

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
July 25, 2023
1:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PRESENTATION

1. Retiree Recognition - Brigitte White
2. 2023 Historical Commission Essay Contest Awards
3. Proclamation for the Master Gardeners
4. National Night Out 2023 Proclamation
5. Awards and Commendations - Information Resources Management

D. CONSENT CALENDAR

1. Contract Award - \$594,350 - James City County Marina Floating Dock Extensions
2. Contract Award - \$279,337 - James City County Recreation Center Boiler Replacement
3. Contract Renewal - \$762,406.74 - Microsoft Enterprise Software Agreement
4. Grant Award - \$9,160 - Chesapeake Bay Restoration Fund Grant
5. Grant Award - \$170,432 - Commonwealth's Attorney - Victim Witness Assistance Program
6. Grant Award - \$41,030 - Commonwealth's Attorney - Virginia Domestic Violence Victim Fund
7. Minutes Adoption
8. Official Intent to Reimburse Expenditures with Proceeds from a Borrowing
9. Olde Towne Medical & Dental Center: Part-Time to Full-Time Positions
10. Resolution of Support for Transportation Alternatives Funding Application
11. Revisions to the County Administrator's Contract of Employment
12. The Virginia Department of Transportation Revenue Sharing Program - Fiscal Years 2027-2028

E. BOARD DISCUSSIONS

1. ORD-22-0001. Amendments for Scenic Roadway Protection
2. Large-Scale Solar Farms

F. BOARD CONSIDERATIONS

G. BOARD REQUESTS AND DIRECTIVES

H. REPORTS OF THE COUNTY ADMINISTRATOR

I. CLOSED SESSION

1. Discussion of the disposition of publicly held real property, where discussion in an open

meeting would adversely affect the bargaining position or negotiating strategy of the public body pursuant to Va. Code § 2.2-3711(A)(3) and pertaining to property located at 2054 and 2054B Jamestown Road.

2. 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 a proposal under the Virginia Public Procurement Act, and pursuant to Section 2.2-3711(A)(8) of the Code of Virginia.
3. Discussion of the award of a public contract involving the expenditure of public funds, 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 contract between the County and the City of Williamsburg for the Williamsburg Regional Library System.
4. Discussion of the award of a public contract involving the expenditure of public funds, 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 contract between the County, the City of Williamsburg, and WJCC Schools.
5. 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
6. Reappointments - Clean County Commission
7. Reappointments - Economic Development Authority

J. ADJOURNMENT

1. Adjourn until 5 pm on September 12, 2023 for the Regular Meeting

ITEM SUMMARY

DATE: 7/25/2023
TO: The Board of Supervisors
FROM: Patrick N. Page, Director of Information Resources Management
SUBJECT: Retiree Recognition - Brigitte White

REVIEWERS:

Department	Reviewer	Action	Date
Information Resources	Saeed, Teresa	Approved	7/18/2023 - 3:17 PM

ITEM SUMMARY

DATE: 7/25/2023

TO: The Board of Supervisors

FROM: Ben Loppacker, Staff Liaison to the Historical Commission

SUBJECT: 2023 Historical Commission Essay Contest Awards

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	1. Essay Contest Rules	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	7/10/2023 - 12:19 PM
Development Management	Holt, Paul	Approved	7/10/2023 - 12:19 PM
Publication Management	Daniel, Martha	Approved	7/10/2023 - 12:22 PM
Legal Review	Kinsman, Adam	Approved	7/11/2023 - 11:14 AM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 10:24 AM
Board Secretary	Purse, Jason	Approved	7/17/2023 - 2:09 PM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 2:20 PM

MEMORANDUM

DATE: July 25, 2023
TO: The Board of Supervisors
FROM: Ben Loppacker, Staff Liaison to the Historical Commission
SUBJECT: 2023 Historical Commission Essay Contest Awards

The Historical Commission sponsored an essay contest for high school students within the Williamsburg-James City County (WJCC) Public School System. Students who attend private or home school within the WJCC Schools attendance area were also eligible to enter. This year's essay topics were The Railroad, African American Schools, and Lady Frances Berkeley. The contest offered prizes of \$1,500 for first place, \$500 for second place, and \$250 for third place. Nine members of the Historical Commission served as judges and evaluated the essay (with identifying information removed) based on a formal rubric that accompanied the essay contest rules.

The Commission is proud to present the following student with this year's essay contest awards:

- 1st Place - Aaron Green, Warhill High School

Mr. Mark Jakobowski, Chairman of the Historical Commission, will present the awards.

BL/md
23HistCmEssayAwd-mem

Attachment:
1. Essay Contest Rules

**JAMES CITY COUNTY HISTORICAL COMMISSION
2023 STUDENT ESSAY CONTEST RULES**

First prize: \$1,500; Second prize: \$500; Third prize: \$250

The mission of the James City County Historical Commission is to further the efforts of the County to document, commemorate, preserve, protect, and promote the rich historical heritage of James City County. The Commission is responsible for documenting, commemorating, and preserving the historic legacy of James City County.

In support of this mission, the James City County Historical Commission is sponsoring an essay contest for Williamsburg-James City County high school students (grades 9-12). Students who reside in James City County or in the City of Williamsburg and attend a public or private school, or are home-schooled, are eligible to participate.

The essay should be 1,000-1,500 words (4-6 pages, double-spaced) on one of the following topics:

1. ***The Railroad.*** James City County has a rich history with the railroad. Summarize the history of the railroad in James City County from 1860 to the present. Identify the rail lines that came through James City County and include the location of the train depots and warehouses. Where did the lines originate and end? Were the lines both passenger and freight? What were the main products shipped to and from James City County? Describe how the rail service changed over the years and what service we have today.
2. ***African American Schools.*** Schools for African American students were created in James City County early in our history and some continued well into the twentieth century. Some of those schools were short lived, but others continued for decades. Identify the earliest schools and tell who created them and their purpose. What were the Rosenthal schools and when were they started and when were they closed? What were the local and state laws that controlled the education of African American students? When did segregated schools come to an end in JCC?
3. ***Lady Frances Berkeley.*** Frances Culpeper was arguably Virginia's most notable 17th century woman. She had attracted the attention of the aging Virginia Governor Sir William Berkeley. After her husband's death she married the Governor and became Lady Frances Berkeley and mistress of his estate, Green Spring, in James City County. At Governor Berkeley's death, Green Spring and his vast fortune was left to Lady Berkeley. Summarize Lady Berkeley's life. Include her accomplishments and notable influences. Explain how these impacted our region's early development and history.

The paper should include citations - footnotes or endnotes plus a bibliography. The footnotes/endnotes and bibliography will not be included in the total word count. The student should use the Chicago Manual of Style for citations.

The cover page, which is not included in the total word count, should include the essay title; the student's name, address, phone number and email address; the name of the student's school (or "homeschooled"), and the total word count (not including the title page, footnotes/endnotes, and bibliography).

The first page of the essay should have the essay's title at the top. Do not include the student's name or other personal identifying information in the main body of the essay. Pages of the essay main body should be numbered.

Essays are due no later than 11:59 p.m. on Friday, April 28, 2023. Essays may be in Microsoft Word (.doc or .docx), Rich Text Format (RTF), or Portable Document Format (PDF). Students can submit their essay online at the James City County Historical Commission web page, <https://jamescitycountyva.gov/history>. Look for the "Learn more or submit your essay here" link.

Students will be asked to affirm the following: “By submitting this essay, I certify that it is my own work, based on my own research and analysis, and that I have properly cited all material and sources used in its preparation.”

Award winners will be notified by Friday, May 26, 2023. Winners will be invited to a public meeting of the James City County Board of Supervisors for an award presentation (date to be determined).

Judges will use the following Essay Scoring Rubric:

CATEGORY AND MAX SCORE	EXCELLENT 9-10	ACCEPTABLE		UNACCEPTABLE 0-5
		HIGH 7-8	LOW 6	
Factual Content 10 points	Facts are highly relevant to the topic and properly cited.	Some relevant content; points not fully developed.	Marginally relevant facts; little supporting detail included.	Cursory treatment of the topic; little or no relevant facts presented.
	5	4	3	0-2
Structure, Logic and Transitions 5 points	Logical progression of ideas with well-executed transitions.	Logical progression of ideas, but often lacks transitions.	Gaps in logic or no transitions.	Disorganized; written as a stream of disconnected thoughts.
	5	4	2-3	0
Punctuation, Spelling and Presentation 5 points	Correct punctuation and spelling; correct format as specified (Chicago).	A few (less than three) punctuation, spelling and format errors.	Occasional (three to five) punctuation, spelling, and format errors.	Frequent (more than five) punctuation, spelling, and format errors.
	26-30	16-25	11-15	0-10
Analysis: Critical and Original Thought, Supported by Examples 30 points	Central idea is well developed; clarity of purpose evident throughout; abundance of evidence of thought, analysis and/or insight; evidence and examples are specific and highly relevant.	Central idea and clarity of purpose are generally evident throughout the essay; evidence of thought, analysis and/or insight; supporting evidence and examples are relevant.	The central idea is expressed, but vague or too broad; some sense of purpose is maintained; some evidence of thought, analysis and/or insight; there are some examples and evidence, though general.	Central idea and clarity of purpose are absent or incompletely expressed and maintained; little or no evidence of critical, careful thought or analysis and/or insight; few, if any, relevant examples or supporting evidence.
Total 50 points				

ITEM SUMMARY

DATE: 7/25/2023
TO: The Board of Supervisors
FROM: Michael J. Hipple, Chairman, Board of Supervisors
SUBJECT: Proclamation for the Master Gardeners

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	7/18/2023 - 3:16 PM

ITEM SUMMARY

DATE: 7/25/2023

TO: The Board of Supervisors

FROM: Monique Myers, Assistant Police Chief

SUBJECT: National Night Out 2023 Proclamation

REVIEWERS:

Department	Reviewer	Action	Date
Police	Dallman, Tony	Approved	6/14/2023 - 7:03 AM
Police	Dallman, Tony	Approved	6/14/2023 - 7:04 AM
Publication Management	Daniel, Martha	Approved	6/14/2023 - 8:19 AM
Legal Review	Kinsman, Adam	Approved	6/15/2023 - 10:16 AM
Board Secretary	Saeed, Teresa	Approved	6/16/2023 - 12:02 PM
Board Secretary	Rinehimer, Bradley	Approved	6/20/2023 - 7:22 AM
Board Secretary	Saeed, Teresa	Approved	6/20/2023 - 3:03 PM

ITEM SUMMARY

DATE: 7/25/2023

TO: The Board of Supervisors

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

SUBJECT: Awards and Commendations - Information Resources Management

REVIEWERS:

Department	Reviewer	Action	Date
Information Resources	Saeed, Teresa	Approved	7/18/2023 - 3:17 PM

ITEM SUMMARY

DATE: 7/25/2023

TO: The Board of Supervisors

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

SUBJECT: Contract Award - \$594,350 - James City County Marina Floating Dock Extensions

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution
☐	James City County Marina Master Plan	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Parks & Recreation	Carnifax, John	Approved	7/7/2023 - 4:38 PM
Publication Management	Pobiak, Amanda	Approved	7/7/2023 - 4:43 PM
Legal Review	Kinsman, Adam	Approved	7/7/2023 - 4:46 PM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 10:27 AM
Board Secretary	Purse, Jason	Approved	7/17/2023 - 2:09 PM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 2:21 PM

MEMORANDUM

DATE: July 25, 2023
TO: The Board of Supervisors
FROM: Barry E. Moses, Capital Projects Coordinator
SUBJECT: Contract Award - \$594,350 - James City County Marina Floating Dock Extensions

As part of the next stage of improvements for the James City County Marina, and in order to provide more boat slips and access for day users, floating dock extensions will be constructed at the James City County Marina. The docks, shown as “F” and “T” on the approved September 2020 James City County Marina Master Plan, will provide 16 additional boat slips, and a large transient dock and walkway for day users.

An Invitation for Bids was publicly advertised, and the following three qualified firms submitted bids to be considered for contract award:

<u>Firm</u>	<u>Amount</u>
Hodges & Hodges Enterprises	\$594,350
Kokosing Industrial	\$789,600
Seaward Marine Corp.	\$903,695

Hodges & Hodges Enterprises was determined to be the lowest qualified and responsible bidder. This project is part of the approved Capital Improvements Program budget with funds provided from an American Rescue Plan Act grant.

Staff recommends approval of the attached resolution authorizing the contract award to Hodges & Hodges Enterprises in the amount of \$594,350.

BEM/md
CA-MarFIDockExt-mem

Attachment

RESOLUTION

CONTRACT AWARD - \$594,350 - JAMES CITY COUNTY MARINA

FLOATING DOCK EXTENSIONS

WHEREAS, the Parks & Recreation Department desires to construct floating dock extensions shown as “F” and “T” on the approved September 2020 James City County Marina Master Plan; and

WHEREAS, funds are available in the Capital Improvements Program budget with funds provided from the American Rescue Plan Act grant designated for the construction of the floating dock extensions; and

WHEREAS, Hodges & Hodges Enterprises was determined to be the lowest qualified, responsive, and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for the floating dock extensions at the James City County Marina to Hodges & Hodges Enterprises in the total amount of \$594,350.

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 25th day of July, 2023.

CA-MarFIDockExt-res

Master Plan

James City County
Marina
Sept 2020

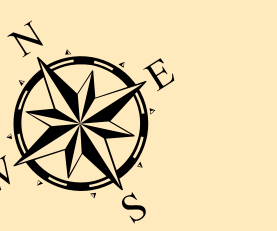


Label	Feature
A	Restaurant / Tasting Room / Multipurpose / Community Room & Deck
B	Covered Pavillion
C	Billsburg Brewery & Expansion
D	Parks Office, Rentals, Marine Repairs & Restrooms
E	Dry Stack Storage
F	Docks and Slips
G	Property Boundary
H	Fuel Dock / Pump Out
I	Existing Gazebo
J	New Covered Boat Slips - 44 Slips
K	Canoe / Kayak Launch
L	Creek Walk
M	Uncovered / Covered Boat Slips
N	Overlook / Fishing Pier
O	New Boat Ramp
P	Parking
P1	Short Term Trailer Parking / Boat Trailer Parking
Q	Marina Walk
R	Secondary Entrance
S	Living Shoreline
T	Floating Walkway and Transient Boat Dock
U	Jet Ski Slips - 5 Total
V	Paddle Craft Storage
W	Emergency Boat Lifts
X	Dumpster Pad
Y	Butterfly Garden

	Flood Plain		Living Shoreline - Still
	RPA Lines		Sidewalk
	Contours		Living Shoreline - Marsh
	Trail / Path		Bioretention Basin
	Existing Boat Slips		Trees
	Property Line		Grass
			Marsh

Proposed Site Information

44 Covered Boat Slips
64 Boat Slips
108 Total



0 60 120 Feet



ITEM SUMMARY

DATE: 7/25/2023

TO: The Board of Supervisors

FROM: Mark Abbott, Capital Projects Coordinator

SUBJECT: Contract Award - \$279,337 - James City County Recreation Center Boiler Replacement

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Capital Projects	Abbott, Mark	Approved	7/7/2023 - 9:26 AM
General Services	Boone, Grace	Approved	7/10/2023 - 11:46 AM
Publication Management	Daniel, Martha	Approved	7/10/2023 - 11:50 AM
Legal Review	Kinsman, Adam	Approved	7/11/2023 - 11:14 AM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 10:26 AM
Board Secretary	Purse, Jason	Approved	7/17/2023 - 2:09 PM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 2:21 PM

MEMORANDUM

DATE: July 25, 2023
TO: The Board of Supervisors
FROM: Mark Abbott, Capital Projects Coordinator, General Services
SUBJECT: Contract Award - \$279,337 - James City County Recreation Center Boiler Replacement

The James City County Recreation Center upgrades will consist of the replacement of the boilers, expansion tank, and controls. Warwick Mechanical Group will replace the two boilers, expansion tank, and controls and reconnect into the existing HVAC system.

General Services, in consultation with the Purchasing Office, and under the contract for HVAC Equipment, Installation, Service, Controls and Related Products (#19-13739), determined that Warwick Mechanical Group's proposal to replace the boilers at a proposed cost of \$279,337 is reasonable in comparison to other current County HVAC installations and construction cost indices. This project is part of the Capital Improvements Program budget.

Staff recommends approval of the attached resolution authorizing the contract award of installation services from Warwick Mechanical Group in the amount of \$279,337 for the James City County Recreation Center Boiler replacement.

MA/ap
CA-RecCtrBlrRepl-mem

Attachment

RESOLUTION

CONTRACT AWARD - \$279,337 - JAMES CITY COUNTY RECREATION CENTER

BOILER REPLACEMENT

WHEREAS, the James City County Department of General Services is standardizing HVAC building controls and equipment in County facilities to promote operational efficiency and safety; and

WHEREAS, the James City County Recreation Center replacement of the boilers, expansion tank, and controls are necessary; and

WHEREAS, it has been determined by General Services, in consultation with the Purchasing Office, that under the contract for HVAC Equipment, Installation, Service, Controls and Related Products (#19-13739), that Warwick Mechanical Group will install the HVAC equipment required; and

WHEREAS, Warwick Mechanical Group submitted a proposal to perform the required services, the proposed rates have been determined to be reasonable, and adequate funds are available in the Capital Improvements Program budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$279,337 to Warwick Mechanical Group for the James City County Recreation Center Boiler replacement.

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 25th day of July, 2023.

ITEM SUMMARY

DATE: 7/25/2023

TO: The Board of Supervisors

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

SUBJECT: Contract Renewal - \$762,406.74 - Microsoft Enterprise Software Agreement

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Information Resources	Page, Patrick	Approved	7/17/2023 - 10:34 AM

MEMORANDUM

DATE: July 25, 2023
TO: The Board of Supervisors
FROM: Patrick N. Page, Director of Information Resources Management
SUBJECT: Contract Renewal - Microsoft Enterprise Software Agreement

James City County (JCC) and James City Service Authority (JCSA) currently utilize Microsoft Windows, Office 365, and Server software products as the primary desktop and mobile computing solution. Our mobile and teleworking staff often need access to Office software, email, and files to perform their jobs in a secure environment. The secure Hybrid Cloud environment is efficient for our mobile and in-office workforce.

The Hybrid Cloud solution provided with this renewal will continue to provide applications, email collaboration tools, and file sharing from a government certified secure cloud environment. Staff will have business level video conferencing, securely encrypted email meeting HIPPA, API, and Department of Criminal Justice Services (DCJS) standards for security and secure file sharing.

Staff requested proposals and pricing from the Virginia Information Technologies Agency (VITA) state contract approved cooperative contractor, Software House International (SHI), who is the incumbent firm providing the Microsoft services to the County. The three-year proposal for the Hybrid Cloud solution is:

<u>Year</u>	<u>Amount</u>
1	\$254,135.58
2	\$254,135.58
3	\$254,135.58

For a three (3)-year total of \$762,406.74 (subject to annual user audit and True Up activities).

SHI has satisfactorily provided incumbent services, and the total cost for the three-year agreement is determined to be fair and reasonable. Funds for Year 1 are available in approved Fiscal Year 2024 funds.

Attached is a resolution authorizing the contract award to SHI for software licensing, email, and file secure storage and support in a Hybrid Cloud solution. Staff recommends approval of the attached resolution.

PNP/md
MSAgrmnt2023-mem

Attachment

RESOLUTION

CONTRACT RENEWAL - MICROSOFT ENTERPRISE SOFTWARE AGREEMENT

WHEREAS, the current Microsoft Enterprise Agreement has reached its expiration; and

WHEREAS, a Commonwealth of Virginia cooperative contract exists with Software House International; and

WHEREAS, funds are available in the James City County and James City Service Authority Fiscal Year 2024 budget for the purposes of renewing a three-year contract for software licensing, support, and services; and

WHEREAS, it was determined to be competitively procured and best met the needs of the County for a Hybrid Cloud solution for the next three (3)-year term for services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for a Microsoft Windows and Office 365 Hybrid Cloud Solution to Software House International.

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 25th day of July, 2023.

MSAgrmnt2023-res

ITEM SUMMARY

DATE: 7/25/2023

TO: The Board of Supervisors

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

SUBJECT: Grant Award - \$9,160 - Chesapeake Bay Restoration Fund Grant

ATTACHMENTS:

	Description	Type
☐	Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Parks & Recreation	Fauntleroy, Arlana	Approved	7/11/2023 - 12:24 PM
Publication Management	Daniel, Martha	Approved	7/11/2023 - 12:28 PM
Legal Review	Kinsman, Adam	Approved	7/13/2023 - 5:22 PM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 10:29 AM
Board Secretary	Purse, Jason	Approved	7/17/2023 - 2:11 PM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 2:21 PM

MEMORANDUM

DATE: July 25, 2023
TO: The Board of Supervisors
FROM: Carla T. Brittle, Tourism and Centers Administrator of Parks and Recreation
SUBJECT: Grant Award - \$9,160 - Chesapeake Bay Restoration Fund Grant

James City County's Department of Parks & Recreation has been awarded a \$9,160 Chesapeake Bay Restoration Fund Grant from the Commonwealth of Virginia's Division of Legislative Services.

The purpose of the matching grant is to assist with the cost of offering a special environmental education program for every REC Connect Summer Camp site for children to study the Chesapeake Bay Watershed and its importance to the community. As part of the experience, children will visit a local park to conduct water quality testing and go on an eco-boat tour of the Chesapeake Bay.

Staff recommends approval of the attached resolution to accept the \$9,160 grant for the special marine camp, and to appropriate the funds as described in the attached resolution.

CTB/ap
GA-CBRest-mem

Attachment

RESOLUTION

GRANT AWARD - \$9,160 - CHESAPEAKE BAY RESTORATION FUND GRANT

WHEREAS, the Chesapeake Bay Restoration Fund, which is funded through the sale of Chesapeake Bay license plates, has made funds available for the restoration and education of the Bay; and

WHEREAS, funds are needed to provide an enriching environmental component to the Department's REC Connect Summer Camp Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, accepts the \$9,160 grant awarded by the Chesapeake Bay Restoration Fund to help with the additions to the summer camp program.

Revenue:

From the Commonwealth \$9,160

Expenditure:

Chesapeake Bay Restoration Fund \$9,160

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 25th day of July, 2023.

GA-CBRest-res

ITEM SUMMARY

DATE: 7/25/2023

TO: The Board of Supervisors

FROM: Nathan Green, Commonwealth Attorney

SUBJECT: Grant Award - \$170,432 - Commonwealth's Attorney - Victim Witness Assistance Program

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	7/7/2023 - 1:29 PM
Board Secretary	Rinehimer, Bradley	Approved	7/10/2023 - 8:21 AM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 10:29 AM
Publication Management	Daniel, Martha	Approved	7/17/2023 - 11:37 AM
Legal Review	Parman, Liz	Approved	7/17/2023 - 11:48 AM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 12:12 PM
Board Secretary	Purse, Jason	Approved	7/17/2023 - 2:10 PM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 2:21 PM

MEMORANDUM

DATE: July 25, 2023

TO: The Board of Supervisors

FROM: Nathan R. Green, Commonwealth's Attorney

SUBJECT: Grant Award - \$170,432 - Commonwealth's Attorney - Victim Witness Assistance Program

The Commonwealth's Attorney has been awarded a \$170,432 grant (Federal share \$115,454; State share \$54,978) from the Victim Witness Grant Program through the State Department of Criminal Justice Services. The grant will fund the personnel costs for the continuation of three full-time positions to provide comprehensive information and direct services to crime victims and witnesses. The Commonwealth's Attorney has been successful in obtaining this grant for more than 15 years and plans to apply for this grant in the future.

The attached resolution appropriates these funds to the Special Projects/Grants Fund through June 30, 2024.

Staff recommends approval of the attached resolution.

NRG/md
GA-FY24VWAProg-mem

Attachment

RESOLUTION

GRANT AWARD - \$170,432 - COMMONWEALTH'S ATTORNEY -

VICTIM WITNESS ASSISTANCE PROGRAM

WHEREAS, the Commonwealth's Attorney for the City of Williamsburg and James City County has been awarded a \$170,432 grant from the Victim Witness Grant Fund (Federal share \$115,454; State special funds \$54,978) through the State Department of Criminal Justice Services; and

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

WHEREAS, these positions provide comprehensive information and direct services to crime victims and witnesses beginning July 1, 2023 through June 30, 2024; and

WHEREAS, no local match is required.

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

Revenues:

Federal - Victim Witness Assistance Program	\$115,454
State - Victim Witness Assistance Program	\$ <u>54,978</u>
Total	<u>\$170,432</u>

Expenditure:

Fiscal Year 2024 Victim Witness Assistance Program	<u>\$170,432</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 25th day of July, 2023.

ITEM SUMMARY

DATE: 7/25/2023

TO: The Board of Supervisors

FROM: Nathan Green, Commonwealth Attorney

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

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Admin	Rinehimer, Bradley	Approved	6/29/2023 - 12:06 PM
Publication Management	Daniel, Martha	Approved	6/29/2023 - 12:09 PM
Legal Review	Kinsman, Adam	Approved	7/3/2023 - 8:03 AM
Board Secretary	Saeed, Teresa	Approved	7/5/2023 - 8:03 AM
Board Secretary	Rinehimer, Bradley	Approved	7/5/2023 - 8:40 AM
Board Secretary	Saeed, Teresa	Approved	7/7/2023 - 1:06 PM

MEMORANDUM

DATE: July 25, 2023

TO: The Board of Supervisors

FROM: Nathan R. Green, Commonwealth's Attorney

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

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

The attached resolution appropriates these funds to the Special Projects/Grant Fund through June 30, 2024.

Staff recommends adoption of the attached resolution.

NRG/md
GA-DomViol24-mem

Attachment

RESOLUTION

GRANT AWARD - \$41,030 - COMMONWEALTH'S ATTORNEY -

VIRGINIA DOMESTIC VIOLENCE VICTIM FUND

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

WHEREAS, this grant would fund the personnel costs for a position in the prosecution of misdemeanors and felonies involving domestic violence, sexual abuse, stalking, and family abuse through June 30, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the additional appropriation to the Special Projects/Grants Fund through June 30, 2024, for the purposes described above:

Revenue:

Fiscal Year 2024 Virginia Domestic Violence Victim Fund - DCJS \$41,030

Expenditure:

Fiscal Year 2024 Virginia Domestic Violence Victim Fund \$41,030

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 25th day of July, 2023.

ITEM SUMMARY

DATE: 7/25/2023
TO: The Board of Supervisors
FROM: Teresa J. Saeed, Deputy Clerk
SUBJECT: Minutes Adoption

ATTACHMENTS:

	Description	Type
☐	May 23, 2023 Business Meeting	Minutes
☐	June 13, 2023 Regular Meeting	Minutes
☐	June 27, 2023 Business Meeting	Minutes
☐	July 11, 2023 Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	7/18/2023 - 3:11 PM

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
BUSINESS MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
May 23, 2023
1:00 PM

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 sought a motion to amend the Agenda to add an additional Closed Session item pertaining to the disposition of properties.

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. Love Signs

Ms. Carla Brittle, Tourism and Recreation Centers Administrator, addressed the Board noting she would discuss information on the County's first LOVEworks sign. She mentioned the LOVEworks Program was a statewide branding initiative designed to promote travel in Virginia and to increase awareness of the "Virginia is for Lovers" message. Ms. Brittle stated the Virginia Tourism Corporation sponsored the program and encouraged localities throughout the state to create variations of the LOVEworks sign based on character and uniqueness. She noted a team of County employees collaborated to create the County's first LOVEworks sign to showcase features that the community loved about James City County. Ms. Brittle further noted the Employee Team hosted a public art contest to allow County residents to submit ideas for what makes James City County exceptional. She mentioned based on the submissions the showcase features included nature, history, and recreation. Ms. Brittle noted the Employee Team incorporated many of the designs submitted from County residents to create James City County's first LOVEworks sign which she presented on the PowerPoint presentation. She recognized Ms. Megan Phinney, the County's Graphic Designer, who created the final design. Ms. Brittle highlighted the unique aspect of each letter pertaining to

James City County. She stated the LOVEworks sign would be installed at Freedom Park along with an interpretive sign that explained each letter. Ms. Brittle mentioned the sign could be moved to other locations for future opportunities if desired. She noted the design was submitted to the Virginia Tourism Corporation and the County was approved for a \$1,500 grant to assist with the cost of the fabrication. Ms. Brittle further noted the County residents who participated in the submissions would be recognized and awarded for their efforts. She stated a contractor had been selected and fabrication would commence. Ms. Brittle advised upon completion a ribbon cutting event would be held at Freedom Park, adding promotional materials would be created and sold in the Freedom Park Interpretive Center. She concluded the presentation and welcomed Board feedback.

Mr. McGlennon remarked it looked great.

Ms. Larson remarked she loved it, adding it was unique and captured the personality of the County. She suggested a potential second location for tourism purposes.

Mr. Stevens noted Ms. Brittle may have additional future plans; however, there was a desire for additional signs at other potential locations.

Ms. Brittle mentioned there were plans for a second location, specifically at the Warhill Sports Complex. She noted the concept would be a more artistic sign incorporating sports equipment for sports team photos.

Ms. Larson replied that would be great.

Ms. Sadler stated well done.

Ms. Brittle replied thank you.

Mr. Hipple agreed.

Ms. Brittle indicated she would inform the Board of the ribbon cutting ceremony upon completion.

Ms. Sadler asked about the completion timeframe.

Ms. Brittle replied she believed the contract award allowed the contractor to complete it within 60 days. She anticipated sometime this summer.

Mr. McGlennon remarked he was impressed with the submissions.

Ms. Brittle agreed.

Mr. Hipple noted there was a Board member who had another commitment and may have to depart early.

D. CONSENT CALENDAR

Mr. Hipple asked if any Board member wished to pull an item. As no Board member requested an item be pulled, Mr. Hipple sought a motion on the Consent Calendar's approval.

1. Appropriation - \$18,200 COVID-19 Cost Recovery

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

2. Appropriation of Monsanto PCB Class Action Settlement Funds - \$17,414.03

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

3. COVID Homelessness Emergency Response Program

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

4. Lease Agreements with Colonial Community Corrections and Ninth District Court Services Unit

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

5. Minutes Adoption

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

The Minutes Approved for Adoption included the following meeting:

- April 11, 2023, Regular Meeting
- April 25, 2023, Business Meeting

6. Office of Elections Renovations and Supplemental Appropriation - \$207,500

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

E. BOARD DISCUSSIONS

1. Joint Work Session with the Planning Commission: ORD-22-0001. Amendments for Scenic Roadway Protection

Mr. Paul Holt, Director of Community Development and Planning, called the roll to convene the Planning Commission.

ROLL CALL

Planning Commissioners Present:

Stephen Rodgers
Barbara Null

Rob Rose
Jack Haldeman
Tim O'Connor
Rich Krapf
Frank Polster

Mr. Holt noted he would turn it over to Mr. Frank Polster, Chairman of the Planning Commission.

Mr. Hipple welcomed Mr. Polster.

Mr. Polster noted there were two Items for discussion included in the Agenda Packet: Item No. 1 Amendments for Scenic Roadway Protection, adding Mr. Haldeman would initiate discussion on that item. Mr. Polster further noted Item No. 2 referenced Short-Term Rentals. He turned it over to Mr. Haldeman for discussion on Item No. 1.

Mr. Hipple welcomed Mr. Haldeman.

Mr. Haldeman addressed and thanked the Board for the opportunity to discuss Scenic Roadway Protection. He stated the potential Ordinance amendments were to help achieve protection and preservation of scenic roadways such as Forge Road to help retain character of the rural lands. Mr. Haldeman referenced Goals, Strategies and Actions (GSA) Land Use (LU) 6.3 in the adopted 2045 Comprehensive Plan. He indicated the Board adopted an Initiating Resolution in late 2021 to explore opportunities regarding Scenic Roadway Protection. Mr. Haldeman mentioned there were numerous discussions and support on the subject; however, a consensus had not yet been met. He highlighted the Setback Analysis options and data on the PowerPoint presentation. Mr. Haldeman displayed various photos on the PowerPoint presentation for visual representation of the proposed setbacks. He discussed the potential options which included: 1) Setbacks along Open/Agricultural Community Character Corridor (CCC) to include a 400-foot setback and a 75-foot setback for lots with less than 200 feet depth; 2) Setbacks along Open/Agricultural CCC to include a 400-foot setback and a 200-foot setback for lots with a depth of between 201 and 500 feet, in addition to a 75-foot setback for lots with less than 200 feet depth; 3) Zoning Overlay District; 4) Revisit which roads were designated as CCCs during the next Comprehensive Plan update and revisit setbacks at that time; and 5) Make no changes. Mr. Haldeman requested additional Board guidance in order to proceed moving forward. He stated at the Policy Committee's April 13, 2023, meeting, the Policy Committee unanimously recommended approval of draft language providing increased protections for the Wooded CCCs within the County. Mr. Haldeman noted the draft language included landscape buffering requirements along Wooded CCCs which included a 100-foot-wide buffer average for commercial projects and a 200-foot-wide buffer average for major residential developments, in addition to a timbering setback of at least 50 feet on properties along Wooded CCCs outside the Primary Service Area (PSA). He further noted unless otherwise directed the next steps would be to proceed with bringing the draft language forward to the Planning Commission and Board of Supervisors. He concluded the presentation and welcomed any questions the Board might have.

Mr. Hipple asked if any Board members had questions.

Mr. McGlennon requested feedback from the discussions of the Policy Committee and Planning Commission on Option Nos. 1 and 2.

Mr. Haldeman noted there were concerns regarding Option Nos. 1 and 2 if implemented would create an unequitable amount of property utilized for setback purposes, especially the 400-foot setback. He spoke about the potential zoning Overlay District. Mr. Haldeman noted staff expressed the challenges in trying to institute this option as it would require all properties

in the designated area to be rezoned.

Mr. McGlennon asked for clarification purposes if this would not include removing existing buildings but being classified as nonconforming and then for new construction it would be required to abide by these setback requirements.

Mr. Haldeman replied correct. He mentioned there was additional discussion regarding Option Nos. 1 and 2 noting the County had instituted a Zoning Ordinance in relation to Rural Lands which included Forge Road. Mr. Haldeman remarked some Policy Committee members wondered if the Zoning Ordinance would suffice regarding the Scenic Roadway Protection objective.

Ms. Larson agreed to that point and questioned the extent of taking it too far.

Mr. Haldeman agreed, adding that was part of the discussion; however, there was no answer to that point.

Ms. Larson asked if there were other localities that participated in this practice.

Mr. Haldeman confirmed Albemarle County and Clarke County.

Mr. Krapf approached the podium.

Ms. Larson asked Mr. Krapf if he had received any citizen feedback regarding the subject.

Mr. Krapf replied he had received mixed feedback. He noted he had received some support of the 400-foot setback and others were less supportive as it restricted the ability for future development. Mr. Krapf remarked he wished to speak as he expressed his desire in Option No. 2. He expressed his opinion that the 400-foot setback would not take or limit the landowner the use of the land within the setback. He explained that point in further detail. Mr. Krapf noted his concern was that future residential development would diminish those existing viewsheds.

Ms. Sadler asked if the same criteria would apply to Old Stage Road, adding she felt those two roads were different.

Mr. Krapf agreed it was a different type of viewshed.

Ms. Sadler remarked it was more residential with larger parcels. She asked if there were a lot of variations regarding the width of the parcels on Old Stage Road.

Mr. Polster replied it was based on the depth. He explained the nonconformance aspect in further detail.

Ms. Sadler asked if there were significant depth variations on the parcels located on Old Stage Road.

Mr. Polster confirmed. He mentioned the Forge Road component noting there was consideration for the notion for future rural cluster development on Forge Road. He gave an example of a 200-acre parcel with only 20 acres which could allow the cluster to come closer towards the road which was the reason for the viewshed component as the objective was not to allow encroachment. He stated Planning Commission staff were divided between Forge Road or Old Stage Road.

Ms. Sadler asked if the roads could be done separately.

Mr. Polster explained it was classified as an Agricultural CCC, therefore, what was agreed to for one Agricultural CCC must be done to the other Agricultural CCCs as well. He suggested Option No. 4 which was to wait until the next Comprehensive Plan update. Mr. Polster mentioned future reclassification could be conducted to Old Stage Road to reclassify it as a Wooded CCC, adding the setback component would still be a concern, but only regarding Forge Road if Old Stage Road were to be reclassified.

Ms. Sadler asked how many parcels have not yet been developed on Old Stage Road.

Mr. Polster replied there were three parcels with a substantial amount of land.

Ms. Sadler asked if this effort was based on these three parcels.

Mr. Polster confirmed.

Mr. Hipple expressed his concern of postponing action on the matter as Forge Road he believed was one of the last remaining Scenic Roadways within the County. He suggested consideration on a potential Overlay District. Mr. Hipple commented he was not in favor of waiting several years when development had already occurred and at that point it could not be fixed. He spoke about the unique aesthetics of Forge Road and its character. Mr. Hipple commented the character of Old Stage Road was different from Forge Road. He expressed his concerns with the land taking aspect if a property owner decided to remove the existing structure and build a new one and did not have the additional 400 feet to accommodate the setback requirement. Mr. Hipple questioned how to preserve the vista without the land taking aspect. He suggested potential clustering on the rear of Forge Road if needed as it would not impact the vista.

Mr. Haldeman replied to Mr. Hipple's point Forge Road was the road singled out in GSA LU 6.3 which initiated this discussion. He added there were other roads specified as well, but the main focus was on Forge Road.

Mr. Icenhour questioned Option No. 2 and the requirements for existing structures and parcels of land.

Mr. Polster recommended Mr. Icenhour look at the map to determine conforming versus nonconforming and which parcels would fit into that segment of the requirements. He mentioned to Mr. Icenhour's point that component was more of a concern on Old Stage Road opposed to Forge Road. Mr. Polster explained that point in further detail.

Mr. Icenhour remarked he was not in favor of Option No. 2 as it drove a lot of properties into the nonconformance category. He questioned the Planning Commission favoring Option No. 2 opposed to Option No. 1.

Mr. Haldeman replied it was to protect those who had less depth properties, adding as Mr. Polster mentioned that was specifically for Old Stage Road.

Mr. Hipple commented Forge Road did not have that issue.

Mr. Icenhour stated the two roads were different with different characteristics and viewsheds. He suggested the Overlay District option if the objective was specifically regarding Forge Road and not Old Stage Road. He expressed his belief that this process could allow implementation of the revisions to one without having to mimic changes to the other road.

Ms. Sadler asked if that would require the necessary changes be done to Old Stage Road as

well.

Mr. Icenhour replied no, adding from his understanding if the Overlay District was utilized that practice would not apply. He noted that if the Comprehensive Plan categories were used then it would be required. Mr. Icenhour mentioned the dilemma was using the Comprehensive Plan categories for roads with variations created an issue as it may work for one road, but not the other. He reiterated his recommendation of using the Overlay District for Forge Road and the use of the Comprehensive Plan categories for Old Stage Road.

Mr. Haldeman displayed a map on the PowerPoint presentation to show the limited number of structures on Forge Road within the 400-foot setback for a total of 31 structures. He noted that the 200-foot setback would add five additional structures to that figure. Mr. Haldeman further noted it was not significant; however, it could have an impact.

Mr. Icenhour noted if a property were to be developed it would have to adhere to the new standards; however, if a property was already developed and classified as nonconforming, he questioned the various scenarios and levels of capabilities. He expressed the significant concern of making properties nonconforming.

Ms. Christy Parrish, Zoning Administrator, addressed the Board noting if a property was burnt down due to a lightning strike or a natural disaster type event there was a timeframe of 24 months allowed to reconstruct the dwelling as it was. She mentioned if a property owner wanted to add a wing and/or addition on to the dwelling that would be a variance option which would require the property owner to apply to the Board of Zoning Appeals (BZA), show a hardship, and at that point the BZA could determine whether to approve or deny that variance request.

Mr. Icenhour asked if there were methods for those property owners who would be impacted regarding this matter.

Ms. Parrish confirmed yes.

Mr. Icenhour expressed the critical impacts regarding property owner capabilities.

Ms. Parrish stated there was narrow variance criterion in which the BZA was required to adhere to. She used overlapping setbacks as an example. She noted if there was a 250-foot depth parcel in addition to a Resource Protection Area on the rear of the property that could be considered a hardship in which a variance option could be considered.

Mr. Icenhour mentioned that was his point earlier regarding the 200-foot setback.

Ms. Parrish replied there were avenues regarding variances through the County Zoning Ordinance.

Ms. Larson asked about the 24-month timeframe and if an extension would be needed for various circumstances how would that be addressed.

Ms. Parrish stated there would be guidelines which required a building permit, adding if the building permit was active that could go beyond the 24-month timeframe. She mentioned if the building permit expired the variance option could be pursued.

Ms. Sadler expressed her angst regarding the subject.

Mr. Polster mentioned the Overlay District was not a recommended approach. He deferred that point to the County's Attorney for a better understanding of why that option was not

recommended.

Mr. Kinsman mentioned he could discuss that point with the Board privately.

Mr. Haldeman cited details regarding the potential establishment of an Overlay District from the memorandum included in the Board's Agenda Packet.

Mr. Icenhour asked if Forge Road and Old Stage Road were the only two roads that applied for the setback provisions.

Mr. Haldeman confirmed.

Ms. Sadler asked if County citizens had been made aware of this discussion.

Mr. Haldeman replied not beyond the public advertisement for the Policy Committee meeting.

Mr. McGlennon asked if some of the land on Old Stage Road was in the Agricultural and Forestal District (AFD) Program.

Mr. Haldeman replied some yes.

Mr. McGlennon mentioned to his point that some of that land may already be committed to the AFD program. He asked if there was some flexibility regarding the setback amount to lessen the constraint aspect.

Mr. Haldeman replied that effort was not conducted.

Mr. McGlennon questioned whether there were alternative measures that could create less impact.

Mr. Haldeman asked if he was referring to the nonconforming structure aspect.

Mr. McGlennon confirmed.

Discussion ensued.

Ms. Larson suggested waiting until the next Comprehensive Plan update; however, doing so could create a risk for future development. She questioned the status of those lots in question.

Mr. Hipple mentioned prospective developers were currently looking at that area. He remarked he was in support of Option No. 2, but he preferred to exclude Forge Road from Old Stage Road. He asked how many parcels included a 100 or more acres on Forge Road.

Mr. Thomas Wysong, Senior Planner, indicated on Forge Road there were two parcels.

Mr. Polster suggested an alternative option. He mentioned approving Forge Road at the desired setback requirement and apply the standards to both Forge Road and Old Stage Road. Mr. Polster further noted during the next Comprehensive Plan update to remove Old Stage as an Agricultural CCC and reclassify it as a Wooded CCC in which it would revert.

Mr. Hipple replied ok.

Mr. Polster looked to the County Attorney and Planning Director for authorization on this option.

Mr. Holt stated he believed it would work in concept, adding verbiage would need to reflect the potential changes if a revision were to occur to the Comprehensive Plan.

Ms. Sadler asked what would happen if that change did not occur.

Ms. Larson agreed and asked what would happen if there was a catastrophe.

Ms. Sadler expressed significant confliction on this subject. She recommended discussion with Mr. Kinsman as he had knowledge regarding various aspects of this subject. She asked if postponement could occur on this item as the Board needed additional information.

Ms. Larson asked if there was a way to rezone the three parcels in concern on Forge Road until the next Comprehensive Plan update was conducted.

Mr. Holt mentioned the most expedited options would be either the Comprehensive Plan update or the establishment of a potential Overlay District.

Ms. Larson asked if rezoning those three specific parcels was allowed.

Mr. Holt replied that would need to be investigated further.

Ms. Larson emphasized consideration on that point.

Discussion ensued.

Mr. McGlennon expressed his support for moving forward in favor of Option No. 2 with an understanding of gathering additional information regarding Old Stage Road to better determine various components.

Mr. Hipple agreed he was in favor of Option No. 2; however, he desired Old Stage Road be excluded if possible. He requested information regarding impacts to Old Stage Road if this were to be pursued, adding he desired a flexibility piece incorporated regarding additions to existing structures.

Ms. Parrish stated depending on the type of addition and compliance with the setback requirements there could be an option to administratively approve. She mentioned it all depended on the design component. Ms. Parrish discussed that point in more detail.

Ms. Sadler asked when the next Comprehensive Plan update would be conducted.

Mr. Hipple replied three years from now.

Ms. Sadler asked what that meant for residents on Old Stage Road.

Mr. Holt replied he gathered that the Board was looking for additional information regarding Option No. 2 pertaining to Old Stage Road including data on pre-existing structures and vacant parcels.

Mr. Hipple asked if Forge Road could be voted on separately.

Mr. Holt replied no as Forge Road and Old Stage Road would have to be voted on together unless an Overlay District was established.

Ms. Sadler asked what the next step was.

Mr. Holt replied there was no action required as the Planning Commission would come back before the Board to provide additional information. He noted a meeting date would be forthcoming.

Mr. McGlennon asked the Board if Option No. 2 was the preferred option for Forge Road.

Mr. Hipple confirmed yes.

Ms. Sadler expressed her hesitancy regarding the Old Stage Road component.

Mr. McGlennon remarked he understood, adding he wanted the Planning Commission to be cognizant of the Board's guidance to move forward.

Mr. Hipple asked if the Planning Commission was in support of the directive.

Mr. Polster agreed, adding the Planning Commission would focus on Option No. 2. He stated next Comprehensive Plan update would accommodate the revision of reclassification for Old Stage Road. Mr. Polster noted the Planning Commission would come back before the Board at a future meeting to address the parcels impacted on Old Stage Road.

Mr. Holt noted the Planning Commission would discuss the next Item on the Agenda.

2. Joint Work Session with the Planning Commission: Short Term Rentals

Mr. Holt addressed the Board to discuss Short-Term Rentals and the guidance included in the 2045 Comprehensive Plan. He noted since the adoption of the 2045 Comprehensive Plan, the Planning Commission and Board of Supervisors had considered various rental applications based on the development standards. Mr. Holt highlighted the development standards which included: 1) Be located on lands designated Rural Lands, Neighborhood Commercial, Community Commercial, Mixed Use, or Economic Opportunity; 2) Be located on the edge or corner of an existing platted subdivision, rather than internal to it; 3) Be located on a major road; and 4) Be operated in a manner such that the property owner will continue to live and reside on the property during the rental. He turned the presentation over to Mr. Polster for further discussion.

Mr. Polster addressed the Board noting there were challenges regarding the short-term rental cases as the Planning Commission had to focus primarily on the four development standards included in the 2045 Comprehensive Plan. He mentioned Board and County Attorney's guidance allowed opportunity regarding the short-term rental to be in perpetuity with the Special Use Permit (SUP). Mr. Polster noted this policy allowed for a compliance review every five years. He touched on Development Standard No. 4 which required the property owner to reside on the property during the rental period. He remarked various rental applications had a property manager and/or a neighbor in proximity in lieu of the property owner requirement. Mr. Polster spoke about the various components regarding rental applications such as location, character, the amount of rentals in particular location, etc. He mentioned the objective was to have additional discussion with the Board on these criteria and to develop additional standards that may be deemed necessary in considering future rental applications. Mr. Polster concluded the presentation and welcomed any questions the Board might have.

Mr. Hipple asked if any Board members had questions.

Ms. Larson remarked this subject was difficult as there were numerous factors for

consideration. She mentioned Vrbo advertised rentals specifically for the entire dwelling with no property owner or caretaker on-site. She expressed her gratitude to the Planning Commission for its efforts.

Mr. Polster expressed concerns regarding short-term rentals diminishing the affordable housing market. He mentioned a beneficial aspect to short-term rentals allowing individuals to supplement their income in order to retain their property. He reiterated his point of various factors to be considered and the challenges of approving or denying cases.

Ms. Sadler replied each case was different.

Mr. Polster replied correct. He stated every location was different and noted the circumstances for each.

Mr. Hipple mentioned the various rental applications such as rental of rooms, rentals of the entire dwelling, bed and breakfast rentals, etc. He stated he rented his property in its entirety, and no one was on-site during the rental period. Mr. Hipple expressed his lack of concern for the need to have a property owner or caretaker on-site. He noted the various circumstances and factors for consideration. He questioned the affordable housing income threshold and if the majority of dwellings being considered for rental purposes were even within that income range. Mr. Hipple agreed with the compliance review aspect of the SUP process. He noted Airbnb based on the location may not require an SUP. Mr. Hipple further noted the challenges the Planning Commission had to factor in all these components.

Ms. Larson mentioned she had a question for staff. She asked for clarification purposes while there were locations that allowed rentals by-right, a business license was required in addition to paying the short-term rental property tax.

Mr. Hipple replied correct.

Ms. Larson asked about a contract regarding short-term listings and if it was ongoing.

Mr. Holt confirmed yes, adding he received weekly and bi-weekly updates.

Ms. Larson thanked Mr. Holt.

Mr. Hipple asked if any Board members had questions.

Mr. McGlennon mentioned as he reviewed the list of rental applications approved there was a significant number of properties which would be considered workforce housing and/or affordable housing. He noted he was in favor of supporting rental applications; however, his concern related to the trend of multiple rentals. He questioned the ability for affordable housing and workforce housing to exist regarding this component.

Ms. Larson questioned the ability to deny a rental application based on a potential workforce housing and/or affordable housing component. She noted a property owner could potentially sell the property for double the value and it still not turn into a workforce housing option. Ms. Larson asked how that could be implemented.

Mr. McGlennon remarked he was uncertain; however, this component was diminishing the opportunities.

Mr. Polster expressed his concerns with multiple rental application requests regarding an individual as it created another set of challenges and how to enforce, and other factors. He noted there would be future discussions on this topic and any Board guidance to aid through

the process was welcomed as there were many aspects of this subject still being worked through.

Ms. Sadler expressed her concern with categorizing all cases into one box. She mentioned the uniqueness of each case, adding a case-by-case review should be conducted with the general standards and then criteria would be applied based on various factors. Ms. Sadler stated to the affordable housing point the market was constantly fluctuating and questioned the ability to define affordable with this trend.

Mr. Polster remarked the Planning Commission members had different perspectives and engaged discussion allowed for determination of which applied. He welcomed comments from other members of the Planning Commission.

Mr. O'Connor addressed the Board noting when discussing affordable housing and/or workforce housing he expressed his opinion that it was based on location. He explained a dwelling constructed inside a Planned Unit Development (PUD) excluding the Condos at Kingsmill Resort were considered a Hotel District which allowed short-term rentals. Mr. O'Connor mentioned Ford's Colony, Governor's Land, Stonehouse, and Colonial Heritage were PUDs which did not allow for short-term rentals. He noted this limited the availability for potential workforce/affordable housing options. Mr. O'Connor further noted the competitive aspect between short-term rental and affordable/workforce housing for the same geographic market outside of the PUD which did not incur the monthly fees associated with a homeowners association.

Mr. Hipple mentioned the ideal affordable/workforce housing were located in proximity to bus routes. He used the Lanexa area as an example that may not work depending on an individual's transportation circumstances. He referenced a catch-22 regarding the subject. Mr. Hipple explained that point in more detail and questioned how to balance the various aspects regarding the subject.

Mr. O'Connor expressed his opinion based on his expertise in the County's hospitality industry that the transportation component was not a significant issue. He mentioned Stonehouse Commerce Park employees resided in other jurisdictions, adding the same instance applied for Kingsmill Resort when he worked there. Mr. O'Connor noted the importance of the County's desires be reflected in the Comprehensive Plan.

Discussion ensued.

Mr. O'Connor expressed his concern of being cognizant of the corporate ownership component.

Mr. Hipple agreed.

Mr. McGlennon mentioned he had seen a report that indicated one out of every four houses purchased in the United States last year was purchased by a corporation.

Mr. Krapf agreed to Mr. O'Connor's point with taking preventative measures regarding corporate ownership and whether there should be a limit on the number of SUPs issued to an individual. He expressed his opinion that there was a niche in relation to short-term rentals within the County, adding it could potentially increase tourism. Mr. Krapf spoke about the 2045 Comprehensive Plan development and performance standards regarding short-term rentals and the beneficial factors of those standards. He agreed to Mr. Hipple's point regarding the property owner on-site requirement. He thanked the Board for the opportunity to comment.

Ms. Larson asked if short-term rentals were required to conduct the same series of inspections that a hotel would undergo.

Mr. Holt replied there was a different Certificate of Occupancy (CO) that was required for short-term rentals.

Ms. Larson asked if fire alarm testing was conducted annually.

Mr. Holt replied he did not believe so.

Ms. Larson asked if it was a part of the annual process.

Mr. Holt replied it was not part of the County's annual process, adding it was only conducted for the CO purposes.

Mr. McGlennon asked about the number of individuals who offered short-term rentals who actually had a business license.

Mr. Holt asked if he was referring through the Commissioner of the Revenue's Office.

Mr. McGlennon confirmed.

Mr. Holt replied he was uncertain; however, he could find out.

Mr. McGlennon remarked the County had an active hospitality industry; however, to Mr. O'Connor's point that it was not predominantly hotels but timeshares which did offer the privacy and various factors that a short-term rental could accommodate.

Ms. Larson pointed out that some of the timeshares within the County were a part of Vrbo. She also requested additional information regarding the subject.

Mr. Holt replied certainly. He noted a significant distinction between the initial issuance of a business license versus the annual renewals.

Ms. Sadler asked if during the annual renewals fire inspections could be conducted.

Mr. Holt replied it would depend on the County's Code, in addition depending on how many short-term rentals there were he did not believe the County had the staff to perform those inspections.

Mr. Hipple mentioned it was the responsibility of the owner.

Mr. Polster asked for Board guidance regarding the subject.

Mr. McGlennon recommended allowing time to gain experience in the process prior to coming to any definite conclusions.

Mr. Icenhour expressed his concerns with the corporate ownership component and whether there was an ability to limit the number of SUPs for an individual and/or corporation. He asked Mr. Kinsman on that point.

Mr. Kinsman stated each application was considered separately as a land use issue, adding it may be challenging trying to tie ownership.

Mr. Polster reiterated the point of giving time to gain experience in the process prior to any

adjustments made. He expressed his gratitude for the Board's time and guidance on this matter.

Mr. Hipple thanked the Planning Commission for all its efforts.

Mr. Polster mentioned the County received a NACo award regarding the Comprehensive Plan work. He recognized Mr. Holt, Ms. Ellen Cook, Principal Planner, and Planning staff for all efforts. He thanked everyone involved who participated.

The Board and audience applauded.

Mr. Polster sought a motion to adjourn.

At approximately 2:42 p.m., the Planning Commission adjourned on a unanimous voice vote.

3. Regional Library Discussion

Ms. Betsy Fowler, Williamsburg Regional Library (WRL) Director, addressed the Board noting she would discuss the path forward for the WRL. She thanked the Board for its outstanding support. Ms. Fowler discussed the various reasons for the need for a new library on the PowerPoint presentation. She noted the significant shortage of space for books, people, and services. Ms. Fowler further noted the WRL was the busiest library in the system at 50 years old with diminishing functionality. She mentioned in 2007, an independent building consultant recommended the construction of a third library within the County, adding that was in the County's Capital Improvements Program (CIP) at the time; however, due to the recession it was removed. Ms. Fowler stated in 2017, the WRL Board of Trustees recommended a third library be constructed in the County and a new library facility in the City of Williamsburg. She indicated in 2018, WRL Board of Trustees conducted a Williamsburg building assessment, site studies, a public survey, and focus groups. Ms. Fowler added at that time a suggestion was made to construct a jointly funded larger library, but no decision was made. Ms. Fowler highlighted the WRL space needs on the PowerPoint presentation. She noted no library space had been added since 1998 and WRL did not meet State standards for library square footage per capita. Ms. Fowler further noted the square footage deficit and the quality of space both needed to be addressed. She touched on further efforts to facilitate discussion and action regarding the subject. Ms. Fowler noted the formation of the Library Buildings Task Force, and its recommendations were to build two new libraries with a minimum of 35,000 square feet each. She spoke about the phases of construction and the estimated financial commitments for the project. Ms. Fowler highlighted additional Task Force recommendations displayed on the PowerPoint presentation. She spoke about the beneficial factors of the Task Force recommendations. Ms. Fowler discussed a proposed timeline for the project on the PowerPoint presentation. She concluded the presentation and welcomed any questions the Board might have.

Mr. Hipple asked if any Board members had questions.

Ms. Sadler asked if the James City Library on Croaker Road would be affected.

Ms. Fowler replied no.

Ms. Sadler replied good, adding it was a wonderful facility. She asked in terms of the James City County facility how did that coordinate with the future James City County Government Center.

Ms. Fowler agreed.

Mr. Stevens mentioned a prior discussion was had on a potential County library within the future Government Center; however, the determination on that space had not yet been made. He noted there was a CIP for a future County Government Center and approximately \$27 million in FY27 Budget for a new County library. He further noted currently it was incorporated into the FY27 Budget independent from the County Government Center; however, that could change based on Board guidance.

Ms. Sadler asked Ms. Fowler for the reasoning for the unknown component regarding York County.

Ms. Larson replied she was part of the Focus Group as the representative for the County, and Mayor Douglas Pons, was the representative for the City of Williamsburg, adding there was not an Elected Official for York County, which resulted in challenges regarding the commitment component. She explained that point in more detail.

Ms. Sadler thanked Ms. Larson.

Mr. Hipple recognized Ms. Larson for an outstanding job as the County representative regarding the Focus Group discussions. He expressed his appreciation for all her efforts.

Ms. Larson expressed her passion for libraries and highlighted the various beneficial factors. She remarked the County had an outstanding library system and she commended Ms. Fowler on her leadership. Ms. Larson agreed on the need for additional library space.

Ms. Fowler mentioned a resolution was shared with the County Administrator requesting each jurisdiction consider a possible commitment to the project to initiate an agreement.

Mr. McGlennon thanked Ms. Larson for her active role regarding this matter. He also thanked Ms. Fowler for her leadership and for her attendance at the Grove Community Meeting which was held last week. Mr. McGlennon further noted she informed the community of the various WRL programs being held at the Abram Frink Jr. Community Center every Saturday and other ongoing services. He indicated he was in support of moving this effort forward, adding he anticipated a theatre would be included in the project as he felt there was not adequate space based on the demand within the community.

Ms. Larson asked what was needed from the Board in order to move this forward.

Mr. Stevens replied this discussion was to better understand the Board's thoughts and support on the subject. He mentioned if the Board had a willingness to contribute to a jointly funded library, he would need to discuss further details with the City Manager and the York County Administrator. Mr. Stevens further noted York County would be more inclined to discuss funding opportunities once the County made a decision regarding the possible jointly funded library. He explained that point in more detail and with the Board's support he could move forward with further discussion on the subject.

Mr. McGlennon questioned the ability for Friends of Williamsburg Regional Library to raise the estimated funds.

Ms. Fowler replied the organization was working with a firm to conduct an assessment. She explained those were ballpark figures based on 5%-10% of the project costs.

The Board was in agreeance to move forward.

Mr. Stevens and Ms. Fowler thanked the Board.

4. Briefing on the Development of a Park Master Plan for Brickyard Landing Park

Mr. Hipple welcomed Mr. Alister Perkinson, Parks Administrator, to the podium.

Mr. Perkinson addressed the Board to discuss a draft Master Plan for the Brickyard Landing Park. He noted this discussion would solicit Board feedback and direction prior to the public input period and then final approvals. Mr. Perkinson highlighted the Park's history. He mentioned the Park's primary use was boaters utilizing the boat ramp for access to the Chickahominy River. Mr. Perkinson spoke about the short-term improvements to the Park which included renovations to the two picnic shelters on-site, adding a tending pier, repairing the existing pier, and Park cleanup. He mentioned similar methods were utilized to develop other County park master plans such as the Parks & Recreation Master Plans to identify the needs in that particular region and the 2018 Virginia Outdoors Plan. Mr. Perkinson discussed the existing amenities on-site displayed on the PowerPoint presentation. He spoke about the proposed future added amenities which included boat trailer parking, car parking lot, restroom facility, multiuse trail, playground, meadow for viewshed purposes, and natural surface trails. He reiterated the public input period to include online surveys in addition paper surveys would be available at the James City County Recreation Center and James City County Library. Mr. Perkinson stated a Public Meeting was scheduled for June 28, 2023, from 6-8 p.m. at the James City County Library. He mentioned after public feedback was collected and incorporated into the updated plans, the draft Master Plan would be reviewed by the Parks & Recreation Advisory Committee, the Planning Commission, and Board of Supervisors for consideration and approval. Mr. Perkinson concluded the presentation and welcomed any questions the Board might have.

Mr. Hipple asked if any Board members had questions.

Ms. Larson asked for clarification if the picnic shelters had already been repaired.

Mr. Perkinson confirmed yes.

Ms. Larson requested a current photo of the picnic shelters be provided to the Board members.

Mr. Perkinson replied certainly.

Mr. Hipple suggested future signage for fisherman and boat ramp users. He mentioned off-roading concerns near the powerline area of the Park that may need to be investigated.

Mr. Perkinson replied there were some short-term plans to replace all the white vinyl fencing with a sturdier traffic barrier. He indicated the future parking area would restrict the off-roading concerns on the property better. Mr. Perkinson thanked the Board.

Ms. Larson noted a prior commitment which required her to depart early from the meeting. She respectfully requested that the vote be postponed until the Board's June 13, 2023, Regular Meeting.

F. BOARD CONSIDERATION(S)

1. Virginia Business Ready Sites Program Grant

A motion to Postpone until June 13, 2023, Regular Meeting, was made by Sue Sadler, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

Mr. Christopher Johnson, Director of Economic Development, addressed the Board noting in years 2019 and 2020 the Virginia Economic Development Partnership (VEDP) initiated a program to conduct approximately 500 Site Characterization studies across the Commonwealth. He noted these studies were conducted to gain a better understanding of where Virginia stood regarding site readiness for commercial and industrial sites of 25 acres or more. Mr. Johnson further noted in order to participate property owners were required to opt into the program and grant permission for their sites to be studied. He mentioned 11 Site Characterization studies were conducted in James City County, adding based on the findings of those studies conducted none of the properties received a site readiness rating greater than a Tier 3. Mr. Johnson explained this meant that those properties studied would take three to eight years to be considered project-ready. He stated the Office of Economic Development (OED) submitted a request as part of the Fiscal Year (FY) 2023 CIP to establish funding to conduct due diligence studies to increase site readiness tier ranking for four of the industrial sites identified by VEDP staff and KPMG based on various beneficial factors. Mr. Johnson noted the funding requests were based on engineering estimates to increase the tier ranking by one additional tier. He stated the FY23 Budget included \$148,000 for The Enterprise Center and the adopted FY24 Budget included \$98,000 for 9131 and 9200 Barhamsville Road. Mr. Johnson noted the OED collaborated with VEDP staff to submit a grant application for consideration as part of the Virginia Business Ready Sites Program (VBRSP). He further noted the objective of VBRSP was to identify and assess the readiness of potential commercial and industrial sites with at least 100 contiguous, developable acres to enhance the Commonwealth's infrastructure and to align with the Honorable Governor Glenn Youngkin's Comprehensive Plan Economic Development Policy. Mr. Johnson mentioned VEDP's primary focus was on sites with statewide and regional impacts, adding The Enterprise Center met the criteria. He highlighted the beneficial factors such as its location in a foreign trade zone, proximity to interstate access and the Port of Virginia, and strong potential return on investment. Mr. Johnson mentioned VBRSP grants typically required a 50% local match; however, due to the County's escalated unemployment rate coming out of the COVID-19 pandemic the local match was reduced to a 2:1 ratio. He stated there were 65 applications submitted for over \$400 million in funding requests; however, there was only \$85 million in funding available. Mr. Johnson advised on January 16, 2023; the Honorable Governor Youngkin announced that James City County had been awarded a grant in the amount of \$485,500 to complete the required due diligence studies and design water and sanitary sewer extensions. He added this would increase the site readiness ranking for The Enterprise Center from a Tier 1 to a Tier 4, which would reduce the estimated time to get the site project-ready from four-eight years to nine-12 months. Mr. Johnson touched on the project scope and services that would be conducted. He noted staff recommended adoption of the resolution included in the Board's Agenda Packet; however, the vote would be deferred to a future date due to Ms. Larson's absence. He welcomed any questions the Board may have. Mr. Hipple asked if any Board member had questions.

Ms. Larson asked how long this effort had taken.

Mr. Johnson replied the Site Characterization work began in 2019-2020 timeframe.

Ms. Larson inquired about the County's incentive for the grant application.

Mr. Johnson replied jurisdictions had no restrictions. He added it was a 50% local match for VBRSP; however, due to the escalated unemployment rate this grant application year the County was considered distressed and was eligible for a 33% local match opposed to the 50% local match.

Ms. Larson asked if there were any other beneficial parties regarding the water and sanitary sewer extensions.

Mr. Johnson stated the work that would be conducted through the grant would be the design and engineering construction ready documents to be able to do the site extension work not the construction work itself. He mentioned there would be other properties that could potentially benefit from the extension.

Ms. Larson asked if construction of the extension did occur would that impact Fire Protection and other various components.

Mr. Johnson stated The Enterprise Center Master Plan allowed up to 3.2 million square feet of industrial space. He mentioned the developer of the site, Lovett Industrial, had shown a massing study going throughout the entire site. He stated as utilities were extended into the spine road through the site all the way back towards the far western side of the property on Barnes Road those would bring utility easements all the way up to the edge of Interstate 64 which in the future would be connected to the Village Center, adding there was a potential loop system from La Grange Parkway up to Fieldstone Parkway which would ultimately improve the fire safety and redundancy of the system for Stonehouse residents.

Ms. Larson thanked Mr. Johnson.

Ms. Sadler asked if it would also improve the fire safety measures for the surrounding businesses and residential areas.

Mr. Johnson confirmed yes.

Mr. Icenhour expressed his concern regarding the Board's lack of awareness regarding the development details. He asked Mr. Stevens if the cost of the water and sanitary sewer extension would be approximately \$20-30 million.

Mr. Stevens mentioned there was a discussion with the James City Service Authority, adding he did not recall the exact cost for the scope of work; however, it was undoubtedly a multimillion-dollar project.

Mr. Icenhour referenced a prior instance such as the Wendy's restaurant that was not built due to the lack of proximity to water and sewer connections. He expressed his opinion that the extension should be at the cost of the developer and not County taxpayers. Mr. Icenhour noted the property was rezoned, and various uses would not require Board approval pertaining to the SUP process for marketable purposes. He further noted there was approximately \$730,000 of taxpayer dollars put into studies to prepare a site that was privately owned. Mr. Icenhour mentioned he had asked previously if the County had ever supported an initiative such as this regarding privately owned property and the answer he received was no, not necessarily. He then inquired whether this practice had been conducted in the Commonwealth. Mr. Icenhour received validation that there were two instances such as the Lambert's Point Coal Terminal in the City of Norfolk and an industrial park in Frederick County. Mr. Icenhour remarked his concern was not just with the project but setting a precedent for the future. He stated he would like to have individual discussions as a Board to discuss some of these various concerns. Mr. Icenhour reiterated his point regarding the lack of awareness pertaining to the details of the plan for the development.

Mr. Stevens stated if there was a lack of keeping the Board informed then he took full ownership regarding that point.

Mr. Icenhour remarked he expressed his concerns for this proposed development in the beginning of the process and requested further information. He stated he felt the Board needed a better understanding of the details regarding these development cases and questioned if this was in the best interest of County taxpayers. Mr. Icenhour mentioned his lack of knowledge regarding the circumstances until the Honorable Governor Youngkin made his official announcement, adding as a Board member he did not feel included in the process.

Ms. Sadler asked if this discussion was based specifically on grant money for the necessary studies.

Mr. Johnson replied yes, in addition to grant money to prepare construction ready site plans to extend the water and sewer connections. He stated this did not include construction of the lines as that was the responsibility of the property owner.

Ms. Sadler asked if the County would recoup those costs and if so, what timeframe would he anticipate.

Mr. Johnson replied by increasing the tier rank from a Tier 1 to a Tier 4 it would allow the project to become shovel ready within the next year. He noted it would take an additional year for the plan approval process. Mr. Johnson further noted once infrastructure development commenced and buildings were acquired, attracting companies, employment opportunities, etc. would then create significant revenue for the County. He remarked this opportunity would more than reimburse the County for its contributions and in addition it would allow for future grant opportunities. He reiterated the point that the County was one of 21 localities which was awarded development grants, adding that was significant. Mr. Johnson explained the beneficial factors of being a locality on that list and the highly competitive aspect.

Mr. Icenhour asked who the owner was.

Mr. Johnson replied the Hazelwood family sold the property to Lovett Industrial at the end of April.

Ms. Sadler asked if any of the grant money would go to the property owner.

Mr. Johnson replied no.

Mr. Icenhour remarked by increasing the tier ranking it allowed the property to become more valuable and marketable, correct.

Mr. Johnson stated it did not change the assessment value of the property until the land was put to use and development occurred. He mentioned the asking price of the property was based on The Enterprise Center Master Plan and Proffers, not the grant award. Mr. Johnson mentioned collaborative efforts with the state to help County staff in reviewing the 11 sites that the County characterized in developing the list of sites that were most attractive to prospective businesses.

Mr. Icenhour asked if grant applications were submitted for the Hornsby property.

Mr. Johnson replied no, adding it was unnecessary as only one application could be submitted per application cycle.

Mr. Icenhour commented if the Board decided to proceed with the due diligence studies for this project and when the Hornsby family decided to develop their property, he asked if the property would be a Tier 4 ranking.

Mr. Johnson replied the Hornsby property was currently a Tier 2 as utilities were present on the property. He mentioned if the Hornsby family decided to conduct a Site Characterization study the property would most likely increase to a Tier 3; however, the current zoning of the Hornsby property was different from The Enterprise Center, which introduced a more restrictive set of uses based on its current zoning.

Mr. Icenhour asked if a future grant application would be submitted for the Hornsby property.

Mr. Johnson replied no, adding the Hornsby property did not qualify as it was not 100 acres, so it would not be considered by VBRSP. He mentioned a potential separate program could be applied for.

Mr. Stevens clarified Mr. Johnson was speaking to the VBRSP specifically which required 100 acres or more. He mentioned if there were additional state funding opportunities that could be applied for the County would consider pursuing that based on Board feedback.

Ms. Sadler asked for clarification on the unemployment rate and how that played a role in the grant.

Mr. Johnson stated the Commonwealth determined whether individual jurisdictions were at or below the state average for poverty and unemployment rates. He explained if a jurisdiction was below the average for both poverty and unemployment rates it was a 50/50 match requirement. Mr. Johnson added if a jurisdiction had a single point of distress either poverty rate or unemployment rate then the jurisdiction was classified as a distressed community which allowed a 2:1 ratio. He noted if there were jurisdictions with double distress the match requirement decreased further. Mr. Johnson mentioned during the application process this past year it was advised that the County would not be eligible in future years as the County's unemployment rate had dropped well below the state average. He noted the unique advantage of this one-time application opportunity.

Ms. Sadler asked if this would help the County's unemployment rate.

Mr. Johnson confirmed yes and other beneficial factors.

Mr. McGlennon remarked he was surprised with the County's elevated unemployment rates; however, he felt all jurisdictions were impacted to some degree during the COVID-19 pandemic.

Mr. Johnson stated the list of jurisdictions in Virginia was still about a third that did not have either. He explained jurisdictions that offered tourism opportunities were more impacted than jurisdictions that did not offer those accommodations and other components to that point.

Mr. McGlennon mentioned the challenges of filling those types of positions.

Mr. Johnson confirmed.

Mr. McGlennon asked for clarification on the purpose of tier rankings.

Mr. Johnson explained that the tier ranking system increased exposure. He noted the beneficial factors in both short-term and long-term aspects of being a part of the program.

Mr. McGlennon asked the timeframe of the necessary work conducted associated with the grant award.

Mr. Johnson replied approximately one year.

Mr. McGlennon questioned the disconnect regarding the shovel ready time.

Mr. Johnson explained it would take a year for studies, plans, permitting, and other factors to be approved, so essentially a two-year process. He stated it was 12 months from the point in which it becomes certified.

Mr. Hipple mentioned discussions with the Hampton Roads Transportation Planning Organization (HRTPO) and the Hampton Roads Planning District Commission (HRPDC) on the subject. He mentioned the Site Tier Levels allowed the property to be more marketable.

Mr. McGlennon replied he understood the concept; however, his concern was with the significant reduced timeline from originally eight years down to two years.

Mr. Hipple asked what the tier rank was last year.

Mr. Johnson stated the Hazelwood Farms property was certified in 2018 prior to rezoning and was classified as a Tier 1 ranking. He explained if the property owner submitted a certification request after the property was rezoned it would have been certified as a Tier 2 ranking. Mr. Johnson discussed that point in more detail.

Mr. McGlennon remarked it would take approximately one year to complete the due diligence studies and receive the certification, correct.

Mr. Johnson confirmed.

Mr. McGlennon inquired on the timeline from the plan approval phase to being shovel ready. He stated he felt it would be at least two years.

Mr. Johnson stated the developers of The Enterprise Center currently had plans submitted and under review in the County's Planning Division for some phasing of the initial development. He mentioned if site plans were in place for the wet utility extensions and site plans for development were approved there could be potential operation within two years.

Mr. McGlennon requested an opportunity to review those plans if possible.

Mr. Icenhour seconded that.

Mr. Johnson replied he could obtain those plans for the Board members.

Ms. Sadler commented if the process could be expedited the quicker the County could recoup costs and receive additional tax revenue.

Mr. McGlennon inquired on further details for the plan regarding the future development.

Mr. Hipple commented those details may not be known.

Mr. Johnson replied the County was cognizant of the details included on the Master Plan and the Proffers for The Enterprise Center. He mentioned his review of the massing study for this development showed approximately 2.2 million square feet laid out on this property whereas the Master Plan allowed up to 3.2 million square feet. He added there were various

considerations such as wetlands and other factors to that point.

Mr. Hipple asked if the study was specifically for engineering purposes to determine the future location of the water and sewer extension.

Mr. Johnson confirmed yes.

Mr. Hipple asked if that would then put the property ranking at a Tier 4.

Mr. Johnson replied yes, if the developer conducted the studies necessary on their end for certification through the state which would be shared with other potential prospective businesses.

Mr. Hipple remarked the County had the land; however, the land was not project-ready which deterred potential development. He noted the Site Tier Levels made the land more desirable with a more expedited process.

Mr. Johnson noted potential prospective businesses had various parameters regarding site requirements which limited the opportunities. He further noted the County was very fortunate to have industrial properties available.

Mr. Hipple mentioned other practices that the County had conducted regarding privately owned property such as restorations of streams and dams for water quality purposes.

Mr. McGlennon expressed his concern of the amount of uncertainty regarding this development process.

Mr. Icenhour agreed to Mr. McGlennon's point. He asked if the grant awards were typically accompanied by a Performance Agreement, as this particular instance did not include one.

Mr. Johnson replied there was a Performance Agreement for this grant award, adding it was currently under review. He noted if this discussion were to be voted on the next steps would be to accept the grant award, appropriate the funds, and provide authorization to the County Administrator to sign the Performance Agreement between the Commonwealth and James City County.

Mr. Icenhour inquired about a James City County Developer Performance Agreement.

Mr. Johnson replied it was a separate agreement.

Mr. Icenhour asked if that agreement had been completed.

Mr. Johnson replied no, adding the property just sold approximately three weeks ago. He remarked that was typically conducted further along in the process.

Mr. Icenhour expressed his concern with that aspect. He mentioned there were too many unknown variables regarding this development.

Ms. Sadler expressed her concern with the process regarding these cases and the unknown aspect.

Mr. Johnson replied based on his years of expertise, developers do not want to commit to an answer unless a contract had already been signed for liability purposes. He noted there was a significant difference between industrial prospects, retail, and things of that nature. Mr. Johnson referenced the Green Mount Parkway property which was purchased by InLight Real Estate

Partners last year and was being developed as a Logistics Center. He noted based on the end-user there could be up to three separate businesses occupying the building. Mr. Johnson further noted there was an uncertainty aspect; however, the property had various beneficial factors which made the property highly marketable for prospective businesses. He mentioned reviewing the developer's portfolio for trends may aid in the types of businesses that may be attracted. Mr. Johnson noted he met with four of the prospective developers of the site, adding Lovett Industrial who received the contract, was the most engaged and willing to adhere to the various guidelines included in the Master Plan, Proffers, and other standards. He expressed his confidence in this developer based on the level of cooperation through this process.

Ms. Sadler mentioned Stonehouse Commerce Park properties changed hands frequently.

Mr. McGlennon replied if there was a Performance Agreement in place there would be a better understanding of some factors.

Mr. Johnson clarified the Performance Agreement was between the VEDP and the County in terms of operational purposes regarding the grant award. He noted the County engaged with the engineering firm to conduct the study and once the requirements were adhered to the funds were dispersed from the Commonwealth to the County. Mr. Johnson further noted the separate agreement Mr. Icenhour was speaking to was between the County and the developer which would need to be developed prior to wet utilities extension commencement.

Mr. Icenhour requested clarification that no taxpayer dollars would be used for the construction of the water and sanitary sewer extensions.

Mr. Johnson replied no.

Mr. Icenhour replied good, adding he did not agree with utilizing public money for a privately owned development.

Mr. Stevens clarified there was no other public money committed. He mentioned unique circumstances based on the potential development opportunity. Mr. Stevens stated the expectation currently was the design plans would be conducted if the grant award was accepted and the end-user would be responsible for the construction of the wet utilities. He noted if there were other outside funding opportunities that may be considered and or other negotiating strategies would come before the Board prior to commitment of the project. Mr. Stevens reiterated to date the expectation was no further public money would be utilized regarding this development; however, that could change based on the end-user.

Ms. Sadler asked if the property was located within the PSA.

Mr. Johnson confirmed. He clarified to Mr. Icenhour of the point Mr. Stevens made was not in relation to this project, but a potential future project. Mr. Johnson stated the grant application initially put forward funds as a part of the County's request to be able to have the ability to construct; however, the County did not receive funds for that part. He mentioned the Commonwealth encouraged the County to make the application more complete so to speak, adding the matching funds would not be feasible without the private development. He noted the main objective was to receive the funds to conduct the due diligences studies, which had been received.

Mr. Hipple asked if any other Board members had questions. He asked if the Board requested additional information.

Mr. Icenhour noted Ms. Larson requested to be present for the vote on this item, and to postpone this discussion until the Board's June 13, 2023, Regular Meeting.

Mr. Johnson mentioned he spoke with VEDP regarding the circumstances and were understanding of the situation.

G. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon mentioned his attendance at the Police Department's Award Ceremony which was held last week during Law Enforcement Week. He noted Mr. Icenhour and Ms. Larson also attended the ceremony. Mr. McGlennon expressed his appreciation to the Honorable Senator Montgomery "Monty" Mason and Ms. Fowler for attending the Grove Community Meeting this past week. He stated he had the opportunity to ride the newest ride, DarKastle, at Busch Gardens with Ms. Rita McClenny, President and CEO of Virginia Tourism Corporation as his ride partner. Mr. McGlennon acknowledged Mr. Stevens' attendance as well.

Ms. Sadler stated she attended the grand opening of Shaia Oriental Rugs, adding they relocated from Jamestown Road over to New Town. She mentioned the business was also celebrating its 50th Business Anniversary. Ms. Sadler noted she attended Precarious Beer Project with the Economic Development Authority (EDA) with discussion on businesses within the region.

Mr. Icenhour stated he attended the ribbon cutting for The Pavilion, adding Mr. Stevens was in attendance as well. He remarked it was a great turnout, adding he felt the organization was a valuable asset to have within the community. Mr. Icenhour noted he attended the Police Department's Annual Award Ceremony, adding he was glad it was in-person again. He mentioned his attendance at the Business Appreciation in the City of Williamsburg with the EDA, adding it was well-attended. Mr. Icenhour spoke about the Greater Williamsburg Chamber of Commerce's recently adopted budget for Fiscal Year 2024.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens commended County staff for the 2023 NACo award received for the County's Comprehensive Plan efforts. He recognized the Board of Supervisors, Planning Commission members, staff, and consultants for all their efforts put forth in developing the Comprehensive Plan. Mr. Stevens expressed he was pleased that the County received national recognition. He highlighted the various awards the County's Fire Department received from the Peninsula EMS Council. Mr. Stevens commended Fire Chief Ryan Ashe, and the Fire Department for their efforts. He mentioned the New Town Tunes concert series had been extended for four additional weeks. Mr. Stevens noted he and Ms. Larson attended the Herbie Hancock Institute of Jazz at Jamestown High School yesterday. He spoke about the program in further detail and expressed his enjoyment of the performance. Mr. Stevens spoke about an upcoming Yarmouth Creek Watershed Management Plan Meeting which would be held on Wednesday, May 24, 2023, from 5:30-7:30 p.m. at the James City County Library. He announced the County's new Police Chief, Mark Jamison, effective July 1, 2023. Mr. Stevens highlighted additional details about Chief Jamison. He extended thanks to the Virginia Association of Chiefs of Police & Foundation for conducting the recruitment and interview process for the County. Mr. Stevens expressed his gratitude to Interim Chief of Police, Anthony Dallman, for his efforts in moving the Police Department in a positive direction despite various challenges.

The Board and audience applauded for Interim Chief Dallman.

I. CLOSED SESSION

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

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

At approximately 4:18 p.m., the Board entered Closed Session.

At approximately 4:26 p.m., the Board re-entered Open Session.

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

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

1. Consideration of the disposition of publicly held property located at 3100 John Tyler Highway, where discussion in an open meeting would adversely affect the bargaining position of the public body, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia

Absent: Larson

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

Absent: Larson

3. Reappointment - Clean County Commission

Absent: Larson

A motion to Appoint Ms. Jennifer Pye to a three year and two-month term to align her expiration date of July 31 with other Commissioners, so her term will expire on July 31, 2026, was made by James Icenhour, the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1 Ayes: Hipple, Icenhour Jr, McGlennon,

Sadler

Absent: Larson

J. ADJOURNMENT

Absent: Larson

1. Adjourn until 5 pm on June 13, 2023 for the Regular Meeting

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

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

Ayes: Hipple, Icenhour Jr, McGlennon, Sadler

Absent: Larson

At approximately 4:27 p.m., Mr. Hipple adjourned the Board of Supervisors.

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
June 13, 2023
5:00 PM

A. CALL TO ORDER

Mr. Hipple called the meeting to order at approximately 5:09 p.m. following the James City Service Authority (JCSA) Board of Directors Regular Meeting.

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 noted Mr. Rich Krapf, Planning Commission representative, would lead the Pledge of Allegiance.

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

Mr. Krapf led the Board and citizens in the Pledge of Allegiance.

E. PUBLIC COMMENT

1. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board to talk trash. She commented despite trash as an ever-present sight locally, she felt it had lessened slightly over the past few weeks. Ms. Boarman thanked the volunteers who helped with trash pickup. She added the annual Volunteer Appreciation Picnic was being held in conjunction with the celebration of Mr. Will Barnes' birthday on June 14. Ms. Boarman noted the Picnic would be held at the Willis G. (Will) Barnes Shelter at Veterans Park on June 17, 2023, at 4 p.m. She invited any volunteers who had assisted the Clean County Commission at any of its events since last June to RSVP and attend. Ms. Boarman noted she could be reached at 757-508-3073. She further noted the Clean County Commission wanted to get people involved and to let the volunteers know they were appreciated. Ms. Boarman stated the Commission met on the first Thursday of each month at 5:30 p.m. in the Conference Room at 107 Tewning Road. She added the Stonehouse District had enough Clean County Commission representatives and encouraged volunteers from the other four districts to join the Commission. Ms. Boarman noted the Powhatan District needed a representative as the current one was on a leave of absence as well as a similar situation with Jamestown District. She encouraged anyone interested in the Clean County Commission to attend the July 5, 2023, meeting at 5:30 p.m. at 107 Tewning Road. Ms. Boarman referenced the recent Clean the Bay campaign in which approximately 14 volunteers participated at Jamestown Beach Event Park and the nearby road. She reminded everyone to put their trash in its place.

Mr. Icenhour noted he had recently been traveling and noticed something as it pertained to Ms. Boarman and trash. He added he had been on Monticello Avenue near the entrance to Publix where he observed a man in a vest using grippers to pick up cigarette butts. Mr. Icenhour acknowledged the man and others like him working to make a difference in the community.

F. CONSENT CALENDAR

Mr. Hipple asked if any Board member wished to pull an Item and if not, he sought a motion on the Consent Calendar.

1. Joint Exercise of Powers Agreement

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

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

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

2. Contract Awards - Grounds Maintenance Services

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

G. PUBLIC HEARING(S)

Mr. Hipple welcomed Mr. Krapf, Planning Commissioner.

1. SUP-23-0003. 2884 Chickahominy Road Tourist Home

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. Terry Costello, Senior Planner, addressed the Board citing the specifics of the Special Use Permit (SUP) application for a short-term rental. She noted the property was located outside the Primary Service Area (PSA) and served by public water and private sewer. Ms. Costello further noted if the SUP were granted, short-term rentals would be allowed throughout the year. She stated favorable factors included adequate off-street parking as well as the applicant's assurance that proper licenses and inspections would be obtained. Ms. Costello noted staff felt the SUP was not fully consistent with the adopted 2045 Comprehensive Plan's short-term rental recommendations and therefore staff was unable to recommend the application's approval. Ms. Costello stated at the Planning Commission's May 3, 2023, meeting, the application was approved by a 5-1 vote. She noted if the Board approved the application, staff had included proposed conditions.

Mr. McGlennon questioned if one main objection to fulfilling the requirements was the property's proximity to a collector road.

Ms. Costello confirmed yes, adding it was on a local road and the owners would not be living on-site.

Mr. McGlennon thanked Ms. Costello. He asked Ms. Costello if the property owners had received notification that the property was in violation of County policy.

Ms. Costello confirmed yes.

Mr. McGlennon asked the timeline.

Ms. Costello responded December of 2022.

Mr. McGlennon asked if subsequent letters had been sent out or was that the time letters had been sent to other owners of unauthorized short-term rentals also.

Ms. Costello responded a mass mailing had occurred. She indicated another mailing had gone out in 2023 based on periodic reports staff received based on listings. Ms. Costello noted a review of SUPs was then done based on the reports.

Mr. McGlennon noted property owners of short-term rentals would have received violation notification and had time to act on obtaining the proper authorization.

Ms. Costello confirmed yes.

Mr. McGlennon asked if the applicant would be speaking tonight.

Ms. Costello noted she had not seen the applicant.

Mr. McGlennon referenced the details of the property and questioned if the owners, who lived in Danville, Virginia, intended to keep the property.

Ms. Costello stated she thought the owners intended to retain the property.

Mr. McGlennon asked about the financial aspect.

Ms. Costello responded she was unsure of that aspect.

Mr. McGlennon thanked Ms. Costello.

Ms. Sadler asked if a caretaker would reside nearby.

Ms. Costello noted the caretaker resided within a mile of the property.

Ms. Sadler asked Ms. Costello if she perceived the property owners as complying with the requirements based on receipt of the violation letter.

Ms. Costello responded yes.

Ms. Sadler thanked Ms. Costello.

Mr. Krapf addressed the Board noting the Planning Commission's approval of this application with a 5-1 vote. He noted one Commissioner felt the performance standards for short-term rentals in the Comprehensive Plan were geared more toward residential zoned areas within the PSA and this application was outside the PSA and zoned A-1, General Agricultural. Mr. Krapf further noted the property manager resided within a mile of the short-term rental property. He added a compliance review by November 2025 was also a condition of this SUP, adding the compliance review condition added more assurance regarding short-term rentals.

Ms. Sadler asked about the 5-1 approval vote.

Mr. Krapf confirmed that point.

Ms. Sadler and Mr. Hipple thanked Mr. Krapf.

Mr. Hipple opened the Public Hearing.

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

2. SUP-23-0009. 2868 Lake Powell Road Tourist Home

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

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

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

Ms. Terry Costello, Senior Planner, addressed the Board citing the specifics of the SUP application for a short-term rental. She noted the property was located inside the PSA and served by private water and public sewer. Ms. Costello further noted if the SUP were granted, short-term rentals would be allowed throughout the year. She stated favorable factors included adequate off-street parking with the owner living on-site. Ms. Costello noted staff felt the SUP was incompatible with surrounding development and not consistent with the adopted 2045 Comprehensive Plan's short-term rental recommendations. She further noted staff was unable to recommend the application's approval. Ms. Costello stated if the Board approved the application, staff had included proposed conditions. Ms. Costello noted at the Planning Commission's May 3, 2023, meeting, the application was denied by a 4-2 vote. She further noted the applicant was available for any questions.

Mr. McGlennon thanked Ms. Costello for the information she had provided on prior approvals in the general area and the case histories.

Mr. Krapf addressed the Board noting the Planning Commission's denial of this application with a 4-2 vote. He stated the reasons for denial included the fact the property was inside the PSA, not located on a major road, and other details of the staff report. Mr. Krapf added the Commission had no discussion prior to the motion and the vote.

Mr. Hipple thanked Mr. Krapf.

Mr. Hipple opened the Public Hearing.

1. Ms. Lisa Waltrip, 2868 Lake Powell Road, addressed the Board noting the property was her parents' home and she was speaking on behalf of her mother, Ms. Becky Waltrip. She noted details of the home and the property. Ms. Waltrip further noted revenue from short-term rentals and tourist homes was significant for the County. She highlighted some positive aspects of such rentals, particularly for families. Ms. Waltrip noted this property had a private drive with ample parking. She added she would comply with the necessary County regulations for short-term rentals.

Mr. McGlennon thanked Ms. Waltrip for her attendance, adding that was a significant point.

2. Ms. Sharon Dennis, 100 Saint Georges Boulevard, stated she personally was not the owner of a specially permitted tourist home, but was involved in the management, operation, and cleaning for several owners. She noted, based on her experience, the positives from short-term rentals and tourist homes. Ms. Dennis added the rentals also benefitted the community as homeowners received supplemental income and could remain in their respective homes. She noted the benefit of retaining properties for possible rentals as opposed to developers who came in, purchased the land, and then removed the home(s). Ms. Dennis inquired if an opportunity would be available beyond the three-minute speaking time during Board meetings to discuss the location of tourist homes that would be beneficial to the community. She noted

many positives existed regarding tourist homes, but points regarding them needed additional discussion and feedback from owners.

Mr. Hipple thanked Ms. Dennis.

3. Mr. Tracy Douglas, 2862 Lake Powell Road, addressed the Board noting he was the Waltrips' neighbor. He noted he was the owner of rental property at 2860 Lake Powell Road, and 113 and 129 Douglas Lane, adding all these properties bordered the Waltrip property. Mr. Douglas further noted he was a long-time area resident and had purchased the family properties over time with their use as long-term rentals. He stated he was speaking in support of the Waltrips.

Mr. Hipple thanked Mr. Douglas.

4. Ms. Dena Waltrip, 2884 Lake Powell Road, addressed the Board in support of the application and its benefits to her mother, Ms. Becky Waltrip, and her sister, Ms. Lisa Waltrip. She noted her tourist home SUP application was slated next on the Board's Agenda and if a decision on this SUP or the other had to be made, she asked the Board to approve this SUP to ensure her mother remained in her home.

Mr. Hipple thanked Ms. Waltrip.

5. Ms. Emily Martel, 2886 Lake Powell Road, addressed the Board noting she was an SUP holder of the stated address and neighbor of the property owners. She noted the benefits to short-term rental in this situation and expressed her support of the SUP.

Mr. Hipple thanked Ms. Martel.

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

Mr. McGlennon noted the Board's struggles with all these SUPs with respect to a clear set of guidelines. He further noted applying the guidelines to varying SUPs unique to themselves. Mr. McGlennon addressed concern for the two SUP applications on Lake Powell Road which was an area where the Board had already approved short-term rentals. He noted the potential perception of that short part of Lake Powell Road to be viewed as commercial. Mr. McGlennon further noted the applicant's willingness to appear before the Board for compliance with County policy on short-term rentals. He added though he should not address both SUP applications at the same time, he would note the support system in place regarding the properties. Mr. McGlennon stated he was appreciative of Ms. Dennis' comments on garnering feedback. He added the County had a significant number of zoning districts where short-term rentals were permitted by-right. Mr. McGlennon noted his support of the SUP for 2868 Lake Powell Road.

Ms. Larson noted she felt she should recuse herself as her uncle and Mr. Dudley Waltrip were close friends. She added Mr. Waltrip had been a long-time County resident and had recently passed away. Ms. Larson extended her condolences to the Waltrip family. She noted the family's desire to keep their mother in her home and the support of neighbors. Ms. Larson further noted the Board's struggles with short-term rentals. She commented on the neighboring commercial businesses and traffic speeding concerns, adding the Waltrips were aware of these points.

Mr. Icenhour noted the use of policies to ensure a fair and equitable approach to dealing with people's request for similar situations. He further noted a uniform approach to those situations. Mr. Icenhour stated the absence of guidelines was problematic as each case varied. He noted the Comprehensive Plan was not an Ordinance and therefore not a binding law, but a guidance

tool. Mr. Icenhour further noted the Board had flexibility on the decisions, but he expressed concern on the way to defend those decisions in the future. He cited criteria regarding the SUP application and Low Density Residential zoning and how to address approval in one case but not in another case. Mr. Icenhour noted his struggles to apply the guidance to the SUP applications. He stated he felt the applicants who spoke presented compelling arguments in favor of the approval. Mr. Icenhour addressed the point of granting approval now to denying approval later to other possible applications.

Mr. Hipple noted he had visited the site and spoken with Ms. Lisa Waltrip about the requirements for the short-term rental. He referenced affordable housing and workforce housing, adding the rental income allowed residents to afford to stay in their own homes while working and living in the community. Mr. Hipple addressed several points regarding Airbnb ratings and other factors. He noted his support of this application.

3. SUP-23-0010. 2884 Lake Powell Road Tourist Home

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

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

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

Ms. Terry Costello, Senior Planner, addressed the Board citing the specifics of the SUP application for a short-term rental. She noted the property was located inside of the PSA and served by private water and public sewer. Ms. Costello further noted if the SUP were granted, short-term rentals would be allowed throughout the year. She stated favorable factors included adequate off-street parking as well as the applicant's assurance that proper licenses and inspections will be obtained. Ms. Costello noted staff felt the SUP was not consistent with the adopted 2045 Comprehensive Plan's short-term rental recommendations and therefore staff was unable to recommend the application's approval. She further noted if the Board approved the application, staff had included conditions. Ms. Costello stated at the Planning Commission's May 3, 2023, meeting, the application was denied by a 4-2 vote. She noted the applicant was available.

Mr. Krapf addressed the Board noting the Planning Commission and the Board were both struggling with fairness and equitability regarding short-term rentals as noted at the May 23, 2023, Joint Work Session. He noted for similar reasons as the previous SUP application, the Commission recommended denial of this application with a 4-2 vote. He stated the reasons for denial included the fact that the four criteria were not met in addition to the traffic concerns on Lake Powell Road. Mr. Krapf noted the Planning Commission discussed the long-term impact of short-term rentals. He added some Commissioners felt short-term rentals reduced the housing inventory that could assist low-income or workforce individuals. Mr. Krapf referenced the recent change in the density calculation for residential areas. He noted the flip side to the situation was an owner with financial constraints had the short-term rental as an income source while maintaining ownership of the individual's home. Mr. Krapf further noted the dilemma of establishing mechanisms to allow owners to retain their property and assist with personal costs or allow the property to become available to the market for affordable housing applicants.

Mr. Hipple thanked Mr. Krapf.

Mr. Hipple opened the Public Hearing.

1. Ms. Dena Waltrip, 2884 Lake Powell Road, addressed the Board in support of the application noting she was a lifelong resident of the County and a 23-year employee of the JCSA. She provided details of her property and her reasons for pursuing short-term rental of her home. Ms. Waltrip noted when her home was rented, she would reside 75 feet away at

her childhood home. She further noted with her family as her neighbors, someone was always available to assist renters if the need arose. Ms. Waltrip commented on the positive aspects of renting a home for tourist families visiting the area.

Mr. Hipple thanked Ms. Waltrip.

2. Mr. Tracy Douglas, 2862 Lake Powell Road, addressed the Board noting he was the Waltrips' neighbor. He noted Ms. Waltrip's house was next to his previous residence at 129 Douglas Lane, adding 129 Douglas Lane was now a workforce housing rental. He added the area was a great place to live and he supported the rental.

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

Mr. McGlennon noted the SUP application allowed for the homeowner to remain on the property as opposed to multiple homes under single ownerships. He further noted his support of the SUP application.

4. ORD-22-0004. Amendments to the Zoning Ordinance Regarding Community Recreation Facilities in Residential Districts

A motion to Postpone Indefinitely 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. Paul Holt, Director of Community Development and Planning, addressed the Board referencing its April 12, 2022, meeting, when an Initiating Resolution was adopted by the Board for consideration of possible amendments to the County's Zoning Ordinance as it related to community recreation facilities. He noted a draft resolution was presented at the Board's May 9, 2023, meeting, where it was deferred until the June 13, 2023, meeting. Mr. Holt stated several questions remained on the best method of implementation or enforcement. He added those answers were unavailable and staff recommended the Public Hearing for this Item be closed with an indefinite postponement on this Ordinance amendment. Mr. Holt noted if the Board wished to revisit this Item then a public hearing would be readvertised per the necessary requirements.

Ms. Larson thanked staff for their work on this Item. She noted she had asked for this possible amendment based on a change from residential to commercial. Ms. Larson further noted additional mitigating factors were also involved.

Mr. Hipple opened the Public Hearing.

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

H. BOARD CONSIDERATION(S)

1. Z-23-0002. Colonial Heritage - Pickleball Proffer Amendment

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. Paxton Condon, Deputy Zoning Administrator, addressed the Board noting Mr. Benming Zhang of Kaufman & Canoles, P.C. had submitted a request on behalf of the Colonial

Heritage Homeowners Association and Colonial Heritage, LLC, regarding a proffer amendment to Condition No. 4.B. She cited the specifics of the proffer, adding the amendment referenced the addition of four pickleball courts. Ms. Condon noted staff recommended the Board's adoption of the amended proffer. She added the applicant was also available.

Ms. Sadler noted she had a question for Mr. Zhang. She asked how this amendment affected the proffers in the future when pickleball may wane in popularity and was the change limited strictly to pickleball.

1. Mr. Benming Zhang, Kaufman & Canoles, P.C., 4801 Courthouse Street, addressed the Board noting that was a great question. He noted the original draft had limited the language to just pickleball. Mr. Zhang further noted the credit went to Ms. Condon and Ms. Christy Parrish, Zoning Administrator, who recognized another racquet sport and spatial activity could become popular in the future. He stated the language was drafted with that adjustment while still retaining the racquet court criteria.

Ms. Sadler thanked Mr. Zhang.

Mr. Zhang thanked staff for the suggestion.

Mr. Icenhour asked Mr. Holt about the County's Case Tracking Proffers list in the Agenda Packet. He noted the cash proffer list indicated no and yes in one column and asked if that notation indicated if some proffers were incomplete or not fulfilled or were all the cash proffers fulfilled or completed. Mr. Icenhour further noted that point was confusing.

Ms. Condon noted those were ongoing while this particular amendment only applied to Condition No. 4.B. She further noted those proffers were still being tracked.

Mr. Icenhour referenced the proffer regarding the 1,000-unit threshold. He questioned if that proffer had been paid and asked if any update was available.

Mr. Holt noted that information was not currently available, but he would follow up on that question.

Mr. Hipple thanked staff as there were no further questions from the Board.

2. Purchase of Property at 106 and 110 Catalpa Drive, 179 and 186 Clark Lane, and 6171, 6195, and 6197 Old Mooretown Road

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

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

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

Mr. Vaughn Poller, Neighborhood Development Administrator, addressed the Board referencing the stated properties. He noted history on the properties. Mr. Poller further noted the properties had been marketed for approximately \$1 million. He stated staff negotiated with the seller's representative at a reduced rate of \$550,000. Mr. Poller noted the 13.65 acres had a combined assessed value of \$354,900. He referenced a prior purchase by the County for two Clark Lane properties which would enhance the affordable workforce housing opportunities in conjunction with this purchase.

Ms. Larson expressed her appreciation of the efforts regarding this property acquisition. She asked about the plan to make this property ready for workforce housing.

Mr. Poller noted if the acquisition was approved, staff would procure an engineer to evaluate the development potential for the property. He further noted concern on the layout, number of units, type of units, and other factors. Mr. Poller added internal discussion regarding funding would ensue. He added the property currently lacked an infrastructure so a Community Development Block Grant (CDBG) would likely be pursued initially to assist in the process.

Mr. McGlennon asked how many units were envisioned for the property.

Mr. Poller responded with the current zoning, possibly 30 units.

Mr. McGlennon noted that was amazing and congratulated Mr. Poller and his staff on the work regarding the reduced price on the property. He added Ms. Marion Paine, Assistant Administrator of Neighborhood Development, had been instrumental in negotiating the price down to almost half of the original asking price.

Mr. Poller confirmed Ms. Paine's contributions.

Mr. McGlennon noted this acquisition was a positive step in progressing affordable and workforce housing.

Mr. Poller agreed.

Mr. Hipple noted addressing zoning requirements and minimizing lot sizes to get the most units into the area. He further noted smaller lots were less maintenance also. Mr. Hipple stated the reduced lot sizes were a better use of the land for the people who needed the units.

Mr. Poller noted that point would certainly be considered.

Ms. Sadler asked if the homes and properties would be for sale to the private individuals.

Mr. Poller confirmed that was the vision for the property.

Ms. Sadler concurred. She noted Mr. Poller's mention of the Block grant, adding she was unsure of the other grant he mentioned.

Mr. Poller confirmed it was a CDBG/Planning grant which was another type of Block grant.

Ms. Sadler asked if the grant amount was known.

Mr. Poller responded the most recent grant was \$50,000.

Ms. Sadler responded that was great. She asked if the grant was typically a matching grant.

Mr. Poller noted Planning grants were typically not matching grants.

Ms. Sadler thanked Mr. Poller.

Mr. McGlennon questioned if CDBGs were significantly more when construction was involved.

Mr. Poller confirmed yes. He noted one scenario was a CDBG grant request for infrastructure which included street paving, sidewalks, water, and sewer. Mr. Poller stated staff could also look for potential funding through various state agencies.

Ms. Sadler asked if grants were available for the various phases of the project or was there a master plan for the projects and then staff pursued various grants.

Mr. Poller responded that securing funding would be the first step. He envisioned the process would include receipt of a Planning grant, hire architects and engineers to review possibilities under existing zoning or any zoning changes, and review infrastructure for the placement and costs. Mr. Poller referenced the work currently being done on Moses Lane and the grant funding used there.

Ms. Sadler asked if various sources were used for the funding.

Mr. Poller confirmed various state agencies provided grant funding. He added for mortgages, the County could partner with local banks through the Federal Home Loan Banks.

Ms. Sadler thanked Mr. Poller.

3. Grant Award - \$475,000 - Homeownership Gap Funding - Virginia Housing

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. Vaughn Poller, Neighborhood Development Administrator, addressed the Board noting the two aforementioned Clark Lane properties and ensuing discussion with Virginia Housing. He noted the gap funding would be used on the Talley property discussed under Item No. 2. Mr. Poller further noted staff found the proposed acquisition would support several Goals, Strategies, and Actions identified in the Comprehensive Plan and address affordable and workforce housing. He stated staff recommended approval.

The Board thanked Mr. Poller for the great work.

4. Grant Award \$485,500 - Virginia Economic Development Partnership, Virginia Business Ready Sites Program

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. Christopher Johnson, Director of Economic Development, addressed the Board and referenced the May 23, 2023, Business Meeting, when he summarized the 2019 site-ready study results from the Virginia Economic Development Partnership (VEDP) program. He noted 11 sites were studied in James City County with no property receiving a site ready tier ranking higher than a Tier 3. Mr. Johnson explained that ranking meant those sites were several years away from project or shovel-ready consideration. He noted staff submitted a request in Fiscal Year 2023 as part of the Capital Improvements Program (CIP) to identify a funding source for due diligence studies to raise the tier ranking of four industrial sites identified by VEDP and KPMG Consulting as the most likely sites to attract interest and target industrial site prospects. Mr. Johnson further noted staff from the Office of Economic Development worked with VEDP in 2022 on a grant submission which focused on business ready site certification. He detailed the program's mission. Mr. Johnson stated the Honorable Governor Youngkin, on January 16, 2023, announced James City County had been awarded a \$485,500 grant to complete the required due diligence studies and design of water and sanitary sewer infrastructure for the Hazelwood Enterprise Center. He noted those

implementations would raise the Center from Tier 1 to Tier 4 which reduced the shovel-ready site time from four to eight years down to nine to 12 months. Mr. Johnson added James City County was one of 21 localities across the Commonwealth to receive site development grants in the past year application cycle. He noted staff recommended adoption of the resolution in the Board's Agenda Packet which accepted the grant award, authorized appropriation of the funding to the CIP, and authorized the County Administrator to execute the grant documents.

Mr. Icenhour thanked Mr. Johnson and Mr. Stevens for their time in answering several of his questions from the May 23, 2023, meeting. He noted he wanted to reiterate some of those questions for the public's benefit. Mr. Icenhour further noted he had reviewed the funding necessary for the studies to achieve the Tier 4 ranking. He added there were two levels to the Tier 4 ranking. Mr. Icenhour stated one level was for design and encompassed planning for the water and sewer connection from a remote location into the site. He noted the second level was the construction for the water and sewer connection. Mr. Icenhour further noted the \$485,500 funding addressed the first level or the design.

Mr. Johnson confirmed yes.

Mr. Icenhour noted his concern regarding the approximately \$4 million needed for the construction to bring water and sewer to the project site. He noted the application indicated a two-third state grant funding with a one-third applicant funding split. Mr. Icenhour noted since discussion with Mr. Johnson it seemed the purchaser of the property would move forward and handle the full process on their own.

Mr. Johnson confirmed yes.

Mr. Icenhour noted his concern had been someone appearing before the Board requesting more matching funds. He asked Mr. Johnson if he felt that prospect was highly unlikely.

Mr. Johnson confirmed yes.

Mr. Icenhour noted that point was helpful. He further noted he had been unaware of the application's submission until the Honorable Governor Youngkin's announcement. Mr. Icenhour stated that prior to the announcement, the property was still owned privately by the Hazelwood family. He noted his concern with the idea of public money going into a privately owned property. Mr. Icenhour asked if that type of action had previously occurred, adding there had been two instances in the state but none in the County. He added one was the Norfolk Coal Terminal and the other was a facility in a western county.

Mr. Johnson confirmed yes.

Mr. Icenhour noted this was new territory.

Mr. Johnson confirmed yes. He noted there were three private sites of the 21 sites in the current year's grant cycle with only three to four sites in prior years across the state. Mr. Johnson further noted this situation was relatively uncommon.

Mr. Icenhour noted his concern regarding the shelf life of many of the studies required for projects. He further noted Mr. Johnson stated five years was the time, adding if that time lapsed then the process started over. Mr. Icenhour asked if this cycle would address some issues that had lapsed.

Mr. Johnson confirmed yes in relation to the approved site plan from a previous discussion. He noted some due diligence studies had a longer shelf life.

Mr. Icenhour noted concern for applications coming before the Board, being approved, and then 50% of the time nothing was ever built. He further noted his concern for approximately three-fourths of \$1 million of public money going into the necessary studies to launch the project, but then the project ended or the developer stopped. He stated after the discussion with Mr. Johnson and Mr. Stevens that he reluctantly would support this item. Mr. Icenhour noted this was a gamble with public money with the hopes this project would return a positive investment to the County. He added the Board would either be the hero or the goat. Mr. Icenhour noted with this grant the likelihood of this development moving forward was greater along with some potential benefits. He expressed concern with the property's rezoning and the potential for a loss of control. Mr. Icenhour noted he struggled with this item, but ultimately would support the grant application. He further noted caution in the future for similar moves, particularly in relation to private property. Mr. Icenhour also indicated the Board needed to be included more for similar future applications and earlier than the award announcement.

Ms. Larson noted she had contacted Mr. Joe Lerch, Director of Local Government Policy for Virginia Association of Counties (VACo) about the Virginia Readiness Program. She added the program was frequently discussed at VACo events and was part of VACo's adopted legislative action. Ms. Larson questioned the \$600,000 commitment to Navien, Inc. and the Stonehouse Commerce Park.

Mr. Johnson noted that was a separate agreement and not associated with the Virginia Business Ready Sites Program, but rather part of the Honorable Governor Youngkin's Commonwealth Opportunity Fund with 1:1 match funding.

Ms. Larson noted she understood that point, but she noted grant money was committed under the other program. She thanked Mr. Johnson for clarifying that point.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Hipple noted comments from several citizens and confusion regarding an article regarding Fire Station 6. He further noted he had asked Fire Chief Ryan Ashe to address the concerns and clarify several points.

Chief Ashe noted in the budget prior to COVID-19, Fire Station 6 was included. He further noted the Board had authorized additional staff to be hired in preparation. Chief Ashe stated 12 positions had been hired when COVID-19 hit. He noted discussions with Mr. Stevens regarding the future of Fire Station 6. Chief Ashe further noted the 2035 Strategic Plan which highlighted a rebuild of Fire Station 3, add an engine, review other units, and increase staff. He stated there was a debate regarding the construction of a new station or adequately staffing the current ones. Chief Ashe noted when COVID-19 hit, the decision to move the positions into existing stations was made to provide increased staffing to three people in engines, add an additional engine to Fire Station 3, and make other changes. He stated Fire Stations 3 and 4 were the busiest stations and both have multiple units which had allowed better first call response times from those stations. Chief Ashe noted an increase in calls in the Lightfoot area, where Fire Station 6 was originally planned to be located. He stated Fire Station 3 had modifications made to its structure over the past few years while still evaluating the call volume in the area planned for Fire Station 6. Chief Ashe noted a review of the call volume, maps, and other factors to be presented to the Board at a later time.

Mr. Hipple noted the Board relied on Chief Ashe to keep it updated on such matters. He then asked about the new Fire recruits.

Chief Ashe noted 10 recruits were in the Fire Academy who were due to graduate June 29, 2023. He further noted they were doing well with some already Emergency Medical Services

(EMS) certified. Chief Ashe stated the other six would continue with EMS training prior to going to the floor in late September. He noted greatly improved staffing measures since he had addressed the Board 18 months earlier with minimal overtime. Chief Ashe extended his appreciation to the Board with the implementation of the staffing initiatives.

Mr. Hipple thanked Chief Ashe for those cost savings to the citizens. He asked the Board if there were any other questions for Chief Ashe.

Ms. Sadler asked Chief Ashe to address response times and the standards the Fire Department used.

Chief Ashe referenced the Comprehensive Plan and the six-minute response time and an excess of 365 annual calls. He noted those were the two test points, adding there were numerous places in the County where response time exceeded six minutes. He added areas within the PSA contracted that factor slightly. Chief Ashe referenced the five concern areas identified to the Board in 2017, adding those areas were still tracked. He noted the Lightfoot area continued to be outside the six-minute window with increased call volume which was the reason the next fire station was targeted for that area.

Ms. Sadler thanked Chief Ashe.

Mr. Icenhour noted when the COVID-19 adjustments were made and Fire Station 3 became the focal point, Fire Station 6 was pushed out past 10 years. He asked the projection time for Fire Station 6 as part of the CIP again.

Chief Ashe noted more discussion would take place on that point, but the design money for Fire Station 3 had been included in the fifth year of the recent budget's CIP. He further noted an additional year would include the construction of Fire Station 3 to maintain consistency with the Strategic plan.

Mr. Icenhour asked if it was potentially seven to 10 years out.

Inaudible response.

Mr. McGlennon congratulated Chief Ashe on his recent recognition at the Peninsula EMS Council's annual awards ceremony at Busch Gardens. He noted Chief Ashe's qualities that benefitted the community.

Chief Ashe thanked Mr. McGlennon. He added it was a great team and the EMS Agency of the Year award was particularly great for the group.

Mr. Hipple asked Chief Ashe to let his staff know how appreciative the Board was of all the hard work and dedication. He asked Chief Ashe to send notice out to let staff know they were appreciated for all they do to keep the community safe.

Ms. Larson noted the data Chief Ashe had referenced and expressed her appreciation so it could be shared with citizens. She also extended kudos to the Fire Department and the use of social media to recognize staff commendations and other news.

Chief Ashe noted Ms. Kerry Henderson, Battalion Chief, coordinated the social media. He praised her work.

Ms. Larson echoed it was a great opportunity to see the people and know who they are. She noted a time for Chief Ashe and Mr. Stevens to coordinate discussion with the Board at a future meeting. Ms. Larson further noted the PulsePoint app and the volume of activity for the

Fire Department.

The Board thanked Chief Ashe.

Mr. Hipple noted one other comment. He had attended an event where firefighters had asked that he communicate to the Board how appreciative they were of raises and employment and support. Mr. Hipple noted the firefighters spoke of that same dedication of the Board to the Police Department.

Ms. Sadler noted she was joined by Mr. Hipple, Mr. Stevens, Ms. Barbara Null of the Planning Commission, County Police and Fire representatives, and the Honorable Virginia Delegate Amanda Batten attended the home dedication ceremony as part of the Tunnel to Towers Foundation project earlier in the day. She further noted Master Sergeant Logan Brokaw and his family lived off Little Creek Dam Road. Ms. Sadler stated the event was well attended and the family was overwhelmed by the support. She recognized the numerous community contributions. Ms. Sadler welcomed the Brokaw family to James City County.

Mr. Icenhour had no report.

Mr. McGlennon noted he and Mr. Stevens had attended the Literacy for Life event. He spoke on the mission of the program and acknowledged a local resident who received her General Educational Development (GED) certificate through the program and the County's Social Services Department's Care Team. Mr. McGlennon added the Care Team was recognized at the event for its work also. He noted Mr. Zhang, who had been present earlier in the evening, was the current Chair for the Literacy for Life Board of Directors. Mr. McGlennon further noted he attended the Williamsburg Greek Festival. He added he and Ms. Larson had recently attended the graduation ceremonies for Warhill, Lafayette, and Jamestown High Schools.

Ms. Larson noted she served as a juror for a mock trial at Warhill High School. She further noted it was the first time for such an event and it was very well done. Ms. Larson stated she had also attended the GED graduation, adding this time of year was particularly busy. She thanked staff for all the assistance with information. Ms. Larson noted several people she wanted to remember. She said one of those people was Ms. Faith Tyranski, former varsity swimmer at Warhill High School and former swimmer at Loyola University Maryland, who passed at 22 years old from cancer. Ms. Larson extended her sympathies to Ms. Tyranski's family. She noted another person was Mr. Ernest "Ernie" West, a life-long local resident, and she extended her sympathies to Mr. West's family.

Mr. Hipple noted he and Mr. Stevens would be attending the Hampton Roads Transportation Accountability Committee (HRTAC) and Hampton Roads Military and Federal Facilities Alliance (HRMFFA) on June 15, 2023. He further noted the 75th anniversary of the James City County-Bruton Volunteer Fire Department would be celebrated in November. Mr. Hipple stated he would prepare a resolution for that event. He cited some personal landmarks. Mr. Hipple stated the Tunnel to Towers event was remarkable, adding his thanks to staff on that project. He asked Mr. Stevens to relay the Board's sincere thanks to all County staff for the work done.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens noted the Colonial National Historical Park would be holding a public informational meeting about the upcoming major parkway rehabilitation project on June 22, 2023, 6-8 p.m. at the Quarterpath Recreation Center, 202 Quarterpath Road. He further noted the meeting would be an open house format. Mr. Stevens addressed staff recognition, noting the Planning staff's national recognition for its work on the Comprehensive Plan. He

added this month the focus was on the Video team and the Website team with more details forthcoming. Mr. Stevens noted the Video team received 10 awards with the Website team receiving seven awards. He extended his congratulations to both teams.

K. CLOSED SESSION

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

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

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

At approximately 6:58 p.m., the Board of Supervisors entered a Closed Session.

At approximately 7:53 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. Discussion of the award of a public contract involving the expenditure of public funds, 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 contract between the County, the City of Williamsburg, and WJCC Schools.

Ms. Larson questioned the date for the next meeting as her version stated May 23.

Mr. Hipple confirmed the meeting was slated for June 27, 2023.

Ms. Larson noted she wanted to confirm the date prior to the motion.

L. ADJOURNMENT

1. Adjourn until 1 pm on June 27, 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 7:53 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
June 27, 2023
1:00 PM

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

C. PRESENTATION

1. VDOT Quarterly Update

Mr. Rossie Carroll, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, addressed the Board to provide a quarterly update. He reported 655 maintenance work orders had been submitted, adding 583 of those work orders were completed, which left 61 outstanding work orders resulting in an 89% completion rate. He discussed various maintenance accomplishments for the quarter which included cleaning 323 drop inlets and repairs, approximately 11,223 linear feet of ditching, 220 pothole patching, 16 lane miles of sweeping, approximately 7,545 feet of pipe culvert cleaning and repairs, four tons of roadway patching, brush cutting four shoulder miles, and picked up 80 Adopt-a-Highway bags of litter. Mr. Carroll touched on the current mowing cycle. He spoke about the HITS Guardrail Contract noting a total of 75 guardrail hits within the County of which 69 had been completed. He mentioned the Sidewalk and Bikeway Project on Route 60 had been awarded; however, there were lead times for materials. Mr. Carroll added a fixed completion date of October 31, 2024, for the project. He spoke about the Latex Modified Seal Project which was near completion with markers and markings to be applied. Mr. Carroll noted the Plant Mix Contract had been awarded and the contractor would begin work in August 2023 with a completion of November 2023. He touched on the various routes which would be serviced. Mr. Carroll mentioned the tree and brush removal project on Route 199 ramps at Route 60 and Route 143 had been completed. He noted the bridge replacement over Diascund Creek was still under construction. Mr. Carroll discussed the Virginia Highway Safety Improvement Program (HSIP) for Unsignalized Intersection Improvements Project, adding 11 intersections were identified to include signage and markings to be conducted. He noted a project had commenced on Parkside Lane and Two Rivers Road regarding pavement, curb, and drainage work. Mr. Carroll mentioned a cross drain project on Route 60 between Route 30 and the New Kent County line. He indicated three cross drains that would need to be replaced and explained the project in further detail. He highlighted various completed projects within the

County. Mr. Carroll touched on upcoming projects such as the Longhill Road Shared Use Path, Croaker Road Four Lane Widening from James City County Library to Route 60, Pocahontas Trail Reconstruction, Jamestown Transfer Bridge Hydraulic Lift System, and HSIP Unsignalized Intersection Improvements. Mr. Carroll added Interstate 64 GAP Segment C Widening Project would be forthcoming. He highlighted various County Safety Projects which had been completed such as the West Providence Road Cross Drain Replacement Project, New Town Avenue/Waterford Lane Sidewalk Repairs Project, Windsor Forest Drop Inlet Spray in Place Lining Project, and the Ironbound Road Sidewalk Repair Project. Mr. Carroll noted VDOT was currently working on daylighting signs on Route 199. He further noted projects currently in queue for Fiscal Year (FY) 2024 were the Route 143 Cross Drain Structural Failure Spray Liner Project and the Goodrich Durfey Capital Improvements Project. Mr. Carroll highlighted the traffic studies conducted and the recommendations. He stated VDOT had conducted 75 plan reviews and issued 285 permits for utility work on the VDOT right-of-way this quarter. Mr. Carroll concluded the presentation and welcomed any questions the Board might have.

Mr. Hipple asked if any Board members had questions.

Mr. Icenhour thanked Mr. Carroll for the work conducted on West Providence Road. He asked what the findings were that caused the issue.

Mr. Carroll replied it was underground aquifers, adding it was outside pressure of those structures making the water infiltrate through those separated joints. He noted VDOT made sure it was sealed thoroughly to avoid future concerns.

Mr. Icenhour reiterated his thanks to Mr. Carroll.

Mr. McGlennon thanked Mr. Carroll for the update. He asked the timeframe for the Goodrich Durfey Project.

Mr. Carroll replied that project was in FY24 Plan and would start in July, adding it would be conducted by contract which would expedite the process.

Mr. McGlennon inquired about the intersection of Neck-O-Land Road and Gate House Boulevard. He mentioned drainage concerns at that intersection.

Mr. Carroll mentioned repairs were conducted twice. He expressed his belief that there might be leaking joints somewhere.

Mr. McGlennon mentioned a possible misunderstanding of which side of the intersection was being addressed.

Mr. Carroll replied initially maybe; however, the second repair addressed both sides of the intersection. He confirmed there were still ongoing issues there noting VDOT was still working on rectifying that issue.

Mr. McGlennon replied great. He inquired about the Rolling Woods concerns he had addressed previously, adding as he had viewed the area and noticed further concerns such as cracking, potholes, tree root damage, and drainage issues.

Mr. Carroll mentioned that project had been conducted approximately seven years ago. He noted he would check to see if that project was in the FY24 Plan, and he would get back to Mr. McGlennon on that.

Ms. Larson thanked Mr. Carroll for the update. She noted she had noticed surveying on

Route 614 and Route 5 and expressed her appreciation on that point. Ms. Larson mentioned for public notification purposes that VDOT did perform work regarding clearing debris from bicycle paths. She expressed her concerns with recent inclement weather causing some drainage concerns and excess water on Monticello Avenue.

Mr. Carroll replied after the most recent storm VDOT cut the shoulder of the road to allow the water to get off the road. He mentioned a project was scheduled to rectify those concerns.

Ms. Larson expressed her excitement for the Clara Byrd Baker Pedestrian Improvements along John Tyler Highway and Ironbound Road. She requested VDOT assistance regarding a tree in close proximity to the traffic light on Route 5/Monticello Avenue. Ms. Larson mentioned there were pothole concerns on Jolly Pond Road near the schools, and she asked that be addressed.

Mr. Hipple asked about previously addressed concerns on Barnes Road. He asked if that had been addressed yet.

Mr. Carroll replied no, not yet.

Mr. Hipple mentioned a pothole on Route 60 going into the turn lane to go to Olde Towne Road coming from Lightfoot Road. He asked Mr. Carroll if the tree limb situation in Chickahominy Haven had been addressed.

Mr. Carroll replied he believed so; however, he would double check.

Mr. Hipple thanked Mr. Carroll.

D. CONSENT CALENDAR

Mr. Hipple asked if any Board member wished to pull an item. As no Board member requested an item be pulled, Mr. Hipple sought a motion on the Consent Calendar's approval.

1. Acceptance of Additional Fiscal Year 2024 Funding Allocation for Social Services - \$121,463

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

2. Contract Award - \$485,578 - James City County Marina Stage II Dredging

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

3. Grant Award - \$228,000 - 2023 American Rescue Plan Act Law Enforcement Equipment Grant Program

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

4. Grant Award-\$283,500-James City County Child Health Initiative

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

5. Minutes Adoption

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

The Minutes Approved for Adoption included the following meeting:

-May 9, 2023, Regular Meeting

6. Personnel Policies & Procedures Manual Chapter 5 Updates

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

7. Resolution of Chesapeake Bay Preservation Ordinance Violation at 2884 Chickahominy Road and 7090 Church Lane (Little Creek Reservoir)

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

8. Resolution of Illicit Discharge Detection and Elimination Ordinance Violation at 7103 Pocahontas Trail

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

E. BOARD DISCUSSIONS

None.

F. BOARD CONSIDERATION(S)

None.

G. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon mentioned the James City County Williamsburg Master Gardener Association would be celebrating its 40th Year Anniversary in July and requested the creation of a resolution to recognize and present to the organization.

Mr. Hipple asked Mr. Stevens if that could be accommodated.

Mr. Stevens confirmed.

Ms. Sadler expressed her deepest sympathies to Ms. Ellen Smith Gajda, Chairman of Economic Development Authority, on her husband who recently passed. She mentioned her and her family's attendance at the Clean County Commission Volunteer Appreciation Picnic. She extended her gratitude to County staff for all efforts and service to County citizens.

Mr. Icenhour noted his attendance at the County's 3rd Annual Juneteenth Celebration and mentioned Mr. Hipple and Mr. McGlennon's attendance at the event. He stated he attended the County's Employee Orientation on June 15, 2023, at the James City County Library. Mr. Icenhour noted directly after that event he attended a Change-of-Command Ceremony at the United States (U.S.) Coast Guard Training Center Yorktown as part of the Military Affairs Committee. He mentioned he had the honor of meeting Captain Scott Rae who took over command of the U.S. Coast Guard Training Center Yorktown. Mr. Icenhour remarked he also attended a ribbon cutting ceremony for Dream Machine Virtual Reality Arcade in New Town on June 15, 2023. He noted his attendance at the Clean County Commission Volunteer Appreciation Picnic, adding it was well-attended and recognized Ms. Peg Boarman, Chair of the Clean County Commission, for her efforts in coordinating the event. Mr. Icenhour stated he attended a Workforce Council meeting on June 21, 2023, and mentioned he sent correspondence to the Board members regarding the budget. He noted there was an increase in the budget for Workforce development from the U.S. Navy regarding a lot of the Offshore Wind programs. Mr. Icenhour mentioned he and Mr. Hipple attended a Town Hall meeting at Ford's Colony. He stated he attended the Greater Williamsburg Chamber of Commerce Annual meeting held at Kingsmill Resort, adding James City County was recognized with the Health Promoter of the Year Award.

Mr. McGlennon complimented County staff who helped coordinate the County's 3rd Annual Juneteenth Celebration at Freedom Park. He spoke about the Planning Commission and Development Review Committee (DRC) meeting, which was held on June 21, 2023, and the discussion regarding the Kingsmill Master Plan Conceptual Plan. He remarked it was well attended and recognized Mr. Stephen Rodgers, Planning Commissioner, and the DRC members for their efforts during the meeting.

Ms. Larson noted her attendance at the Volunteer Appreciation Picnic and expressed her gratitude to Ms. Boarman and her volunteers, in addition to Ms. Grace Boone, Director of General Services, and her staff for all their efforts regarding the event. She mentioned at the Greater Williamsburg Chamber of Commerce Annual meeting Billsburg Brewery was awarded with the Small Business of the Year Award. She noted she was unable to attend this year's Juneteenth Celebration; however, she mentioned several positive remarks about the event.

Mr. Hipple wished everyone a safe and happy 4th of July.

Ms. Larson recognized Interim Chief of Police Tony Dallman for his outstanding leadership of the Police Department during the past months. She expressed her gratitude for his efforts.

The Board and citizens applauded.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens reminded the community of hurricane season and to be prepared. He wished everyone a safe and happy 4th of July.

I. CLOSED SESSION

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

At approximately 1:29 p.m., the Board entered Closed Session.

At approximately 3:18 p.m., the Board re-entered Open Session.

1. Consideration of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; specifically, the parcels located at 95 and 101 Mounts Bay Road and 6745 Humelsine Parkway.
2. Consideration of a personnel matter, the evaluation of performance of the County Administrator and the County Attorney, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia

A motion to Adopt the Resolution for an Authorization of the Salary Increase and Approve the 5% Salary Increase for the County Administrator and the County Attorney by Ruth Larson, the motion result was Passed.

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

3. Consideration of a personnel matter, the appointment of County Boards and Commissions, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
4. Williamsburg/James City County Community Action Agency Board Appointment

A motion to Appoint Ms. Christine Payne to the Williamsburg/James City County Commission Action Agency Board with a term to expire September 25, 2027, 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

5. Historical Commission Appointments

A motion to Reappoint Mr. Chris Hamilton-Petteys and Mr. Mark Jakobowski to the Historical Commission with terms to expire June 30, 2026, 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

A motion to Appoint Ms. Brittany Voll, Mr. Michael Milner, and Mr. Michael Westfall to the Historical Commission with terms to expire June 30, 2026, 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

6. Staff Reappointment - Colonial Juvenile Services Commission

A motion to Reappoint Ms. Rebecca Vinroot to the Colonial Juvenile Services Commission a with term to expire June 30, 2027, 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

7. Staff Reappointment - WATA Board of Directors

A motion to Reappoint Ms. Denise Kirschbaum to the WATA Board of Directors with a term to expire June 30, 2027, 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

8. Staff Reappointment - Williamsburg Regional Library Board of Trustees

A motion to Reappoint Ms. Grace Boone to the Williamsburg Regional Library Board of Trustees with a term to expire June 30, 2027, 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 July 11, 2023 for the Regular Meeting

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

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

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

At approximately 3:20 p.m., Mr. Hipple adjourned the Board of Supervisors.

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
July 11, 2023
5:00 PM

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 a Closed Session item pertaining to a property discussion and consultation with legal counsel.

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

Mr. Hipple noted Mr. Brad Rinehimer, Assistant County Administrator, would lead the Pledge of Allegiance.

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

Mr. Rinehimer led the Board and citizens in the Pledge of Allegiance.

E. PUBLIC COMMENT

1. Ms. Peg Boarman, 17 Settlers Lane, presented a gift bag from the Clean County Commission to each Board member. She noted she wanted to mention trash and the positivity of keeping James City County beautiful. Ms. Boarman further noted the County's beauty and encouraged everyone to have positive thoughts and actions regarding trash and keeping James City County beautiful and clean.

The Board thanked Ms. Boarman.

Mr. Hipple noted there were no other speakers and he turned the meeting over to Mr. Stevens.

Mr. Stevens introduced the County's new Police Chief, Mark Jamison, and invited him to the podium. Mr. Stevens noted Chief Jamison was sworn in on June 30, 2023, and began work on July 1, 2023. He further noted highlights of Chief Jamison's life and career. Mr. Stevens encouraged residents to meet and speak with Chief Jamison and County Police Officers at

community events over the next few months.

Chief Jamison addressed the Board noting he worked for the Board and the community. He noted the County's Law Enforcement Officers were present to work for the community. Chief Jamison highlighted some key points and encouraged citizens with questions to contact the Police Department at 757-253-1800. He added his telephone and email information was available on the County website. Chief Jamison thanked the Board for the opportunity.

The Board thanked Chief Jamison.

F. CONSENT CALENDAR

Mr. Hipple asked the Board if any member wished to pull an item. As there were no requests, Mr. Hipple sought a motion on the Consent Calendar.

1. Appropriation of Funds to the Transportation Match Account - \$114,291

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. Contract Award - \$215,822 - Tourism Portable Stage

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

G. PUBLIC HEARING(S)

Mr. Hipple acknowledged Mr. Jack Haldeman, Planning Commission representative, at the meeting.

1. Amendment to Willow Pond Estates Phase II Deed of Conservation and Open-Space Easement

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. Tammy Rosario, Assistant Director of Community Development, addressed the Board with highlights of the request to amend an existing deed of conservation and open-space easement on properties within Willow Pond Estates Phase II. She noted the amendments would address the applicants' desire to permit driveway entrance features as part of the fencing provisions and to clarify the landscape provisions. Ms. Rosario further noted these amendments would also simplify and streamline the approval process for fencing and landscaping. She cited the history of the property's conservation easement purchase. Ms. Rosario noted the property owners and staff had worked to review and resolve landscaping proposals particularly in relation to the very general and vague language in the current easement regarding landscaping. She further noted additional questions regarding driveway entrance features. Ms. Rosario highlighted the goals of the easement regarding preservation of the land. She listed the specific amendments, adding the information was included as an attachment within the Agenda Packet. Ms. Rosario stated staff found the easement amendments would enhance the property's conservation values without affecting the easement's perpetual duration or reduction of the property's conservation values. She noted staff recommended the Board adopt the resolution authorizing the easement amendment.

Mr. Hipple opened the Public Hearing.

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

2. Disposition of publicly held real property located at 95 and 101 Mounts Bay Road and 6745 Humelsine Parkway.

Mr. Kinsman addressed the Board noting based on discussion at its June 27, 2023, Business Meeting, this item was determined not ready for Board consideration. He recommended opening the Public Hearing, closing it, and taking no action afterwards.

Mr. Hipple opened the Public Hearing.

Mr. Hipple closed the Public Hearing.

3. Ordinance to Permit Use of Golf Carts on Public Highways in Windsor Forest

A motion to Postpone was made by James Icenhour Jr, the motion result was Passed.

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

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

Assistant Police Chief Tony Dallman addressed the Board referencing the 2007 Board adoption of an Ordinance that permitted neighborhoods to apply to have public highways within neighborhoods designated for golf cart use. He noted several neighborhoods had applied in the past, adding Windsor Forest had recently submitted an application for golf cart use on designated highways within the neighborhood. Assistant Police Chief Dallman stated a traffic study had been completed by the Police Department and recommended approval of the golf cart use on the designated highways. He added the complete road list was included in the Board's Agenda Packet. Assistant Police Chief Dallman noted staff recommended adoption of the Ordinance.

Ms. Larson noted several of Windsor Forest's roads opened directly onto Longhill Road.

Assistant Police Chief Dallman confirmed yes.

Ms. Larson noted one street came to a main intersection and questioned if the golf carts would be making U-turns at that intersection.

Assistant Police Chief Dallman noted if the golf cart came down Devon Road to the intersection of Longhill Road and Olde Towne Road, a turnaround option would be needed but it could not violate any Traffic Ordinances or obstruct traffic.

Ms. Larson replied okay. She noted that was a busy intersection anyway.

Assistant Police Chief Dallman agreed.

Ms. Larson noted speeding concerns and the allowance of golf carts to address speeding in neighborhoods. She thanked Assistant Police Chief Dallman.

Mr. Icenhour noted Windsor Forest had a non-mandatory homeowners association (HOA). He asked if there had been any discussion in support or opposition to the golf cart use request.

Assistant Police Chief Dallman noted he had no interaction with the Windsor Forest HOA as

the application had been received from a resident. He added one comment had been received expressing some reservations, but that was the only comment.

Mr. Icenhour asked if the Windsor Forest HOA had taken any action on the request.

Assistant Police Chief Dallman stated not to his knowledge.

The Board thanked Assistant Police Chief Dallman.

Mr. Hipple opened the Public Hearing.

1. Ms. Kelly Kale, 427 Hempstead Road, addressed the Board with some concerns, adding she currently was neither in favor nor against the golf cart allowance. She presented each Board member with a handout highlighting the Virginia Code and operation of golf carts and low-speed vehicles (LSVs). Ms. Kale cited data from the Department of Transportation regarding LSVs as well as other information cited by the Virginia Department of Transportation (VDOT). She noted she found no information regarding if the LSVs needed to be insured, registered and licensed, or possess a Vehicle Identification Number. Ms. Kale questioned criteria necessary for the operation of the vehicles. She stated more information needed to be determined. Ms. Kale noted to Mr. Icenhour's point that the Windsor Forest HOA had taken no action on the matter.

Ms. Larson asked Ms. Kale if she had asked the Police Department about any of her concerns.

Ms. Kale replied no.

Ms. Larson noted that might be a good starting point as the Police Department may have the answers to the specific questions Ms. Kale asked. She noted possibly tabling action.

Ms. Kale requested the Ordinance be tabled until more information was available and to allow the homeowners to address how golf cart use would work in the neighborhood. She reiterated she lacked the necessary information to make a decision in favor or denial of the golf cart use.

Mr. Hipple thanked Ms. Kale.

Mr. Kinsman noted the Code of Virginia defined the two vehicles very differently. He further noted the LSV definition explicitly excluded golf carts. Mr. Kinsman stated LSVs have bumpers, mirrors, lights, and other features. He noted the County had fewer controls it could place on LSVs. Mr. Kinsman stated golf cart use could be allowed in neighborhoods per the Board's approval. He noted a golf cart could be considered an LSV but was not necessarily one depending on several factors. Mr. Kinsman noted some neighborhoods required golf cart insurance. He further noted LSVs and golf carts were two separate entities.

Ms. Larson asked if the Board could require neighborhoods to have its golf carts licensed.

Mr. Kinsman responded if so, then at that point golf carts would be changed to LSVs. He added a number of neighborhoods had been approved with just golf carts.

Ms. Larson questioned if the neighborhoods that allowed golf carts had complaints or issues.

Mr. Kinsman stated it would be better to ask the Police Department. He noted as of several years ago when he was asked there were none, but added the Police Department would have more current information to that point.

Ms. Larson asked if Assistant Police Chief Dallman could answer her question.

Mr. Hipple closed the Public Hearing.

Ms. Kale asked if she could pose a question. She referenced her handout and speed limit differences for golf carts and LSVs.

Mr. Kinsman noted he would prefer to discuss the legalities of golf carts versus LSVs in a separate conversation other than a public hearing.

Ms. Kale responded okay. She thanked the Board.

Mr. Hipple thanked Ms. Kale.

Mr. McGlennon noted Ms. Kale presented some good questions for consideration. He further noted the need for more clarification before moving forward with a decision.

Ms. Larson asked if clarification was obtained could this item be added to the July 25, 2023, Business Meeting Agenda.

Mr. Hipple noted the item could be moved out to another meeting which would allow the Board to get the necessary information. He added that would allow staff time to answer questions and then present it in a September meeting.

Mr. McGlennon noted he would like a broader sense of community opinion. He further noted this request was initiated by a citizen.

Ms. Larson noted this was also an issue in her neighborhood which was a non-mandatory HOA. She added her HOA was not interested in getting involved in this matter either, adding she was not sure any non-mandatory HOA would weigh in on this point.

Mr. Icenhour noted he would appreciate this item moving to the September meeting where the opportunity for others to speak in opposition or favor would be available. He further noted a review of previous golf cart approvals and any differences there as well as potential problems in relation to previous approvals.

Mr. Hipple sought a motion for postponement until the September 12, 2023, Regular Meeting.

Inaudible comments from Mr. Kinsman.

Mr. Hipple noted he could reopen the Public Hearing and allow it to remain open until September.

Mr. Kinsman confirmed yes.

Mr. Hipple reopened the Public Hearing, adding it would remain open until the September 12, 2023, Regular Meeting. He noted there was a postponement motion on the floor.

4. SUP-23-0015. David A. Nice Builders Office and Parking Expansion

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. Terry Costello, Senior Planner, addressed the Board highlighting the details of the Special Use Permit (SUP). She noted the building had three previous SUPs for expansion in 1999, 2003, and 2012. Ms. Costello noted the details for space, square footage, and parking for the expansion. She further noted staff found the proposed conditions were compatible with the Rural Lands guidance. Ms. Costello stated the Planning Commission, at its June 7, 2023, meeting, recommended approval of this SUP by a 6-0 vote. She noted staff recommended the Board approve this SUP application subject to the attached conditions. Ms. Costello added the applicant was also available.

Mr. Hipple welcomed Mr. Haldeman for the Planning Commission's report.

Mr. Haldeman addressed the Board noting he had little to add to Ms. Costello's report. He reiterated the Planning Commission voted in favor of this SUP application with a 6-0 vote. Mr. Haldeman added there had been no public speakers at the Planning Commission meeting.

Mr. Hipple thanked Mr. Haldeman.

Mr. Hipple opened the Public Hearing.

Mr. Hipple closed the Public Hearing as there were no speakers nor did the applicant wish to speak.

5. Z-23-0003/SUP-23-0013. The Overlook at Rochambeau

A motion to Approve was made by James Icenhour Jr, 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 highlighting the details of the SUP on behalf of Ms. Jessica Aiken, Wedding Company of Williamsburg, LLC. He noted the requirements for the SUP and a rezoning application from A-1, General Agricultural, to A-1, General Agricultural, with proffers. Mr. Risinger further noted proposed SUP conditions were attached to address application points such maximum attendees, restricted hours of operations, and other factors. He addressed the findings of the Traffic Impact Analysis which recommended the installation of a left-turn lane on westbound Rochambeau Drive at the median break north of the property and a right-turn lane on eastbound Rochambeau Drive at the property's proposed entrance. Mr. Risinger noted other proposed SUP conditions regarding traffic improvements. He further noted the Planning Commission, at its June 7, 2023, meeting, recommended approval of this application with the proposed proffers and conditions by a 6-0 vote. Mr. Risinger stated that following the Planning Commission meeting, the applicant revised the Master Plan with an entrance adjustment to comply with VDOT spacing standards, so an exception was not required. He noted staff recommended the Board approve this SUP application subject to the voluntary proffers and proposed conditions. Mr. Risinger added the applicant team was also available.

Mr. Icenhour noted this property was located outside of the Primary Service Area and asked if water and sewer would include well and septic.

Mr. Risinger confirmed yes.

Mr. Icenhour noted he was unfamiliar with regulations regarding such a venue. He inquired about the Virginia Department of Health's (VDH) requirements for this type of venue compared to those of a residential structure.

Mr. Risinger responded there was a difference which was based on the expected occupancy and attendance of the venue. He added the applicant could potentially provide additional information to that point.

Mr. Icenhour thanked Mr. Risinger.

Mr. Haldeman stated the Planning Commission agreed with staff's analysis. He noted the Planning Commission also recommended the Board's approval of this SUP with rezoning with proffers. Mr. Haldeman further noted the Planning Commission's vote was unanimous by 6-0 with one absentee.

Mr. Hipple thanked Mr. Haldeman. He asked the applicant if she wished to speak.

Mr. Hipple opened the Public Hearing.

1. Ms. Jessica Aiken, 8415 Attleborough Way, addressed the Board noting she was the founder and owner of Wedding Company of Williamsburg, LLC. She stated she was the applicant of the rezoning and SUP application before the Board. Ms. Aiken cited personal history and her ties to James City County. She noted the County's zoning requirements and her desire to grow her business in compliance with the County's Zoning Ordinances and Comprehensive Plan. Ms. Aiken further noted her consulting team consisted of mostly James City County-based businesses on this project as they shared a similar mindset of preserving the County's special character. She stated she was available for any questions.

Mr. Icenhour asked if she or a member of the applicant team could address his earlier question regarding VDH requirements on the septic system.

Mr. Howard Price, AES Consulting Engineers, addressed the question. He noted Adam's Septic Evaluation & Design, LLC, had already been engaged for an evaluation. Mr. Price further noted the preliminary evaluation determined the soils were acceptable to provide a system which would be adequate for approval.

Mr. Icenhour thanked Mr. Price.

Mr. McGlennon asked Ms. Aiken if she had an estimate on the number of events per year which would be hosted at the proposed venue.

Ms. Aiken responded 60 weddings a year as the top mark with additional events throughout the week as needed. She added many of those events would be community events.

Mr. McGlennon thanked Ms. Aiken.

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

Ms. Larson noted she had recently met with Ms. Aiken and Ms. Sadler. She further noted meeting Ms. Aiken several years earlier and applauded the efforts of both Ms. Aiken and her husband for their commitment to the community. Ms. Larson stated she was disappointed that the Amblers House project had not come to fruition for them, but she was impressed with their willingness to invest in the County elsewhere. Ms. Larson noted her excitement to support this application and thanked Ms. Aiken.

Ms. Sadler thanked Ms. Aiken for the opportunity to meet with her. She noted her appreciation of Ms. Aiken's thoroughness, admiration of her business pursuits, and offered her full support of the application.

H. BOARD CONSIDERATION(S)

None.

I. BOARD REQUESTS AND DIRECTIVES

Ms. Sadler expressed her appreciation as she had joined with her fellow Board members at the pinning ceremony for Police Chief Jamison. She noted it was a well-attended and moving event. Ms. Sadler further noted it was her honor to meet Chief Jamison and welcomed him to the community.

Mr. Icenhour reiterated his appreciation to join Chief Jamison's pinning ceremony. He noted the opportunity for the community to meet Chief Jamison on July 10, 2023, at Legacy Hall. Mr. Icenhour extended a shout-out to Ms. Sarah O'Reilly of the County's Parks & Recreation Department. He noted his recent attendance at the Sons of the American Revolution luncheon where Ms. O'Reilly was honored with a certificate for her assistance in the setup for the celebration of the Battle of Spencer's Ordinary which occurred at Freedom Park. Mr. Icenhour further noted the Sons of the American Revolution gave Ms. O'Reilly and the Parks & Recreation Department high praise, adding the recognition reflected well on the County.

Mr. McGlennon noted earlier in the day he had attended the Slurpees with Senators event at the Grove Christian Outreach Center. He further noted the event was designed to allow citizens an informal interaction with their elected representatives. Mr. McGlennon stated this was the third annual event. He noted he was joined by the Honorable Virginia Senator Montgomery Mason in meeting with citizens. Mr. McGlennon stated the Slurpees with Senators event was held jointly with the ribbon cutting for the Turquoise Tables. He added this year's project for the LEAD Greater Williamsburg, sponsored by the Greater Williamsburg Chamber of Commerce was spearheaded by Ms. Kelley Herbert, a member of the County's Parks & Recreation Department. Mr. McGlennon noted the Turquoise Tables were turquoise-painted tables where people could meet, interact, and exchange ideas. He added 23 Turquoise Tables were located throughout the Historic Triangle. Mr. McGlennon expressed his appreciation of Chief Jamison's pinning ceremony.

Ms. Larson echoed the earlier comments regarding Chief Jamison's pinning ceremony as she welcomed him. She noted the ceremony video presentation was a first, adding it was important for the community to see it. Ms. Larson further noted her appreciation of joining the ceremony with her fellow Board members. She reminded everyone of community service organizations such as the Virginia Peninsula Food Bank, which received numerous donations during the school year, was struggling with donations during the summer, and encouraged everyone to be mindful of the community service organizations. Ms. Larson referenced a recent conversation with Ms. Abby Schugeld, a Parks & Recreation REC Connect staff member. Ms. Larson noted her positivity and enjoyment working with the REC Connect program. She expressed her appreciation of the staff hired in the REC Connect program.

Mr. Hipple noted he had nothing and asked Mr. Stevens for his report.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens noted the Good Neighbor Grant program was accepting applications through July 15, 2023. He further noted the program provided matching grants up to \$500 to enhance a sense of community and sustainability. Mr. Stevens stated if there were questions to call 757-259-5375.

K. CLOSED SESSION

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

At approximately 5:53 p.m., the Board of Supervisors entered a Closed Session.

At approximately 7:20 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. Discussion of the award of a public contract involving the expenditure of public funds, 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 contract between the County, the City of Williamsburg, and WJCC Schools.
2. Discussion or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; specifically, the parcels located at 4092, 4176, and 4130 Centerville Road, as well as parcels located at 1985, 1975, 2153, and 3012 Jolly Pond Road, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia
3. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel; in particular, the permissibility of alternative direct discharge sewage systems in the County pursuant to Section 2.2-3711(A)(8) of the Code of Virginia

L. ADJOURNMENT

1. Adjourn until 1 pm on July 25, 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 7:21 p.m., Mr. Hipple adjourned the Board of Supervisors.

ITEM SUMMARY

DATE: 7/25/2023

TO: The Board of Supervisors

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

SUBJECT: Official Intent to Reimburse Expenditures with Proceeds from a Borrowing

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Financial Management	Cochet, Cheryl	Approved	7/7/2023 - 9:09 AM
Publication Management	Pobiak, Amanda	Approved	7/7/2023 - 9:22 AM
Legal Review	Kinsman, Adam	Approved	7/7/2023 - 1:01 PM
Board Secretary	Saeed, Teresa	Approved	7/7/2023 - 1:06 PM
Board Secretary	Rinehimer, Bradley	Approved	7/10/2023 - 8:23 AM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 10:30 AM

MEMORANDUM

DATE: July 25, 2023
TO: The Board of Supervisors
FROM: Sharon B. McCarthy, Director of Financial and Management Services
SUBJECT: Official Intent to Reimburse Expenditures with Proceeds from a Borrowing

As discussed in the Fiscal Year (FY) 2024-2028 Adopted Capital Budget, the County intends to issue debt to fund certain capital improvements. Projects to be financed in FY2024 include a new preschool space and high school expansions on behalf of the Williamsburg-James City County Schools, a new General Services Administration Building, and the design costs for a County-wide facility.

The maximum amount of debt expected to be issued for these projects is \$74.9 million, and the County intends to use the proceeds of this borrowing to reimburse eligible expenditures made prior to the issuance of this debt. Eligible expenditures prior to issuance include:

- (1) amounts expended for the costs of issuance;
- (2) amounts not in excess of the lesser of \$100,000 or 5% of the proceeds of the borrowing;
- (3) amounts not in excess of 20% of the issue price of the borrowing which represent preliminary expenditures (such as architectural, engineering, surveying, soil testing, or similar costs) incurred prior to the commencement of construction; or
- (4) capital expenditures (a) occurring not earlier than 60 days before the County adopted a resolution or otherwise declared its intent to issue obligations to finance such expenditures; and (b) are reimbursed no later than the later of (i) 18 months after the original expenditure, or (ii) 18 months after the project is placed in service or abandoned (but in no event more than three years after the original expenditure is paid).

Staff recommends the adoption of the attached resolution.

SBM/ap
PlnBorFY24-28-mem

Attachment

RESOLUTION

OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS

FROM A BORROWING

WHEREAS, the County (the “Borrower”), intends to design, acquire, construct, and equip various improvements to public facilities, including but not limited to; a new preschool space, expansions of Lafayette and Jamestown High Schools, a General Services Administration Building, the design costs for a County-wide facility, and other County and Williamsburg-James City County Schools projects (collectively, the “Project”); and

WHEREAS, plans for the Project have advanced and the Borrower expects to advance its own funds to pay expenditures related to the Project (the “Expenditures”) prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia.

1. The Borrower intends to utilize the proceeds of tax-exempt bonds (the “Bonds”) or to incur other debt, in an amount not currently expected to exceed \$74.9 million to pay the costs of the Project.
2. The Borrower intends that the proceeds of the Bonds be used to reimburse the Borrower for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this resolution. The Borrower reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.
3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Borrower so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Borrower.
4. The Borrower intends to make a reimbursement allocation, which is a written allocation by the Borrower that evidences the Borrower’s use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Borrower recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

- 5. The Borrower intends that the adoption of this resolution confirms the “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.
- 6. This resolution shall take effect immediately upon its passage.

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 25th day of July, 2023.

PlnBorFY24-28-res

ITEM SUMMARY

DATE: 7/25/2023

TO: The Board of Supervisors

FROM: Aaron L. Thompson, Executive Director of Olde Towne Medical & Dental Center

SUBJECT: Olde Towne Medical & Dental Center: Part-Time to Full-Time Positions

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 12:18 PM
Board Secretary	Purse, Jason	Approved	7/17/2023 - 2:19 PM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 2:22 PM
Publication Management	Daniel, Martha	Approved	7/17/2023 - 2:38 PM
Legal Review	Parman, Liz	Approved	7/17/2023 - 3:15 PM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 3:20 PM
Board Secretary	Purse, Jason	Approved	7/17/2023 - 4:52 PM
Board Secretary	Saeed, Teresa	Approved	7/18/2023 - 3:11 PM

MEMORANDUM

DATE: July 25, 2023
TO: The Board of Supervisors
FROM: Aaron L. Thompson, Executive Director of Olde Towne Medical & Dental Center
SUBJECT: Olde Towne Medical & Dental Center: Part-Time to Full-Time Positions

The Olde Towne Medical & Dental Center (OTMDC) serves the uninsured and underinsured population of James City and York Counties, and the Greater Williamsburg Area. OTMDC utilizes nurse practitioners and physicians to address the primary medical care of its patients, and dentists to provide quality dental care to its uninsured and underinsured patients. OTMDC relies for funding on foundation grants, the support of municipalities, and the generous support of donors in the community. OTMDC has a wide range of fundraising activities, including but not limited to, a golf tournament, a golf ball drop, “day of giving” initiatives, wine tastings, donor mailings, and individual donor solicitation.

In an effort to become more competitive with potential candidates as well as attract the most qualified applicants, OTMDC’s Board of Directors approved changing the status of three (3) part-time positions to full-time positions.

1. Development & Grants
2. Communications and Development
3. Dental Hygienist

These positions will be funded by the Williamsburg Area Medical Assistance Corporation.

ALT/ap
OTMDCPos-mem

Attachment

RESOLUTION

A RESOLUTION TO CREATE THREE NEW POSITIONS AT THE OLDE TOWNE MEDICAL

& DENTAL CENTER: DEVELOPMENT & GRANTS, COMMUNICATIONS AND

DEVELOPMENT, AND DENTAL HYGIENIST

WHEREAS, the Olde Towne Medical & Dental Center (OTMDC) serves the uninsured and underinsured population of James City and York Counties, and the Greater Williamsburg area; and

WHEREAS, OTMDC provides quality health and wellness care, and supports the functioning of the clinic with a broad range of patient care to both patients within the three jurisdictions; and

WHEREAS, the need for the creation of three new positions within OTMDC has been recognized to better serve the needs of its patients and to enhance the center's ability to provide quality services; and

WHEREAS, the importance of the roles of Development & Grants, Communications and Development, and Dental Hygienist in the efficient and effective operation of the center is acknowledged.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the creation of the following positions at the Olde Towne Medical & Dental Center:

1. **Development & Grants:** This position will be responsible for identifying, applying for, and managing grants and other funding opportunities to support the center's programs and initiatives, among other responsibilities.
2. **Communications and Development:** This position will be responsible for managing the center's communications strategy, including public relations, media relations, and community outreach, as well as supporting the development and implementation of strategic initiatives, among other responsibilities.
3. **Dental Hygienist:** This position will be responsible for providing dental hygiene services to patients, particularly those who may not have access to such services elsewhere.

BE IT FURTHER RESOLVED that all necessary steps to implement this resolution, including the recruitment and hiring of qualified individuals for these positions, shall be taken.

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 25th day of July, 2023.

OTMDCPos-res

ITEM SUMMARY

DATE: 7/25/2023

TO: The Board of Supervisors

FROM: Tom Leininger, Principal Planner

SUBJECT: Resolution of Support for Transportation Alternatives Funding Application

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution
☐	Laurel Lane ES Location Map	Backup Material
☐	Jamestown HS Location Map	Backup Material
☐	Richmond Road Sidewalk Location Map	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	7/7/2023 - 8:09 AM
Development Management	Holt, Paul	Approved	7/7/2023 - 8:10 AM
Publication Management	Pobiak, Amanda	Approved	7/7/2023 - 8:42 AM
Legal Review	Kinsman, Adam	Approved	7/7/2023 - 1:02 PM
Board Secretary	Saeed, Teresa	Approved	7/7/2023 - 1:06 PM
Board Secretary	Rinehimer, Bradley	Approved	7/10/2023 - 8:25 AM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 10:31 AM

MEMORANDUM

DATE: July 25, 2023

TO: The Board of Supervisors

FROM: Tom Leininger, Principal Planner

SUBJECT: Resolution of Support for Transportation Alternatives Funding Application

Background

The Virginia Department of Transportation (VDOT) has invited localities to participate in the Fiscal Year (FY) 2023-2024 Transportation Alternatives Program (TAP), which helps localities' community-based projects that expand nonmotorized transportation choices and enhancements. TAP is now a set-aside portion of the federally funded Surface Transportation Block Grant, which was enabled by the passage of the Fixing America's Surface Transportation (FAST) Act in December 2015. The FAST Act identifies four categories of eligibility for this competitive program:

- Transportation Alternatives - Comprised of 10 qualifying activities, including historic preservation and rehabilitation of historic transportation facilities;
- Safe Routes to School (SRTS);
- Boulevards in Former Interstate System Routes; and
- Recreational Trails.

TAP provides federal transportation funds to reimburse up to 80% of costs for qualifying projects, requiring only a 20% match for project costs from local dollars. In recent years, the County has used funding procured through TAP grants for projects such as the Norge Depot, SRTS infrastructure at James River Elementary School, sidewalk improvements in Toano, Norge Depot Caboose Restoration, and Clara Byrd Baker Elementary School SRTS infrastructure. This year, staff is recommending three projects for the Board's consideration: Laurel Lane Elementary School SRTS Sidewalk Improvements, Jamestown High School Bicycle and Pedestrian Infrastructure Improvements, and Richmond Road Sidewalk Infill. This project supports Strategic Plan Goal No. 3 to modernize infrastructure, Goal No. 4 to enhance the built environment, and Goal No. 5 for a fiscally efficient government.

Proposed Projects

The Laurel Lane Elementary SRTS Sidewalk Improvements proposes sidewalk connections from surrounding neighborhoods to Laurel Lane Elementary School. Sidewalks are proposed along Willow Drive, Laurel Lane, and Brookwood Drive. The proposed sidewalks will connect to the existing sidewalk along Lake Powell Road. In addition to sidewalks, the project proposes crosswalks and curb and gutter improvements.

The Jamestown High School Bicycle and Pedestrian Infrastructure Improvements proposes various new sidewalks and crosswalks improvement project to connect to nearby neighborhoods. The project begins at the entrance to Fairway Villas along Greensprings Plantation Drive and follows the road south to John Tyler Highway. A new crosswalk would be installed along with the installation of pedestrian buttons, signals and displays, and connect to the existing sidewalk. A second segment would connect from the existing multi-use path for the Greensprings Interpretive Trail and follow Eagle Way north to connect with the existing sidewalk in front of Jamestown High School. This project will include crosswalks at parking lot entrances as well as crossing Eagle Way to connect to Reades Way.

Resolution of Support for Transportation Alternative Funding Application

July 25, 2023

Page 2

The Richmond Road Sidewalk Infill project will provide a sidewalk along Richmond Road between Bush Springs Road and Oakland Drive. With this improvement, there would be continuous sidewalks from Norge to Toano on one side of Richmond Road. In addition to the five-foot sidewalk, there will be improved crosswalks, drainage, and culvert improvements. This project will increase the walkability along Richmond Road from Toano to Norge. Along the way, there are various residential developments that would be connected to the shopping center in Norge. This project will connect to a proposed 119-unit apartment complex. Toano Middle School is approximately .25 miles from the edge of the project limits and can provide a safe route for students to walk to school.

Staff recommends the Board of Supervisors adopt the attached resolution expressing support for these projects to be submitted through the upcoming Transportation Alternative funding cycle. Should any one of the three projects receive funding through this cycle of Transportation Alternative funding process, staff will bring back a resolution to appropriate the funds to the Board of Supervisors.

TL/md

VDOT-TAGFY25-26-mem

Attachments:

1. Resolution of Support
2. Laurel Lane Elementary School Location Map
3. Jamestown High School Location Map
4. Richmond Road Sidewalk Infill Project Location Map

RESOLUTION

VIRGINIA DEPARTMENT OF TRANSPORTATION

TRANSPORTATION ALTERNATIVES PROGRAM - RESOLUTION OF SUPPORT

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring jurisdiction or agency requesting the Virginia Department of Transportation (VDOT) establish a Transportation Alternatives Set-Aside project to be administered by the locality.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia (the "Board") requests the Commonwealth Transportation Board to establish a Transportation Alternatives Set-Aside project for Laurel Lane Elementary School Safe Routes to School Sidewalk Improvements, Jamestown High School Bicycle and Pedestrian Infrastructure Improvements, and Richmond Road Sidewalk Infill project (the "Projects").

BE IT FURTHER RESOLVED that the Board hereby commits to provide a minimum 20% matching contribution for each Project and any additional funds necessary to complete the Project, subject to appropriation.

BE IT FURTHER RESOLVED that James City County hereby agrees to enter into a project administration agreement with VDOT and provide the necessary oversight to ensure the Project is developed in accordance with all state and federal requirements for design, right-of-way acquisition, and construction of a federally funded transportation project.

BE IT FURTHER RESOLVED that James City County will be responsible for maintenance and operating costs of any improvement/facility constructed with Transportation Alternatives Set-Aside funds unless other arrangements have been made with VDOT.

BE IT FURTHER RESOLVED that if the Board subsequently elects to cancel the Project, James City County hereby agrees to reimburse VDOT for the total amount of costs expended by VDOT through the date of notification of such cancellation. James City County also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

BE IT FURTHER RESOLVED that the Board hereby authorizes the County Administrator to execute project agreements and any other documents necessary for VDOT approved Transportation Alternatives Set-Aside Projects in James City County for Fiscal Years 2025 and 2026.

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>
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ICENHOUR	_____	_____	_____	_____
MCGLENNON	_____	_____	_____	_____
LARSON	_____	_____	_____	_____
HIPPLE	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of July, 2023.

VDOT-TAGFY25-26-res

Laurel Lane Elementary School Sidewalk



Project Location 

Jamestown High School Sidewalk



Richmond Road Sidewalk Infill Project



ITEM SUMMARY

DATE: 7/25/2023

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Revisions to the County Administrator's Contract of Employment

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Parman, Liz	Approved	7/17/2023 - 8:55 AM
Publication Management	Daniel, Martha	Approved	7/17/2023 - 9:03 AM
Legal Review	Parman, Liz	Approved	7/17/2023 - 11:47 AM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 12:12 PM
Board Secretary	Purse, Jason	Approved	7/17/2023 - 2:22 PM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 2:23 PM

MEMORANDUM

DATE: July 25, 2023

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Revisions to the Contract of the County Administrator

Following the Board of Supervisors' (the "Board") positive review of the County Administrator on June 27, 2023, the Board asked that I prepare revisions to Sections one and five of the County Administrator's contract of employment. These revisions extend the contract's ending date from July 1, 2026 to December 31, 2028 and increase the amount of Personal Time Off ("PTO") from 16 (sixteen) hours per month to 20 (twenty).

Should the Board desire to make these changes to the County Administrator's contract, I recommend adoption of the attached resolution.

ARK/md
ContrRevCAdmin-mem

Attachment

RESOLUTION

REVISIONS TO THE CONTRACT OF THE COUNTY ADMINISTRATOR

WHEREAS, at its regularly-scheduled meeting on June 27, 2023, the Board of Supervisors of James City County (the “Board”) conducted its annual review of the County Administrator; and

WHEREAS, the review was positive and, in recognition thereof, the Board desires to make changes to the contract of employment of the County Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, that Sections 1 and 5 of the County Administrator’s contract shall be replaced in their entirety as follows:

SECTION 1: TERM

The term of this Agreement shall commence on July 1, 2021 and shall end on December 31, 2028 and shall automatically renew for successive one (1) year periods unless notice of nonrenewal is given by either party at least sixty (60) days prior to the conclusion of that term. In the event the Agreement is not renewed, such nonrenewal shall not be considered a termination pursuant to Section 9 of this Agreement and Employee shall be due only the compensation and benefits set forth in Section 11(D) of this Agreement. In the event that the Employee is terminated as described in Section 9 of this Agreement, the Employee shall be entitled to the compensation and benefits provided for in Section 10 of this Agreement as full and final settlement of all obligations due under this Agreement.

SECTION 5: LEAVE

A. Upon commencing employment, the Employee shall earn and shall be allowed to accrue leave equal to that of an employee as provided under the County’s Personnel Policies and Procedures Manual, or twenty (20) hours of personal time off (PTO) per month, whichever is greater.

B. The Employee shall report to the Board Chair any planned leave at least one (1) week prior to taking such leave or, in the event of an emergency, as soon as practicable. The Employee’s request shall be approved or denied by the Board Chair or his or her designee, who shall communicate such approval or denial to the County Attorney or the Assistant County Administrator, either of whom may enter such approval or denial into the County’s timesheet program (currently, myTIME).

C. The Employee is entitled to accrue all unused leave in accordance with the County’s Personnel Policies and Procedures Manual and in the event the Employee’s employment is terminated voluntarily, involuntarily, or by nonrenewal of this Agreement, the Employee shall be compensated for all accrued paid time off pursuant to the County’s Personnel Policies and Procedures Manual.

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>
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ICENHOUR	_____	_____	_____	_____
MCGLENNON	_____	_____	_____	_____
LARSON	_____	_____	_____	_____
HIPPLE	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of July, 2023.

ContrRevCAdmin-res

ITEM SUMMARY

DATE: 7/25/2023

TO: The Board of Supervisors

FROM: Tom Leininger, Principal Planner

SUBJECT: The Virginia Department of Transportation Revenue Sharing Program - Fiscal Years 2027-2028

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution of Support - Route 60 (Pocahontas Trail) Widening and Complete Street Phase I	Resolution
☐	Resolution of Support - Moses Lane Reconstruction and Extension	Resolution
☐	Resolution of Support - Longhill Road Shared Use Path	Resolution
☐	Resolution of Support - Longhill Road and Warhill Trail Intersection Improvements	Resolution
☐	Resolution of Support - Skiffes Creek Industrial Park Improvements	Resolution
☐	Route 60 (Pocahontas Trail) Widening and Complete Street Phase I Location Map	Backup Material
☐	Moses Lane Reconstruction and Extension Location Map	Backup Material
☐	Longhill Road Shared Use Path Location Map	Backup Material
☐	Longhill Road and Warhill Trail Intersection Improvements Location Map	Backup Material
☐	Skiffes Creek Industrial Park Improvements Location Map	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	7/7/2023 - 10:05 AM
Development Management	Holt, Paul	Approved	7/7/2023 - 10:05 AM
Publication Management	Pobiak, Amanda	Approved	7/7/2023 - 10:28 AM
Legal Review	Kinsman, Adam	Approved	7/7/2023 - 1:01 PM
Board Secretary	Saeed, Teresa	Approved	7/7/2023 - 1:05 PM
Board Secretary	Rinehimer, Bradley	Approved	7/10/2023 - 8:25 AM

Board Secretary

Saeed, Teresa

Approved

7/17/2023 - 10:31 AM

MEMORANDUM

DATE: July 25, 2023

TO: The Board of Supervisors

FROM: Tom Leininger, Principal Planner

SUBJECT: The Virginia Department of Transportation Revenue Sharing Program - Fiscal Years 2027-2028

Each year the Virginia Department of Transportation (VDOT) invites localities to participate in the Revenue Sharing Program, which provides localities an additional funding option to construct, reconstruct, improve, or maintain the highway system. The program matches local dollars on a one-to-one basis up to \$10 million per locality. As a competitive program, VDOT prioritizes eligible projects into the following categories:

- Priority 1 Construction Projects that have previously received Revenue Sharing funding as part of the Program application process.
- Priority 2 Construction Projects that meet a transportation need identified in the Statewide Transportation Plan (VTRANS) or when funding will accelerate advertisement of a project in a locality's capital improvement plan.
- Priority 3 Projects that address deficient pavement resurfacing and bridge rehabilitation.
- Priority 4 Projects do not meet Priorities 1-3 criteria but are otherwise an eligible project.

The County typically uses revenue sharing to provide funding for small projects, immediately needed improvements, or to supplement existing funding on projects. This year staff is recommending five projects for Board consideration, Route 60 (Pocahontas Trail) Widening and Complete Street Phase I, Moses Lane Reconstruction and Extension, Longhill Road Shared Use Path, Longhill Road and Warhill Trail Intersection Improvements, and Skiffes Creek Industrial Park Improvements. As each year of the VDOT Revenue Sharing Program is a different application year, this submission would not impact projects awarded in previous years.

Route 60 (Pocahontas Trail) Widening and Complete Street Phase I is an existing multimodal improvements project that is currently in the preliminary engineering phase. This project proposes a continuous center left-turn lane, sidewalks, a shared use path, and bus pull-offs from Fire Station 2 to Magruder Avenue. This project would also provide complete street improvements which includes landscaping, undergrounding of overhead utilities, curb and gutter to address drainage problems, and lighting to create a safe corridor for all users. By providing a continuous center left-turn lane, turning traffic would be removed from travel lanes and reduce rear-end crashes. Furthermore, the additional lane will allow easy access for emergency vehicles along the corridor. In addition to the direct community impacts, this project will have an impact regionally. This segment of Pocahontas Trail is along the proposed route for the Birthplace of America Trail (BoAT) that extends to Fort Monroe in Hampton. The financial gap for this project is currently \$8,538,464. This application would be considered a "Priority 2" project under VDOT criteria and identified as a safety improvement need in VTRANS.

Moses Lane Reconstruction and Extension will extend the roadway approximately 300 feet and provide drainage improvements, sidewalks, and lighting along the entire stretch of Moses Lane. This project is in coordination with the County's Neighborhood Development Division application for a Community Development Block Grant. The total cost of these improvements is \$2,743,036. This application would be considered a "Priority 4" project under VDOT criteria.

The Longhill Road Shared Use Path proposes a 10-foot shared use path along a +/- 0.55-mile stretch of Longhill Road from DePue Drive to Lane Place. This will provide safe bicycle and pedestrian accommodations over Route 199; connecting the recently completed Longhill Road Widening, Phase I bicycle/pedestrian improvements, with the existing bicycle/pedestrian improvement in and around the James City County Recreation Center. This is an existing project and is currently in the preliminary engineering phase. This was a previously approved SmartScale project and, at the time of the project approval, it was fully funded. However, due largely to inflation, the current revenue share application need is to fund the \$2,062,414 financial gap. This application would be considered a “Priority 2” project under VDOT criteria and identified as a safety improvement need in VTRANS.

The Longhill Road and Warhill Trail Intersection Improvements (entrance to the Warhill Sports Complex) project provides intersection improvements by adding a new traffic signal and lengthening the southbound right-turn lane on Warhill Trail. These improvements are in-line with the Longhill Road Corridor Study and the Warhill Trail Traffic Impact Analysis. The proposed traffic signal and turn-lane improvements including preliminary engineering, construction, and VDOT oversight costs is estimated at \$3,795,478. This application would be considered a “Priority 2” project under VDOT criteria and identified as a safety improvement need in VTRANS.

The Skiffes Creek Industrial Park Improvements project would bring the existing roadway sections into conformance with VDOT requirements. These improvements include road resurfacing, drainage improvements, and improved sight lines for Manufacture Drive and Commerce Boulevard. The Skiffes Creek Industrial Park was constructed by a private developer several decades ago. Unfortunately, the completed streets were never turned over to VDOT for maintenance. This project is intended to correct the current deficiencies with the goal of being able to dedicate these streets to VDOT upon completion. The total cost of these improvements including preliminary engineering, construction, and VDOT oversight costs is estimated at \$775,030. This application would be considered a “Priority 3” project under VDOT criteria.

To meet the VDOT Revenue Share Program requirements, staff has included an individual resolution for each project listed above. Staff recommends the adoption of the attached resolutions authorizing the County to participate in the Fiscal Year 2027-2028 Revenue Sharing Program. Should any one of the five projects receive funding through this cycle of Revenue Sharing funding process, staff will bring back a resolution to appropriate the funds to the Board of Supervisors.

TL/md

VDOTRevShPrg27-28-mem

Attachments:

1. Resolution of Support - Route 60 (Pocahontas Trail) Widening and Complete Street Phase I
2. Resolution of Support - Moses Lane Reconstruction and Extension
3. Resolution of Support - Longhill Road Shared Use Path
4. Resolution of Support - Longhill Road and Warhill Trail Intersection Improvements
5. Resolution of Support - Skiffes Creek Industrial Park Improvements
6. Route 60 (Pocahontas Trail) Widening and Complete Street Phase I Location Map
7. Moses Lane Reconstruction and Extension Location Map
8. Longhill Road Shared Use Path Location Map
9. Longhill Road and Warhill Trail Intersection Improvements Location Map
10. Skiffes Creek Industrial Park Improvements Location Map

RESOLUTION

VIRGINIA DEPARTMENT OF TRANSPORTATION

REVENUE SHARING PROGRAM - FISCAL YEARS 2027 AND 2028

ROUTE 60 (POCAHONTAS TRAIL) WIDENING AND COMPLETE STREET PHASE I

WHEREAS, the Board of Supervisors of James City County, Virginia (the “County”), desires for the County to submit an application requesting up to \$4,269,232 of Revenue Sharing Funds through the Virginia Department of Transportation (VDOT) Fiscal Years (FY) 2027 and 2028 Revenue Sharing Program; and

WHEREAS, the County will allocate up to \$4,269,232 to match Revenue Sharing Program funds as part of the FY 2027 or FY 2028 budget, consistent with the year of the award; and

WHEREAS, the combined funding from the County and VDOT totaling up to \$8,538,464 is requested to fund the Route 60 (Pocahontas Trail) Widening and Complete Street Phase I project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports this application for an allocation up to \$4,269,232 through the VDOT Revenue Sharing Program and further approves a County contribution up to \$4,269,232 toward this project, and hereby authorizes the County Administrator to sign the necessary applications, agreements, and other documentation necessary to administer this revenue sharing project.

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>
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MCGLENNON	___	___	___	___
LARSON	___	___	___	___
HIPPLE	___	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of July, 2023.

RESOLUTION

VIRGINIA DEPARTMENT OF TRANSPORTATION

REVENUE SHARING PROGRAM - FISCAL YEARS 2027 AND 2028

MOSES LANE RECONSTRUCTION AND EXTENSION

WHEREAS, the Board of Supervisors of James City County, Virginia (the “County”), desires for the County to submit an application requesting up to \$1,371,518 of Revenue Sharing Funds through the Virginia Department of Transportation (VDOT) Fiscal Years (FY) 2027 and 2028 Revenue Sharing Program; and

WHEREAS, the County will allocate up to \$1,371,518 to match Revenue Sharing Program funds as part of the FY 2027 or FY 2028 budget, consistent with the year of the award; and

WHEREAS, the combined funding from the County and VDOT totaling up to \$2,743,036 is requested to fund the Moses Lane Reconstruction and Extension project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports this application for an allocation up to \$1,371,518 through the VDOT Revenue Sharing Program and further approves a County contribution up to \$1,371,518 toward this project, and hereby authorizes the County Administrator to sign the necessary applications, agreements, and other documentation necessary to administer this revenue sharing project.

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>
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LARSON	___	___	___	___
HIPPLE	___	___	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of July, 2023.

RESOLUTION

VIRGINIA DEPARTMENT OF TRANSPORTATION

REVENUE SHARING PROGRAM - FISCAL YEARS 2027 AND 2028

LONGHILL ROAD SHARED USE PATH

WHEREAS, the Board of Supervisors of James City County, Virginia (the “County”), desires for the County to submit an application requesting up to \$1,031,207 of Revenue Sharing Funds through the Virginia Department of Transportation (VDOT) Fiscal Years (FY) 2027 and 2028 Revenue Sharing Program; and

WHEREAS, the County will allocate up to \$1,031,207 to match Revenue Sharing Program funds as part of the FY 2027 or FY 2028 budget, consistent with the year of the award; and

WHEREAS, the combined funding from the County and VDOT totaling up to \$2,062,414 is requested to fund the Longhill Road Shared Use Path project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports this application for an allocation up to \$1,031,207 through the VDOT Revenue Sharing Program and further approves a County contribution up to \$1,031,207 toward this project, and hereby authorizes the County Administrator to sign the necessary applications, agreements, and other documentation necessary to administer this revenue sharing project.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

SADLER
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LARSON
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Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of July, 2023.

RESOLUTION

VIRGINIA DEPARTMENT OF TRANSPORTATION

REVENUE SHARING PROGRAM - FISCAL YEARS 2027 AND 2028

LONGHILL ROAD AND WARHILL TRAIL INTERSECTION IMPROVEMENTS

WHEREAS, the Board of Supervisors of James City County, Virginia (the “County”), desires for the County to submit an application requesting up to \$1,897,739 of Revenue Sharing Funds through the Virginia Department of Transportation (VDOT) Fiscal Years (FY) 2027 and 2028 Revenue Sharing Program; and

WHEREAS, the County will allocate up to \$1,897,739 to match Revenue Sharing Program funds as part of the FY 2027 or FY 2028 budget, consistent with the year of the award; and

WHEREAS, the combined funding from the County and VDOT totaling up to \$3,795,478 is requested to fund the Longhill Road and Warhill Trail Intersection Improvements project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports this application for an allocation up to \$1,897,739 through the VDOT Revenue Sharing Program and further approves a County contribution up to \$1,897,739 toward this project, and hereby authorizes the County Administrator to sign the necessary applications, agreements, and other documentation necessary to administer this revenue sharing project.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

SADLER
ICENHOUR
MCGLENNON
LARSON
HIPPLE

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Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of July, 2023.

RESOLUTION

VIRGINIA DEPARTMENT OF TRANSPORTATION

REVENUE SHARING PROGRAM - FISCAL YEARS 2027 AND 2028

SKIFFES CREEK INDUSTRIAL PARK IMPROVEMENTS

WHEREAS, the Board of Supervisors of James City County, Virginia (the “County”), desires for the County to submit an application requesting up to \$361,515 of Revenue Sharing Funds through the Virginia Department of Transportation (VDOT) Fiscal Years (FY) 2027 and 2028 Revenue Sharing Program; and

WHEREAS, the County will allocate up to \$361,515 to match Revenue Sharing Program funds as part of the FY 2027 or FY 2028 budget, consistent with the year of the award; and

WHEREAS, the combined funding from the County and VDOT totaling up to \$775,030 is requested to fund the Skiffes Creek Industrial Park Improvements project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby supports this application for an allocation up to \$361,515 through the VDOT Revenue Sharing Program and further approves a County contribution up to \$361,515 toward this project, and hereby authorizes the County Administrator to sign the necessary applications, agreements, and other documentation necessary to administer this revenue sharing project.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

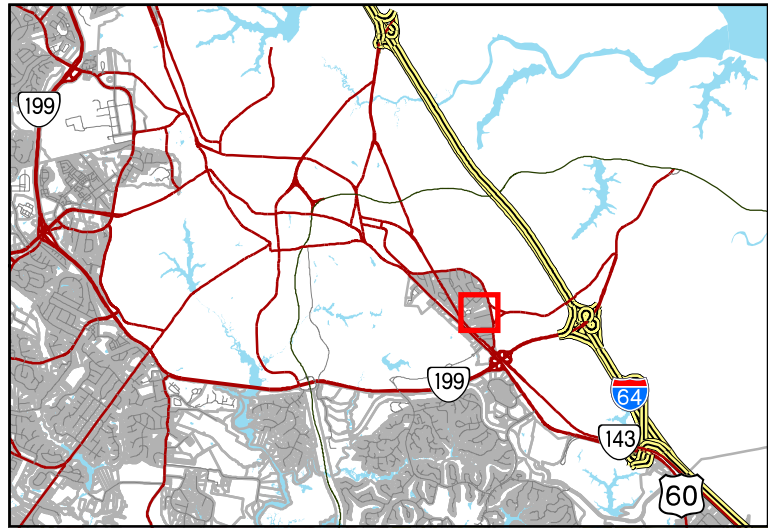
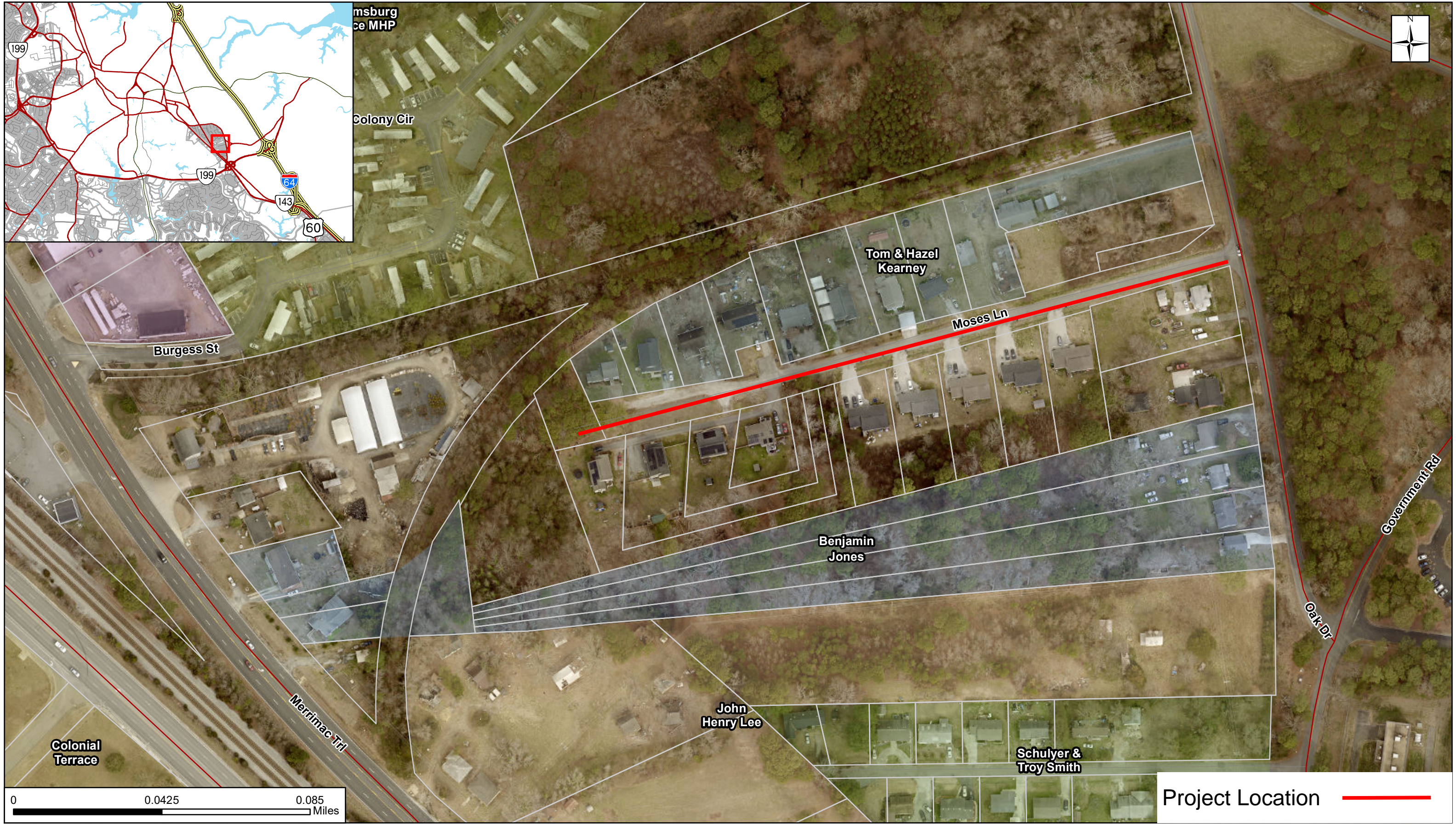
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Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of July, 2023.

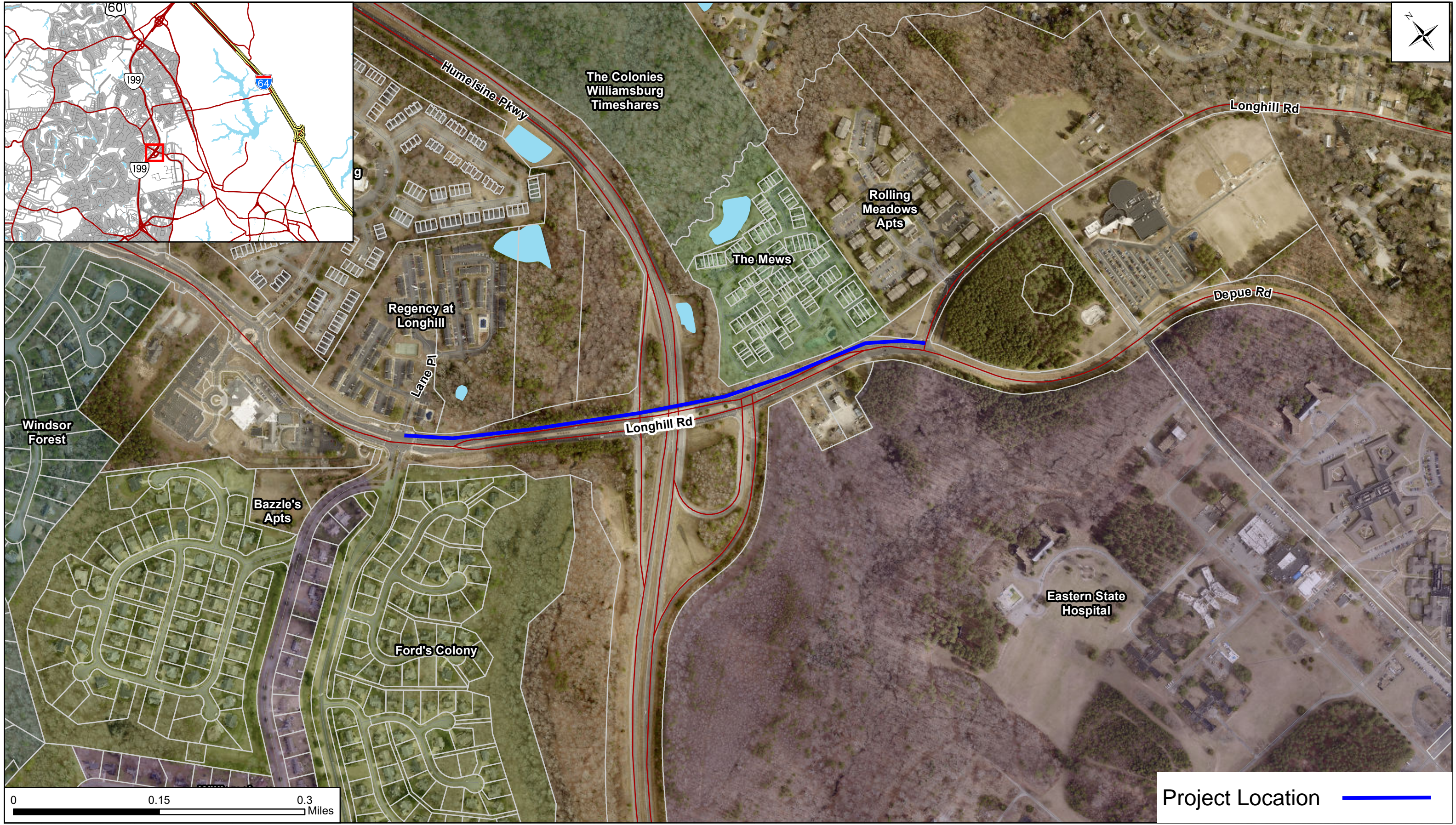
Route 60 (Pocahontas Trail) Widening and Complete Street



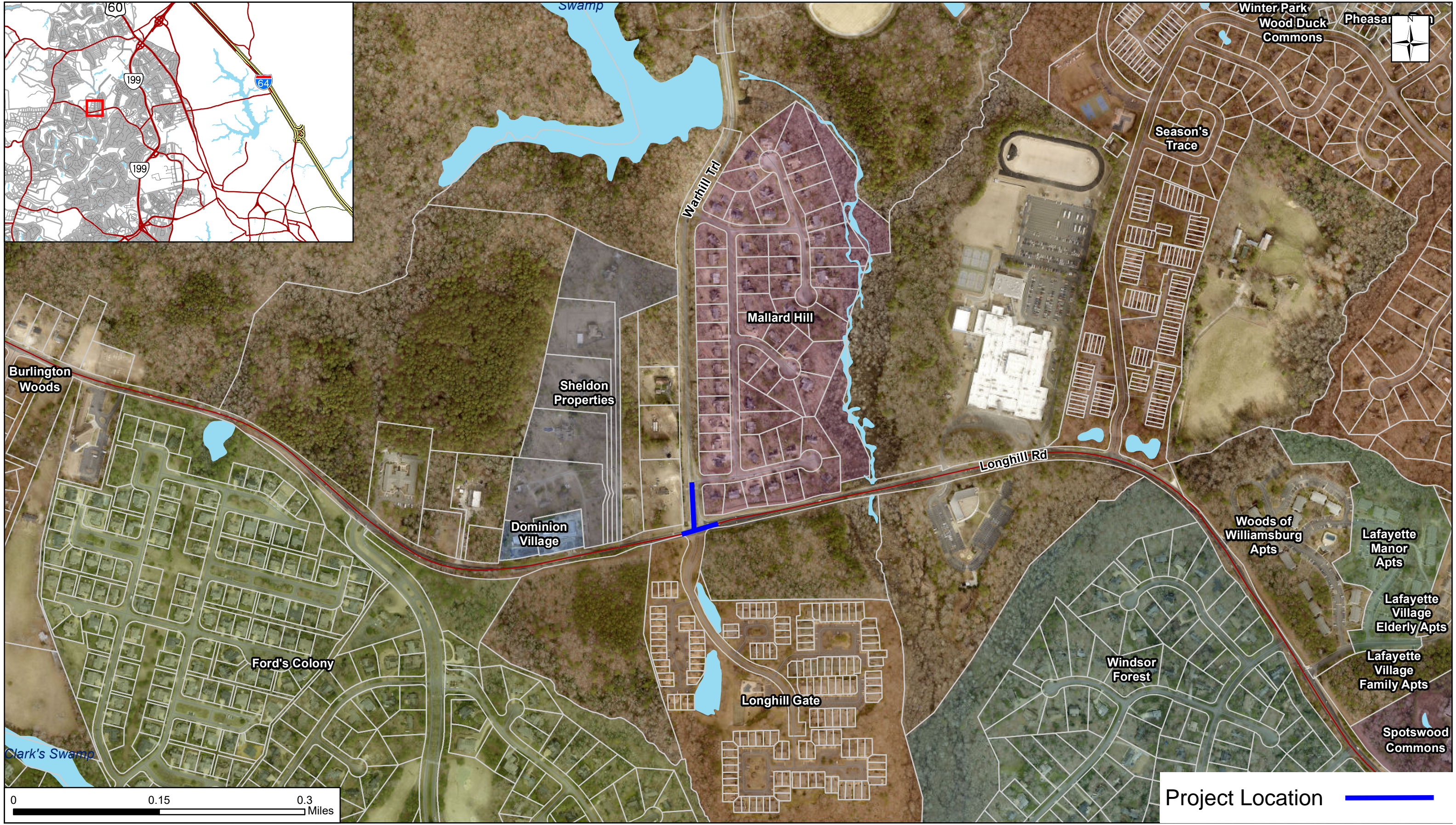
Moses Lane Reconstruction and Extension



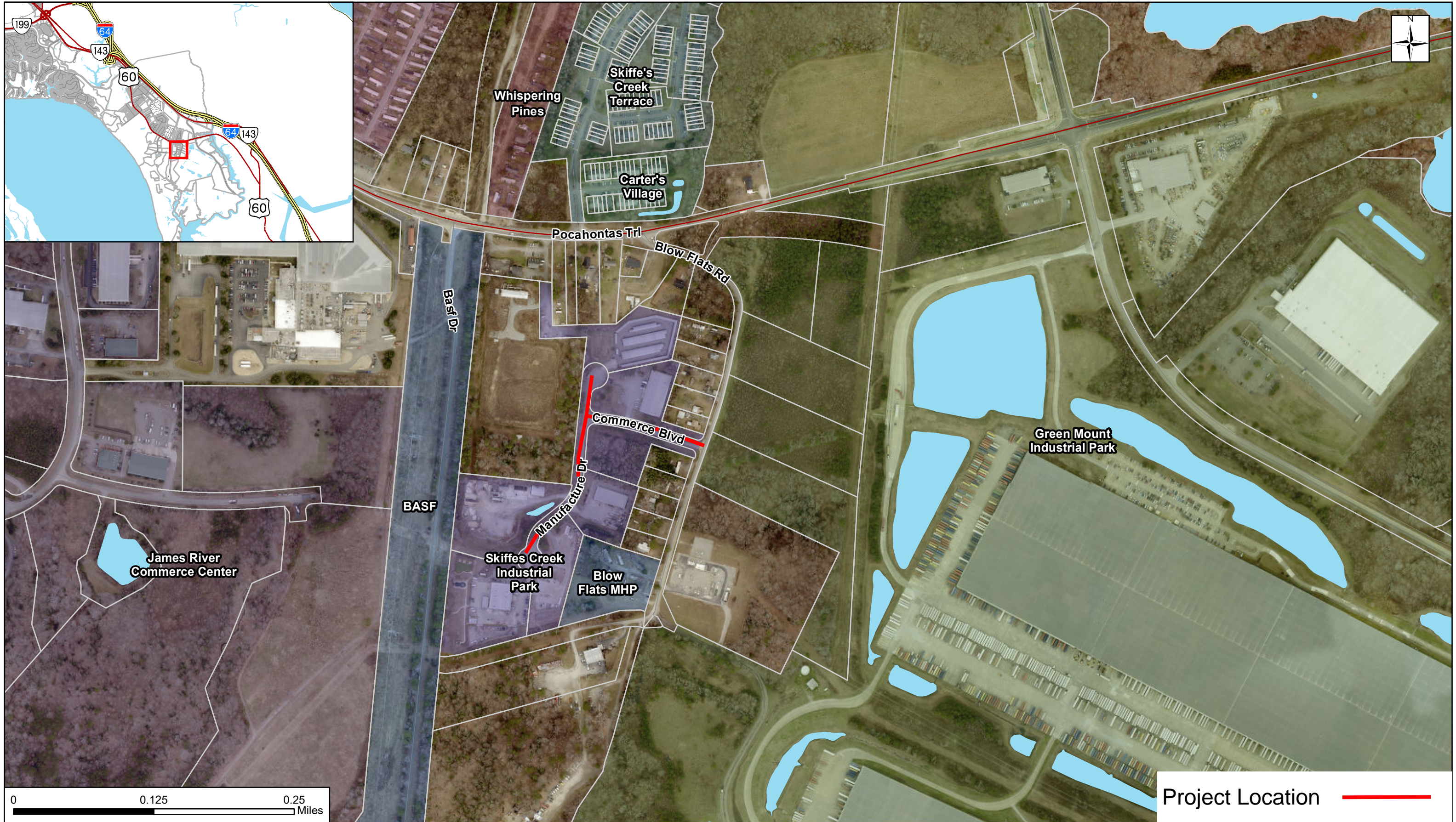
Longhill Road Shared Use Path



Longhill Road and Warhill Trail Intersection Improvements



Skiffes Creek Industrial Park Improvements



ITEM SUMMARY

DATE: 7/25/2023

TO: The Board of Supervisors

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

SUBJECT: ORD-22-0001. Amendments for Scenic Roadway Protection

ATTACHMENTS:

	Description	Type
☐	0. Cover Memo	Cover Memo
☐	1. Initiating Resolution	Resolution
☐	2. Old Stage Road Parcel Development Status Map	Exhibit
☐	3. Old Stage Road Parcel Subdivision Potential Map	Exhibit
☐	4. Old Stage Road Parcels by Setback Depth	Exhibit
☐	5. Old Stage Road AFD Parcels	Exhibit
☐	6. Forge Road AFD Parcels	Exhibit
☐	7. Rural Roadway Preservation Presentation	Backup Material
☐		Presentation

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	7/7/2023 - 12:55 PM
Development Management	Holt, Paul	Approved	7/7/2023 - 12:55 PM
Publication Management	Pobiak, Amanda	Approved	7/7/2023 - 12:59 PM
Legal Review	Kinsman, Adam	Approved	7/13/2023 - 5:23 PM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 10:30 AM
Board Secretary	Purse, Jason	Approved	7/17/2023 - 2:20 PM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 2:22 PM

MEMORANDUM

DATE: July 25, 2023
TO: The Board of Supervisors
FROM: Paul D. Holt, III, Director of Community Development and Planning
SUBJECT: ORD-22-0001. Amendments for Scenic Roadway Protection

Introduction

At its May 23, 2023, meeting, the Board of Supervisors provided the following direction to Planning staff:

1. Analyze the existing parcels abutting Old Stage Road, with the following specific information being requested for the Board's consideration:
 - a. An estimate of the number of undeveloped parcels abutting Old Stage Road.
 - b. An estimate of how many of the parcels abutting Forge Road can be subdivided based on their current minimum lot size requirement (i.e., with either three-acre or 20-acre lot size minimums) and which parcels have existing frontage for lot creation impacting the view shed.
2. Review the proposed setback concept to ensure the County does not inadvertently eliminate the building envelope for existing parcels and provide a revised concept, if needed.

In further response to some of the questions and concerns that were raised, also provided below is an updated estimate of nonconformities, based on any changes to the setback concept, and a more detailed explanation of how an increased scenic easement setback would apply to existing structures and dwelling units.

Parcel Analysis

Based on the County's Geographic Information System (GIS), the number of parcels abutting Old Stage Road (excluding flag lots) is 40. Of these 40 parcels, the following information is directly relevant to this Scenic Road Ordinance amendment (please see Attachment Nos. 2 and 3 for the maps detailing these parcels).

- 34 of these parcels have been developed, while six are currently undeveloped.
- 38 of these parcels meet the criteria in Sec. 24-214 (2)(a) to have a minimum lot size of 3 acres for residential uses, while two of these parcels meet the minimum lot size requirement of 20 acres for residential uses.
- Of these 38 parcels with a minimum lot size of three acres, 30 are unable to be subdivided, while eight parcels have the minimum acreage needed to subdivide and also having potential frontage for lot creation directly fronting the road.
- Of the two parcels with a minimum lot size of 20 acres, only one can be subdivided, and has potential for lot creation directly fronting the road.

Revised Setback Concept

Based on scenarios and questions raised by the Board, staff has provided an additional edit and clarification to revise the setback concept to ensure shallower lots do not have their building envelope eliminated by the new setback. This addition would allow for lots with a depth of 300 feet or less to have the 75-foot setback requirement, lots with a depth between 300 feet and 500 feet to have a setback requirement of 200 feet, and lots with a depth greater than 500 feet to have the 400-foot setback. The number of lots in each of these categories are detailed below (see Attachment No. 4 for a visual representation of these categories).

Parcel Depth Analysis

Total Parcels	Parcels with Depth Greater than 500 feet (400-foot Setback)	Parcels With Depth Between 500 feet and 301 feet (200-foot Setback)	Parcels with Depth 300 feet or Less (75-foot Setback)
40	19	12	9

Using this approach, staff analyzed the proposed number of nonconformities that would be in place should this be implemented. The results of this analysis are detailed in the table below. Compared to the previous options presented to the Board, this clarified approach would decrease the amount of nonconforming structures on Old Stage Road by 10 (five residences and five accessory structures). Staff finds that this approach would balance protecting rural character while decreasing the number of nonconformities.

Option: 400-foot Setback for Lots Greater than 500 feet in Depth, 200-foot Setback for lot depth of between 500 and 301 feet, 75-foot Setback for lot depth of 300 feet or less

	Structures Within 400 Feet	Exempt Parcel Structures	Final
Residences	33	-8	25
Accessory Structures	39	-8	31
Total	72	-16	56

Non-Conformities Summary

As detailed above, the approval of the proposed setback on Old Stage Road would result in structures becoming lawfully nonconforming, as they would be located within the setback. A lawfully nonconforming structure is not required to be removed by the property owner, nor is the use of structure prevented by being nonconforming. However, the structure would not be permitted to expand further into the setback.

In general, all nonconforming structures damaged by casualty are permitted to be restored provided that such restoration has started within one year of the casualty and is completed within two years. Expansions of a nonconforming structure, such as a room addition or deck, may be permitted if the expansion does not encroach further into the front setback and complies with all other required setbacks. This approval can be done administratively at the staff level without needing any legislative process. However, additions or expansions which are determined to be more nonconforming may apply for a variance from the Board of Zoning Appeals.

To ensure this is clear moving forward for future building permit applications, the Policy Committee and staff are proposing that additional language be included in the draft text to permit existing structures made nonconforming by this amendment to expand, provided it does not further encroach toward the road. The additional language would further clarify requirements when the entire structure is within the increased front setback. If this approach is amenable to the Board, a review of this draft language will be included in the materials that are brought forward as part of the public hearing process for this proposed zoning Ordinance amendment.

Recommendation

Planning staff recommends the Board recommend this option to the Policy Committee for Old Stage Road for their consideration at its September Policy Committee meeting. Planning staff will prepare draft language for the entire Ordinance amendment including this concept for Old Stage Road for the Policy Committee’s consideration at this upcoming meeting.

ORD-22-0001. Amendments for Scenic Roadway Protection

July 25, 2023

Page 3

PDH/ap

ORD22-1AmdScRdPro-rev-mem

Attachments:

1. Initiating Resolution
2. Old Stage Road Parcel Development Status Map
3. Old Stage Road Parcel Subdivision Potential Map
4. Old Stage Road Parcels by Setback Depth
5. Old Stage Road Agricultural and Forestal District (AFD) Parcels
6. Forge Road AFD Parcels
7. Rural Roadway Preservation Visual Representation

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE AND

SUBDIVISION ORDINANCE TO PROVIDE ADDITIONAL REQUIREMENTS TO PROTECT

AND PRESERVE SCENIC ROADWAYS SUCH AS FORGE ROAD


WHEREAS, section 15.2-2286(A)(7) of the Code of Virginia, 1950, as amended (the "Virginia Code"), and County Code Section 24-13 authorize the Board of Supervisors of James City County, Virginia (the "Board"), to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board finds to be prudent and required by public necessity, convenience, general welfare, or good zoning practice; and

WHEREAS, section 15.2-2253 of the Virginia Code and County Code Section 19-10 authorize the Board to request the Planning Commission to prepare and recommend amendments to the Subdivision Ordinance; and

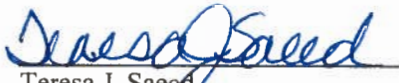
WHEREAS, the Board is of the opinion that the public necessity, general welfare, and good zoning practice warrant the consideration of amendments to the Zoning Ordinance and Subdivision Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby initiate amendment of the James City County Code, Chapter 24, Zoning in order to consider additional requirements to protect and preserve scenic roadways such as Forge Road. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Zoning Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby request the Planning Commission to prepare and recommend amendments to Chapter 19, Subdivisions, in order to consider additional requirements to protect and preserve scenic roadways such as Forge Road. The Planning Commission shall hold at least one public hearing on the consideration of amendments to said Subdivision Ordinances and shall forward its recommendation to the Board of Supervisors in accordance with the law.


Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:


Teresa J. Saeed
Deputy Clerk to the Board

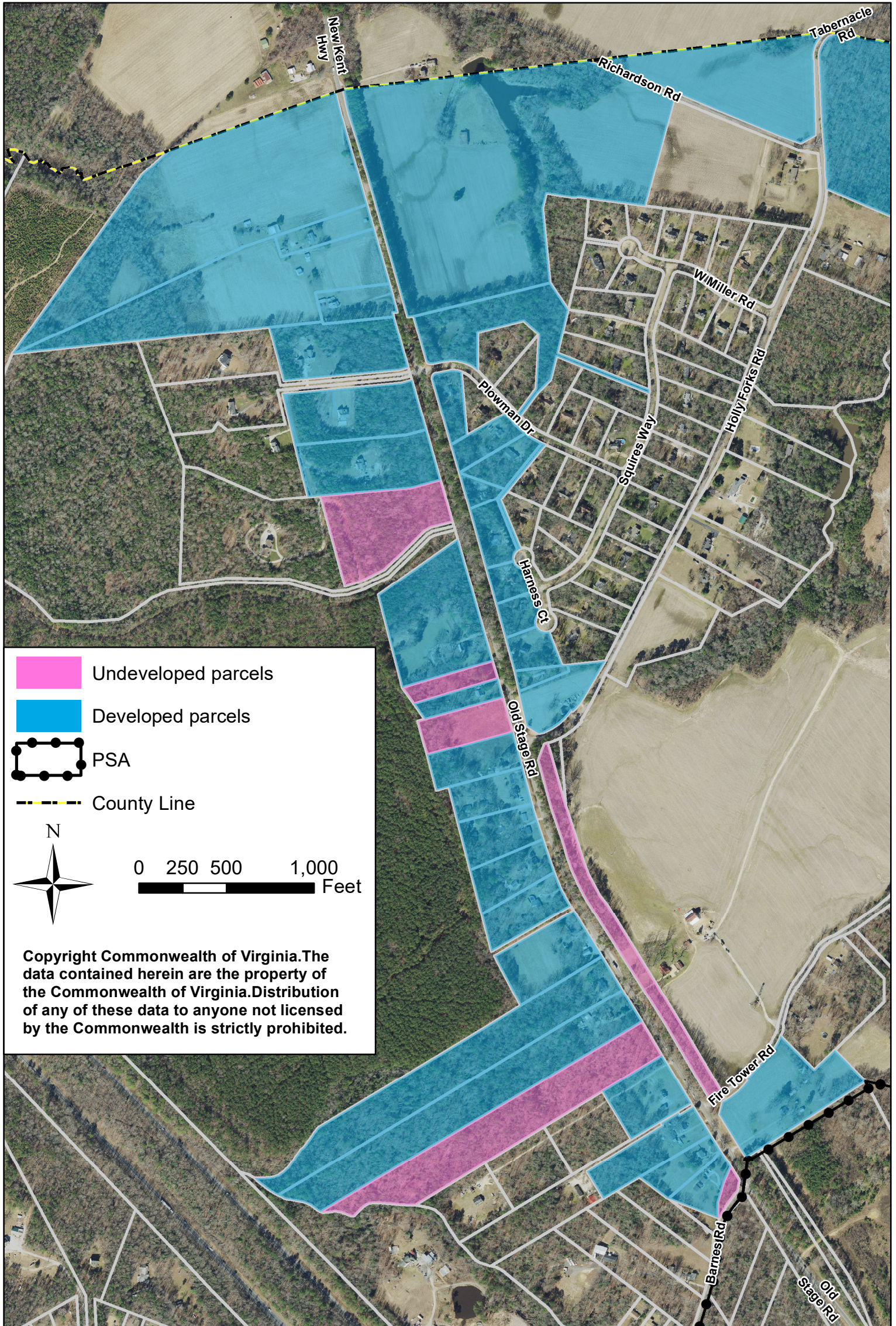
	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of November, 2021.

InitConsdForgeRd-res

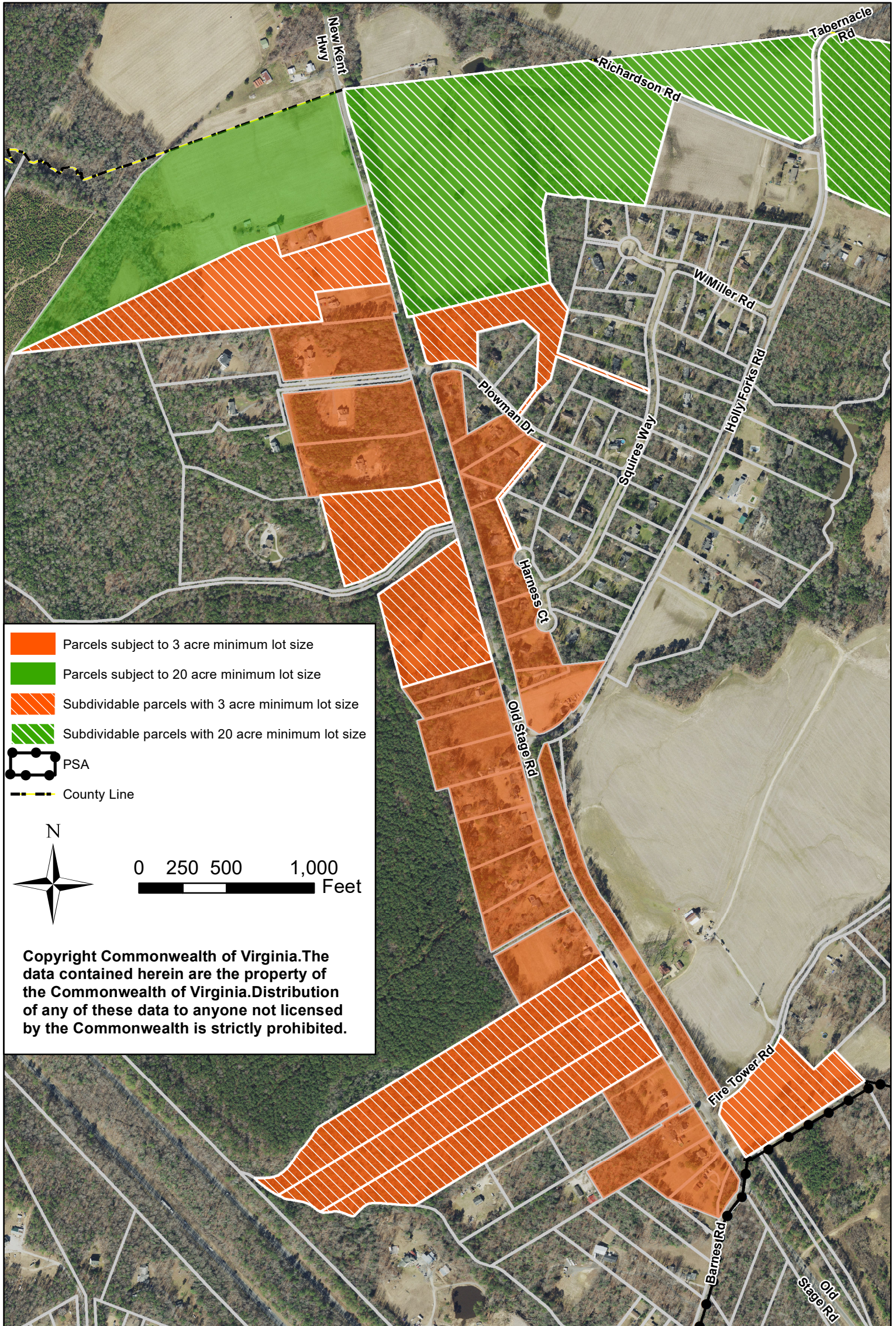


JCC ORD-22-0001, Amendments for Scenic Roadway Protection. Old Stage Road Corridor





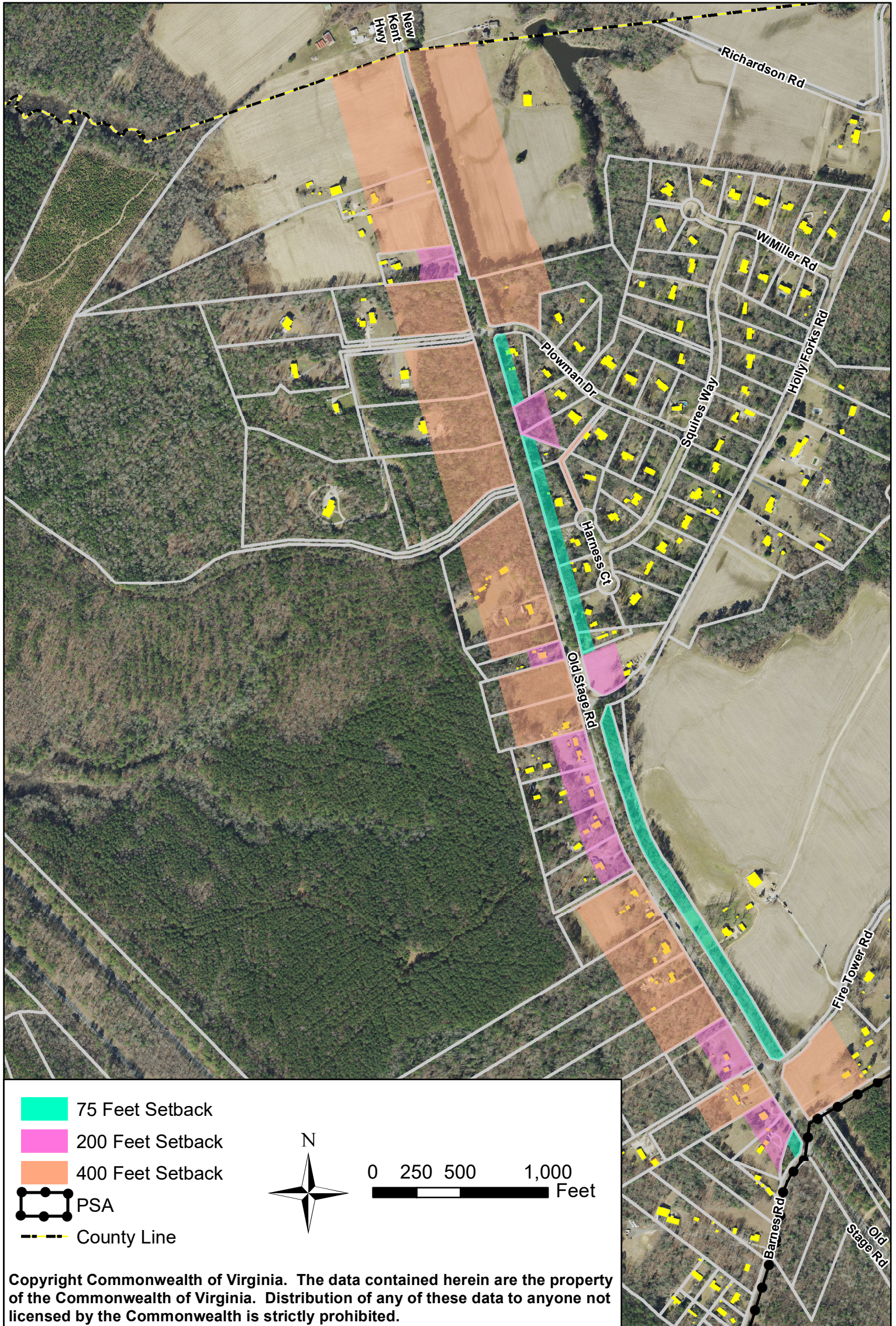
JCC ORD-22-0001, Amendments for Scenic Roadway Protection. Old Stage Road Corridor



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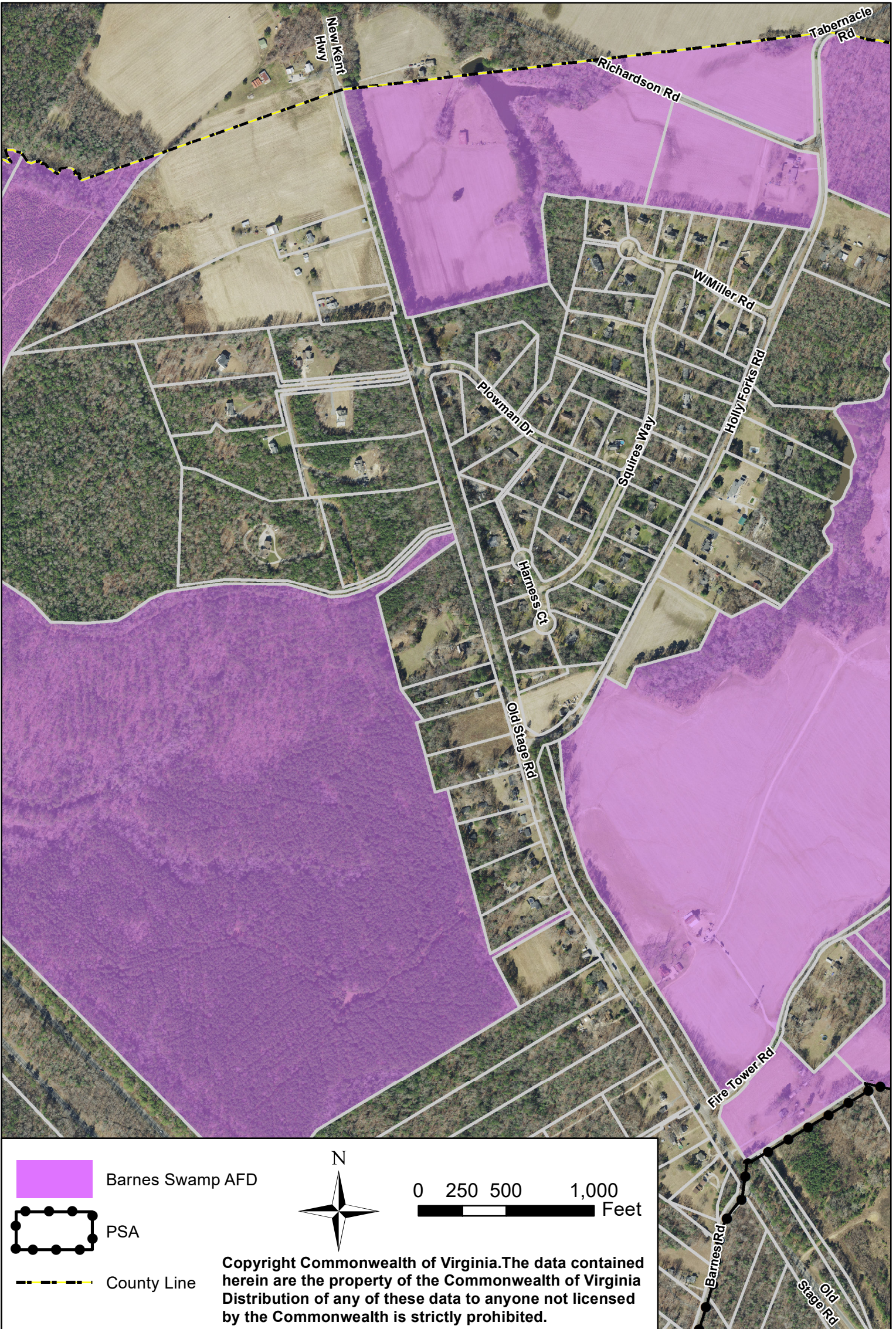
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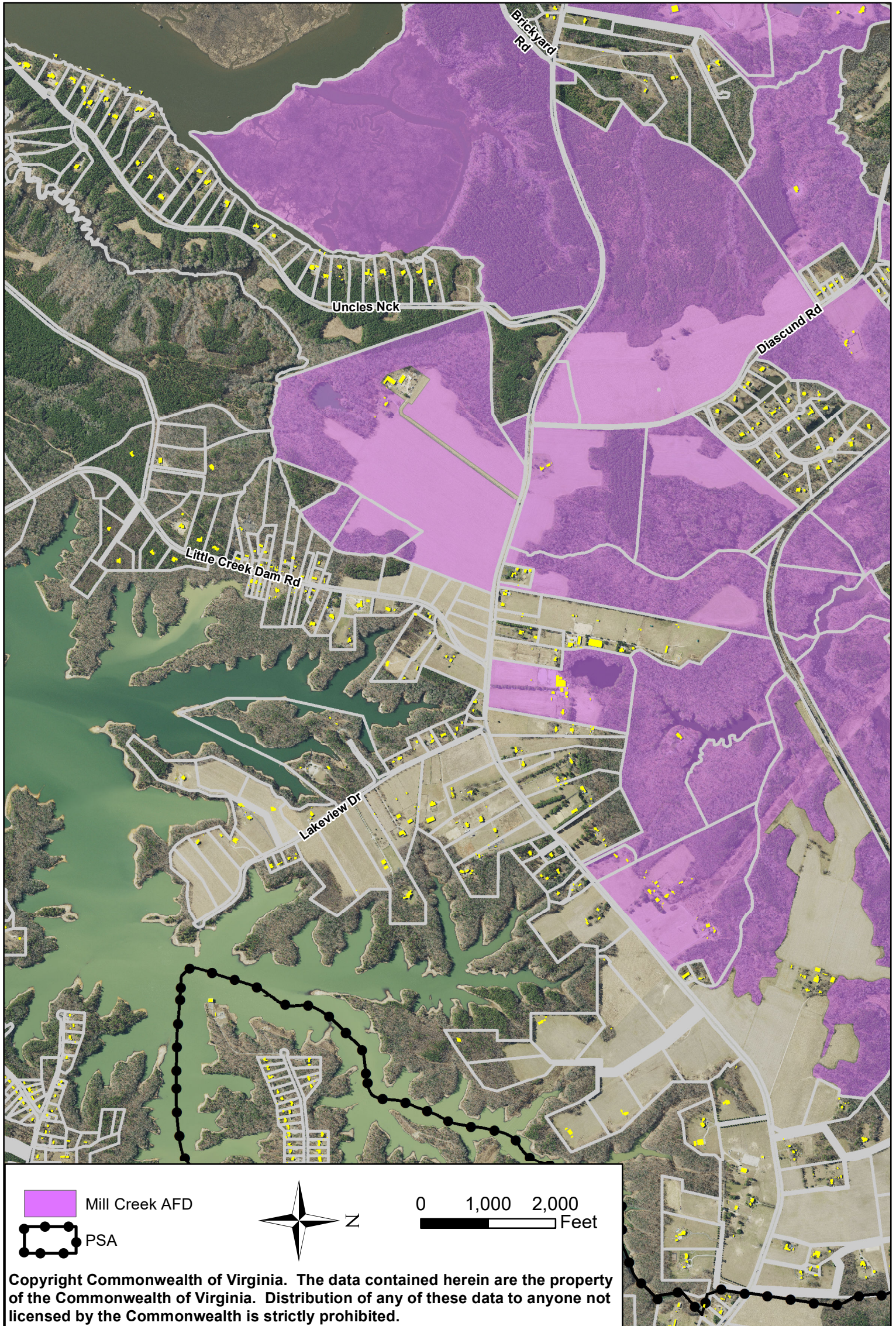


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JCC ORD-22-0001, Amendments for Scenic Roadway Protection. Forge Road Corridor



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Rural Roadway Preservation



James City County Zoning Update
DRAFT August 2, 2022

Prepared by EPR,PC

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Rural Roadway Preservation

Part 1. Visual Analysis of Viewsheds

Introduction

In 2021, the James City County Board of Supervisors approved a Resolution to initiate the amendment of the James City Zoning and Subdivision ordinances in order to consider additional requirements to protect and preserve scenic roadways such as Forge Road. As part of an analysis to consider new standards for protection of these scenic roadways, EPR, PC was asked to develop analytic visualizations of the visual impacts of the viewshed on Forge Road.

The results of this analysis are presented here in two parts:

1. **Ground Level Visualizations** - The first part is a series of photomontages that were developed based on alternative measured distances from the road.
2. **Aerial Visualizations** - The second part is a series of aerial photographs of the Forge Road corridor showing different distances from the road as colored buffers along the roadway, with existing structures highlighted to show where they fall within the distance buffers.

It is important to note that, even though these are illustrative visualizations, they are based on actual measured dimensions using computer mapping for the distances so they represent a reasonably accurate representation of what potential distance standards could look like in reality.

Ground Level Visualizations

Methodology

For the purposes of the visualizations, a photograph of a segment of Forge Road was used that represents a typical “view from the road” on a relatively level portion of the road without any existing screening or buffering along the roadway. Using computer mapping, house sites were located at the following distances from the edge of the roadway (which is also the edge of the Right of Way):

- 100 feet
- 200 feet
- 300 feet
- 400 feet



Figure 1. Existing photo of Forge Road with computer mapping of different setback distances

Secondly, photographs of two typical houses were selected at the same view angle as the “view from the road” photograph to be used in composing the photomontages. House A was a simple one story brick home with attached garage and minimal landscaping and House B was a more elaborate house with detached garage and extensive landscaping in the front yard.

These houses were then photo montaged into the existing Forge Road photograph precisely at each of the distance points to show a reasonably realistic view of the visual impact of the houses at each distance parameter.

Results

The images below show the final photomontages with each house at each of the distances from the road.

House A:



Figure 2. House A. 100 ft. distance



Figure 4. House A. 200 ft. distance



Figure 3. House A. 300 ft. distance



Figure 5. House A. 400 ft. distance

House B.



Figure 6. House B. 100 ft. distance



Figure 7. House B. 200 ft. distance



Figure 8. House B. 300 ft. distance



Figure 9. House B. 400 ft. distance

Conclusions

The use of computer aided photomontage visualizations is a practical way to assess the potential visual impacts of alternative provisions for distances from the road. However, it is important to recognize that many other factors can influence the perception of different distances to houses when viewed from the road. These include topography, the presence of existing vegetation, and the general architectural character of structures. The above visualizations are of course open to different interpretations regarding what distance standards should be developed. From the consultant’s perspective, a few observations are offered for consideration from a professional planning perspective:

- The visual impact of both houses at the 100 foot distance is considerable. This scale of this distance is more reminiscent of a suburban development pattern than what is typically seen in a rural, farming based landscape.
- 300 to 400 foot distances are more similar to a typically rural context and view from the road, although houses on large lots are frequently set back even more than that. Often, homeowners who purchased large lots prefer a wide set back from the road to maintain their sense of private space and rural character.
- Particularly at the 400 foot distance line, there is an opportunity to create buffering and screening around the houses with vegetation that would be more reminiscent of a rural farm scape rather than a suburban landscape pattern.
- The architecture and landscaping around the house also influence the character of the view from the road. Large suburban houses with tall roofs and suburban style landscaping create more of a discontinuity with the rural landscape than a low ranch house with an attached garage.

Aerial Visualizations

Methodology

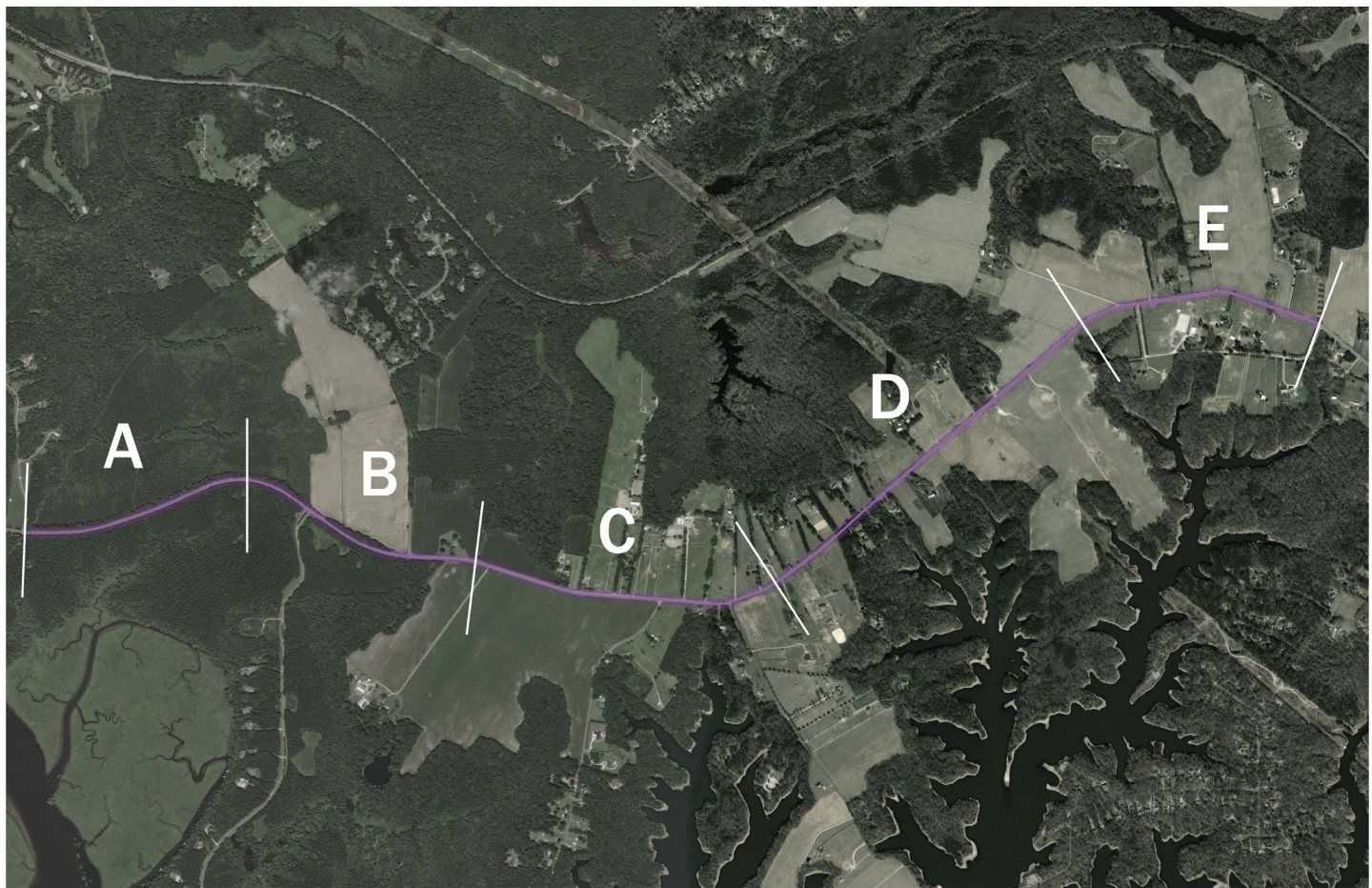
Based on County staff request, EPR developed an aerial mapping analysis of different distance widths applied to a section of Forge Road located outside of the PSA. The maps were presented as aerial photos with the distances shown as colored buffers on the photos and as oblique aerial views of segments of Forge Road showing existing structures.

The following maps were developed:

- **Baseline Setback Map.** This map shows the setback that currently applies under the existing zoning requirements for A-1.
- **Potential Alternate Distance Analysis Map:** This maps shows potential distances of 100', 200', 300' and 400'.
- **Oblique Aerials of Segments of Forge Road.** These maps show detailed oblique views of five segments of Forge Road with the potential distance ranges from 100' to 400' and highlight existing structures.

Results:

JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Existing Setback)



Gray: Forge Rd.
Purple: Existing 75' Setback



Figure 10. Base Map showing Existing Setback for A1 Zone

JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks)



Figure 11. Base map showing alternate distances from the roadway

JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks) - Segment A

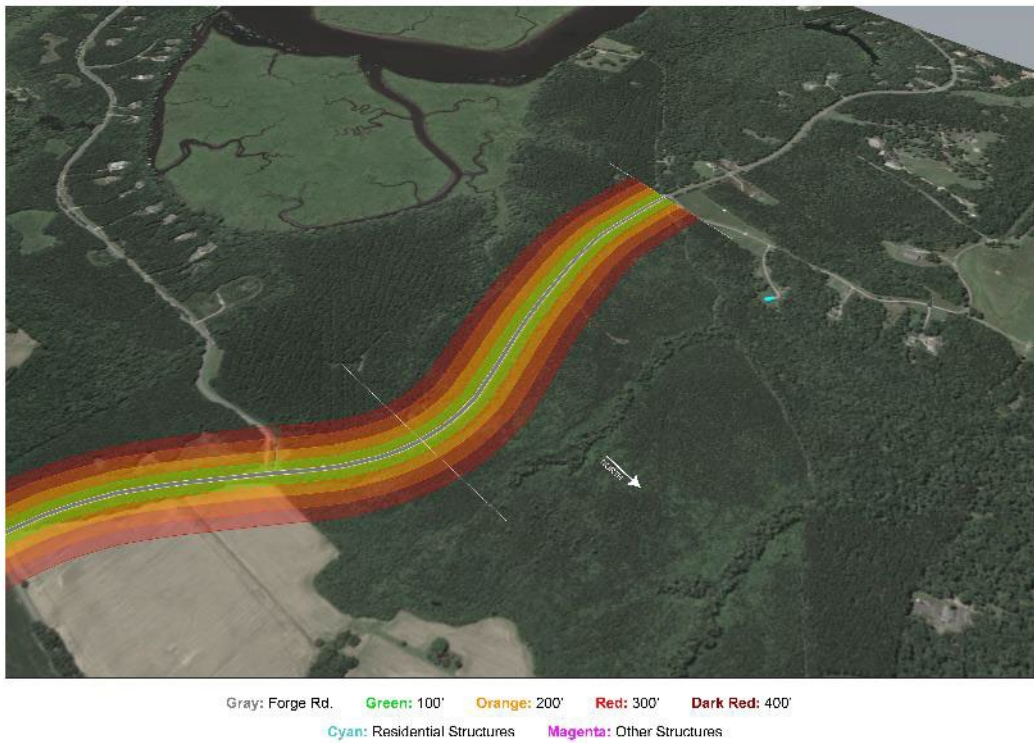


Figure 13. Potential distances - Segment A.

JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks) - Segment B



Figure 12. Potential distances - Segment B.

JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks) - Segment C

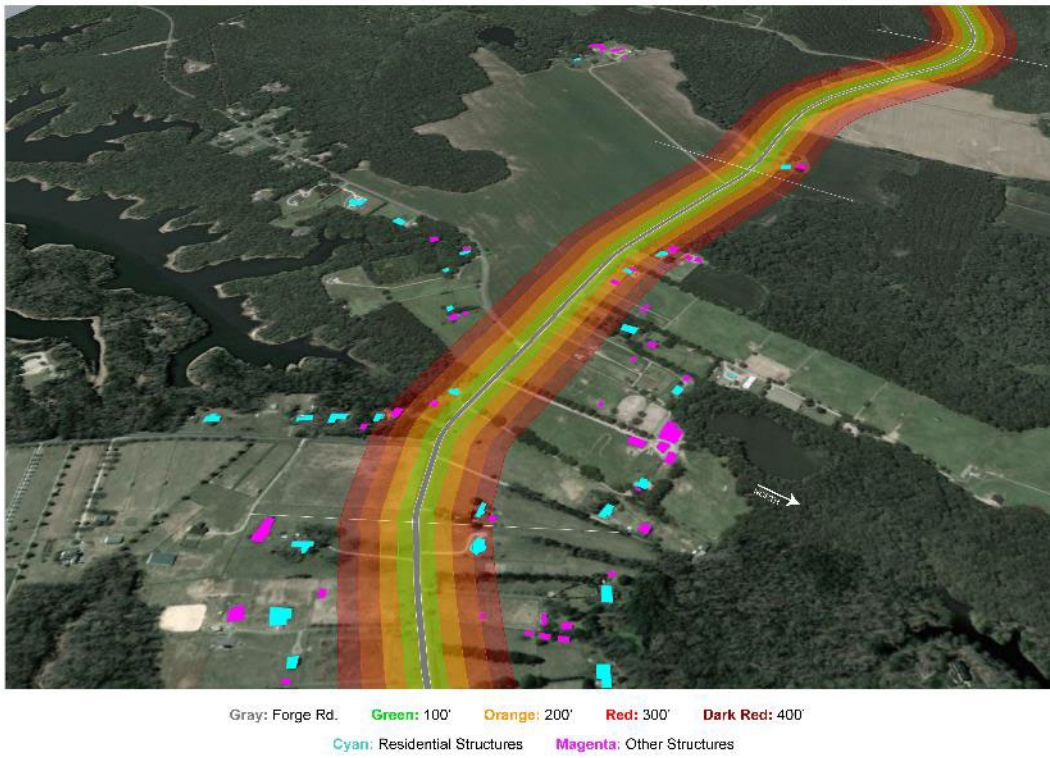


Figure 15. Potential distances - Segment C.

JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks) - Segment D

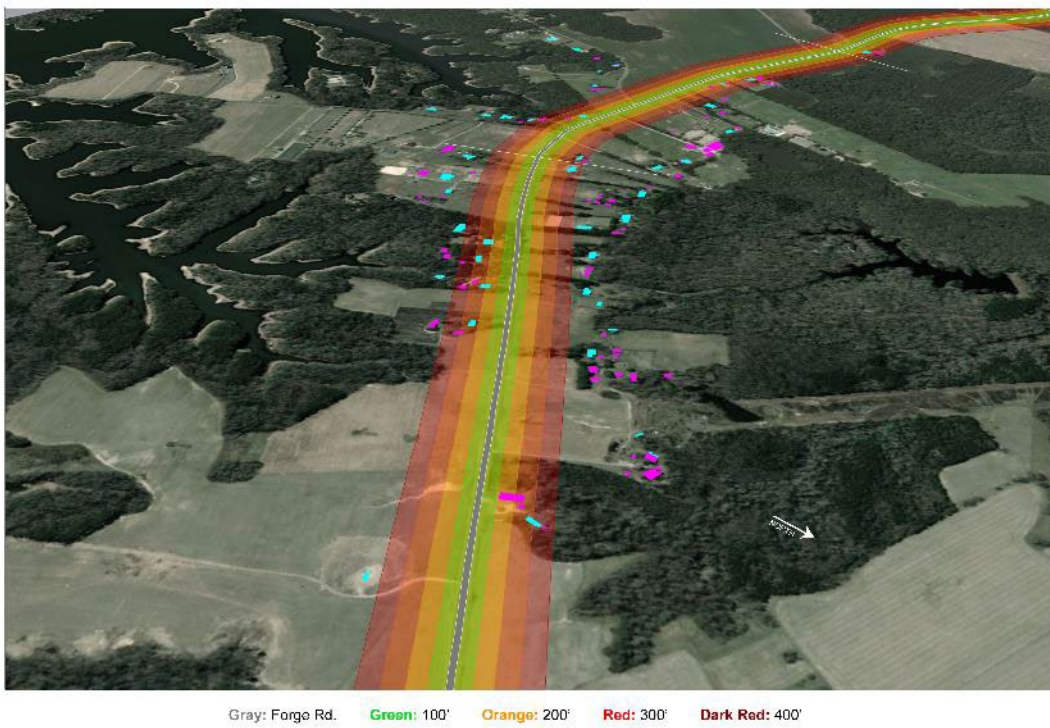


Figure 14. Potential distances - Segment D.

JAMES CITY COUNTY ZONING ANALYSIS | Forge Rd. Basemap (Proposed Setbacks) - Section E

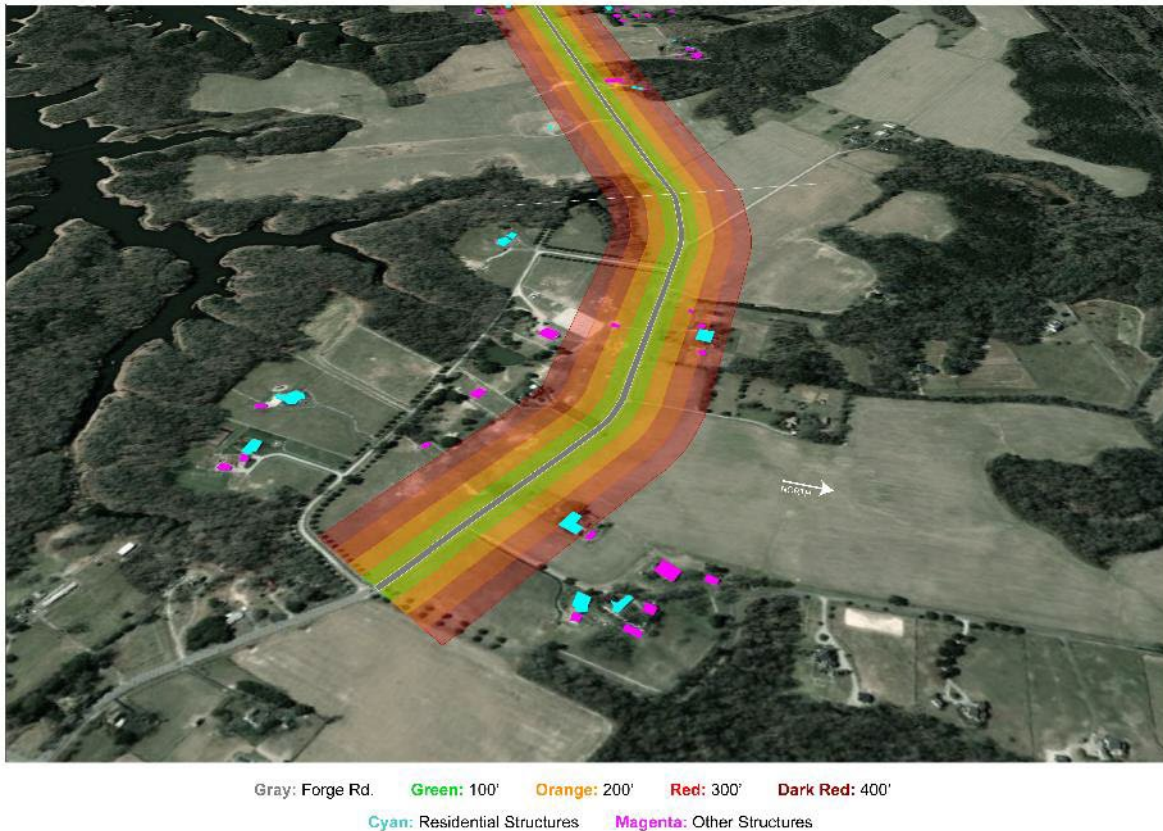


Figure 16. Potential distances - Segment E.

Conclusions

The analysis of existing and potential distances through aerial photography provides a useful assessment of the existing conditions along Forge Rd and the existing setbacks of existing structures. A few summary findings from this analysis include:

- Very few existing structures are built right up to the existing setback line of 75 feet for the A1 zoning district.
- Only one residential structure in segment C and one residential structure in segment D approach the 100 foot distance line. Also, one nonresidential structure in segment D is also built at the 100 foot distance line.
- The majority of structures that fall within the potential distance buffers range from 200 to 400 foot distances.
- a great number of structures are set back well beyond the 400 foot distance line. Segments C and D show a wide variety of structures set well back from the road up to 1000 feet or more.
- In general, both the diversity of setbacks of existing structures and the extensive average distance from the road contribute to the scenic character of Forge Rd and ensure that view sheds are not dominated by views of houses or other structures.
- In addition, the rolling terrain and pattern of existing trees and vegetation break up the views of the structures and contribute to the overall pastoral viewsheds from the road.



ORD-22-0001

Amendments for Scenic Roadway Protections

Update Since May BOS Meeting

1. Analyze parcel information along Old Stage Road.
2. Analyze the impact of the proposed setback options on existing homes and structures on Old Stage Road.

Parcel Analysis

- 40 lots abutting Old Stage Road
 - 34 developed, 6 undeveloped
 - 38 would be subject to the minimum lot size requirement of three acres for residential subdivision, two would be subject to the size requirement of twenty acres for residential use.
 - Of the 38 parcels with a three acre minimum, 30 cannot be subdivided and eight have the minimum acreage required to subdivide. All eight front on Old Stage Road and can potentially have lots created with frontage.
 - Of the two parcels with a 20 acre minimum, only one can be subdivided and has potential lot creation directly fronting on Old Stage Road.

Parcel Analysis

Parcel Depth Analysis

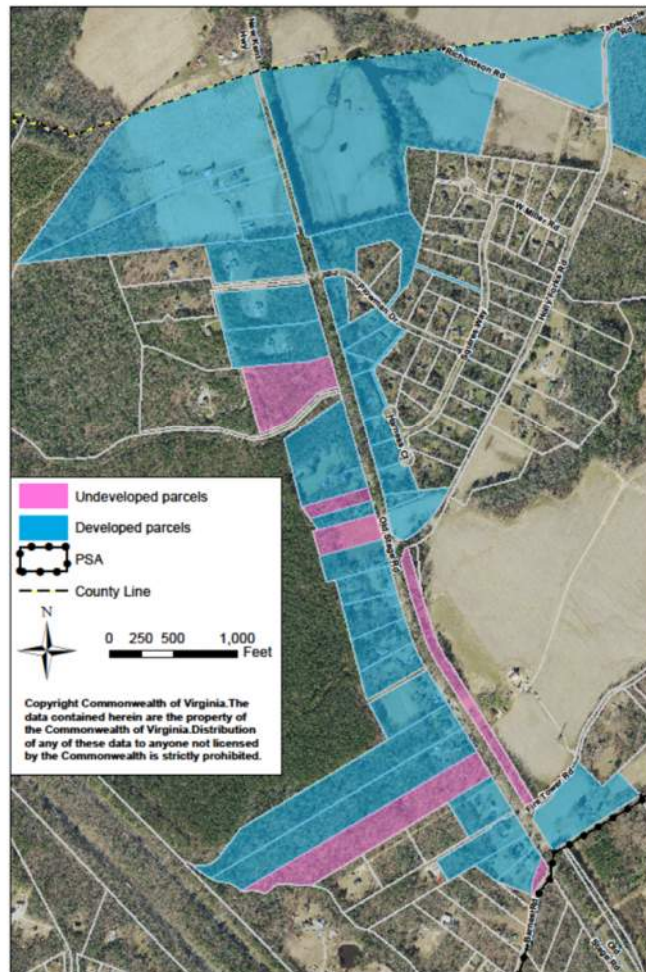
Total Parcels	Parcels with Depth Greater than 500 feet (400-foot Setback)	Parcels With Depth Between 500 feet and 301 feet (200-foot Setback)	Parcels with Depth 300 feet or Less (75-foot Setback)
40	19	12	9

Option: 400-foot Setback for Lots Greater than 500 feet in Depth, 200-foot Setback for lot depth of between 500 and 301 feet, 75-foot Setback for lot depth of 300 feet or less

	Structures Within 400 Feet	Exempt Parcel Structures	Final
Residences	33	-8	25
Accessory Structures	39	-8	31
Total	72	-16	56

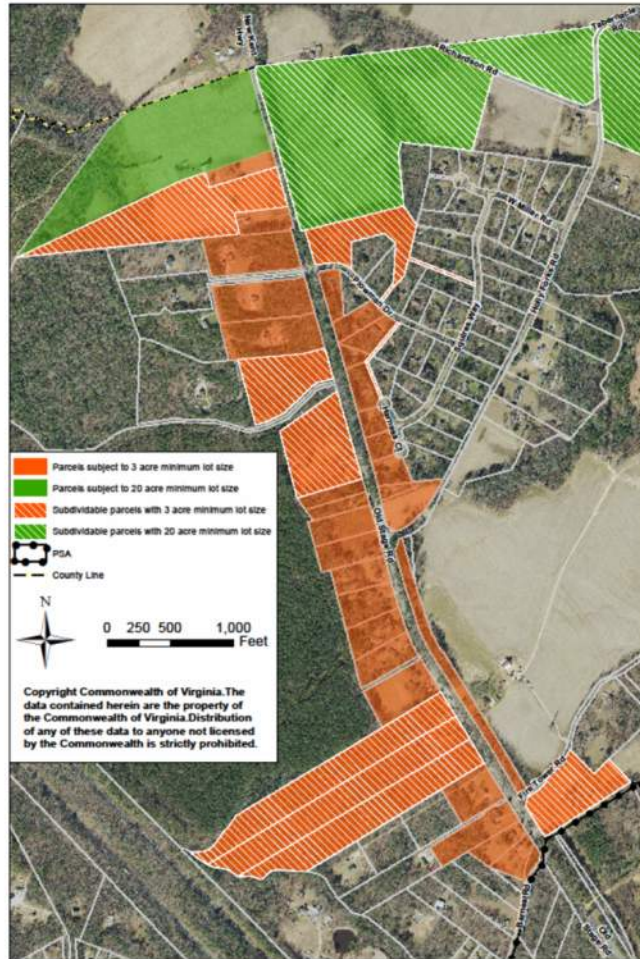


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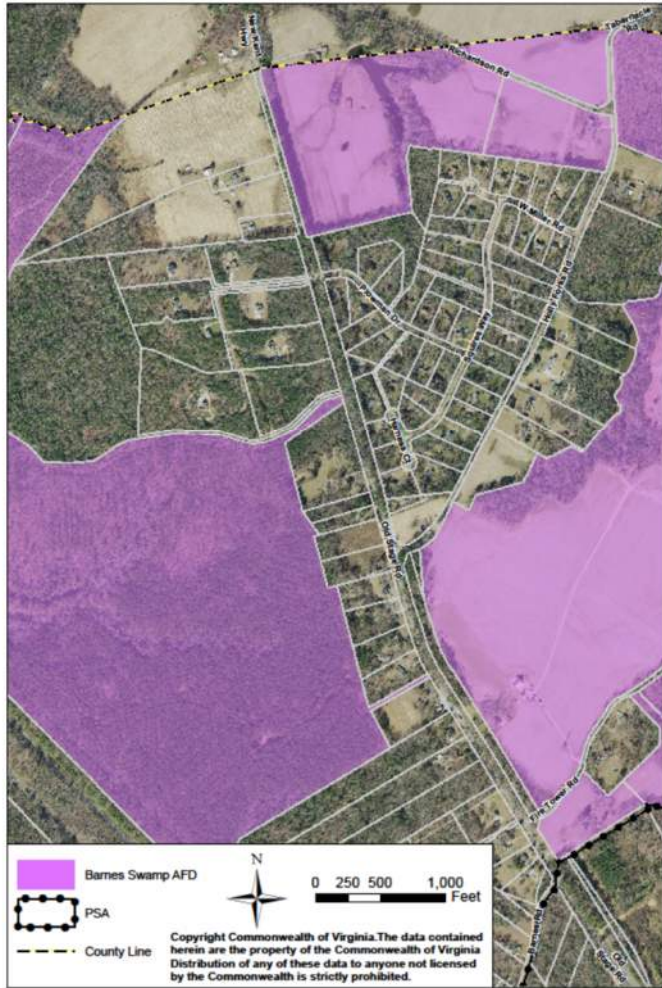


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JCC ORD-22-0001, Amendments for Scenic Roadway Protection. Old Stage Road Corridor

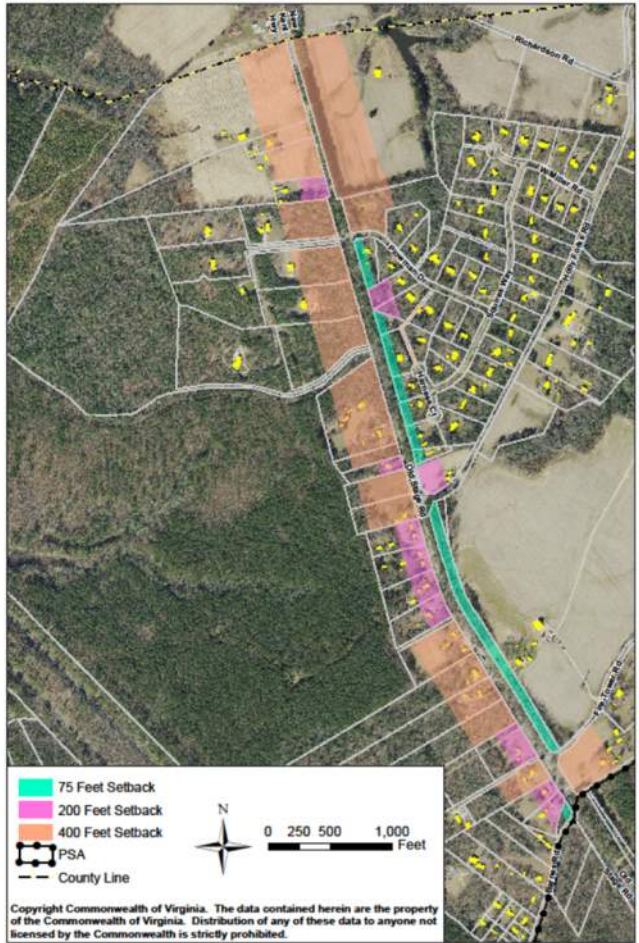


Non-Conformity Summary

- This setback would result in lawful non-conformities:
 - Not required to be removed.
 - Use is not prevented.
 - Expansions is permitted if not further into setback.



JCC ORD-22-0001, Amendments for Scenic Roadway Protection. Old Stage Road Corridor



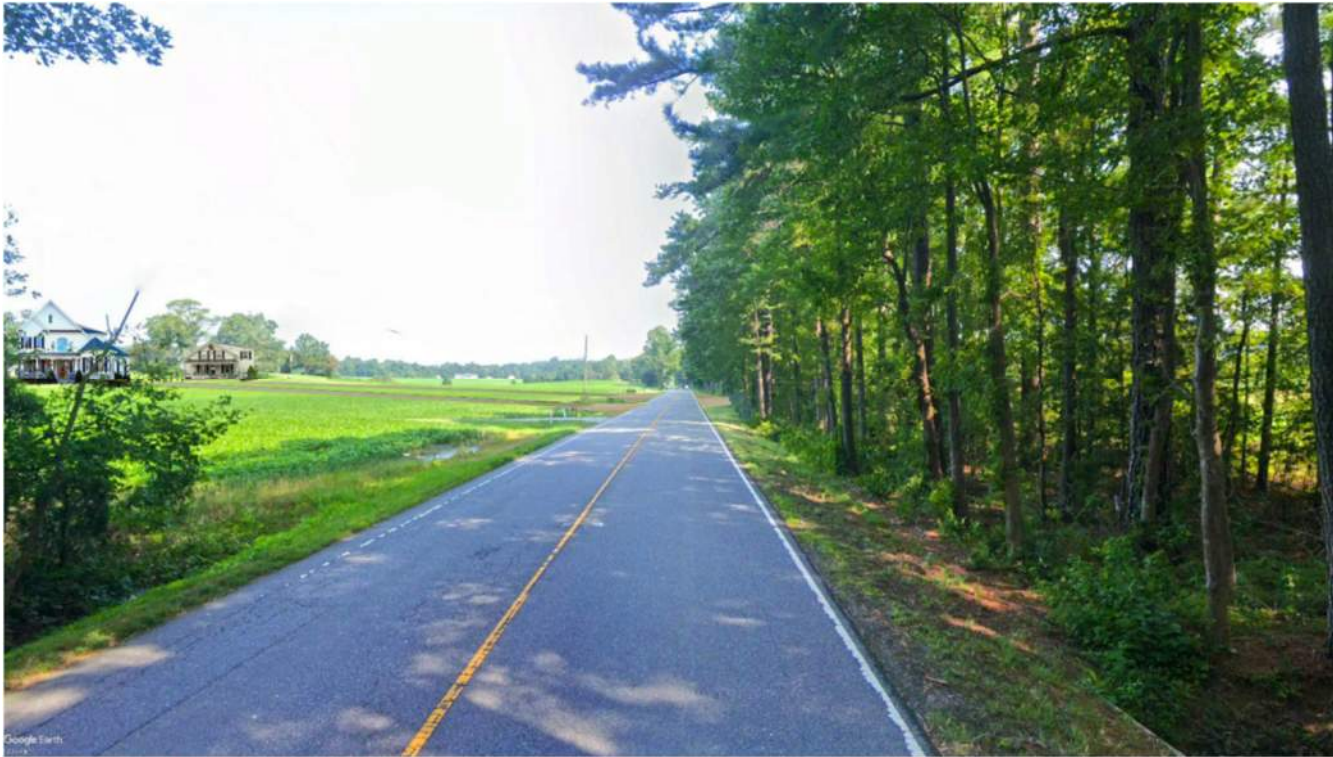
Old Stage Road: 75' From ROW



Old Stage Road: 200' From ROW



Old Stage Road: 400' From ROW



Options Moving Forward

1. A proposed setback of 400-foot Setback for Lots Greater than 500 feet in Depth, 200-foot Setback for lot depth of between 500 and 301 feet, 75-foot Setback for lot depth of 300 feet or less
2. Overlay District: A proposed creation of an overlay district. Once created, one or more corridors could be rezoned to this district.
3. CCC Designation Change: A proposed re-evaluation of the CCCs during the next scheduled Comprehensive Plan update cycle, followed by revisiting setback standards.
4. No Change.

ITEM SUMMARY

DATE: 7/25/2023

TO: The Board of Supervisors

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: Large-Scale Solar Farms

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo
☐	Resolution	Backup Material
☐	Consultant Report	Backup Material
☐	Presentation	Presentation

REVIEWERS:

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	7/14/2023 - 10:43 AM
Development Management	Holt, Paul	Approved	7/14/2023 - 10:43 AM
Publication Management	Daniel, Martha	Approved	7/14/2023 - 10:47 AM
Legal Review	Parman, Liz	Approved	7/17/2023 - 8:56 AM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 10:30 AM
Board Secretary	Purse, Jason	Approved	7/17/2023 - 2:19 PM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 2:22 PM

MEMORANDUM

DATE: July 25, 2023
TO: The Board of Supervisors
FROM: Jose Ribeiro, Senior Planner II
SUBJECT: Large-Scale Solar Farms

At the March 14, 2023, Board of Supervisors' meeting, Board members expressed concern that its consideration of any owner applications involving solar farms would be done without the benefit of the completion of the three solar-farm-related goals (the "Goals") set forth in the Natural & Cultural Assets Plan (the "Assets Plan") adopted by the Board of Supervisors on October 25, 2022:

- Goal No. 1.I of the Assets Plan calls for the development of "zoning tools and guidance for siting large-scale solar sites to avoid or minimize disturbance of habitats or cultural resources".
- Goal No. 2.A of the Assets Plan calls for the inclusion of "high-value agriculture soils maps in County Geographic Information System layers and property information and recommend minimal disturbance of those soils during development (especially for utility solar sites)".
- Goal No. 3.D of the Assets Plan calls for the prevention of "stormwater impacts from utility-scale solar projects by adopting stormwater standards as required by the Virginia Department of Environmental Quality".

On April 11, 2023, the Board of Supervisors adopted a resolution (see Attachment No. 1) directing staff to analyze the manpower, financial assets, and the recommended work timeline that will be required to conduct the analysis of the goals listed in the Assets Plan and to present that information to the Board at its July 25, 2023, Business Meeting, so that the Board can determine the most effective way to proceed with meeting these goals. Staff has contracted with The Berkley Group, a local governmental consulting firm, with experience providing land use planning services to local and regional governments, including renewable energy land uses.

The purpose of today's meeting is to discuss a preliminary scope of work and options for standards and processes for the review of Utility-Scale Solar Farm project applications in preparation of presenting a draft policy document to the Board at its September 12, 2023, Regular Meeting. The report and presentation prepared by The Berkley Group are included as Attachment Nos. 2 and 3.

JR/ap
UtlScSolFrmApp-mem

- Attachments:
1. Resolution
 2. Report

RESOLUTION

LARGE-SCALE SOLAR FARM APPLICATIONS

- WHEREAS, the James City County Code (the “County Code”) permits any property owner, contract purchaser with the owner’s written consent, or the owner’s agent to apply to amend, supplement, or change by Ordinance the boundaries of zoning districts or the regulations established in the James City County Zoning Ordinance (the “Zoning Ordinance”), including zoning map amendments (collectively, “Owner Applications”); and
- WHEREAS, Owner Applications are regularly submitted for consideration by the Board of Supervisors (the “Board”), all of which are given thorough consideration by staff and the James City County Planning Commission (the “Commission”) prior to transmittal to the Board; and
- WHEREAS, major factors for the consideration of any amendment to the Zoning Ordinance, including Owner Applications, include whether staff, the Commission, and the Board believe that the proposed amendment is consistent with the James City County Comprehensive Plan (the “Comprehensive Plan”), the James City County Code (the “County Code”) and any other adopted plans and policies; and
- WHEREAS, at its meeting on October 25, 2022, the Board of Supervisors adopted the Natural & Cultural Assets Plan (the “Assets Plan”); and
- WHEREAS, Goal No. 1.1 of the Assets Plan calls for the development of “zoning tools and guidance for siting large-scale solar sites to avoid or minimize disturbance of habitats or cultural resources”; and
- WHEREAS, Goal No. 2.A of the Assets Plan calls for the inclusion of “high-value agriculture soils maps in County Geographic Information System layers and property information and recommend minimal disturbance of those soils during development (especially for utility solar sites)”; and
- WHEREAS, Goal No. 3.D of the Assets Plan calls for the prevention of “stormwater impacts from utility-scale solar projects by adopting stormwater standards as required by the Virginia Department of Environmental Quality”; and
- WHEREAS, at the March 14, 2023, Board meeting, members of the Board expressed concern that its consideration of any Owner Applications involving solar farms would be done so without the benefit of the completion of the three solar-farm-related goals (the “Goals”) set forth in the Assets Plan; and
- WHEREAS, the Board finds that it promotes the health, safety, and welfare of the citizens of the County and good zoning practice to ensure that all Owner Applications involving large-scale solar farms are considered with analysis set forth in the Goals.
- NOW, THEREFORE, BE IT RESOLVED the Board does hereby direct staff to analyze the manpower, financial assets, and the recommended work timeline that will be required to conduct the analysis of the goals listed in the Assets Plan and to present that information to the Board at its July 25, 2023, Business Meeting so that the Board can determine the most effective way to proceed with meeting these goals.

BE IT FURTHER RESOLVED the Board does hereby direct staff to retain an outside consultant to assist both staff and the Board in devising a comprehensive Board Policy on Large-Scale Solar Farm projects and present a draft policy document to the Board at its September 12, 2023, Regular Meeting.

BE IT FURTHER RESOLVED the Board does hereby direct staff to not place any large-scale solar farm application on the Board’s Calendar until its first meeting in December 2023, or at such earlier time as the Board may determine.

BE IT FURTHER RESOLVED that any Owner Application for a large-scale solar farm associated with a conceptual plan submitted to the County on or prior to April 10, 2023 may be placed on the Board’s Calendar following consideration by the Planning Commission.


Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:


Teresa J. Saegert
Deputy Clerk to the Board

SADLER
ICENHOUR
MCGLENNON
LARSON
HIPPLE

VOTES			
<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of April, 2023.

LgSolarFrm-res



MEMORANDUM

Community Development Division

To: Board of Supervisors
Ellen Cook, Principal Planner
James City County, VA

From: Michael Zehner, AICP, ENV SP, Director of Planning and Community
Development
Lindsay Edwards, ENV SP, Planner I
Luke Peters, ENV SP, Planner I

Date: July 13, 2023

Subject: Development of a Comprehensive Policy for Large-Scale Solar; Preliminary
Research, Assessment, and Considerations

INTRODUCTION

Scope of Work

Pursuant to the scope of work, we are providing this memorandum, along with a presentation to the Board of Supervisors at their July 25, 2023 meeting, as a preliminary step in the development of a comprehensive policy for large-scale solar farms, or as referred to herein more generally, “utility-scale solar facilities.”¹ This memorandum provides our assessment of the County’s current regulations and practices, and presents best practices and recommendations for consideration by the County, addressing the following (summarized):

1. Review of pertinent existing County documents and procedures;
2. Review of current research, literature, and best practices for the regulation of utility-scale solar facilities;
3. Based upon existing County documents and procedures, and research and best practices, recommendations for policy guidance and/or land use tools to guide, direct, and evaluate applications for utility-scale solar facilities;
4. Recommendations for standards and processes for the review of utility-scale solar facility applications;
5. Other recommendations related to siting agreements, fees, application submission requirements, performance standards, review criteria, review procedures, and revenue share;
6. Assessment of and recommendations for stormwater management for utility-scale solar facilities; and
7. Recommendations for standards for infrastructure and uses often co-located with utility-scale solar facilities.

¹ It is important to note that the focus of this project is on utility-scale solar facilities, rather than accessory or small-scale facilities, such as roof-mounted solar panels on a home. While consideration of accessory and small-scale facilities is important, and the consultant will work to avoid impacting these facilities with respect to regulations, the County may wish to consider addressing these facilities separately, as necessary.

Based on this memorandum and the forthcoming presentation, the Board of Supervisors may narrow or reduce the scope of work with respect to the aforementioned topics, further informing the Berkley Group's work on this project and the eventual presentation of draft policy and/or ordinance language.

Project Understanding

Our understanding of this project is principally informed by the scope of work, discussions with County staff, and the resolution adopted by the County's Board of Supervisors on April 11, 2023. Based on such, we recognize that the aforementioned tasks are in response to recent and growing interest in the development of utility-scale solar facilities in the County, with the goal of ensuring that future applications are informed by the consideration of, if not development and adoption of, zoning tools and guidance for siting utility-scale solar facilities to avoid or minimize disturbance of habitats or cultural resources, policies or regulations allowing only minimal disturbance of high-value agricultural soils during the development utility-scale solar facilities, and stormwater standards to prevent stormwater impacts from utility scale solar facility projects.

Short-Term Goals

Based on the above, the goals associated with this memorandum and the July 25, 2023 session with the Board of Supervisors are 1) to identify aspects of solar facility development or regulatory topics where the Supervisors need additional information, 2) to understand Supervisors' perspectives with regard to principal opportunities or areas of concern potentially resulting from the development of solar facilities, and 3) to seek input from the Board on potential policy and/or regulatory provisions that are both more and less important.

Next Steps

Proceeding from the July 25, 2023, meeting and based upon input received from the Board, the Berkley Group will work to develop draft policy and/or regulatory language to then be presented to the Board at a meeting to be held on September 12, 2023.

NATIONAL, STATE, AND LOCAL CONTEXT

In considering policies and regulations for utility-scale solar, it is important to understand the national and state activities that are driving project activity at the local level in Virginia. Nationally, since 2010, there has seen a dramatic increase in installed solar photovoltaic capacity, growing from about two gigawatts (2 GW) in 2010 to approximately 130 GW installed at the end of the first half of 2022.² This increase is due to many factors:

1. The cost of solar energy facility technology has decreased dramatically (80%) since 2010;

² 1 Gigawatt equals 1,000 Megawatts

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2. Growing demand for renewably generated energy from the private sector;
3. Instability in the availability and costs of traditional fossil fuels due to geopolitical conditions;
4. State policies, incentives, and mandates to achieve carbon emissions goals and to reduce reliance upon fossil fuels; and
5. Economic and financial opportunity for landowners, especially farmers.

In Virginia, the growth in solar energy generation capacity has similarly increased, with installed solar capacity increasing from 17 megawatts (MW) in 2014 to 4,314 MW as of the first quarter of 2023. From geographic and climate perspectives, the state is an attractive place for the installation of solar energy facilities. Most of the state has an average solar insolation of nearly four (4) kilowatt hours (kWh) per square meter of sunlight per day, a percentage of which can be captured by photovoltaic solar panels.³ Additionally, from a policy and regulatory perspective, the Commonwealth's adoption of the 2020 Clean Energy Act requires Dominion Energy Virginia and American Electric Power (aka Appalachian Power) to produce 100 percent (100%) of their electricity from renewable sources by 2045 and 2050, respectively, based upon an aggregate capacity of 16,100 MW of solar and onshore wind declared to be "in the public interest." These factors have contributed to interest in the development of solar energy generation facilities throughout the state and to the Commonwealth's inclusion in the upward trajectory of utility-scale solar development taking place across the country.

While the growth of solar energy generation is a national and statewide phenomenon, it is important to recognize that this is due to development of solar energy generation facilities occurring at the local level. Solar developers, whether they are regional or international companies, work at the local level, as they are required to identify potential sites for development, contact and negotiate with private landowners, and prepare applications based upon local policies and regulations. To date, the following solar facilities have been reviewed and/or are pending review within James City County:

Facility Name	Project Owner	Capacity (MW_{ac})	Acreage	Status
Norge Solar	SunPower Devco, LLC	20 MW	216	Approved
Hill Pleasant Solar	Dominion Energy	20 MW	192	Approved
360 Racefield Drive Solar	Hexagon Energy	3 MW	65	Approved
PEVA/PEVA2	Pivot Energy	4.75 MW	54	Denied
Richmond Road Solar	Richmond Road Solar LLC; Sun Tribe Development LLC	5 MW	67.7	Pending Review

³ Insolation — The solar power density incident on a surface of stated area and orientation, usually expressed as Watts per square meter or Btu per square foot per hour. See also diffuse insolation and direct insolation. Source: U.S. Department of Energy <https://www.energy.gov/eere/solar/solar-energy-glossary>

EXISTING POLICIES & REGULATIONS FOR SOLAR FACILITIES

This section reviews existing County policy documents – principally the County's 2045 *Comprehensive Plan* and the *Natural and Cultural Assets Plan* – to identify current policies applicable to the development of these facilities, as well as the County's existing applicable regulations – principally the Zoning Ordinance, Stormwater Management Ordinance, and Chesapeake Bay Preservation Ordinance. Typically, in other localities, these documents guide the development of specific policies or regulations, or the design of projects, and also inform the decision making process on discretionary land use permits.

James City County Comprehensive Plan, 2045

The *James City County Comprehensive Plan, 2045* ("Comprehensive Plan") is a policy document intended to guide decision making pertaining to land use, growth, and development. While the Comprehensive Plan minimally addresses the siting and design of "solar farms," it also contains information and policy statements that can serve to guide consideration of regulations and decision-making regarding utility-scale solar facilities, as follows:

- ***Environment Chapter, Farmland, Forestland, and Ecosystems – Green Infrastructure and Ecosystem Services***, "James City County is working toward protecting or conserving ecosystem services through approaches such as open space preservation programs and incentives such as tax benefits (e.g., the Agricultural and Forestal Districts and the Land Use Assessment program). **This can also be accomplished in the future through policies and regulations pertaining to specific uses or development proposals, such as working with solar farms to include plantings that support bees and other pollinating insects.**"
- ***Land Use Chapter, Open Space Preservation***, "Open space may exist for environmental purposes including watershed protection, stormwater management, and carbon sequestration; for economic development purposes including ecotourism and working lands; land banking purposes for future public facilities; for park and recreation purposes in the form of active and passive parks and trails; for transportation purposes including greenways and roadway buffers; for the purpose of maintaining community character values such as historic preservation, cultural heritage landscapes, and scenic viewsheds; or for myriad land use and community design purposes including providing common spaces in neighborhoods, organizing elements in developments, and buffers between varying development patterns. Open space can occur in either the public or private realms, but still provide value to the entire community in terms of ecosystem service delivery, sense of community, and improved human and fiscal health. James City County citizens' support for open

space protection is prevalent in opinions expressed across numerous outreach efforts for the themes of protecting nature, preserving community character, enhancing quality of life, and expanding economic development. To help property owners and staff members sort through the major open space preservation options to find a tool that matches the property owner's intentions and the property's attributes, staff has created an open space tool decision tree."

- **Land Use Chapter, Rural Lands Protection**, "The areas outside of the PSA are in large part designated as Rural Lands on the Future Land Use Map. While areas with this designation are predominantly known for agricultural and forestal activities, they also contain lands that are vital to the broader environmental health of the County, such as natural areas, extensive Resource Protection Areas (RPAs), aquifer recharge areas, and the headwaters for important watersheds. Land preservation, especially of prime farmland soils, is of utmost importance in this area."
- **Land Use Chapter, Goals, Strategies, & Actions**
 - **LU 1.6** - Explore emerging technologies in the renewable energy industry, with the intention of protecting the County's unique rural character, preserving natural resources, and mitigating impacts to neighboring properties.

Natural and Cultural Assets Plan

The County's *Natural and Cultural Assets Plan* provides an inventory and assessment of the County's natural resources, as these resources provide support for the County's growth, health, economy, and lifestyle. The overall goal of the Plan is to identify the County's top natural assets and to develop strategies to protect, connect, or restore these assets. Unlike the County's Comprehensive Plan, the *Natural and Cultural Assets Plan* includes an in-depth discussion of the risks that utility-scale solar presents to the County's natural and cultural assets, culminating in several goals, objectives, and recommendations to inform policy, regulatory, and permitting decision making. Relevant content is as follows:

- **Chapter 4., Understanding and Mitigating Future Risks**, "Balancing the many competing needs and reducing risks will take concerted action by County officials, stakeholder groups, neighborhoods, and residents working together to forge creative solutions. This Plan provides a beginning set of strategies to help realize the Comprehensive Plan's goals. Several risks were analyzed individually and then combined to create a cumulative risk map.

The following risks were analyzed: impaired waters, rising water levels, storm surge, **utility scale solar development**, and development. See the

maps for where those risks were modeled, along with the cumulative risk map. Risks were evaluated to the year 2060. Some risks may turn out to be less than projected, while others may be more severe. Risk assessment is a tool to highlight areas where some actions may be needed sooner to change the potential risk. **For example, the risk of large utility-scale solar installations that could remove hundreds of acres of forest or highly valued agricultural soils could change if the County were to adopt policies for where large solar projects are or are not appropriate."**

- **Chapter 4., Understanding and Mitigating Future Risks - Utility-Scale Solar Development** - "Solar development for utility uses (not individual buildings) has the potential to impact large areas. The U.S. Department of Energy's (DOE) Energy Zones Mapping Tool is a Solar Site Suitability Model showing areas where solar is most viable, based on access to the power infrastructure, such as substations and high voltage transmission lines. For more, see: <https://ezmt.anl.gov/>

The DOE did not consider existing land uses, such as whether there are farms, forests, or wetlands present. However, where sites are located, as well as where open space is located on a site, affect the level of impact from solar development. Solar sites can be designed to include corridors for wildlife to move through or along one edge of the site. The County will need to consider adopting policies for solar siting and design. (See the Plan Strategies on page 36.)

Many site development applications for solar companies include clearcutting forests to make room for the installation of panels, with some sites proposing the clearance of hundreds or thousands of acres of forest. According to the Piedmont Environmental Council, 58% of utility-scale solar projects are occurring on forested lands, while nearly 25% occur on crop land in Virginia. Although solar energy development is critical to reducing U.S. dependence on fossil fuels, forests provide important carbon sequestration and storage functions necessary to mitigate the Earth's existing atmospheric carbon dioxide levels. When trees are removed or burned, carbon stored in the forest can be released back into the atmosphere. Removing trees that store carbon to install solar panels to save on carbon emissions is counterproductive. Similarly, soils also store a lot of carbon, and therefore, high-quality farm soils should not be removed to grade land for solar sites. In recognition of these potential impacts to natural resources, the County's Comprehensive Plan calls for the County to add provisions in ordinances or development approval conditions to minimize clearing of forested land for alternative energy production.

Other impact concerns for utility-scale solar development include the panels themselves and the lack of regulation of surface runoff. While the

ground beneath the panels is pervious and often vegetated with low-growing grasses or shrubs, concentrated sheet flow from panels can cause significant water quality and erosion concerns, especially when compared to the previous forest cover. This Plan includes a strategy to complete standards for mitigating stormwater from solar panels, as recently mandated by the Virginia Department of Environmental Quality (DEQ)."

- **Chapter 7., Implementation Plan for James City County's Natural and Cultural Assets**

- **Goal 1. Conserve and protect the highest valued natural habitat cores and connecting corridors to support wildlife, trails and greenways, scenic vistas, and cultural and recreational values.**

- **Objective I. Develop zoning tools and guidance for siting large-scale solar sites to avoid or minimize disturbance of habitats or cultural resources.**

Recommendations:

1. Create a staff working group to investigate how to amend County ordinances to address large-scale solar sites.
 2. Evaluate existing related guidance and processes for permitting large, utility-scale solar sites and amend ordinances or include special use permit conditions that protect or enhance natural or cultural resources on such sites.
 3. Draft new ordinance/siting policies for review and adoption by the Planning Commission and the Board of Supervisors.
- **Goal 2. Conserve and protect high-value agricultural soils and historic farms to support the agricultural economy and continue the County's agrarian heritage.**
 - **Objective A. Include high-value agriculture soils maps in County geographic information System (GIS) layers and property information and recommend minimal disturbance of those soils during development (especially for utility solar sites).**

Recommendations:

1. Include standards to avoid disturbance of high-value soils, as well as standards for stormwater management to avoid erosion as part of solar utility siting guidance/requirements.
 2. Work with developers to conserve areas with high-value agricultural soils.
- **Goal 3. Facilitate voluntary planting projects to extend the width of vegetated buffers to serve as wildlife corridors and to protect the water quality of County waterways.**
- **Objective D. Prevent stormwater impacts from utility-scale solar projects by adopting stormwater standards as required by the Virginia Department of Environmental Quality.**

Recommendation:

1. This effort is currently underway and should be soon completed.

Zoning Ordinance

Currently, within the County's Zoning Ordinance, utility-scale solar facilities are considered to be an "electrical generation facility," a use (either public or private) that is allowed (along with "electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more") in all of the County's zoning districts with the issuance of a Special Use Permit. The County's Zoning Ordinance does not establish specific findings or considerations for the review of Special Use Permit for electrical generation facilities or utility-scale solar facilities; rather, the Planning Commission and Board of Supervisors when reviewing all Special Use Permits shall:

- "...give due regard to the James City County Comprehensive Plan, the nature and condition of adjacent uses and structures, and the probable effect upon them of the proposed special use permit."
- "They shall also take into account the special characteristics, design, location, construction, methods and hours of operation, effect on traffic conditions, or any other aspects of the particular use or structure that may be proposed by the applicant."

And should:

- "...consider whether the proposed establishment or use will adversely affect the health, safety or welfare of persons residing or working on the premises or in the neighborhood, will unreasonably restrict an adequate supply of light and air to adjacent property, will increase congestion in the streets, will increase public danger from fire, will impair the character of the district or adjacent districts, will be incompatible with the Comprehensive Plan of James City County, will likely reduce or impair the value of buildings or property in surrounding areas, and whether such establishment or use will be in substantial accordance with the general purpose and objectives of this chapter."

In acting on a Special Use Permit, "In those instances where the planning commission or the board of supervisors find that the proposed use may be likely to have an adverse effect, they shall determine whether such effect may be avoided by the imposition of special requirements or conditions, including, but not limited to, location, design, construction, equipment, maintenance and/or hours of operation, in addition to those expressly stipulated in this chapter and the commission may make their recommendation or the board of supervisors may grant the special use permit contingent upon the imposition of such special requirements or conditions."

In practice, it is understood that the County has relied upon its Special Use Permit process to essentially develop, through conditions, regulations and standards for individual projects. Clearly defined regulations and standards create consistency for all projects and provide predictability for developers, the County, and the public.

Stormwater Management Ordinance; Chesapeake Bay Preservation Ordinance

James City County is an MS4 and VSMP authority and as such, has standard statutory language (Chapter 8, Article II of County Code) requiring that all land disturbances greater than 1 acre (except certain exceptions, not applicable to utility-scale solar facilities) must apply for a VSMP Authority Stormwater Permit; given their size and level of development, it is expected that most utility-scale solar facilities would be subject to these requirements. As a permit holder, the County is also responsible for conducting their own reviews of stormwater management plans, as opposed to the Virginia Department of Environmental Quality. The general submission requirements for obtaining a permit are:

1. An approved erosion and sediment control plan, in accordance with Virginia erosion and sediment control law and regulations and this article and a stormwater management plan that meets the requirements of Chapter 8, Article II, Section 8-25;

2. A permit application that includes a general permit registration statement, if such statement is required; and
3. Evidence of general permit coverage;

Plans must be reviewed by a certified plan reviewer or other professional given a certificate of confidence from the State Water Control Board. Further requirements can be found in the Code of Virginia, 62.1, Chapter 3.1, Article 2.4.⁴

As referenced above, Chapter 8, Article II, Section 8-25 of the County Code establishes the requirements for an approvable Stormwater Management Plan, and subsequent sections lay out the requirements for pollution prevention plans and long-term maintenance, monitoring, and inspections.

These regulations do not speak specifically to solar installations but are fairly comprehensive in their treatment of large land-disturbance activities.

Likewise, as a locality lying within the Chesapeake Bay Watershed, Chapter 23 of County Code provides the required language of the Chesapeake Bay Preservation Act (CBPA), which sets special additional requirements for buffers from waterways leading to Bay tributaries and strict limitations to development or redevelopment which can occur in these buffers or further landward. While the CPBA regulations do not specifically mention solar facilities, like any other disturbance they would be subject to the strict requirements developed to protect water quality in these areas.

POLICY & REGULATORY CONSIDERATIONS FOR SOLAR DEVELOPMENT

As the County considers development of a more comprehensive policy for utility-scale solar, and potentially specific ordinance language, it is important to take into account various location, siting, design, development, operation, and decommissioning aspects associated with utility-scale solar facilities. Generally, these include the following:

Changes in Land Use, Location, and Composition

Ground mounted utility-scale solar facilities rely on a significant amount of land. According to the Solar Energy Industries Association, on average, utility-scale solar projects require approximately 6 to 7 total acres of land (i.e., leased area or total parcel area, as opposed to the area comprised only of panels) for every MW of generation capacity; however, based on geographic conditions, such as topography and the presence of streams or creeks, 10 acres per MW is also a good rule of thumb. Consequently, a 5 MW facility would likely require between 30 to 50 acres.

While solar facilities can be sited most anywhere, the need for significant land usually results in these projects being sited on undeveloped open and/or

⁴ <https://law.lis.virginia.gov/vacodefull/title62.1/chapter3.1/article2.4/>

forested lands, and often agricultural lands. Also, financial considerations generally result in the proposed use of lands that have less development potential for residential, industrial, or commercial use, which presumes a lower value per acre. From both technical and cost perspectives, most facilities or at least some portions thereof are going to be located within 1 to 2 miles of existing transmission line infrastructure to aid in interconnection.

In terms of physical composition, utility-scale solar facilities consist of photovoltaic (PV) solar panels mounted on racks, which are attached to ground-mounted structural supports; additionally, there are inverters installed in the facility, usually on concrete pads, which convert the variable direct current (DC) output of PV solar panels into a utility frequency alternating current (AC) that can be fed into an electrical grid, along with a substation, switchyard, and generator lead lines (gen-tie lines) to interconnect the facility and the generated electricity to electrical grid transmission lines. Finally, it is becoming more and more common for facilities to include battery energy storage systems (BESS), where generated electricity can be stored for optimized transmission to the grid.

In many ways, especially when compared to preceding undeveloped or agricultural land uses, utility-scale solar facilities can be considered semi-industrial uses given the various components of these facilities. Additionally, these facilities have an expected lifespan of 30-40 years, if not longer based upon maintenance, the replacement of equipment, and the evolution and upgrading of technologies.

Infrastructure, Environmental and Visual Impacts

The design, development, and operation of utility-scale solar facilities do have infrastructure and environmental impacts that should be considered. These impacts may include, but are not limited to, the following:

- Impacts to roadway conditions and traffic safety during development due to the frequency of deliveries, the size of vehicles, and the number of vehicles trips - especially where sites may be served directly only by rural roads;
- The reduction of wildlife mobility resulting from facility design and the use of fencing;
- The alteration of existing topography through grading;
- Impacts to soil conditions due to the removal of topsoil and/or compaction;
- Erosion and sedimentation and stormwater runoff issues during development phases, but also once facilities are in operation; and
- The removal of existing trees and forested areas.

Additionally, the physical components of these facilities may have visual impacts, perceived as benign or negative based upon their siting; for example, a

facility sited on a former industrial *brownfield* site would not likely be perceived as having a negative visual impact on community character, whereas a facility sited on undeveloped or former agricultural lands, or formerly forested lands, may be perceived as detracting from the rural character of areas or compromising scenic viewsheds.

Impacts to Agriculture and Forested Lands

As noted, the need for significant land usually results in utility-scale solar facilities being sited on undeveloped open and forested lands and/or former, recently active, or currently active agricultural lands. With recent statewide concerns about the impact of utility-scale solar facilities on soils and new laws requiring rule changes on how much prime agricultural land (or forest land) can be disturbed without additional review (see below regarding House Bill 206), it is important to understand how prime agricultural land status is determined.

Prime agricultural land has a legal definition under both Virginia code and USDA regulations and is understood to be “land with plenty of water and soils with a composition that can support crops with less intervention and inputs than may be necessary with lesser soils.” A convenient way to view levels of suitability is through Virginia DCR’s Natural Heritage Data Explorer or the Virginia Tech Cooperative Extension’s Land and Energy Navigator (VALEN);⁵ additionally, the County’s Natural and Cultural Assets Plan provides soil classifications. It is important to note that there are slight differences between all of these sources, with VALEN depicting *prime farmland* inventoried by the USDA Natural Resources Conservation Service, DCR’s Natural Heritage Data Explorer depicting the Virginia Agricultural Model⁶, and the County’s Plan depicting NRCS Soils Classifications only.

While it is important to determine a preferred metric or model by which acceptable levels of disturbance may be evaluated, there have been concerns that prime agricultural lands and soils have not been properly confirmed, or that the classification is outdated. Similarly, with respect to forested areas, some localities have discovered that what should be “prime” forest land was degraded pine farmland. Even disregarding concerns about returning the soil to its previous state after solar facility installation, solar land uses utilize very large tracts of land for up to 40 years, so it is important to both consider protection of existing prime agricultural land and to independently verify that the lands identified for protection or proposed for development constitute prime agricultural lands.

Additionally, one of the most important considerations to implementing utility-scale ground-mounted solar facilities as a land use (or any other type of land

⁵ Natural Heritage Data Explorer: <https://vanhde.org>; Virginia’s Land and Energy Navigator: <https://valen.ext.vt.edu>

⁶ <https://www.dcr.virginia.gov/natural-heritage/vaconvisagric>

use) is whether land to be utilized can be reverted to another use at will or if it is permanently altered. This is especially important for solar, as the most convenient and cost-effective sites for installation are flat agricultural lands. Because solar facility sites operate for 30 to 40 years and the wide-scale utilization of solar began more recently, it is not obvious what the future total impact to land and soil will be (although, there should be no expectation that once developed as a solar facility that such use would cease after 30 to 40 years). However, there is a growing concern that large-scale grading and topsoil removal, ground compaction, and deep turning of certain soils will have a nearly irreversible impact on land that may have been formerly suitable for agriculture. In addition, removing the natural contours of a parcel through grading can have negative impacts on the retention and flow of stormwater, creating higher velocity sheet flow.

Recent and ongoing research led by Dr. Lee Daniels of Virginia Tech suggests that such disturbances may irrevocably degrade soils, and that mitigation or remediation takes a significant amount of effort spanning years. It is also important to note that pursuant to House Bill 206⁷, enacted in 2022, Virginia DEQ is currently charged with developing stricter regulations for *small energy projects* (i.e., for solar, projects not in excess of 150 MW) whereby mitigation plans would be required for the disturbance of 10 acres of prime agricultural soils (i.e., “soils recognized as prime farmland by the U.S. Department of Agriculture”), more than 50 acres of contiguous forest lands, or forests lands enrolled in a forestry preservation program – acts deemed to constitute significant adverse impact on natural resources.⁸ It is likewise recommended that the localities strongly consider the amount of prime and even non-prime agricultural land, along with forested lands, devoted to solar facility land use.

Agrivoltaics

Agrivoltaics describes the simultaneous use of land for both solar photovoltaic power generation and agriculture. This concept may still be in the “pilot” phase, but there are some projects that show promise.

- One example is in Rockport, Maine, where the largest agrivoltaics site in the U.S. is located, combining solar and the cultivation of blueberries in one farm. The berries are planted underneath and in-between panels on an approximately 10-to-15-acre portion of the larger 105-acre farm, with a resulting generation capacity of 4.2 MW. The project was developed by BlueWave, who partnered with the University of Maine to maintain its agrivoltaics activities.

⁷ <https://lis.virginia.gov/cgi-bin/legp604.exe?221+sum+HB206>

⁸ Information on the HB 206 ad hoc work group may be found here: <https://www.deq.virginia.gov/our-programs/air/renewable-energy/hb-206-renewable-energy-natural-resources>

- An additional example in Newfield, New York, consists of a 30-acre, 7.5 MW community solar project owned by Nexamp, which contains approximately 23,000 panels. The project incorporates solar grazing in which sheep and lambs are utilized for maintenance.
- In Virginia, there are at least five small-scale sheep grazing agrivoltaic projects run by Dominion Energy, including at the 200-acre Sussex Drive solar facility in Sussex County.

At least with respect to grazing, in practice this seems to provide a “win-win-win” situation because it is less expensive than paying for mowing, greener than using gas-powered landscaping equipment, safer for solar equipment (i.e., no potential for harm to wires and other equipment from landscaping equipment), and likely beneficial for the sheep farmers as an additional source of income.

It is also important to note, beyond formally identified agrivoltaic projects, there are numerous examples in the Commonwealth where portions of actively farmed lands are leased or proposed to be utilized for solar projects. In most cases, farming activities are not integrated into the fenced panel areas, but the remaining areas of properties continue to be actively farmed.

Stormwater Management

Stormwater management is one of the biggest concerns when installing utility-scale solar facilities, especially those that encompass hundreds of acres. Solar panels create a semi-impermeable cover, where, technically, the cross-section of the pilings used for the rack support structure are the only 100 percent impervious structures, but the panels themselves create vast areas of impervious surface close to the ground that increase rainfall velocity and produce driplines that can erode the soil. As noted, the installation of solar facilities often produces compacted soils that can have infiltration coefficients similar to concrete, and reducing the potential area for natural infiltration exacerbates the problem.

Whereas the County's current stormwater regulations are fairly comprehensive, utility scale solar facilities present certain unique challenges that may be appropriate to further bolster against in order to prevent significant stormwater runoff to Bay tributaries or even flooding or other issues on adjacent properties. Chief among these is the level of grading and soil compaction usually necessary for the installation of the panels themselves, which will be conducted sometimes across hundreds of acres.

Conditions presented by utility-scale solar projects and their development may not be adequately captured by current DEQ Stormwater Best Management

Practice Handbook calculations, and could be mitigated by the requirement for additional vegetative buffers, redundant stormwater BMPs, limits on construction and land clearing beyond a certain acreage of disturbance until soil stabilization has occurred, requirements for native vegetation to be grown under panels, topsoil retention and soil compaction reduction measures and amendments, limiting construction to land below a certain % slope, and other requirements above and beyond typical stormwater management regulations. Other conditions, such as limiting the maximum height and tilt of panels, can help to reduce situations that would cause unaccounted for erosion due to the semi-impermeable nature of runoff from hundreds of rows of panels.

On March 22, 2022, Virginia DEQ released a memo stating that for future volume calculations, solar panels would be treated as impervious surfaces. This was revised shortly after to take effect only for projects without an interconnection agreement in place by December 31, 2024. Regardless, stormwater management is one of the biggest complaints for both locality permitting and monitoring staff and for local residents. Best management practices should be put in place to reduce the overall impact.

Native and Pollinator-Friendly Plantings

Native plants are critical not only for enhancing the ecosystem and providing habitat for pollinators and other insects, small mammals, and bird species, but also for providing low-maintenance ground cover and soil stabilization. Once established, native plants only require as much sunlight and rainwater as nature provides. It is also important to only select plants native to the locality as opposed to the whole state or region, both to prevent introduced species from becoming invasive and to maintain the locality's cultural heritage. One issue with using natives can be selecting appropriate plant height and their large-scale commercial availability. Virginia DCR's Solar Site Native Plant Finder accounts for both of those issues in its easy-to-use searchable online database. Any suitable groundcover will help protect from some of the deleterious effects of grading and soil compaction, but native plants have the added benefit of enhancing certain ecosystem functions.

Decommissioning

In addition to general land use considerations associated with the location of utility-scale facilities, as well as environmental and visual impacts associated with the development and operation of facilities, it is important to plan for the decommissioning of these facilities once they are no longer in operation. Additionally, pursuant to §15.2-2241.2., *Bonding provisions for decommissioning of solar energy equipment, facilities, or devices*, of the Code of Virginia, "As part of the local legislative approval process or as a condition of approval of a site plan," a decommissioning agreement is required for solar facility projects.

Decommissioning is the process of removing equipment and installed components of the facility, as well as restoring the land to conditions that approximate pre-developed conditions.⁹ While it is not out of the realm of possibility that a permitted and developed facility could continue to operate well into the future, panels and associated technologies have lifespans that exceed reasonable abilities to plan for the evolution of energy generation technologies and well as energy needs.

Similar to the development of these facilities, decommissioning can cost millions, and, consequently, applicants should be required to submit a plan describing the process for decommissioning of a site, cost estimates, a bond or security to be held in escrow through the life of the project, and expectations for periodic reevaluation of decommissioning cost estimates and increasing security amounts as may be necessary. The focus of planning for decommissioning should be to ensure applicant and project owner responsibility into the future, removing the potential exposure to the public for future costs.

Disposal

To dispose of solar panels, which contain hazardous materials, the regulations under the Resource Conservation and Recovery Act (RCRA) must be followed to ensure they are safely disposed of or recycled. Because solar panels become solid waste at the end of its lifespan, when discarded they must follow RCRA Subtitle D¹⁰ and through state and local government programs. They must also follow RCRA Subtitle C¹¹ when determined to be hazardous by meeting the characteristics of toxicity.

Recycling

Waste from end-of-life solar panels can present opportunities to recover valuable materials and create jobs through recycling. Most solar panels are made from crystalline silicon, comprised of an aluminum frame, glass, copper wire, polymer layers and a backsheet, silicon solar cells and a plastic junction box. And many of these components are recyclable – glass, aluminum, copper, and plastic.

According to the EPA, the recycling process includes the following:

- Removal of aluminum frame and plastic junction box;
- Separation of glass and silicon wafer through thermal, mechanical, or chemical processes; and/or

⁹ §15.2-2241.2. defines decommissioning as “the removal and proper disposal of solar energy equipment, facilities, or devices on real property that has been determined by the locality to be subject to § 15.2-2232 and therefore subject to this section. “Decommission” includes the reasonable restoration of the real property upon which such solar equipment, facilities, or devices are located, including (i) soil stabilization and (ii) revegetation of the ground cover of the real property disturbed by the installation of such equipment, facilities, or devices.”

¹⁰ <https://www.epa.gov/rcra/resource-conservation-and-recovery-act-rcra-overview#subtitleD>

¹¹ <https://www.epa.gov/rcra/resource-conservation-and-recovery-act-rcra-overview#subtitleC>

- Separation and purification of silicon cells and specialty metals (e.g., silver, tin, lead, copper) through chemical and electrical techniques.

Recycling industries already include glass, metals, and electronic materials, which can accommodate solar panels and other solar power system components. Another means to utilize used solar panels is through panel reuse – directly or after refurbishment; although there are numerous electrical grid interconnection regulations, as well as fire, building, and electrical codes that must be examined when planning for solar panel reuse.

Potential for Contamination

According to the EPA, hazardous waste testing on solar panels has indicated the different types of panels have different metals present. Some metals such as lead or cadmium, are considered harmful to human health and the environment at high levels. When these metals are present at high concentrations in the panels, then the panel waste could be considered hazardous waste under the RCRA. Generally, the potential risk for contamination from panels is most associated with panels that may be damaged, necessitating proactive management practices.

The following are some types of solar panels that do or may contain toxic materials:

- Cadmium telluride (CdTe) – due to cadmium;
- Gallium arsenide – due to arsenic;
- Older crystalline silicon (c-Si) panels – due to hexavalent chromium coatings; and
- Newer thin-film panels that contain Copper indium selenide (CIS)/Copper indium gallium (di)selenide (CIGS) – due to copper and/or selenium

The North Carolina DEQ found that end-of-life photovoltaic panels require Toxicity Characteristic Leaching Procedures (TCLP) testing to be considered as non-hazardous. Furthermore, some energy storage system batteries exhibit hazardous characteristics and existing regulations for managing batteries characterized as such indeed apply to battery energy storage systems (BESS).

Beyond the panels themselves, there is the potential for zinc from galvanized steel racking and support components to leach into soils. This has been identified as potentially negative to at least the cultivation of peanuts.

Administration Impacts and Needs

In addition to physical impacts, solar facilities can have impacts on local government administration and operations. In many cases, these facilities will be larger than any development project previously seen by a community, and permitting and plan review, inspections, and enforcement tasks and responsibilities for any singular project can far exceed the resources available. The timeline for project development, often in phases over multiple years, can also impact resource availability. Finally, project components, especially battery energy storage systems, have unique safety and fire suppression needs, and may necessitate dedicated, specific, and on-going training requirements for EMS personnel.

Economic Impacts

Solar energy projects often provide a significant source of new income for local landowners and tax revenue for governments. They may also generate increased activity for local businesses, particularly during the construction phase when additional workers use local services. However, once developed, routine operations and maintenance requires very few full-time employees and does not drive other economic activity.

Increased tax revenues bring opportunities to distribute benefits widely across a community. In addition to general fund revenues, facility taxes and one-time impact payments could be designed to finance specific local community activities such as support for energy efficiency improvements, educational events focused on energy, or even reducing electricity rates for lower-income households.

BEST PRACTICES

Based upon the aforementioned policy and regulatory considerations, as well as the County's priorities, the following best practices should be considered in the development of any comprehensive policy or regulations:

Policy Best Practices

If utility-scale solar facilities are an allowed use, and specifically if they are subject to a use permit, then it is recommended that these uses specifically be addressed in a community's comprehensive plan (it is also recommended that traditional energy facilities also be addressed in comprehensive plans, along with supporting infrastructure, such as substations and transmission lines). In large part, the size, scale, and potential impact of these uses warrants the establishment of specific policies. Consideration for comprehensive plan policies should include, but may not be limited to, general policies, goals, and objectives, as well as those relating to:

- Appropriateness and community input regarding such facilities;
- Design, siting/location, and size and scale considerations;
- Desired and expected economic outcomes;
- Acceptable and unacceptable impacts to recreational, natural, cultural, and historical resources;
- The relationship between these uses and agricultural uses and/or areas suitable for agriculture, as well as other community development goals; and
- Potential financial, infrastructure, service, and social benefits to the community.

In the short-term, some or all of these considerations could be addressed in a Board policy, preceding a Comprehensive Plan amendment or update.

Regulatory Best Practices

Similar to policy best practices, if utility-scale solar is a permitted use, it should be specified as such within locality regulations, and, as noted, there should be clearly defined regulations and standards which serve to create consistency for all projects and establish expectations and predictability for developers, the County, and the public. The following are recommended components and considerations for utility-scale solar land use regulations; these are common best practices, while individual localities may have specific preferences, conditions, or issues requiring additional consideration or narrowing the scope of regulations:

Define the Use

It is recommended that solar facilities be defined based upon the size of potential projects, either by acreage and/or rated electrical capacity in MW. For example:

- Small-Scale: rated capacity of one megawatt (1 MW) alternating current or less;
- Medium-Scale: rated capacity greater than one megawatt (1 MW) and less than five megawatts (5 MW); and
- Utility- or Large-Scale: rated capacity of five megawatts (MW) alternating current or greater.

Additional uses, features, and components should also be identified and defined and/or clarified, such as when solar is mounted to a roof as an accessory use to a residential or commercial use, the technical equipment installed in conjunction with a solar facility, or ancillary equipment and uses, such as battery energy storage systems. Further, some communities define *shared-* or *community-scale solar* as a separate use from other utility-scale solar facilities, and the County may wish to consider whether these uses are allowed and regulated differently, and

whether there is a preference for community solar facilities and how to facilitate their development.

Determine Zoning

Based upon how the various uses are defined, determine the appropriate zoning districts, and when and for which uses a Special Use Permit may be required, versus when the uses are considered by-right. It is possible and may be preferable for the County to allow one size or level of facility in some zoning districts, but not in others.

Establish Procedures and Minimum Application Content

For both by-right and Special Use Permits, establish minimum application content requirements and specific review and approval procedures. For larger facilities, especially those requiring a Special Use Permit, establishing a separate review pursuant to § 15.2-2232 of the Code of Virginia for public utility facilities is recommended.¹² For Special Use Permits themselves, specific *findings* to be considered and affirmed by the Planning Commission and Board of Supervisors in their consideration of applications should be adopted.

In terms of an application content, regulations should specify what types of information will need to be provided to allow for the application to be fully evaluated with respect to adopted policies. For instance, given the County's interest in project impacts to prime agricultural lands and soils, regulations could require the submission of specific and more detailed soil reports for particular sites.

Siting Agreements

Establish requirements for siting agreements pursuant to § 15.2-2316.7 of the Code of Virginia as part of zoning ordinance provisions and consider the sequence by which siting agreements are considered in conjunction with a Special Use Permit.¹³ Pursuant to the referenced statute, "Any applicant for a solar project or an energy storage project shall give to the host locality written notice of the applicant's intent to locate in such locality and request a meeting. Such applicant shall meet, discuss, and negotiate a siting agreement with such locality," and further "The siting agreement may include terms and conditions, including (i) mitigation of any impacts of such solar project or energy storage project; (ii) financial compensation to the host locality to address capital needs set out in the (a) capital improvement plan adopted by the host locality, (b) current fiscal budget of the host locality, or (c) fiscal fund balance policy adopted by the host locality; or (iii) assistance by the applicant in the deployment of broadband, as defined in § 56-585.1:9, in such locality."

¹² <https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2232/>

¹³ <https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2316.7/>

With respect to the sequence by which siting agreements are considered, it is important to also note the potential effects of siting agreements pursuant to Section 15.2-2316.9 of the Code of Virginia.¹⁴ If a siting agreement is approved it technically preempts the Planning Commission's authority and action under § 15.2-2232, if that has not yet occurred, resulting in a project being deemed to be substantially in accord with a community's comprehensive plan. The statute language has also been interpreted to allow ordinance and regulatory requirements to be waived, if such requirements are inconsistent with the terms and conditions of the siting agreement.

Tax or Revenue Share

Consider whether it is in the best interest of the community to rely on Machinery & Tools (M&T)/Real Estate tax or to adopt a requirement to assess a revenue share pursuant to § 58.1-2636 of the Code of Virginia.¹⁵ Assessing a revenue share requires adoption of an ordinance, and by doing so, a revenue share of up to \$1,400 per megawatt may be collected on any solar photovoltaic or any energy storage system project; however, by using the revenue share option, projects are exempt from 100% of the M&T/Real Estate tax. It is recommended that localities consult the Virginia SolTax Model developed by the University of Virginia's Energy Transition Initiative and the Virginia Department of Energy, an online tool to help local governments compare their options for generating tax revenue from utility-scale solar installations.¹⁶

Establish Minimum Development Standards

Adopt minimum development standards regulating the design and siting of facilities; such standards should address:

- Minimum and/or maximum area of individual facilities, or rated capacities;
- Maximum lot/site coverage and/or minimum percentage of open space;
- Minimum distances from municipal, growth, and/or developed area boundaries;
- Minimum distances from other solar facilities;
- Minimum distances from identified natural, historic, cultural, or similar resources and features;
- Street and property line setbacks specific to the use;
- Maximum height, including the maximum height of the lowest edge of panels;
- Total density of facilities, either county-wide or within a defined area;

¹⁴ <https://law.lis.virginia.gov/vacode/title15.2/chapter22/section15.2-2316.9/>

¹⁵ <https://law.lis.virginia.gov/vacode/title58.1/chapter26/section58.1-2636/>

¹⁶ <https://energytransition.coopercenter.org/soltax-tool>

- Development of steep slopes;
- Landscaped buffers and screening;
- Landscaping and groundcover;
- Fencing and security measures;
- Wildlife corridors;
- Lighting;
- Signage;
- Noise;
- Transmission lines and other support infrastructure;
- Groundwater and stormwater monitoring;
- Coordination with local emergency services; and
- Maintenance.

Construction Mitigation

A requirement for a construction mitigation plan addressing phasing, timelines, staging and storage, transportation routes, and overall mitigation of construction impacts on the public and infrastructure.

Decommissioning

As addressed earlier, decommissioning of solar projects and the requirement for a decommissioning agreement are required by the Commonwealth to occur in some manner; it is recommended that specific requirements for decommissioning and decommissioning agreements be established as part of a community's ordinance. These requirements should address minimum steps that project owners will take when decommissioning a project (including site restoration, establish a requirement for a decommissioning plan to be submitted at the time of project permitting (to be revisited and reevaluated periodically), and establish requirements for an appropriate financial surety to ensure decommissioning.

SUP Conditions

It is also important for regulations to allow for the Planning Commission to recommend and for the Board of Supervisors to impose conditions upon granted special use permits to ensure that a project is consistent with the Comprehensive Plan, the general purposes of the Zoning Ordinance, and potentially specific criteria or findings. Usually, conditions would address or mitigate anticipated impacts determined to likely result from a specific project and may provide for greater specificity over regulations contained in the County's ordinances.

Conditions relative to additional stormwater management criteria and erosion and sedimentation control are one example, where existing stormwater and E&S regulations may generally be sufficient, but specific conditions are often employed based upon the design and site conditions of a project; for example, requiring earthwork balance and no import or

export of soil, requiring topsoil to be stripped and stockpiled, requiring stormwater and E&S infrastructure to be installed at the outset of a project, limiting the percent or area of unstabilized land disturbance that can occur at any one time, or requiring trees removed to be mulched on site with mulch used to control for stormwater runoff during construction.

ASSESSMENT AND CONCLUSION

As noted, while the County's Comprehensive Plan has goals, strategies and actions to explore alternative energy standards, the Plan minimally addresses solar facilities and there are no policies specific to utility-scale solar facilities. The County's Zoning Ordinance, while extremely flexible with respect to utility-scale solar facilities, is not likely consistent with intended policies, goals, and objectives. With respect to both, the subject project serves as an implementation of the County's *Natural and Cultural Assets Plan*, which establishes specific direction to develop both policies and regulations concerning utility-scale solar facilities. While the County's priorities are not limited to these concerns, it is possible through a combination of both policies and regulations to limit utility-scale solar facility impacts to natural, agricultural, and cultural resources, and to effectively manage stormwater impacts, which allowing for viable development of the use.

Ultimately, greater specificity in the County's policies and regulations will increase predictability, reducing the potential for unintended consequences or unanticipated outcomes. Clearly defining and setting parameters for what outcomes are and are not desirable, and what projects are and are not acceptable, benefits the County, its residents, business and property owners, and potential developers of solar facility projects.

QUESTIONS FOR CONSIDERATION

To aid in the Board of Supervisors' consideration of policy and regulatory direction and discussion with the Board, the Board may wish to consider the following questions. It may not be necessary to address each of these, but the first three may be considered essential to the Board's deliberations. Discussion considerations have been provided to allow the Board to consider potential options and alternatives.

1. Should the County prohibit or limit the development of utility-scale solar facilities that involves the disturbance of prime farmland, prime agricultural soils, and/or lands that have recently been utilized for agricultural production?

Discussion Considerations: Based on policies supporting the conservation and preservation of agricultural uses, it would seem that some level of restrictions or limits would be warranted. Most localities that address the protection of agricultural uses, if not prime farmland or soils specifically, do so through policies that suggest such areas be avoided or that disturbance be limited. It

is possible to establish acceptable/unacceptable levels of disturbance, for instance that the disturbance of 10 or more acres of prime farmland would be considered an adverse impact requiring mitigative action to be proposed by an applicant, or that the disturbance of 20 or more acres of prime farmland or the conversion of properties actively used for agricultural production within the five (5) years preceding any application should be discouraged.

Localities have also incorporated such measures through regulatory criteria or findings by which a special use permit is reviewed; one example provides that it should be considered whether a project serves to preserve and protect prime farmland in the County, establishing that if no more than 10% of a site is prime farmland that the criteria is satisfied, that if more than 10% of the site is prime farmland that is not contiguous that the criteria may be satisfied, and that if more than 10% of the site is prime farmland that is contiguous that the prime farmland can be required to be removed from the project area.

Regardless of the method, applicants should be required to submit detailed information on site soil conditions and suitability for agricultural.

2. Should the County limit the disturbance of or establish minimum required distances from historical sites, natural resources, forest blocks, or agricultural and forestal districts?

Discussion Considerations: Based on policies supporting the conservation and preservation of cultural and natural resources, it would seem that some level of restrictions or limits would be warranted. Similar to agricultural uses, most localities that address the protection of these resources do so through policies that suggest such areas be avoided or that disturbance or impacts be limited. Areas of greater value, for instance habitat cores and corridors, could be addressed more stringently, and acceptable/unacceptable levels of disturbance could be established. Specific features should be addressed through regulations limiting or prohibiting the development of steep slopes, floodplains, and resource protection areas, and establishing buffers and setbacks from wetlands, streams, and rivers.

3. What areas and/or zoning districts should solar facilities be allowed in; prohibited in?

Discussion Considerations: Based on existing policies, it may be appropriate to establish a preference for lands outside the Primary Service Area, while areas within the Primary Service Area may only be appropriate based upon certain conditions of a particular property, the size of a property, or the potential for co-benefits. Commonly, localities specify limited zoning districts in which utility-scale solar facilities are allowed, for instance, only in the County's General Agriculture (A1) and Public Land (PL) zoning districts,

subject to a Special Use Permit. Consistent with established policy, it may be relevant to also establish additional accommodations in other zoning districts for smaller utility-scale projects and/or projects with potential co-benefits.

4. Should shared- or community- solar be defined and regulated differently from utility-scale solar facilities?

Discussion Considerations: Some communities make specific accommodations for projects that provide solar generated energy directly to consumers within the locality, or which otherwise directly reduce or offset non-renewably generated energy consumption. However, this may be considered a separate endeavor beyond the scope of the immediate project.

5. Should there be a maximum area (size) for individual projects?

Discussion Considerations: It is common for localities to establish a maximum area for individual projects, for instance that projects cannot exceed 1,000 acres in size. However, such limits are not universal. If a limit is established, the defined area (i.e., project parcels, fenced area, area of disturbance) should be clearly established.

6. Should there be a maximum combined area for all utility-scale solar projects?

Discussion Considerations: Similar to maximum area of individual projects, it is common for localities to establish a maximum combined area for utility-scale solar projects, usually a total acreage or percent area of the County, or the percent area within a defined radius. However, this is also not universal, and other restrictions may make this unnecessary by limiting the potential total area that may be developed.

7. What setbacks and/or buffer dimensions are appropriate? Should there be different setbacks/buffers from residences or abutting lots with residences? What about from property lines along certain roads/streets?

Discussion Considerations: It is common for localities to establish specific setbacks and buffer requirements for solar facilities that are greater than those required for other uses. Usually, setbacks range from 100 to 200 feet from property lines and rights-of-way, and additional distances occasionally required from residential structures on adjacent parcels or from parcels used for residential use. Perimeter buffers ranging between 50 to 100 feet are usually required.

8. Should there be requirements for minimum distances of facilities from one another?

Discussion Considerations: Some communities prefer to limit the concentration of solar facilities in one area, and therefore establish requirements limiting the proximity of facilities from one another. Usually these limits prohibit facilities from being located closer than 1 to 2 miles from one another. As described above, limiting the percentage of area developed within a certain radius would also address this concern and make a facility separation requirement unnecessary.

9. Should there be a buffer around or setback from municipal area boundaries or from the boundary of the County's primary service area where solar facilities are not permitted?

Discussion Considerations: Localities will often establish distances from municipal, growth, or development boundaries (for instance, 1 mile) to acknowledge anticipated future growth and/or the potential incompatibility between utility-scale solar and other uses. However, limits on zoning districts and policies that limit development of certain areas may make such regulation unnecessary.

10. Should facilities be required to be within a certain distance of transmission lines?

Discussion Considerations: Generally, it is understood that it is too costly to locate most facilities more than 1 to 2 miles from transmission lines. However, this is dependent on many factors, and it may be possible to develop a facility with a larger capacity a greater distance from existing transmission infrastructure. Many localities choose to acknowledge these limitations and establish predictability in terms of where facilities can potentially be located by requiring some portion of a facility to be located within 1 to 2 miles of a transmission line. These types of limitations may also serve to limit the potential unanticipated extension of transmission lines within a locality.

11. Are there project elements that should be incentivized, or some preference established? For instance, agrivoltaics or shared solar/agriculture, establishment of conservation easements for undeveloped areas, creation of public recreational opportunities or other public benefits?

Discussion Considerations: While perhaps not common, localities are encouraged to specify preferred features or other public benefits that could be derived from projects. For instance, stating a preference for projects utilizing farmland to preserve that use in conjunction with a solar facility or incorporating opportunities for trail connections.

RECOMMENDATIONS FOR NEXT STEPS

Based upon guidance provided by the Board the following elements could be incorporated into a Board policy on utility-scale solar farm projects:

- Guidance based on the Comprehensive plan land use designations and the Primary Service Area;
- Guidance on resource impacts (i.e., farmland, soils, habitat cores);
- Criteria by which to evaluate Special Use Permits and conditions; and
- Other guidance on location of facilities (i.e., proximity to transmission lines, other solar facilities).

Other elements could be achieved through the Zoning Ordinance amendments, such as:

- Defining the use;
- Updating the use list tables;
- Establishing application submittal requirements;
- Establishing minimum performance standards (i.e., setbacks, buffers); and
- Identifying construction mitigation and decommissioning requirements.

Absent other direction, the project team will work with County staff to move forward with this approach.

Development of a Comprehensive Policy for Large-Scale Solar; Preliminary Research, Assessment, and Considerations

James City County Board of Supervisors

July 25, 2023

ABOUT THE BERKLEY GROUP

- Local Government Consultant,
Based in Virginia
- Focus of Services
- Involvement with Utility-Scale
Solar Facilities

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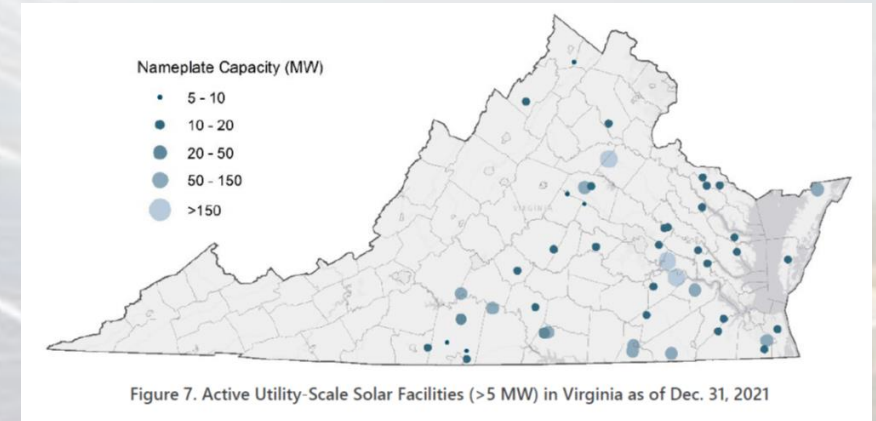


SESSION GOALS

1. Identify aspects of solar facility development or regulatory topics where the Board needs additional information.
2. Understand Board perspectives regarding principal opportunities or areas of concern potentially resulting from the development of solar facilities.
3. Seek input from the Board on potential policy and/or regulatory provisions that are both more and less important.

National and State Context

- Fastest growing energy source in the world - in the U.S. capacity has grown from 2GW in 2010 to approx.
- 2018 Virginia Energy Plan - targeted 3,000MW of solar/wind by 2022 and 5,500MW by 2028.
- 2020 Clean Energy Act - required Dominion Energy and AEP to produce 100% of electricity from renewable sources by 2045 and 2050 respectively; capacity of 16,100 MW



EXISTING COUNTY POLICY AND REGULATIONS

**James City County Comprehensive Plan and Natural
and Cultural Assets Plan**

James City County Zoning Ordinance

**Stormwater Management and Chesapeake Bay
Preservation Ordinances**

Solar Facilities Policy Considerations

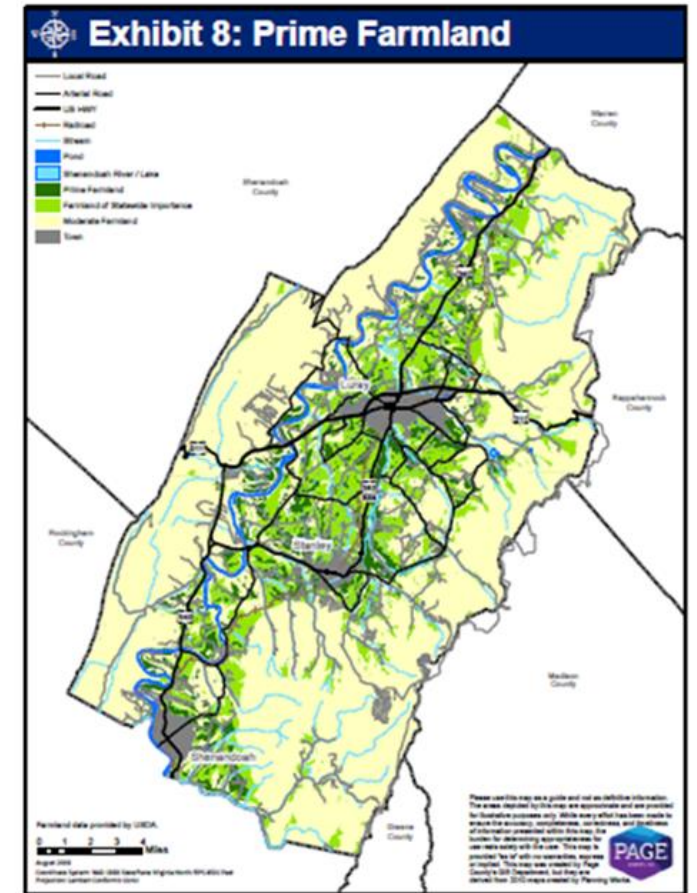
– Intensive Land Use

- Unique land use
- Specific impacts
- Often sited on ag/timber/forested lands
- Require unique standards



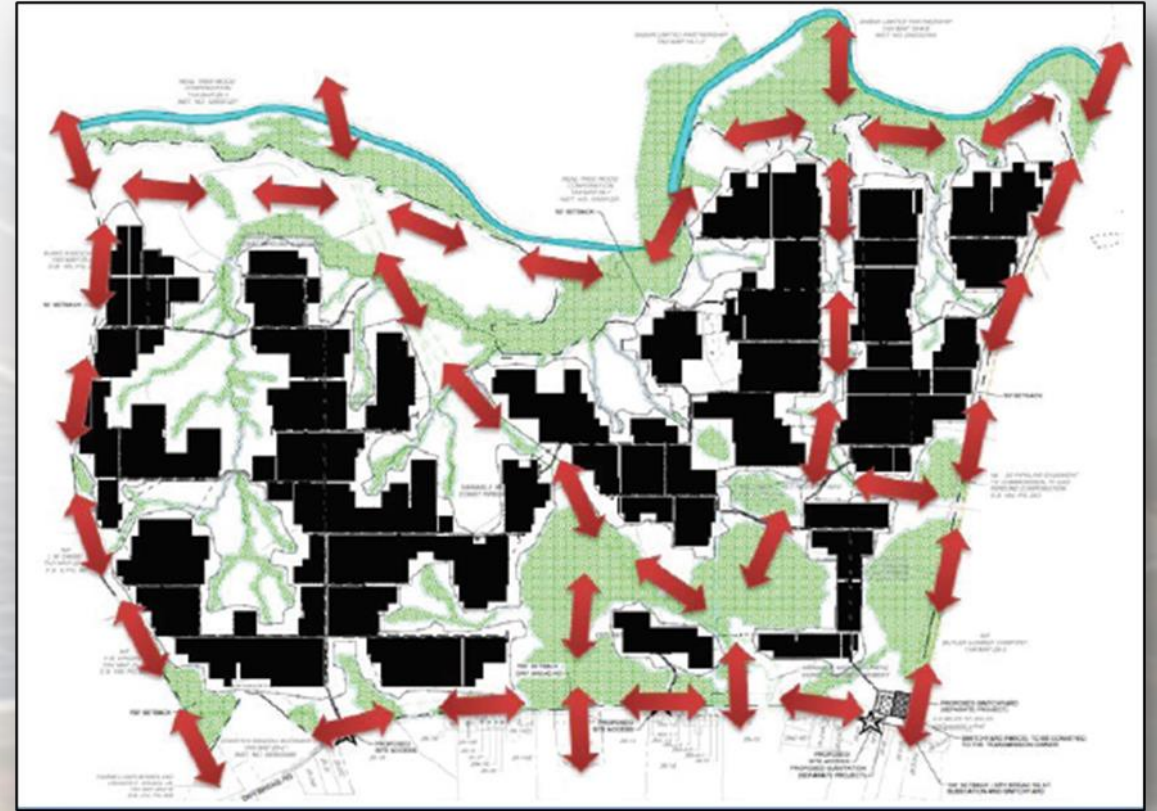
Change in Land Use

- Agricultural and forested
- Residential
- Industrial



Infrastructure, Environmental, and Visual Concerns

- Impacts to roadways; traffic safety
- Reduction of wildlife mobility
- Alteration of existing topography and terraforming
- Impacts to soil conditions
- Erosion and sedimentation, impacts to water quality
- Removal of existing forested and agricultural areas
- Potential for contamination



Visual Impacts

- Rural character
- Scenic viewsheds



Agriculture Impacts

- Soil compaction
- Removal of topsoil
- Occupy large areas of land for up to 40 years
- May have impact on future reversion to agricultural uses
- Alteration of site topography may impact stormwater flow and water infiltration
- Options for Agrivoltaics



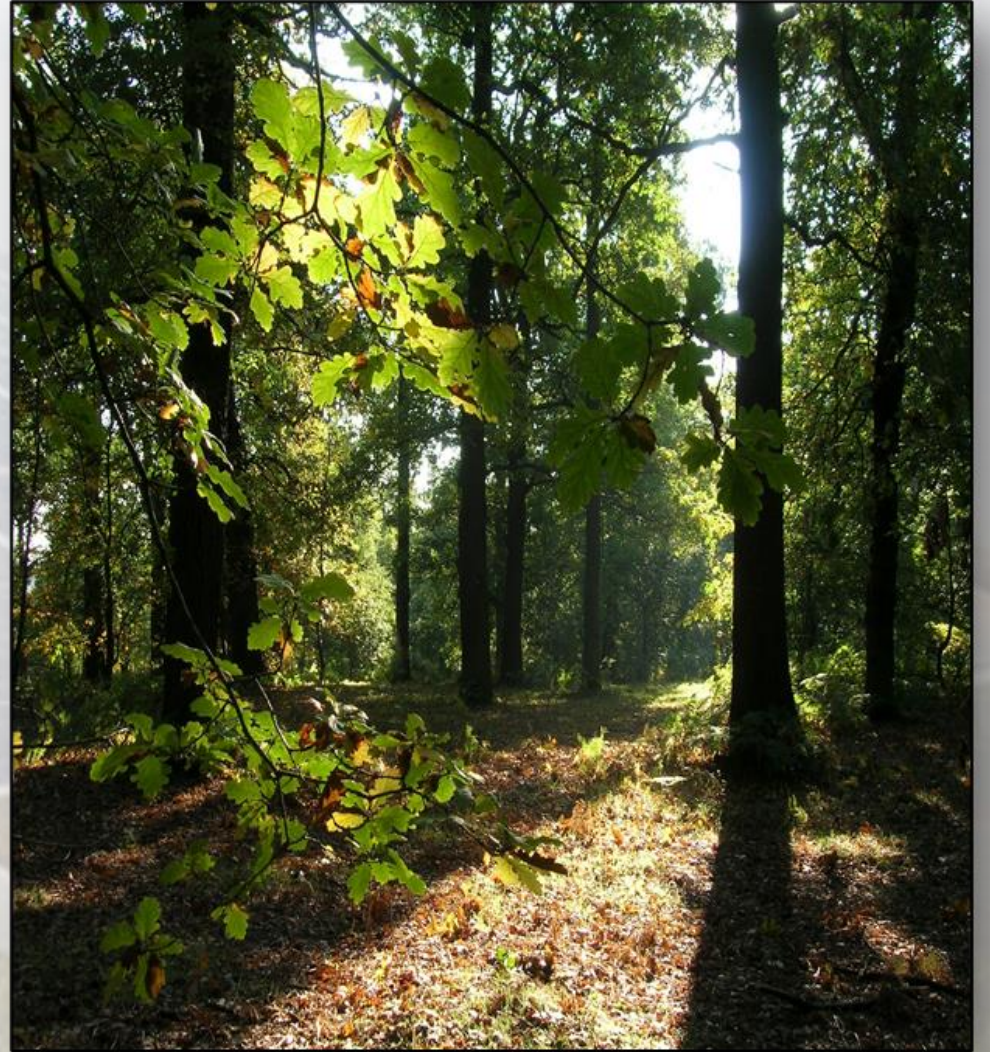
Stormwater Management

- Panels create semi-permeable cover
- Soil compaction created infiltration coefficients similar to concrete
- Stormwater and sediment basins
- Retaining existing vegetation
- Enhancing setbacks from wetlands
- Restrict total development until site/soil stabilization
- Native and pollinator-friendly plantings



Decommissioning

- Facility lifespan
- Disposal impacts and recycling
- Requirements for applicants:
 - Decommissioning plan
 - Cost estimates
 - Bond or security



POLICY BEST PRACTICES

- Appropriateness and community input regarding facilities;
- Design, siting/location, and size and scale considerations;
- Desired and expected economic outcomes;
- Acceptable and unacceptable impacts to recreational, natural, cultural, and historical resources;
- The relationship between these uses and agricultural uses and/or areas suitable for agriculture, as well as other community development goals; and
- Potential financial, infrastructure, service, and social benefits to the community.

REGULATORY BEST PRACTICES

General & Application Procedures

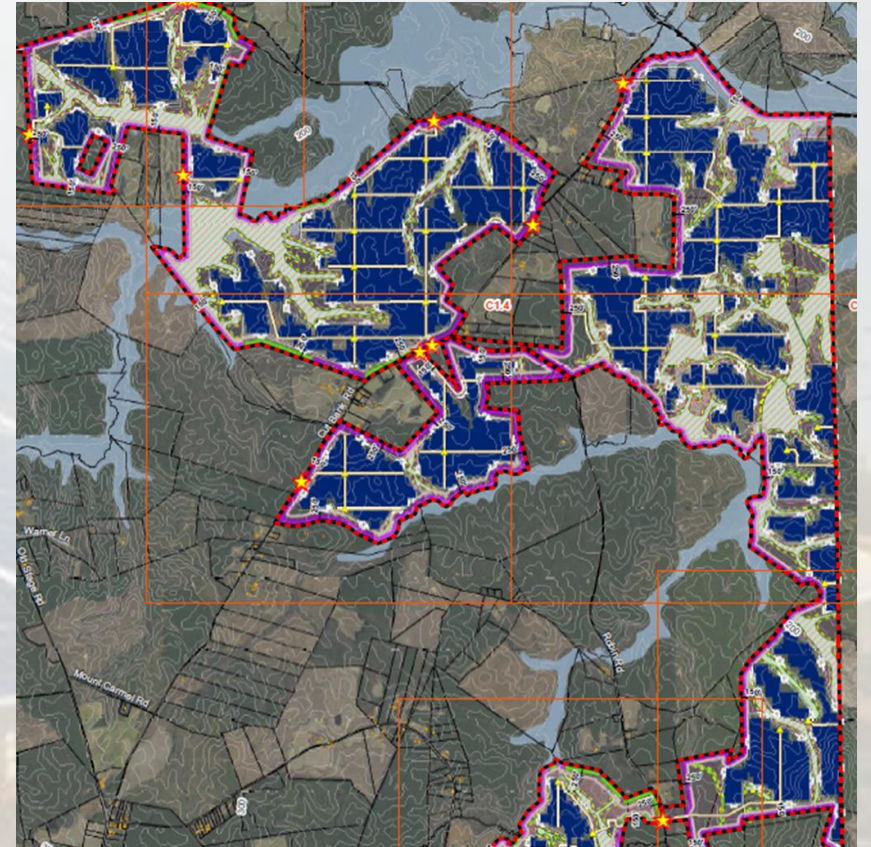
- Define the use
- Determine zoning
- Establish Procedures and Minimum Application Content
 - Special Use Permits
 - 2232 Review
- Siting Agreements
- Revenue Share



REGULATORY BEST PRACTICES

Minimum Development Standards

- Minimum distances from municipal boundaries, other facilities, identified resources
- Maximum project area, panel coverage, panel height, or rated capacity
- Density of facilities, either county-wide or within a defined area
- Design standards including fencing, setbacks, buffers, wildlife corridors, and distances to transmission infrastructure
- Groundwater and stormwater standards



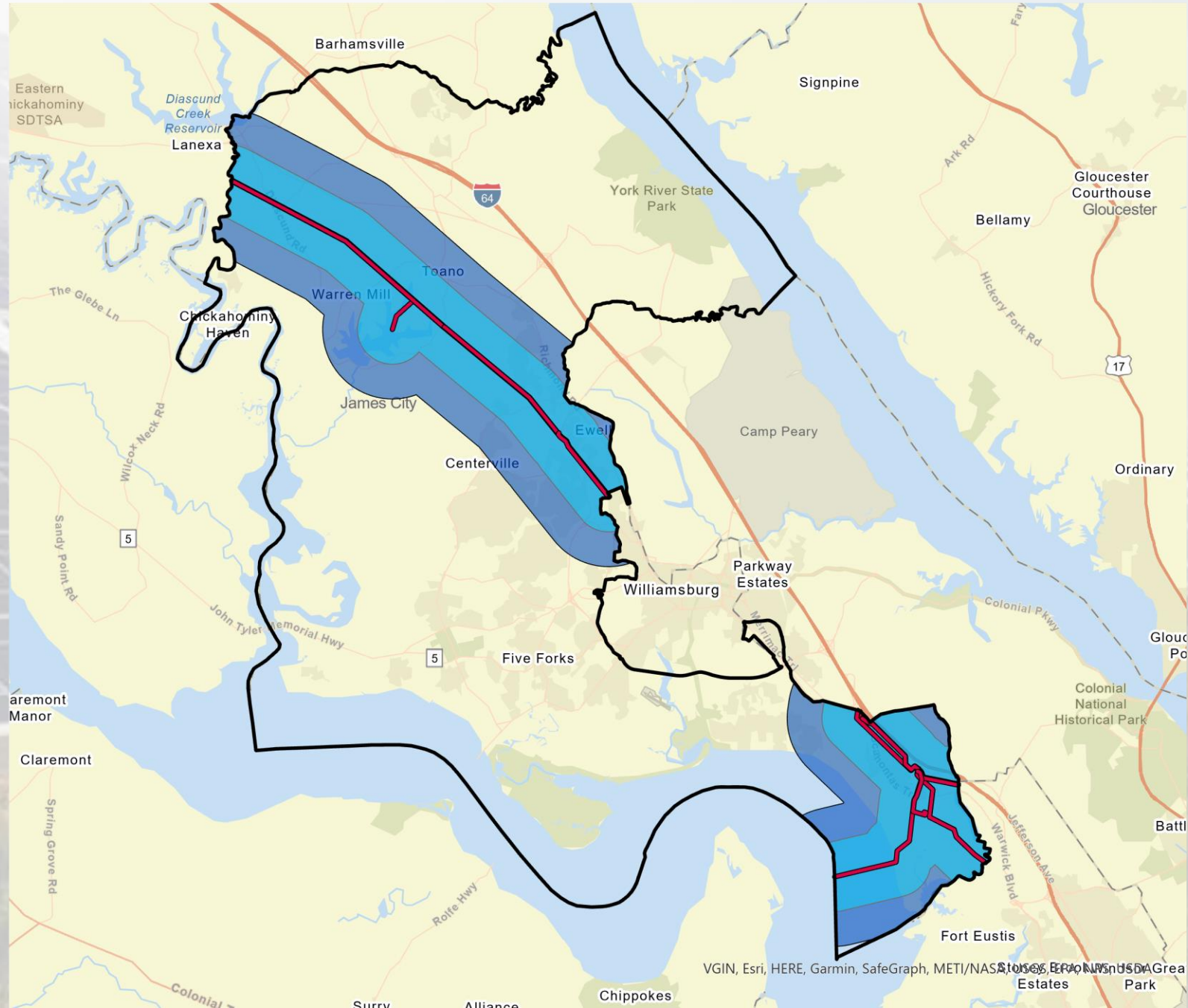
REGULATORY BEST PRACTICES

Construction Mitigation & Decommissioning

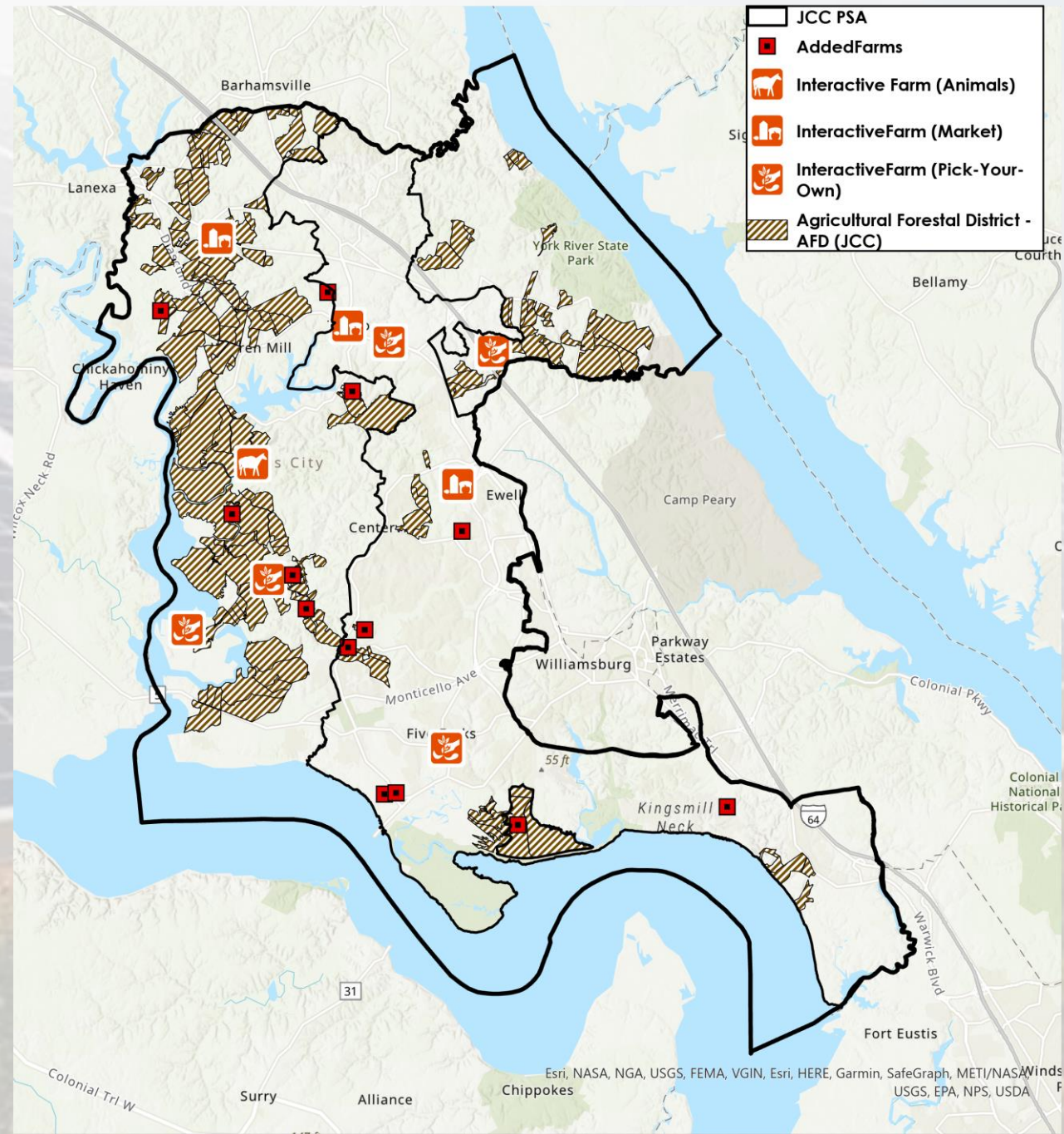
- Construction Mitigation
 - Phasing
 - Timelines
 - Staging and storage
 - Transportation Routes
- Decommissioning
 - Established as part of a community's ordinance
- SUP Conditions



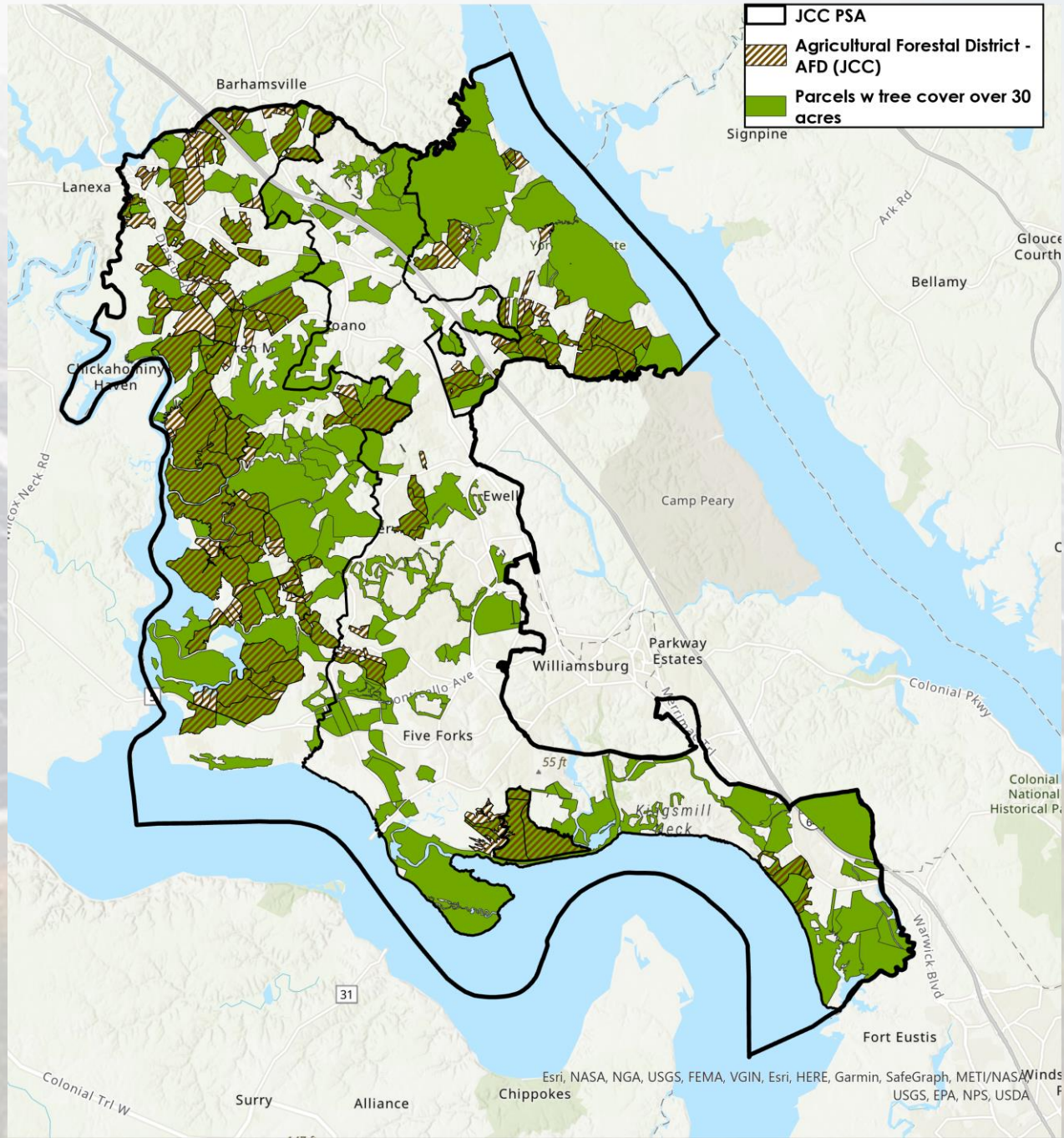
James City County Transmission Lines with a 1-Mile and 2-Mile Buffer



Agriculture Assets



Forestry Assets



Questions to Consider

1. Should the County prohibit or limit the development of utility-scale solar facilities that involves the disturbance of prime farmland, prime agricultural soils, and/or lands that have recently been utilized for agricultural production?

Discussion Considerations: Based on policies supporting the conservation and preservation of agricultural uses, some level of restrictions or limits would be warranted. Most localities address the protection of agricultural uses, if not prime farmland or soils specifically, through policies that suggest such areas be avoided or that disturbance be limited. For instance, the disturbance of 10 or more acres of prime farmland would be considered an adverse impact requiring mitigative action to be proposed by an applicant, or that the disturbance of 20 or more acres of prime farmland or the conversion of properties actively used for agricultural production within the five (5) years preceding any application should be discouraged.

Questions to Consider

2. Should the County limit the disturbance of or establish minimum required distances from historical sites, natural resources, forest blocks, or agricultural and forestal districts?

Discussion Considerations: Based on policies supporting the conservation and preservation of cultural and natural resources, some level of restrictions or limits would be warranted. Like agricultural uses, most localities that address the protection of these resources do so through policies that suggest such areas be avoided or that disturbance or impacts be limited. Areas of greater value, for instance habitat cores and corridors, could be addressed more stringently, and acceptable or unacceptable levels of disturbance could be established. Specific features should be addressed through regulations limiting or prohibiting the development of steep slopes, floodplains, resource protection areas, and establishing buffers and setbacks from wetlands, streams, and rivers.

Questions to Consider

3. What areas and/or zoning districts should solar facilities be allowed in; prohibited in?

Discussion Considerations: Based on existing policies, it may be appropriate to establish a preference for lands outside the Primary Service Area, while areas within the Primary Service Area may only be appropriate based upon certain conditions of a particular property, the size of a property, or the potential for co-benefits. Commonly, localities specify limited zoning districts in which utility-scale solar facilities are allowed, for instance, only in the County's General Agriculture (A1) and Public Land (PL) zoning districts, subject to a Special Use Permit. Consistent with established policy, it may be relevant to also establish additional accommodations in other zoning districts for smaller utility-scale projects and/or projects with potential co-benefits.

Questions & Discussion

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ITEM SUMMARY

DATE: 7/25/2023

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Discussion of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body pursuant to Va. Code § 2.2-3711(A)(3) and pertaining to property located at 2054 and 2054B Jamestown Road.

REVIEWERS:

Department	Reviewer	Action	Date
Attorney	Kinsman, Adam	Approved	7/7/2023 - 1:01 PM
Publication Management	Pobiak, Amanda	Approved	7/7/2023 - 2:03 PM
Legal Review	Kinsman, Adam	Approved	7/7/2023 - 4:46 PM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 10:29 AM
Board Secretary	Purse, Jason	Approved	7/17/2023 - 2:10 PM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 2:21 PM

ITEM SUMMARY

DATE: 7/25/2023

TO: The Board of Supervisors

FROM: Scott A. Stevens, County Administrator

SUBJECT: 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 a proposal under the Virginia Public Procurement Act, and pursuant to Section 2.2-3711(A)(8) of the Code of Virginia.

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 10:26 AM

ITEM SUMMARY

DATE: 7/25/2023
TO: The Board of Supervisors
FROM: Scott A. Stevens, County Administrator

SUBJECT: Discussion of the award of a public contract involving the expenditure of public funds, 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 contract between the County and the City of Williamsburg for the Williamsburg Regional Library System.

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 10:27 AM

ITEM SUMMARY

DATE: 7/25/2023
TO: The Board of Supervisors
FROM: Scott A. Stevens, County Administrator

SUBJECT: Discussion of the award of a public contract involving the expenditure of public funds, 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 contract between the County, the City of Williamsburg, and WJCC Schools.

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 10:28 AM

ITEM SUMMARY

DATE: 7/25/2023

TO: The Board of Supervisors

FROM: Teresa J. Saeed, Deputy Clerk

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

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 10:25 AM

ITEM SUMMARY

DATE: 7/25/2023

TO: The Board of Supervisors

FROM: Cassie Cordova, Environmental Sustainability Coordinator, Staff Liaison to the CCC

SUBJECT: Reappointments - Clean County Commission

ATTACHMENTS:

Description Type

REVIEWERS:

Department	Reviewer	Action	Date
General Services	Boone, Grace	Approved	6/29/2023 - 7:59 AM
Publication Management	Daniel, Martha	Approved	6/29/2023 - 8:22 AM
Legal Review	Kinsman, Adam	Approved	7/3/2023 - 8:03 AM
Board Secretary	Saeed, Teresa	Approved	7/5/2023 - 8:03 AM
Board Secretary	Rinehimer, Bradley	Approved	7/5/2023 - 8:41 AM
Board Secretary	Saeed, Teresa	Approved	7/7/2023 - 1:06 PM

ITEM SUMMARY

DATE: 7/25/2023
TO: The Board of Supervisors
FROM: Christopher M. Johnson, Director of Economic Development
SUBJECT: Reappointments - Economic Development Authority

ATTACHMENTS:

Description Type

REVIEWERS:

Department	Reviewer	Action	Date
Economic Development	Johnson, Christopher	Approved	7/7/2023 - 10:46 AM
Publication Management	Pobiak, Amanda	Approved	7/7/2023 - 10:56 AM
Legal Review	Kinsman, Adam	Approved	7/7/2023 - 1:02 PM
Board Secretary	Saeed, Teresa	Approved	7/7/2023 - 1:05 PM
Board Secretary	Rinehimer, Bradley	Approved	7/10/2023 - 8:24 AM
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 10:31 AM

ITEM SUMMARY

DATE: 7/25/2023
TO: The Board of Supervisors
FROM: Teresa J. Saeed, Deputy Clerk
SUBJECT: Adjourn until 5 pm on September 12, 2023 for the Regular Meeting

REVIEWERS:

Department	Reviewer	Action	Date
Board Secretary	Saeed, Teresa	Approved	7/17/2023 - 10:24 AM