 28, 2021
TO: The Board of Supervisors
FROM: Ryan T. Ashe, Fire Chief
SUBJECT: Grant Award - Virginia Fire Programs Fund - \$271,218

The Fire Department receives funding annually from the Virginia Department of Fire Programs Aid to Localities program. These funds are initially collected from the private insurance industry by the State Corporation Commission, and are used to fund the Virginia Department of Fire Programs and are also passed through to localities in the Commonwealth.

The County's Fire Department uses the funds to purchase firefighting equipment and to provide training. Historically, this grant has been included in the original budget based on estimated award amounts. We have removed it from the budget to eliminate the need for adjustments.

The attached resolution appropriates the additional funds received of \$271,218. Staff recommends approval of the attached resolution appropriating funds to the Fire Programs Fund.

RTA/md
GA-VAFirePrgFd21-mem

Attachment

RESOLUTION

GRANT AWARD - VIRGINIA FIRE PROGRAMS FUND - \$271,218

WHEREAS, the James City County Fire Department receives grant funding annually as part of the Virginia Department of Fire Programs Aid to Localities program; and

WHEREAS, the funds are used to purchase firefighting equipment and provide training.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following appropriation to the Special Projects/Grants Fund for the Fire Programs Fund:

Revenue:

Virginia Department of Fire Programs	<u>\$271,218</u>
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Expenditure:

Virginia Department of Fire Programs	<u>\$271,218</u>
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Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2021.

GA-VAFirePrgFd21-res

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award - Four-for-Life - Return to Localities Fund - \$69,309

ATTACHMENTS:

	Description	Type
📎	GA-4LifeLocalFY22-mem	Cover Memo
📎	GA-4LifeLocalFY22-res	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	8/26/2021 - 10:11 AM
Publication Management	Pobiak, Amanda	Approved	8/26/2021 - 10:22 AM
Legal Review	Kinsman, Adam	Approved	8/26/2021 - 10:27 AM
Board Secretary	Fellows, Teresa	Approved	9/13/2021 - 1:51 PM
Board Secretary	Rinehimer, Bradley	Approved	9/14/2021 - 4:34 PM
Board Secretary	Fellows, Teresa	Approved	9/17/2021 - 11:15 AM

MEMORANDUM

DATE: September 28, 2021

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award - Four-for-Life - Return to Localities Fund - \$69,309

The Office of Emergency Medical Services (EMS) receives funding allocated from the Four-for-Life program annually. This funding is legislated by the Code of Virginia § 46.2-694 which stipulates that an additional \$4 per year is charged and collected at the time of vehicle registration and set aside as a special fund to be used only for EMS purposes.

The James City County Fire Department has been awarded \$69,309 in Four-for-Life to provide funding for training emergency medical services personnel of a licensed nonprofit emergency medical services agency and for the purchase of necessary equipment and supplies for use in such localities. Historically, this grant has been included in the original budget based on estimated amounts. We have removed it from the budget to eliminate the need for adjustments.

The attached resolution appropriated the additional funds received of \$69,309 for Fiscal Year 2022. Staff recommends approval of the attached resolution appropriating funds to the Four-for-Life Fund.

RTA/md
GA-4LifeLocalFY22-mem

Attachment

RESOLUTION

GRANT AWARD - FOUR-FOR-LIFE - RETURN TO LOCALITIES FUND - \$69,309

WHEREAS, the Office of Emergency Management Services (EMS) receives funding allocated from the Four-for-Life program annually. This funding is legislated by the Code of Virginia § 46.2-694 which stipulates that an additional \$4 per year is charged and collected at the time of vehicle registration and set aside as a special fund to be used only for EMS purposes; and

WHEREAS, the funds are used to purchase emergency medical equipment and provide training.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following appropriation to the Special Projects/Grants Fund for the Four-for-Life Fund:

Revenue:

Four-for-Life	<u>\$69,309</u>
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Expenditure:

Four-for-Life	<u>\$69,309</u>
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Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2021.

GA-4LifeLocalFY22-res

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award - Radiological Emergency Preparedness - \$30,000

ATTACHMENTS:

	Description	Type
☐	GA-RADEmrgPrep22-mem	Cover Memo
☐	GA-RADEmrgPrep22-res	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Fire	Ashe, Ryan	Approved	8/26/2021 - 10:11 AM
Publication Management	Pobiak, Amanda	Approved	8/26/2021 - 10:26 AM
Legal Review	Kinsman, Adam	Approved	8/26/2021 - 10:27 AM
Board Secretary	Fellows, Teresa	Approved	9/13/2021 - 1:52 PM
Board Secretary	Rinehimer, Bradley	Approved	9/14/2021 - 4:32 PM
Board Secretary	Fellows, Teresa	Approved	9/17/2021 - 11:15 AM

MEMORANDUM

DATE: September 28, 2021
TO: The Board of Supervisors
FROM: Ryan T. Ashe, Fire Chief
SUBJECT: Grant Award - Radiological Emergency Preparedness - \$30,000

Each Virginia locality within 10 miles of a nuclear power plant receives pass-through funding annually from Dominion Energy through the Virginia Department of Emergency Management (VDEM) to support Radiological Emergency Preparedness (REP).

The James City County (JCC) Fire Department's Emergency Management Division has been awarded \$30,000 in radiological emergency preparedness funds from Dominion Energy through VDEM due to the County's proximity to the Surry Power Station nuclear plant. This funding is part of VDEM's 2021 package.

The funds are to be used for planning and response for public protective actions related to the Surry Power Station nuclear plant. The County uses the funds to maintain emergency response plans, participate in readiness drills and exercises, provide REP training, make improvements to the Emergency Operations Center, purchase and maintain radiological response equipment, and support the JCC Alert County emergency notification system.

This grant requires no local match.

Staff recommends adoption of the attached resolution to appropriate funds.

RTA/md
GA-RADEmrgPrep22-mem

Attachment

RESOLUTION

GRANT AWARD - RADIOLOGICAL EMERGENCY PREPAREDNESS - \$30,000

WHEREAS, the James City County Fire Department's Emergency Management Division has been awarded pass-through funds in the amount of \$30,000 to support Radiological Emergency Preparedness from the Virginia Department of Emergency Management (VDEM); and

WHEREAS, the funds are to be used for planning and response for public protective actions related to the Surry Power Station nuclear plant; and

WHEREAS, the grant requires no match.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this grant and the following appropriation to the Special Projects/Grants Fund:

Revenue:

Radiological Emergency Preparedness Funds - VDEM \$30,000

Expenditure:

Radiological Emergency Preparedness Funds - VDEM \$30,000

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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HIPPLE

VOTES

AYE NAY ABSTAIN ABSENT

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Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2021.

GA-RADEmrgPrep22-res

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Eric Peterson, Chief of Police

SUBJECT: Grant Award - Department of Motor Vehicles - Speed Enforcement - \$29,866

ATTACHMENTS:

	Description	Type
☐	Cover Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Police	Peterson, Eric	Approved	8/28/2021 - 4:08 PM
Police	Peterson, Eric	Approved	9/21/2021 - 9:53 AM
Publication Management	Pobiak, Amanda	Approved	9/21/2021 - 10:34 AM
Legal Review	Kinsman, Adam	Approved	9/21/2021 - 10:35 AM
Board Secretary	Fellows, Teresa	Approved	9/21/2021 - 10:43 AM
Board Secretary	Rinehimer, Bradley	Approved	9/21/2021 - 11:05 AM
Board Secretary	Fellows, Teresa	Approved	9/21/2021 - 11:13 AM

MEMORANDUM

DATE: September 28, 2021

TO: The Board of Supervisors

FROM: Eric Peterson, Chief of Police

SUBJECT: Grant Award - Department of Motor Vehicles - Speed Enforcement - \$29,866

The James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$29,866. The funds are to be used toward speed traffic enforcement overtime. The grant only requires an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties. These funds will not take the place of budgeted expenses.

The DMV typically administers annual recurring grants passed through the National Highway Transportation Safety Administration for the purpose of supporting statewide goals in enforcing highway safety laws. Each grant has a different enforcement focus area including alcohol, speed, and occupant protection.

Staff recommends adoption of the attached resolution.

EP/md
GA-DMV-SpdEnfmt-mem

Attachment

RESOLUTION

GRANT AWARD - DEPARTMENT OF MOTOR VEHICLES -

SPEED ENFORCEMENT - \$29,866

WHEREAS, the James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$29,866; and

WHEREAS, the funds are to be used toward speed traffic enforcement overtime; and

WHEREAS, the grant only requires an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenue:

Federal - Fiscal Year 2022 DMV Speed Enforcement	<u>\$29,866</u>
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Expenditure:

Fiscal Year 2022 DMV Speed Enforcement	<u>\$29,866</u>
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Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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ICENHOUR	_____	_____	_____	_____
LARSON	_____	_____	_____	_____
MCGLENNON	_____	_____	_____	_____
HIPPLE	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2021.

GA-DMV-SpdEnfmt-res

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Eric Peterson, Chief of Police

SUBJECT: Grant Award - Department of Motor Vehicles - Occupant Protection - \$6,424

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Police	Peterson, Eric	Approved	8/28/2021 - 4:08 PM
Police	Peterson, Eric	Approved	9/21/2021 - 9:53 AM
Publication Management	Pobiak, Amanda	Approved	9/21/2021 - 10:29 AM
Legal Review	Kinsman, Adam	Approved	9/21/2021 - 10:29 AM
Board Secretary	Fellows, Teresa	Approved	9/21/2021 - 10:43 AM
Board Secretary	Rinehimer, Bradley	Approved	9/21/2021 - 11:05 AM
Board Secretary	Fellows, Teresa	Approved	9/21/2021 - 11:13 AM

MEMORANDUM

DATE: September 28, 2021

TO: The Board of Supervisors

FROM: Eric Peterson, Chief of Police

SUBJECT: Grant Award - Department of Motor Vehicles - Occupant Protection - \$6,424

The James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$6,424. The funds are to be used toward traffic enforcement overtime, where officers will focus on the enforcement of laws related to proper use of occupant restraints. The grant only requires an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties. These funds will not take the place of budgeted expenses.

The DMV typically administers annual recurring grants passed through the National Highway Transportation Safety Administration for the purpose of supporting statewide goals in enforcing highway safety laws. Each grant has a different enforcement focus area including alcohol, speed, and occupant protection.

Staff recommends adoption of the attached resolution.

EP/md
GA-DMV-Occpnt-mem

Attachment

RESOLUTION

GRANT AWARD - DEPARTMENT OF MOTOR VEHICLES -

OCCUPANT PROTECTION - \$6,424

WHEREAS, the James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$6,424; and

WHEREAS, the funds are to be used toward alcohol traffic enforcement overtime; and

WHEREAS, the grant only requires an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenue:

Federal - Fiscal Year 2022 DMV Occupant Protection	<u>\$6,424</u>
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Expenditure:

Fiscal Year 2022 DMV Occupant Protection	<u>\$6,424</u>
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Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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ICENHOUR
LARSON
MCGLENNON
HIPPLE

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2021.

GA-DMV-Occpnt-res

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Eric Peterson, Chief of Police

SUBJECT: Grant Award - Department of Motor Vehicles - Alcohol Enforcement - \$24,485

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Police	Peterson, Eric	Approved	8/28/2021 - 4:08 PM
Police	Peterson, Eric	Approved	9/21/2021 - 9:52 AM
Publication Management	Pobiak, Amanda	Approved	9/21/2021 - 10:18 AM
Legal Review	Kinsman, Adam	Approved	9/21/2021 - 10:18 AM
Board Secretary	Fellows, Teresa	Approved	9/21/2021 - 10:43 AM
Board Secretary	Rinehimer, Bradley	Approved	9/21/2021 - 11:04 AM
Board Secretary	Fellows, Teresa	Approved	9/21/2021 - 11:12 AM

MEMORANDUM

DATE: September 28, 2021

TO: The Board of Supervisors

FROM: Eric Peterson, Chief of Police

SUBJECT: Grant Award - Department of Motor Vehicles - Alcohol Enforcement - \$24,485

The James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$24,485. The funds are to be used toward alcohol traffic enforcement overtime. The grant only requires an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties. These funds will not take the place of budgeted expenses.

The DMV typically administers annual recurring grants passed through the National Highway Transportation Safety Administration for the purpose of supporting statewide goals in enforcing highway safety laws. Each grant has a different enforcement focus area including alcohol, speed, and occupant protection.

Staff recommends adoption of the attached resolution.

EP/md
GA-DMV-AlcEnfmt-mem

Attachment

RESOLUTION

GRANT AWARD - DEPARTMENT OF MOTOR VEHICLES -

ALCOHOL ENFORCEMENT - \$24,485

WHEREAS, the James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$24,485; and

WHEREAS, the funds are to be used toward alcohol traffic enforcement overtime; and

WHEREAS, the grant requires only an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Special Projects/Grants Fund:

Revenue:

Federal - Fiscal Year 2022 DMV Alcohol Enforcement	<u>\$24,485</u>
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Expenditure:

Fiscal Year 2022 DMV Alcohol Enforcement	<u>\$24,485</u>
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Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

SADLER
ICENHOUR
LARSON
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VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2021.

GA-DMV-AlcEnfmt-res

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Nathan R. Green, Commonwealth Attorney

SUBJECT: Grant Award - Commonwealth Attorney - Virginia Domestic Violence Victim Fund - \$41,030

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	9/7/2021 - 2:40 PM
Board Secretary	Rinehimer, Bradley	Approved	9/10/2021 - 10:06 AM
Board Secretary	Fellows, Teresa	Approved	9/13/2021 - 1:51 PM
Publication Management	Daniel, Martha	Approved	9/13/2021 - 1:53 PM
Legal Review	Kinsman, Adam	Approved	9/13/2021 - 3:23 PM
Board Secretary	Fellows, Teresa	Approved	9/17/2021 - 11:15 AM
Board Secretary	Rinehimer, Bradley	Approved	9/20/2021 - 8:00 AM
Board Secretary	Fellows, Teresa	Approved	9/20/2021 - 11:55 AM

MEMORANDUM

DATE: September 28, 2021

TO: The Board of Supervisors

FROM: Nathan R. Green, Commonwealth Attorney

SUBJECT: Grant Award - Commonwealth Attorney - Virginia Domestic Violence Victim Fund - \$41,030

The Commonwealth Attorney has been awarded a \$41,030 grant from the Virginia Domestic Violence Victim Fund through the State Department of Criminal Justice Services. The state grant will fund the personnel costs of an existing attorney position to assist in the prosecution of misdemeanors and felonies involving domestic violence, sexual abuse, stalking, and family abuse. The Commonwealth's Attorney has been successful in obtaining this grant in previous years and plans to apply for this grant in the future.

The attached resolution appropriates these funds to the Special Projects/Grant Fund through June 30, 2022.

Staff recommends adoption of the attached resolution.

NRG/md
GA-VADomViol22-mem

Attachment

RESOLUTION

GRANT AWARD - COMMONWEALTH ATTORNEY -

VIRGINIA DOMESTIC VIOLENCE VICTIM FUND - \$41,030

WHEREAS, the Commonwealth's Attorney for the City of Williamsburg and James City County has been awarded a \$41,030 grant, which is awarded annually from the Virginia Domestic Violence Victim Fund through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs for a position in the prosecution of misdemeanors and felonies involving domestic violence, sexual abuse, stalking, and family abuse through June 30, 2022; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund through June 30, 2022, for the purposes described above:

Revenue:

State - Fiscal Year 2022 Virginia Domestic Violence Victim Fund	<u>\$41,030</u>
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Expenditure:

Fiscal Year 2022 Virginia Domestic Violence Victim Fund	<u>\$41,030</u>
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Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2021.

GA-VADomViol22-res

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Nathan R. Green, Commonwealth Attorney

SUBJECT: Grant Award - Commonwealth Attorney - Victim Witness Assistance Program - \$183,260

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	9/7/2021 - 2:40 PM
Board Secretary	Rinehimer, Bradley	Approved	9/10/2021 - 10:07 AM
Board Secretary	Fellows, Teresa	Approved	9/13/2021 - 1:51 PM
Publication Management	Pobiak, Amanda	Approved	9/13/2021 - 3:31 PM
Legal Review	Kinsman, Adam	Approved	9/14/2021 - 3:01 PM
Board Secretary	Fellows, Teresa	Approved	9/17/2021 - 11:15 AM
Board Secretary	Rinehimer, Bradley	Approved	9/20/2021 - 8:00 AM
Board Secretary	Fellows, Teresa	Approved	9/20/2021 - 11:55 AM

MEMORANDUM

DATE: September 28, 2021

TO: The Board of Supervisors

FROM: Nathan R. Green, Commonwealth Attorney

SUBJECT: Grant Award - Commonwealth Attorney - Victim Witness Assistance Program - \$183,260

The Commonwealth Attorney has been awarded a \$183,260 grant (federal share \$128,282; state share \$54,978) from the Victim's Witness Grant Program through the State Department of Criminal Justice Services. The Grant will fund the personnel costs for the continuation of three full-time positions to provide comprehensive information and direct services to crime victims and witnesses. The Commonwealth Attorney has been successful in obtaining this grant for more than 15 years, and plans to apply for this grant in the future.

The attached resolution appropriates these funds to the Special Projects/Grants Fund through June 30, 2022.

Staff recommends approval of the attached resolution.

NRG/ap
GA-FY22VWAProg-mem

Attachment

RESOLUTION

GRANT AWARD - COMMONWEALTH ATTORNEY -

VICTIM'S WITNESS ASSISTANCE PROGRAM - \$183,260

WHEREAS, the Commonwealth Attorney for the City of Williamsburg and James City County has been awarded a \$183,260 grant from the Victim's Witness Grant Fund (federal share \$128,282; state share \$54,978) through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs for the continuation of three full-time equivalent positions; and

WHEREAS, these positions provide comprehensive information and direct services to crime victims and witnesses beginning July 1, 2021 through June 30, 2022; and

WHEREAS, no local match is required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund for purposes described above.

Revenues:

Federal - Victim Witness Assistance Program	\$128,282
State - Victim Witness Assistance Program	\$ 54,978
Total	<u>\$183,260</u>

Expenditure:

Fiscal Year 2022 Victim Witness Assistance Program	<u>\$183,260</u>
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Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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ICENHOUR
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HIPPLE

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this day 28th day of September, 2021.

GA-FY22VWAProg-res

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Neighborhood Development Administrator

SUBJECT: Grant Award – Moses Lane Project Planning Community Development Block Grant - \$50,000

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Housing & Community Development	Poller, Vaughn	Approved	9/10/2021 - 3:06 PM
Development Management	Holt, Paul	Approved	9/10/2021 - 4:38 PM
Publication Management	Pobiak, Amanda	Approved	9/10/2021 - 5:00 PM
Legal Review	Kinsman, Adam	Approved	9/13/2021 - 8:21 AM
Board Secretary	Fellows, Teresa	Approved	9/13/2021 - 1:51 PM
Board Secretary	Purse, Jason	Approved	9/21/2021 - 10:53 AM
Board Secretary	Fellows, Teresa	Approved	9/21/2021 - 11:13 AM

MEMORANDUM

DATE: September 28, 2021

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Neighborhood Development Administrator

SUBJECT: Grant Award – Moses Lane Project Planning Community Development Block Grant - \$50,000

The Virginia Department of Housing and Community Development has awarded James City County funding in an amount up to \$50,000 for a Community Development Block Grant (CDBG) Project Planning Grant.

The project planning area includes all properties fronting on Moses Lane and those currently fronting on the unimproved portion at the end of the road. Funds from this grant will be used to pay for engineering and conceptual design services, community assessments, needs analysis and prioritization, activation and organization of target area residents and stakeholders, and updated surveys of residents and potential beneficiaries. Additional activities to be pursued include obtaining easements and user agreements, development of cost estimates, and review and revision of an existing concept plan and Preliminary Engineering Report in preparation for road construction design and development.

These activities are intended to provide necessary data to support the submission of a 2022 Public Infrastructure Grant to address significant road improvement needs and correct drainage issues. The 2022 Public Infrastructure Grant may also include the elimination of substandard housing, construction of new affordable housing units, and removal of dilapidated structures within the Moses Lane area. County staff will complete housing inspections, property research, and other project planning activities. The CDBG Project Planning Grant does not require a local cash match.

Staff recommends approval of the attached resolution authorizing an appropriation of the \$50,000 CDBG Project Planning Grant to the Special Projects/Grants Fund.

AVP/ap
GA-MosesLnprojpln-mem

Attachment
1. Resolution

RESOLUTION

GRANT APPROPRIATION - MOSES LANE PROJECT PLANNING GRANT - \$50,000

WHEREAS, the Virginia Department of Housing and Community Development has awarded James City County funding up to \$50,000 in Community Development Block Grant (CDBG); and

WHEREAS, the grant will fund the cost of engineering services for planning and conceptual design of infrastructure, and, in part, County staff resources to complete housing inspections, property research, CDBG construction grant application preparation and the project planning activities in the Moses Lane area; and

WHEREAS, there is no local match required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following amendment to the Community Development Fund budget:

Revenue:

Federal - Moses Lane Project Planning CDBG	<u>\$50,000</u>
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Expenditure:

Moses Lane Project Planning	<u>\$50,000</u>
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Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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VOTES

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Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2021.

GA-MosesLnprojplan-res

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Grant Award - 2021 Scattered Site Housing Rehabilitation Community Development Block Grant - \$720,500

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Housing & Community Development	Poller, Vaughn	Approved	9/13/2021 - 11:20 AM
Development Management	Holt, Paul	Approved	9/13/2021 - 1:14 PM
Publication Management	Pobiak, Amanda	Approved	9/13/2021 - 3:08 PM
Legal Review	Kinsman, Adam	Approved	9/13/2021 - 3:23 PM
Board Secretary	Fellows, Teresa	Approved	9/17/2021 - 11:15 AM
Board Secretary	Purse, Jason	Approved	9/21/2021 - 10:52 AM
Board Secretary	Fellows, Teresa	Approved	9/21/2021 - 11:12 AM

MEMORANDUM

DATE: September 28, 2021

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Grant Award - 2021 Scattered Site Housing Rehabilitation Community Development Block Grant - \$720,500

On March 23, 2021, the Board of Supervisors authorized the application for Community Development Block Grant funding. The Virginia Department of Housing and Community Development approved the County's application for the 2021 Scattered Site Housing Rehabilitation Program Community Development Block Grant (CDBG). This program will improve substandard housing conditions for five households in various locations in the County. CDBG funds of \$720,500 and leverage funds of \$335,000 will be expended to undertake the following activities specified in the CDBG Agreement:

1. Substantial Rehabilitation of one (1) substandard home for low- and moderate-income owner-occupants.
2. Replacement of four (4) substandard homes in condition beyond repair for low- and moderate-income owner-occupants.
3. The \$335,000 in leverage funds are anticipated to be comprised of the following:: \$10,000 of volunteer and in-kind services from Housing Partnerships, Inc., \$1115,681 of fund balance from the Housing Development program; and \$109,319 of fund balance from other Housing and Neighborhood Development Fund projects. For this local match, staff would also propose using \$100,000 in funds set aside in 2019 for the Acquire, Renovate, and Sell program. The purpose of that program was to purchase two homes, rehabilitate them and then sell them to low- and moderate-income families. Unfortunately, that specific program did not yield any opportunities and those funds remain unspent. Staff finds that redirecting these resources to the CDBG Program will be better leveraged and more productive.

Staff recommends approval of the attached resolution authorizing the County Administrator to sign the CDBG Agreement and other documents necessary to participate in the program, to appropriate the CDBG funds and the additional funds support the program.

PDH/ap
GA21-SSHRCDBG-mem

Attachment:

1. Resolution

RESOLUTION

GRANT AWARD - 2021 SCATTERED SITE HOUSING REHABILITATION

COMMUNITY DEVELOPMENT BLOCK GRANT - \$720,500

WHEREAS, on March 23, 2021, the Board of Supervisors of James City County, Virginia, authorized the County Administrator to submit an application to the Virginia Department of Housing and Community Development (DHCD) for a Community Development Block Grant (CDBG) for the Scattered Site Housing Rehabilitation Program (Program); and

WHEREAS, DHCD notified James City County of the award of \$720,500 of CDBG funds; and

WHEREAS, sufficient funds are available in the Community Development Fund to provide the local funds, which are required to complete the activities under the Scattered Site Housing Rehabilitation Program; and

WHEREAS, Housing Partnerships, Inc. has agreed to provide \$10,000 of In-kind Services to assist with the Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to sign the Scattered Site Housing Rehabilitation Program Community Development Block Grant Agreement to contract with the Virginia Department of Housing and Community Development, and to sign other agreements and documents necessary to participate in and implement the Program.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance and appropriation of funds to the Housing and Community Development Fund as follows:

Revenues:

Federal - 2021 Scattered Site Housing Rehabilitation Community Development Block Grant Fund Balance	\$ 720,500
Housing Development Fund Balance	\$ 115,681
Neighbors Drive CDBG Program Income	\$ 11,080
Forest Heights CDBG Program Income	\$ 14,026
Inactive Program Income	\$ 50,724
Ironbound Redeployment	\$ 21,948
Ironbound Redevelopment	\$ 11,541
Acquire, Rehab, and Sell	\$ 100,000
Housing Partnerships, Inc. - In-kind Services	<u>\$ 10,000</u>
Total	<u>\$1,055,500</u>

Expenditures:

2021 Scattered Site Housing Rehabilitation CDBG	\$ 720,500
2021 Scattered Site Program Leverage	\$ 325,000
Housing Partnerships, Inc. - In-kind Services	<u>\$ 10,000</u>
Total	<u>\$1,055,500</u>

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES			
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Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2021.

GA21-SSHRCDBG-res

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Toni Small, Director, Stormwater and Resource Protection Division

SUBJECT: Board Appropriation - Surety Funding - Landfall at Jamestown - Phase 2B - \$21,000

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Engineering & Resource Protection	Small, Toni	Approved	9/10/2021 - 4:19 PM
Development Management	Holt, Paul	Approved	9/10/2021 - 4:30 PM
Publication Management	Daniel, Martha	Approved	9/10/2021 - 4:33 PM
Legal Review	Kinsman, Adam	Approved	9/13/2021 - 8:21 AM
Board Secretary	Fellows, Teresa	Approved	9/13/2021 - 1:50 PM
Board Secretary	Purse, Jason	Approved	9/21/2021 - 10:46 AM
Board Secretary	Fellows, Teresa	Approved	9/21/2021 - 11:08 AM

MEMORANDUM

DATE: September 28, 2021

TO: The Board of Supervisors

FROM: Toni E. Small, Director of Stormwater and Resource Protection

SUBJECT: Board Appropriation - Surety Funding - Landfall at Jamestown - Phase 2B - \$21,000

James City County has funding through an existing held surety totaling the amount of \$21,000. The purpose of this funding is to complete the remaining street dedication issues related to the development of the Phase 2B portion of Landfall at Jamestown as outlined in communications from the Virginia Department of Transportation and the demand letter from the County Attorney's Office dated July 23, 2021. Work will be managed by Capital Projects staff and performed by contractors hired by the County.

The following surety will be the funding source for this construction:

- Subdivision Bond \$21,000

The attached resolution appropriates these funds to the project surety escrow account until completion of the construction. Any funds remaining after construction completion will be returned to the financial institution for the surety.

Staff recommends approval of the attached resolution.

TES/ap
SuretyLndflJtown2B-mem

Attachment:
1. Resolution

RESOLUTION

BOARD APPROPRIATION - SURETY FUNDING - LANDFALL AT JAMESTOWN –

PHASE 2B - \$21,000

WHEREAS, in Fiscal Year 2022, the Stormwater and Resource Protection Division of James City County has funding of \$21,000 through an existing held surety; and

WHEREAS, the funds will be used to complete the remaining construction issues related to the development of the Phase 2B portion of Landfall at Jamestown; and

WHEREAS, staff request that the \$21,000 be appropriated for the Landfall at Jamestown - Phase 2B project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the appropriation of \$21,000 to the surety escrow account for Landfall at Jamestown - Phase 2B.

Revenues:

Subdivision Bond	<u>\$21,000</u>
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Expenditure:

Landfall at Jamestown - Phase 2B	<u>\$21,000</u>
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Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES			
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Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2021.

SuretyLndflJtown2B-res

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Rick Koehl, Capital Projects Coordinator

SUBJECT: Contract Award - Jamestown Beach Event Park Paving Project - \$118,560

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Capital Projects	Koehl, Rick	Approved	9/8/2021 - 9:22 AM
General Services	Boone, Grace	Approved	9/8/2021 - 5:05 PM
Publication Management	Pobiak, Amanda	Approved	9/9/2021 - 8:19 AM
Legal Review	Kinsman, Adam	Approved	9/10/2021 - 3:25 PM
Board Secretary	Fellows, Teresa	Approved	9/13/2021 - 1:52 PM
Board Secretary	Purse, Jason	Approved	9/21/2021 - 10:52 AM
Board Secretary	Fellows, Teresa	Approved	9/21/2021 - 11:12 AM

MEMORANDUM

DATE: September 28, 2021

TO: The Board of Supervisors

FROM: Rick Koehl, Capital Projects Coordinator

SUBJECT: Contract Award - Jamestown Beach Event Park Paving Project - \$118,560

The Jamestown Beach Event Park Paving Project will regrade existing gravel roads within the park and overlay with new asphalt. The project will ease access within the park and improve the driveability within the park. All necessary permits and/or approvals have been obtained for this project.

The following five qualified firms submitted bids to be considered for contract award:

<u>Firm</u>	<u>Amount</u>
Tidewater Utility Construction, Inc.	\$118,560
A1 Asphalt Paving & Sealing, LLC	\$120,210
Peninsula Paving Inc.	\$130,185
Basic Construction Company	\$167,280
Excel Paving Corp	\$198,801

Tidewater Utility Construction, Inc. was determined to be the lowest qualified, responsive, and responsible bidder. This project is part of the approved Capital Improvements Program budget.

Staff recommends approval of the attached resolution authorizing the contract award to Tidewater Utility Construction, Inc.

RK/md
CA-JtwnBchPaving-mem

Attachments

RESOLUTION

CONTRACT AWARD - JAMESTOWN BEACH EVENT PARK PAVING PROJECT - \$118,560

WHEREAS, the James City County General Services Department received competitive bids for the Jamestown Beach Event Park Paving Project; and

WHEREAS, five bids were considered for award and Tidewater Utility Construction, Inc. was the lowest qualified, responsive, and responsible bidder; and

WHEREAS, previously authorized Capital Improvements Program budget funds are available to fund this project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$118,560 to Tidewater Utility Construction, Inc. for the Jamestown Beach Event Park Paving Project.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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VOTES

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Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2021.

CA-JtwnBchPaving-res

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: 2021 Scattered Site Housing Rehabilitation - Community Development Block Grant - Adoption of Required Fair Housing Certification

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Eligible Fair Housing actions	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Housing & Community Development	Poller, Vaughn	Approved	9/13/2021 - 11:19 AM
Development Management	Holt, Paul	Approved	9/13/2021 - 1:14 PM
Publication Management	Daniel, Martha	Approved	9/13/2021 - 1:39 PM
Legal Review	Kinsman, Adam	Approved	9/13/2021 - 1:39 PM
Board Secretary	Fellows, Teresa	Approved	9/13/2021 - 1:50 PM
Board Secretary	Purse, Jason	Approved	9/21/2021 - 10:45 AM
Board Secretary	Fellows, Teresa	Approved	9/21/2021 - 11:07 AM

MEMORANDUM

DATE: September 28, 2021

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: 2021 Scattered Site Housing Rehabilitation - Community Development Block Grant - Adoption of Required Fair Housing Certification

The \$720,500 in Community Development Block Grant (CDBG) funds awarded to James City County for the Scattered Site Housing Rehabilitation Program (the “Program”) are federal funds authorized under the Housing and Community Development Act of 1974, as amended (the “Act”).

The Act requires recipients of CDBG funds to take action to affirmatively further fair housing. The Virginia Department of Housing and Community Development (DHCD), administrator of the CDBG funds, requires James City County to take at least one action to affirmatively further fair housing each grant year during the life of its Scattered Site Housing Rehabilitation Program. Attached is a list of actions that DHCD deems acceptable in affirmatively further fair housing. The County may also request DHCD approve actions not listed.

In the past, the Housing Unit has fulfilled the obligation to affirmatively further fair housing with contests for children in after-school programs to submit drawings or models of their dream home; by recruiting and training landlords of low- and moderate-income households; distributing fair housing information at public events, and; posting fair housing information on the JCC TV channel.

Staff recommends approval of the attached resolution to certify the County will take one action each program year to further fair housing.

PDH/ap
21CDBGFairHousing-mem

Attachments:

1. Resolution
2. Eligible Fair Housing Actions

RESOLUTION

2021 SCATTERED SITE HOUSING REHABILITATION -

COMMUNITY DEVELOPMENT BLOCK GRANT

ADOPTION OF REQUIRED FAIR HOUSING

CERTIFICATION

WHEREAS, James City County has been awarded a Community Development Block Grant of \$720,500 to rehabilitate and replace housing owned and occupied by low-and moderate-income households, with the James City County Scattered Site Housing Rehabilitation Program; and

WHEREAS, the County intends to accept federal funds authorized under the Housing and Community Development Act of 1974 (the “Act”), as amended; and

WHEREAS, recipients of funding under the Act are required to take action to affirmatively further fair housing pursuant to Title VIII of the Civil Rights Act of 1968.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of James, City, Virginia, agrees to take at least one action to affirmatively further fair housing each grant year, during the life of its Scattered Site Housing Rehabilitation Program funded with Community Development Block Grant funds. The Board of Supervisors directs the County Administrator to take those actions necessary to affirmatively further fair housing as required by the Act.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2021.

resolved in CAMS. Final Closeout Reports

Project Closeout

After the Final Compliance Review has been held, DHCD, in consultation with the Grantee, will determine if the CDBG-funded activities are completed and/or all CDBG funds have been expended in conformance with program guidelines. If so, a Letter of Conditions (LOC) will be issued. The LOC informs the Grantee of what must be done before the grant can be administratively closed out.

Upon issuance of the LOC, DHCD has determined that no further draws on the grant account are needed and that the only additional remittance request that will be accepted is for the five percent (5%) administrative retainage. For this reason, when they are advised that the LOC is being prepared, the Grantee must request the last remittance request for construction or micro-loan activities.

The Letter of Conditions identifies conditions necessary to resolve grant issues and to become administratively closed. These may include the resolution of any findings identified in the final compliance review, submission of a program income plan, or other administrative requirements. In all cases, the LOC transmits the Final Closeout Reports, which must be completed and submitted as a condition of Administrative Closeout.

The Final Closeout Reports are further discussed in Chapter 12: Grant Closeout Procedures. Samples of the final closeout reports can be found in Appendices 73-76.

Fair Housing Requirements

Title VIII of the *Civil Rights Act of 1968, as amended*, makes it illegal to discriminate in housing based on the following factors:

- Race;
- Color;
- National origin;
- Religion;
- Sex;
- Age;
- Familial status (families with children under the age of 18 or who are expecting a child); and
- Disability.

The Grantee's Fair Housing Certification commits the Grantee to take affirmative steps to further fair housing during each program year in which the CDBG Agreement is active.

The Grant Manager must ensure that at least one of the following actions (additional actions may be approved by DHCD) is completed during each program year. Examples of acceptable activities include:

- Adopt a resolution endorsing the concept of fair housing, including the specific rights included in the law, and advertise its wording in a display

advertisement in a local newspaper;

- Adopt a proclamation declaring April as Fair Housing Month. A sample resolution can be provided by your CDS;
- Include a flyer about Fair Housing in the water bill and send it to every household in the Grantee's locality;
- Partner with a technology class at the local high school to create a short advertisement or spotlight on Fair Housing to be aired on community access television;
- Run a Fair Housing public service announcement on local radio stations or the local community cable station throughout the month of April. Topics can include what are prohibited activities and where to file a discrimination complaint;
- Develop a page on the Grantee's website concerning fair housing issues, including links to the Virginia Fair Housing Office and other resources available to protected groups;
- Add the Fair Housing logo to the Grantee's official stationary. The logo can be downloaded at <https://portal.hud.gov/hudportal/HUD?src=/library/bookshelf/11/hudgraphics/fheologo>;
- Provide all program beneficiaries with a copy of federal or state Fair Housing brochures. Various federal Fair Housing brochures

can be downloaded at https://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/marketing. State Fair Housing brochures can be downloaded at <http://www.dpor.virginia.gov/FairHousing/>. Click on "Publications and Links."

- Host a booth at public community events and distribute Fair Housing brochures;
- Distribute copies of the federal or state Fair Housing brochures to persons attending project community meetings or CDBG-required public hearings;
- Have a display on Fair Housing issues at local public libraries, schools or the Grantee's administrative offices for at least thirty (30) days;
- Include a Fair Housing commitment clause in the recorded Investor-Owner Rental Agreement;
- Include a discussion on Fair Housing on the agenda of Oversight Boards or the local governing body;
- Provide funding for local Fair Housing groups or provide financial or technical assistance to local citizens wishing to organize such a group;
- Conduct public educational programs for local realtors and bankers, homebuyers, landlords, and/or Grantee employees

regarding fair housing issues, including their Fair Housing rights and responsibilities. This could include sponsoring a local Fair Housing workshop conducted by the Virginia Fair Housing Office;

- Attendance by a member of the local governing body or Chief Administrative Official and a second appropriate representative (realtor, banker, etc.) at a fair housing workshop approved by DHCD;
- Enlist the participation of local realtors, lenders and homebuilders in an agreement, and promotion of affirmative marketing, open housing and review of underwriting/credit criteria, etc. Publish such agreements in a local paper;
- Post one or more of the federal Fair Housing posters at the Grantee's administrative offices for at least thirty (30) days;
- Sponsor a Fair Housing poster contest at local schools with the public voting on the winning poster and displaying it at the Grantee's administrative offices and on the Grantee's website;
- Develop a Fair Housing assistance program to make housing opportunities available in non-minority areas, monitor compliance and submit discrimination complaints to the State or Federal government;

- Conduct a formal Assessment of Impediments (AI) study of local zoning, real estate and/or financing practices which affect housing choices of minorities and other protected classes; and
- Survey the special housing problems of minorities and women, determining any effects of discrimination and developing a plan to assist them in overcoming these effects.



The Fair Housing activity selected by the Grantee must be a different one each program year. Furthermore, all Fair Housing activities must be sufficiently documented, including records on funds provided, if any for such activities, so their completion can be verified during the compliance review. Accepted documentation would include copies of brochures provided, along with a distribution list, or minutes of meetings where Fair Housing is discussed. If the Grantee has more than one active CDBG project, only one Fair Housing activity is required annually, but all project files must be documented.

Complaints and Appeals

During the course of the project, it is possible that applicants, beneficiaries and contractors will make complaints. All complaints must be handled in an even-minded, diplomatic manner designed to identify and resolve the real problem. All complaints are to be brought to the attention of Project Management Teams or Oversight Boards.

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: 2021 Scattered Site Housing Rehabilitation - Community Development Block Grant - Adoption of Required Section 504 Grievance Procedure for Disability Nondiscrimination

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Section 504 Grievance Procedure for Disability Nondiscrimination	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Housing & Community Development	Poller, Vaughn	Approved	9/13/2021 - 11:19 AM
Development Management	Holt, Paul	Approved	9/13/2021 - 1:14 PM
Publication Management	Pobiak, Amanda	Approved	9/13/2021 - 3:15 PM
Legal Review	Kinsman, Adam	Approved	9/13/2021 - 3:24 PM
Board Secretary	Fellows, Teresa	Approved	9/17/2021 - 11:14 AM
Board Secretary	Purse, Jason	Approved	9/21/2021 - 10:45 AM
Board Secretary	Fellows, Teresa	Approved	9/21/2021 - 11:07 AM

MEMORANDUM

DATE: September 28, 2021

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: 2021 Scattered Site Housing Rehabilitation - Community Development Block Grant - Adoption of Required Section 504 Grievance Procedure for Disability Nondiscrimination

As a recipient of a Community Development Block Grant, James City County must adhere to requirements of a variety of federal and state laws and regulations including equal opportunity and labor standards.

The attached Section 504 Grievance Procedure for Disability Nondiscrimination has been adapted from a sample grievance procedure developed by the U.S. Treasury, Office of Revenue Sharing based on material prepared by the U.S. Department of Health and Human Services, Office of Civil Rights Regional Technical Assistance Staff. This internal grievance procedure provides for the prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b)) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794).

Section 504 states, in part, that "no otherwise qualified handicapped individual... shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance..."

Staff recommends approval of the attached resolution to adopt the Section 504 Grievance Procedure for Disability Nondiscrimination.

PDH/ap
CDBGGrievProc2021-mem

Attachments:

1. Resolution
2. Section 504 Grievance Procedure for Disability Nondiscrimination

RESOLUTION

2021 SCATTERED SITE HOUSING REHABILITATION -

COMMUNITY DEVELOPMENT BLOCK GRANT -

ADOPTION OF REQUIRED SECTION 504 GRIEVANCE

PROCEDURE FOR DISABILITY NONDISCRIMINATION

WHEREAS, James City County has been awarded a Community Development Block Grant of \$720,500 to rehabilitate and replace housing owned and occupied by low- and moderate-income households, with the James City County Scattered Site Housing Rehabilitation Project; and

WHEREAS, Section 504 provides for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794) and states, in part, that "no otherwise qualified handicapped individual... shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance...".

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the attached Section 504 Grievance Procedure for Disability Nondiscrimination.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2021.

Section 504 Grievance Procedure for Disability Nondiscrimination

The James City County Board of Supervisors has adopted an internal grievance procedure by resolution dated September 28, 2021, providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) ((24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794, hereinafter referred to as "Section 504")). Section 504 states, in part, that "no otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development."

Complaints should be addressed to the following designated Section 504 compliance officer:

Barbara Watson
Assistant Director, Social Services
5249 Olde Towne Road
Williamsburg, VA 23188
(757) 259-3123

1. A complaint shall be filed in writing and contain the name and address of the complainant, and briefly describe the alleged violation of the regulations.
 2. A complaint shall be filed within 7 days after the complainant becomes aware of the alleged violation, processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.
 3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by Barbara Watson. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, a reasonable opportunity to submit evidence relevant to a complaint. Under 24 CFR 8.53(b), James City County need not process complaints from applicants for employment or from applicants for admission to housing.
 4. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Barbara Watson and a copy forwarded to the complainant no later than 30 days after its filing.
 5. The Section 504 coordinator shall maintain the files and records relating to the complaints filed pursuant to this grievance procedure.
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6. The complainant may request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration shall be made within 7 days of the issuance of the written determination and shall be made in writing to Barbara Watson.
7. The right of a complainant to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the complainant's pursuit of other remedies such as the filing of a Section 504 complaint with the Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that James City County complies with Section 504 and the applicable HUD regulations.

Date adopted by the Board of Supervisors: September 28, 2021

I, Teresa J. Fellows, as Deputy Clerk to the James City County Board of Supervisors and Custodian of the Seal, do hereby certify that this is a true copy of the foregoing Section 504 Grievance Procedure for Disability Nondiscrimination that was approved by Resolution of the Board of Supervisors and duly adopted on September 28, 2021.

TeresaJ.Fellows

Date

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: 2021 Scattered Site Housing Rehabilitation - Community Development Block Grant - Adoption of Required Housing Rehabilitation Program Design and Residential AntiDisplacement and Relocation Plan

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Housing Rehabilitation Program Design	Backup Material
☐	Anti-Displacement and Relocation Plan	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Housing & Community Development	Poller, Vaughn	Approved	9/13/2021 - 11:27 AM
Development Management	Holt, Paul	Approved	9/13/2021 - 1:14 PM
Publication Management	Pobiak, Amanda	Approved	9/13/2021 - 3:23 PM
Legal Review	Kinsman, Adam	Approved	9/13/2021 - 3:23 PM
Board Secretary	Fellows, Teresa	Approved	9/17/2021 - 11:14 AM
Board Secretary	Purse, Jason	Approved	9/21/2021 - 10:45 AM
Board Secretary	Fellows, Teresa	Approved	9/21/2021 - 11:07 AM

MEMORANDUM

DATE: September 28, 2021

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: 2021 Scattered Site Housing Rehabilitation - Community Development Block Grant - Adoption of Required Housing Rehabilitation Program Design and Residential Anti-Displacement and Relocation Plan

The 2021 Scattered Site Housing Rehabilitation Program Design and the Residential Anti-Displacement and Relocation Plan govern housing rehabilitation and replacement, and relocation assistance for the 2021 Scattered Site Housing Rehabilitation Program Community Development Block Grant (CDBG).

The 2021 Housing Rehabilitation Program Design describes housing rehabilitation program oversight and staffing, applicant and property eligibility requirements, housing rehabilitation standards, temporary relocation assistance, terms of financial assistance, contracting procedures, and dispute resolution procedures.

The Housing and Community Development Act of 1974 requires the County to adopt a Residential Anti-Displacement and Relocation Plan (the “Anti-Displacement Plan”) and to commit to minimize project related displacement for projects utilizing CDBG funds. The Anti-Displacement Plan must specify actions the County will take to avoid displacement of households and to assure one-for-one replacement of dwellings occupied by low- and moderate-income households when demolition of an occupied home is unavoidable.

No permanent displacement is anticipated for the James City County Scattered Site Housing Rehabilitation Program. However, the Plan enumerates the assistance that will be available, if displacement occurs. The Plan also enumerates, in accordance with the state and federal relocation assistance requirements, the assistance that will be available to the five owner-occupied households temporarily relocated while replacement homes are built.

Staff recommends approval of the attached resolution to adopt the Scattered Site Housing Rehabilitation Program Design and the Residential Anti-Displacement and Relocation Plan.

PDH/ap
CDBGRelocPln2021-mem

Attachments:

1. Resolution
2. Housing Rehabilitation Program Design
3. Anti-Displacement and Relocation Plan

RESOLUTION

2021 SCATTERED SITE HOUSING REHABILITATION - COMMUNITY DEVELOPMENT

BLOCK GRANT - ADOPTION OF REQUIRED HOUSING REHABILITATION

PROGRAM DESIGN AND RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION PLAN

WHEREAS, James City County has been awarded a Community Development Block Grant of \$720,500 to rehabilitate and replace housing owned and occupied by low- and moderate-income households, with the James City County 2021 Scattered Site Housing Rehabilitation Program; and

WHEREAS, the Virginia Department of Housing and Community Development requires that a locality receiving Community Development Block Grant Funds for housing rehabilitation, replacement housing, and relocation assistance have program policies and procedures adopted by its governing body.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the attached James City County 2021 Scattered Site Housing Rehabilitation Program Design and the 2021 Residential Anti-Displacement and Relocation Plan as the policies that shall govern the provision of housing rehabilitation, replacement housing, and relocation assistance for the James City County Scattered Site Housing Rehabilitation Program.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

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Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2021.

CDBGRelocPln2021-res

JAMES CITY COUNTY 2021 SCATTERED SITE HOUSING REHABILITATION PROGRAM DESIGN

Community Development Block Grant #: TBD

PROGRAM PURPOSE AND OBJECTIVES

James City County (County) will improve the conditions of five existing single-family homes at various locations in the County with the 2021 Scattered Site Substantial Rehabilitation Program (Program) will include the substantial reconstruction of one (1) and demolition and replacement of four (4) homes owned and occupied by low- and moderate-income (“LMI”) households.

This 2021 Scattered Site Housing Rehabilitation Program Design prescribes the homeowners and properties’ qualifications and the procedures that govern the Program. This document shall also apply to rehabilitation assistance funded by program income derived from this Program.

PROGRAM AREA BOUNDARIES

All projects will take place within the political boundaries of the County.

BENEFIT REQUIREMENTS

LMI households, verified to meet the US Department of Housing and Urban Development (HUD) income limits for the County, must occupy all homes rehabilitated with Community Development Block Grant funds.

Unless prior approval is obtained from DHCD, all beneficiaries must have been project area residents at the grant application’s submission.

STAFFING AND OVERSIGHT

Housing Rehabilitation Oversight Board

The Community Development Block Grant Housing Rehabilitation Oversight Board (“Rehab Board”) will review:

- homeowners’ rehabilitation applications to confirm the applicants’ qualification,
- pre-approve qualified Contractors,

review and accept scopes of work, bid results, construction contracts and loan terms.

The Rehab Board shall include the Assistant County Administrator, the Director and Assistant Director of Social Services, a representative of the elected Board of Supervisors, a resident of the County, the Housing Manager, the Neighborhood Development Administrator.

The Grant Manager will prepare a file for each action requiring Rehab Board approval. The file may contain a summary of the applicant’s eligibility, work to be completed, bid and loan terms.

If approved by the Rehab Board, the County's accounting and legal departments will review the file to verify the availability of budgeted funds and adherence to legal requirements.

The Rehab Board Guidelines and current Roster are attached as Exhibit A.

Housing Rehabilitation Program Manager

The Housing Manager will serve as the Rehabilitation Program Manager ("Rehab Manager") and shall supervise the Housing Rehabilitation Specialist. The Rehab Manager will:

- Conduct initial and final DHCD HQS inspections;
- Oversee the work of the Housing Rehabilitation Specialist;
- Review and approve all Contractors' pay requests and change orders;
- Receive all complaints and investigate and make recommendations to resolve them; and

Housing Rehabilitation Specialist

The County Housing Rehabilitation Specialist will serve as the Housing Rehabilitation Specialist (the "Rehab Specialist"). The Rehab Specialist will:

- Schedule and conduct a thorough inspection of the property with the Homeowner.
- Determine the property's deficiencies using the DHCD Housing Quality Standards checklist.
- Prepare a work write-up and itemized cost estimate.
- In the work write-up, specify the equipment, materials, and installation procedures and reference the Manufacturer's Recommended Installation Standards.
- Estimate the project costs based on current local rates.
- Obtain the Homeowner's approval of the work write-up,
- Bid the rehabilitation/reconstruction project.
- Conduct weekly progress and quality assurance inspections during construction.
- Conduct percentage of contract payment inspections, which will be reviewed and approved by the Rehab Manager.
- Document progress and problems with photographs and notes in an inspection log.
- Conduct final inspections with the Homeowner.

Lead-Based Paint Risk Assessor

The Rehabilitation Specialist will oversee the Lead-Based Paint Assessment process, as follows:

- Inform the owners of homes built before 1978 of the possible presence of Lead-Based Paint (LBP) and provide the Homeowner with the pamphlet *Protect Your Family from Lead in Your Home*.
- Conduct a preliminary visual inspection to determine painted surface condition, paint history, and whether an Inspection, Risk Assessment, or Lead Hazard Screen is necessary.

Schedule, if needed, a Lead Hazard Screen to be conducted by a certified Lead Paint Risk Assessor.

- Determine if an Environmental Intervention Blood Lead Level (EIBLL) child is in the home. If so, schedule a lead inspection to identify the presence of lead in the home. In addition, in homes with children under age 6, a certified Lead Paint Risk Inspector shall conduct X-Ray Fluorescence Analyzer (XRF) testing of all painted surfaces to be disturbed during paint stabilization. Appropriate testing prevents unnecessary use of materials and time if tests identify paint as “not lead-based paint.” Testing also ensures that areas are correctly identified and that Contractors use proper precautions during repairs before cleaning and clearance.
- Ensure renovation firms employed to complete the paint stabilization and cleaning are certified under EPA’s Renovation, Repair and Painting Rule.
- Ensure that a clearance test is conducted by an approved lead paint inspection company when the work is completed.

Intake Surveyor

The Housing Specialist and Grant Manager may serve as Intake Surveyors. The Intake Surveyor will:

- Receive preliminary applications, in-person, by mail or over the phone.
- Screen applicants and inform them of the program requirements.
- Interview the applicants and obtain required financial and ownership documentation
- When necessary:
 - Submit verification forms to employers, financial institutions, utilities, and social service agencies.
 - Obtain applicants’ credit reports.
- Complete the final application and obtain the applicants’ signatures
- Review beneficiaries’ ability to pay annually and obtain the Rehab Board’s approval if adjustments to the required repayments are necessary.

Loan Servicer

The Housing’s Administrative Assistant will serve as the Loan Servicer. The Loan Servicer will:

- Obtain a payment coupon book and mail it to the borrower.
- Collect and record monthly payments and prepare periodic reports of loan payments and delinquencies.
- Maintain records of loan balances and final payment due dates.
- Mail annual loan balance statements to all borrowers by February 15 each year.
- Make a good faith effort to collect delinquent loans.
- Prepare Certificates of Satisfaction for signature by the County Attorney or other authorized County agent.

Grant and Financial Manager

The Neighborhood Development Assistant Administrator will serve as the Grant and Financial Manager (“Grant Manager”). The Grant Manager will. :

- Ensure that all grant expenditures are adequately budgeted and tracked according to DHCD Financial Management requirements outlined in the Grant Management Manual. The County Accounting Supervisor, or designee, shall assist the Financial Manager in reviewing all financial reports before submission to DHCD.
- Prepare the files for consideration of the Rehab Board.
- Prepare and file all reports required by DHCD.
- Prepare notices, agendas and minutes of the Project Management Team and Rehab Board meetings.

APPLICANT ELIGIBILITY

Allowable Income and Asset Limits for the Applicant

CDBG housing rehabilitation funds will only be used to benefit LMI households. LMI households are households whose income does not exceed 80 percent of HUD’s area median household income. All household income and assets will be counted and verified according to DHCD requirements in effect when the client completes their application for assistance.

Fairness and Equitable Distribution of Benefits

- Moderate-income households will not benefit to the exclusion of low-income households. Low-income households are those whose aggregate income by household size is below 50 percent of the area median household income.
- Minority, elderly, or female-headed households will not be denied reasonable benefits through the rehabilitation program guidelines or loan structure.
- Funds shall not be set aside, or goals specified that adversely affect the benefits to low-income, minority, elderly, or female-headed households.
- For this grant, an elderly household is occupied by someone 62 years of age or older.

Prioritization of Applicants

Homes that staff inspected, where the household provided personal and financial information in preparation for the 2021 CDBG application, will be ranked based on need. A point will be awarded for each category where:

- a household member is disabled; elderly; under the age of 18;
- household income is below 50% AMI;
- the Rehab Specialist determines there are major structural, plumbing or mechanical deficiencies, and
- the house lacks safe and adequate heat.

The applicants will be ranked based on the sum of these points from highest to lowest. If the applicant does not meet eligibility criteria, the Intake Surveyor shall inform the applicant in writing before suspending or terminating their application.

New applicants will be considered, if necessary, from the current Rehab Waiting List, on a first-come, first-served basis.

PROPERTY ELIGIBILITY

Suitable for Rehabilitation

A unit is suitable for rehabilitation if occupied by an LMI household and can be rehabilitated to DHCD Housing Quality Standards (HQS) with a base CDBG investment of \$65,000 or less. Extra bedrooms, a bathroom, well, septic, or handicap accessible structures, if required, are considered “exceptions” to the base \$65,000 CDBG limit. These exceptions may add up to \$20,000 in addition to the base construction cost.

Unsuitable for Rehabilitation

An LMI occupied unit with structural deficiencies that cause the estimated rehabilitation costs to exceed \$65,000, excluding the cost of exceptions, is considered unsuitable for rehabilitation. Properties deemed unsuitable for rehabilitation may be addressed as Substantial Reconstructions.

Loan-To-Value Consideration

The projected cost of rehabilitation, the current balance on existing liens on the property and the current real estate tax assessment will be presented for the Rehab Board’s consideration for the applicants’ project and loan approval. The Rehab Board may refuse to approve the project if they determine it is not in the best interest of the occupant because the value of the property after the rehabilitation does not support the amount of the existing and new mortgages.

Real Estate Taxes

Owners must not have delinquent the real estate taxes owed to the County or have a written payment plan accepted by the County Treasurer.

Eligible Property Types

Housing rehabilitation assistance funded through the CDBG will be available for properties occupied by LMI households. Eligible property types are:

- Owner-Occupied Properties: An occupant is a person whose principal residence has been at the property for at least 180 days. Ownership is determined according to the *Property Ownership and Clear Title* section below.
- Vacant Properties: Vacant properties are not eligible for rehabilitation unless the house was:

- consistently occupied during the last five years and for at least six months of the preceding year, or
- was purchased or inherited by an LMI household who intends to occupy the house when rehabilitation is completed, or
- is owned by the County or nonprofit and will be sold to an LMI household, and
- DHCD gives written approval before the house is rehabilitated.
- Manufactured (Mobile) Homes: Mobile homes will be eligible for rehabilitation or replacement subject to the 2017 CDBG Grant Management Manual Mobile Home Cost Limits (“Cost Limits”) and policy requirements. If the cost to rehabilitate a mobile home will exceed the Cost Limits, the mobile home must be substantially replaced with a stick-built or modular unit or, subject to DHCD approval, replaced with a new mobile home.
- Investor-Owned Properties: If a property is investor-owned, the owner must agree in a legally recordable commitment to rent the unit to LMI households for at least ten years. The rent may not increase beyond the increase in actual costs, such as taxes and insurance for the life of the loan.
- Family Occupied Properties: If an owner-occupant ceases to live in the property, a family member whose household is income-qualified may occupy the property

Property Ownership and Clear Title

Property ownership and eligibility will be determined as follows:

- Owner-Occupied Properties are properties occupied by an LMI owner with record title.
- Heir Properties. Heirs are eligible if the property is their primary residence at the time of application; they prove they are an heir and control the property. DHCD does not require that the occupant own the property in fee simple. However, the County must verify ownership status and determine that the applicant is likely to continue to occupy the property.
 - If more than one heir owns the property, the County must make reasonable attempts to:
 - Identify all heirs,
 - Document attempts to contact each heir in writing,
 - Request,
 - Where co-heirs agree to transfer title, appropriate deeds to the applicant shall be recorded in the Clerk’s Office of the Circuit Court for James City County.

Where heirs are unknown or unable to be contacted, proof of the residents’ control of the property for the previous three (3) years must be documented. Proof should include continued residence, payment of property taxes, payment of homeowners insurance or other house payment by the resident.

Where heirs or co-owners are known but unwilling to convey the property or their interest in the property to the intended beneficiary, a legally recordable Life Estate Deed may be provided to co-owners. The Life Estate Deed includes an agreement to either (a) repay the outstanding

balance upon death or removal of the resident or (b) agree an eligible co-owner will reside in the property and take over the occupants' obligations.

Where the title to the property is not clear and marketable, the County may assist applicants in obtaining a clear title. However, if the cloud on the title cannot be removed at an insignificant cost or signatures cannot be obtained from all heirs to the property, the County will rehabilitate the property only if approved by the Rehab Board.

Life Estates. Occupants with a life estate are eligible if the property and occupant are otherwise eligible for rehabilitation. All co-owners and remaindermen must sign the Note and Deed of Trust and agree that the remaindermen will repay the loan balance when the life estate terminates, whether by the death or removal of the life tenant. However, when the life estate terminates, the remaindermen may find an occupant that meets the program qualifications and may continue the obligations of the loan and Deed of Trust, provided all remaindermen agree in writing.

REHABILITATION STANDARDS

Eligible Improvements

When completed, the rehabilitations and reconstructions financed through the Program must meet DHCD Housing Quality Standards ("DHCD HQS"). Therefore, any improvements necessary for a property to meet DHCD HQS are eligible improvements.

The following types of improvements and repairs for rehabilitation projects will also be eligible:

- Improvements required to meet the Virginia Weatherization Assistance Program Installation Standards, including insulation, window and door caulking and weather-stripping, and storm windows or insulated replacement windows as needed.
- Window Screens.
- Repair, replacement, or provision of one storage shed not exceeding 64 square feet.
- Hall and bedroom closets where adequate space exists.
- Air conditioning.
- Acquisition of property for a replacement dwelling or to meet setback and minimum lot size requirements of the County's zoning ordinance.

Ineligible Improvements.

Cosmetic repairs and improvements are ineligible rehabilitation expenses.

PERMANENT RELOCATION

This project requires no permanent relocations.

TEMPORARY RELOCATION

Four Households will be temporarily relocated while their homes are being reconstructed. Temporary relocation assistance may cover storage and temporary rental assistance.

FINANCIAL ASSISTANCE TERMS AND AVAILABILITY

Ability-to-Pay Calculation

The Intake Surveyor will calculate the ability-to-pay for all applicants following the guidance outlined in the 2017 CDBG Grant Management Manual.

Financial Assistance

Two loans secured by separate notes and deeds of trust will finance all projects. The deeds of trust will be recorded as a lien on the property.

The loans will cover the cost of all construction, including any exceptions. The loan will not include the costs of the home maintenance education program, temporary relocation, demolition, construction-related soft-costs or administrative costs.

CDBG Loans: All loans made to secure the expenditure of CDBG funds shall be a five-year forgivable loan. Payments will be forgiven on a monthly basis. If the house is sold before the end of the loan term or the owner ceases to occupy the property, the balance will be due and payable to the County of James City.

County Loans: Loans to secure funding provided by the County shall have up to fifteen-year terms. Monthly payments will be due up to the household's ability to pay. Total projected housing expenses, including the proposed County rehab loan, shall not exceed 25 percent of the applicant's household income, and total projected debt shall generally not exceed 40 percent of income. Other loan terms include:

- There will be no pre-payment penalty.
- The interest rate shall be zero percent.
- The loan term shall be 15 years for substantially reconstructed homes and 10 years for rehabilitation projects.
- A late fee of 10 percent of the payment, rounded to the nearest dollar, shall be assessed for any loan payment not made by the 15th of the month.

Loan Closing and Servicing

The County Attorney, assisted by the Grant Manager, will prepare all loan documents, conduct closings and record the deeds of trust.

The County may deduct a maximum of \$5 per month from each loan payment as a servicing fee to offset the cost of loan collection.

The County may also retain 10 percent of annual inactive program income to pay for actual administrative costs when the program income is spent.

The County shall issue an Annual Loan Statement to the primary borrower for each loan.

County staff will Collect delinquent loans following the *County Community Development Block Grant Loan Approval and Servicing Guidelines*, up to and including foreclosure and adhere to all applicable State and Federal laws.

Housing maintains a record of loan maturity dates. When a loan reaches maturity, Housing staff will verify that all loan conditions are met and prepare and record a Certificate of Satisfaction. Staff will mail the original note marked paid and a copy of the Certificate of Satisfaction to the primary borrower.

CONTRACTING PROCEDURES

James City County adopted and implemented a Local Business and Employment Plan after required advertisements and notice to listed Contractors. Additional advertisements, listings, and referrals will be undertaken as required.

James City County will encourage Contractors and sub-Contractors to contact those appropriate project area minority- and female-owned firms on the Housing's solicitation list and provide such firms reasonable opportunities to compete for procurement contracts.

Contractor Pre-Qualification

The County will select and qualify Contractors as follows:

- The County Purchasing Office will advertise in Virginia Gazette, or other appropriate media outlets, informing Contractors of the opportunity to pre-qualify for participation in bid opportunities.
- Housing may obtain a list of local Class A, B and C Contractors from the Department of Professional and Organizational Regulations or other sources and send correspondence to inform them of the opportunity to become a pre-qualified Contractor.
- Contractors will complete and submit the pre-qualification form to the County Purchasing Office.
- Purchasing will call references and check other sources (e.g., building inspectors) to verify Contractors' previous performance.

Project Bidding Process

Contractors will be selected for each home through a competitive bidding process.

The Housing Rehabilitation Specialist shall:

- Invite at least three pre-qualified Contractors on the Rehab Board approved list to bid on each project.

- Provide and review bid documents with Contractors.
- Conduct a pre-bid walk-through of the home for the Contractors.
- Receive the bids and attend the bid opening.
- Review the bids and determine the lowest responsive bidder.

Acceptable bids typically should not exceed cost estimates by more than 10 percent. If the lowest acceptable bid exceeds the cost estimate by more than 10%, The Rehab Specialist and the Rehab Manager shall review the bid for cost reasonableness and attempt to negotiate line items with the Contractor. When the Rehab Specialist and Rehab Manager are satisfied that the bid is reasonable under the circumstances, they shall enter an explanatory statement in the file.

Contract Management

Contracts will be managed by the Rehabilitation Specialist as follows:

The Contractor, County and Homeowner, will enter into a written agreement requiring the work to be completed within 60 days from the approved start date.

The Rehabilitation Specialist will issue a Notice to Proceed to the Contractor.

The Contractor may request an initial payment after at least 30 percent of the contracted work is complete. Only line items that are 100% complete may be included in an invoice.

The Contractor may submit additional invoices as work is completed (suggested intervals are 50, 95, and 100 percent complete).

The Housing Rehabilitation Specialist will review all invoices, verify the amount with the original itemized bid, inspect the work, confirm the line items are 100% complete and obtain the homeowners' approval signature on the payment request. The Homeowner, Contractor, Rehab Specialist, Grant Manager and Program Administrator must approve all payment requests.

Final payments are processed in the same manner. However, final payments must include Code Compliance inspection approval tickets, equipment documentation, the *Register Of Contractors, Sub-Contractors And Suppliers*, materialmens' affidavits, lien waivers, and certification by the Homeowner that all work has been satisfactorily completed.

The Contractor will submit all change order requests to the Rehabilitation Specialist with a detailed description of the work to be completed and an itemized cost list. The Rehabilitation Specialist will prepare and sign a Contract Change Order and obtain the signatures of the Homeowner, Contractor, Housing Manager and Program Administrator. The Grant Manager will submit the Contract Change Order to the assigned DHCD Community Development Specialist for final approval. Completed change order items will be paid for when invoiced and verified as complete.

The County encourages early completion by asking the Homeowner to move furniture and personal belongings from the house or rooms where the Contractor will not work. The Rehab

Specialist also asks the Homeowner to ensure the Contractor can access the property during approved work hours. The Rehabilitation Specialist works closely with the Contractor and the Homeowner to ensure compliance with the agreement. Extensions are discouraged by requiring documentation for justified delays. Monetary fines are charged for undocumented delays. The Homeowner, Contractor, and Rehab Specialist, Housing Manager, and Program Administrator must approve any requests for an extension.

During the initial HQS inspection or the pre-bid walk-through, the Rehabilitation Specialist and the Homeowner identify and record on the HQS form all items the Homeowner must remove. The Homeowner is responsible for disposing of these items according to their ability. Assistance to the Homeowner will be provided as needed to ensure compliance with this requirement.

The Contractor may maintain construction debris, waste, and excess material at an approved area on-site but must dispose of it weekly unless the Contractor provides a container (e.g., dumpster, trailer, truck).

No hazardous materials or materials that threaten health or safety may be left on site.

Upon completion of construction, the site must be clear of construction debris and left in broom-clean condition.

The Contractor must correct damage to the yard and property due to delivery or storage of material or construction debris at no additional charge.

HOME MAINTENANCE EDUCATION PROGRAM

The applicant shall agree in writing to attend the Home Maintenance Education. The Rehabilitation and Housing Specialists will conduct the Home Maintenance Education.

The Rehabilitation Specialist will explain the functions and proper use of the heating, plumbing, electrical systems, and the water heater, including a description of common problems and solutions. The Rehabilitation Specialist will also review proper routine, annual, and seasonal cleaning and maintenance of these systems and energy conservation measures.

The Housing Specialist will teach housekeeping, household budgeting and personal financial management, including establishing and using checking and savings accounts, selecting and purchasing insurance coverage, creating and following a household budget, and recognizing and avoiding predatory lenders.

Each training session shall be “hands-on” and take at least four hours, and will include one hour on budgeting

CONFLICT OF INTEREST

The property of any person, or their immediate family, who had decision-making influence in the Program, from the time the application was planned, developed, and submitted to DHCD to the

grant's completion shall be ineligible for assistance of any kind without DHCD's prior written approval, regardless of any prior approval of a Program Design. This includes any elected and appointed officials, employees of James City County, or Rehabilitation Board members, in accordance with Virginia and Federal conflict of interest requirements.

COMPLAINT AND APPEALS PROCEDURES

Complaints and appeals regarding this Program or the Contractor should follow the procedures stated in the Scattered Site Substantial Rehabilitation Community Development Block Grant Program Complaint and Appeals Procedures.

REVISING THE PROGRAM DESIGN

Notwithstanding the provisions of the Program Design, all Federal, State, and Local laws, ordinances, and regulations shall strictly apply to this project. Any portion of this Program Design found to be inconsistent or incompatible with applicable laws, ordinances, or regulations shall be deemed to be severed from the Program Design without effect to the remaining provisions.

Because the Program Design is an official contract document, all revisions must be reviewed and approved by DHCD and amended by formal action by the local governing body.

COMMUNITY DEVELOPMENT BLOCK GRANT #TBD
JAMES CITY COUNTY 2021 SCATTERED SITE HOUSING REHABILITATION
PROGRAM RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION
ASSISTANCE PLAN

The County of James City, Virginia (the “County”) will replace all occupied and vacant-occupiable low/moderate-income dwelling units demolished or converted to a use other than a low/moderate-income dwelling unit as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, the County will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate-income households in the jurisdiction.

The County of James City, Virginia, will provide relocation assistance to each low/moderate-income household displaced by the demolition of housing or by the direct result of assisted activities. Such assistance shall be provided under Section 104 (d) of the Housing and Community Development Act of 1974, as amended, or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The James City County Scattered Site Housing Rehabilitation program includes the following activities:

- Substantial reconstruction of five (5) owner-occupied units.

The planned activities will not cause any permanent displacement from or conversion of occupiable structures.

The program does not call for the acquisition of any tracts of land.

James City County will work with the grant management staff, engineers, program area residents, and the Department of Housing and Community Development to ensure that any changes in program activities do not cause any displacement from or conversion of occupiable structures.

In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less.

Date adopted by the Board of Supervisors: September 28, 2019

I, Teresa J. Fellows, as Deputy Clerk to the James City County Board of Supervisors and Custodian of the Seal, do hereby certify that this is a true copy of the foregoing *James City County Housing Rehabilitation Program Residential Anti-Displacement and Relocation Assistance Plan* that was approved by Resolution of the Board of Supervisors and duly adopted on September 28, 2021.

Teresa J. Fellows

Date

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Community Development Block Grant Local Business and Employment Plan

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Local Business Plan	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Housing & Community Development	Poller, Vaughn	Approved	9/13/2021 - 11:31 AM
Development Management	Holt, Paul	Approved	9/13/2021 - 1:15 PM
Publication Management	Daniel, Martha	Approved	9/13/2021 - 1:40 PM
Legal Review	Kinsman, Adam	Approved	9/13/2021 - 1:40 PM
Board Secretary	Fellows, Teresa	Approved	9/13/2021 - 1:50 PM
Board Secretary	Purse, Jason	Approved	9/21/2021 - 10:49 AM
Board Secretary	Fellows, Teresa	Approved	9/21/2021 - 11:08 AM

MEMORANDUM

DATE: September 28, 2021

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Community Development Block Grant Local Business and Employment Plan

As a recipient of a Community Development Block Grant (CDBG), James City County must adhere to various state and federal laws and regulations in areas such as equal opportunity and labor standards. One such law is Section 3 of the Housing and Community Development Act of 1974, as amended (Section 3). For each new CDBG, Section 3 requires the locality to adopt a written plan, called the Local Business and Employment Plan, that sets forth steps the locality will take to identify and notify minority, female, and locally owned businesses of goods and services the County will purchase with grant funds. The Local Business and Employment Plan also describes procedures the County will follow to notify lower-income James City County residents of training and employment opportunities.

The County has adhered to the Section 3 requirements in its previous CDBG projects, and the requirements are consistent with the affirmative action policies within the County's own purchasing and employment regulations. The attached Community Deployment Block Grant Local Business and Employment Plan is based on the model plan suggested by the Virginia Department of Housing and Community Development that administers the CDBG funds.

Staff recommends approval of the attached resolution to adopt the Community Development Block Grant Local Business and Employment Plan.

PDH/ap
SSlocalbusempln-mem

Attachments:

1. Resolution
2. Local Business Plan

RESOLUTION

COMMUNITY DEVELOPMENT BLOCK GRANT

LOCAL BUSINESS AND EMPLOYMENT PLAN

WHEREAS, the County of James City, Virginia, has been awarded a Community Development Block Grant of \$720,500 for the 2021 Scattered Site Housing Rehabilitation Program; and

WHEREAS, Section 3 of the Housing and Community Development Act of 1974 specifies that low-income project area residents and businesses should be used to the greatest extent reasonable and further requires recipients of Community Development Block Grant funds to adopt and act in accordance with a written Local Business and Employment Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the attached Community Development Block Grant Section 3, Local Business and Employment Plan.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SADLER	_____	_____	_____	_____
ICENHOUR	_____	_____	_____	_____
LARSON	_____	_____	_____	_____
MCGLENNON	_____	_____	_____	_____
HIPPLE	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2021.

SSlocalbusempln-res

JAMES CITY COUNTY

COMMUNITY DEVELOPMENT BLOCK GRANT SECTION 3, LOCAL BUSINESS AND EMPLOYMENT PLAN

1. The Board of Supervisors for the County of James City, Virginia (the “County”) designates as its Section 3 Business and Employment Project Area the boundaries of the County of James City, Virginia.
2. The County, its contractors and suppliers, and designated third parties shall, in utilizing Community Development Block Grant (CDBG) funds, utilize businesses and lower income residents of the County in carrying out grant activities, to the greatest extent feasible. For purposes of Section 3, low-income residents are those with household incomes that do not exceed 80% of the HUD area median income
3. In awarding contracts for construction, non-construction, materials, and supplies the County, its contractors and suppliers, and designated third parties shall take the following steps to utilize businesses located in or owned in substantial part by persons residing in the County:
 - (a) The County shall identify the contracts required to conduct the CDBG activities.
 - (b) The County shall identify potential contractors and suppliers through various and appropriate sources including:
 - The Virginia Gazette, published in Newport News, Virginia
 - The contractors and suppliers within the County known to the County that are likely to provide construction contracts, non-construction contracts, materials, and services which will be utilized in the activities funded through the CDBG.
 - (c) The identified contractors and suppliers shall be included on bid lists used to obtain bids, quotes, or proposals for work or procurement contracts which utilize CDBG funds.
4. The County and its contractors and suppliers shall take the following steps to encourage the hiring of lower income persons residing in the County:
 - (a) The County in consultation with its contractors and suppliers (including design professionals) shall ascertain the types and number of open positions for both trainees and employees that are needed to conduct CDBG activities.

- (b) The County shall encourage its contractors and suppliers to advertise open positions and the availability of such positions with information on how to apply through the following sources:

■ The Virginia Gazette

- (c) The County, its contractors and suppliers shall maintain a record of inquiries and applications by project area residents who respond to advertisements, and shall maintain a record of the status of such inquiries and applications.
- (d) To the greatest extent feasible, the County, its contractors and suppliers shall reasonably hire lower income project area residents in filling open training and employment positions necessary for implementing activities funded by the CDBG.
5. In order to document compliance with the above affirmative actions and Section 3 of the Housing and Community Development Act of 1974, as amended, the County shall keep, and obtain from its contractors and suppliers registers of contractors and suppliers, and registers of assigned employees for activities funded by the CDBG. Such listings shall be completed and shall be verified by site visits and employee interviews, crosschecking of payroll reports and invoices, and through audits if necessary.

Date adopted by the Board of Supervisors: September 28, 2021

I, Teresa J. Fellows, as Deputy Clerk to the James City County Board of Supervisors and Custodian of the Seal, do hereby certify that this is a true copy of the foregoing Section 504 Grievance Procedure for Disability Nondiscrimination that was approved by Resolution of the Board of Supervisors and duly adopted on September 28, 2021.

Teresa J. Fellows

Date

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Scott A. Stevens, County Administrator

SUBJECT: Discussion of Regional Indoor Sports Complex

ATTACHMENTS:

	Description	Type
☐	Letter from City of Williamsburg	Exhibit
☐	Presentation	Presentation

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	9/20/2021 - 11:39 AM



CITY OF WILLIAMSBURG
Office of the City Manager

September 21, 2021

Neil Morgan
York County Administrator
224 Ballard Street
Yorktown, Virginia 23690

Scott Stevens
James City County Administrator
101 Mounts Bay Road, Building D
Williamsburg, Virginia 23185

Mr. Morgan and Mr. Stevens:

This letter serves to formally invite James City County and York County to participate with the City of Williamsburg in the Historic Triangle Recreational Authority. The Authority will be charged with leasing the Colonial Williamsburg Visitor Center property, developing recreational assets, and managing those assets for the benefit of our residents and visitors.

Background:

Since 2014, the concept of a regional field house has been under review by our localities. The Williamsburg Hotel & Motel Association (WHMA) has long advocated for this effort as a collection of lodging owners who feel such a complex would improve overnight stays. Numerous studies have been completed at the direction of WHMA, demonstrating the potential positive impacts of a sports facility. Despite the potential positive impact for the region, the project has never advanced due to the financial requirements of acquiring land, facility construction, and long-term operations. The 2018 passage of SB942 provided the Historic Triangle with an additional half percent of sales tax for regional tourism promotion and a half percent of sales tax for locality use. The City of Williamsburg committed its share of the realized new revenues to an annual grant program to increase tourism products and improve tourism trade inside the City and region. 2019 was the first year of the grant program, and the City received 22 applications, invited 11 of those to proceed with the application, and awarded \$2,239,153 to seven projects. One such project is the WHMA application for the design and construction of a regional sports facility. Through consideration of the WHMA application, the City has committed design/study funding for each of the last two years and the debt service for one-half of the construction costs of the sports facility.

Action Steps:

The City identified a series of steps that would allow the project to be methodically planned and concurrently evaluated for success before committing to construction. The following steps have been completed:

- (1) The Historic Triangle Sports Advisory Committee (HTSAC), comprised of Chief Administrative Officers, appropriate Parks and Recreation staff, tourism staff members, economic development staff, and a representative from WHMA, met to discuss and define the required local programming elements. Such elements included the number and specifications for hard courts, recreation fields, aquatic features, play areas, training elements, therapy spaces, medical service areas, meeting space requirements, and performance venue needs. This step included consultation with the public-school divisions and William & Mary to review and provide input on other strategic needs that should be considered part of a regional facility.
- (2) The City selected a sports tourism consultant and an economist to evaluate the defined local programming schedule for applicability and success in drawing sports tourism events to the facility annually. This initial analysis included direct and indirect revenues, attendance estimates, market competition reviews, and suggested recruitment strategies.
- (3) HTSAC convened to review contending sites inside the City of Williamsburg for the location of the regional sports facility and rank them in order of preference. This step included consulting with local public-school divisions and W&M. Additional action items consisted of revising earlier projections for revenue and competitiveness to include analysis of the sites selected in order of preference and developing

CITY OF WILLIAMSBURG

Office of the City Manager

Page 2 of 5

construction and operational costs for the chosen locations. A final component of this step was creating a partnership agreement outlining the roles of each participating entity and the financial commitments required.

The remaining steps include:

- (4) The locality governing bodies will be invited to participate in the regional Authority. This action step will include approval of the formative documents for the Historic Triangle Recreational Authority
- (5) The Authority will negotiate control of the selected site (as needed) and issue a design/build RFP or respond to PPEA submissions for the facility.
- (6) General Assembly revision of §58.1-603.2 Code of Virginia to redirect maintenance of effort funding to the Historic Triangle Recreational Authority
- (7) Based on the outcome of the RFP or PPEA process, the Authority will seek financial commitment from the local governing bodies in the form of a Memorandum of Agreement (MoA) establishing the financial partnership of all three jurisdictions.

HTSAC:

Programming

The Historic Triangle Sports Advisory Committee met in March of 2020 to review programming needs and discuss the potential sites for a shared regional sports facility. The committee's inclusive membership allowed all interests to be represented. The outcome of this work included the recommendation from the parks and recreation departments that the facility should house no fewer than 12 regulation basketball courts that could be converted for volleyball and other court sports. This program plan would meet the community's needs and provide a space for a successful sports tourism venue. The consultant studies of the project support this recommendation.

Location

The HTSAC reviewed numerous potential locations for the regional sports center. This review led to a complete evaluation of four sites. Ultimately one site was the clear best choice. The group selected the Colonial Williamsburg Visitor Center as the desired location because of its central proximity to all three jurisdictions' commercial areas, ease of access from I-64, and available space for supporting uses to make the center more competitive for sports tourism opportunities.

Recommendation

The HTSAC met on August 19, 2021, to review the work of two consultants hired to evaluate the planning and economics of the proposed facility. The group also discussed the formative documents for the proposed Authority, the financial commitments necessary from the three localities, and the potential structure of a land lease for the property. The committee unanimously recommended the project proceed forward with presentations to the elected bodies of all three localities.

Financial Analysis:

The City contracted with Victus Advisors to update and verify the results of the previous field house study completed by Sports Facility Advisors. Additionally, the City contracted with HVS Convention, Sports & Entertainment Facilities Consulting (HVS) to provide an independent evaluation of the Victus Advisors' assumptions and complete a more robust economic impact assessment. The outcomes of these assessments are positive. The estimated operating deficit expected with such a publicly owned facility has decreased from the 2017 and 2019 analyses of costs completed by SFA. The direct and indirect spending by visitors further offsets losses at the facility to make the project viable.

The annual operating costs remain estimates. The completed studies by Victus Advisors and HVS indicate that the operational model favoring sports tourism with community use will create an annual operating deficit of \$481,700. HVS estimates that the annual tax revenues generated using only local sales and use tax, lodging tax, and the per room night tax will be \$1,362,800. This estimate does not include meals tax revenues.

CITY OF WILLIAMSBURG

Office of the City Manager

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Regional Financial Commitment:

The success of this project is dependent on regional support. The City's commitment to funding for the project is designed to satisfy half of the estimated debt service following the decision to proceed with construction. It is hoped that the Greater Williamsburg Tourism Council will provide the balance of the regional tourism product development fund for capital costs. We will also seek a legislative amendment for the future maintenance of effort funds to be redirected to the Authority to satisfy any remaining capital debt service.

The most significant obstacle to completing the project is the anticipated operating costs. The City acknowledges that the facility is unlikely to profit or satisfy its expenses through directly generated revenues. However, the indirect gains generated in each of our localities will offset our financial commitments toward operating the facility and help to reduce the burdens of accepting the capital costs.

The annual financial contribution shall include: (1) the City paying half of the annual debt service for construction (\$1,200,000 annually) This commitment stands as a yearly pledge to the project operating or debt service costs, and any excess funds will be available for use by the Authority.

The annual financial contribution may include: (2) the Greater Williamsburg Tourism Council paying the balance of the regional tourism product development fund toward yearly debt service for construction, (3) the redirection of maintenance of effort funds to the Authority to satisfy half of the annual debt service payment for capital construction, (4) York County paying half of the annual operating deficit, and (5) James City County paying half of the annual operating deficit.

The locality financial commitment will not be attained until the Authority has initiated the RFP/PPEA process for construction. Financing the project will depend on a binding financial commitment from all involved parties before issuing bonds. The elected bodies will be asked to execute a MoA outlining annual financial responsibilities. The MoA will prescribe, subject to approval by the Greater Williamsburg Tourism Council, County Boards of Supervisors, and the City Council, that the City of Williamsburg and the Greater Williamsburg Tourism Council will annually contribute to the Authority the funds necessary to service the debt for the facility's construction. The MoA further details that the Counties will provide half of the annual operating deficit. The yearly operational deficit consists of four elements. The first is the actual operating costs deficit (if any) for the facility. The second and third are any necessary contributions for operating and capital reserves, and the final component is the lease payment for the property. Given the initial performance analysis prepared by Victus and verified by HVS, we expect this to be \$500,000 in a stabilized year, but that amount shall not exceed \$750,000 per County per year.

Below is an example of the financing formula applied to the initial project: (subject to approvals)

- i. Capital Construction Costs - \$45 million (debt service)
 1. The City of Williamsburg - \$1.2 million annually – committed (excess available to the Authority)
 2. Greater Williamsburg Tourism Council - \$5 million one-time transfer (balance of the regional tourism product development fund)
 3. Historic Triangle Recreational Authority - \$1.2 million annually (Maintenance of Effort funds required by §58.1-603.2 Code of Virginia) *legislative amendment required*
- ii. Operating Costs - \$1,978,900 Annually (based on a stabilization year)
 1. Annual contribution to Operating Reserve - \$200,000
 2. Annual contribution to Capital Reserve - \$118,300
 3. Annual Lease Payment - \$200,000
 4. **Total annual operating costs = \$2,497,200**
- iii. Operating Revenues - \$1,497,200 Annually (based on stabilization year)
 1. Annual JCC Supplement – \$500,000 (capped at \$750,000)
 2. Annual York Supplement - \$500,000 (capped at \$750,000)
 3. **Total annual revenues = \$2,497,200**

CITY OF WILLIAMSBURG

Office of the City Manager

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Maintenance of Effort:

We will need to seek an amendment to §58.1-603.2 of the Code of Virginia to create paragraph D (3), which reads:

This legislation does not intend to reduce the funding dedicated by the subject localities to regional tourism promotion and product development. The subject localities shall annually allocate a total sum of \$1,978,600 (City of Williamsburg Contribution \$800,000, James City County Contribution \$740,000, and York County Contribution \$438,600) which shall be dispersed as follows: (1) \$126,600 to the Greater Williamsburg Tourism Council (2) \$402,000 to the Greater Williamsburg Chamber of Commerce, and (3) \$1,450,000 to the Historic Triangle Recreational Authority.

This action will provide the Authority with the future maintenance of effort funding, less amounts committed to the Tourism Council and the Greater Williamsburg Chamber of Commerce, to be used as a match for the City of Williamsburg's annual debt service payment. Excess funds shall be held by Authority and expended at its sole discretion.

The Authority:

Board of Directors

The Historic Triangle Recreational Authority shall have voting members from the City of Williamsburg, James City County, and York County. The enabling statutes require that the Authority Board of Directors consist of at least five (5) members. Each locality shall appoint two members. It is anticipated that the initial appointees shall be the Chief Administrative Officer and either the Parks and Recreation Director or the Economic Development Director of each locality. Additionally, the Authority may request that Colonial Williamsburg be made a member of the Board of Directors as a substantial stakeholder. Later, members might be added to include William & Mary and the Williamsburg Hotel Motel Association

First Meeting

At the first meeting, anticipated in November of 2021, the Board of Directors shall appoint officers, adopt PPEA guidelines, and engage a financial advisor. Should any PPEA proposals be submitted to the Authority, they may be considered at this first meeting.

Schedule:

The City of Williamsburg publicly announced its intention to pursue this regional effort with the commitment of funds for the WHMA application in 2020. Since that time, there has been substantial private sector interest in the development opportunity. That interest was further defined during the 2020 State of the City Address. It is not unreasonable to expect an unsolicited PPEA proposal within days of the action required to form the Historic Triangle Recreational Authority. The Authority would then proceed with the PPEA process as defined by the State of Virginia, and construction could begin on the site within one year. This schedule allows four months for PPEA acceptance, six months for preliminary design and estimation, and two months for financing.

Request:

I have attached the formative documents for the Historic Triangle Recreational Authority and the Memorandum of Agreement. When approved by the City Council, the James City County Board of Supervisors, and the York County Board of Supervisors, these documents allow the project to proceed to the construction phase. Please let me know when the Board of Supervisors can consider these actions and how you would like the City to participate in the process?

CITY OF WILLIAMSBURG

Office of the City Manager

Page 5 of 5

The City remains confident that this project will serve as yet another primary attraction for the region. We look forward to this exciting partnership with our strategic partners.

I look forward to your response.

Sincerely,



Andrew O. Trivette
City Manager
City of Williamsburg

AOT/ms

CC: W&M President, Katherine Rowe; Colonial Williamsburg President, Cliff Fleet; WHMA Executive Director, Ron Kirkland



JAMES CITY COUNTY PRESENTATION:
WILLIAMSBURG SPORTS TOURISM FACILITY STUDY

SEPTEMBER 28, 2021





STUDY GOALS

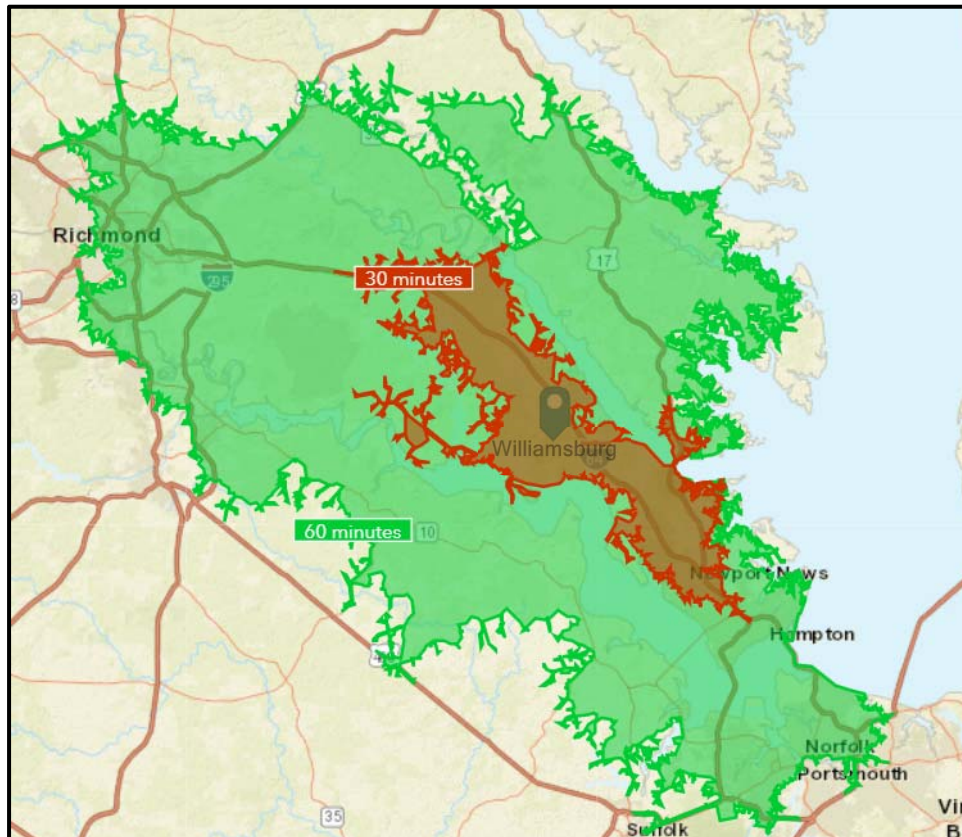


Victus Advisors was engaged by the City of Williamsburg in October 2020 as a sports tourism facility consultant, with key tasks including:

- **Updated Sports Facility Market Study** - Review, evaluate, and update the existing sports tourism market studies pertaining to a new regional indoor sports center in the City.
- **Facility Recommendations** - Develop facility recommendations to maximize sports tourism usage.
- **Regional Programming Plan** - Evaluate the applicability of a regional programming plan.
- **Sports Marketing Recommendations** - Provide a detailed summary of recruitment strategies to successfully attract sports tourism events to the facility annually.
- **Economic Impact Analysis** - Collaborate with a selected economist to update a previously completed economic impact analysis.

This presentation focuses on the Updated Sports Facility Market Study and Facility Recommendations.

WEEKDAY SPORTS USAGE DRIVE-TIME ZONES



Source: Esri

Primary weekday attendance for sports centers (typically in the late afternoons and evenings) is usually drawn from within a 30-minute drive radius. Additional secondary weekday demand could be drawn from up to 60-minutes.

There is a population of over 283,000 people within a 30-minute drive time of Williamsburg and over 1.5 million people within a 60-minute drive time of the City.

Note: regional, multi-day, weekend tournament attendance will typically be drawn from a much wider drive radius, as noted later in this presentation.



REPRESENTATIVE SAMPLE OF LOCAL/REGIONAL USER GROUPS



User Group	Sport	LIKELIHOOD OF HOSTING EVENTS			
		Definitely Use	Likely Use	Possibly Use	Would Not Use
Big Time Hoops	Basketball	✓	-	-	-
Bruton High School	Multiple	-	-	✓	-
Jamestown High School	Multiple	-	-	✓	-
Old Dominion Volleyball Academy	Volleyball	-	-	✓	-
Select Events	Basketball	✓	-	-	-
USBA	Basketball	✓	-	-	-
Virginia High School League	Multiple	-	-	✓	-
Virginia Venom	Basketball	✓	-	-	-
Virginia Wrestling Association	Wrestling	-	✓	-	-
Warhill High School	Multiple	-	✓	-	-
Williamsburg Volleyball Club	Volleyball	✓	-	-	-
Zero Gravity	Basketball	✓	-	-	-
TOTAL		6	2	4	0

Sources: Victus research. Notes: Sorted by User Group in alphabetical order

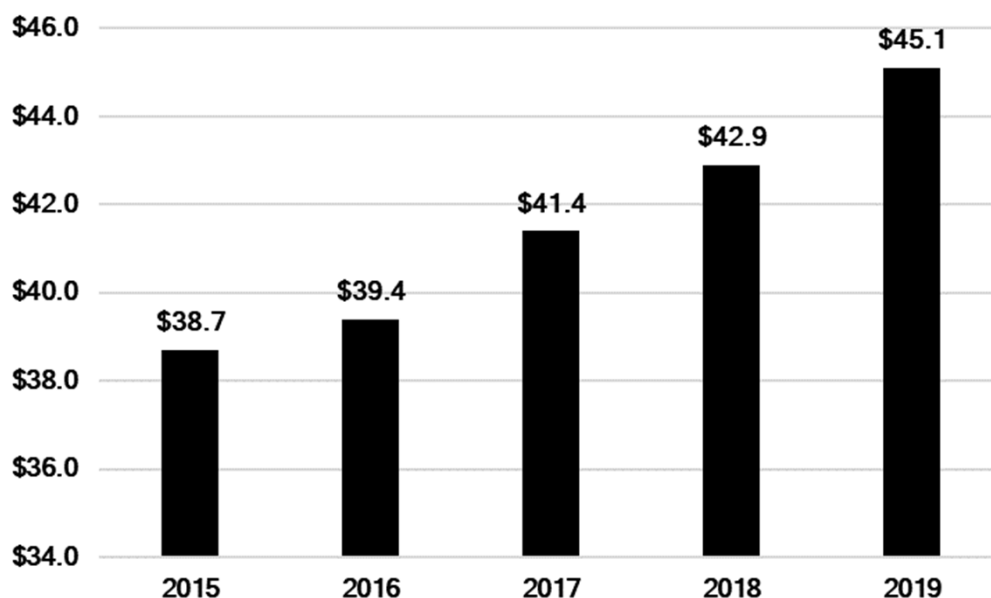
The interview sample was asked how interested they would be in hosting events at a new indoor sports center in Williamsburg. Interviewees could respond that they would definitely use, possibly use, likely use, or would not use a new indoor sports center in Williamsburg.

Note: potential usage included both tournament activity (on up to 12 basketball or at least 16 volleyball courts) and weekday rentals for local basketball and volleyball club practices (at least 2-3 courts rented on most weeknights).

WHAT IS THE SPORTS TOURISM MARKET?

- “Sports Tourism” is regional or national travel to observe or participate in a sporting event.
- The typical sports tourism traveler is a family traveling via car within a 3-to-6 hour drive range for youth/amateur sports tournaments.
- Visitor spending via sports tourism is typically captured via room nights/hotel spending, restaurants, retail, and local entertainment and cultural attractions.
- In 2019, US sports tourism exceeded \$45.1 billion in annual spending by sports travelers, event organizers, and venues as shown below:

Annual Sports Tourism Spending in the U.S. (Billions)



Sports-related travel volume & spending reached \$45.1 billion in 2019, a 5% increase from 2018 and 17% increase since 2015.

Source: Sports Events & Tourism Association

INDOOR SPORTS MARKET OPPORTUNITIES

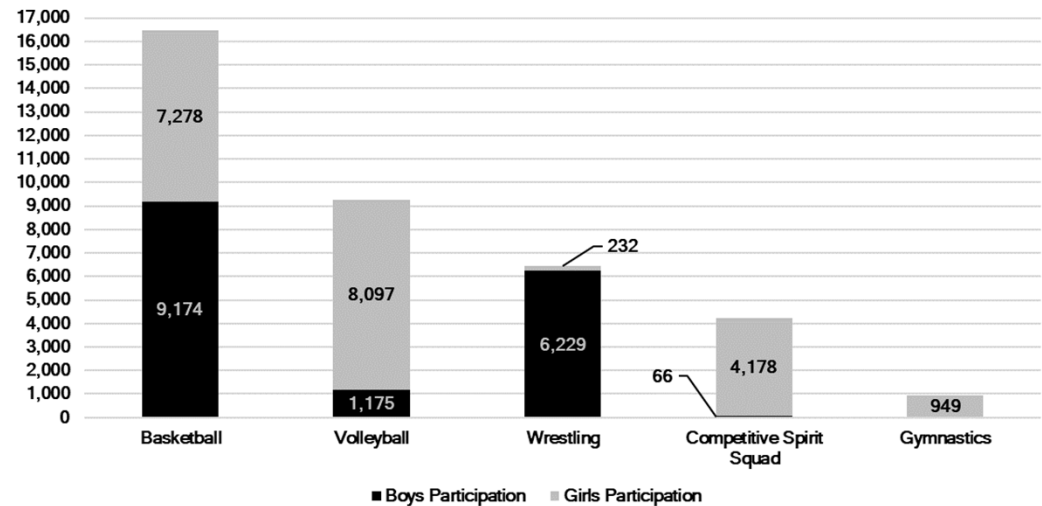
NATIONAL YOUTH SPORTS PARTICIPATION

	Sport	Participants (millions)
1	Basketball	23.4
2	Baseball	13.7
3	Soccer (Outdoor)	12.6
4	Football (Tackle & Flag)	12.0
5	Softball (Slow & Fast Pitch)	9.6
6	Volleyball (Court)	6.4
7	Gymnastics	4.7
8	Track and Field	4.2
9	Cheerleading	3.6
10	Pickleball	2.8

Note: Gray shading identifies indoor sports that could potentially utilize a new regional indoor sports complex in Williamsburg.

Source: Sports & Fitness Industry Association, Sports Marketing Surveys USA

VIRGINIA HIGH SCHOOL INDOOR SPORTS PARTICIPATION



WHAT DRIVES SPORTS TOURISM TO A MARKET?

KEY SPORTS TOURISM SITE SELECTION FACTORS

According to SportsETA*, tournament organizers focus on four (4) key factors when making their site selections:

- #1 ... Quality of Sports Venues
- #2 ... Proximity and Access
- #3 ... Hotels and Amenities
- #4 ... Reputation and Brand



** Sports Events & Tourism Association*

HOW IS WILLIAMSBURG CURRENTLY POSITIONED TO ATTRACT INDOOR SPORTS TOURISM EVENTS?

1. INDOOR SPORTS TOURISM VENUES



Visit Williamsburg currently markets only to outdoor sports events (in particular baseball, softball, soccer, lacrosse, running, and cycling) since the Williamsburg area currently lacks an indoor sports tourism-caliber venue such as recommended in this study. The proposed facility, with 12 basketball courts convertible up to 24 volleyball courts, would allow Williamsburg to tap into an entirely new sports tourism market sector, which is detailed further in this section.

2. PROXIMITY & ACCESS



There is a population of over 5.5 million people within a 2.5-hour drive time of Williamsburg and over 25.6 million people within a 5-hour drive time of Williamsburg to potentially draw from for sports tourism events. Large markets within tournament drive range include Washington, Baltimore, Philadelphia, Charlotte, and Raleigh-Durham, among others.

3. LODGING & FAMILY TOURISM ATTRACTIONS



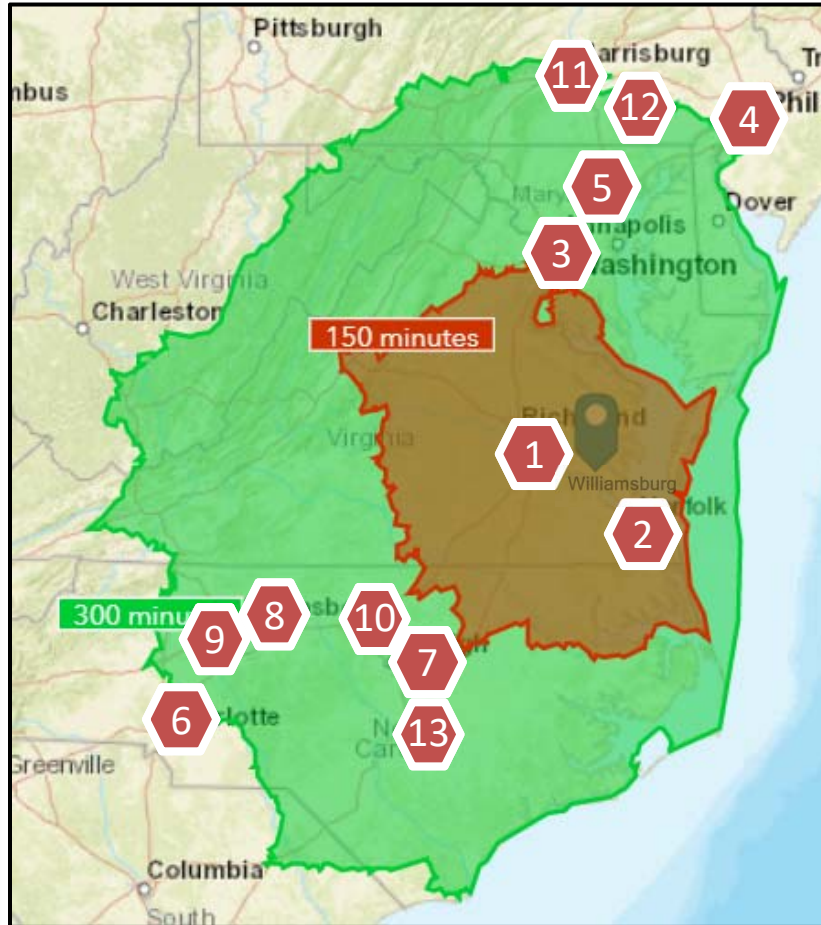
There are over 70 family-friendly lodging options within a 10-minute drive of the proposed project site, as well as hundreds of dining and retail options, including the Williamsburg Premium Outlets. Furthermore, Colonial Williamsburg is located conveniently adjacent to the site, as well as numerous other family attractions such as amusement parks, historical sites, etc.

4. REPUTATION



Williamsburg has a national reputation as a family-friendly travel destination that provides entertainment options such as historical sites, museums, amusement parks and thrill attractions, restaurants and breweries, outlet shopping, spas and golf, biking, hiking, and other outdoor activities.

REGIONAL TOURNAMENT DRIVE-TIME ZONES



Source: Esri

*Metropolitan Statistical Area

MSAs* with 500k+ Population Within a 2.5-hour Drive

- 1 Virginia Beach, VA MSA
1,802,762
- 2 Richmond, VA MSA
1,310,587

MSAs with 500k+ Population Within a 5-hour Drive

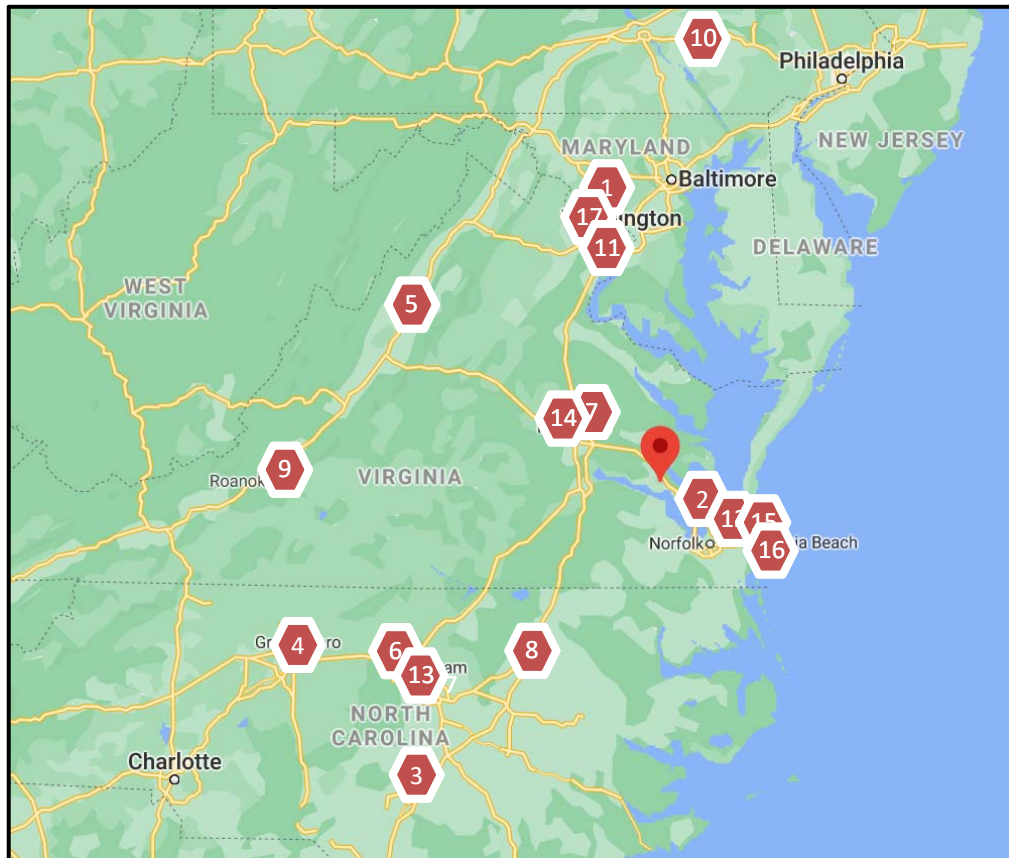
- 3 Washington DC MSA
6,298,330
- 4 Philadelphia, PA MSA
6,191,755
- 5 Baltimore, MD MSA
2,840,181
- 6 Charlotte, NC MSA
2,685,444
- 7 Raleigh, NC MSA
1,417,213
- 8 Greensboro, NC MSA
777,265
- 9 Winston-Salem, NC MSA
692,388

MSAs with 500k+ Population Within a 5-hour Drive (Cont.)

- 10 Durham-Chapel Hill, NC MSA
655,703
- 11 Harrisburg, PA MSA
583,441
- 12 Lancaster, PA MSA
552,587
- 13 Fayetteville, NC MSA
526,661

There is a population of over 5.5 million people within a 2.5-hour drive time of Williamsburg and over 25.6 million people within a 5-hour drive time of Williamsburg, to potentially draw from for sports tourism events.

REGIONAL SPORTS FACILITY MAP



FACILITIES

- | | |
|-------------------------------------|---|
| 1 Adventist HealthCare Fieldhouse | 10 Spooky Nook |
| 2 Boo Williams Sportsplex | 11 The St. James Sports, Wellness & Entertainment Complex |
| 3 Freedom Courts Sportsplex | 12 Tidewater Volleyball Association |
| 4 Greensboro Sportsplex | 13 Triangle Volleyball Club |
| 5 Horizons Edge Sports Campus | 14 U-Turn Sports Performance Academy |
| 6 North Carolina Volleyball Academy | 15 Virginia Beach Field House |
| 7 Richmond Volleyball Club (North) | 16 Virginia Beach Sports Center |
| 8 Rocky Mount Event Center | 17 Virginia Volleyball Center |
| 9 Spectrum Sports Academy | |

The map on the left shows the primary regional indoor sports and recreation facilities identified by both Victus Advisors and previous studies. All of these facilities are located within a 5-hour drive of Williamsburg.

Note: The map also shows the cluster of regional facilities in the Hampton and Virginia Beach area, however none of these facilities is located within 28 miles of Williamsburg.

Source: Google Maps Note: Facilities in alphabetical order



INDOOR SPORTS CENTER RECOMMENDATION



Based on the results of our market research, sports tourism analysis, and industry experience, Victus Advisors recommends the following key components for a new indoor sports center in Williamsburg:

- Victus recommends 12 basketball courts (convertible up to 24 volleyball courts).
- The facility (estimated at least 150,000 sq. ft.) should also have portable bleachers that normally will be spread out throughout the facility, but in a grouping of 800-1,000 seats could be configured for a “championship court”, wrestling meet, or other large events.
- **Hybrid Operating Model - Regional Programming & Sports Tourism:**
 - **Local Use (Weekdays):** An eight (8) basketball court facility would meet Williamsburg’s Parks & Recreation’s current weekday program demand. However, a facility with up to 12 basketball courts would also allow for additional weekday court rentals by local basketball and volleyball groups.
 - **Sports Tourism Use (Weekends):** Victus understands that the City desires to build a facility that will attract significant sports tourism activity, thus 12 basketball courts (convertible to 24 volleyball) is recommended for hosting the vast majority of the largest regional multi-day indoor tournaments. More than 12 courts is not recommended, as the additional cost would not produce significant incremental impacts.

POTENTIAL CONSTRUCTION COSTS

The chart below shows a sample of comparable indoor sports tourism venues identified by Victus Advisors with between 100,000 and 200,000 square feet that focus on multi-court sports tournament activity:

Facility (Location)	Year Open	Total Building Square Feet	Original Construction Cost	Estimated 2020 Construction Cost	Cost per SF in 2020 Dollars
Virginia Beach Field House (Virginia Beach, VA)	2010	175,000	\$15,000,000	\$22,096,000	\$126
Boo Williams Sportsplex (Hampton, VA)	2008	135,000	\$13,500,000	\$17,499,000	\$130
Myrtle Beach Sports Center (Myrtle Beach, SC)	2015	100,000	\$12,400,000	\$15,477,000	\$155
Upward Star Center (Spartanburg, SC)	2014	120,000	\$19,000,000	\$24,792,683	\$207
Cedar Point Sports Center (Sandusky, OH)	2020	145,000	\$32,000,000	\$32,000,000	\$221
LakePoint Champions Center (Emerson, GA)	2016	170,500	\$36,000,000	\$42,843,276	\$251
Average Cost per Square Foot:					\$182
Median Cost per Square Foot:					\$181

These comparable venues range from approximately \$15 million to \$43 million in Q4 2020 construction dollars. Based on an average cost of \$182 per square foot, a new 150,000 square foot sports center could be preliminarily estimated to cost at least \$27.2 million to build in 2020 dollars.*

09.28.21 NOTE - Since this report was completed, construction costs have increased nationwide by about 1.3% as of June 2021 according to Turner Construction.

**Note: This is a preliminary estimate only. As a next step, detailed cost estimates for specific design options should be developed by project architects and engineers.*

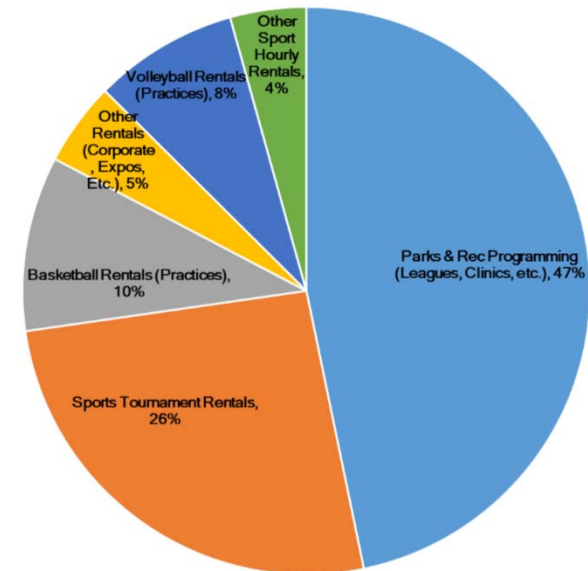
ESTIMATED ANNUAL UTILIZATION

It is conservatively estimated that the potential regional indoor sports complex in Williamsburg could host approximately **38 annual sports and non-sports events**, primarily on the weekends.

While weekend tournaments and events would draw athletes, spectators, and participants from outside of the Williamsburg Market Area (Friday through Sunday), it should be noted that local use (parks & recreation programming, practices, etc.) would primarily be Williamsburg Market Area residents (typically Monday through Thursday).

Event	Facility Hours
Parks & Rec Programming (Leagues, Clinics, etc.)	10,800
Sports Tournament Rentals	6,000
Basketball Rentals (Practices)	2,300
Volleyball Rentals (Practices)	1,900
Other Rentals (Corporate, Expos, Etc.)	1,100
Other Sport Hourly Rentals	1,000
TOTAL	23,100

Note: Sorted by Facility Hours in descending order

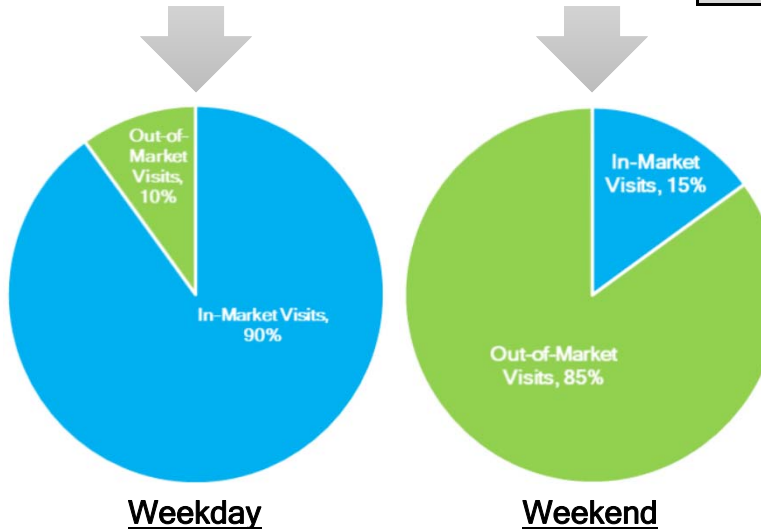


ESTIMATED OUT-OF-MARKET VISITATION

It is estimated that out-of-market visitors could account for more than 42% of annual attendance at the new regional indoor sports complex in Williamsburg. The majority of out-of-market visitation would be driven by weekend events (sports tournaments and other non-sports events).

It is assumed that weekday usage would primarily be local programming, including Parks & Recreation programming and youth basketball/volleyball practices. Whereas weekend use would primarily be dedicated to youth/amateur sports tournaments.

	<u>Weekday</u>	<u>Weekend</u>	<u>TOTAL</u>
In-Market Visits	287,100	35,700	322,800
Out-of-Market Visits	31,900	202,300	234,200
TOTAL VISITORS	319,000	238,000	557,000



**Notes: (1) "Out-of-market" refers to visitors from outside the Williamsburg Market (defined as the City of Williamsburg, James City County and York County in section 1 of this report). (2) Visitors include estimated athletes, officials, coaches, parents/family, spectators, etc. Visitors also represent unique daily visits. For example, if an athlete participated in practices on a Tuesday and a Thursday one week, that would count as two (2) unique visits that week.*

FINANCIAL PRO FORMA

In a stabilized year of operations, it is estimated by Victus Advisors that the operations of the new regional indoor sports complex in Williamsburg could operate at an approximately \$481,700 annual operating loss (prior to depreciation, amortization, or debt service), which represents annual operating cost recovery of approximately 76%.

Please note: this pro forma assumes public management, and therefore does not include a management fee.

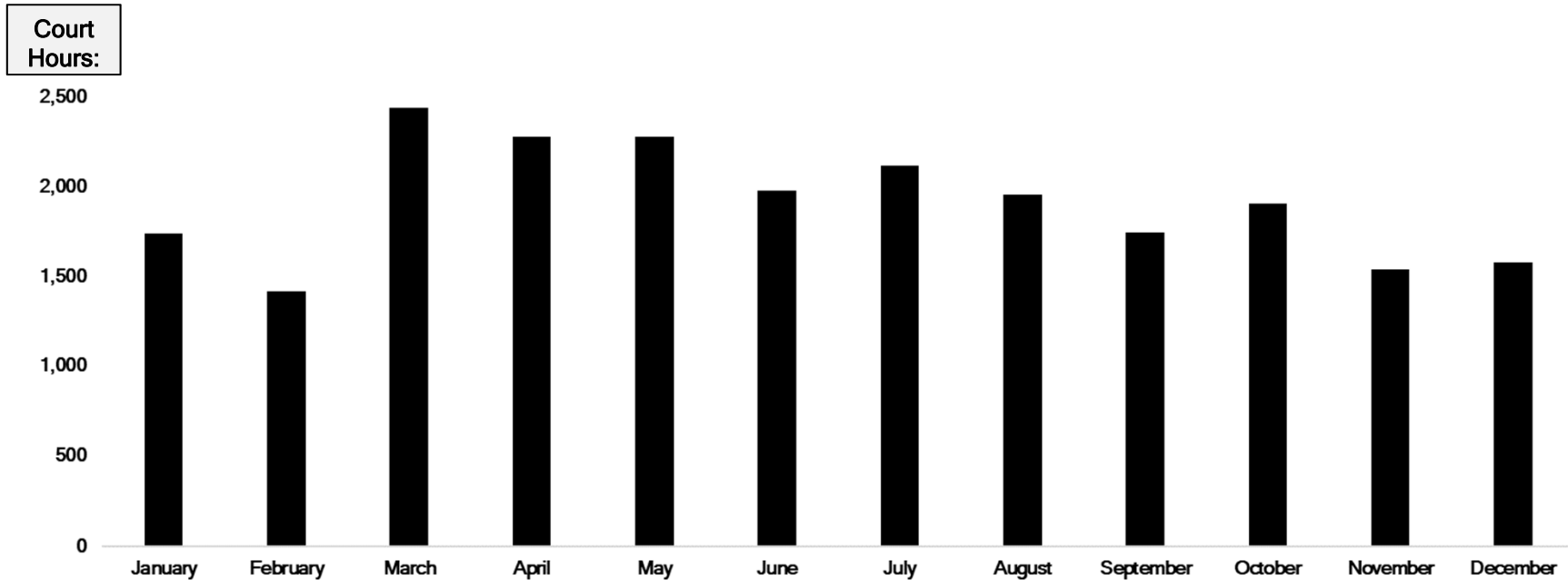
	Stabilized Year
Operating Revenues:	
Rental Income (Tournaments, Other Events, etc.)	\$764,000
Programming (Leagues, Camps, Clinics, etc.)	\$307,200
Concessions & Merchandise (Net)	\$346,000
Advertising & Sponsorship	\$60,000
Other	\$20,000
Total Revenues:	\$1,497,200
Operating Expenses:	
Salaries, Wages, & Benefits	\$951,000
Program Expenses	\$122,900
Utilities	\$200,000
Advertising, Marketing & Business Development	\$150,000
Maintenance/Repair	\$150,000
Materials/Supplies	\$105,000
General, Administrative & Other Operating Expenses	\$300,000
Total Expenses:	\$1,978,900
NET INCOME FROM OPERATIONS	(\$481,700)
ESTIMATED OPERATING COST RECOVERY:	76%

Notes:

(1) Presented in 2020 dollars. Stabilized year of operations typically occurs by Year 3.

(2) Net Income From Operations does not include depreciation, amortization, or debt service

ESTIMATED ANNUAL FACILITY USAGE BY MONTH



Victus Advisors estimates that usage at the new regional indoor sports complex would be fairly consistent year-round, with peaks March through May when the facility would potentially host the most weekend events. It is assumed that the levels of Williamsburg Parks & Recreation programming would be fairly consistent throughout the year.

CONTACT INFORMATION



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Phone: (435) 776-5728

Email: info@victusadvisors.com

Website: www.victusadvisors.com

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Jason Purse, Assistant County Administrator & Liz Parman, Assistant County Attorney

SUBJECT: 2021 Redistricting

ATTACHMENTS:

	Description	Type
▣	Memorandum	Cover Memo
▣	Attachment 1. Census Blocks	Exhibit
▣	Attachment 2. Option 1	Exhibit
▣	Attachment 3. Option 2	Exhibit
▣	Endorsement Resolution	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Fellows, Teresa	Approved	9/21/2021 - 11:18 AM

MEMORANDUM

DATE: September 28, 2021

TO: The Board of Supervisors

FROM: Jason Purse, Assistant County Administrator
Elizabeth Parman, Assistant County Attorney

SUBJECT: 2021 Redistricting

A. 2020 CENSUS DATA

The County increased in population from 67,009 in 2010 to 78,254 in 2020, an increase of 17%. In comparison, Virginia grew by 8% and Hampton Roads grew by 5% between 2010 and 2020. James City County is the eighth fastest growing locality in Virginia. 2020 Census data reflect an overall increase in population across all districts; however, the percent increase was not even across districts. Stonehouse is now the largest district with a total population of 17,770, a 35% increase in population from 2010. Roberts is the smallest district with a total population of 14,414, a 5% increase in population from 2010. The Berkeley and Jamestown districts each grew by 18%, on pace with the County as a whole, while the Powhatan district grew by 9%.

Table 1. 2010, 2020 James City County Population by District

<i>District</i>	<i>2010 Population</i>	<i>2020 Population</i>	<i>Increase</i>	<i>Percent Increase</i>
Berkeley	13,285	15,666	2,381	18%
Jamestown	13,536	15,943	2,407	18%
Powhatan	13,302	14,461	1,159	9%
Roberts	13,739	14,414	675	5%
Stonehouse	13,147	17,770	4,623	35%
Total	67,009	78,254	11,245	17%

*United States Census Bureau, Population, Census, April 1, 2010, 2020.

B. DISTRICT REQUIREMENTS

Virginia Code § 24.2-300 et seq. sets forth the redistricting requirements for localities in Virginia. Localities are required to redistrict every 10 years following release of the decennial Census population data. In a typical redistricting year, the General Assembly would adopt its new districts by June and the County would adopt its new local district maps by the end of the year. The release of 2020 Census data was delayed to August 2021 which shortened the timeline to complete the redistricting process by the end of the year.

Virginia Code requires that local electoral districts be contiguous and compact, have near equal resident population, and have clearly defined and observable boundaries.

The County may not enact changes to the district maps in the 60 days prior to an election thus the 2021 redistricting process will not affect the 2021 November general election.

C. UPDATING DISTRICT MAPS

Because of the uneven increase in population across the County, current electoral districts do not have near equal representation among the five districts. The largest district is 23% larger than the smallest district.

The ideal district size based on the 2020 Census data is 15,650 with an acceptable range of roughly between 15,200 and 16,030. Deviations in the district size should be less than 5%.

The goal in updating the district map is to achieve statutory requirements while moving the fewest number of people between districts.

The Census Block map shows the current five electoral districts in the County along with lines delineating the 913 Census blocks. County Geographic Information System (GIS) staff view updated population totals when moving Census blocks across districts.

Option 1 shows a potential district map that meets Virginia Code requirements and moves 3,403 persons across districts - roughly 4% of the total population. Districts are within 750 people of each other. In this map, an area with 1,723 people north of Route 60 and southwest of Highway 30 moves from Stonehouse to Powhatan. This area includes Skillman Estates, The Retreat, Meadow Lake, and Racefield. A second area with 218 people east of Little Creek Dam Road, Little Creek, and Yarmouth Creek moves from Stonehouse to Powhatan. A third area with 501 people north of John Tyler Highway and Brick Bat Road and south of Bush Neck Road and Jolly Pond Road moves from Powhatan to Berkeley. A fourth area with 961 people east of Jamestown Road and including Jamestown Island moves from Berkeley to Roberts. This area includes Powhatan Shores, Landfall at Jamestown, Raleigh Square, and the Cottages at Stone Haven.

Option 2 shows a second potential district map that also meets Virginia Code requirements but moves 9,305 people across districts - roughly 12% of the total population. Districts are within 455 people of each other. In this map, an area with 1,723 people north of Route 60 and southwest of Highway 30 moves from Stonehouse to Powhatan. This area includes Skillman Estates, The Retreat, Meadow Lake, and Racefield. A second area with 218 people east of Little Creek Dam Road, Little Creek, and Yarmouth Creek moves from Stonehouse to Powhatan. A third area with 2,428 people north of Longhill Road and Olde Towne Road and southwest of Highway 199 moves from Powhatan to Jamestown. A fourth area with 367 people south of Olde Town Road, north of the City of Williamsburg, and east of Chisel Run moves from Jamestown to Powhatan. A fifth area with 1,393 people east of Centerville Road and north of Route 5 moves from Berkeley to Powhatan. This area includes Braemar Creek, Greensprings Plantation, and Patriot's Colony. A sixth area with 2,215 people east of Ironbound Road, northwest of Route 5, and southwest of Highway 199 moves from Jamestown to Berkeley. This area includes Baron Woods, Brandon Woods, Graylin Woods, The Foxes, White Oakes, Indigo Park, The Meadows, and Mill Creek Landing. A seventh area with 961 people east of Jamestown Road and including Jamestown Island moves from Berkeley to Roberts. This area includes Powhatan Shores, Landfall at Jamestown, Raleigh Square, and the Cottages at Stone Haven.

D. NEXT STEPS

1. Select District-Level Map

Staff recommends that the Board reach consensus tonight on a district-level map. This first step will allow work to begin on the remaining steps in the redistricting process.

2. Set Precincts

Virginia Code requires that each precinct be wholly contained within a single congressional district, Senate district, House of Delegates district, and local election district. Put another way, the County may have split districts but no split precincts. Changes to the congressional district map and the General Assembly district map will require the County to adjust its precincts.

3. *Submit to Attorney General*

The new Rights of Voters Act requires the County to submit its proposed district map to the Attorney General's Office for certification or follow an extended notice and public comment period. Receiving certification from the Attorney General is likely the quicker of the two procedures. Once precincts are set the County will submit its proposed map to the Attorney General. A certification of no objection is deemed to have been issued if the Attorney General does not object within 60 days of the County's submission.

4. *Adopt New Map and Ordinance*

Following certification from the Attorney General, the Board will post notice of its new proposed district and precinct map and Ordinance for adoption. Ideally the Board would adopt its new map and Ordinance by the end of the year. However, because Virginia may not have new congressional-level and General Assembly-level district maps before December, the County may have to delay adoption of a new map and Ordinance until after the first of year.

JP/EP/md
2021Redistrict-mem

Attachment

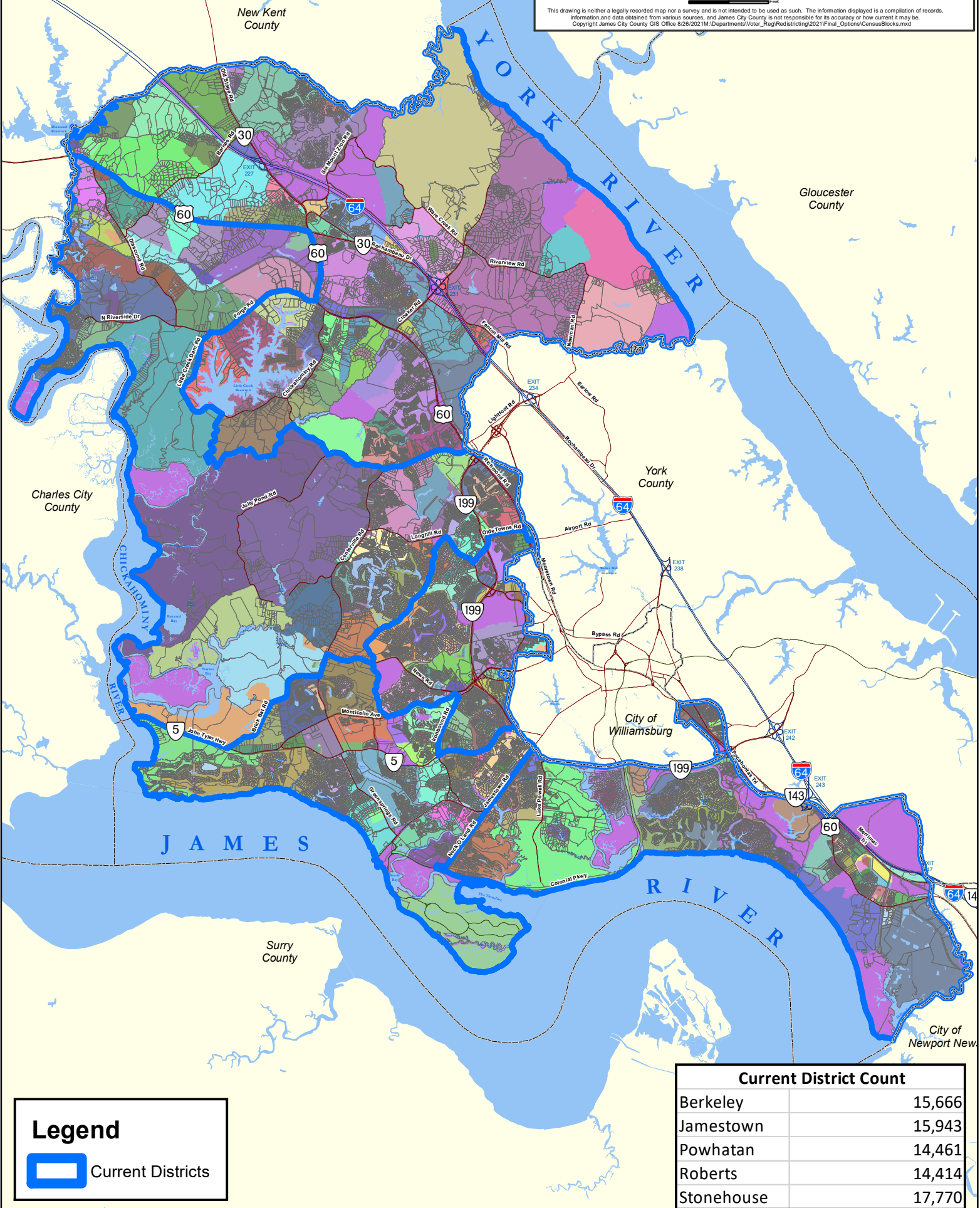
Census Blocks
Disrcits and Precincts must follow Census Blocks

James City County Redistricting 2021



1 inch = 12,440 feet
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Legend



Current Districts

Current District Count

Berkeley	15,666
Jamestown	15,943
Powhatan	14,461
Roberts	14,414
Stonehouse	17,770

Option 1
All Districts are in the 5% range
Count of population changing district - 3,403



James City County Redistricting 2021



1 inch = 12,440 feet
 0 4,100 8,200 Feet

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District	Population Count	Registered Voters
Berkeley	15,206	12,229
Jamestown	15,943	12,551
Powhatan	15,901	12,643
Roberts	15,375	11,595
Stonehouse	15,829	12,819
Goal	15,200 - 16,030	

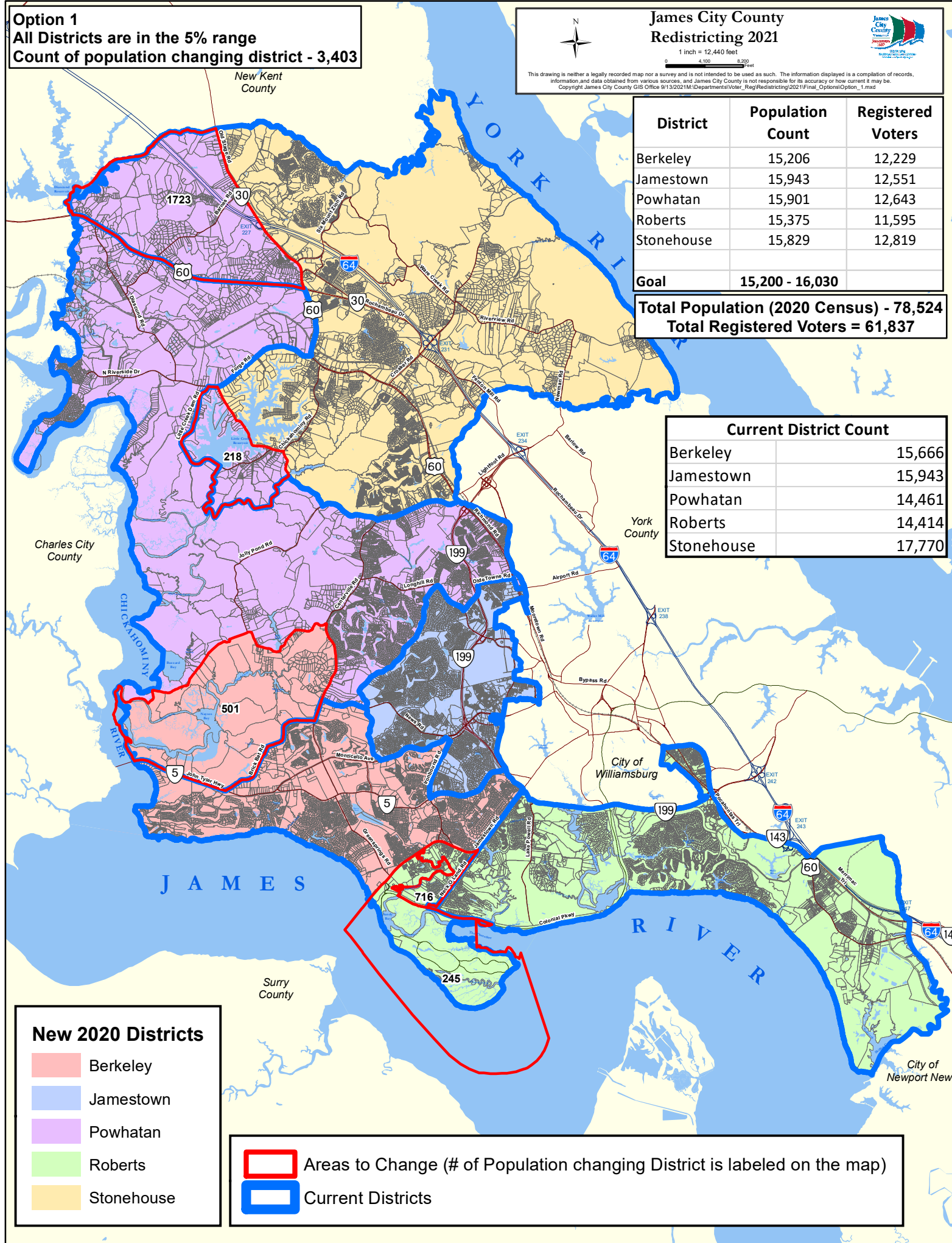
Total Population (2020 Census) - 78,524
Total Registered Voters = 61,837

Current District Count	
Berkeley	15,666
Jamestown	15,943
Powhatan	14,461
Roberts	14,414
Stonehouse	17,770

New 2020 Districts

- Berkeley
- Jamestown
- Powhatan
- Roberts
- Stonehouse

- Areas to Change (# of Population changing District is labeled on the map)
- Current Districts



Option 2
All Districts are in the 5% range
Count of population changing district - 9,305

James City County Redistricting 2021



1 inch = 12,440 feet

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District	Population Count	Registered Voters
Berkeley	15,527	12,503
Jamestown	15,789	12,360
Powhatan	15,734	12,560
Roberts	15,375	11,595
Stonehouse	15,829	12,819
Goal	15,200 - 16,030	

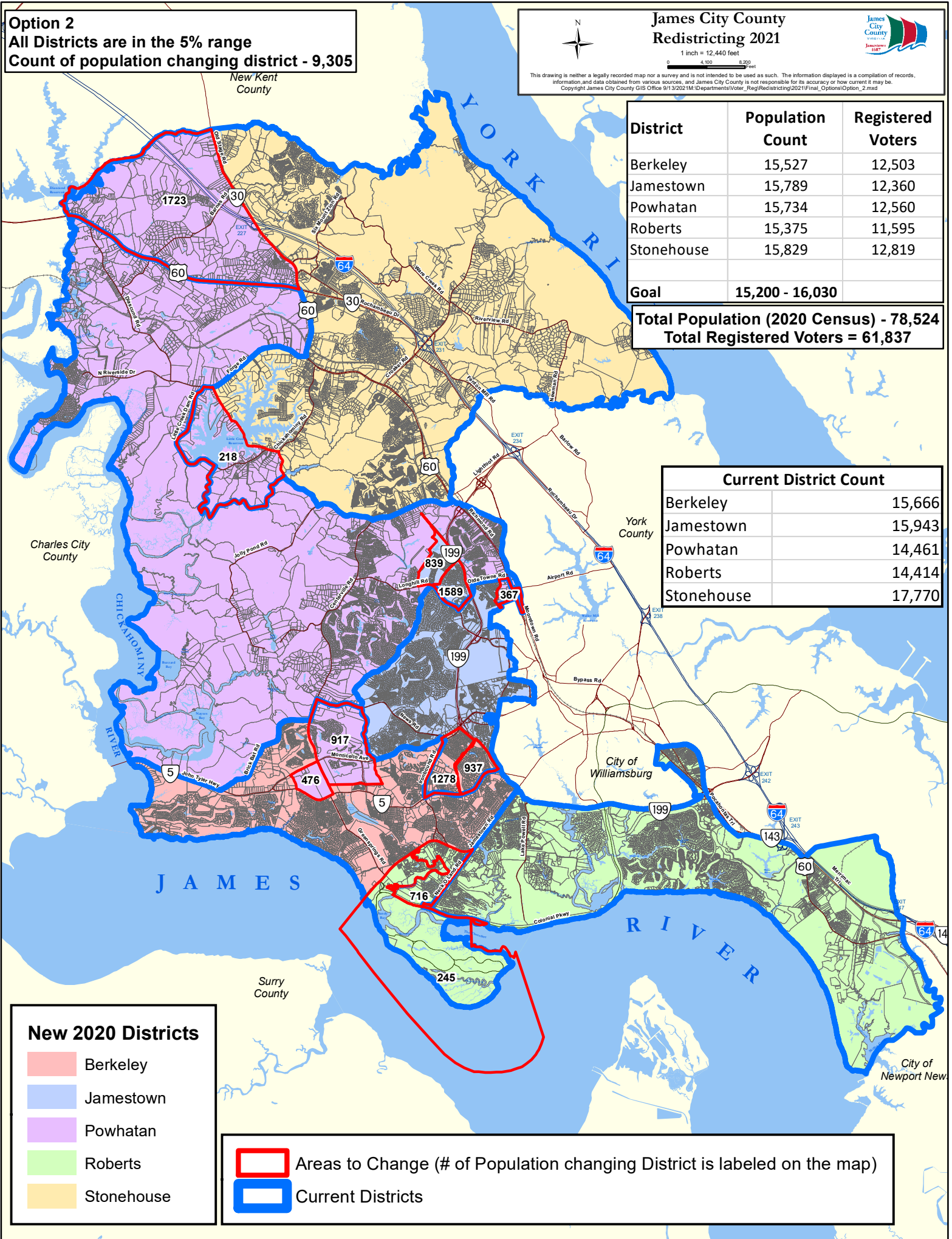
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Current District Count		
Berkeley		15,666
Jamestown		15,943
Powhatan		14,461
Roberts		14,414
Stonehouse		17,770

New 2020 Districts

- Berkeley
- Jamestown
- Powhatan
- Roberts
- Stonehouse

- Areas to Change (# of Population changing District is labeled on the map)
- Current Districts



RESOLUTION

ENDORSE DISTRICT LEVEL MAP

WHEREAS, Code of Virginia § 24.2-304.1 et seq. requires the County, upon release of decennial population figures from the U.S. Census, to reapportion the representation among its districts to give, as nearly as is practicable, representation on the basis of population; and

WHEREAS, the County increased in population from 67,009 in 2010 to 78,254 in 2020, an increase of 17%; and

WHEREAS, the increase in County population was not even across districts and the largest district is now 23% larger than the smallest district; and

WHEREAS, the new Rights of Voters Act, Code of Virginia § 24.2-125 et seq., requires the County to submit its proposed district map to the Attorney General's Office for certification or follow an extended notice and public comment period; and

WHEREAS, the Virginia General Assembly has yet to adopt new district maps which will affect the location of County precincts; and

WHEREAS, the Board of Supervisors is of the opinion that it should endorse a district level map so that materials can be prepared to send to the Virginia Attorney General for certification prior to the adoption of a new district map and Ordinance; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does endorse the attached map, Attachment No. 2, Option No. 1 so that staff may prepare materials to send to the Virginia Attorney General for certification prior to adoption by the Board.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Fellows
Deputy Clerk to the Board

SADLER
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LARSON
MCGLENNON
HIPPLE

VOTES

AYE NAY ABSTAIN ABSENT

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Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2021.

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Ellen Cook, Principal Planner and Tammy Mayer Rosario, Assistant Director of Community Development

SUBJECT: Consideration of the James City County Comprehensive Plan, Our County, Our Shared Future: James City County 2045 Comprehensive Plan

ATTACHMENTS:

	Description	Type
☐	Cover Memo	Cover Memo
☐	Attachment 1. Resolution	Resolution
☐	Attachment 3. Draft Minutes of the June 3, 2021 Planning Commission Working Group Meeting	Backup Material
☐	Attachment 4. Adopted Minutes of the June 24, 2021 Planning Commission Meeting	Backup Material
☐	Attachment 5. Land Use Applications Summary Sheet	Backup Material
☐	Presentation	Presentation

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	9/10/2021 - 2:42 PM
Development Management	Holt, Paul	Approved	9/10/2021 - 2:42 PM
Publication Management	Pobiak, Amanda	Approved	9/10/2021 - 2:57 PM
Legal Review	Kinsman, Adam	Approved	9/10/2021 - 3:25 PM
Board Secretary	Fellows, Teresa	Approved	9/13/2021 - 1:51 PM
Board Secretary	Purse, Jason	Approved	9/21/2021 - 10:51 AM
Board Secretary	Fellows, Teresa	Approved	9/21/2021 - 11:12 AM

MEMORANDUM

DATE: September 28, 2021

TO: The Board of Supervisors

FROM: Ellen Cook, Principal Planner
Tammy Mayer Rosario, Assistant Director of Community Development

SUBJECT: Consideration of the James City County Comprehensive Plan, *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*

Members throughout the community have come together to share their vision for James City County and to fashion it in to a document of goals, strategies, and actions for implementation. The culmination of this work is the draft amendment of the 2035 Comprehensive Plan reflected in *Our County, Our Shared Future: James City County 2045 Comprehensive Plan* (the “2045 Comprehensive Plan”), which is presented today for the Board of Supervisors’ consideration.

In accordance with the methodology endorsed by the Board of Supervisors on February 26, 2019, the 2045 Comprehensive Plan reflects contributions from the citizens of James City County, community organizations, the Community Participation Team (CPT), the Planning Commission Working Group (PCWG), and County staff.

The CPT was responsible for encouraging, facilitating, and reporting on citizen participation throughout the Engage 2045 planning process, which included a statistically significant citizen survey, a Listening Forum, and four rounds of public engagement efforts. The team worked in partnership with staff, the Planning Commission, and the Board of Supervisors in the coordination of publicity efforts, educating the public, sponsoring public meetings and other input opportunities, encouraging fellow residents and business members to participate in the planning process, and overseeing the preparation of summary reports on the public outreach and engagement process and the citizen feedback. The CPT’s efforts included an estimated 38 meetings/events and 492 volunteer meeting/event hours, and garnered input from more than 1,900 individuals and 11 organizations. These extensive efforts are described in more detail in the Introduction Chapter and in the public engagement reports found in the Plan appendices.

This public input has informed the PCWG’s efforts over the course of 21 months to examine all sections of the adopted Comprehensive Plan. Over the course of 31 PCWG meetings and events, representing more than 471 volunteer/event hours, each section of the plan was revised with community input summaries, current facts and figures, pertinent information to meet state requirements, and updated goals, strategies, and actions. With this update, consultant support for the scenario planning, cumulative impact analysis, and fiscal impact model has provided the specialized technical knowledge necessary to build, run, and extract pertinent information from models during the scenario modeling process. Per communication early in the process, this update has:

- Fulfilled or will fulfill the following operational initiatives from the 2035 Strategic Plan and help advance several others.
 - o Update County Comprehensive Plan - (Goal 4: Protected Community Character and Enhanced Built Environment)
 - o Conduct scenario planning (land use and fiscal evaluation of proposed large land use changes) - (Goal 3: Expanding and Diversifying Local Economy)
 - o Conduct cumulative fiscal, infrastructure, community character, environmental impact analyses - (Goal 7: Fiscally Efficient Government)

- Refine fiscal impact model to assess development impacts on fiscal health - (Goal 7: Fiscally Efficient Government)

The technical models, which will be developed after this plan update, will help the County examine and manage the fiscal and transportation impacts of growth in the future.

- Addressed items per State Code provisions.
- Examined items prioritized by the Planning Commission including Open Space preservation tools, and a review of the Economic Opportunity Land Use Designation.
- Examined additional items identified by the PCWG, including: watershed zoning; public-private partnerships; housing authorities; growth management tools/James County Service Authority analysis; and Urban Development Areas (UDAs).
- Created a set of Character Design Guidelines.
- Examined and prepared guidance on short-term rentals, as requested by the Board of Supervisors.

The PCWG communicated and discussed details of the proposed revisions with the Board of Supervisors at work sessions on July 23, 2019, October 27, 2020, and May 25, 2021. These revisions were incorporated into the draft 2045 Comprehensive Plan and Future Land Use Map (FLUM) (Attachment No. 2).

On June 3, 2021, the PCWG recommended approval of the 2045 Comprehensive Plan by a vote of 6-0 (2 members absent), and approval of the FLUM by a vote of 5-2 (1 member absent). The full discussion can be referenced in the draft minutes of the June 3, 2021, PCWG meeting (Attachment No. 3).

On June 24, 2021, the Planning Commission held a public hearing to consider the draft 2045 Comprehensive Plan. The Planning Commission voted 5-2 to recommend approval of the 2045 Comprehensive Plan and FLUM.

Following the vote on the Plan overall, the Planning Commission considered the following items for recommendation to the Board.

- 1. Mooretown Road Extended.** The Commission voted 4-3 to recommend to the Board that Mooretown Road Extended be included in the 2045 Comprehensive Plan and FLUM. Prior to removal of Mooretown Road Extended from the 2045 Comprehensive Plan and FLUM, information about Mooretown Road Extended was included as listed below.

Please note that following PCWG discussion of the Mooretown Road Extension Corridor Vision language in February 2021, staff had revised the sentence pertaining to funding. The revised material was provided in the packet for the PCWG's May 3, 2021 meeting. However, since the PCWG voted at that meeting to remove Mooretown Road Extended, the language overall was considered as though removed and there was not specific PCWG review or concurrence on the wording shown below.

- Transportation Chapter, Table T-4:

2045-111	Mooretown Road Extension	L RTP Candidate Project	TBD	\$95,400,000
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- Transportation Chapter, Croaker Road Corridor Vision (see reference to Mooretown Road)

The section of Croaker Road extending from Richmond Road to Point O'Woods Road is scheduled to be widened based on future traffic projections. The project proposes widening from two lanes to four lanes and realigning the intersection with Rose Lane. Additionally, the

project includes undergrounding utilities and constructing a new two-lane bridge parallel to the existing bridge over the CSX line. This project is to address the expected capacity deficiency as well as anticipated traffic from the Mooretown Road extension and Economic Opportunity area.

- Transportation Chapter, Mooretown Road Extension Corridor Vision (entire paragraph)

The Mooretown Road Corridor Study recommended extending Mooretown Road from its current terminus in York County to Croaker Road or Rochambeau Drive. Development within the vicinity of the proposed Mooretown Road extension should be discouraged until master plans are approved and infrastructure is planned to handle intensive development that does not solely rely on Richmond Road. Private funding is expected to pay for the extension, although public and private efforts may be beneficial in master planning the surrounding land uses. The Corridor Study examined three alternative routes, as well as the associated environmental impacts, utility relocation, and cost estimates. On December 8, 2015, the Board of Supervisors voted to support the three alignments outlined in the study. A final route would be determined once a future development is proposed for the corridor.

- Future Land Use Map - Depiction on the FLUM as a proposed roadway.

2. **Alternative Energy - Wind Turbines.** The Commission discussed a recommendation to exclude wind turbines in the County within the language of Environment Chapter Goals, Strategies, and Actions (GSA) 4.6, but ultimately did not recommend this change, by a vote of 1-6.
3. **Rural Lands - Rural Cluster Provisions.** The Commission voted 7-0 to recommend to the Board that the Rural Lands Designation Description language be revised to allow for a higher gross density to be realized in a cluster configuration as compared to a conventional lot configuration. Specifically, the recommended language would revise Rural Lands Development Standards item five, “Rural Clusters,” as follows:
 - a. Current: If built, rural clusters should develop with the following guidelines: (a) Densities should be no higher than the maximum permitted density in the underlying zoning district. Lot sizes may be reduced as appropriate to maximize the preservation of rural viewsheds and resources as described in the standards below.
 - b. Proposed: If built, rural clusters should develop with the following guidelines: (a) Densities may be higher than the maximum permitted density in the underlying zoning district. Lot sizes may be reduced as appropriate to maximize the preservation of rural viewsheds and resources as described in the standards below.
4. **Carbon Sequestration.** The Commission voted 7-0 to recommend to the Board that Environment Chapter GSA 3.7.1 be revised to clarify the intent of the language regarding carbon sequestration approaches. Specifically, the recommended language change was as follows:
 - a. Current: Investigate carbon sequestration approaches as may be permitted by State Code 15.2-4901.
 - b. Proposed: Investigate carbon sequestration approaches as they may apply to the Rural Lands of the County that preserve forest canopy.
5. **Land Use Application LU-20-0017 Parcels Across from WindsorMeade Marketplace.** The Commission voted 5-2 to recommend that the Board maintain the Neighborhood Commercial designation for this application.

In addition to the items above, the Commission noted several grammatical revisions and minor data corrections for staff to make in the 2045 Comprehensive Plan.

RECOMMENDATION

On July 13, 2021, the Board of Supervisors held a public hearing on the draft 2045 Comprehensive Plan.

Should the Board of Supervisors wish to vote on the 2045 Comprehensive Plan and FLUM at this meeting, the Planning Commission Working Group, Planning Commission, and staff recommend amendment of the 2035 Comprehensive Plan by approval and adoption of the 2045 Comprehensive Plan, as attached.

Additionally, the Planning Commission recommended that the Board consider the following amendments to the language of the 2045 Comprehensive Plan, as described above: inclusion of Mooretown Road Extended; revision of the Rural Lands Designation Description Rural Cluster provisions; revision of Environment Chapter GSA 3.7.1 pertaining to carbon sequestration; and designation of the parcels subject to Land Use Application LU-20-0017 as Neighborhood Commercial.

EC/TMR/ap
2045CompPlnJCC-mem

Attachments:

1. Resolution
2. Comprehensive Plan and Appendices: <https://jamescitycountyva.gov/3683/The-Plan>
3. Draft Minutes of the June 3, 2021, Planning Commission Working Group Meeting
4. Adopted Minutes of the June 24, 2021, Planning Commission Meeting
5. Land Use Applications Summary Sheet
6. Round 3 Public Engagement Report (Appendix D), which includes comments received via the Land Use Applications Questionnaire: <https://jamescitycountyva.gov/DocumentCenter/View/28009/D-Round-3-Public-Engagement-Summary-Report-PDF>
7. Draft Round 4 Public Engagement Report (Appendix E), which includes:
 - a. Land Use Application Comments Received Throughout the Update Process (through September 17, 2021)
 - b. Other Public Comments, received after the Round 3 Public Engagement Report (through September 17, 2021)
<https://jamescitycountyva.gov/DocumentCenter/View/28227/E-Round-4-Public-Engagement-Summary-Report-DRAFT-PDF>

RESOLUTION

APPROVAL AND ADOPTION OF THE AMENDED JAMES CITY COUNTY

COMPREHENSIVE PLAN: *OUR COUNTY, OUR SHARED FUTURE*:

JAMES CITY COUNTY 2045 COMPREHENSIVE PLAN

- WHEREAS, Section 15.2-2223 of the Code of Virginia, 1950, as amended (the “Virginia Code”), requires James City County, Virginia, (the “County”) to adopt a comprehensive plan for the physical development of the territory under its jurisdiction, and
- WHEREAS, the County’s current comprehensive plan and land use map, *Toward 2035: Leading the Way*, was adopted by the Board of Supervisors on June 23, 2015 (the “2035 Comprehensive Plan”); and
- WHEREAS, Section 15.2-2230 of the Virginia Code mandates that every locality’s comprehensive plan be reviewed by the local Planning Commission at least once every five years to determine whether it is advisable to amend the plan; and
- WHEREAS, on July 9, 2019, the Board of Supervisors appointed a 10-member Community Participation Team (CPT), which held 36 meetings over a 20-month period and worked to inform citizens and gather their diverse views for the future development of the County; and
- WHEREAS, an eight-member Planning Commission Working Group (PCWG) held 31 meetings over a 21-month period to review community input, draft text, and update the goals, strategies, and actions of the County’s comprehensive plan; and
- WHEREAS, the Planning Commission and Board of Supervisors held three joint work sessions to discuss draft amendments to the 2035 Comprehensive Plan; and
- WHEREAS, the Planning Commission reviewed the 2035 Comprehensive Plan using input from the citizens, staff, CPT, PCWG, and Board of Supervisors, and determined it advisable to amend the 2035 Comprehensive Plan; and
- WHEREAS, such amendments were incorporated in the proposed 2045 James City County Comprehensive Plan and Future Land Use Map, entitled *Our County, Our Shared Future: James City County 2045 Comprehensive Plan* (the “2045 Comprehensive Plan”); and
- WHEREAS, on June 24, 2021, the Planning Commission held a public hearing on the amendment of the 2035 Comprehensive Plan and approved and recommended the 2045 Comprehensive Plan by a vote of 5-2; and
- WHEREAS, subsequent to its approval, the Planning Commission recommended certain amendments to the language of the 2045 Comprehensive Plan; and

WHEREAS, on July 13, 2021, the Board of Supervisors held a public hearing on the amendment of the 2035 Comprehensive Plan as identified in the 2045 Comprehensive Plan; and

WHEREAS, the Board of Supervisors desires to approve and adopt the 2045 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby amends the 2035 Comprehensive Plan by approval and adoption of *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

		VOTES				
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	
_____ Teresa J. Fellows Deputy Clerk to the Board	SADLER	_____	_____	_____	_____	
	ICENHOUR	_____	_____	_____	_____	
	LARSON	_____	_____	_____	_____	
	MCGLENNON	_____	_____	_____	_____	
	HIPPLE	_____	_____	_____	_____	

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2021.

2045ComplnJCC-res

DRAFT M I N U T E S
JAMES CITY COUNTY PLANNING COMMISSION WORKING GROUP
REGULAR MEETING

Held electronically pursuant to a Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020 and readopted on September 8, 2020 and April 13, 2021. The meeting will be accessible on public access cable channel TV48 or the County's YouTube channel (youtube.com/user/jamescitycounty). Citizen comments may be submitted via US Mail to the Planning Commission Secretary, PO Box 8784, Williamsburg, VA 23187, via electronic mail to community.development@jamescitycountyva.gov, or by leaving a message at 757-253-6750. Comments must be submitted no later than noon on the day of the meeting. Please provide your name and address for the public record.

June 3, 2021
4:00 P.M.

I. ESTABLISHMENT OF CALL AND RESOLUTION OF TECHNICAL DIFFICULTIES

II. CALL TO ORDER

Mr. Jack Haldeman called the meeting to order at approximately 4:00 p.m.

III. ROLL CALL

PCWG:

Jack Haldeman

Rich Krapf

Julia Leverenz

Tim O'Connor (arrived at 4:40)

Barbara Null

Frank Polster

Ginny Wertman

Staff:

Paul Holt, Director of Community Development

Tammy Rosario, Assistant Director of Community Development

Ellen Cook, Principal Planner

Thomas Wysong, Senior Planner

John Risinger, Planner

Other:

Vlad Gavrilovic, EPR

IV. ADOPTION OF RESOLUTION FOR ELECTRONIC MEETING

Ms. Barbara Null made a motion to Adopt the PCWG electronic meeting resolution.

The motion passed 6-0.

V. MINUTES

Mr. Rich Krapf made a motion to Approve the February 22, 2021 meeting minutes.

The motion passed 6-0.

VI. COMPREHENSIVE PLAN UPDATE MATERIALS

Ms. Ellen Cook presented the Comprehensive Plan Update Materials. She stated that the Board of Supervisors (BOS) voted to remove the Mooretown Road Extension from the Future Land Use Map. (FLUM) She asked if there were any questions about the Mooretown Road Extension.

There were none.

Ms. Cook stated that the BOS voted to move forward with the Rural Lands Policies as they were currently drafted. She asked if there were any questions.

There were none.

Ms. Cook stated that the BOS indicated support for moving forward with the Economic Opportunity Land Use Designation materials as they were currently drafted. She asked if there were any questions.

There were none.

She stated that the BOS provided considerations for the FLUM. She stated that the BOS voted to affirm the PCWG's recommendation for LU-20-0020 to redesignate parcels to Mixed Use. She asked if there were questions.

There were none.

Ms. Cook stated that the BOS considered adjusting the Primary Service Area near the Croaker Interchange. She stated that the BOS voted to proceed with the change, and that the adjustment was now assigned a title of LU-20-0028. She asked if there were any questions.

There were none.

Ms. Cook stated that the BOS voted on LU-20-0017 to redesignate parcels across from WindsorMeade Marketplace to Low Density Residential. She asked if there were any questions.

There were none.

Ms. Cook presented changes to the Goals, Strategies and Actions. (GSAs) She stated that the BOS indicated support for removing action PF 4.7. She stated that the BOS indicated support for retaining action ENV 1.17. She stated that the BOS requested additional information regarding actions ENV 3.7.1, ENV 4.6, ENV 4.6.1, and ENV 4.6.2. She stated that action LU 1.6 had similarities with ENV 4.6 and staff was working to compile additional information for the BOS. She asked if there were any questions.

Mr. Frank Polster asked if the additional information being provided to the BOS could be sent to the PCWG.

Ms. Cook confirmed. She asked if there were any other questions.

There were none.

Ms. Cook stated that staff identified that adjustments to the New Town Community Character Area (CCA) might be appropriate. She stated the CCA would be adjusted to include the parcels in LU-20-0002, remove parcels designated for Federal, State, or County Lands in LU-20-0009, and remove industrially zoned parcels along Tewning Road. She asked if the PCWG had any questions.

Mr. Polster asked if the parcels west of Route 199 designated as Open Space or Recreation would be in the CCA.

Ms. Cook stated that staff would review the CCA in relation to that question and make adjustments if necessary.

Ms. Cook asked if the PCWG had other items for discussion.

Mr. Krapf stated that he was interested in discussing having setbacks or buffers along rural roads and scenic corridors.

Mr. Polster asked if there were any limitations on expanding Forge Road.

Ms. Cook stated that she was not aware of anything that would prohibit widening Forge Road but there may be limiting factors such as easements along the road.

Mr. Polster stated that scenic routes should not be widened so that there would not be additional traffic on the route. He stated that having additional setbacks and buffers along scenic routes would help to screen solar farms and similar developments.

Mr. Krapf stated that he had suggested a 400 feet buffer as a starting point but that the width could be adjusted.

Mr. Polster stated that the Virginia Department of Environmental Quality recommended natural plantings adjacent to solar farms.

Ms. Null stated that viewsheds should be protected from development. She stated that solar farms should be screened from view.

Mr. Polster agreed.

Mr. Haldeman asked if staff had enough guidance for the item.

Ms. Cook stated that the suggestion was to consider 400 feet wide setbacks for Community Character Corridors outside of the PSA. She asked if the PCWG had consensus to move forward with that suggestion.

Mr. Haldeman agreed. He asked if there should be any language regarding plantings for solar farms.

Ms. Cook stated that there were GSAs to consider developing performance standards for renewable energy production which could include specific requirements for solar farms.

Mr. Krapf stated that the 400 feet wide setback could be addressed through vegetative buffers or agricultural uses to establish a natural viewshed.

Ms. Julia Leverenz stated that plantings or agricultural uses would be appropriate in the buffer but not berms.

Mr. Haldeman asked if there were any other items for discussion.

Mr. Krapf asked if the PCWG would have any additional meetings.

Ms. Cook stated that there would not be any additional meetings if the PCWG completed their discussion. She stated that the last item for the PCWG would be making a recommendation on the updated Comprehensive Plan.

Mr. Haldeman asked if the PCWG was ready to vote on the updated Comprehensive Plan.

Mr. Krapf agreed.

Ms. Null agreed.

Mr. Haldeman shared his appreciation for the PCWG, staff, consultants and the update process.

Mr. Polster stated that he had reservations about the FLUM. He stated that he would support the Comprehensive Plan but not the FLUM.

Mr. Haldeman stated that the PCWG would vote on the Comprehensive Plan and the FLUM separately.

Mr. Krapf made a motion to recommend approval of the Comprehensive Plan.

The motion passed 6-0.

Mr. Krapf made a motion to recommend approval of the FLUM.

Ms. Ginny Wertman asked Mr. Polster what reservations he had about the FLUM.

Mr. Polster stated that the Land Use applications to redesignate portions of the Eastern State Hospital property should not be considered right now. He stated that there was not an obligation to change land use designations to reach the 120,000 population in the modeling. He stated that they could be considered in the future if there was market demand.

The motion failed 2-4.

Mr. Haldeman asked what the next steps would be for the FLUM.

Mr. Krapf stated that he had concerns with not approving the FLUM. He stated that the Comprehensive Plan was only a policy document and that additional legislative applications would be needed for rezoning properties. He stated that the revised FLUM incorporated many discussions that the PCWG held.

Ms. Leverenz stated that changing the FLUM would not guarantee new development.

Mr. Polster stated that the FLUM and the Comprehensive Plan were an important tool used when considering legislative applications. He stated that a decision on the future use of the Eastern State Hospital property did not need to be made now.

Ms. Wertman stated that she was concerned with the practical implications of not approving the FLUM.

Mr. Polster stated that the FLUM would be discussed and voted on by the Planning Commission (PC) and the BOS. He stated that the PCWG's vote was only a recommendation.

Ms. Cook confirmed the process described by Mr. Polster. With regard to the FLUM, she stated that the FLUM reflects the recommendations that the PCWG had previously made for the Land Use applications.

Mr. Paul Holt stated that the PCWG's recommendation would be relayed to the PC and the BOS.

Mr. Tim O'Connor arrived at this time.

Mr. Haldeman informed Mr. O'Connor of the results of the votes on the Comprehensive Plan and the FLUM.

Mr. Krapf asked if the FLUM included anything in addition to land use designations. He stated that the PCWG already voted on the individual land use applications. He stated that not approving the overall FLUM would not be appropriate since each application was already voted on.

Mr. Haldeman asked if a recap could be forwarded to the PC for further consideration.

Mr. O'Connor stated that not approving the FLUM would create inconsistencies.

Mr. Holt stated that the chapter materials, GSAs, FLUM and other sections were all components of the overall Comprehensive Plan. He stated that the PCWG's discussion could be considered by the PC and the BOS for any final changes to the components of the Comprehensive Plan.

Ms. Wertman stated that any of the areas inside the PSA that could be Mixed Use required compromises on some factors such as traffic.

Mr. Thomas Wysong spoke to Mr. Krapf's question, and stated that revisions to the FLUM also included the addition of the Military Influence Overlay District as well as the removal of the Mooretown Road Extension.

Mr. O'Connor stated that he did not agree with disapproving of the revised FLUM based on land use applications that were already voted on.

Mr. Krapf stated that the FLUM is a depiction of the votes on the individual land use applications. He stated that disapproving the FLUM would not invalidate the votes for the applications.

Mr. Vlad Gavrilovic stated that the 120,000 population in the models was a control total used for benchmarking and not a policy recommendation. He stated that the Hampton Roads Transportation Planning Organization's (HRTPO) population forecast was used for the control total. He stated that growth would be determined by market and other factors.

Mr. Polster stated that decisions did not need to be made until there was market demand. He stated that he suggested voting on the FLUM separately so that the discussion could be forwarded to the PC and BOS.

Mr. Krapf asked if the PCWG could make a motion to reconsider the vote on the FLUM.

Mr. Holt stated that a PCWG member on the prevailing side of the vote could make a motion to reconsider. He stated that if the motion to reconsider passed, a second motion could be made to vote on the FLUM.

Mr. Polster made a motion to reconsider the vote on the FLUM.

The motion passed 7-0.

Mr. Krapf made a motion to recommend approval of the FLUM.

The motion passed 5-2.

Mr. Haldeman stated that LU-20-0002 and LU-20-0003 were submitted by developers who were interested in the Eastern State Hospital property. He stated that the developers might be interested in proceeding with development applications soon.

Mr. Holt stated that property acquisitions are commonly contingent on approvals of legislative or administrative applications.

Ms. Cook thanked the PCWG for their work and discussions throughout the Comprehensive Plan update process.

Mr. Haldeman asked if there were any other questions.

Mr. O'Connor asked if the PC and BOS would consider the land use applications individually or as a whole. He asked if affected property owners would be notified of the public hearings.

Mr. Holt stated that notifications would be sent out for the public hearings. He stated that the Comprehensive Plan would be voted on as a whole.

Mr. O'Connor asked if the property owners would be informed that they would have an opportunity to speak at the public hearing.

Mr. Holt confirmed.

VII. OTHER ITEMS FOR DISCUSSION

Mr. Haldeman asked if there were any other items for discussion.

There were none.

VIII. ADJOURNMENT

Mr. Krapf made a motion to Adjourn. The motion passed 7-0.

Mr. Haldeman adjourned the meeting at approximately 5:15 p.m.

MINUTES
JAMES CITY COUNTY PLANNING COMMISSION
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg VA 23185
June 24, 2021
6:00 PM

A. CALL TO ORDER

Mr. Jack Haldeman called the meeting to order at 6 p.m.

B. ROLL CALL

Planning Commissioners Present:

Jack Haldeman
Rich Krapf
Tim O'Connor
Frank Polster
Barbara Null
Julia Leverenz (remote)
Rob Rose

Staff Present:

Paul Holt, Director of Community Development and Planning
Max Hlavin, Deputy County Attorney (remote)
Ellen Cook, Principal Planner
Thomas Wysong, Senior Planner
Tom Leininger, Senior Planner
Tori Haynes, Senior Planner

C. PUBLIC COMMENT

Mr. Haldeman opened Public Comment.

As no one wished to speak, Mr. Haldeman closed Public Comment.

D. REPORTS OF THE COMMISSION

There were no reports from the Development Review Committee or Policy Committee for this meeting.

E. CONSENT AGENDA

There were no items for the Consent Agenda.

F. PUBLIC HEARINGS

1. Consideration of the Comprehensive Plan, Our County, Our Shared Future - James City County 2045 Comprehensive Plan

Ms. Ellen Cook, Principal Planner stated, that the 2045 Comprehensive Plan before the

Commission reflects contributions from the citizens of James City County, community organizations and other stakeholders, the Community Participation Team (CPT), the Planning Commission Working Group (PCWG), and County staff.

Ms. Cook stated that the public engagement efforts led by the CPT spanned almost two years, and included a statistically significant citizen survey, a Listening Forum, and four rounds of public engagement efforts.

Ms. Cook further stated that development of the Comprehensive Plan, led by the PCWG, also spanned two years and has been informed by the public engagement efforts just noted. Ms. Cook stated that each section of the plan was revised with community input summaries, current facts and figures, pertinent information to meet state requirements, and updated goals, strategies, and actions (GSAs). Ms. Cook further stated that this update has included scenario modeling, and groundwork for the development of technical models to be used in the future to assess development impacts. Ms. Cook stated that this update has also examined a number of topics identified by the Planning Commission, the PCWG, and the Board of Supervisors.

Ms. Cook stated that on June 3, 2021, the PCWG recommended approval of the draft Comprehensive Plan by a vote of 6-0, and approval of the Future Land Use Map by a vote of 5-2. Ms. Cook stated that a list of revisions to the text that have been made per PCWG guidance at that meeting is included in the cover memo.

Ms. Cook stated that staff recommends that the Planning Commission recommend adoption of the James City County 2045 Comprehensive Plan, *Our County, Our Shared Future*.

Ms. Cook recognized Mr. Vlad Gavrilovic with EPR-PC, and Ms. Leigh Anne King with Clarion Associates, consultants for the Comprehensive Plan Review, were present for the meeting.

Mr. Haldeman opened the floor for questions from the Commission.

There were no questions from the Commission.

Mr. Haldeman opened the Public Hearing.

- Ms. Linda Rice, 2394 Forge Road, addressed the Commission in support of the Comprehensive Plan's guidance for Rural Lands and preservation of Open Space.
- Mr. Chris Ward, 140 Old Stage Road, addressed the Commission regarding LU-20-0017 to request that the parcels remain designated as Neighborhood Commercial.
- Ms. Nancy Cottrell Kruse, 3026 Forge Road, addressed the Commission in opposition to the recommendation for a larger minimum lot size for Rural Lands.
- Ms. Mary Aadahl, 2724 Forge Road, addressed the Commission in opposition to increasing the minimum lot size for Rural Lands. Ms. Aadahl stated that the change would be a financial burden on existing property owners.
- Mr. Tim Trant, Kaufman & Canoles, PC, 4201 Courthouse Street, addressed the Commission regarding the recommendation for a larger minimum lot size for Rural Lands.
- Ms. Claudia Cotton, Coastal Virginia Building Industry Association, 2117 Smith Avenue, Chesapeake, addressed the Commission in opposition to the recommendation for a larger minimum lot size for Rural Lands and the effect on the economy.

- Mr. Tim Trant, Kaufman & Canoles, PC, 4201 Courthouse Street, addressed the Commission on behalf of the Creighton Companies regarding LU-20-0028 and the impact on the planned redevelopment of the 7-Eleven on Croaker Road. ·
- Ms. Tobi Wiseman, 8416 Attleborough Way, addressed the Commission with concerns about the process of the Comprehensive Plan review and the effect of the change in minimum lot size for Rural Lands. ·
- Mr. Lawrence Hajek, 7150 Richmond Road, addressed the Commission in opposition to allowing wind farms as an alternate energy source in the County. ·
- Mr. Bobby Hornsby, 2 Kensington Court, addressed the Commission with concerns that the Comprehensive Plan is not yet ready for adoption due to the difficulties in public participation and property owner notification due to the Pandemic. Mr. Hornsby expressed opposition to the change in minimum lot size for Rural Lands. ·
- Mr. John Greer, 3126 W. Cary Street, Richmond, addressed the Commission on LU-20-0013, Oakland Farm. Mr. Greer recommended keeping the Moderate Density Residential designation on the front to allow greater flexibility in site design. ·
- Mr. Alan Shaia, 8211 Shelly Road, Richmond, representing York River Estates, LLC, addressed the Commission in opposition LU-20-0006, Stonehouse Area PSA Adjustment and expressed concern about infringing on development rights. ·
- Mr. James Brittain, 7144 Pinebrook Road, addressed the Commission with concerns about residential windmills, carbon sequestration, and the removal of the Mooretown Road Extension. ·
- Mr. Chris Woodfin, 98 Meadowcrest Trail, addressed the Commission in opposition to the Mooretown Road Extension being eliminated from the Comprehensive Plan. ·
- Mr. Jim Cavey, 5195 Rollison, addressed the Commission in opposition to the Land Use Application for the Eastern State Property and its proposed development. ·
- Ms. Mary Cheston, 5178 Rollison, representing the New Town Board of Directors, addressed the Commission in opposition to LU-20-0002 and the proposed development of the Eastern State Property. ·
- Ms. Virginia Stuart Dopp, 5185 Rollison, representing an informal group of New Town residents, addressed the Commission in opposition to LU-20-0002 and the proposed development of the property. ·
- Mr. Jay Epstein, 32 Whittakers Mill, addressed the Commission with a presentation in support of the proposed development associated with LU-20-0001. ·
- Mr. Mike Ware, 9024 Bar Harbor Lane, Hayes, also addressed the Commission in support of LU-20-0001 as a second presenter for Mr. Epstein's presentation. ·
- Mr. Miles Diamond, 7229 Church Lane, addressed the Commission in opposition to wind farms. ·
- Mr. Richard Tisdale, 209 Governor Edward Nott Court, addressed the Commission in opposition to the Land Use Designation changes for LU-20-0023, LU-20-0002, and LU-20-0003. ·

- Ms. Susan Tisdale, 209 Governor Edward Nott Court, addressed the Commission in opposition to the Land Use Changes for the Eastern State properties. ·
- Mr. Jeffrey A. Deel, 5210 Rollison Drive, representing a group of New Town residents, addressed the Commission in opposition to the Land Use Change and potential development of the Eastern State Property. ·
- Mr. Vernon Geddy, Geddy, Harris, Franck and Hickman, LLP, 1177 Jamestown Road, representing ABVA Development, LP, addressed the Commission with clarifications of the Land Use Application for the Eastern State Property. ·
- Mr. John Sawyer, 405 Oak Grove Road, Norfolk, representing Broughton, LLC, owner of Oakland Farm, addressed the Commission in opposition to LU-20-0013. ·
- Mr. Jason Grimes, AES Consulting Engineers, 5248 Olde Towne Road, addressed the Commission, on behalf of his client, Johnny Lawson, in opposition to the change in minimum lot size for properties designated Rural Lands. ·
- Mr. Larry Cook, 4005 Powhatan Secondary, addressed the Commission in opposition to LU-20-0017. ·
- Mr. Jay H. Everson, 6923 Chancery Lane, addressed the Commission with recommendations to amend the language in several of the Environmental GSAs regarding windmills. Mr. Everson also addressed the Commission in opposition to light rail.

As no one else wished to speak, Mr. Haldeman closed the Public Hearing.

Mr. Haldeman opened the floor for discussion.

Ms. Barbara Null stated that the Comprehensive Plan seeks to maintain the rural character of the County and therefore the GSAs use words study, investigate, and analyze which create imperatives that should be done at the state level due to the lack of funding for the experts needed to address the issues. Ms. Null stated that as an example the state studied sea level rise and advised the County on necessary actions.

Ms. Null stated that the Mooretown Road Extension should be reinstated in the Comprehensive Plan as some of the informing information was outdated. Ms. Null stated that the road should remain against the potential for future growth and be designated to be constructed at a developer's expense.

Ms. Null stated that there are many unintended consequences associated with the construction of wind farms including migratory bird deaths, removal of existing tree canopy, high noise levels, visual blight, and the units cannot be repaired or recycled and remain in place at the end of their useful life. Ms. Null further stated that several of the materials needed to construct the windmills are not ethically sourced. Ms. Null recommended that GSA ENV-4.6 be amended to: "...with the exception of windmill farms as James City County will not accept them or their use as alternative energy." Ms. Null further recommended amending GSA ENV-4.5 by removing the encouragement to use residential windmills in its entirety. Ms. Null stated that the goal would be to tighten up language and regulations for alternative energy sources to eliminate the possibility of the development of wind farms.

Ms. Null further stated that the GSA ENV-1.174 dealing with streams and rivers needs to be removed completely as staff has stated that it could not be done locally or even effectively and

is an in-actionable item.

Mr. O'Connor stated that it appears that on Page 4 of the Introduction, the terms "Rural Lands" and "Rural Areas" are used interchangeably. Mr. O'Connor noted that rural areas are defined as land that is inside and outside the Primary Service Area (PSA) and Rural Lands as land that is outside the PSA. Mr. O'Connor stated that he recommends changing the last sentence under "A Community that Values its Rural Landscape" to read: "Many are concerned that the pace, pattern and character of new growth and development may harm this treasured character of the County and many expressed a strong desire both to limit the pace and amount of new development and to direct it away from the rural lands that they value so highly."

Mr. O'Connor stated that he is concerned that there will be unintended consequences with the change in minimum lot size for properties designated rural lands. Mr. O'Connor stated that the 1:20 ratio will prevent rural clustering which is supported by the Comprehensive Plan and negatively impact workforce housing outside the PSA. Mr. O'Connor further stated that he is concerned that this will negatively impact the value of these properties and create an economic hardship for the property owners. Mr. O'Connor stated that he would like to see the ratio lowered or provide a higher density for rural clusters.

Mr. O'Connor stated that he believes the Comprehensive Plan does not sufficiently address the public schools, particularly the need to have trade school options locally. Mr. O'Connor noted that these options would support economic development with a ready workforce.

Mr. O'Connor further stated that the stand alone GSA ED 8-"Continue to monitor the broader economic factors and forces that shape the County's local economy, including global issues such as the COVID-19 Pandemic, national industry trends such as the retail industry transitioning from brick and mortar to the online marketplace, and statewide policies, such as scheduled increases in the minimum wage" is out of the County's hands and should be removed.

Mr. O'Connor further requested that the GSA regarding carbon sequestration be removed or modified.

Mr. Krapf stated that one thing consistently emphasized in all discussions related to the change in density for rural lands, is that this change should not go forward without due consideration of the rights and financial interests of the property owners. Mr. Krapf noted that the members of the PCWG expressed interest in developing a compensation mechanism for the current property owners. Mr. Krapf stated that the purpose of the change was to limit residential development in rural lands but not limit rural economic development. Mr. Krapf further stated that there was discussion on Purchase of Development Rights (PDR) where land owners would be compensated if they gave up the opportunity for residential development as well as other tools. Mr. Krapf stated that the change in density was not a casual or arbitrary recommendation. Mr. Krapf stated that he would be supportive of having one density for by-right development and an increased density for rural clusters.

Mr. Krapf further stated that he strongly supports putting the Mooretown Road Extension back in the Comprehensive Plan. Mr. Krapf stated that the Comprehensive Plan is a guidance document to assess whether something, such as road improvements, might be necessary within the next 25 years. Mr. Krapf stated that the key to long-term planning is to provide options to address future conditions.

Mr. Krapf stated that, regarding the Eastern State parcels, the only thing the PCWG addressed is changing the land use designation for that excess property to mixed use. Mr. Krapf stated that the name New Town was attached to the application solely because of its proximity to New Town. Mr. Krapf stated that in recommending the Land Use Designation

Change, the PCWG was not approving annexation to New Town or any specific development proposal. Mr. Krapf further stated that if those 87 acres were incorporated into New Town, it would require a Master Plan Amendment which would have to go through a legislative process, public notification and a public hearing. Mr. Krapf stated that it would ultimately be up to the Board of Supervisors to decide on that proposal. Mr. Krapf further stated that any development of the property would also be subject to a Rezoning which requires intense analysis of impacts to the County. Mr. Krapf stated that the 2019 Citizen Survey showed that our citizens want to preserve the rural character of the County, particularly preserving rural lands. Mr. Krapf stated that this requires encouraging development within the PSA and recognizing that there will be trade-offs in the process.

Mr. Polster expressed appreciation for Ms. Ginny Wertman and her service on the CPT. Mr. Polster further expressed appreciation for staff in putting the Comprehensive Plan together.

Mr. Polster stated that each section of the Comprehensive Plan had been reviewed and discussed intensively. Mr. Polster further stated that because the Environmental section had been reviewed numerous times, he is somewhat surprised at the discussion from the Commission regarding forest sequestration and windmill farms.

Mr. Polster stated that the GSA related to alternative energy sources exists so that the County can develop an Ordinance that governs and provides guidance for the use of alternative energy sources such as windmill farms and solar farms. Mr. Polster further stated that the Department of Conservation and Recreation (DCR) has developed a guiding document that sets forth guidelines for these installations; however, without an Ordinance or policy in place, these recommendations cannot be enforced.

Mr. Polster further stated that regarding forest sequestration, in order to have sufficient credits to interest a financial institution, this has to be aggregate and there needs to be an entity, such as Economic Development, leading the process. Mr. Polster stated that one theme throughout has been compensation for landowners impacted by the reduction in density for rural lands. Mr. Polster stated that many of the landowners already take advantage of the tax breaks provided by the Agricultural and Forestal District Program. Mr. Polster further stated that the forest sequestration program could provide compensation of \$106 per acre for 20 years.

Mr. Polster stated that the state has decided to expand forest sequestration to include farmland and wetlands. Mr. Polster noted that the state realized approximately \$80 million last year from selling carbon credits. Mr. Polster stated that a portion of that comes to the County for stream restoration and other programs to address flooding. Mr. Polster stated that in the next 20 years the County will experience a sea level rise of 1.5 feet. Mr. Polster stated that the County would be remiss if it did not establish programs to mitigate the impacts of sea level rise over the next 20 years.

Mr. Rose stated that he appreciates hearing the citizen concerns so that he can better understand the issues.

Mr. Rose stated that climate change is not a political issue and references to climate change should not be removed from the Comprehensive Plan. Mr. Rose further stated that the Department of Defense is including climate change in its planning documents because it is viewed as an international security risk. Mr. Rose stated that part of planning for climate change is the need for renewable energy. Mr. Rose stated that over the next five to 10 years, wind turbines will evolve into something far different from the current design. Mr. Rose further stated that studies have been done and will continue to be done on methods to reduce bird strikes. Mr. Rose stated that addressing these matters now in the Comprehensive Plan is important for the County and the nation as we have to shift the focus to renewable energy.

Ms. Julia Leverenz expressed appreciation for the citizens who have participated in the Public Hearing as well as those who participated in the public engagement opportunities.

Ms. Leverenz stated that she wanted to address the concern that the change in density for rural lands is detrimental to rural workforce housing. Ms. Leverenz stated that this concern would apply to land inside the PSA, but not outside the PSA. Ms. Leverenz stated that when evaluating sites for workforce housing, staff looks at whether it is close to employment centers and has access to public transportation. Ms. Leverenz stated that neither of those criteria are proximate to areas designated rural lands outside the PSA. Ms. Leverenz further stated that she could support a higher density for a rural cluster development.

Ms. Leverenz stated that she supported withdrawing the Mooretown Road Extension from the Comprehensive Plan because she felt the Solar Farm would discourage any further economic development on the property. Ms. Leverenz further stated that she was not certain that the Mooretown Road Extension would address the concerns about traffic on Richmond Road in the long term based on the development in York County. Ms. Leverenz noted that if it is truly needed, it can be reconsidered at the next Comprehensive Plan Update.

Ms. Leverenz stated that the recommendation to change the designation of the Eastern State property to mixed use is to indicate that this is an area where the County would be amenable to a development similar to New Town, but not necessarily as part of New Town.

Mr. Haldeman stated that regarding LU-20-0017, he has concerns over the additional traffic associated with retail development on a corridor that was poorly designed and is already congested. Mr. Haldeman stated that he recognizes that the property owners are at a disadvantage and hopes for a solution to be found.

Mr. Haldeman stated that over the last several Comprehensive Plan Updates, residential development has not been a recommended use for rural lands. Mr. Haldeman further stated that in the PCWG considerations, they looked at strategies used by other localities, especially high growth localities, to see what tools they were using to control growth. Across the board, it was evident from those localities that a minimum lot size of three acres would not be sufficient to suppress residential development in rural lands; even a minimum of 10 acres is not. Mr. Haldeman stated that the recommendation was for a minimum lot size of 20 acres or more. Mr. Haldeman stated that he feels it is necessary to move forward with the 20-acre minimum lot size in order to meet the goals of preserving the rural character and protecting rural lands. Mr. Haldeman further stated that limiting residential development in rural lands and developing a workforce housing program in the County are not necessarily mutually exclusive.

Mr. Haldeman stated that he did not support the land use application for the Eastern State property primarily because of the traffic impacts.

Mr. Haldeman stated that he is in favor of considering alternative forms of energy; however, he is not able to envision windmills in any part of the County. Mr. Haldeman stated that even though technology may improve the noise aspect and bird strikes, they will still be visible. Mr. Haldeman stated that he was not opposed to letting the GSA remain to encourage further discussion of a guiding Ordinance or policy.

Mr. Haldeman further stated that he supports the land use application for Oakland Farm so that there will be some greenspace remaining that will help divide Norge from Toano and allow Toano to keep the unique identity it is trying to develop.

Mr. Haldeman stated that he is happy to see light rail remain in the Comprehensive Plan even though it cannot be achieved in practical scenarios.

Mr. O'Connor requested discussion on the land use cases.

Mr. Haldeman agreed to discussion on the land use cases.

Mr. Polster requested clarification on whether this would be an up or down vote on the entire Comprehensive Plan but with codicils.

Mr. Krapf stated that the entire Comprehensive Plan would move forward as drafted, but any changes indicated by straw vote would be a separate addendum for the Board's consideration.

Mr. Haldeman stated that there would be a vote on the entire Comprehensive Plan.

Mr. Haldeman stated that he strongly supports removing the Mooretown Road Extension out of the Comprehensive Plan. Mr. Haldeman stated that once the County included the road in the Comprehensive Plan initially, the parcels nearby in York County shifted to residential development. Mr. Haldeman stated that traffic in that area is problematic. Mr. Haldeman stated that it is not possible to pave a way out of the congestion by widening or extending roads because that in itself will spur more development. Mr. Haldeman further stated that if the road connects from one end to the other, it will become a residential pass through road and degrade the value of the Economic Opportunity (EO) parcel. Mr. Haldeman stated that a single entrance to the EO parcel would be a much better approach.

Mr. Haldeman stated that the Planning Commission does not make a final decision on the Comprehensive Plan. Mr. Haldeman explained that the Commission does background work, research, and analysis to make a recommendation to the Board of Supervisors (Board). Mr. Haldeman further explained that the Board would make the final determination. Mr. Haldeman noted that the Board has been involved in the process from the outset, providing guidance through several joint meetings to discuss key issues.

Mr. O'Connor inquired whether the proposal associated with LU-20-0001 would require a central well or individual well and septic if the recommendation was that it should not go in the PSA.

Ms. Cook stated that under the current Subdivision Ordinance, a major subdivision that is outside the PSA would be served by a central well. Ms. Cook further stated that there is also the option to apply for a Special Use Permit (SUP) to extend water to the subdivision.

Mr. Haldeman inquired if there were any assurances through the Comprehensive Plan that the amenities proposed by Mr. Epstein for the Solara Woods development would come to fruition.

Ms. Cook stated that there would not be any assurances.

Mr. O'Connor requested clarification on the Mooretown Road Extension and the impacts on intersections in 2040.

Mr. Holt provided a summary of both the Build and No Build scenarios for the Mooretown Road Extension. Mr. Holt noted that since the Mooretown Road Corridor Study was completed in 2015, changes have been made to the final design of the Croaker Road Widening, plans are in place to improve signalization along Richmond Road, and several other improvements have been made toward easing congestion.

Mr. O'Connor inquired whether the Build scenario showed improvement for intersections that were below acceptable levels.

Mr. Holt stated that some Levels of Service (LOS) did not change, some improved, and one was slightly worse. Mr. Holt stated that the data did not account for specific build out on the EO property, only what might be generally possible.

Mr. O'Connor inquired about the amount of residential space allowed within the EO Zone.

Mr. Holt stated that the residential component was limited to 15% or less.

Mr. O'Conner commented that the concern about constructing the Mooretown Road Extension was not necessarily tied to residential development.

Mr. Holt stated that the reason there were three potential alignments for the road was because each provided a different benefit depending on the use of the property.

Mr. Haldeman noted that he was not as concerned about the residential component. Mr. Haldeman stated that the residential development would happen regardless and there would need to be access to the property. Mr. Haldeman further noted that in 2013 all the property in York County on both sides of Lightfoot Road from Richmond Road to Mooretown Road was designated EO and is now designated High Density Residential. Mr. Haldeman further stated that parcels on Bulifant's Boulevard were also designated Economic Opportunity and are now residential. Mr. Haldeman stated that it is not possible to pave a way out of road congestion.

Mr. Polster stated that similarly, previous Comprehensive Plans had recommended improving Monticello Avenue. Mr. Polster stated that the specific remedies had been completed and had not brought the necessary relief due to continuing development.

Mr. O'Connor inquired why James City County residents should be penalized because of what York County is doing.

Mr. Polster stated that 94% of County residents do not want more development, based on the most recent survey; yet keeping the Mooretown Road Connector in the Comprehensive Plan would encourage such development.

Mr. O'Connor noted that many residents in the northern end of the County would prefer to keep the Mooretown Road Extension in the Comprehensive Plan.

Mr. Haldeman stated that he believes the real penalty will be encouraging more growth with more and wider roads.

Mr. O'Connor noted that the biggest gap on the survey is in affordable housing, yet recommendations are being made to go from moderate to low density inside the PSA and increasing the minimum lot size outside the PSA. Mr. O'Connor inquired where the gap in affordable housing would be addressed.

Mr. Polster stated that affordable housing was addressed by the recommendation for the corridor renovation and Mixed Use area on Richmond Road. Mr. Polster stated that the same is true of the Mixed Use area on Pocahontas Trail off of Route 199 if the County can ever develop a proffer that allows it as an option. Mr. Polster stated that the only option proposed under Housing is Inclusionary Housing which requires a legislative change, so that we can have affordable housing in Mixed Use and have it required. Mr. Polster stated that right now there is no guarantee of that happening.

Mr. Krapf noted that regarding the Law of Induced Demand there is not a one size fits all scenario. Mr. Krapf noted that there may be a Law of Induced Demand that applies under

certain circumstances but if you use that rational for road improvements, there is no incentive to make improvements to address inadequate LOS.

Mr. Polster stated that the County invested in a traffic consultant to project what the levels of service would be in 2045 based on this Land Use Application. Mr. Polster stated that two critical intersections and several major roadways will be operating at LOS E or F. Mr. Polster stated that he is concerned that the Commission is not looking at the science of why they conducted the traffic analysis.

Mr. Krapf made a motion to put the Mooretown Road Extension back in the Comprehensive Plan.

Mr. O'Connor inquired if this was a straw vote or a formal vote.

Mr. Haldeman stated that it was a straw vote.

On a voice vote, the Commission voted to recommend that the Board of Supervisors put the Mooretown Road Extension back in the Comprehensive Plan. (4-3)

Mr. O'Connor stated that he is intrigued by the proposal associated with LU-20-0001. Mr. O'Connor stated that keeping the project within the PSA and increasing the protected lands within the conservation easement by 16 acres accomplishes a number of items that are in step with the Comprehensive Plan goals. Mr. O'Connor stated that he hoped the Commission would choose to put the property within the PSA or give serious consideration to the SUP application to extend water to the property when it comes before the Commission.

Mr. Krapf stated that there is no guaranteed that the development will be constructed as proposed. Mr. Krapf further stated that he is concerned that by putting the property in the PSA, it is potentially open to more intense development.

Mr. Polster stated that he would be more comfortable with the property remaining out of the PSA, and considering a legislative application that provides proffers and a firm Master Plan since there is no way to ensure how the development will be built out otherwise.

Mr. Rose stated that he is very supportive of the land use change, if there is the option of extending water to the property through a legislative application.

Mr. Polster suggested recommending the Board of Supervisors consider extending water and sewer to the property with an appropriate legislative application.

Mr. Holt stated that the County cannot designate a by-right use for an SUP. Mr. Holt stated that the only components that could be subject to a legislative application would be the solar farm and the extension of water and sewer.

Ms. Cook noted that there is no place to incorporate property-specific recommendation language in the Comprehensive Plan.

Mr. Polster stated that the minutes of this meeting would reflect the recommendation.

Mr. O'Connor noted that he was referring specifically to the extension of water and sewer.

Mr. Holt confirmed that the extension of water and sewer would require legislative action. Mr. Holt stated that it would probably not be possible to attach conditions to an SUP for extension of water and sewer that were not directly related to that process. Mr. Holt stated that but for those things already contained in the Zoning Ordinance that require a legislative

process, the Commission cannot, by virtue of the Comprehensive Plan Update, attach additional conditions or expectations to this particular application for the property. Mr. Holt stated that likewise, historically the Planning Commission and Board of Supervisors have not considered an out-of-cycle Comprehensive Plan Update. Mr. Holt further stated that if the idea was that the PSA change could be considered when the applicant came forward with a legislative application, that would very much be an out-of-cycle Comprehensive Plan change.

Mr. Hlavin stated that, in theory, it would be possible to attach an easement to a future development proposal.

Mr. Hlavin stated that he concurs with Mr. Holt and recommends sticking to the issue at hand with the land use designation changes.

Mr. Krapf noted that if the Commission voted to keep the parcel out of the PSA, a legislative application could be considered later.

Mr. Holt stated that the legislative application would be considered in light of the guidance in the Comprehensive Plan. Mr. Holt further stated that the Commission and the Board of Supervisors could also consider other factors and potential benefits when reviewing the application. Mr. Holt stated that there is some small history of the Board of Supervisors approving the extension of water and sewer in certain cases without a Comprehensive Plan Update.

Mr. Polster made a motion to recommend approval of the Comprehensive Plan and the Future Land Use Map.

Ms. Null inquired if there could still be discussion on some of the items when it is considered by the Board of Supervisors.

Mr. Hlavin stated that the best way to address the Commissioner's individual recommendations as addenda is if Mr. Polster's motion goes forward, then individual Commissioners can make motions for additional recommendations to go along with the main recommendation. Mr. Hlavin further stated that the language changes should be voted up or down as recommendations to the Board of Supervisors.

Mr. Rose inquired if it was possible to understand and vote on the additional recommendations first.

Mr. Holt stated that they are two different things because the attachments are not included as part of the Comprehensive Plan and Future Land Use Map as currently presented. Mr. Holt stated that as he understands it, the motion on the floor is to recommend approval to the Board of Supervisors of the Comprehensive Plan and Future Land Use Map as currently presented in the Agenda Packet. Mr. Holt stated that for the other requests, those will follow with votes and be enumerated in the minutes.

Mr. Hlavin stated that the additional recommendations could be considered first and included as an amendment to the Comprehensive Plan or considered second and provided as additional recommendations.

Mr. O'Connor stated he has concerns about recommending approval of the Comprehensive Plan as currently set forth. Mr. O'Connor noted that it would significantly change the way he votes. Mr. O'Connor stated that if the discussion about recommending these changes in the Comprehensive Plan occur first, that will also significantly impact his vote.

Mr. Holt stated that he had been reminded that in past years, the Commission voted on the

various pieces first and then the Comprehensive Plan.

Mr. Polster inquired if voting on the additional pieces would change the Comprehensive Plan as it is presented in the Agenda Packet.

Mr. Holt stated that it just goes forward as a recommendation to the Board of Supervisors.

Mr. Haldeman requested that Mr. Holt call the roll on the motion on the floor.

On a roll call vote, the Planning Commission voted to recommend approval of the Comprehensive Plan and Future Land Use Map to the Board of Supervisors. (5-2)

Mr. Krapf made a motion to recommend adding the Mooretown Road Extension to the Future Land Use Map.

On a roll call vote, the Planning Commission voted to recommend adding Mooretown Road to the Future Land Use Map. (4-3)

Ms. Null made a recommendation to amend the opening paragraph 4.6 to state that "...with the exception of Windmill Farms, as James City County will not accept them or their use as alternative energy, ..."

On a roll call vote, the motion failed to pass. (1-6)

Mr. O'Connor made a motion to recommend density bonuses for rural clusters on properties designated as Rural Lands.

Mr. Holt requested clarification on whether this recommendation would be part of a GSA or an addition to the Comprehensive Plan text.

Ms. Cook noted that the Designation description for Rural Lands discusses clusters. Ms. Cook suggested that this might be an appropriate place to add the recommended language.

Mr. Polster inquired about specific staff recommendations for density bonus conditions.

Mr. Holt stated that the conditions would generally come into play during the legislative process with the SUP application for the cluster.

Mr. O'Connor stated that his recommendation is that through the Comprehensive Plan, the County enable consideration of an Ordinance in Rural Lands that allows for higher density for clusters.

Mr. Polster stated that he does not understand what the implications would be. Mr. Polster further stated that a staff analysis is needed on the number of properties over 100 acres that this would apply to. Mr. Polster further stated that without an analysis of what the density bonus would look like on those pieces of property that are larger than 100 acres, he would not support the recommendation.

Mr. O'Connor stated that the issue is that the County continually hears from the landowners that their properties are being devalued almost to the point of being a Taking. Mr. O'Connor stated that he is trying to create an opportunity for those landowners to come to the Planning staff with a proposal for developing the land at a higher density, but while providing certain benefits with improved land preservation.

Mr. Haldeman stated that under Rural Lands Designation Description No. 3, Recommended

Density it states "... Residences associated with agricultural and forestal activities may be appropriate, but subdivision of lots should occur at a density of no greater than one residence per 20 acres. A very limited amount of residential development could be permitted in the form of rural clusters, provided significant preservation of the natural resources is achieved, such development does not interrupt rural qualities or character, and the development standards for rural clusters listed below are followed..."

Mr. Haldeman stated the "below" refers to Rural Lands Designation Description No. 5, Rural Clusters which provides that "If built, rural clusters should develop with the following guidelines: a) Densities should be no higher than the maximum permitted density in the underlying zoning district..."

Mr. Haldeman inquired if it would be acceptable to amend that to: "If built, with the following guidelines: a) Density should be higher than the maximum permitted density in the underlying zoning district."

Mr. O'Connor stated that he was fine with that as he did not have a particular number in mind.

Ms. Leverenz suggested changing the word "should" to "may".

Mr. Holt clarified that the recommendation would be to amend to Rural Lands Designation Description No. 5(a) to state: "Density may be higher than the maximum permitted density in the underlying zoning district, with the conditions listed above."

Mr. O'Connor confirmed that this was his motion.

On a roll call vote, the Planning Commission voted to recommend that Rural Lands Designation Description No. 5(a) be amended to state: "Density may be higher than the maximum permitted density in the underlying zoning district." (7-0)

Mr. O'Connor suggested clarifying the GSA ENV - 3.7.1: Investigate Carbon Sequestration approaches as may be permitted by State Code 15.2-4901 to explain what the enabling legislation is so that it would be clearer for the citizens. Mr. O'Connor suggested adding GSA ENV - 3.7.1.2 which would state that the Economic Development Authority (EDA) has the power to facilitate and support land owner access. Mr. Holt inquired if this addition is intended to be specific to the preservation of existing forested lands in James City County.

Mr. O'Connor deferred to Mr. Polster for clarification.

Mr. Polster stated that there are two different approaches for the carbon sequestration piece. Mr. Polster stated that the County could use a private firm which could be the aggregator of the process. Mr. Polster stated that there is the possibility under the federal regulations that the United States Department of Agriculture (USDA) would provide guidance to landowners. Mr. Polster stated that the EDA as a second approach was a way is a way for the County and adjacent jurisdictions to receive revenue. Mr. Polster further stated that it is another Economic Development piece of taking a look at rural lands. Mr. Polster stated that if the state level task force that reports back in January 2022 includes carbon sequestration for farmland as well as wetlands, that opens up other opportunities. Mr. Polster stated that he is not necessarily set on the EDA to be an option except that it is a way for the County to generate revenue. Mr. Polster stated that he is looking at ways to enable the County to take advantage of the carbon sequestration and what the law permits. Mr. Polster stated that he expects that when staff considers the options they will consider a range of best practices to decide whether the EDA or a private firm would serve best. Mr. Polster stated that the enabling language would be an Ordinance on the part of the County to be enacted by the

Board of Supervisors. Mr. Polster stated that there is no harm in leaving the language as it stands.

Mr. O'Connor stated that his concern is that as the State Code language is written today, it just defines the one piece about facilitating and supporting landowners. Mr. O'Connor further stated that if §15.2-4901 changes, the County may be committing the EDA or the Planning Commission to something we are not in agreement with. Mr. O'Connor stated that he has no problem with carbon sequestration or developing an Ordinance but he feels like this is a blank slate.

Mr. Polster made a motion that GSA ENV - 3.7.1 state: "Investigate carbon sequestration approaches."

Mr. Holt stated that he is trying to glean from the intent, specific to rural lands, if the efforts should be focused on preserving the existing rural character and taking advantage of the existing natural areas in our rural lands rather than aggregating landowners who want to come in and combine properties to put in technology or manmade solutions to capture that carbon as opposed to just taking advantage of our existing natural tree canopy.

Mr. O'Connor stated that he thought, being under the Environmental section, the intent was to protect the rural lands and forested areas.

Mr. Polster stated that he believes it is specific to forest sequestration and any expansion is not within that proviso. Mr. Polster further stated that this is why the task force that is part of the state now includes farmlands and wetlands which are also rural characteristics. Mr. O'Connor commented that the enabling code language only states facilitate and support landowner access to carbon markets through aggregation of landowners to reach a size that it attracts the investment of private capital. Mr. Polster stated that this is referring to the Regional Greenhouse Gas Initiative (RGGI) which is what the state is using to sell its carbon.

Mr. Holt noted that if the Commission is looking to add specificity to the GSA, under the auspices of the program, adding clarity to the intent of that desire to preserve existing forested assets in the County could be a way to accomplish that.

Mr. Haldeman noted that the Comprehensive Plan contains a number of references to State Code. Mr. Haldeman inquired if the County bears risk with all of them by including references.

Mr. Holt stated that because the legislation is so new, there is no certainty about what it means for the County.

Mr. Polster suggested rephrasing his motion to say: "Investigate carbon sequestration approaches that may protect the rural lands and tree canopy of the County."

Ms. Null inquired if the code reference would remain.

Mr. Polster stated that he did not have a problem with the code language. Mr. Polster further stated that how the program is executed has not yet been determined. Mr. Polster stated that it will be up to someone else to make that decision. Mr. Polster stated that the important thing is that this is a way to reimburseland owners for the eco-services they provide.

Mr. Holt requested that Mr. Polster repeat his motion for clarity.

Mr. Polster stated that his motion is to recommend amending GSA ENV - 3.7.1. by removing the existing language and instead stating: "Investigate carbon sequestration approaches as they may apply to the rural lands of the County and the forest canopy." On a roll call vote, the

Commission voted to recommend amending GSA ENV-3.7.1. (7-0)

Mr. O'Connor stated that for LU-20-0017 he would recommend keeping the parcel designated Neighborhood Commercial on the Future Land Use Map.

Mr. Haldeman stated that the Commission had concerns about approving more commercial development on Monticello Avenue.

Mr. O'Connor noted that in the previous legislative application for that parcel, the concerns are more related to the intensity of the use. Mr. O'Connor further stated that if the property remains Neighborhood Commercial, it would be up to the landowner to come back to the Commission with a proposal for a less intensive use that would be acceptable to the Board of Supervisors.

Mr. Krapf stated that the previous legislative application pushed the upper limits of Neighborhood Commercial and was too intense for the area constraints.

Mr. O'Connor made a motion to advance LU-20-0017 with the recommendation that it remain designated as Neighborhood Commercial.

Mr. Polster inquired if the recommendation included all three parcels.

Mr. Holt stated that there were four parcels included in the application.

Mr. O'Connor confirmed that all four parcels were included in his motion.

On a roll call vote, the Commission voted to recommend that the parcels remain designated as Neighborhood Commercial on the Future Land Use Map. (5-2)

Mr. Krapf recognized the James City County Police Officers who had been present to assist with crowd control if needed.

G. PLANNING COMMISSION CONSIDERATIONS

There were no items for Planning Commission Consideration.

H. PLANNING DIRECTOR'S REPORT

There was no Planning Director's report for this meeting.

I. PLANNING COMMISSION DISCUSSION AND REQUESTS

Mr. Haldeman stated that Mr. Rose would represent the Planning Commission at the July 13, 2021 Board of Supervisors Meeting.

Ms. Leverenz stated that she would not be able to attend the July Planning Commission meeting.

J. ADJOURNMENT

Mr. Polster made a motion to adjourn.

The meeting was adjourned at approximately 10:15 p.m.

Paul D. Holt, Secretary

Jack Haldeman, Chair

Land Use Application Case Number	Case Description	PIN	Current Land Use Designation	Proposed Land Use (By Property Owner, PCWG or Staff)	Staff Recommendation	PCWG Vote	Planning Commission Working Group (PCWG) Recommendations, with Board of Supervisors Recommendation in Bold Text Where Different
LU-20-0001	Marston Parcels	2220100036, 2220100034, 2220100090, 2220100035	Rural Lands	Low Density Residential/Addition to PSA	Denial	The PCWG recommended denial of this proposal by a vote of 6-1 at its March 22, 2021 meeting.	No Change
LU-20-0002	Eastern State - New Town Addition	3910100152	Federal, State, and County Land	Mixed Use - New Town	Approval	The PCWG recommended approval of this proposal by a vote of 6-1 at its March 22, 2021 meeting.	Change to Mixed Use - New Town
LU-20-0003	Eastern State - Mixed Use Community	3910100152	Federal, State, and County Land	Mixed Use - Eastern State (new)	Approval	The PCWG recommended approval of this proposal by a vote of 5-2 at its March 22, 2021 meeting.	Change to Mixed Use - Eastern State
LU-20-0004	7341 Richmond Rd.	2320100034	Federal, State, and County Land	Low Density Residential	Approval	The PCWG recommended approval of this proposal by a vote of 7-0 at its March 22, 2021 meeting.	Change to Low Density Residential
LU-20-0005	Stonehouse Tract	0630100005 (2702 acre portion)	Low Density Residential/Within PSA	Rural Lands/Outside PSA	Approval	The PCWG recommended approval of this proposal by a vote of 8-0 at its March 22, 2021 meeting.	Change to Rural Lands/Outside PSA
LU-20-0006	PSA Adjustment	1410100013, 0740100007, 0740100006, 0740100008, 0740100009, 0740100010, 0740100011D, 0740100011E, 0740100011F, 0740100012, 0740100011B, 0740100011A, 0740100013, 1410100013A, 1410100046, 1410100004, 1410100008, 1410100007, 1320100015A	Rural Lands & Low Density Residential	Outside PSA and Rural Lands	Approval	The PCWG recommended approval of this proposal by a vote of 7-1 at its March 22, 2021 meeting.	Change to Rural Lands/Outside PSA
LU-20-0007	Mainland Farm	4610100012	Low Density Residential	Community Character Conservation, Open Space or Recreation	Approval	The PCWG recommended approval of this proposal by a vote of 8-0 at its March 22, 2021 meeting.	Change to Community Character Conservation, Open Space or Recreation
LU-20-0008	Powhatan Creek Wetlands	4640100013, 4640100014, 4640100015	Low Density Residential	Community Character Conservation, Open Space Or Recreation	Approval	The PCWG recommended approval of this proposal by a vote of 8-0 at its March 22, 2021 meeting.	Change to Community Character Conservation, Open Space or Recreation

Land Use Application Case Number	Case Description	PIN	Current Land Use Designation	Proposed Land Use (By Property Owner, PCWG or Staff)	Staff Recommendation	PCWG Vote	Planning Commission Working Group (PCWG) Recommendations, with Board of Supervisors Recommendation in Bold Text Where Different
LU-20-0009	JCSA Tewning Rd Office & Convenience Center	3910100003	Mixed Use New Town, Federal State and County	Federal, State, or County Land	Approval	The PCWG recommended approval of this proposal by a vote of 8-0 at its March 22, 2021 meeting.	Change to Federal, State or County Land
LU-20-0010	Brickyard Parcels	1920100018A, 1920100018	Rural Lands	Community Character Conservation, Open Space or Recreation	Approval	The PCWG recommended approval of this proposal by a vote of 8-0 at its March 22, 2021 meeting.	Change to Community Character Conservation, Open Space or Recreation
LU-20-0011	Winston Terrace Stream Restoration	4810100004A	Community Commercial	Low Density Residential	Approval	The PCWG recommended to change the land use designation to Community Character Conservation, Open Space or Recreation instead of Low Density Residential and recommended approval of this proposal by a vote of 7-1 at its March 22, 2021 meeting.	Change to Community Character Conservation, Open Space or Recreation
LU-20-0012	Grove Convenience Center Site	5230100113	Limited Industry	Federal, State, or County Land	Approval	The PCWG recommended approval of this proposal by a vote of 8-0 at its March 22, 2021 meeting.	Change to Federal, State or County Land
LU-20-0013	Parcel(s) between Oakland Farms & Richmond Rd.	2310100001	Low Density Residential/Moderate Density Residential	Low Density Residential	Denial	The PCWG recommended approval of this proposal to change the land use designation to Low Density Residential by a vote of 6-2 at its March 22, 2021 meeting.	Change to Low Density Residential
LU-20-0014	Parcel near the northwest side of the Croaker Rd/Richmond Rd intersection	1330100008	Low Density Residential/Mixed Use - Toano	Low Density Residential	Denial, Revise MU Language Instead	The PCWG recommended approval of this proposal to keep the land use designation as Low Density Residential/Mixed Use and revise the Mixed Use designation description language by a vote of 7-1 at its March 22, 2021 meeting.	No Change

Land Use Application Case Number	Case Description	PIN	Current Land Use Designation	Proposed Land Use (By Property Owner, PCWG or Staff)	Staff Recommendation	PCWG Vote	Planning Commission Working Group (PCWG) Recommendations, with Board of Supervisors Recommendation in Bold Text Where Different
LU-20-0015	Parcels between Westport subdivision and Centerville Rd.	3620100061, 3620100060	Low Density Residential	Rural Lands/Outside PSA	Denial	The PCWG denied the recommendation to remove the subject parcels from the PSA and change their land use designation to Rural Lands by a vote of 5-2 at its March 22, 2021 meeting.	No Change
LU-20-0016	Croaker Interchange	1430100039, 1440100019	Mixed Use	Community Character Conservation, Open Space or Recreation	Denial, Revise Mixed Use Language instead	The PCWG recommended to change the land use designation to Community Character Conservation, Open Space or Recreation instead of keeping the parcels as Mixed Use and amending the land use designation language and recommended approval of this proposal by a vote of 8-0 at its March 24, 2021 meeting.	Change to Community Character Conservation, Open Space or Recreation
LU-20-0017	Parcels Across from Windsormeade Marketplace	3830100002A, 3830100004, 3830100003, 3840100024	Neighborhood Commercial	Community Character Conservation, Open Space or Recreation OR Low Density Residential	Approval for Low Density Residential	The PCWG recommended to retain the land use designation of Neighborhood Commercial instead of changing the land use designation to Community Character Conservation, Open Space or Recreation OR Low Density Residential and recommended approval of this proposal by a vote of 6-2 at its March 24, 2021 meeting.	PCWG Recommendation: No Change Board of Supervisors Recommendation: Low Density Residential
LU-20-0018	Parcel Northeast of Forge Rd. and Richmond Rd. Intersection	1230100014	Low Density Residential	Rural Lands/Outside PSA	Approval	The PCWG recommended to retain the land use designation of Low Density Residential and inside the PSA instead of changing the land use designation to Rural Lands and outside the PSA by a vote of 8-0 at its March 24, 2021 meeting.	No Change

Land Use Application Case Number	Case Description	PIN	Current Land Use Designation	Proposed Land Use (By Property Owner, PCWG or Staff)	Staff Recommendation	PCWG Vote	Planning Commission Working Group (PCWG) Recommendations, with Board of Supervisors Recommendation in Bold Text Where Different
LU-20-0019	Anderson Corner parcels adjacent to existing Mixed Use (MU)/ Economic Opportunity (EO)	Group 1: 1220100016, 1220100017, 1220100015 Group 2: 1230100001, 1240100064	Low Density Residential, General Industry	Mixed Use - Anderson's Corner	Approval For Contiguous Parcels to Andersons Corner (Group 1), Denial for Group 2 Parcels.	The PCWG recommended to change the land use designation for Group 1 to Mixed Use and keep the Group 2 parcels as General Industry by a vote of 8-0 at its March 24, 2021 meeting.	Group 1: Change to Mixed Use-Anderson's Corner Group 2: No Change
LU-20-0020	Parcels Adjacent to Colonial Heritage on Richmond Rd.	2430100003, 2410100008	Community Commercial	Mixed Use - Lightfoot	Approval, with Modification of Mixed Use Designation	The PCWG recommended to change the land use designation to Mixed Use and amend the Mixed Use designation description by a vote of 6-2 at its March 24, 2021 meeting.	Change to Mixed Use - Lightfoot
LU 20-0021	Parcels Adjacent to Longhill Rd and Centerville Near Warhill Sports Complex	3120100014, 3120100017, 3130100029, 3140100001	Low Density Residential	Moderate Density Residential	Approval	The PCWG recommended to keep the land use designation as Low Density Residential instead of changing to Moderate Density Residential by a vote of 7-0 at its March 24, 2021 meeting.	No Change
LU-20-0022	Parcels on Olde Towne Rd. approximately across from The Colonies at Williamsburg	3240100001, 3240100002A, 3240100002B	Low Density Residential	Moderate Density Residential	Approval	The PCWG recommended to keep the land use designation as Low Density Residential instead of changing to Moderate Density Residential by a vote of 5-2 at its March 24, 2021 meeting.	No Change
LU-20-0023	Parcel on News Rd.	3730100004	Low Density Residential	Moderate Density Residential	Denial	The PCWG recommended to keep the land use designation as Low Density Residential instead of changing to Moderate Density Residential by a vote of 5-2 at its March 24, 2021 meeting.	No Change
LU-20-0024	Parcels across from Recreation Center on Longhill Rd.	3330100037B, 3330100037A, 3330100038	Low Density Residential	Moderate Density Residential	Approval	The PCWG recommended to change the land use designation to Moderate Density Residential by a vote of 5-1 at its March 24, 2021 meeting.	Change to Moderate Density Residential

Land Use Application Case Number	Case Description	PIN	Current Land Use Designation	Proposed Land Use (By Property Owner, PCWG or Staff)	Staff Recommendation	PCWG Vote	Planning Commission Working Group (PCWG) Recommendations, with Board of Supervisors Recommendation in Bold Text Where Different
LU-20-0025	Lake Powell Rd. Parcel	4840100005	Low Density Residential	Moderate Density Residential	Approval	The PCWG recommended to keep the land use designation as Low Density Residential instead of changing to Moderate Density Residential by a vote of 6-0 at its March 24, 2021 meeting.	No Change
LU-20-0026	Parcels on Ron Springs Dr.	5910100028, 5910100029	Low Density Residential	Moderate Density Residential	Approval	The PCWG recommended to change the land use designation to Moderate Density Residential by a vote of 6-0 at its March 24, 2021 meeting.	Change to Moderate Density Residential
LU-20-0027	Parcels Near Colonial Heritage on Richmond Rd.	2430100034, 2430100033	Mixed Use - Lightfoot	Moderate Density Residential	Approval	The PCWG recommended to keep the land use designation as Mixed Use instead of changing to Moderate Density Residential by a vote of 6-0 at its March 24, 2021 meeting.	No Change
LU-20-0028	Croaker Interchange PSA Adjustment	Group 1: 1340100042, 1430100030, 1430100031, 1430100032, 1430100033, 1430100034, 1430100036, 1430100037, 1430100037A, 1430100037B, 1430100038, 1430100040, 1430100040A, 1440100018, Group 2: 1440100019, 1430100039	Low Density Residential, Neighborhood Commercial, Mixed Use-Croaker	Group 1: Rural Lands/Outside PSA, Group 2: Outside PSA	N/A	N/A	No PCWG Vote on This Application Board of Supervisors Recommendation: Group 1 - Outside PSA, Rural Lands; Group 2 - Outside PSA, and per LU-20-0016, designated Community Character Conservation, Open Space or Recreation.

Consideration of the Comprehensive Plan

Our County, Our Shared Future **James City County 2045 Comprehensive Plan**

Items Discussed at the BOS May 25 Work Session.

The Draft Plan Reflects the Board's Direction.

- **Mooretown Road** – The Board directed that this be removed from Plan and Future Land Use Map
- **Rural Lands Policies** – The Board directed that the Plan move forward with language as drafted.
- **Economic Opportunity Land Use Designation** – The Board directed that the Plan move forward with language as drafted.
- **Future Land Use Map considerations:**
 - **LU-20-0020 Parcels Adjacent to Colonial Heritage on Richmond Road.** The Board affirmed the PCWG recommendation (re-designated to Mixed Use).
 - **LU-20-0028 Croaker Interchange PSA Adjustment/Rural Lands.** The Board directed that these land use changes move forward.
 - **LU-20-0017 Parcels Across from WindsorMead Marketplace.** The Board directed that these parcels be re-designated to Low Density Residential.

Items Discussed at the BOS May 25 Work Session.

The Draft Plan Reflects the Board's Direction.

- GSA Public Facilities 4.7 “Support the Commonwealth of Virginia’s commitment to achieve 100% carbon free power by 2045.” The Board directed that this GSA be removed.
- GSA Environment 1.17 “Continue to develop watershed management plans for the remaining County watersheds, and to update existing watershed management plans that identify environmentally sensitive areas and specific protection, restoration, and retrofit recommendations. Explore the inclusion of ecosystem services considerations and evaluation of climate change-related precipitation impact in future watershed management plans.” The Board directed that this GSA be retained.

Items Discussed at the BOS May 25 Work Session.

The Draft Plan Reflects the Board's Direction.

- GSA Environment 3.7.1 “Investigate carbon sequestration approaches as may be permitted by State Code 15.2-4901.” The Board asked for additional information on this GSA. Since there was not direction from the Board to remove it, the GSA is retained in the Draft Plan.
- GSA Environment 4.6 and sub-actions 4.6.1/4.6.2 “Investigate ways to amend the County Ordinances to support alternative energy production, and to amend ordinances or include SUP conditions that protect and enhance natural resources on alternative energy production sites.” The sub-actions cover minimizing clearing of forested land, and implementing best practice documents on the inclusion of native pollinator plants. The Board asked for additional information on these GSAs. Since there was not direction from the Board to remove it, the GSA was retained in the Draft Plan.

Other Items for Possible Discussion

- LU-20-0002 Eastern State – New Town Addition
- LU-20-0003 Eastern State – Mixed Use Community

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Consideration of a personnel matter, the appointment of individuals to County boards and/or commissions, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia and pertaining to the Stormwater Program Advisory Commission

ATTACHMENTS:

Description	Type
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REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	9/20/2021 - 12:19 PM

ITEM SUMMARY

DATE: 9/28/2021

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Adjourn until 5 p.m. on October 12, 2021 for the Regular Meeting

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	9/17/2021 - 11:26 AM