

**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**  
**February 28, 2023**  
**1:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PRESENTATION**

1. Colonial Soil and Water Conservation Presentation
2. Recent Election Presentation
3. Tourism Council Update
4. Benefit Programs Specialist Appreciation Month

**D. CONSENT CALENDAR**

1. Acceptance of Funds - \$4,632 - Virginia Forfeited Asset Sharing Program
2. Approval of Limited-Term Family Services Specialist Position
3. Authorization to Enter into Settlement Agreement for Settler's Market
4. Contract Award - \$79,600 - Emergency Medical Dispatch Electronic Guide Card System Replacement
5. Grant Award - \$32,607 - Circuit Court Records Preservation Program
6. Grant Award - \$47,797 – Commonwealth's Attorney - V-STOP Grant Program Fund
7. Grant Award - \$200,000 - Virginia Department of Housing and Community Development
8. Lease Agreement with JCSA for 109 Tewning Road
9. Lease Agreement with Jamestown-Yorktown Foundation
10. Minutes Adoption
11. Participation in Proposed Settlement of Opioid-Related Claims
12. Residential Impacts
13. Resolution of Chesapeake Bay Preservation Ordinance Violation at 5209 Scenic Court

**E. BOARD DISCUSSIONS**

1. FY2023 Financial Update & FY2024 Budget Discussion

**F. BOARD CONSIDERATIONS**

**G. BOARD REQUESTS AND DIRECTIVES**

**H. REPORTS OF THE COUNTY ADMINISTRATOR**

**I. CLOSED SESSION**

1. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body pursuant to Section 2.2-3711(A)(29) of the Code of

Virginia and pertaining to the Request for Proposal Results, Before & After School and Summer Camp Programs

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 and pertaining to the Board of Zoning Appeals

**J. ADJOURNMENT**

1. Adjourn until 8 am on March 10, 2023 for the Board Retreat

**ITEM SUMMARY**

DATE: 2/28/2023

TO: The Board of Supervisors

FROM: Robert Lund, Director, Colonial Soil & Water Conservation District

SUBJECT: Colonial Soil and Water Conservation Presentation

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**ATTACHMENTS:**

	Description	Type
☐	Annual Report	Exhibit
☐	Presentation	Presentation

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 9:10 AM



## Annual Report

### Fiscal 2022

July 1, 2021 — June 30, 2022

#### Board of Directors

Charles Carter, Chair	Charles City
Robert Lund, Jr., Vice Chair	James City
Robert Jeremiah, Treasurer	New Kent
Pam Mason, Secretary	York
Fred Browning	Charles City
George Clark	York
Wayne Davis	New Kent
Douglas Hall	James City
David Beals	City of Williamsburg
Philip Thomson	New Kent
Megan Tierney	VCE Appointment
James Zilius	City of Williamsburg

#### Staff

Tom Dunlap	Conservation Specialist II
Sheila Jaruseski	Office Coordinator
Jim Wallace	District Manager
Bob Winters	Turf Love Program Tech
Robyn Woolsey	Urban Conservationist
Tabea Zimmermann	Conservation Specialist II

#### Colonial

#### Soil & Water Conservation District

#### Mailing Address

205-C Bulifants Blvd  
Williamsburg, VA 23188

#### Phone

757-645-4895

#### Website

[www.colonialswcd.org](http://www.colonialswcd.org)

#### Message from the Chair

State funding for agricultural conservation is once again at an all-time high in the march toward the 2025 water quality targets, established by EPA, to clean up the Chesapeake Bay.

The General Assembly's greater support of conservation efforts has not been exclusively dedicated to the agricultural sector. The state legislature increased support for non-agricultural stormwater conservation by much greater funding for the Virginia Conservation Assistance Program (VCAP) while demand for VCAP has been steadily rising.

Stakeholder, partner, and community involvement; local funding; and creativity from all elements are critical to achieving the EPA's 2025 water quality goals. All elements, every sector, has a role here, and everyone has a role to play. I'm confident the directors and staff of the Colonial SWCD will continue to be creative in bringing new conservation initiatives to our constituents while providing increased levels of service under expanded conservation programs.

We are pleased to provide this annual report of our accomplishments in FY 2022. We are grateful for the support of our local, state, federal, and private partners in conservation.

~ Charles

*The Commonwealth of Virginia supports the Colonial SWCD through financial and administrative assistance provided by the Virginia Soil & Water Conservation Board and the Department of Conservation and Recreation.*

# Agricultural Programs

## Decision Agriculture & Precision Agriculture Grant

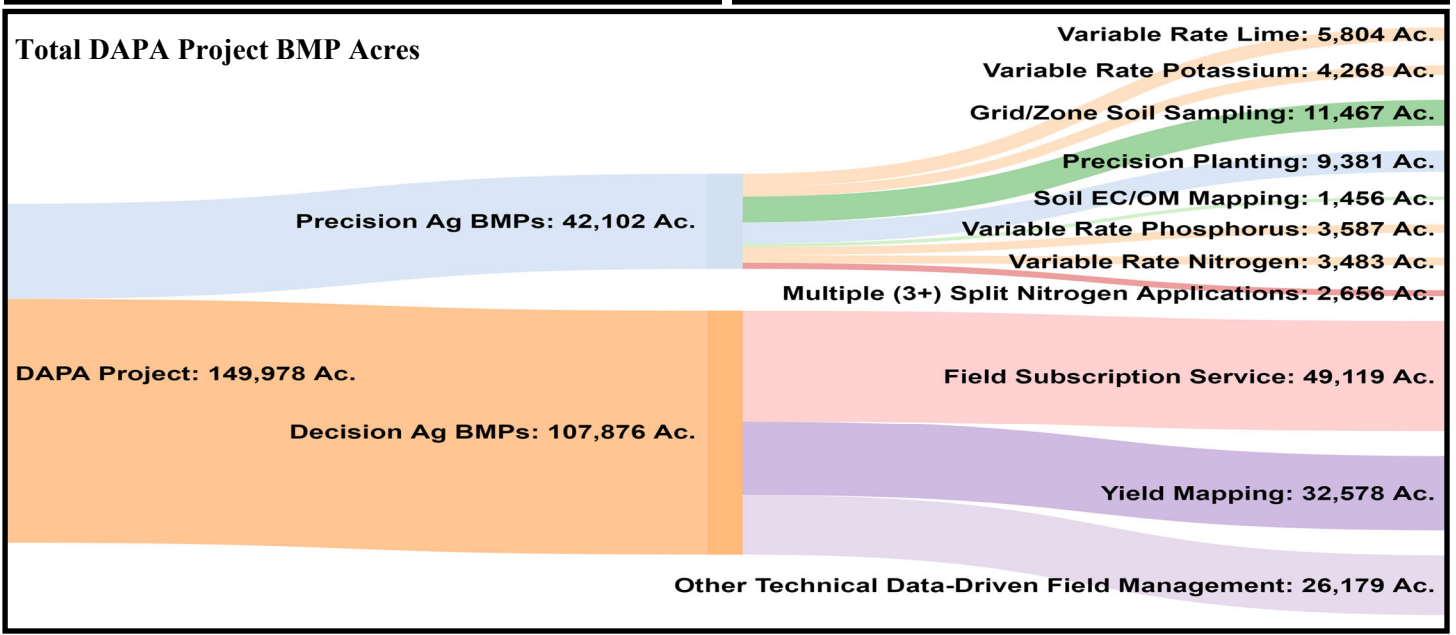
Colonial SWCD staff concluded the *Decision Agriculture & Precision Agriculture (DAPA) on the Lower James* project in 2022, ending the multi-jurisdictional and multi-SWCD privately funded cost share program. The DAPA project set out to promote novel agricultural best management practice (BMP) programming with the overarching goal of building farmer capacity and improving the efficiency of farm fertilizer use. The end goal of the project was to reduce the amounts of regulated nutrients (nitrogen and phosphorus) entering the James River.

Emphasis was placed on entry-level management practices that producers could easily implement and if appropriate, scale up to higher-intensity management to accommodate a range of farm operations. A total of twelve unique best management practices (BMPs) were offered through DAPA programming, with three management practices described as “decision” based, meaning they would occur before any equipment ran in the field. Nine “precision” based BMPs were implemented on the ground. Over the three-year life of the project, nearly 150,000 acres of these decision and precision agriculture best management practices were implemented by participating farmers. Estimated nutrient load reductions achieved through the DAPA program include 70,600.80 lbs. of nitrogen and 9,181.07 lbs. of phosphorus, which has

been reported to the FieldDoc team, but not yet validated.

A significant takeaway from this project was having the data to identify the relatively low level of financial assistance required to start building farmer capacity through decision agriculture management practices. These management practices have been historically unsupported by conservation financial assistance programming in Virginia, yet it is clear to those in industry and conservation organizations that they help serve as steppingstones for farmers to adopt more advanced techniques by providing a framework with which to make management decisions. Conservation partners with more established state and/or federal cost share programs may benefit from considering efficiencies to cost-share assistance that mutually address the goals of preparing farm operations for the future while improving water quality.

The DAPA project was made possible through a generous grant from the Virginia Environmental Endowment through their James River Water Quality Improvement Program. Additional support was provided by the Henricopolis, James River, and Peanut Soil & Water Conservation Districts, technical service providers throughout Virginia and North Carolina, and participating farmers.

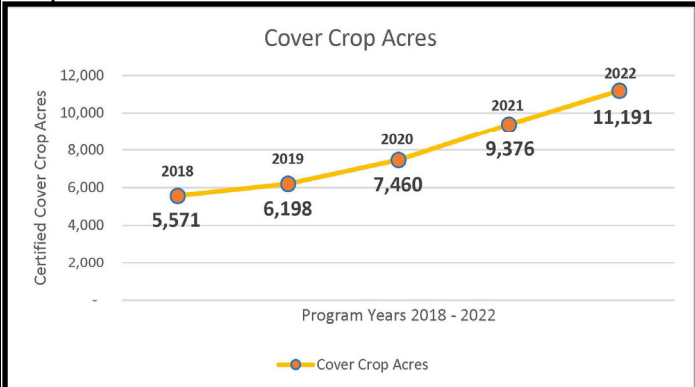


# Agricultural Programs

## Virginia Agricultural Cost Share Program (VACS)

The Virginia Agricultural Cost Share program (VACS) is a state-funded conservation initiative that provides financial assistance to agricultural producers for installing and implementing Best Management Practices (BMPs). Virginia’s 47 Soil and Water Conservation Districts administer the program and provide technical assistance to farmers and landowners. In fiscal year 2021 the Colonial SWCD allocated **\$1,075,904** to **42** participants. This year marks the first time the Colonial SWCD received over \$1,000,000 in VACS funding. District staff have worked diligently to take advantage of the record funding and have successfully marketed the program to regular, as well as new program participants.

Cover crops continued to be a hit with district farmers in the 2022 program year. Combining all of the cover crop BMP practices, a total of 11,191 acres were planted. Implementation at this level represents a historic high water mark for cover crop plantings in the Colonial District. Staff hope to continue the upward trend of cover crop acres in future years, as cover crops are one of the keys to attainment of the Watershed Implementation Plan (WIP, version 3) goals, established by the commonwealth. The chart below illustrates the growing popularity of cover crops in the district.



In addition to the 5 different types of cover crop practices, VACS participants also installed a long list of agronomic and engineered BMPs. One of the benefits of large cost share allocations is the ability for staff to target and address high cost structural practices, which can cost well into the six figures. In many cases staff has identified these types of

conservation needs over the course of many years and once the money becomes available, the project can move forward. Such was the case this year for two grade stabilization structures.

*Left: Raleigh Coleman, DCR Engineering Team member, examines the bottom of a head cut that has worked its way into*

*a pasture. DCR engineering staff provide practice designs and technical support to district staff at no charge.*



*Below: The finished product of a different head cut that had impacted a crop field. This rock lined chute reduces stormwater energy and releases the flow into the natural channel down slope.*



District directors approved their first ever application for a shoreline stabilization practice, practice code SE-2) in FY 2022. The SE-2 practice is a recent addition to the VACS suite of practices eligible for cost share reimbursement. The project site, along the James River will combine funds from VACS as well as grant monies from conservation partner, the James River Association to construct a living shoreline approximately 1,200 feet long and will include off-shore rock sills, beach nourishment, and vegetative plantings to establish an intertidal marsh.



Photo credit VIMS

*Above: Similar to the photo above, the living shoreline installed along the James River using VACS funds will include rock sills, sand fill, and marsh grass plantings.*

# Outreach & Education Programs

## Director & Partner Engagement

For our Board of Directors to effectively represent the constituencies they serve, putting boots on the ground and spending time with conservation partners is essential. In FY 2022, staff organized two opportunities for elected directors to visit with farmers and partner organizations, who are key to implementing conservation work.

In April, directors and staff visited partner organization Williamsburg Community Growers (WCG) to see new infrastructure projects including a fence around the garden, raised beds, and rain garden. A USDA Farm to School grant that Colonial SWCD received in partnership with WCG helped fund a solar system that provides electricity for a walk-in cooler for storing garden raised produce before it gets distributed to local schools and community organizations.



*Top Left: Charlie Morse, WCG Executive Director, shows off the repurposed storage shed which was converted to a solar powered walk-in cooler.*



*Bottom Left: WCG has partnered with local scout troops to identify multiple service projects. Pictured is a completed Eagle Scout project, which included the construction of several raised beds, which were placed in high traffic, high visibility areas of the garden and will be used for education and demonstrations.*

The field day also included visiting the site of an upcoming structural Best Management Practices and provided an opportunity to hear from a farmer about his land management techniques.



*Left: A cover crop of turnips and rape protected this field during the fallow season. In the background is a riparian buffer and the James River.*



*Above: Dave Black is a long-time participant in the VACS program and a strong adapter of cover crops, including experimenting with innovative cover crop rotations and incorporating them into his nutrient management.*

In May, Colonial SWCD toured Virginia State University's Randolph Farm in Petersburg, VA. We learned about the extensive research conducted on the farm, fish ponds, livestock, experimental crops, and green houses. Our partners in agriculture and conservation at VSU are pioneering amazing work providing information and assistance to producers in Virginia. We are thankful to our tour guide Mr. Jimmy Mullins, and look forward to returning in the future.

*Right: CSWCD Director Bob Lund and Urban Conservationist Robyn Woolsey check out strawberry plants in a greenhouse at VSU Randolph Farm.*



*To protect against soil borne anthracnose, these strawberries are being grown in bags of potting soil.*

The role of a district director is not easily defined and often requires the volunteers to take action on topics that are outside of their comfort zone. Field visits like the ones described here help district directors relate the terms, the people, and the funding streams that propel our programs. We're grateful to the farmers and partners who helped educate our Board of Directors and staff this year. Days like these showcase the hard work being done and inspire renewed commitment to the work we carry out.

## Outreach & Education Programs

### Youth Conservation Camp

### Dominion Envirothon

This year marks the 43<sup>rd</sup> Anniversary of Youth Conservation Camp (YCC). YCC is a week-long conservation camp providing a hands-on outdoor learning experience for high school aged students, conducted on and around the Virginia Tech campus. The summer camp is sponsored by the VASWCD Education Foundation with support from Soil and Water Conservation Districts throughout the state.



*Pictured above: (L to R) Diego Cordero Muniz, Beckham Dollyhigh, and Dylan Rooks.*

Campers are exposed to a variety of conservation and natural resource opportunities, which included electro-fishing with the Department of Wildlife Resources and a visit to the Virginia-Maryland College of Veterinary Medicine, pictured below.



District funds were used to provide scholarships to the three applicants who attended this years camp. The campers represented 3 localities within the District, which included James City, New Kent, and York Counties.

The Colonial district was proud to support the Jamestown High School team as its representative to the 2022 Dominion Energy Envirothon.

The Dominion Energy Envirothon is a team-based natural resources competition in which high school students around the Commonwealth compete by demonstrating their knowledge of environmental science and natural resource management. Students apply their knowledge and problem solving skills by addressing real-life environmental problems.



*Pictured above: members and coaches of the Jamestown High School Envirothon Team*

The Jamestown team participated in a regional competition, hosted by the Northern Neck SWCD at the Baliles Environmental Center at Hull Springs Farm in Westmoreland County, and earned the right to advance to the state level Dominion Energy Envirothon contest held at Eastern Mennonite University in Harrisonburg.

The competition requires each 5 member team to test their knowledge on soils, wildlife, aquatics, forestry, and a special issue environmental topic, as well as prepare and deliver an oral presentation related to the special issue topic.

At the state level, the Jamestown HS team placed 1st in the aquatics topic and 2nd in the special issue environmental topic and oral presentations.

*Pictured below: members of the Jamestown HS Envirothon Team receive awards from Dominion Energy and VASWCD staff.*





## Urban Programs

### Virginia Conservation Assistance Program

Although the total number of Virginia Conservation Assistance Program (VCAP) site visits completed this year was less than previous years, interest in the program remains strong. Staff completed a total of 34 initial site visits, most of which were in James City County, to help homeowners identify and begin to correct stormwater issues on their properties. Similar to previous years, rain gardens, permeable pavement, conservation landscaping, and living shorelines continue to be the most popular practices.

VCAP Site Visits by Locality				
Locality	2022 Visits	2021 Visits	2020 Visits	2019 Visits
James City	22	32	26	20
York	5	17	8	15
Williamsburg	4	2	1	4
New Kent	1	1	1	2
Charles City	2	0	1	1
<b>Total</b>	<b>34</b>	<b>52</b>	<b>37</b>	<b>42</b>

Out of the 34 site visits completed this year, three landowners proceeded with VCAP applications. These applications included a residential rain garden in James City County, a conservation landscaping project in James City County, and a living shoreline in York County. Across these three practices, a total of \$18,146 in cost-share funds were provided, matched by a total of \$37,720 provided by the applicants. Since FY2017, a total of \$199,450 has been provided in VCAP cost-share funds, which has been matched by \$139,511 from participants.

Aside from continuing to offer VCAP site visits and application assistance, district staff further invested in the program by joining the statewide steering committee that oversees program implementation. Led by Urban Conservationist Robyn Woolsey, the district's involvement with the steering committee has offered great insight into how other districts implement the program and how the Colonial district

can continue to improve its own implementation strategies. Participating in the steering committee has also allowed staff to be able to influence important program policy changes that are intended to improve participation from districts and landowners. During FY22, those changes included significantly increasing practice cost-share rates and caps, and more than doubling the technical assistance payments districts receive per completed practice. While continued growth and improvement are still crucial to overall success, staff are hopeful that these changes will result in more interest in the program locally.

Over the past year, district staff have also taken on a new effort to expand VCAP access to localities that are not included in a soil and water conservation district service area, and thus do not have access to the program. Connections were made with several staff members in the City of Hampton to begin discussing an agreement that would allow Hampton residents to access VCAP funding specifically for living shorelines. With a significant number of shorefront parcels within the city, this practice was of particular interest to city staff and residents. Although a formal agreement is not anticipated to be in place until early FY23, staff are excited about this new possibility to expand VCAP and continue efforts to focus on shoreline management and stabilization programming.



*Left and below: Before and after photos of a rain garden installed with VCAP funding in James City County.*

*Rain gardens are typically located in landscape depressions which allows pollutant laden stormwater to run into the garden. Stormwater is held in the garden until it can be absorbed by garden's plants or percolate into the ground.*



*Rain gardens can come in all different shapes and sizes but are best when planted with native plants in permeable soil.*

## Urban Programs

### Turf Love

District staff and Virginia Cooperative Extension Master Gardener volunteers, known as Lawn Rangers, completed another successful year of Turf Love visits and outreach events. Throughout the year, 90 Certified Nutrient Management Plans were completed along with four outreach events. The Lawn Ranger team also welcomed a new Ranger, Jim Akridge, who has begun taking the lead role on working with new clients.

*Right: Bob Winters, CSWCD Turf Love Program Technician, speaks to Turf University attendees about turf management in the transition zone.*

*Turf University is one of 4 turf management educational events conducted annually by the district*



With pandemic restrictions decreasing this spring, district staff and Lawn Ranger partners were able to bring back Turf University, a public educational event historically hosted annually in March. The event is designed to educate homeowners about the importance of responsible lawn care, growing the healthiest lawn with the least impact on the surrounding environment, and how proper nutrient applications can protect the Chesapeake Bay. For this year's event, the district's own Turf Love Program Technician, Bob Winters, provided a seminar on how to choose the appropriate turf species best suited for various growing conditions, and how to identify and treat several common lawn weeds. Registration for this event hit capacity at 60 attendees, and a waitlist for another 11 individuals interested in attending the event was created. Approximately 40 people attended and provided positive feedback for the presentation and the discussions held during the event. Several attendees continued their efforts in improving their lawn management by participating in Turf Love in the weeks following the seminar.

District staff also participated in several outreach events held throughout James City County to promote Turf Love and encourage more residents to participate in the program. These events included a conservation outreach expo hosted by a local Girl Scout, James City County's annual FidoFest, and the Toano Open Air Market.

### Shoreline Evaluation Program

Throughout this fiscal year, district staff and Virginia Cooperative Extension Master Gardener Water Stewards continued to focus on training in preparation to formally launch the Shoreline Evaluation Program (SEP) at the start of fiscal year 2023. The goal of the SEP is to provide educational and technical assistance by meeting with shoreline property owners to assess current or potential threats to the property and identify opportunities to help improve water quality through improved property management.

Staff at the Virginia Institute of Marine Science (VIMS) have continued to play an integral role in the development of the SEP and in providing trainings for staff and volunteers. Along with the virtual trainings listed in the table below, several in-person trainings and practice site visits were also held this year. The first in-person trainings were held at shorefront properties in the Northern Neck in partnership with the Northern Neck Master Gardener SEP team. These trainings focused on practicing working through the steps of a real evaluation, which includes assessing upland stormwater management, the riparian buffer zone, and the shoreline itself. More in-person trainings were held at one of the James City County Master Gardener's family properties in Mathews, Virginia, and at a shorefront property in Williamsburg, Virginia along College Creek.

After completing SEP evaluations, staff and volunteers will work together to prepare a final report that will detail observations made during the site visit as well as recommendations for improved management. If applicable, the final report will also direct landowners to avenues for further assistance, including cost-share opportunities for stormwater management projects and living shorelines.

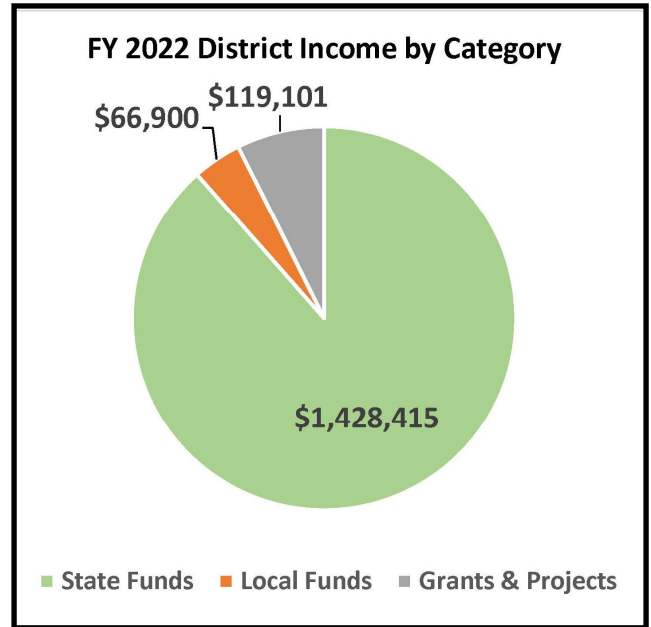


*Left: The Colonial district SEP team, which includes district staff and Master Gardener volunteers at the Shoreline Demonstration Garden in Reedville, VA.*

## Colonial SWCD Finance

### Income

Virginia’s Soil and Water Conservation Districts rely on grants and contracts, contributions from local governments, and fund raisers to support local conservation efforts. The Colonial SWCD receives multiple grants from the commonwealth annually to support operations and to implement the Virginia Agricultural Cost Share (VACS) Program. VACS is the primary method by which agricultural conservation practices are credited in the Chesapeake Bay Watershed Model and represents the majority of income and expenses on the district income statement. Funds received from localities and competitive grant awards provide financial support for programs and initiatives targeting the district’s constituents including technical assistance provided to residents, Turf Love, supporting the Williamsburg Community Garden, and compliance with the Chesapeake Bay Preservation Act.

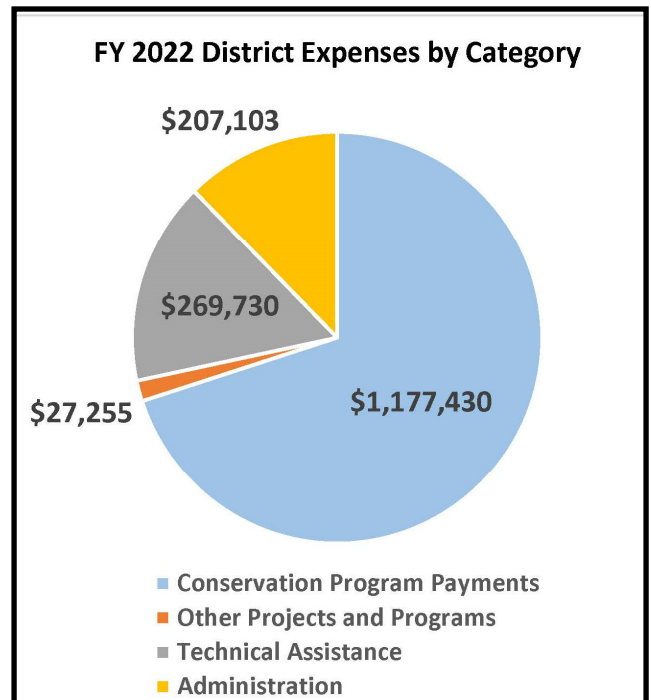


### Expenses

Record amounts of conservation program funding flowed through the district in FY 2022. Landowners and farmers took advantage of three individual programs which offered financial assistance for implementing agricultural and non-agricultural conservation measures. Never before has the Colonial SWCD spent over \$1 million on conservation programs in a single year. Year over year spending in this category increased nearly 28%.

Retaining a well-trained and effective staff to provide technical assistance and administer district initiatives continued to be a top priority for the district Board of Directors. The staff, comprised of 5 full time and 2 part time employees consistently fulfill their duties in a professional manner and position the district to take advantage of grant opportunities, furthering the district’s strategic plan. District directors are taking steps to hire new staff in the coming fiscal year to expand the reach of district programs and services.

Other project and program expenses, which includes materials and supplies to execute grant projects and outreach efforts, along with general administrative and overhead expenses round out



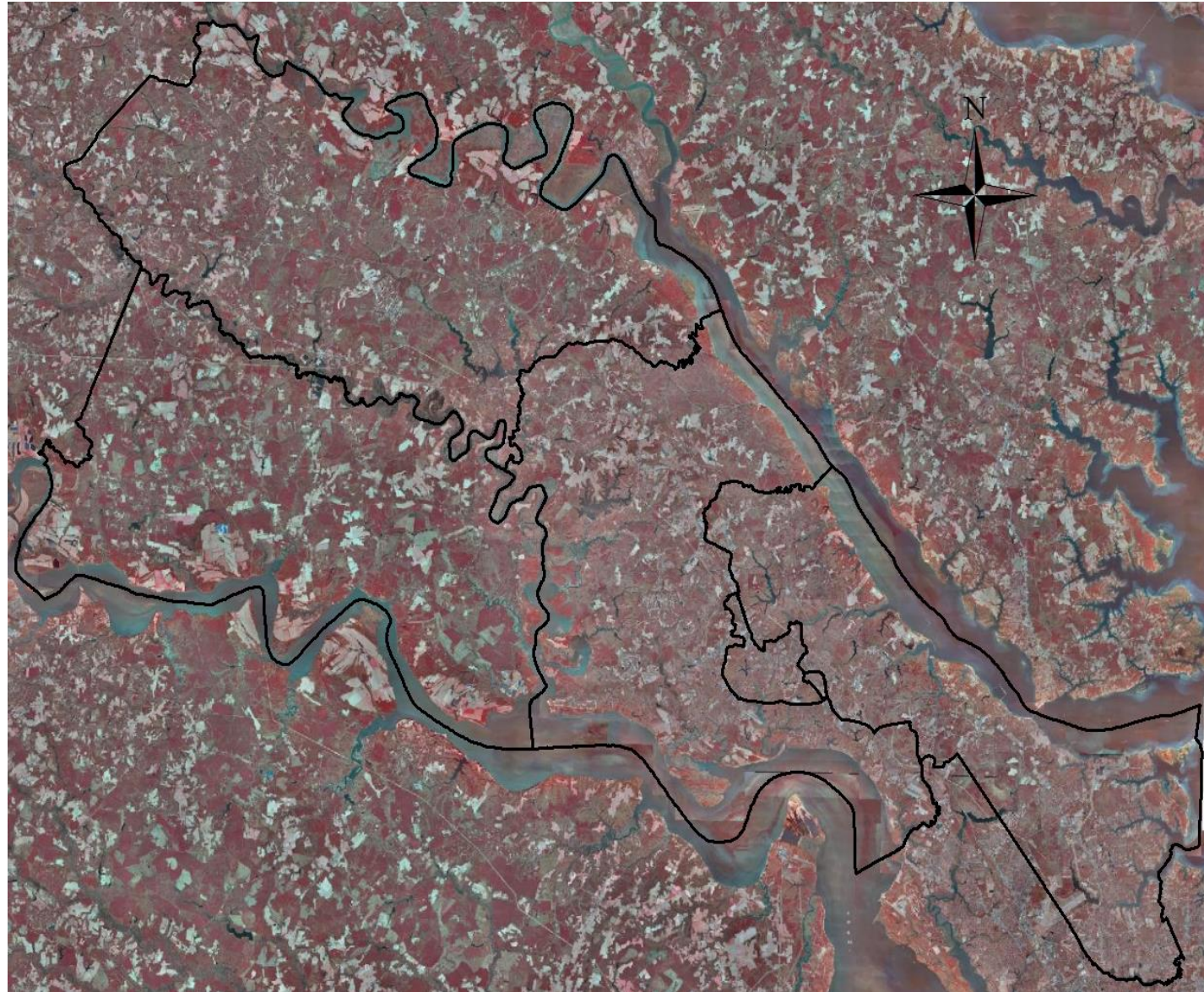
the expense list. The district is grateful for all of those who provide financial assistance to promote conservation in our service area.



**Colonial Soil & Water Conservation District  
Report to the  
James City County Board of Supervisors  
February 28, 2023**

# Colonial District Overview

- *Political Subdivision of the Commonwealth of VA*
- *One of 47 Districts in VA*
- *Serves James City, Charles City, New Kent, York Counties and the City of Williamsburg with two elected Directors from each*
- *Receives ~60% of annual funding from VA Dept. C.&R.*
- *Most funding is obligated and tied to specific efforts*



# Agricultural Programs

## ***Virginia Agricultural Cost Share Program (VACS)***

- *Technical and Financial Assistance for Agricultural Conservation Practices*
- *\$88,279.61 Spent on JCC Cropland Over the last 5 years*
- *Nutrient Management Plans, cover crops, and continuous no-till are most common practices in JCC*



## ***Chesapeake Bay Preservation Act (CBPA)***

- *CSWCD conducts 5 CBPA assessments on agricultural lands annually under a cooperative agreement with JCC supporting a county ordinance*

# Education Programs

## *Virginia's Dominion Envirothon*

- *Environmental/Conservation Themed Competition for High School Students*
- *Colonial SWCD sponsored Jamestown HS team at Regional and State Level*
- *2019 National Champions*
- *Colonial SWCD hosting our regional competition.*



## *Youth Conservation Camp (YCC)*



- *Colonial SWCD sponsored three students, one from JCC, to attend Youth Conservation Camp.*
- *YCC is a hands-on outdoor learning experience for high school aged students, conducted on and around the Virginia Tech campus.*

# Williamsburg Community Growers Partnership

- *Community garden and teaching farm in between Warhill High School and WISC complex*
- *CSWCD and JCC have been important supporters since the inception in 2014*
- *In July 2021, CSWCD received more than \$90,000 in funding from the USDA Farm to School program to support growth and development at WCG*
- *Land use agreement with JCC and Dominion Energy allows this innovative use of an otherwise neglected green space*
- *Over 5,000 pounds of fresh produce was donated to local community members in need the last two years.*





# Urban Programs

## *Virginia Conservation Assistance Program (VCAP)*

- *District Provides Technical Advice & Financial Assistance to Install/Implement Conservation Practices*
- *In the last five years, VCAP has Provided \$74,957 to JCC Homeowners, HOAs, and Schools (Matched by \$45,338 From Them)*
- *10 Year Obligation - Applicant to Maintain & District to Inspect*



# Turf Love

- *Since Feb 2019, the District has completed 302 certified nutrient management plans for privately owned properties, as well as 34 certified nutrient management plans for County owned properties.*
- *With support from the JCC/Williamsburg Master Gardeners, Turf Love teaches homeowners how to maintain their lawns in an environmentally-responsible manner.*
- *Super Turf Saturday and Turf University, two public educational events, provided over 100 attendees with sustainable lawn care advice from regional turf experts in fiscal year 2022.*



# Shoreline Evaluation Program

- *CSWCD recognizes an increasing need for technical assistance for shorefront property owners to better manage their property to prevent water quality degradation*
- *In partnership with Williamsburg/James City County Master Gardeners, CSWCD started a Shoreline Evaluation Program in which participants receive a shoreline assessment from District Staff or Master Gardener volunteers*
- *Assessments include identification of current or potential shoreline issues, opportunities for improved management, and a final report with recommendations for further assistance if needed or desired*
- *After about a year spent training with regional shoreline experts, this program formally launched in July 2022*

# Fiscal Year 2022

Service Provided by Colonial SWCD	JCC Funding
Technical assistance for the agricultural provisions of the James City County Chesapeake Bay Preservation Act (CBPA) Ordinance.	\$12,500
Conduct 5 Agricultural Lands Assessments, as required by the Chesapeake Bay Preservation Act.	\$2,200
Administer Turf Love Program in James City County, delivering 90 certified nutrient management plans (NMPs) and conducting 4 educational events.	\$40,000
Supplemental support for the administration of the newly formed Shoreline Evaluation Program (SEP).	\$4,250
Total	\$58,950

CSWCD would like to thank our partners in James City County for supporting the District's work. The District values its partnership with the county immensely and will continue to strengthen it through new conservation initiatives and opportunities.

# Fiscal Year 2023

Service Provided by Colonial SWCD	Budget
Technical assistance for the agricultural provisions of the James City County Chesapeake Bay Preservation Act (CBPA) Ordinance.	\$12,500
Conduct 5 Agricultural Lands Assessments, as required by the Chesapeake Bay Preservation Act.	\$2,200
Administer Turf Love Program in James City County, delivering 90 certified nutrient management plans (NMPs) and conducting 4 educational events.	\$40,000
Supplemental support for the administration of the Virginia Conservation Assistance Program (VCAP).	\$3,500
Supplemental support for the administration of the recently launched Shoreline Evaluation Program (SEP).	\$4,250
Total	\$62,450

# Fiscal Year 2024 Budget Request

Service Provided by Colonial SWCD	Budget Request
Technical assistance for the agricultural provisions of the James City County Chesapeake Bay Preservation Act (CBPA) Ordinance.	\$12,500
Conduct 5 Agricultural Lands Assessments, as required by the Chesapeake Bay Preservation Act.	\$2,200
Administer Turf Love Program in James City County, delivering 90 certified nutrient management plans (NMPs) and conducting 4 educational events.	\$42,000
Supplemental support for the administration of the Virginia Conservation Assistance Program (VCAP).	\$3,500
Supplemental support for the administration of the Shoreline Evaluation Program (SEP)	\$4,250
Total	\$64,450

# Conservation Opportunities

## ***Virginia Conservation Assistance Program (VCAP)***

- *Supplemental Funds From JCC Sustain an Expanded District Effort*
- *Leveraging Opportunity for JCC Environmental Program Funds*

## ***USDA RIPE Grant Award & Partnership with Virginia Tech***

- *Opportunity to provide technical and/or financial support for small farm operations that do not qualify for Virginia Agricultural Cost Share program assistance*

## ***Shoreline Evaluation Program***

- *Opportunity to reach shorefront landowners and promote living shorelines*

# Colonial Contact Information

## ***Directors Elected to Represent James City County***

Robert Lund, Jr.  
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[Douglas.Hall@colonialswcd.net](mailto:Douglas.Hall@colonialswcd.net)

## ***District Manager***

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[Jim.Wallace@colonialswcd.org](mailto:Jim.Wallace@colonialswcd.org)

## ***Urban Conservationist***

Robyn Woolsey  
(757) 645-4895

[robyn.woolsey@colonialswcd.org](mailto:robyn.woolsey@colonialswcd.org)

***Website***     <https://www.colonialswcd.org/>

*The Commonwealth of Virginia supports the Colonial SWCD through financial and administrative assistance provided by the Virginia Soil & Water Conservation Board and the Department of Conservation and Recreation.*



**ITEM SUMMARY**

DATE: 1/24/2023  
TO: The Board of Supervisors  
FROM: The James City County Electoral Board  
SUBJECT: Recent Election Presentation

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**ATTACHMENTS:**

	Description	Type
📎	Presentation	Presentation

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	1/17/2023 - 11:23 AM



# 2022 Year in Review

Office of Elections

# We've moved!



New location:

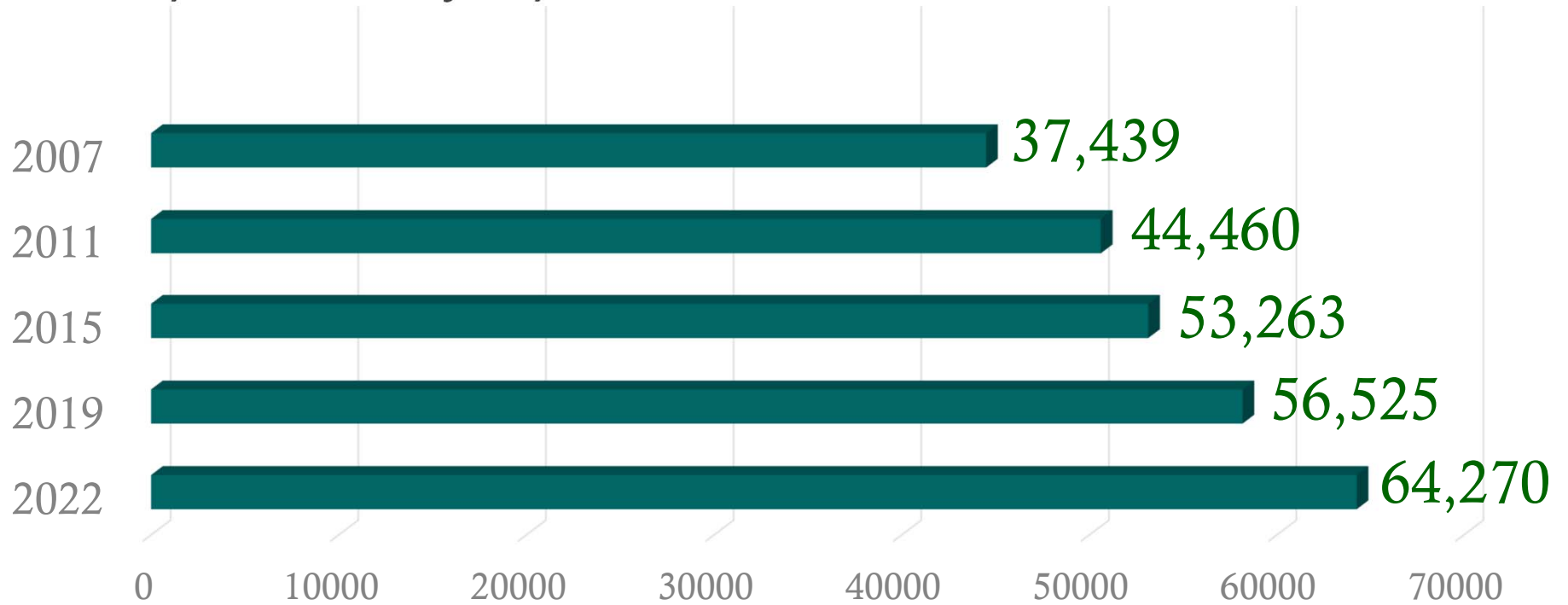
**4095 Ironbound Road**

Located behind the  
W/JCC Courthouse



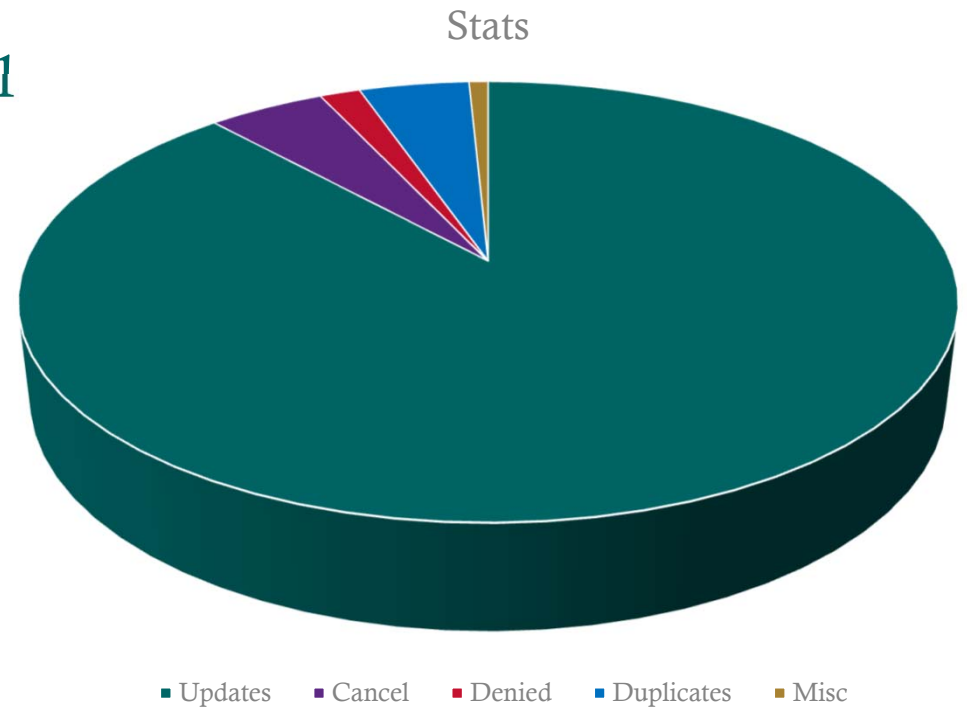
# Number of Registered Voters

(as of 12/31 of each year)



# Voter Registration – Transactions Processed

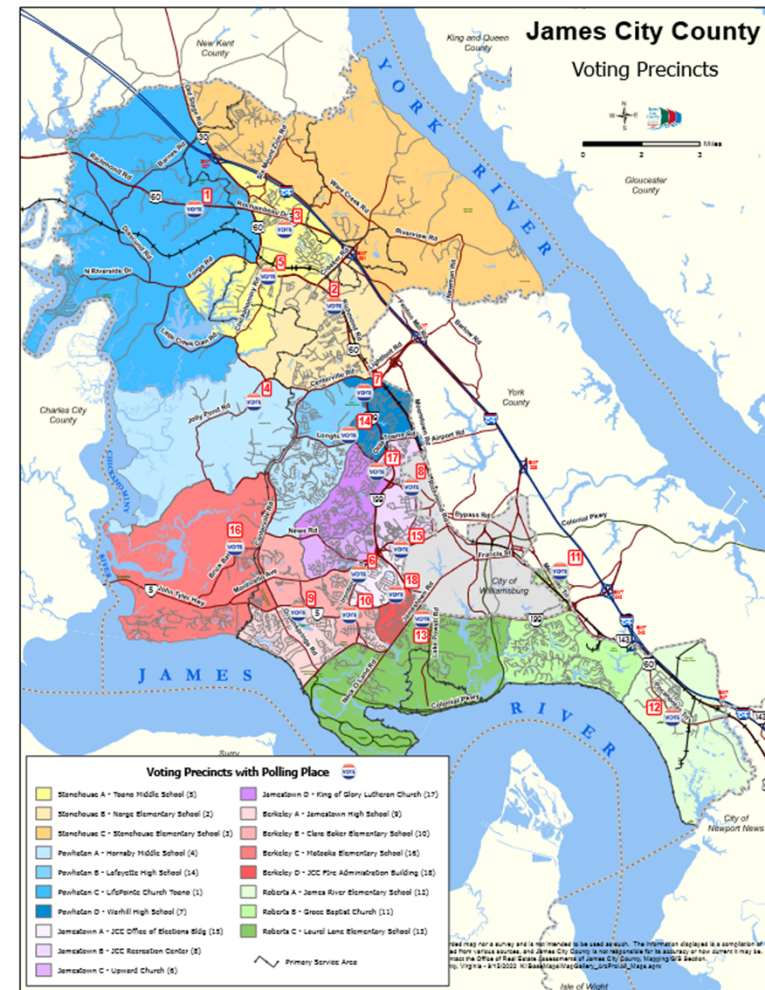
Information updates:	19,201
Request to cancel:	3,986
Denied applications:	361
Duplicates applications:	985
Other misc. transactions:	171



**TOTAL TRANSACTIONS 24,704**

# Redistricting

- Mandatory due to U.S. Census results
- Precinct lines were redrawn with as minimal impact as possible
- All Voters have been issued new voter cards



# Turnout for November 2022 General Election

- Absentee In-Person: 13,100
- Absentee By Mail: 3,442
- Election Day: 20,799
- Absentee Post Election Mail: 165
- Provisional: 308

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Overall total actual: 37,814 or 59.24%

**PROJECTED OVERALL TOTAL 60%**

# Ballot Drop-Off Locations

JCC Office of Elections (Ironbound Road)	x 45 days = 503
JCC Library – Croaker *	x 10 days = 8
Abram Frink Community Center *	x 10 days = 2
Polling Places on Election Day	x 1 day = 14





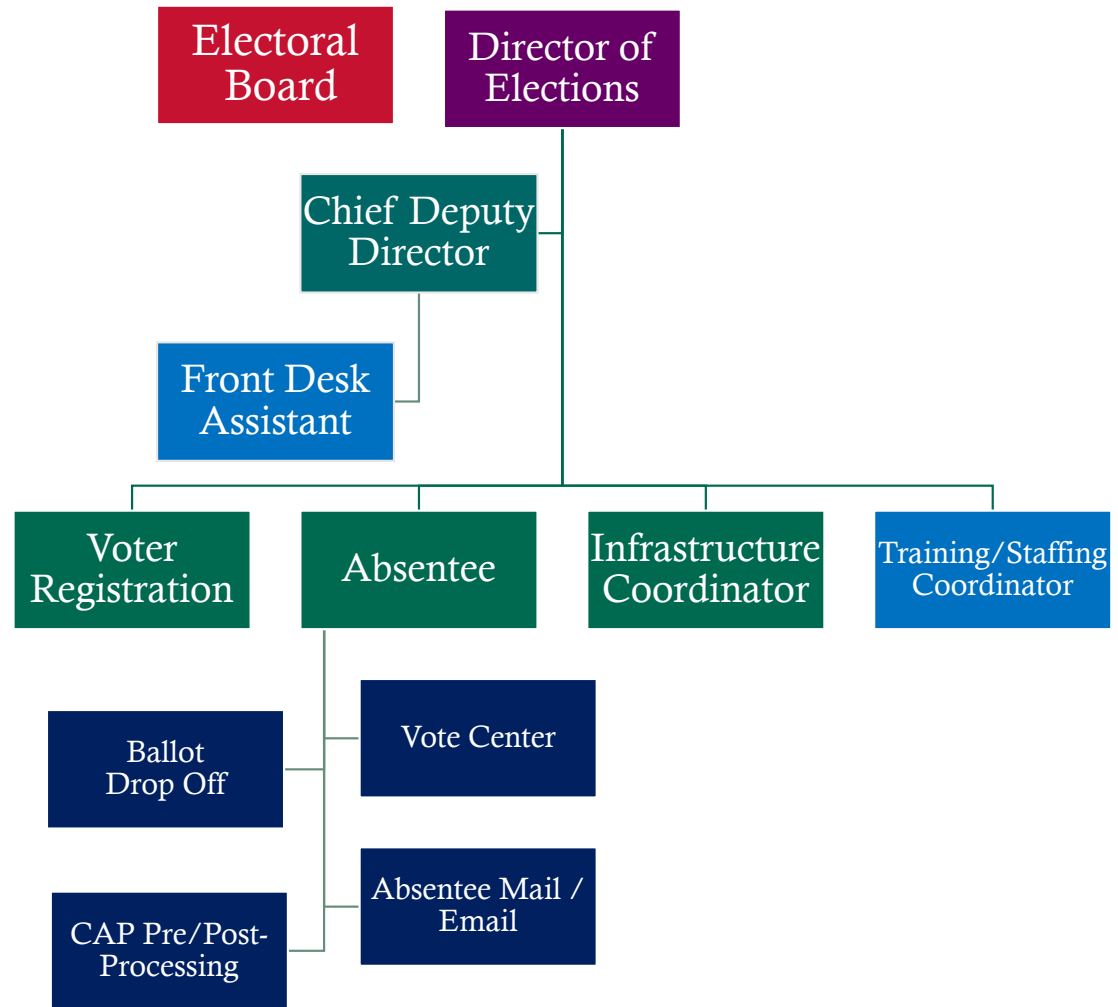
# Organizational Chart



Current Positions



Positions Requested



# Emergency Planning and Preparedness

*When the unexpected happens...*



- Continuity of operations
- Back-up staffing
- Training
- Teamwork

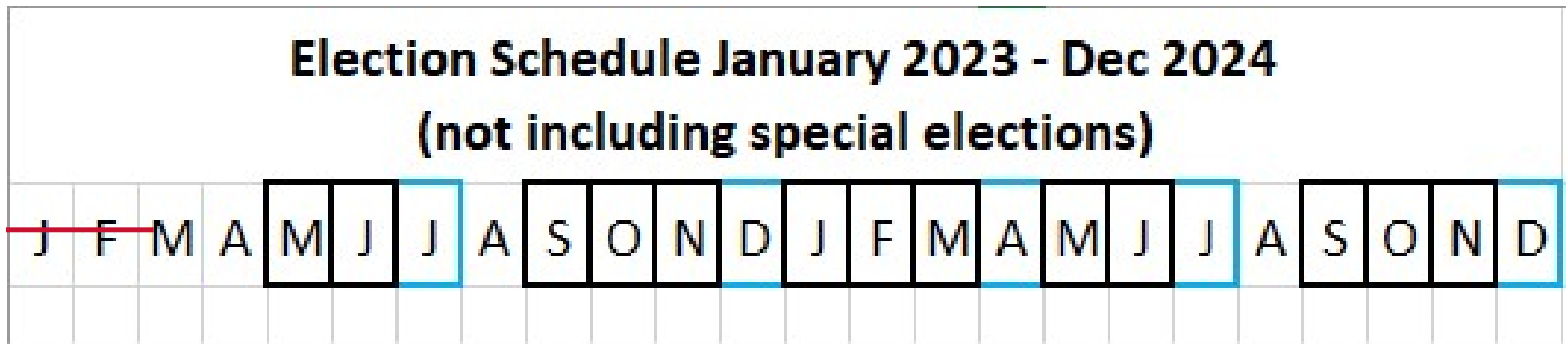
*A huge **thank you** to JCC-Bruton Volunteer FD, York Co. Fire & Rescue, and the Virginia Department of Elections for their services and assistance!*



# Security, Intimidation, and Threats

This is no longer something that is happening on the news.  
It is real and it exists right here in James City County.

# What's ahead...



: months that there will be active voting...13 of 22 months

: months when equipment will be in quarantine until the election is officially certified

Staff will also be required to work 6 state/federal holidays within this timeframe.

# Supply chain issues and planning

**Each mailed ballot contains 4 individual envelopes.**

Severe envelope shortages have led to a minimum **14-week lead time.**

November 2023 AB Ballot envelopes (needed Sept 1)	must be ordered by	<b>June 01, 2023</b>
March 2024 AB Ballot envelopes (needed Jan 1)	must be ordered by	Oct 01, 2023
June 2024 AB Ballot envelopes (needed May 6)	must be ordered by	Feb 01, 2024
November 2024 AB Ballot envelopes (needed Sept 1)	must be ordered by	<b>June 01, 2024</b>

 **RED** font indicates a different fiscal year from the election date in which it is held

## Currently...



While simultaneously planning for 5 elections, we are also planning continued interior Office of Elections expansion phases within the building.

This buildout will provide for a larger Vote Center on the first floor as well as operating space for staff on the second floor.

Both spaces are imperative to the success of elections in James City County.

# Questions



**ITEM SUMMARY**

DATE: 1/24/2023  
TO: The Board of Supervisors  
FROM: Victoria Cimino, CEO, Tourism Council  
SUBJECT: Tourism Council Update

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	1/3/2023 - 2:34 PM



**ITEM SUMMARY**

**DATE:** 2/28/2023  
**TO:** The Board of Supervisors  
**FROM:** Rebecca Vinroot, Director of Social Services  
**SUBJECT:** Benefit Programs Specialist Appreciation Month

---

**ATTACHMENTS:**

	Description	Type
▣	Benefit Programs Specialist Appreciation Month	Cover Memo
▣	Benefit Programs Specialist Appreciation Month	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	2/7/2023 - 10:15 AM
Publication Management	Daniel, Martha	Approved	2/7/2023 - 10:24 AM
Legal Review	Kinsman, Adam	Approved	2/7/2023 - 10:34 AM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 9:05 AM
Board Secretary	Rinehimer, Bradley	Approved	2/21/2023 - 10:24 AM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 10:27 AM

## MEMORANDUM

DATE: February 28, 2023  
TO: The Board of Supervisors  
FROM: Rebecca Vinroot, Director of Social Services  
SUBJECT: Benefit Programs Specialist Appreciation Month

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February 2023 is being recognized as Benefit Programs Specialist Appreciation Month by the Virginia State Board of Social Services. In James City County, there are 27 Benefit Programs Specialists in the Social Services Department who are at the forefront of public efforts to ensure that those qualified for social services receive and continue to receive them in an accurate and timely manner.

These staff put forth effort every day to empower people with skills, knowledge, encouragement, and resources to overcome life's challenges.

Staff respectfully requests that the Board of Supervisors express its appreciation and respect to these staff by resolving February 2023 as Benefit Programs Specialist Appreciation Month in James City County.

RV/ap  
BPSAppMth-mem

Attachment

**RESOLUTION**

**PROCLAIMING FEBRUARY 2023 AS BENEFIT PROGRAMS**

**SPECIALIST APPRECIATION MONTH**

WHEREAS, James City County Department of Social Services has provided a level of economic sustainability to the most vulnerable citizens of the County by administering the benefit programs of Supplemental Nutrition Assistance (SNAP), Temporary Assistance for Needy Families (TANF), Medicaid, Child Care, Auxiliary Grant, and Energy Assistance; and

WHEREAS, Benefits Programs Specialists in the James City County Department of Social Services continue to serve families that may be eligible for benefit programs while promoting individual self-sufficiency and personal responsibility; and

WHEREAS, James City County’s 27 Benefit Programs staff have all been at the forefront of public efforts to ensure that those qualified for social services receive and continue to receive them; and

WHEREAS, 394 TANF recipients, 90 VIEW participants, 5,117 SNAP recipients, 12,707 Medicaid recipients, 8 Auxiliary Grant recipients, 1,826 Energy Assistance households, 344 Child Care households, 1 IV-E child under 17 in Foster Care are served through benefit programs and depend on the dedication and commitment of the Benefit Programs Specialists who handle their cases in an accurate and timely manner; and

WHEREAS, Benefit Programs Specialists are continually faced with reconciling an environment of rapidly changing policies and procedures; and

WHEREAS, Benefit Programs Specialists provide ethical public service, respect human dignity, demonstrate personal integrity, promote professional excellence, and are responsible for the application of current policy and guidance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby commend all Benefit Programs Specialists in the James City County Department of Social Services and recognizes February 2023 as Benefits Programs Specialist Appreciation Month.

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of February, 2023.

**ITEM SUMMARY**

**DATE:** 2/28/2023

**TO:** The Board of Supervisors

**FROM:** Anthony G. Dallman, Interim Chief of Police-Nathan R. Green, Commonwealth's Attorney

**SUBJECT:** Acceptance of Funds - \$4,632 - Virginia Forfeited Asset Sharing Program

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**ATTACHMENTS:**

	Description	Type
☐	VAForfASPrgm23-mem(TonyDallman-NathanGreen)	Cover Memo
☐	VAForfASPrgm23-res(TonyDallman-NathanGreen)	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Police	Dallman, Tony	Approved	1/30/2023 - 12:45 PM
Police	Dallman, Tony	Approved	2/21/2023 - 4:27 PM
Publication Management	Pobiak, Amanda	Approved	2/21/2023 - 4:34 PM
Legal Review	Kinsman, Adam	Approved	2/21/2023 - 4:35 PM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 4:37 PM
Board Secretary	Purse, Jason	Approved	2/21/2023 - 4:50 PM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 4:51 PM

## MEMORANDUM

DATE: February 28, 2023

TO: The Board of Supervisors

FROM: Anthony G. Dallman, Interim Chief of Police  
Nathan R. Green, Commonwealth's Attorney

SUBJECT: Acceptance of Funds - \$4,632 - Virginia Forfeited Asset Sharing Program

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The James City County Police Department and the Williamsburg-James City County Commonwealth's Attorney's Office participate in the Virginia Forfeited Asset Sharing Program managed by the Virginia Department of Criminal Justice Services (DCJS). This program provides disbursement of funds received from the forfeiture of assets from drug enforcement activities to be used according to § 19.2-386.14 (D) of the Code of Virginia, "all forfeited property, including its proceeds or cash equivalent, received by a participating state or local agency pursuant to this section shall be used to promote law enforcement but shall not be used to supplant existing programs or funds."

The James City County Police Department and Williamsburg-James City County Commonwealth's Attorney's Office have entered a Memorandum of Understanding (MOU) with the Tri-Rivers Drug Task Force (TRDTF). Through TRDTF, funds are routinely received through assets forfeited in drug arrests involving the manufacturing or distribution of dangerous narcotics in James City County and from similar cases the other members of TRDTF conduct. The specific sharing percentages are detailed in the MOU with the other members of the TRDTF. Funds may also be received, however, through local drug cases not investigated by TRDTF.

The expenditure of forfeited funds is restricted to law enforcement activities specified by DCJS.

Funds have been dispersed to the James City County Police Department and the Williamsburg-James City County Commonwealth's Attorney's Office in the amount of \$4,632.

Staff recommends acceptance of the funds and adoption of the attached resolution.

AGD/NRG/md  
VAForfASPrm23-mem

Attachment

**RESOLUTION**

**ACCEPTANCE OF FUNDS - \$4,632 - VIRGINIA FORFEITED ASSET SHARING PROGRAM**

WHEREAS, the James City County Police Department and the Williamsburg-James City County Commonwealth’s Attorney’s Office participate in the Virginia Forfeited Asset Sharing Program managed by the Virginia Department of Criminal Justice Services (DCJS); and

WHEREAS, this program provides disbursement of funds received from the forfeiture of assets from drug enforcement activities to be used according to § 19.2-386.14 (D) of the Code of Virginia, “all forfeited property, including its proceeds or cash equivalent, received by a participating state or local agency pursuant to this section shall be used to promote law enforcement but shall not be used to supplant existing programs or funds”; and

WHEREAS, funds have been dispersed to the James City County Police Department and the Williamsburg-James City County Commonwealth’s Attorney’s Office in the amount of \$4,632.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts and appropriates funds of \$4,632 to the Special Projects and Grants Fund for the Police Department’s and Commonwealth’s Attorney’s participation in the Virginia Forfeited Asset Sharing Program.

Revenues:

State - Police Department State Asset Forfeit Funds	\$2,845
State - Commonwealth Attorney State Asset Forfeit Funds	<u>\$1,787</u>
Total	<u>\$4,632</u>

Expenditures:

Police Department State Asset Forfeit Funds	\$2,845
Commonwealth Attorney State Asset Forfeit Funds	<u>\$1,787</u>
Total	<u>\$4,632</u>

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of February, 2023.

**ITEM SUMMARY**

DATE: 2/28/2023

TO: The Board of Supervisors

FROM: Rebecca Vinroot, Director of Social Services

SUBJECT: Approval of Limited-Term Family Services Specialist Position

---

**ATTACHMENTS:**

	Description	Type
▣	Approval of Limited-Term Family Services Specialist Position	Cover Memo
▣	Approval of Limited-Term Family Services Specialist Position	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Social Services	Vinroot, Rebecca	Approved	2/10/2023 - 11:27 AM
Publication Management	Pobiak, Amanda	Approved	2/10/2023 - 11:34 AM
Legal Review	Kinsman, Adam	Approved	2/15/2023 - 7:59 AM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 9:05 AM
Board Secretary	Rinehimer, Bradley	Approved	2/21/2023 - 10:23 AM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 10:26 AM

## MEMORANDUM

DATE: February 28, 2023  
TO: The Board of Supervisors  
FROM: Rebecca Vinroot, Director of Social Services  
SUBJECT: Approval of Limited-Term Family Services Specialist Position

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In November 2022, the James City County Board of Supervisors appropriated funding of \$150,670 received in Fiscal Year 2023 as part of a nationwide settlement (“Settlement”) with certain opioid distributors. The County will continue to receive Settlement funds for the next 18 years; however, because one of the larger defendants frontloaded its payments, the amounts will be less in future years. Settlement funds are meant to address opioid use and related problems including opioid addiction, abuse, death, and impacts on families and the community.

James City County’s Department of Social Services has seen the impact of the misuse of opioids through an increase in Child Protective Services (CPS) referrals related to the use of opioids by parents and caregivers that negatively impacts the safety of their children. In 2021 and 2022, CPS referrals related to opioid use was 13% and 12%, respectively, of all total referrals. This includes multiple Substance-Exposed Infants who tested positive for opioids at birth, several of whom were brought into Foster Care. In 2021, 36% of the children in Foster Care were removed from their homes of origin due to opioid misuse. In 2022, that increased to 60%.

In order to effectively manage the increase in our caseloads, Social Services requests the creation of a Limited-Term, Full-Time Family Services Specialist position to focus on cases referred to CPS related to opioid use. This will include pregnant mothers and parenting mothers and fathers, a stated use of the Settlement funding. This position will work alongside community partners who are experts in working with individuals impacted by opioid misuse.

Staff respectfully requests that the Board approve this position, beginning on March 1, 2023. This position will be included in future budgets to be paid by Settlement funds. The estimated annual cost for this position is \$82,200, including benefits.

RV/ap  
AppLTFamSvcs-mem

Attachment



**RESOLUTION**

**CREATION OF A LIMITED-TERM, FULL-TIME FAMILY SERVICES SPECIALIST POSITION**

WHEREAS, the James City County Board of Supervisors (the “Board”) previously approved participation in a nationwide settlement (“Settlement”) against several distributors and producers of opioids; and

WHEREAS, the Board has previously appropriated \$150,670 received in Fiscal Year 2023 from the Settlement; and

WHEREAS, Settlement funds are intended for opioid “abatement” efforts and the County will be utilizing this funding to help families, victims, and others negatively impacted by the opioid epidemic; and

WHEREAS, families involved with James City County Department of Social Services have been negatively impacted by the misuse of opioids; and

WHEREAS, the creation of a new Limited-Term, Full-Time Family Services Specialist to focus on cases referred to Child Protective Services related to opioid use will assist in managing an increase in these cases, to include pregnant mothers and parenting mothers and fathers, a stated use of the Settlement funding, and this position will work alongside community partners who are experts in working with individuals impacted by opioid misuse; and

WHEREAS, the annual cost for a limited-term position in the Department of Social Services for these duties is estimated at \$82,200.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the creation of a new Limited-Term, Full-Time Family Services Specialist position.

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

SADLER  
ICENHOUR  
MCGLENNON  
LARSON  
HIPPLE

VOTES			
<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of February, 2023.

**ITEM SUMMARY**

DATE: 2/28/2023

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Authorization to Enter into Settlement Agreement for Settler's Market

---

**ATTACHMENTS:**

	Description	Type
☐	memorandum	Cover Memo
☐	resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Attorney	Saeed, Teresa	Approved	2/21/2023 - 5:40 PM

## MEMORANDUM

DATE: February 28, 2023

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Settler's Market Final Settlement and Appropriation

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At its July 27, 2021, meeting, the Board of Supervisors approved a Takeover Agreement (the "Agreement") with Travelers Casualty and Surety Company of America ("Travelers") related to incomplete development work at the Settler's Market Shopping Center. Since that time, Travelers has completed much of the work set forth in the Agreement; however, there remains additional work that was either not identified or not contemplated in the Agreement (the "Additional Work"). This Additional Work is necessary for the Virginia Department of Transportation to accept the Settler's Market roads into the Secondary System.

Because some of the work set forth in the Agreement must occur after the Additional Work, County staff and Travelers have prepared a final settlement agreement that requires Travelers to give the County the monetary value of the work remaining per the Agreement (\$111,007) in lieu of waiting for the completion of the Additional Work. The County will use that money when it contracts for the Additional Work.

I recommend that the Board adopt the attached resolution authorizing the County Administrator to execute a final settlement agreement with Travelers and to appropriate \$111,007 for completion of necessary infrastructure work in the Settler's Market Shopping Center.

ARK/ap  
SttlrsMrktFnlStlmt-mem

Attachment

## RESOLUTION

### SETTLER'S MARKET FINAL SETTLEMENT AND APPROPRIATION

- WHEREAS, on or about April 30, 2007, the County of James City, Virginia (the "County") entered into Siltation Agreement with AIG Baker Williamsburg, LLC ("AIG") and on or about September 21, 2007, the County and AIG entered into a Public Improvement Agreement (collectively "Development Agreements"), in which AIG agreed to construct certain public improvements and erosion and sediment control measures at the construction of a mixed use development project located in the County known as Settler's Market at New Town ("Settler's Market"); and
- WHEREAS, as required by the Development Agreements, on or about April 30, 2007, Travelers Casualty and Surety Company of America ("Travelers") issued Erosion and Sedimentation Control Bond numbered 104915707 in the amount of \$800,000 and on or about September 26, 2007, Travelers issued Public Improvements Bond numbered 104989135, in the amount of \$2,985,000 naming AIG as Principal and the County as Obligee (collectively, the "Bonds"); and
- WHEREAS, on July 9, 2012, the County made a formal demand on AIG and Travelers for proceeds with which to complete and/or repair alleged incomplete and/or defective work at Settler's Market; and
- WHEREAS, the County and Travelers have been actively negotiating a scope of work acceptable to both parties that will result in the release of the Bonds; and
- WHEREAS, the County and Travelers agreed upon a scope of work required for satisfaction of obligations under the Development Agreements and the Bonds (the "Takeover Agreement"), which involves some, but not all, of the work originally identified in the Development Agreements; and
- WHEREAS, by Resolution dated July 27, 2021, the Board authorized the County Administrator to enter into a Takeover Agreement with Travelers to complete work related to Settler's Market; and
- WHEREAS, since July 27, 2021, work not included in the Takeover Agreement (the "Additional Work") has been identified by the Virginia Department of Transportation ("VDOT") as necessary before VDOT will accept the roads in the VDOT system and the County is responsible for this Additional Work; and
- WHEREAS, some of the work identified in the Takeover Agreement would have to be undone to accomplish the Additional Work and Travelers has agreed to give the County the monetary equivalent for that work so that it can be completed after the Additional Work; and
- WHEREAS, the County desires to enter into a final settlement agreement with Travelers and to appropriate ONE HUNDRED ELEVEN THOUSAND AND SEVEN DOLLARS (\$111,007) which represents the monetary equivalent of the remaining work required of Travelers under the Takeover Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute those documents necessary to enter into final settlement agreement with Travelers and to release any remaining Bonds.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of this settlement amount from Travelers and the following appropriation to the [redacted] fund.

Revenue: \$111,007

Expenditure: \$111,007

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of February, 2023.

SttlrsMrktFnlStlmt-res

**ITEM SUMMARY**

**DATE:** 1/24/2023

**TO:** The Board of Supervisors

**FROM:** Patrick N. Page, Director of Information Resources Management

**SUBJECT:** Contract Award - \$79,600 - Emergency Medical Dispatch Electronic Guide Card System Replacement

---

**ATTACHMENTS:**

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Information Resources	Page, Patrick	Approved	1/6/2023 - 3:10 PM
Publication Management	Daniel, Martha	Approved	1/6/2023 - 3:13 PM
Legal Review	Kinsman, Adam	Approved	1/6/2023 - 4:28 PM
Board Secretary	Saeed, Teresa	Approved	1/17/2023 - 9:03 AM
Board Secretary	Rinehimer, Bradley	Approved	1/17/2023 - 10:50 AM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 9:08 AM

## MEMORANDUM

DATE: January 24, 2023

TO: The Board of Supervisors

FROM: Patrick N. Page, Director of Information Resources Management

SUBJECT: Contract Award - \$79,600 - Emergency Medical Dispatch Electronic Guide Card System Replacement

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The James City County's Emergency Communications Center staff utilizes an Emergency Medical Dispatch Electronic Guide Card system when responding to medical emergencies. This system provides detailed emergency instructions for dispatchers responding to public emergencies. The replacement of the current system is necessary as the current product vendor has discontinued support for its product.

APCO Intellicomm from APCO International was identified by staff to be the best replacement product. APCO Intellicomm was also identified as compatible with the current Computer-Aided Dispatch system used by staff and a future system under consideration.

The negotiated total contract price of \$79,600 includes software purchase, installation services, and maintenance through Fiscal Year (FY) 2023. Pricing was provided through a Request for Quote process and funded with Capital Improvement Plan funds. A yearly maintenance cost of \$11,000 will be included in the FY24 budget.

The attached resolution authorizes the contract award to APCO International. Staff recommends adoption of the attached resolution.

PNP/ap  
CA-EMDEGCREpl-mem

Attachment

**RESOLUTION**

**CONTRACT AWARD - \$79,600 - EMERGENCY MEDICAL DISPATCH**

**ELECTRONIC GUIDE CARD SYSTEM REPLACEMENT**

WHEREAS, a Request for Quote for an Emergency Medical Dispatch Electronic Guide Card System was solicited and evaluated; and

WHEREAS, APCO International was selected as the most qualified firm that best met James City County’s needs as defined by staff; and

WHEREAS, the contract price of \$79,600 was provided for software purchase, installation services, and product maintenance; and

WHEREAS, James City County’s Capital Improvement Plan budget provides funding for this replacement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract with APCO International for the replacement of the Emergency Medical Dispatch Electronic Guide Card system.

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of January, 2023.



**ITEM SUMMARY**

DATE: 2/28/2023

TO: The Board of Supervisors

FROM: Mona A. Foley, Clerk of Circuit Court

SUBJECT: Grant Award - \$32,607 - Circuit Court Records Preservation Program

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 9:09 AM
Board Secretary	Rinehimer, Bradley	Approved	2/21/2023 - 10:27 AM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 10:28 AM
Publication Management	Pobiak, Amanda	Approved	2/21/2023 - 10:33 AM
Legal Review	Kinsman, Adam	Approved	2/21/2023 - 3:31 PM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 3:39 PM
Board Secretary	Rinehimer, Bradley	Approved	2/21/2023 - 3:42 PM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 3:50 PM

## MEMORANDUM

DATE: February 28, 2023  
TO: The Board of Supervisors  
FROM: Mona A. Foley, Clerk of Circuit Court  
SUBJECT: Grant Award - \$32,607 - Circuit Court Records Preservation Program

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The State Library of Virginia has awarded Williamsburg/James City County Circuit Court a Circuit Court Records Preservation grant in the amount of \$32,607.

The grant will be used to repair and preserve marriage records from 1916-1938, a Land Book for the City of Williamsburg from 1916-1926, and Virginia Electric and Power Company Plat Books Nos. 1-4 from 1953-1985 for historical and genealogical purposes.

Staff recommends adoption of the attached resolution to appropriate these funds to the Special Projects/Grants Fund.

MAF/ap  
GA-CCRPPrg-mem

Attachment

**RESOLUTION**

**GRANT AWARD - \$32,607 - CIRCUIT COURT RECORDS PRESERVATION PROGRAM**

WHEREAS, the Williamsburg/James City County Circuit Court has been awarded a Circuit Court Records Preservation Program (CCRP) grant from the State Library of Virginia in the amount of \$32,607; and

WHEREAS, the funding will be used for preservation of James City County marriage records between 1916-1938, the City of Williamsburg Land Book between 1916-1926, and Virginia Electric and Power Company Plat Books Nos. 1-4 from 1953-1985; and

WHEREAS, the grant requires no local match.

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

Revenue:

State - CCRP Program Grant	<u>\$32,607</u>
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Expenditure:

CCRP Program Grant	<u>\$32,607</u>
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\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of February, 2023.

GA-CCRPPrg-res

**ITEM SUMMARY**

**DATE:** 2/28/2023

**TO:** The Board of Supervisors

**FROM:** Nathan R. Green, Commonwealth's Attorney

**SUBJECT:** Grant Award - \$47,797 – Commonwealth's Attorney - V-STOP Grant Program Fund

---

**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	2/17/2023 - 4:31 PM
Board Secretary	Rinehimer, Bradley	Approved	2/21/2023 - 10:28 AM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 10:32 AM
Publication Management	Pobiak, Amanda	Approved	2/21/2023 - 10:42 AM
Legal Review	Kinsman, Adam	Approved	2/21/2023 - 3:37 PM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 3:38 PM
Board Secretary	Rinehimer, Bradley	Approved	2/21/2023 - 3:42 PM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 3:50 PM

**MEMORANDUM**

DATE: February 28, 2023

TO: The Board of Supervisors

FROM: Nathan R. Green, Commonwealth's Attorney

SUBJECT: Grant Award - \$47,797 – Commonwealth's Attorney - V-STOP Grant Program Fund

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The Commonwealth's Attorney has been awarded a \$47,797 grant (Federal Share \$28,372; Local Match \$19,425); from the V-STOP Grant Program Fund through the State Department of Criminal Justice Services. The grant will fund the personnel costs for the continuation of one full-time position for victims of crimes involving domestic violence, sexual assault, and stalking. The Commonwealth's Attorney has been successful in obtaining this grant for more than 10 years and plans to apply for this grant in the future.

The attached resolution appropriates these funds to the Special Projects/Grants Fund through December 31, 2023.

Staff recommends approval of the attached resolution.

NRG/md  
GA-VSTOPProg23-mem

Attachment

**RESOLUTION**

**GRANT AWARD - \$47,797 – COMMONWEALTH’S ATTORNEY -**

**V-STOP GRANT PROGRAM FUND**

WHEREAS, the Commonwealth’s Attorney for the City of Williamsburg and James City County has been awarded a \$47,797 federal grant (Federal Share \$28,372; Local Match \$19,425), which is awarded annually from the V-STOP Grant Fund through the State Department of Criminal Justice Services; and

WHEREAS, this grant would fund the personnel costs to advocate for victims of crimes involving domestic violence, sexual abuse, and stalking beginning January 1, 2023 through December 31, 2023; and

WHEREAS, this grant requires a local match of \$19,425, which is available in the Commonwealth’s Attorney’s General Fund account.

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:

<u>Revenues:</u>	
Federal - Calendar Year (CY)23 V-STOP	\$28,372
CY23 V-STOP James City County Matching Funds	<u>19,425</u>
Total	<u>\$47,797</u>
 <u>Expenditure:</u>	
CY23 V-STOP Grant Program	<u>\$47,797</u>

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:		VOTES			
		<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
_____ Teresa J. Saeed Deputy Clerk to the Board	SADLER ICENHOUR MCGLENNON LARSON HIPPLE	_____ _____ _____ _____ _____	_____ _____ _____ _____ _____	_____ _____ _____ _____ _____	_____ _____ _____ _____ _____

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of February, 2023.

**ITEM SUMMARY**

**DATE:** 2/28/2023

**TO:** The Board of Supervisors

**FROM:** Christopher M. Johnson, Director of Economic Development

**SUBJECT:** Grant Award - \$200,000 - Virginia Department of Housing and Community Development

---

**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Economic Development	Johnson, Christopher	Approved	2/1/2023 - 9:16 AM
Publication Management	Pobiak, Amanda	Approved	2/1/2023 - 9:17 AM
Legal Review	Kinsman, Adam	Approved	2/1/2023 - 9:19 AM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 9:09 AM
Board Secretary	Purse, Jason	Approved	2/21/2023 - 10:10 AM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 10:27 AM

## MEMORANDUM

DATE: February 28, 2023

TO: The Board of Supervisors

FROM: Christopher M. Johnson, Director of Economic Development

SUBJECT: Grant Award - \$200,000 - Virginia Department of Housing and Community Development

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James City County was awarded a grant in the amount of \$700,000 from the Virginia Department of Housing and Community Development (DHCD) on March 3, 2022, which was allocated by the Board of Supervisors on March 22, 2022. James City County applied for funding to offer small business relief in the form of rent/mortgage reimbursement or utility payments for up to six consecutive months during the period between March 12, 2020, and June 30, 2022. The maximum grant award to a business was \$15,000.

On November 1, 2022, the County was notified that DHCD had awarded James City County an additional \$200,000 making the total award \$900,000. DHCD further notified the County that the grant period had been extended to conclude on January 31, 2023.

Funded with Community Development Block Grant (CDBG) dollars, the grant is intended to meet the national objective of urgent need in communities affected by the COVID-19 pandemic.

In order to qualify, businesses must meet the following requirements: submit a completed and signed grant application, including all required documentation, to the Office of Economic Development; have been in operation prior to March 12, 2020; have been negatively impacted by the COVID-19 pandemic; be open for business as of the date of grant application to the County; have a valid James City County business license on file for 2020, 2021, and 2022; have no more than 20 employees (or full-time equivalent employees); certify that no duplication of benefits occurs from other funding sources; be a locally or regionally owned business and not a corporate-owned national chain; and be current with all applicable local taxes, permits, licenses, and fees.

Staff has finalized all pre-contract requirements with DHCD as part of the previous allocation and recommends adoption of the attached resolution.

CMJ/md  
GA-VDHCDExt-mem

Attachment



**RESOLUTION**

**GRANT AWARD - \$200,000 - SMALL BUSINESS RELIEF**

**URGENT NEED COMMUNITY DEVELOPMENT BLOCK GRANT**

- WHEREAS, the Virginia Department of Housing and Community Development has made available Urgent Need funding to assist localities with COVID-19 pandemic impacts; and
- WHEREAS, James City County applied for funding to provide pandemic impact recovery grants to the owners of small businesses in the County; and
- WHEREAS, funds are intended to assist small businesses with mortgage/rent reimbursement or utility payments reimbursement due to financial hardships as a result of COVID-19 pandemic closures and/or stay-at-home orders; and
- WHEREAS, the Virginia Department of Housing and Community Development has notified James City County of a grant award of \$200,000 in addition to the \$700,000 previous allocated; and
- WHEREAS, the total amount awarded will be disbursed to qualifying small businesses per program guidelines developed for the James City County Small Business Relief Grant; and
- WHEREAS, the new funding is to be used to provide grants to businesses to cover or reimburse them for up to six months of their businesses’ rent or mortgage. The maximum grant amount permissible will be \$15,000 for each business.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts this increase to the original award and authorizes the following appropriation to the Special Projects/Grant Fund:

<u>Revenue:</u>	
Federal - Small Business Relief CDBG	<u>\$200,000</u>
 <u>Expenditure:</u>	
Small Business Relief Grant	<u>\$200,000</u>

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of February, 2023.

**ITEM SUMMARY**

DATE: 2/28/2023

TO: The Board of Supervisors

FROM: Liz Parman, Deputy County Attorney

SUBJECT: Lease Agreement with JCSA for 109 Tewning Road

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**ATTACHMENTS:**

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution
☐	draft lease	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	2/21/2023 - 9:24 AM
Publication Management	Pobiak, Amanda	Approved	2/21/2023 - 9:46 AM
Legal Review	Kinsman, Adam	Approved	2/21/2023 - 9:46 AM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 9:50 AM
Board Secretary	Rinehimer, Bradley	Approved	2/21/2023 - 10:31 AM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 10:33 AM

## MEMORANDUM

DATE: February 28, 2023

TO: The Board of Supervisors

FROM: Liz Parman, Deputy County Attorney  
Joanna Ripley, Assistant Director of General Services

SUBJECT: Lease of Real Property - 109 Tewning Road - Lease Agreement with the James City Service Authority

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James City County (“County”) currently owns a building located in the County of James City at 109 Tewning Road and further identified as a portion of James City County Real Estate Tax Parcel No. 3910100003 (the “Building”). The James City Service Authority (“JCSA”) wishes to lease the Building for office space.

If adopted, the JCSA will pay \$13,063.44 annually for a five-year term.

The County or the JCSA may terminate the lease for any reason upon providing 90 days’ written notice to the other party.

A public hearing for the disposition of the Building is not required pursuant to Virginia Code § 15.2-1800(B).

Staff recommends approval of the attached resolution.

EP/JR/ap  
LseAgt109TewningRd-mem

Attachment

**RESOLUTION**

**LEASE OF REAL PROPERTY - 109 TEWNING ROAD -**

**LEASE AGREEMENT WITH THE JAMES CITY SERVICE AUTHORITY**

WHEREAS, James City County (“County”) currently owns a building located in the County of James City at 109 Tewning Road and further identified as a portion of James City County Real Estate Tax Parcel No. 3910100003 (the “Building”); and

WHEREAS, the James City Service Authority (“JCSA”) wishes to lease the Building for office space; and

WHEREAS, the Board of Supervisors is of the opinion that the County should lease the Building to JCSA; and

WHEREAS, a public hearing is not required pursuant to Virginia Code § 15.2-1800(B).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute those documents necessary for the lease of 109 Tewning Road to the JCSA.

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

SADLER  
ICENHOUR  
MCGLENNON  
LARSON  
HIPPLE

VOTES			
<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of February, 2023.

LseAgt109TewningRd-res

**LEASE AGREEMENT**

**OFFICE SPACE AT 109 TEWNING ROAD**

This LEASE (“Lease”) is made this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between the County of James City, Virginia, landlord, (the “County”) and the James City Service Authority, tenant, (the “JCSA”).

WITNESSETH:

That for and in consideration of the mutual covenants set forth herein, the parties agree as follows:

- 1) The JCSA will pay \$12.72 per square foot per year for the lease of office space located at 109 Tewning Road, Williamsburg, Virginia 23188 (the “Leased Property”). The square footage of the Leased Property totals 1,027 square feet. The total annual amount of the rent for the Leased Property is \$13,063.44 (“Rent”). The Rent is due on the first day of January of each year.
- 2) JCSA leases to the County a portion of property located at 107 Tewning Road, Williamsburg, VA 23188 (“107 Tewning”). The amount of the rent for 107 Tewning is \$46,851.00 annually. The parties agree that Rent under this Lease may be abated and applied as a lease reduction to the rent for 107 Tewning. Rent under this Lease may therefore be reduced to \$0.00 annually. The County must document such Rent abatement in a memorandum to the JCSA at the time Rent becomes due.
- 3) The JCSA must pay for all utilities, maintenance, housekeeping, and custodial services for the Leased Property.
- 4) The term of the Lease will be 5 years beginning March 1, 2023, and ending February 29, 2028.
- 5) Upon default, the JCSA must be given notice of the default and an opportunity to cure the default within 10 days of the notice. Should the JCSA fail to cure the default within 5 days of the notice, then the JCSA may terminate the Lease.
- 6) Notice

i. If to County, then to:

James City County Government Center  
101-D Mounts Bay Road  
Williamsburg, Virginia 23185  
Attention: County Administrator

and

James City County Government Center  
101-D Mounts Bay Road  
Williamsburg, Virginia 23185  
Attention: County Attorney

ii. If to JCSA, then to:

James City Service Authority  
119 Tewning Road  
Williamsburg, Virginia 23185  
Attention: General Manager

- 7) The JCSA is entitled to quiet enjoyment of the Leased Property.
- 8) Either party may terminate the Lease upon 90 days' written notice to the other party, provided the other party consents in writing to the termination. The County and JCSA may also agree in writing to vacate and demolish the structure, in which case this Lease will be terminated.
- 9) Notwithstanding any provisions contained herein to the contrary, if on June 15 of any year of this Lease, the JCSA has not appropriated monies necessary to continue the uses of the Leased Premises in the coming fiscal year, then this Lease will terminate as of 12:00 a.m., July 1 of the then-current year. In such event, County will have no claims against the JCSA due to early termination of this Lease. Should no monies be appropriated, the JCSA must provide County 25 days' prior written notice via hand delivery or certified mail, of its intent to terminate.
- 10) All disputes must be negotiated between the County and JCSA; should those parties be unable to agree, the JCSA General Manager or his designee and the County Administrator or his designee will resolve the issues in dispute.
- 11) This Lease may only be amended upon written consent of both parties.
- 12) This Lease comprises the full agreement of the parties with regard to the Leased Property and supersedes and replaces any previous lease for the Leased Property signed by the parties.

WITNESS the following signatures and seals:

JAMES CITY SERVICE AUTHORITY

COUNTY OF JAMES CITY, VIRGINIA

BY: \_\_\_\_\_

BY: \_\_\_\_\_

M. Douglas Powell  
General Manager

Scott Stevens  
County Administrator

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

Approved as to form:

Approved as to form:

\_\_\_\_\_  
JCSA Attorney

\_\_\_\_\_  
County Attorney

**ITEM SUMMARY**

DATE: 2/28/2023

TO: The Board of Supervisors

FROM: Brad Rinehimer, Assistant County Administrator

SUBJECT: Lease Agreement with Jamestown-Yorktown Foundation

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	2/17/2023 - 4:30 PM
Board Secretary	Rinehimer, Bradley	Approved	2/21/2023 - 10:30 AM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 10:33 AM
Publication Management	Pobiak, Amanda	Approved	2/21/2023 - 10:37 AM
Legal Review	Kinsman, Adam	Approved	2/21/2023 - 3:38 PM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 3:39 PM
Board Secretary	Rinehimer, Bradley	Approved	2/21/2023 - 3:42 PM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 3:51 PM



## MEMORANDUM

DATE: February 28, 2023  
TO: The Board of Supervisors  
FROM: Bradley J. Rinehimer, Assistant County Administrator  
SUBJECT: Lease Agreement with Jamestown-Yorktown Foundation

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The County has agreed to a lease with the Jamestown-Yorktown Foundation (JYF) for the lease of two parcels of land at 2070 Jamestown Road and 2225 Jamestown Road currently owned by JYF. The County desires to lease these properties for parking and boat storage.

County staff has negotiated a lease with the Commonwealth of Virginia and JYF at an annual cost of \$22,500 for Calendar Year 2023 with a 3% escalation in following years.

Staff recommends approval of the attached resolution to authorize the County Administrator to enter into a lease agreement with JYF for the property located at 2070 Jamestown Road and 2225 Jamestown Road.

BJR/md  
LeaseAgrmtJYF-mem

Attachment

**RESOLUTION**

**LEASE AGREEMENT WITH JAMESTOWN-YORKTOWN FOUNDATION**

WHEREAS, the Commonwealth of Virginia and Jamestown-Yorktown Foundation (“JYF”) currently own two parcels of land located in the County of James City at 2070 Jamestown Road and 2225 Jamestown Road and further identified as James City County Real Estate Tax Parcel Nos. 4640100018 and 4630100018 (the “Property”); and

WHEREAS, the County wishes to lease the Property for parking and boat storage; and

WHEREAS, the Board of Supervisors is of the opinion that the County should lease the Property from JYF at an annual cost of \$22,500 for Calendar Year 2023 with a 3% escalation in following years.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize and direct the County Administrator to execute those documents necessary to lease the Property from JYF.

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of February, 2023.

LeaseAgrmtJYF-res

**ITEM SUMMARY**

DATE: 2/28/2023  
TO: The Board of Supervisors  
FROM: Teresa J. Saeed, Deputy Clerk  
SUBJECT: Minutes Adoption

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**ATTACHMENTS:**

	Description	Type
☐	January 10, 2023 Regular Meeting	Minutes
☐	January 24, 2023 Business Meeting	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	2/17/2023 - 4:33 PM

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**January 10, 2023**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

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

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

Mr. Hipple noted a Public Hearing was scheduled for Item No. 4. He further noted the applicant's request to postpone the Public Hearing until the Board's May 9, 2023, Regular Meeting. Mr. Hipple stated the Public Hearing would be opened at this meeting and remain open. He advised any individuals who had signed up to speak this evening would be allowed to do so, but only one opportunity to speak during the Public Hearing process was allowed.

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Pledge Leader - Casey Campbell, a 5th grade student at Matthew Whaley Elementary School

Mr. Hipple noted the Pledge Leader could not be in attendance this evening due to illness. He introduced Mr. Jay Everson, a County citizen who would lead the Board and citizens in the Pledge of Allegiance.

Ms. Sadler stated Mr. Everson was a citizen of the Stonehouse District.

**E. PUBLIC COMMENT**

Ms. Peg Boarman, 17 Settlers Lane, addressed the Board noting she was present to talk trash. She mentioned the substantial amount of trash exhibited throughout the County in the new year. Ms. Boarman stressed the avoidance of littering and the importance of cleaning up trash within the community. She spoke about the Litter League program, adding Litter League kits were available to check out at both the Williamsburg Regional Library and the James City County Library or at the General Services Administrative Building on Tewning Road. Ms. Boarman noted the Clean County Commission recently had a meeting to establish all activities for the new year. She highlighted some of the various upcoming events such as the Annual County-wide Litter Cleanup event on April 15, 2023, and the Great American Cleanup event

on March 25, 2023. Ms. Boarman encouraged more involvement.

Mr. Hipple thanked Ms. Boarman.

## **F. CONSENT CALENDAR**

None.

## **G. PUBLIC HEARING(S)**

### **1. Pre-Budget Public Hearing for FY 2024**

Ms. Sharon McCarthy, Director of Financial Management and Services, addressed the Board noting the purpose of this Public Hearing was to welcome comments and/or suggestions from County citizens to help guide staff in preparation of the upcoming County Budget. Ms. McCarthy advised no action was required from the Board on this item.

Mr. Hipple opened the Public Hearing.

1. Mr. Jay Everson, 6923 Chancery Lane, addressed the Board noting he requested the Board to consider removing the potential 10th elementary school off the Capital Improvements Program (CIP), in addition to the Jamestown High School Elementary Expansion project from the CIP. Mr. Everson mentioned redistricting the Williamsburg-James City County (WJCC) High Schools would rectify the overcrowded concern at Jamestown High School and allow for cost savings. Mr. Everson thanked the Board for its time and consideration.

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

### **2. AFD-22-0015. 999 Jolly Pond Road Cranston's Pond AFD Addition**

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

Mr. John Risinger, Senior Planner, addressed the Board noting Mr. Hunter Taylor, had applied to enroll a 169.15-acre parcel to the Cranston's Pond Agricultural and Forestal District (AFD). Mr. Risinger touched on details of the application. Mr. Risinger noted the AFD Advisory Committee voted 7-0 to recommend approval of the application at its October 20, 2022, meeting and the Planning Commission voted 6-0 to recommend approval at its December 7, 2022, meeting. Mr. Risinger further noted staff's recommendation that the Board approve the application, subject to the proposed conditions. Mr. Risinger welcomed any questions the Board might have.

Ms. Sadler asked the total acreage of the parcel.

Mr. Risinger replied 169.15 acres.

Mr. Hipple thanked Mr. Risinger.

Mr. Hipple welcomed Mr. Frank Polster, Planning Commission representative, to the podium.

Mr. Polster addressed the Board noting there were no questions for staff, public speaker comments, and no discussion amongst the Planning Commission on the application. He stated the Planning Commission voted 6-0 to recommend approval to the Board of Supervisors. Mr. Polster welcomed any questions the Board might have.

Mr. Hipple thanked Mr. Polster.

Mr. Hipple opened the Public Hearing.

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

3. Ordinance to Permit Use of Golf Carts on Public Highways in Powhatan Shores

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

Interim Chief of Police, Anthony Dallman, gave an overview of the memorandum and resolution included in the Agenda Packet. He noted staff recommended approval to the Board of Supervisors and welcomed any questions the Board might have.

Mr. Hipple asked if any Board members had questions.

Mr. Icenhour asked if he was aware of any golf cart related issues in the neighborhoods authorized for golf cart use.

Interim Chief Dallman replied not to his knowledge, adding calls for service pertaining to golf carts had declined.

Mr. Hipple opened the Public Hearing.

1. Mr. Shawn Sweaney, 124 Discovery Lane, addressed the Board noting he was a resident of Powhatan Shores and a member of the homeowners association. He remarked he was present simply to answer any questions the Board might have pertaining to the application.

Mr. Hipple asked if any Board members had questions.

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

4. SUP-22-0021. 8401 Hicks Island Road Tourist Home

Mr. Hipple advised no presentation would be conducted this evening due to the deferment request as noted at the beginning of the meeting. He advised any individuals who had signed up to speak this evening would be allowed to do so, but only one opportunity to speak during the Public Hearing process was allowed.

Mr. Hipple opened the Public Hearing noting it would remain open until the Board's May 9, 2023, Regular Meeting.

5. SUP-22-0018. 5477 Mooretown Road Williamsburg Place Pavilion & Farley Center

## Additions

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

Mr. Ben Loppacker, Planner, addressed the Board noting Ms. Samantha Steketee, Hunton Andrews Kurth, LLP, had applied on behalf of The Pavilion at the Williamsburg Place, Inc. for a Special Use Permit (SUP) to allow for the expansion of the existing psychiatric and rehabilitation facility. Mr. Loppacker touched on details of the application. Mr. Loppacker mentioned the expansion of the existing facility would include: 41 new inpatient psychiatric beds, 10 new intermediate care substance abuse beds, and 28 new outpatient domiciliary beds, remove four previously approved residential visitor units, add new office space for staff, and to expand the indoor and outdoor dining and kitchen facilities. Mr. Loppacker stated according to the applicant, the expansion addressed the increased demand for the need for mental health care and services in the community. Mr. Loppacker noted staff found the application to be consistent with surrounding zoning and development, and consistent with the 2045 Comprehensive Plan and Zoning Ordinance. Mr. Loppacker further noted the Planning Commission voted 6-0 to recommend approval of the application, subject to the proposed conditions at its December 7, 2022, Regular Meeting to the Board of Supervisors. Mr. Loppacker welcomed any questions the Board might have, adding the applicant was in attendance as well.

Mr. Hipple welcomed Mr. Polster to the podium.

Mr. Polster noted aside from the applicant speaking at the Public Hearing there were no additional public speakers or discussion amongst the Planning Commission. He further noted that staff and the applicant agreed to an addition to SUP Condition No. 4 to specify that a majority of trees, shrubs, or ornamental grass supplemental plantings shall be native species to meet the requirement of Section 24-96 of the County Code. Mr. Polster stated the Planning Commission voted 6-0 to recommend approval of this SUP to the Board of Supervisors. Mr. Polster welcomed any questions the Board might have.

Mr. Hipple opened the Public Hearing.

1. Ms. Samantha Steketee, Senior Land Use Planner, Hunton Andrews Kurth, LLP, made a presentation to the Board in support of the application. Ms. Steketee touched on Summit, BHC, a national behavioral health provider with 32 locations in 19 states. Ms. Steketee discussed the recent launch of the Tactical Recovery program within the community, which was designed to help active-duty service members and veterans recover from post-traumatic stress disorder (PTSD), mental health, and substance abuse disorders. Ms. Steketee displayed the proposed expansion and additions on the PowerPoint presentation. Ms. Steketee noted the traffic generated from the proposed expansion would be minimal due to the majority of traffic generated occurred within off peak hours. Ms. Steketee highlighted the pros of the application. Ms. Steketee concluded the presentation and welcomed any questions the Board might have, adding the applicant team was present as well.

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

Mr. McGlennon mentioned he had the opportunity to speak with the applicant team and he intended on supporting the application.

Mr. Icenhour expressed his concern of existing traffic in that particular area; however, Mr. Paul Holt, Director of Community Development and Planning, had confirmed that the Virginia Department of Transportation (VDOT) had a solution to the traffic congestion at the

intersection of Airport Road and Mooretown Road. He added the VDOT project was fully funded; however, there was uncertainty on the time aspect of completion. Mr. Icenhour expressed his support for the application.

Mr. Hipple stated he also met with the application team, adding it was a positive meeting and the applicant team was very attentive.

6. Z-22-0003. 8005 and 8009 Hankins Industrial Park Road

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

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

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

Mr. Hipple welcomed Ms. Terry Costello, Senior Planner, to the podium.

Ms. Costello addressed the Board noting Mr. Bruce Daniels, Daniels Welding & Tires, Inc. had applied to rezone two parcels of land totaling approximately 3.01 from acres from M-2, General Industrial to M-1, Limited Business/Industrial. Ms. Costello noted the proposal was to allow for the continued use of two local businesses that perform vehicle repair and service. She further noted vehicle service and repair was not a permitted nor specially permitted use in the M-2, General Industrial Zoning District; however, it was in the M-1, Limited Business/Industrial Zoning District. Ms. Costello mentioned staff found the rezoning would not result in any negative impacts that would need to be mitigated. She added staff found the proposal to be compatible with surrounding zoning and development, and consistent with the 2045 Comprehensive Plan. Ms. Costello stated at the December 7, 2022, Planning Commission meeting, the Commission voted 6-0 to recommend approval of the application to the Board of Supervisors. She welcomed any questions the Board might have.

Mr. Hipple asked if any Board members had questions.

Mr. Polster addressed the Board noting there were no questions for staff, no public comment speakers, nor any discussion amongst the Planning Commission. Mr. Polster stated the Planning Commission voted 6-0 to recommend approval of the application to the Board of Supervisors. Mr. Polster welcomed any questions the Board might have.

Mr. Hipple asked if any Board members had questions.

Mr. Hipple opened the Public Hearing.

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

Mr. McGlennon mentioned positive remarks about the business and his support for the application.

Mr. Icenhour echoed Mr. McGlennon's point, adding it was a great service to the community.

Mr. Hipple spoke highly of Mr. Daniels and his business in the County, in addition to his cooperation with staff to ensure County compliance.

Ms. Larson pointed out that Public Hearing Item No. 3 noted there was one neighborhood specifically, Landfall at Jamestown was mentioned; however, the neighborhood had not been approved as a golf cart community yet. Ms. Larson confirmed an application was submitted; however, she wanted to address that for clarification purposes.



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

### **1. Housing Choice Voucher Administrative Plan**

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. Keith Denny, Housing Programs Administrator, gave an overview of the memorandum and resolution included in the Agenda Packet. Mr. Denny noted staff recommended approval of the revised Administrative Plan for the Housing Choice Voucher (HCV) program to the Board of Supervisors. He welcomed any questions the Board might have.

Mr. McGlennon asked if the revisions made to the Administrative Plan for the HCV program were to ensure compliance with federal requirements.

Mr. Denny confirmed yes.

Mr. Hipple thanked Mr. Denny.

## **I. BOARD REQUESTS AND DIRECTIVES**

Ms. Sadler stated she looked forward to a productive new year with her colleagues as the Board continued to serve County citizens. Ms. Sadler asked Mr. Stevens if he had the figure of which the state funded WJCC Schools, adding it used to be in the County's budget and appropriated to WJCC School Division.

Mr. Stevens replied that was the state sales tax for education that used to come through the County's budget and then would be dispersed to WJCC School Division. Mr. Stevens advised that figure for the School Division's budget for Fiscal Year (FY) 2023 was \$15.8 million.

Ms. Sadler replied thank you. Ms. Sadler inquired if VDOT could be contacted in regard to the volumes of trash she had noticed in the County recently. She mentioned from Croaker Road to the Stonehouse area and down Centerville Road was terrible. Ms. Sadler expressed her gratitude to Ms. Boarman for all her efforts. Ms. Sadler advised she had received numerous complaints from citizens regarding Verizon service, adding she noticed the poor service as well. Ms. Sadler requested contact be made to Verizon to address the issue.

Mr. Stevens acknowledged her request.

Ms. Sadler stated that after careful consideration, she was not seeking reelection this year; however, she requested the public stay tuned to local news outlets for some exciting updates that would be forthcoming.

Mr. Icenhour mentioned a friend of his daughter who worked for the WJCC Schools recently lost her eldest son, Joshua Peck, due to meningitis, adding he was 10 years old. Mr. Icenhour requested the public to keep Joshua's family in thought and prayer during this difficult time.

Mr. McGlennon congratulated Mr. Hipple and Ms. Larson on their nominations. Mr. McGlennon stated the James City County Williamsburg Master Gardener Association was holding a free hands-on instruction class on pruning, adding if interested go to [www.jccwmg.org](http://www.jccwmg.org) to sign-up. Mr. McGlennon noted he communicated the County's sympathy

to Mayor Jones of the City of Newport News for the incident at Richneck Elementary School. Mr. McGlennon mentioned recent communication with Mr. Matt Ogburn, State and Local Government Affairs at Verizon, who advised he would investigate the service concerns and potential remedies for the issue. Mr. McGlennon thanked his colleagues for their hard work, dedication, and collaborative efforts on accomplishing a great deal in 2022. Mr. McGlennon expressed it was a great honor to serve as Chairman last year and thanked the Board for the opportunity. Mr. McGlennon highlighted various accomplishments the Board had in the year of 2022.

Ms. Larson thanked both Mr. McGlennon and Ms. Sadler for their leadership over the past year. Ms. Larson echoed the Verizon concerns as she felt it was a safety concern and a vast majority of individuals were solely reliant on cellphone service. Ms. Larson mentioned the increase of spam calls and wanted the public to be aware and cautious. Ms. Larson expressed her condolences to the Peck family. Ms. Larson expressed her concern with the ongoing trash issue within the County and the additional funds required to continue to clean it up. Ms. Larson recognized Ms. Boarman and the Clean County Commission for all efforts. Ms. Larson mentioned National Law Enforcement Day was yesterday, so she wanted to recognize all County Law Enforcement Officers. Ms. Larson extended her thanks to Ms. Sadler for her service and dedication to the County while on the Board of Supervisors.

The Board and audience applauded.

Mr. Hipple thanked Ms. Sadler for her service on the James City County Board of Supervisors, adding she had done a tremendous job. Mr. Hipple echoed the Verizon issue. Mr. Hipple mentioned he lost power during the holidays; however, he recognized Dominion Energy for its prompt response to the power outage. Mr. Hipple recognized Mr. McGlennon for his hard work and dedication as Chairman, in addition to Ms. Sadler for her dedication in the role of Vice Chairman. Mr. Hipple agreed with the various Board accomplishments and anticipated a continuation of accomplishments in the new year. Mr. Hipple commended staff for all efforts and support.

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

Mr. Stevens congratulated Mr. Hipple and Ms. Larson for their nominations to Chairman and Vice Chairman, adding he enjoyed working with Mr. McGlennon and Ms. Sadler this past year. Mr. Stevens wished the Board a Happy New Year.

## **K. CLOSED SESSION**

None.

## **L. ADJOURNMENT**

1. Adjourn until \_\_\_\_ pm on January \_\_\_\_, 2023 for the Business Meeting

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

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

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

At approximately 5:50 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**  
**January 24, 2023**  
**1:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

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

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

Mr. Hipple sought a motion to amend the Agenda to add the James City County audit presentation as Item No. 4 under Presentation and to add an additional Closed Session item for Attorney's advice regarding proposed amendment to A-1 and A-8 Zoning Districts.

A motion to Amend the Agenda 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

**C. PRESENTATION**

1. Retiree Recognition - Tina Creech

Ms. Grace Boone, Director of General Services, addressed the Board noting it was her pleasure to talk about employee service time with the County. Ms. Boone noted Ms. Tina Creech, Inspection Supervisor of the Stormwater and Resource Protection Division, was retiring after 16 years and 10 months with James City County. She added Ms. Creech had over 30 years' experience in the construction field. Ms. Boone cited the various positions Ms. Creech held over her tenure with the County. She added Ms. Creech had previously worked for the Virginia Department of Transportation. Ms. Boone noted Ms. Creech's devotion and time with meetings, phone calls, and other contact with engineers and contractors, particularly regarding stormwater issues and water quality protection. She further noted the numerous compliments and comments received from citizens and others regarding Ms. Creech's assistance. Ms. Boone expressed her sincere thanks to Ms. Creech and wished her well in retirement.

Mr. Hipple presented Ms. Creech with a certificate and a James City County pin.

Ms. Creech expressed her appreciation for the opportunity to work for James City County.

2. Port of Virginia Growth Equals Investment and Jobs Throughout the Commonwealth

Ms. Barbara Nelson, Vice President, Development and Transportation Policy, The Port of Virginia, addressed the Board noting it was her pleasure working with James City County and regional partners. She noted her colleague, Mr. Chris Gullickson, would be making the presentation.

Mr. Chris Gullickson, Director of Development and Transportation Policy, Hampton Roads, Virginia Metropolitan Area for The Port of Virginia, addressed the Board noting past and future opportunities for the region and the Commonwealth. He began the PowerPoint presentation highlighting the six terminals in the Commonwealth which comprised the Virginia Port Authority, adding it was also known as The Port of Virginia. Mr. Gullickson continued the presentation noting four terminals were located in the Hampton Roads area with two of the four classified as container handling facilities and only move ocean shipping containers. He noted those two facilities were the most automated and sophisticated facilities in the United States. He further noted another facility handled bulk loads like vehicles, electrical transformers, and other items that would not go in a shipping container. Mr. Gullickson added the Portsmouth Marine Terminal was undergoing major repurposing in conjunction with offshore wind projects of which Virginia was very proud to be in a leadership position. He continued the PowerPoint presentation highlighting other terminals including the Richmond Marine Terminal served by tugboats and barges and the Virginia Inland Port, an inland rail port, located in Port Royal, Virginia. Mr. Gullickson noted the Virginia Inland Port had been in operation for over 30 years and had served as an economic driver. He highlighted the various aspects of the "Virginia Model" in the presentation. Mr. Gullickson noted that ports in New York and New Jersey were landlord ports which meant the localities owned the real estate, but third-party groups managed the operations. He added the same ideology applied to many West Coast ports. Mr. Gullickson noted the Commonwealth of Virginia either owned its facilities or leased the land which made for a more integrated system in addition to the operations division which handled labor contracts and shipping line agreements and marketing. He further noted The Port of Virginia's automated system generated significant data which also benefited the shippers and other involved entities. Mr. Gullickson added nearly 20,000 chassis comprised the Intermodal Chassis Pool branch of the Port Authority. He noted the importance of location for James City County in relation to its proximity to the State Capital and the oceanfront communities of Norfolk and Virginia Beach. Mr. Gullickson emphasized The Port of Virginia's location was strategically placed and reached over 100 million people in the United States. He continued the presentation highlighting statistics for Calendar Years (CY) 2021 and 2022 with CY2022 showing a record year, adding most ports had a record year in CY2022. Mr. Gullickson noted significant growth continued in Virginia as exhibited in the presentation with the total TEUs. He further noted TEU was the measurement used to count containers with TEU representing 20-foot equivalent unit. Mr. Gullickson added 3.7 million TEUs were moved through The Port of Virginia in CY2022 which was approximately a 5% increase from the previous year. He highlighted other points regarding automation, technology, and a continued high level of service. Mr. Gullickson continued the presentation noting key customers in James City County included Walmart, La Tienda, Haynes, and ABInBev. He highlighted the gateway investments in The Port of Virginia facilities both on land and water. Mr. Gullickson noted the 50-foot-deep channel in the Hampton Roads Harbor with federal and state funding matches to facilitate a deeper and wider channel as ships became larger. He further noted smart decisions to maximize the land side of the facilities included increased automation. Mr. Gullickson added offshore wind and rail were also major components with approximately one-third of freight business comprised of rail use. He noted that aspect was related to markets in Chicago, Kansas City, and others. Mr. Gullickson addressed the deep Hampton Harbor, adding the need for dredging to deepen and widen the channel to avoid restrictions for commercial or military traffic. He referenced the Ever Given, a ship which became stuck in the Suez Canal in 2021, adding the Suez Canal was a major trade lane. Mr. Gullickson noted the Ever Given was the largest ship in the world. He further noted the need to be proactive in widening the Hampton Harbor was critical as larger ships were used for transportation. Mr. Gullickson stated the dredging project would take time, but it would also

create an advantage for Virginia with more accessibility for larger ships. He continued the presentation highlighting the various East Coast ports and their respective depths, adding The Port of Virginia's current 50-foot-deep channel would be increased to 55 feet by 2025 with increased widening also, making it the deepest and widest channel on the East Coast. Mr. Gullickson noted the \$650 million investment at Norfolk International Terminal (NIT) with the northern end being optimized through yard automation. He detailed the yard automation process for the containers, adding it was a 24-hour/7-day schedule. Mr. Gullickson stated after the optimization of the north NIT was completed, adding the south end was already completed, The Port of Virginia's annual capacity would be 5.4 million TEUs by 2027. He noted the ability to expand as an important marketing aspect for continued growth support. Mr. Gullickson highlighted several James City County investments that were driven by The Port of Virginia which included Navien (Seoul, South Korea) and InLight Development (Jacksonville, Florida). He noted job growth was a key component along with adjustments from the COVID-19 pandemic. Mr. Gullickson further noted the areas of growth which were highlighted in the national employment projections as shown in the PowerPoint presentation. He addressed wages and the "Amazon effect" with regards to warehousing and personnel. Mr. Gullickson highlighted The Port of Virginia's partnership in workforce development. He noted The Port of Virginia's association with the Virginia Peninsula Community College on a work development program, a board seat on the Hampton Roads Workforce Council, the Achievable Dream Academy, and the Maritime Incident Response Team which supported state marine teams including James City County's Fire Department and its Rescue Team. Mr. Gullickson highlighted The Port of Virginia's commitments to decarbonization and the timeline. He noted this support echoed the commitments made by major companies for a net zero carbon emission environment.

Mr. Hipple asked if any Board members had questions.

Mr. McGlennon thanked The Port of Virginia for its long-range planning in relation to competition with other ports along the Eastern Seaboard.

Ms. Larson also expressed her thanks. She noted Mr. Gullickson had extended an invitation to visit The Port of Virginia and she appreciated that opportunity. Ms. Larson further noted her appreciation of the services provided by The Port of Virginia and the long-range competitive planning.

Mr. Hipple thanked Ms. Nelson and Mr. Gullickson. He noted the technological changes over the past decade. Mr. Hipple stressed The Port of Virginia was a vital and important key to the region with economic development opportunities.

Mr. Gullickson thanked Mr. Hipple for the comments. He noted the maritime economy was interwoven with the region.

Ms. Sadler thanked Mr. Gullickson. She noted it was important for County residents to hear presentations like this one on The Port of Virginia and its impact on James City County.

Mr. Gullickson thanked the Board for the opportunity to make The Port of Virginia's presentation.

### 3. James City Clean County Commission 2022 Annual Report

Ms. Peg Boarman, Clean County Commission Chair, addressed the Board and introduced the newest members of the Clean County Commission which included Ms. Jennifer Pye, Mr. Bruce Schoch, and Mr. David Patterson. She noted she was also joined by Mr. Kevin Radcliffe and Ms. Cassie Cordova, the County's Environmental Sustainability Coordinator

and staff liaison to the Commission. Ms. Boarman lauded Ms. Cordova and Ms. Regina Jackson of the County's General Services Department for their outstanding efforts over the past few years. Ms. Boarman highlighted several litter programs in the PowerPoint presentation which included the Litter League and the Adopt-A-Spot programs. She noted various local groups and organizations such as Anheuser-Busch, Boy Scout Troop 414, Colonial Veterinary Clinic, James City Ruritan Club, and others had assisted with litter pick-up throughout the County. Ms. Boarman added Warhill High School had an Environmental Club which had donated 27 hours to litter pick-up around the high school. She noted Jamestown High School also had a class involved in litter pick-up with 38 hours. Ms. Boarman further noted a total of 169 hours had been donated toward County litter pick-up. She continued the PowerPoint presentation addressing the glass-only recycling, adding a Department of Environmental Quality grant had been received for the recycling project. She detailed the program's achievements and its partnership with Owens-Illinois (O-I) in Toano. Ms. Boarman cited numerous County events where glass was collected, adding the current total was 205,412 pounds. Ms. Boarman thanked Economic Development Department for its assistance with the O-I partnership. She noted Ms. Cordova had developed a newsletter called "All Hands on Deck" which provided County information on environmental sustainability. Ms. Boarman noted several Supervisors had attended the Virginia Peninsula Clean Business Forum Award presentations. She highlighted the quarterly recipients in the PowerPoint presentation. Ms. Boarman noted the Great American Cleanup took place in March 2022 and 456 pounds of trash were collected. She further noted a special event to her, as she had participated every year, was the 44th Annual County-wide Spring Litter Cleanup. Ms. Boarman stated 8,070 pounds were collected. She continued the presentation highlighting the 2nd Annual Arbor/Earth Day at Freedom Park where several trees were planted, the Repair Fair & Recycling Expos, and the Will Barnes Day Picnic. Ms. Boarman noted four neighborhoods received Good Neighbor Grants, work continued at the Pollinator Garden located at Veterans Park, and participation in the Trex Plastic Collection Community Challenge. She further noted the Trex Challenge involved a six-month collection of 500 pounds of plastic film recycling in which a bench was received that could be donated to a particular County location. Ms. Boarman highlighted the Materials Sorting Game which was available on the County website. She added it was a fun, interactive game. Ms. Boarman stated the Cigarette Litter Prevention program had displays located at several County locations. She continued the presentation highlighted the Litter Index which was done on the five watersheds in the County. Ms. Boarman noted there had been great improvement in less illegal dumping. She cited the results of various Clean County Commission activities, adding youth presentations was an area lacking attendance, but joint efforts to promote youth involvement were forthcoming. Ms. Boarman thanked all the volunteers.

Mr. Hipple asked if any Board members had questions for Ms. Boarman.

Ms. Larson expressed her appreciation to everyone for their efforts.

Mr. Hipple asked if the Clean County Commission members and volunteers present would stand for a round of applause in appreciation of their work.

Ms. Boarman encouraged people to sign up as volunteers.

#### 4. James City County Audit Presentation

Ms. Cheryl Holland, Assistant Director of Financial and Management Services (FMS), addressed the Board noting she was joined by Ms. Leslie Roberts, Partner with Brown Edwards and Company, LLP, the County's audit partner. Ms. Holland noted the Fiscal Year 2022 audit was usually presented in December, but due to several delays, it was being presented this evening. She further noted those delays included the loss of key staff members

at several of the County's fiscal agents. She added those fiscal agencies' audits must be completed prior to the County's audit start. Ms. Holland noted a turnover in the FMS staff was another factor which equated to less staff while also required recruiting and training time for new hires. She further noted a major financial software upgrade took place in the fall which required staff time for testing. Ms. Holland added the implementation of a substantial Governmental Accounting Standards Board (GASB) requirement on leases. She noted Ms. Roberts would address that point later in the presentation. Ms. Holland expressed appreciation to her staff and Ms. Roberts and her team for all the hard work on the audit.

Ms. Roberts addressed the Board noting the staffing and turnover challenges of the year were not unique to the County as there was an industry-wide trend there. She added it was a national trend as less people were choosing accounting majors so the selection pool was limited. Ms. Roberts noted the new lease implementation and the number of governmental clients who struggled with that piece. She further noted the difficulty was the GASB was implemented prior to the Financial Accounting Standards Board (FASB) determination, which she added was unusual. Ms. Roberts stated the unique order of the GASB prior to the FASB had less information and guidance to follow. She noted the first three pages indicated Brown Edwards and Company, LLP's audit opinion, which was a clean, unmodified opinion with a reference to the new implementation previously mentioned. Ms. Roberts added for James City County that implementation required both the lessee and lessor sides be shown on both sides of the report. She referenced pages 4-9 which indicated a high-level representation of changes and other factors, while noting the basic financials were represented on pages 10-17 with the County possessing a strong net position of \$388 million total. Ms. Roberts stated approximately \$146 million of that total was unrestricted, adding that amount was available to use for County needs. She noted a letter of transmittal was also included which contained additional County high-level information. Ms. Roberts noted the statement of activities reflected a strong positive change in net position to \$37 million which resulted from tax increase revenues. She further noted that change was due to COVID-19 with people getting back out and resuming activities where taxes were collected, in addition to a substantial reduction in the pension liability. Ms. Roberts indicated pages 18-78 represented the notes to the financials which highlighted more detailed information for line items. She addressed the statement on financial reporting and explained while a delay occurred, there were no financial issues, material delays, or deficiencies. Ms. Roberts noted the listing of State Code compliance was also in the audit, adding this was required by the Auditor of Public Accounts. She cited the specific areas of review and referenced the process as an audit within an audit. Ms. Roberts noted there was no non-compliance when reviewed. She further noted the next part of the audit report highlighted the receipt of federal money and where it was spent. Ms. Roberts cited the Head Start Preschool Program and the Williamsburg-James City County School Division food service were examples. She noted these larger programs were on a rotational review. Ms. Roberts further noted this year four programs were audited where two typically had been reviewed in the past. She added the additional program audits were due to receipt of the Coronavirus Aid, Relief, and Economic Security Act (CARES) funding. Ms. Roberts noted the additional auditing that took place this year and the compliance requirements. She further noted there were no findings nor control issues. Ms. Roberts referenced the document entitled Report to Those in Charge of Governance, which was for the Board of Supervisors, and the contact page with her team's contact information. She noted the particulars to specific financial documents within the audit, adding many estimates were included regarding life expectancy, timeline for receipt of the pension plan, and other factors. Ms. Roberts further noted estimates also existed for the leases and if renewals would occur or potential discounted rates as well as estimates for estimated useful life on equipment and such. Ms. Roberts stated there were no difficulties in the audit preparation despite the delay as County staff collaborated with the audit team well. She noted all the audit adjustments were posted and were related to the lease implementation. Ms. Roberts further noted no issues but added new GASBs were forthcoming. She thanked staff for their work as she noted it had been a challenging year for both parties but with great collaboration.



Mr. Hipple thanked Ms. Roberts and asked if any Board member had any questions for her.

Mr. McGlennon referenced the GASB and asked what the motivator was in making the change.

Ms. Roberts said she wish she knew. She added that many of the GASBs came from the FASBs. She noted the lease implementation was transparent on the report, but she added that same information had been previously supplied as footnotes on audits. Ms. Roberts further noted the GASBs and FASBs were designed to make financials easier for the user.

Mr. McGlennon questioned comparability year-to-year.

Ms. Roberts noted the comparative information was restated in the audit report. She further noted the lease implementation was effective on July 1, 2021, and it carried forward to 2022 which affected comparability overall.

Mr. McGlennon thanked Ms. Roberts.

Mr. Hipple thanked Ms. Roberts also. He noted the County's clean report. Mr. Hipple further noted the FMS staff's work in reviewing the use of federal funding in response to the COVID-19 pandemic. Mr. Hipple thanked staff and Mr. Stevens and cooperative teamwork and communication.

#### 5. Powhatan Creek Watershed Impervious Cover Updates

Ms. Toni Small, Director of Stormwater and Resource Protection Division, addressed the Board noting the Division had been working with a consultant on updates to the Powhatan and Yarmouth Creeks Watershed Management Plans. She further noted Powhatan Creek was the first plan for update. Ms. Small stated one initial task was to prepare impervious cover calculations for the watershed that had originally been done in 2001, followed by an update in 2008. Ms. Small noted the consultants from Stantec, Mr. Travis Crayosky, Senior Principal, and Mr. Peter Cada, Senior Planner, were present to report the findings.

Mr. Cada addressed the Board noting the work with County staff to determine past and future plans for Powhatan Creek. He began the PowerPoint presentation discussing the Impervious Cover Model (ICM) had been in use for decades. Mr. Cada noted as impervious cover increased in the watershed, downstream waterways became disturbed in various ways. He further noted there were some limitations to the ICM as it did not reflect the connectivity level of impervious surface to waterways and changing stormwater regulations. Mr. Cada stated the ICM was a helpful tool for larger areas. He indicated the 2000 and 2008 ICM results in the presentation with an increase from six to eight impacted watersheds over those years. Mr. Cada noted there were no subwatersheds with impervious cover above 25%. He further noted support from County staff, which included Planning and Geographic Information Systems (GIS), to determine the 2022 ICM results. Mr. Cada highlighted the increased impacted impervious cover zones in the presentation, adding submitted plans, the Comprehensive Plan, and parcel data sets had been reviewed. He referenced this point as the future full build-out with projected growth incorporated in the results. Mr. Cada indicated an increase in areas exceeding the 25% threshold with subwatersheds becoming non-supporting. He continued the presentation highlighting graphs of the subwatersheds and timelines. Mr. Cada noted the updated projections were based on submitted plans, zoning, and other resources. He further noted the use of spatial patterns to facilitate planning and connectivity with specific streams. Mr. Cada stated the use of GIS data and comparisons of projections from 2008 and 2020, respectively. He continued the presentation highlighting areas of high

interest which included New Town, potential development of the Eastern State Hospital property, and potential additional development near the James City County Recreation Center. Mr. Cada noted trends regarding changes in the entire impervious area of subwatershed 207. He highlighted the Eastern State Hospital property with and without development in the presentation.

Mr. Icenhour noted when rezoning applications came before the Board then impervious cover could be reviewed for that property. He further noted the difficulty in connecting watershed plans to specific rezoning parcels. Mr. Icenhour cited projection data from previous years and how those projections exceeded buildout despite the fact the County was not near buildout. He noted the exponential projection growth and questioned the formula for projections. Mr. Icenhour further noted another aspect of the projections was that a good watershed plan existed but questioned its application. He expressed concern regarding the use of watershed plans that had been developed and their use for future plans for the County. Mr. Icenhour noted when the plan or process encountered reality then issues arose.

Mr. Cada noted James City County was not the only community with that struggle. He further noted the constant push and pull in addition to upstream neighbors and impacts to the watersheds. Mr. Cada stated watershed management plans offered recommendations which assisted with site plan design, meet legislative requirements, and other factors, but developers were bound by codes and regulations. He noted recommendations that would encourage the developer, the community, and engaged parties to reference with relation to watersheds.

Mr. Icenhour noted incremental impact without addressing the cumulative impact. He further noted the Eastern State property would be a concern in the near future and the importance of watershed plans to assist the Board in future decisions. Mr. Icenhour referenced discussion with several Planning Commissioners regarding monitoring stations around the Eastern State property's Resource Protection Areas that indicate the health of the streams and were located predominantly downstream of the development. He noted the monitoring stations were already there as part of proffers for New Town. Mr. Icenhour asked Mr. Cada if that data would be used or should the Board talk with a developer for more monitoring stations. He noted the downstream effect and the cost of stream restoration projects incurred from the cumulative upstream development. Mr. Icenhour further noted for James City County, that cost was approximately \$7 million since 2017. He stated the ongoing costs and the need for better decision-making and asked Mr. Cada about the downstream water quality impacts and monitoring process. Mr. Icenhour questioned if those factors would allow Mr. Cada to determine if the process worked accordingly.

Mr. Cada noted that was a great question. He further noted Stantec was familiar with stormwater, the costs, and Best Management Practices (BMPs). Mr. Cada noted the importance of the monitoring stations and gathering an abundance of data for the plan. He further noted the water treatment model would be submitted next and would address land use and major pollutants such as bacteria, total suspended sediment, and other factors.

Mr. Icenhour noted the Board's challenge of using that information to make better daily decisions. He thanked Mr. Cada.

Mr. McGlennon appreciated the recommendations toward more effective management of the impervious cover impact within the watershed for Board decisions. He questioned how the model incorporated impervious cover impact outside of the watershed that came into the watershed.

Mr. Cada noted that was a good question. He further noted the impervious cover model did not include the small areas from York County and the City of Williamsburg. He added those areas were included in the water quality model and it was a small area of pollutants coming

into the Powhatan Creek watershed. Mr. Cada noted the focus was on the best land development plan with the least downstream impact.

Mr. McGlennon questioned if that was generally true of these watersheds or would that vary in the different watersheds.

Mr. Cada responded Powhatan, Yarmouth, and Diascund Creek watersheds would not have much variance.

Mr. McGlennon thanked Mr. Cada.

Mr. Hipple noted the Board was in agreement on clean water. He further noted the viewpoint should focus on the resource and what would work within that resource. Mr. Hipple stated surrounding areas were putting projects in and the resource had to align with that project. He noted that was not his vision for James City County and stressed the importance of having protections in place for the resources. Mr. Hipple questioned if there were mechanisms that could be placed to slow the impervious cover flow back out to area streams. He referenced non-supported areas like ditches and build-up where people deposit leaves. Mr. Hipple noted the influx of people to James City County and making decisions to protect the County's resources. He further noted the need for a balance, adding stream restoration projects were costly. Mr. Hipple stressed the need to have tools to protect the County.

Mr. Cada noted it was a balancing act and putting values, and particularly monetary values, on the places such as streams that were valued. He further noted the challenge with natural resource valuation, adding a value can be placed if a stream was restored at a later time. Mr. Cada stated the cost of stream restoration was greater than protection and enhancement of a stream. He added understanding and educating people was paramount.

Mr. Hipple noted County protection of its streams, but upstream neighbors impacted the waterways also which sometimes cost the County money to correct. He referenced a York County development off Marquis Parkway with streams and BMPs. He added there was more impervious cover there now affecting the landscape. Mr. Hipple stressed the importance of working together to protect County land.

Mr. Cada noted jurisdictional boundaries presented huge challenges. He referenced the three watersheds within James City County that were not impacted by jurisdictional boundaries. He stated this allowed County government and citizens to provide input on what they wanted for their watersheds in the future.

Ms. Larson thanked Mr. Cada. She also thanked Mr. Icenhour for drawing attention to the need for the watershed plan review. Ms. Larson noted the need for a more consistent review timeline. She further noted the need to communicate the significance and importance of the watershed plan review. Ms. Larson credited staff for the work done on stream restorations while recognizing the cost and damage that had occurred. She questioned the next step in the review process.

Mr. Cada noted field analysis had taken place over the past two weeks and currently desktop analysis would be reviewed. He further noted a team of engineers would be evaluating neighborhoods for potential problem areas already identified in the plan review in addition to water quality issues in the next two weeks. Mr. Cada stated the age and number of BMPs would also be evaluated as actionable items for Board consideration. He noted some older developments might be considered for retrofits regarding BMPs and other areas for water quality improvements.

Ms. Small noted a link was provided on the County's website for citizens to complete an

online survey which would remain open through most of February. She further noted after clicking the survey link, an advertisement for a public meeting was listed. Ms. Small stated the meeting would be held on Monday, February 13, 2023, at the James City County Recreation Center, Rooms B and C, 6-8 p.m. She noted the consultants and staff would be present and the format would be primarily an open meeting. Ms. Small further noted the opportunity to take the survey would also be available at the meeting.

Mr. Icenhour asked if the meeting was Monday, February 13, 6-8 p.m. at the James City County Recreation Center.

Ms. Small confirmed yes.

Mr. Icenhour thanked Ms. Small.

Mr. Cada noted there would be several opportunities for general public input to be gathered. He further noted online and in-person opportunities would be available to citizens. Mr. Cada stated the timeline goal was May for Stantec's recommendations to County staff for review and consideration.

Ms. Larson thanked Mr. Cada.

Mr. Hipple thanked Mr. Cada for the presentation. Mr. Hipple reminded citizens of the February 13, 2023, public meeting from 6-8 p.m. and the online availability if citizens were unable to attend that meeting. He encouraged citizens to provide feedback.

#### **D. CONSENT CALENDAR**

1. Contract Award - \$150,326 - Veterans Park Outdoor Sports 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

2. Grant Award - \$76,414 - Four-for-Life - Return to Localities Fund

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

3. Grant Award - \$23,002 - Litter Prevention and Recycling Program

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. Grant Award - \$16,000 - State Homeland Security Program

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. Grant Award - \$10,000 - Virginia DEQ CBPA Support Grant 2023

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. 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 meetings:

- September 8, 2022, Special Joint Meeting
- November 8, 2022, Regular Meeting
- November 22, 2022, Business Meeting
- December 13, 2022, Regular Meeting
- January 10, 2023, Organizational Meeting

7. Resolution of Chesapeake Bay Preservation Ordinance Violation at 206 Crescent Drive

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**

1. ORD-22-0001. Amendments for Scenic Roadway Protection

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. Hipple welcomed Mr. Tim O'Connor, Planning Commission Chair, and Mr. Jack Haldeman, Planning Commissioner, to the meeting.

Mr. O'Connor addressed the Board noting Mr. Haldeman served as the Policy Committee Chair. He noted Ms. Barbara Null, Planning Commissioner, was also in attendance. Mr. O'Connor further noted some potential Ordinance amendments based on Policy Committee recommendations would be presented to the Board for its feedback. He stated potential Ordinance amendments focused on scenic roadway protection and preservation of scenic roadways such as Forge Road. Mr. O'Connor stated this action would help in maintaining rural land character and referenced the specific Goals, Strategies, and Actions (GSAs) item in the 2045 Comprehensive Plan addressing this specific Ordinance amendment. He added the Board of Supervisors had adopted an Initiating Resolution in late 2021 to explore this point. Mr. O'Connor extended his appreciation to staff for all its work in support of the Policy Committee's and Planning Commission's requests for information.

Mr. Haldeman addressed the Board noting the Policy Committee had previously met on this matter in August and November of 2022 and in January of 2023. He noted the Policy Committee had provided several recommendations to proceed with aspects of the potential amendment. Mr. Haldeman further noted the first decision was the definition of a scenic roadway, adding no definition existed in the 2045 Comprehensive Plan. He highlighted six County roads for scenic consideration which were outside Community Character Corridors (CCCs) outside the Primary Service Area (PSA): Forge Road and Old Stage Road (open agricultural) with Richmond Road, Monticello Avenue, John Tyler Memorial Highway, and Riverview Road (wooded CCCs). Mr. Haldeman stated the options before the Board were: 1) no additional proposed changes to how scenic roadway segments were defined with the

Policy Committee and staff continuing to draft a proposed Ordinance for consideration of these roadways; and 2) other ways to define scenic roadways with additional feedback to revisit the definition later and provide an update to the Board.

Mr. Hipple asked if Diascund Road could be added as a seventh road for consideration.

Mr. Haldeman asked if the road was a CCC and outside the PSA. He noted the County's legal staff noted roads could not be randomly selected, but rather part of a legal category.

Mr. Hipple noted Diascund Road was outside of the PSA, but unsure if it was a CCC.

Mr. Thomas Wysong, Senior Planner, confirmed while Diascund Road was outside the PSA, it was not a CCC. He reiterated Mr. Haldeman's comments regarding new regulations and a uniform application within a category. Mr. Wysong noted a roadway could not be chosen that was outside of a specific category. He further noted Policy Committee discussion had occurred on that point, but the County's legal counsel had advised against it.

Mr. Haldeman noted discussion on several other roadways had ensued during Policy Committee meetings and those roadways had also not moved forward for that reason.

Mr. Hipple questioned if those other roadways could be added as CCCs later.

Mr. Haldeman replied yes.

Ms. Sadler asked if the two options could be redisplayed in the PowerPoint presentation. She questioned if changes were made how would this impact citizens who had property along these CCCs.

Mr. Haldeman noted that would be addressed later in the presentation.

Ms. Sadler replied okay.

Mr. Haldeman noted the first step was to identify what constituted a scenic roadway and then what protections to put in place. He emphasized the first option identified scenic roadways as CCCs outside the PSA. Mr. Haldeman noted once agreement was reached on that identifying point then the protections suggestions could be addressed.

Ms. Larson questioned if the County's legal team had indicated the identifiers as noted by Mr. Haldeman were the best option.

Staff concurred.

Ms. Larson asked if a straw poll was needed and if so, she was in favor of Option No. 1.

Board members concurred with Option No. 1.

Mr. O'Connor continued the presentation addressing the best protection tools for the intended purpose. He noted the Policy Committee had considered multiple tool options with GSA Land Use (LU) 6.3 serving as a guide. Mr. O'Connor further noted the options included required dedication of scenic easements, minimum lot size changes, increased setbacks and/or buffering, overlay districts, and mandatory subdivision clustering. He stated the Policy Committee reviewed these options with the recommendation to pursue setback and buffering tools to be drafted into Ordinance language. Mr. O'Connor noted the Policy Committee's recommendation was tailoring the tool to each CCC type. He further noted the protection tools considered included a 400-foot setback applied to the Open/Agricultural CCCs, adding

if parcels were less than 500 feet in depth, those parcels would be exempt from this requirement with allowance from existing structures to expand. He added further analysis on setbacks and allowances. Mr. O'Connor noted increased buffer requirements for large residential and commercial development were recommended for Wooded CCCs. He further noted the Policy Committee recommended buffering in relation to timbering in the Ordinance. Mr. O'Connor stated the recommendations matched the purpose of the Wooded CCCs in the 2045 Comprehensive Plan.

Mr. Haldeman highlighted the options for this second point. He noted Option No. 1 was no additional change to the proposed preservation tools. He further noted this option maintained the setback and buffering criteria as an Ordinance amendment tool. Mr. Haldeman stated both staff and the Policy Committee would continue with drafting a proposed Ordinance with the setbacks and buffering as noted by Mr. O'Connor. Mr. Haldeman noted if the Board was not in favor of Option No. 1, then the second option would consider an alternate combination of preservation tools with additional feedback and input to be reconsidered by staff and the Policy Committee.

Mr. Hipple questioned if a setback was less than 500 feet then the structure could move forward into the 400-foot setback.

Mr. Haldeman noted an existing structure would be exempt from the 400-foot setback. He further noted if the structure was already within 400 feet, it could remain. Mr. Haldeman said the structure could also expand, but not toward the roadway.

Mr. Hipple asked if a lot was less than 500 feet, then the 400 feet would not be a consideration.

Mr. Haldeman replied yes that the property would be exempt from the 400-foot setback.

Mr. Hipple asked why.

Mr. Haldeman noted the Policy Committee felt that would be too large a part of the parcel.

Mr. Icenhour noted it was an all or nothing scenario. He further noted if the parcel was less than 500 feet and exempt then the structure could be located by the roadway.

Mr. Haldeman stated the current setback was 75 feet.

Mr. Icenhour noted the structure could then be within 75 feet of the road. He asked how many parcels were in that category.

Mr. Haldeman noted there were quite a few along Old Stage Road with fewer on Forge Road. He asked Mr. Wysong if a map was available.

Mr. Wysong highlighted the exempt parcel in the PowerPoint presentation. He noted approximately 11 to 12 parcels were on Forge Road that would continue to have a 75-foot setback. He noted the highlighted parcels on Old Stage Road.

Ms. Larson noted there was a large number of exempt parcels on Old Stage Road. She questioned if those parcels would be removed from the requirement.

Mr. Icenhour noted most of those parcels already had existing buildings on them.

Ms. Larson acknowledged that point.

Mr. McGlennon asked if any of the parcels were grandfathered in relation to subdivisions.

Mr. Wysong confirmed some parcels were, but he did not have the numbers with him.

Mr. McGlennon questioned how this affected subdivision development and those lots.

Inaudible discussion.

Mr. Hipple questioned Forge Road and possible development of 20 lots under 500 feet and positioning homes up to the street.

Mr. Wysong noted all subdivision plats were reviewed for compliance with County Ordinances. He further noted a part of that review included if a buildable envelope was available within the parcel itself. Mr. Wysong stated if the 400-foot setback were approved and subdivision of the property was proposed, staff would review to ensure the parcel's subdivision was not dismissing the 400-foot setback requirement. He added that point was part of the subdivision review process.

Mr. Hipple noted maintaining Forge Road as country with structures set back off the road. He questioned family subdivisions with smaller lots and the proximity to the road.

Mr. Wysong noted the wording of the Ordinance amendment with relation to the setback would be a factor in relation to lot exemption. He further noted wording addressing a specific lot depth on a specific date to eliminate the property owner from nonadherence to the requirements. Mr. Wysong responded he did not have the answer for Mr. Hipple's question on the family subdivision at this time. He added that was a good question and warranted further discussion.

Mr. Hipple addressed the contained building area on Old Stage Road. He referenced the open vista approach on Forge Road and trying to apply that to other roads.

Ms. Larson referenced Old Stage Road and asked if these changes would make a difference or serve as a penalty to property owners.

Discussion ensued.

Mr. Paul Holt, Director of Community Development and Planning, noted this feedback was helpful. He further noted if this legislation was adopted, lots currently with a home on them would be eligible to add on if the lots were within the 400-foot setback. Mr. Holt added any new lot that was created and vacant could not have a buildable lot size since the area was all contained within the setback. He noted a subdivision developer would have to adjust the lot size for a buildable home site to be outside of the setbacks. Mr. Holt further noted the site would also still need to perc, have a well site, and the other building requirements. He noted the Board had traditionally handled family subdivisions as a separate review and not inclusive of major subdivision review. Mr. Holt further noted addressing the major subdivision language also if the Board so desired.

Mr. McGlennon expressed concern regarding grandfathered properties. He noted when the Ordinance was changed, the 20-acre requirement would be different, but the number of buildable lots would differ.

Mr. Holt noted for a similar exemption, that would be an additive piece for lots which could be subdivided into three-acre minimums.

Ms. Larson asked if the other scenic roadways were mapped in a similar fashion to the



previous two roads.

Mr. Holt stated just the two roads already presented.

Ms. Sadler asked if just one road could be removed.

Mr. Holt noted both would be included based on the Open/Agricultural CCC category.

Mr. Hipple asked about the pre-plotted lots versus the new lots. He referenced Old Stage Road had pre-plotted lots.

Ms. Sadler asked if those lots would be exempt.

Mr. Hipple noted those lots would be exempt, adding other lots as of a specified date that were not plotted would be affected.

Mr. Holt asked if that was all lots or just lots of 25 acres or less. He noted further discussion with the County Attorney's Office on various points.

Mr. Hipple referenced the four small lots on Forge Road that may not be able to push back 400 feet, adding those lots were existing plotted lots.

Mr. Holt confirmed that was correct. He added if the lots were currently vacant and less than 500 feet, the lots would be exempt and adhere to the current setback of 75 feet.

Mr. Hipple asked if changing the setback from 75 feet to 200 feet would be helpful.

Mr. Holt noted staff could review that analysis with that change implemented.

Mr. Hipple noted that change would move homes off the road slightly without jeopardizing the lot size.

Ms. Sadler asked if that would have to be applied to Old Stage Road also.

Mr. Holt and Mr. Hipple confirmed yes.

Ms. Larson asked if that point was only for exempted lots.

Mr. Hipple confirmed yes. He added the other lots would go to the 400-foot setback.

Mr. Holt reiterated an analysis could be done.

Mr. Hipple asked Mr. Holt to review that data and bring it back before the Board.

Ms. Sadler concurred on that request.

Mr. Haldeman noted staff would complete the analysis and present it at the next Policy Committee meeting.

Mr. Holt noted he was unsure of the timeline for the analysis. He further noted one option the Policy Committee was not strongly recommending was the selection of certain parcels or specific roads, apart from the category, and an overlay district. Mr. Holt noted that option was essentially a County-initiated rezoning of those respective areas and parcels. He further noted the categorical definition had no such requirement.

Mr. Hipple said those two scenarios could be presented to the Board later as options.

Mr. Holt asked if Mr. Hipple was referencing Forge Road and Old Stage Road.

Mr. Hipple said the option Mr. Holt just stated and what had been presented earlier as the options.

Mr. Holt noted more information on the first point could be collected for the Board.

Mr. Hipple noted that would allow the Board to review both options. He asked his fellow Board members for their input.

Mr. Icenhour stated the category option provided some benefit but noted the exception to lots less than 500 feet. He noted Forge Road had about 10 parcels while there were approximately 12 to 15 parcels on a small section of Old Stage Road. Mr. Icenhour added if the parcels remained exempt with potential building to 75 feet then he felt Old Stage Road specifically would not have a large impact with the number of houses currently within that distance. He noted concern for the 75-foot setback with the 10 parcels on Forge Road. Mr. Icenhour asked staff to review the possibility of adjusting the setback to 100 or 150 feet. He noted he was inclined to follow the Policy Committee's option as noted in the presentation while bringing back more detail and information on the impact to the exceptions.

Mr. Hipple noted less concern for the Old Stage Road parcels but more concern for Forge Road.

Mr. McGlennon asked the relative impact to the Forge Road exempt properties.

Mr. Hipple asked if the two roads could be separated.

Mr. Holt noted no from a categorical standpoint of the CCC designation. He further noted a possible rezoning with an overlay district was the noncategorical option.

Ms. Sadler asked for an explanation.

Mr. Holt noted the area around the Williamsburg-Jamestown Airport was an Airport Overlay District with a supplemental height limit. He further noted those parcels had a separate zoning designation. Mr. Holt used the Airport Overlay District as an example of the County rezoning certain parcels selected by the Board in addition to supplemental requirements.

Ms. Sadler asked if an overlay district was done then which of the two roads would be used.

Mr. Holt replied both categorically with a text amendment.

Mr. Hipple asked if an overlay could be done just for Forge Road.

Mr. Holt noted that would be part of the additional analysis information for the Board. He further noted additional time would be needed consulting with the County Attorney's Office regarding procedure, implication, and other aspects. Mr. Holt stated there had been some initial discussion on that point but was held pending the Board feedback today.

Mr. Hipple stated he would like more information on that area being pulled out and potentially other areas with a similar overlay district.

Mr. Holt noted for the Open CCC, it would only be Old Stage Road and Forge Road.

Mr. Hipple noted if an overlay was used, there was no limit when the two roads were separated. He further noted the possibility of Diascund Road as an overlay.

Mr. Holt noted that was a blending point. He further noted staff would review the information.

Mr. Hipple noted that option might not work. He questioned the fit and if it achieved what staff and the Policy Committee had as goals.

Ms. Sadler noted her dilemma was the impact was different on Old Stage Road compared to Forge Road. She further noted that was the struggle.

Mr. Hipple thanked everyone on all the hard work. He noted great information had been provided.

Mr. Holt stated he was hesitant to commit to a timeline with further review and analysis to be done.

Mr. O'Connor noted the Policy Committee had discussed the varying setback distances. He further noted there was some additional protection to larger lots and limited structures within the 400-foot setback.

Mr. Holt noted there was another question for the Board's feedback. He referenced the implementation of an enhanced setback and the Policy Committee's question if there would be any type of benefit to the property owner. Mr. Holt asked the Board if it wished staff to review what some benefits would be and bring those results back to the Board. He noted the option was to return with the setback option and then look at the benefits piece at a later time. Mr. Holt further noted he appreciated any direction from the Board.

Ms. Larson asked Mr. Holt about the definition of a benefit.

Mr. Holt noted he was unsure at this time. He further noted the County had some current programs such as clustering trade-offs. Mr. Holt referenced the Purchase of Development Rights (PDR) and Open Space programs, adding he was unsure if those benefits could be accrued by Ordinance or by-right. He added those points would warrant discussion. Mr. Holt stated it was a valid and interesting question regarding benefits and would require time to analyze.

Mr. McGlennon noted he would consider some potential benefits to impacted residents. He noted the challenges regarding limited funding while accomplishing a significant impact.

Mr. Hipple noted if the 400-foot setback was used instead of the 75-foot setback, more driveway area, longer power lines, and other factors for consideration. He questioned funding on the cost to cover the 325-foot difference. Mr. Hipple noted a formula for the additional footage could be determined with compensation for moving the houses back from the road.

Mr. Holt noted traditionally the trade-off had been an increased density. He further noted the by-right aspect, adding these questions and feedback were greater than the Board's original Initiating Resolution.

Discussion ensued.

Mr. Holt noted additional review was required along with determinations on the setback distance. He further noted trade-off benefits would be discussed at a later time.

The Board concurred and thanked everyone.

Mr. O'Connor thanked the Board for the opportunity to present.

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

1. Initiating Resolution to Amend the Zoning Ordinance to Require that Smoke Shops and Vape Shops Become a Specialty Permitted Use in all Zoning Districts

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

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

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

Ms. Sadler noted her serious concerns regarding vape and smoke shops in James City County. She further noted she had asked Mr. Holt how these issues could be addressed.

Mr. Holt addressed the Board noting possible Zoning Ordinance amendments would probably be the best option for addressing Ms. Sadler's concerns. He noted currently most vape and smoke shops were allowed in most of the County's zoning districts by-right. Mr. Holt referenced a recent newspaper headline highlighting the City of Williamsburg moving some shops as a Special Use Permit (SUP). He noted that aspect allowed the Board legislative ability to consider the shops on a sight-by-sight basis. Mr. Holt highlighted the details of the Initiating Resolution which included consideration of potential Ordinance amendments regarding the use list of various districts. He reiterated this was only an Initiating Resolution which directed staff and the Policy Committee to review information for presentation to the Board at a later public hearing.

Mr. Hipple noted he had a question for Mr. Holt as the voting was taking place. He asked how this action would affect any vape shop that was currently in the process of moving into a new building during the Board's consideration of the amendment. Mr. Hipple asked if that would freeze any action.

Mr. Holt responded no, adding if the shop(s) were already in then it would be non-conforming at the time of the Ordinance adoption. He added expansion of non-conforming uses was governed by the Ordinance therefore expansion could not occur with an SUP to become compliant.

Mr. Hipple questioned if the shop was not currently in a building but planned to move into a structure in the next few weeks. He noted the shop owner had obtained the proper license and asked if the process would stop pending a decision on the Ordinance amendment.

Mr. Holt noted the shop owner could still move into the location. He further noted the move was made prior to the adoption of the County Code change as approved by the Board.

Mr. Hipple asked if the owner could operate the shop pending the change.

Mr. Holt replied yes, but the shop would be operating as a non-conforming business. He noted if the shop was expanded then an SUP would be required.

Mr. Hipple thanked Mr. Holt.

Mr. McGlennon asked if a vape shop operated as a legal, non-conforming business and closed, could another vape shop come into that space.

Mr. Holt noted non-conforming uses after two years of vacancy was the policy.

Mr. McGlennon questioned vacancy and the rotation of tenants.

Mr. Holt noted if the first tenant moved out and another tenant with the same product line moved in several months later, then that business could continue. He further noted if the store became vacant or the use changed to a flower shop, for example, two years would pass before the vape shop tenant could return.

Ms. Sadler asked if the flower shop was in place for two years, then was the location considered vacant from the original use.

Mr. Holt confirmed yes.

The Board thanked Mr. Holt.

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

Mr. Icenhour noted discussion with the Planning staff on the current process of the Ordinance for residential density based on net versus gross developable. He further noted reference to questions for the Board regarding clarification. Mr. Icenhour addressed clarifying those points at this meeting, adding it was a Board consensus that the residential density point was a high priority. He emphasized the need for an Ordinance to transition the County to a net developable density. Mr. Icenhour noted the Policy Committee had major commitments in February regarding the Capital Improvements Program (CIP), but he encouraged the Policy Committee to move the density process through as promptly as possible. He further noted he would like February to be the target date as the timeline for review by the Planning Commission and the Board could potentially be June. Mr. Icenhour said he was open to discussion with fellow Board members and clear understanding could be conveyed to the Planning Commission and the Policy Committee.

Mr. O'Connor noted the Policy Committee, the Planning Commission, and staff had a clear understanding of the direction. He further noted discussion on Forge Road and Old Stage Road had been part of the process, but he would confer with Mr. Holt regarding the timeline. Mr. O'Connor noted the importance of the request.

Mr. Icenhour noted the need to hear the pros and cons.

Mr. O'Connor noted the understanding of the pieces working together with stormwater and watershed studies, cumulative impacts, and other factors.

Mr. Icenhour thanked Mr. O'Connor.

Mr. Haldeman noted this point had been discussed at the Policy Committee's January 2023, meeting. He further noted two questions were before the Board: 1) if a landowner lost significant amounts of developable land, then was a compensation plan in place; and 2) what specifically was meant to be accomplished by any change in the density calculation. Mr. Haldeman stated staff had supplied the pros and cons as noted by Mr. Icenhour. He added four calculation schemes were traditionally used and staff had provided statistics from five or six other counties which indicated each county calculated differently.

Mr. Icenhour referenced a statewide comparison and the uniqueness of James City County. He noted he was unaware of that uniqueness until he asked how much of the County was undevelopable, adding it was approximately 35%. Mr. Icenhour stated that meant one of every three acres was not buildable. He noted the intense development on smaller parcels of land with relation to wetlands and the high-density pockets of development was not the goal.

Mr. Icenhour further noted the Board had viewed the density from the perspective of what was buildable.

Mr. Hipple noted development and density on given areas, but the added stress of the environmental impact. He further noted the impacts now required stream restoration and other projects which came at a cost to citizens.

Mr. Icenhour cited decisions from past Boards and referenced New Town, which he added was a great process as it examined each piece. He noted the master plan and a residual approximately two-acre parcel where 100 units would be placed. Mr. Icenhour stated 50 units per acre was outstanding, but he noted when the entire New Town development was reviewed, it looked good on paper. He added that point was fine until those units were your neighbors and that was his area of concern with very high pockets of density with adverse impacts on citizens, neighborhoods, and the environment. Mr. Icenhour noted his concern that the Ordinance wording and people thinking of by-right regarding density and development.

Mr. McGlennon noted his attendance at the NAACP Afro-Academic, Cultural, Technological and Scientific Olympics (ACT-SO) Luncheon on January 15 and the support for young people in the community with academic, athletic, and artistic talent. He further noted his attendance at a Grove Community meeting on January 16 for discussion on a variety of topics in the Grove Community. Mr. McGlennon stated on January 19, he was joined by Ms. Larson, Assistant County Administrator Brad Rinehimer, and County Attorney Adam Kinsman at Local Government Day. He noted Local Government Day was sponsored by the Virginia Municipal League, the Virginia Association of Counties (VACo), and the Virginia Association of Planning District Commissions. Mr. McGlennon further noted he was joined by Mr. Rinehimer and Mr. Kinsman for a visit to the County's legislators, the Honorable Senator Montgomery Mason, Member of the Virginia Senate, the Honorable Delegate Amanda Batten, the Virginia House of Delegates, and the Honorable Delegate Michael Mullin, the Virginia House of Delegates, while Ms. Larson (First Vice President of VACo) was attending the VACo Board of Directors meeting. Mr. McGlennon stated some of the issues highlighted to the legislators included the need for local government to be actively involved in affordable housing discussions, short-term rentals, restoration of some Standards of Quality (SOQ) support personnel to the state budget to assist with funding and teacher salaries. Mr. McGlennon noted Mr. Kinsman was active in legislation to make the cost and timing of public notice advertisements in newspapers less erroneous. He added there was consensus for moving forward on that point. Mr. McGlennon stated Mr. Rinehimer made an appeal for support of additional funding for Police academies throughout the state. He noted the County was appreciative of the legislators' actions while answering any questions they had on local government activities. Mr. McGlennon further noted he chaired the Virginia Coalition of High Growth Communities meeting later that day where discussion on affordable housing, local government restrictions in the area of affordable housing, and infrastructure needs.

Ms. Larson noted her attendance with the City of Williamsburg Mayor Doug Pons, Mr. Tom Shepherd, Supervisor for York County, at a presentation for the Greater Williamsburg Chamber and Tourism Alliance's LEAD class in York County. She further noted the Visit Williamsburg meeting with good news on visitation and spending. Ms. Larson added the hope was 2022 would be a better year-end than 2019 which was the best the area had seen since 2007. She noted the progress there. Ms. Larson noted her attendance at Legislative Day and asked Mr. Kinsman for an update regarding legislation, particularly the short-term rental bill.

Mr. Kinsman addressed the Board noting he had provided it with a list of bills to watch in the Virginia Assembly Session. He noted there was a volume of legislation and a short session. Mr. Kinsman further noted cannabis and retail sales as well as real estate tax exemptions that he would share with Ms. Sharon McCarthy, Director of FMS. He added changes in Freedom of Information Act (FOIA) regarding electronic meetings for both the Planning Commission and

the Board of Supervisors level. Mr. Kinsman noted land use and local government's ability to regulate land use regarding affordable housing with the state's prospective that affordable housing was the local government's problem, and the state would take control and improve it. He further noted he had not seen any of those bills, adding he had seen numerous bills where local governments would report certain things to the state. Mr. Kinsman referenced House Bill (HB) 1671 where the County would report land use case fees, HB2046 for statewide housing needs assessment, and several others. He noted this General Assembly was amassing information with the potential for a more detailed bill in the upcoming year. Mr. Kinsman further noted the bills concerning short-term rentals with HB2103 allowed sunseting for short-term rentals, which included sunseting by owner, majority of ownership by the business, property sales, and time. He added there were several bills that also removed local control from short-term rentals such as if an Airbnb was run by a realtor.

Ms. Larson questioned the loss of control. She asked if a realtor managed a property, then a short-term rental could be put in place regardless of the Board's policies on short-term rentals.

Mr. Kinsman noted from the local government's standpoint that was true. He referenced Senate Bill 1391 and the specifics of that bill, adding if a realtor ran the short-term rental property, then it would be treated as any other property. Mr. Kinsman noted that applied to the County's regulation but was unsure of the effect on a homeowners association (HOA). He further noted a large part of the County allowed Airbnbs as a matter of right and included the R-4 District. Mr. Kinsman added the R-4 District housed many of the County's larger neighborhoods. He noted the County enforced legislation action with an SUP on short-term rentals. He further noted where no mandatory HOA was present the Board essentially stepped in as the HOA to determine if that particular short-term rental was appropriate for that particular neighborhood. Mr. Kinsman noted there were companion bills in both the House and the Senate, but neither had been voted on at present. He added it was a short session for the General Assembly so a decision should be shortly forthcoming. Mr. Kinsman noted the last item involved multiple bills on the Virginia Retirement System (VRS) and the General Assembly's strategy on modifying the VRS to allow people to return. He further noted one bill reduced the wait time from 12 months to one month. Mr. Kinsman referenced a House Joint Resolution to amend the Constitution to create term limits on the Board of Supervisors. He noted the resolution stated a three-term limit.

Ms. Larson asked Mr. Kinsman for an update at the Board's next meeting.

Mr. Kinsman replied he would do so.

Ms. Larson noted her last point was obtaining information on the Planning Commission's pay and last pay increase.

Mr. Hipple asked Mr. Stevens if it was possible to move the Commission as staff moved with the same rate.

Mr. Stevens replied yes.

Ms. Sadler noted she had received complaints about the ongoing construction at the solar farm in the Norvalia subdivision. She further noted the complaints covered noise, dump trucks, traffic, and using proper construction entrances.

Mr. Hipple noted he and Mr. Stevens attended the recent Mayors and Chairs meeting. He further noted one point of discussion was the possible monitoring with the James City County Police Department on traffic as it moved through the local areas. Mr. Hipple said this was a possible collaborative effort to alert Officers to potential surrounding concerns when responding to calls. He noted discussion with Camp Peary for possible collaboration with the

localities and information sharing, adding this information sharing could take place along the Peninsula. Mr. Hipple stated he attended the Hampton Roads Planning District Commission and Hampton Roads Transportation Planning Organization meetings, adding the Interstate 64 gap receiving funding. He noted \$151 million in funding was needed and \$161 million was received. Mr. Hipple further noted the gap was filled and an application for an additional \$25 million in funding was being sought due to escalating costs. He stated an update on the funding should be known shortly. Mr. Hipple stated there was a funding shortage with all the transportation projects in process. He added that the Croaker Road and Route 60 projects were right in the midst of those projects. Mr. Hipple noted he wanted James City County in the forefront and stressed the importance of both projects for the community with full funding. He further noted Mr. Holt also attended another meeting to address those same areas.

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

Mr. Stevens noted several Supervisors had received constituent concerns regarding Verizon issues. He further noted County staff had reached out to Verizon staff and a meeting with Verizon's technical staff was scheduled. Mr. Stevens said the meeting would address concerns within Verizon's system and hopefully provide better answers in the upcoming weeks. He noted the specifics of where, what, when, description of incident were very important and asked for additional information as people encountered issues. Mr. Stevens further noted problems that had already been reported to the County had been relayed to Verizon.

## **I. CLOSED SESSION**

A motion to Enter a Closed Session for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel; specifically, regarding (1) unsolicited proposals and the Virginia Public Procurement Act and (2) the acceptance of certain types of proffers as part of a request to rezone real property, pursuant to Section 2.2-3711(A)(8) of the Code of Virginia; and 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 reappointment to the Williamsburg/James City County Community Action Agency Board 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. McGlennon requested a short break prior to the start of the Closed Session.

At approximately 4:04 p.m., the Board of Supervisors entered a Closed Session.

At approximately 5:19 p.m., the Board re-entered Open Session.

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

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

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

1. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel; specifically, regarding (1) unsolicited proposals and the Virginia Public Procurement Act and (2) the acceptance of certain types of proffers as part of a request to rezone real property, pursuant to Section 2.2-3711(A)(8) of the Code of Virginia



Ms. Larson noted she had the motion to accept the unsolicited proposal received from Henderson and Gilbane for a consolidated government center and follow the Public-Private Education Facilities and Infrastructure Act (PPEA) process in posting the required notice and invite other companies to provide proposals within 120 days.

Mr. Hipple requested a roll call on the motion as noted by Ms. Larson.

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

Mr. Stevens noted the motion carried.

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. Williamsburg/James City County Community Action Agency Board Reappointment

A motion to Appoint Ms. Tijuana Gholson to the four-year term to the Williamsburg/James City County Community Action Agency with the dates listed in the Agenda was made by James Icenhour, 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 February 14, 2023 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 5:20 p.m., Mr. Hipple adjourned the Board of Supervisors.

**ITEM SUMMARY**

DATE: 2/28/2023

TO: The Board of Supervisors

FROM: Liz Parman, Deputy County Attorney

SUBJECT: Participation in Proposed Settlement of Opioid-Related Claims

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**ATTACHMENTS:**

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	2/21/2023 - 9:23 AM
Publication Management	Pobiak, Amanda	Approved	2/21/2023 - 9:43 AM
Legal Review	Kinsman, Adam	Approved	2/21/2023 - 9:46 AM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 9:50 AM
Board Secretary	Rinehimer, Bradley	Approved	2/21/2023 - 10:32 AM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 10:33 AM

## MEMORANDUM

DATE: February 28, 2023  
TO: The Board of Supervisors  
FROM: Liz Parman, Deputy County Attorney  
SUBJECT: Participation in Proposed Settlement of Opioid-Related Claims

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On November 23, 2021, the Board approved of a settlement agreement with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen and approved of a settlement allocation Memorandum of Understanding (MOU) with the Commonwealth of Virginia to receive payments from the National Opioids Settlements.

More recently, between November and December of 2022, five additional defendants - Teva, Allergan, Walmart, Walgreens, and CVS - entered into the National Opioids Settlements. The Board must approve participation in this new settlement to receive its share of payments. This new settlement will be subject to the MOU and will be administered and allocated in the same manner as the previous opioid settlements.

The County Attorney recommends approval of the attached resolution authorizing the County Attorney to execute those documents necessary to effectuate the County's participation in proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, including the required release of claims against settling entities.

LP/md  
PropSttlmtOpioid-mem

Attachment

**RESOLUTION**

**PARTICIPATION IN PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS**

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy, and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, the County has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the “Virginia MOU”), and affirms that these pending settlements with Teva, Allergan, Walmart, CVS, and Walgreens shall be considered “Settlements” that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, and opioid manufacturer Janssen Pharmaceuticals; and

WHEREAS, the County Attorney has reviewed the available information about the proposed settlements and has recommended that the County participate in the settlements in order to recover its share of the funds that the settlement would provide.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, approves of the County’s participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and directs the County Attorney to execute those documents necessary to effectuate the County’s participation in the settlements, including the required release of claims against settling entities.

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of February, 2023.

**ITEM SUMMARY**

**DATE:** 2/28/2023

**TO:** The Board of Supervisors

**FROM:** Ellen Cook, Principal Planner and Paul Holt, Director of Community Development and Planning

**SUBJECT:** Residential Impacts

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Management	Holt, Paul	Approved	2/10/2023 - 8:15 AM
Publication Management	Pobiak, Amanda	Approved	2/10/2023 - 8:33 AM
Legal Review	Kinsman, Adam	Approved	2/10/2023 - 9:19 AM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 9:10 AM
Board Secretary	Purse, Jason	Approved	2/21/2023 - 10:10 AM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 10:27 AM

## MEMORANDUM

DATE: February 28, 2023

TO: The Board of Supervisors

FROM: Ellen Cook, Principal Planner  
Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: Residential Impacts

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On October 26, 2021, the Board of Supervisors adopted *Our County, Our Shared Future: James City County 2045 Comprehensive Plan*. As part of the Comprehensive Plan update, the Board retained consultant services to support several operational initiatives from the 2035 Strategic Plan, including: conducting scenario planning; conducting a cumulative fiscal, infrastructure, community character, and environmental impact analysis of expanding the Primary Service Area (PSA); and refining the fiscal impact model to assess development impacts on the County's fiscal health.

More specifically, during the 2045 Comprehensive Plan update process, two models were developed: one to evaluate Development Proposals (Project-Level Model) and the other to evaluate the Cumulative Impacts of County-wide Growth (County-wide Model).

Following adoption of the 2045 Comprehensive Plan, staff has worked with TischlerBise, Inc. to refine and update the fiscal model. This has included incorporating more recent demographic and budget information. These updates will assist in using the model on an ongoing basis during development review (rezonings). Both models include a land use database, demographics and tax bases, operating costs and revenues, general revenues, and capital facilities costs and revenues. The models focus on direct revenue flowing to the County and direct operating expenses funded through the General Fund, including schools. However, the models should not be viewed as budget forecasting tools, but instead help to identify impacts of growth. The models project potential revenues from General Fund revenue sources such as property, sales, and meal taxes; licenses, permits, and fees; charges for services; and state funding for schools. Operating and capital cost impacts are also projected and cover the marginal impacts to services and infrastructure. The marginal impact means that not all costs are assumed to be affected—the effort and models developed by TischlerBise, Inc. account for those aspects that are not necessarily affected by growth or development. Capital impacts are also included and identify needs through the model's end year (2045). The Project-Level Model quantifies the project's share of capital impacts, which is likely to be *portions* of facilities and vehicles—as opposed to entirely new facilities. The County-wide Model identifies when new or expanded facilities and vehicle purchases are triggered based on existing capacities and growth. The models analyze the County in four fiscal analysis zones: north, central, south, and outside the PSA. The Project-Level Model allows for customized input of development proposals to reflect rezoning applications, including residential unit type and numbers, non-residential use and square footage, and assumptions about assessed value and years to build-out. Based on the fiscal model inputs from an applicant, the current fiscal impact model is designed to provide resulting calculations that are specific to the development proposal at hand.

During development of the 2045 Comprehensive Plan, the Board adopted a resolution on September 10, 2019, that directed staff to develop a fact sheet that served as an interim methodology to address the immediate- and long-range fiscal impacts related to the increased use and demand on various public facilities and resources.

The Comprehensive Plan update has been adopted and the new Fiscal Impact Model is complete and ready to implement. Staff therefore recommends adoption of the attached resolution which would rescind that

Residential Impacts

February 28, 2023

Page 2

2019 resolution and direct staff to use the Fiscal Impact Model developed as part of the 2045 Comprehensive Plan to determine the immediate- and long-range financial impacts of residential dwellings related to increased use and demand on public facilities and resources.

EC/PDH/md

ResImpacts23-mem

Attachment

**RESOLUTION**

**IMPACTS TO PUBLIC FACILITIES AND RESOURCES RELATED TO**

**RESIDENTIAL DWELLING UNITS**

WHEREAS, the Board of Supervisors of James City County, Virginia (the “Board”), has adopted certain policy and planning documents that guide its legislative considerations in James City County (the “County”), including the Comprehensive Plan, the Strategic Plan, the Annual Budget, and the Capital Improvements Program; and

WHEREAS, on October 26, 2021, the Board adopted *Our County, Our Shared Future: James City County 2045 Comprehensive Plan* and, as part of that update, the Board retained consultant services to support several operational initiatives from the 2035 Strategic Plan, including: conducting scenario planning; conducting a cumulative fiscal, infrastructure, community character, and environmental impact analysis of expanding the Primary Service Area; and refining the fiscal impact model to assess development impacts on the County’s fiscal health; and

WHEREAS, the consultant provided the specialized technical knowledge necessary to build, run, and extract pertinent information from sophisticated models; and

WHEREAS, the Board desires to identify the impacts of residential dwellings on public facilities and resources.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby rescinds that resolution entitled “Impacts to public facilities related to residential dwelling units” adopted September 10, 2019, that directed staff to develop a fact sheet that served as an interim methodology during development of the 2045 Comprehensive Plan.

BE IT FURTHER RESOLVED by the Board that staff is directed to use the Fiscal Impact Model developed as part of the 2045 Comprehensive Plan to determine the immediate and long-range financial impacts of residential dwellings related to increased use and demand on public facilities and resources and that such model be based on the Adopted Budget, the Capital Improvements Program, the Comprehensive Plan, the Strategic Plan, and any other relevant data.

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of February, 2023.



**ITEM SUMMARY**

DATE: 2/28/2023

TO: The Board of Supervisors

FROM: Michael Woolson, Section Chief - Resource Protection

SUBJECT: Resolution of Chesapeake Bay Preservation Ordinance Violation at 5209 Scenic Court

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**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Location Map	Backup Material
☐	Consent Agreement	Backup Material
☐	Restoration Agreement	Backup Material
☐	Replanting Plan	Backup Material
☐	1999 Civil Charge Policy	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Engineering & Resource Protection	Small, Toni	Approved	2/10/2023 - 2:18 PM
Development Management	Holt, Paul	Approved	2/10/2023 - 2:25 PM
Publication Management	Daniel, Martha	Approved	2/10/2023 - 2:31 PM
Legal Review	Kinsman, Adam	Approved	2/15/2023 - 8:00 AM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 9:10 AM
Board Secretary	Purse, Jason	Approved	2/21/2023 - 10:10 AM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 10:27 AM

## MEMORANDUM

DATE: February 28, 2023

TO: The Board of Supervisors

FROM: Michael D. Woolson, Section Chief - Resource Protection  
Joshua Everard, Assistant County Attorney

SUBJECT: Chesapeake Bay Preservation Ordinance Violation - Civil Charge - Olsen Fine Homebuilding, LLC - 5209 Scenic Court

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Attached is a resolution for consideration by the Board of Supervisors (the "Board") involving a violation of the County's Chesapeake Bay Preservation Ordinance (the "Ordinance") on property located at 5209 Scenic Court and further identified as James City County Real Estate Tax Map Parcel No. 4741200064 (the "Property"). The case involved the clearing of vegetation within the Resource Protection Area (RPA) on the Property. This work was done without first obtaining an exception to the Ordinance.

On or about December 22, 2022, County staff received a report of unauthorized clearing on the Property, which was under an active, approved building permit. County staff visited near the site on December 22, 2022 and observed the removal of vegetation within portions of the Property within the RPA that was not authorized. Following the site visit, staff performed research on the Property using County records and discovered that the limits of clearing within the RPA has extended beyond what had been agreed to in writing. Staff then issued a Stop Work order on the active construction site.

In accordance with provisions of the Ordinance, the owner and County mutually came to terms to resolve and settle the violation through the County's civil charge process. The owner voluntarily signed a Consent Agreement and entered into a Chesapeake Bay Restoration Agreement with the County on January 17, 2023.

The resolution and attachments present additional specific details of the violation. Under the provisions of the Ordinance, the Board may accept civil charges for each violation of up to \$10,000. The owner has agreed to the recommended civil charge of \$3,000 for violation of Section 23-10 of the County's Chesapeake Bay Preservation Ordinance.

The Chesapeake Bay Preservation Ordinance Civil Penalty Procedures Policy, endorsed by the Board in August 1999, was used by staff as guidance in determining the civil charge amount. The Policy considers the degree of water quality impact and the degree of noncompliance involved in the case. The civil charge amount of \$3,000 is based on a moderate water quality impact and a moderate degree of noncompliance.

Staff recommends adoption of the attached resolution, establishing the civil charge for the Chesapeake Bay Preservation Ordinance violation presented.

MDW/JE/ap  
CBPAViol-5209Scenic-mem

Attachments:

1. Resolution
2. Location Map
3. Consent Agreement
4. Restoration Agreement
5. Replanting Plan
6. 1999 Civil Charge Policy

**RESOLUTION**

**CHESAPEAKE BAY PRESERVATION ORDINANCE VIOLATION - CIVIL CHARGE -**

**OLSEN FINE HOMEBUILDING, LLC - 5209 SCENIC COURT**

WHEREAS, Olsen Fine Homebuilding, LLC, is contracted to build a single-family dwelling on a certain parcel of land commonly known as 5209 Scenic Court, Williamsburg, Virginia, and further identified as Real Estate Tax Map Parcel No. 4741200064 (the "Property"); and

WHEREAS, on or about December 22, 2022, Olsen Fine Homebuilding, LLC, removed trees within a defined Resource Protection Area ("RPA") on the Property without a prior exception to the Chesapeake Bay Preservation Ordinance and caused impact to the RPA; and

WHEREAS, Olsen Fine Homebuilding, LLC, has executed a Consent Agreement to remedy the violation of the County's Chesapeake Bay Preservation Ordinance; and

WHEREAS, Olsen Fine Homebuilding, LLC, has agreed to pay a total of \$3,000 to the County as a civil charge under the County's Chesapeake Bay Preservation Ordinance; and

WHEREAS, the James City County Board of Supervisors accepts the civil charge of \$3,000 in full settlement of the Chesapeake Bay Preservation Ordinance violation, in accordance with Section 23-18 of the Code of the County of James City.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the County Administrator to accept the \$3,000 civil charge from Olsen Fine Homebuilding, LLC, as full settlement of the Chesapeake Bay Preservation Ordinance violation at the Property occurring on or about December 22, 2022.

\_\_\_\_\_  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa J. Saeed  
Deputy Clerk to the Board

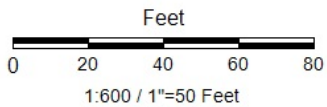
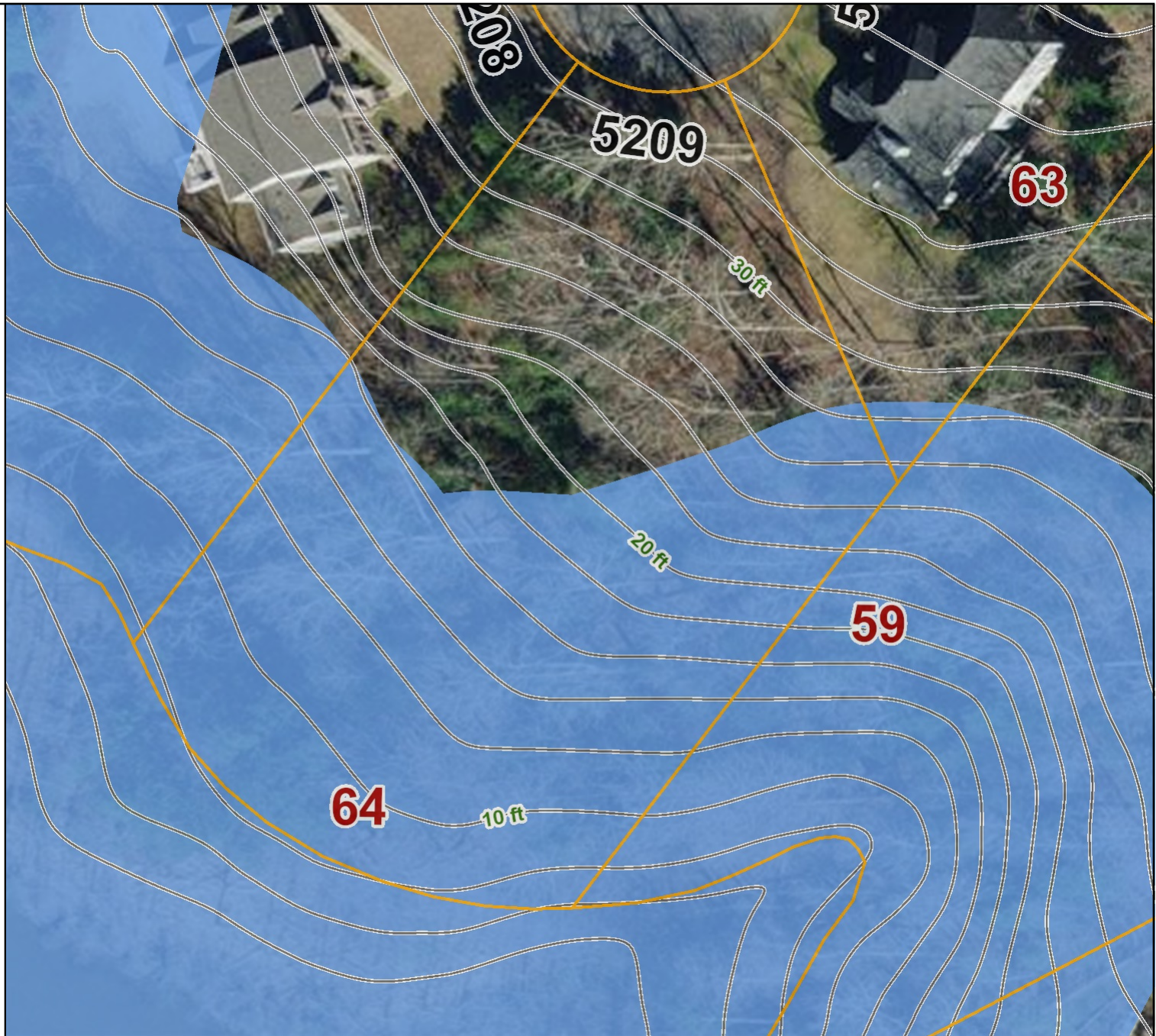
	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SADLER	_____	_____	_____	_____
ICENHOUR	_____	_____	_____	_____
MCGLENNON	_____	_____	_____	_____
LARSON	_____	_____	_____	_____
HIPPLE	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of February, 2023.



**Legend**

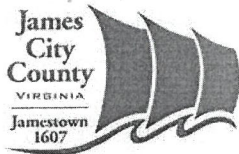
-  Parcels
-  Contours
-  Resource Protection Area RPA



**Title: 5209 Scenic Court RPA Violation**

**Date: 2/9/2023**

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.*



# Chesapeake Bay Preservation Civil Charge Consent Agreement

THIS AGREEMENT, made on this 17<sup>th</sup> day of January 2023, by and between Olsen Fine Home Building, LLC, residing at 128 River Bluffs, Williamsburg Virginia 23185, ("CONTRACTOR") and the COUNTY OF JAMES CITY, VIRGINIA, ("COUNTY").

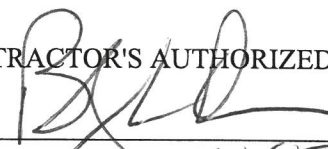
WHEREAS, the Contractor performing work on that certain parcel of land known and identified as; 5209 Scenic Court, James City County, PIN 4741200064, has violated or has caused a violation of the James City County Chesapeake Bay Preservation Ordinance, Chapter 23 of the County Code, by removing trees within the Resource Protection Area without an approved Chesapeake Bay Preservation Waiver on that aforementioned parcel.

NOW, THEREFORE, to resolve this violation the parties hereto agree as follows:

1. The Contractor hereby agrees to provide for the payment of a civil charge in the amount of Three Thousand Dollars (\$3,000.00), for the violation of the ordinance described above.
2. In consideration of the Contractor's payment of the civil charge, the County agrees to accept the civil charge as the final resolution of this violation and in consideration of this executed agreement the County will not prosecute the Contractor under the civil penalty provision provided for within the ordinance.

Once the consent agreement is executed, the County will proceed with processing the civil charge in accordance with the provisions of Section 23-18(b) of the Chesapeake Bay Preservation ordinance. This includes scheduling the case on the consent calendar at an upcoming Board of Supervisor regular meeting.

CONTRACTOR'S AUTHORIZED REPRESENTATIVE:

Signature: 

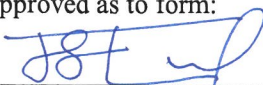
Name: BEVERLY L. OLSEN

Title: MGR. LLC

COUNTY OF JAMES CITY, VIRGINIA

By: 

Approved as to form:

  
County Attorney



## Chesapeake Bay Restoration Agreement

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THIS AGREEMENT by and between Olsen Fine Homebuilding, LLC (the “Contractor”), and the County of James City, Virginia, a political subdivision of the Commonwealth of Virginia (the “County”).

WHEREAS, the Contractor is performing work on a certain tract of land located at 5209 Scenic Court, and further identified as Parcel Identification Number 4741200064, (the “Property”) which is located in the County; and

WHEREAS, restoration of vegetation within portions of the Property is the responsibility of the Contractor and required by the County as shown on a plan designated as 5209 Scenic Court Restoration Plan, dated January 11, 2023, and prepared by County; and

WHEREAS, the Contractor has posted sufficient bond, letter of credit, certified or cashier’s check, or escrow funds (collectively the “Security Instrument”), pursuant to existing ordinances, approved as to form by the County Attorney, and with surety satisfactory to the County in the amount of five thousand dollars (\$5,000.00) guaranteeing the installation of the improvements before September 30, 2023.

NOW, THEREFORE, the parties agree as follows:

1. The Contractor covenants and agrees that on or before September 30, 2023, it will, without cost to the County, construct to the approval of the County all physical improvements as required by the Chesapeake Bay Preservation Ordinance of the County, or shown on the development plans approved by the County (the “Improvements”). If, in the sole judgment of the County, circumstances beyond the control of the Contractor prevent the Contractor from completing the Improvements in the time set forth herein, then the County may grant an extension of time for completion of the Improvements and in such instance the County may require an amended Security Instrument approved as to form by the County Attorney, and with surety satisfactory to the County in an amount to guarantee the installation of the Improvements.

2. If the Contractor fails to properly complete the Improvements, the County may complete, or cause to have completed, the Improvements, and charge the costs thereof to the Contractor who will be liable to the County for all costs incurred by the County, or the County may draw the amount necessary from the surety to complete or cause to have completed the Improvements. The Contractor hereby grants the County and its agents and contractors, access to the property to install the Improvements required under this Agreement.

3. If the County calls, collects, or otherwise draws on the Security Instrument pledged under this Agreement, the Contractor agrees to either pay, or have the County use the proceeds of the draw to pay a reasonable administrative fee of \$35.00, plus any costs actually incurred by the County in drawing on the Security Instrument. The charge for an administrative fee plus costs shall apply regardless of whether the County later accepts a renewal or amendment of the Security Instrument.

4. This Agreement does not relieve the Contractor of any responsibilities or requirements placed upon them by the various ordinances of the County applicable to such development of the Property, and the development of the Property will be done in strict accordance with such ordinances.

5. If the Contractor faithfully executes each and every requirement of the Chesapeake Bay Preservation Ordinance and the provisions of this Agreement, and further indemnifies, protects, and saves harmless the County from all loss, damage, expense, or cost by reason of any claim, suit, or action instituted against the County or its agents or employees thereof, on account of or in consequence of any breach on the part of the Contractor, then the County will release the Security Instrument.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties, being first duly authorized, have affixed their signatures below:

**The Contractor:**

Contractor's Authorized Representative:

BEVERLY L. OLSEN, OWNER MOR.  
(Print Name & Title)

ATTEST:

Robin Beard  
(Signature)

By: BLO  
(Signature)

Approved as to form:

COUNTY OF JAMES CITY, VIRGINIA

JST  
County Attorney

By: Michelle Walker  
County Agent

DATE: 1/17/23

**GENERAL NOTES**

1. SITE INFORMATION SHOWN IS BASED ON THE APPROVED PLOT PLAN.
2. THE PURPOSE OF THIS EXHIBIT IS TO SHOWN THE LIMITS OF INSTALLED SILT FENCE AND LIMITS OF DISTURBANCE.

**SITE INFORMATION**

LOT NUMBER 64, PHASE 1,  
LAKE POWELL POINTE  
INITIAL PROPOSED DISTURBED WITHIN 50' RPA: 0 S.F. / 0 AC.  
INITIAL PROPOSED DISTURBED WITHIN 100' RPA: 3,605 S.F. / 0.083 AC.  
ACTUAL DISTURBED WITHIN 100' RPA: 5,592 S.F. / 0.128 AC.  
ACTUAL DISTURBED WITHIN 50' RPA: 228 S.F. / 0.005 AC.

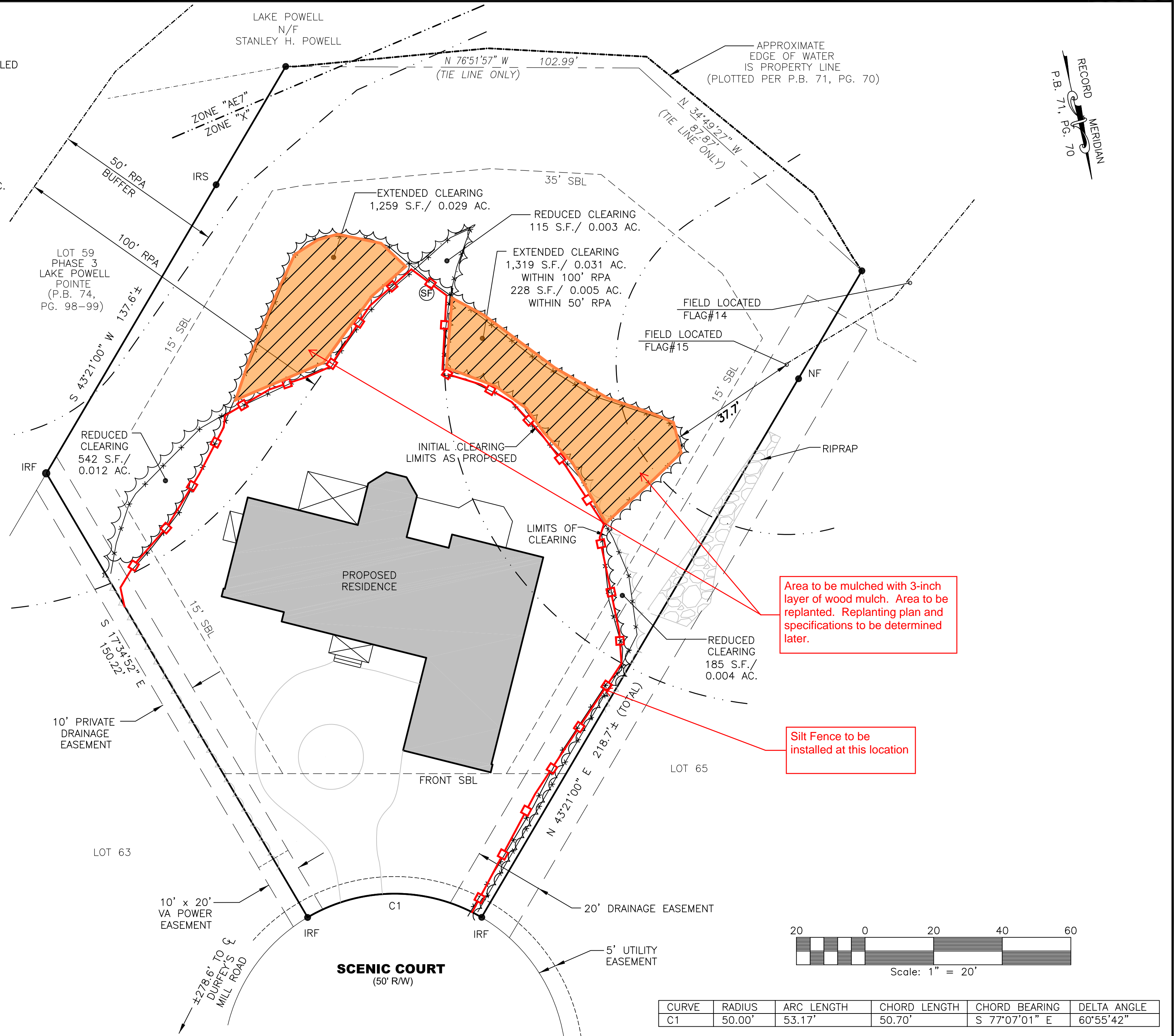
**EXISTING ADDRESS:**

5209 SCENIC COURT  
WILLIAMSBURG, VIRGINIA

**Plant List**

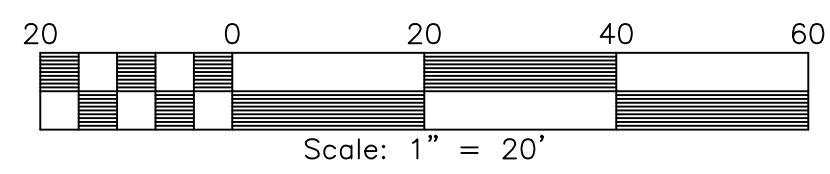
Qty	Name	Size
<b>Canopy Trees</b>		
5	Red maple, <i>Acer rubrum</i>	6 ft.
5	Scarlet oak, <i>Quercus coccinea</i>	6 ft.
<b>Understory Trees</b>		
3	Sweetbay magnolia, <i>Magnolia virginiana</i>	5 ft.
4	Sassafras, <i>Sassafras albidum</i>	5 ft.
3	Eastern redbud, <i>Cercis canadensis</i>	5 ft.
<b>Shrubs</b>		
5	Possumhaw viburnum, <i>Viburnum nudum</i>	3 gal.
5	Red bay, <i>Persea palustis</i>	3 gal.
5	red chokeberry, <i>Aronia arbutifolia</i>	3 gal.

- Any substitutions must be approved by the Stormwater and Resource Protection Division prior to planting.
- All plants (100%) must be surviving at least 6 months post planting prior to surety release.
- All planting must occur in the orange-shaded area,
- Canopy trees shall be spaced a minimum of 20 feet from other canopy trees.
- Understory trees shall be spaced a minimum of 10 feet from other canopy or understory trees.
- Shrubs shall be spaced a minimum of 5 feet from all other plant material.



Area to be mulched with 3-inch layer of wood mulch. Area to be replanted. Replanting plan and specifications to be determined later.

Silt Fence to be installed at this location



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	53.17'	50.70'	S 77°07'01\" E	60°55'42\"

<p><b>5209 Scenic Court Restoration Plan</b></p> <p><b>LOT 64, PHASE 1,</b></p> <p><b>LAKE POWELL POINTE</b></p> <p><b>FOR</b></p> <p><b>LEE STRAHS</b></p> <p>JAMES CITY COUNTY VIRGINIA</p>	NO.	DATE	REVISION / COMMENT / NOTE
		1/11/2023	



**Chesapeake Bay Preservation Ordinance Civil Penalty Procedures**  
 (As adopted by the Board of Supervisors - August 19, 1999)

**Principle**

All violations of the Ordinance will be prosecuted to obtain an acceptable remedy. All RPAs and associated buffers that are disturbed without an exception or waiver granted in accordance with the provisions of the Ordinance will be restored on a 2:1 replacement basis.

**Process**

The process will be to document the violation with a Notice Of Violation that states the conditions necessary to bring their site into compliance with the Ordinance. If there is a failure to follow the terms stipulated in the Notice, the County will file suit to take the violator to court where civil penalties of up to \$5000 per day can be assessed. However, if the violator cooperates with all provisions of the Notice and remedies the violation, we will not file suit. An exception would be if we can determine that the violation was intentional as would be the case if we had prior contact with the violator regarding the matter of the RPA restrictions.

**Penalty**

In order to serve as a deterrent, even in the event of a cooperative restoration settlement, civil charges will be sought. Under current state law, the Board of Supervisors must approve all civil charges. The amount of the civil charge recommended will be dependent on the violation's impact on water quality and the degree of non-compliance. Violations that are more severe and will take longer to be restored to an acceptable condition will have larger charges recommended by staff. Violations comprising less than 100 square feet of disturbance or the removal of no more than three trees will not have a civil charge recommended unless there have been prior violations by the violator. The maximum civil charge is \$10,000 per violation.

The following table presents a matrix that will guide staff recommendations on the establishment of a civil charge for a specific violation. The amounts presented are not absolute and are intended to be a guide. Each violation will have several unique characteristics that will require the exercise of judgment in arriving at a civil charge. Charges in each case could vary by up to 100% depending on the specific circumstances involved.

		<u>Civil Charge Determination</u>		
		Significant	Moderate	Minor
<b>Water Quality Impact</b>	Significant	\$5000	\$7500	\$10,000
	Moderate	\$1500	\$3000	\$4500
	Minor	\$500	\$1000	\$1500
		Minor	Moderate	Major
		<b>Degree of Non-Compliance</b>		

### Water Quality Impact

The impact of a given violation will be determined based on several factors. It involves more than just the square footage of impact; it also addresses the relative environmental value of the resource lost. Factors that will be considered as they relate to the violation's impact on water quality include the size of the violation, the number of trees and other vegetation removed, the size and maturity of the vegetation removed, the amount of tree canopy removed, the amount of ground disturbance involved, etc. Mitigating factors that will be considered are whether the vegetation removed would have qualified for removal if a request was made in accordance with the Ordinance. The Ordinance allows for the removal of vegetation weakened by age, storm, fire or other natural causes or vegetation that is dead, diseased or dying. These factors will be used to determine how much of the functional value of the buffer was lost and how long it will take for the function to be recovered.

### Degree of Non-compliance

This factor will be used to assess the motivation behind the violation. Factors that will be considered in assessing the degree of non-compliance are degree of willfulness, history of non-compliance, and cooperation. Unintentional violations that are cooperatively restored will not be charged the same as intentional violations that are difficult to resolve.

**ITEM SUMMARY**

DATE: 2/28/2023

TO: The Board of Supervisors

FROM: Sharon B. McCarthy, Director of Financial and Management Services

SUBJECT: FY2023 Financial Update & FY2024 Budget Discussion

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**REVIEWERS:**

<b>Department</b>	<b>Reviewer</b>	<b>Action</b>	<b>Date</b>
Budget	Cochet, Cheryl	Approved	2/10/2023 - 4:26 PM
Financial Management	Cochet, Cheryl	Approved	2/21/2023 - 11:00 AM
Publication Management	Pobiak, Amanda	Approved	2/21/2023 - 11:03 AM
Legal Review	Kinsman, Adam	Approved	2/21/2023 - 3:37 PM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 3:38 PM
Board Secretary	Rinehimer, Bradley	Approved	2/21/2023 - 3:41 PM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 3:50 PM

**ITEM SUMMARY**

**DATE:** 2/28/2023

**TO:** The Board of Supervisors

**FROM:** John H. Carnifax, Jr., Director of Parks & Recreation

**SUBJECT:** Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body pursuant to Section 2.2-3711(A)(29) of the Code of Virginia and pertaining to the Request for Proposal Results, Before & After School and Summer Camp Programs

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**ATTACHMENTS:**

Description Type

**REVIEWERS:**

Department	Reviewer	Action	Date
Parks & Recreation	Fauntleroy, Arlana	Approved	2/13/2023 - 12:26 PM
Publication Management	Pobiak, Amanda	Approved	2/13/2023 - 12:29 PM
Legal Review	Kinsman, Adam	Approved	2/15/2023 - 8:00 AM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 9:09 AM
Board Secretary	Rinehimer, Bradley	Approved	2/21/2023 - 10:34 AM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 10:37 AM

**ITEM SUMMARY**

**DATE:** 2/28/2023

**TO:** The Board of Supervisors

**FROM:** Christy H. Parrish, Zoning Administrator

**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 Board of Zoning Appeals

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**ATTACHMENTS:**

Description Type

**REVIEWERS:**

Department	Reviewer	Action	Date
Zoning Enforcement	Parrish, Christy	Approved	1/17/2023 - 12:11 PM
Development Management	Holt, Paul	Approved	1/17/2023 - 12:19 PM
Publication Management	Daniel, Martha	Approved	1/17/2023 - 12:21 PM
Legal Review	Kinsman, Adam	Approved	1/17/2023 - 12:28 PM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 9:06 AM
Board Secretary	Purse, Jason	Approved	2/21/2023 - 10:09 AM
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 10:27 AM

**ITEM SUMMARY**

DATE: 2/28/2023  
TO: The Board of Supervisors  
FROM: Teresa J. Saeed, Deputy Clerk  
SUBJECT: Adjourn until 8 am on March 10, 2023 for the Board Retreat

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**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	2/21/2023 - 9:16 AM