

AGENDA
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
October 24, 2023
1:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PRESENTATION(S)

1. VDOT Quarterly Update

D. CONSENT CALENDAR

1. Adoption of the James City County Emergency Operations Plan 2023
2. Contract Awards - Annual Building Envelope Technical Support Services
3. Contract Award - \$139,990 - Court Support Building Roof Replacement
4. Contract Award - \$100,910 - James City County Fire Station No. 2 Roof Replacement
5. Dedication of the Streets in Section 5 of the Forest Glen Subdivision
6. Establishment of New Positions
7. Grant Award - \$12,236 - Fiscal Year 2023 Edward Byrne Memorial Justice Assistance Grant
8. Grant Award - \$7,834 - Forest Sustainability Fund
9. Leave Payout
10. Minutes Adoption
11. 2023 Scattered Site Community Development Block Grant

E. BOARD DISCUSSIONS

1. Financial Updates, FY2023 Year-End and FY2024 First Quarter
2. Tax Exempt Requirements

F. BOARD CONSIDERATION(S)

1. 2024 Legislative Agenda
2. Utility-Scale Solar Farm Applications

3. Designation of Voting Representative at VACo Annual Business Meeting

G. BOARD REQUESTS AND DIRECTIVES

H. REPORTS OF THE COUNTY ADMINISTRATOR

I. CLOSED SESSION

1. Discussion of the award of a public contract involving the expenditure of public funds, 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.
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 or consideration of the acquisition of real property for a public purpose, or 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 Section 2.2-3711(A)(3) of the Code of Virginia, and regarding 111 Grove Heights Avenue and 109 Grove Heights Avenue.
4. 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
 - a. Appointment - Board of Zoning Appeals
 - b. Appointment - Colonial Juvenile Services Commission
 - c. Appointments - Social Services Advisory Board
 - d. Appointments - Colonial Community Criminal Justice Board

J. ADJOURNMENT

1. Adjourn until 5 p.m. on November 14, 2023 for the Regular Meeting



**James City County
Emergency Operations Plan
Basic Plan
2023**

APPROVAL AND IMPLEMENTATION

Promulgation Statement

Government is responsible for ensuring the health, safety, and welfare of its citizens. The welfare and safety of citizens is never more threatened than during disasters. The goal of emergency management is to protect communities by coordinating and integrating activities necessary to build, sustain, and improve the capability to mitigate against, prepare for, respond to, and recover from threatened or actual emergencies and disasters.

James City County has updated its Emergency Operations Plan (EOP) to ensure effective allocation of resources during an emergency to protect life, property, and the environment. This plan supersedes any previous plans promulgated for this purpose.

The EOP provides a comprehensive framework for James City County's emergency management program. It addresses the roles and responsibilities of government organizations and provides a link to local, state, federal, and private organizations and resources that may be activated to address disasters and emergencies in James City County.

James City County's emergency operations plan ensures consistency with current policy guidance and describes the interrelationship with other levels of government. The plan is a continuously evolving document, responding to lessons learned from actual disasters and emergency experiences, ongoing planning efforts, training and exercise activities, and federal guidance.

Therefore, in recognition of the emergency management responsibilities of James City County government and with the authority vested in me as the Chief Executive Officer of James City County, I hereby promulgate James City County's emergency operations plan.

X

Scott Stevens
County Administrator,
Director of Emergency Management

RESOLUTION

NATIONAL INCIDENT MANAGEMENT SYSTEM

WHEREAS, the President in Homeland Security Directive-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, and local governments to work together to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity; and

WHEREAS, it is necessary and desirable that all Federal, State, and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities, and resources will improve the County's ability to utilize Federal funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes; and

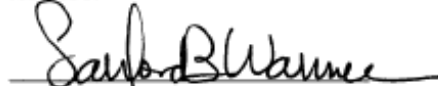
WHEREAS, the Incident Command System components of NIMS are already an integral part of James City County's incident management activities, including current emergency management training programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby endorses the NIMS as the standard for incident management.



Michael J. Brown
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wynn
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
HARRISON	AYE
GOODSON	AYE
MCGLENNON	AYE
BRADSHAW	AYE
BROWN	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 22nd day of February, 2005.

incident.res

Record of Changes

James City County's Emergency Operation Plan (EOP) will be distributed to each agency and organization that has a role in the plan and noted in the table below. Copies will be available to the public at Williamsburg Regional Library, 7770 Croaker Rd., Williamsburg, VA 23188.

Change Number	Date of Change	Page or Section Changed	Summary of Change	Person Authorizing Change
1				
2				
3				
4				
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6				
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9				
10				

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Support Annexes

Support Annexes

Congregate Household Pet Sheltering Support Annex

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Epidemiology Support Annex

Family Assistance Center Support Annex

Hampton Roads Hazard Mitigation Plan Update Support Annex

Reentry Support Annex

Incident Annexes

Incident Annexes

Extreme Temperature Incident Annex.....

Peninsula Local Emergency Planning Committee Incident Annex.....

Radiological Emergency Response Incident Annex.....

Severe Weather Incident Annex.....

I. Preface

James City County (JCC) is vulnerable to a variety of hazards such as hurricanes, storm surge, flooding, nor'easters, winter storms, thunderstorms, tornadoes, earthquakes, wildfires, hazardous materials incidents, aircraft crashes, nuclear power plant incident, resource shortages and terrorism. To respond effectively to an emergency of a size or complexity beyond routine response systems, it is critical that all JCC public officials, departments and agencies, non-governmental emergency organizations and the public understand their roles and responsibilities. These non-routine responsibilities begin as the incident is recognized and response ensues and become particularly important as command organizes beyond the initial reactive phase of first responders.

A planned for and coordinated response on the part of state and local officials in support of in the field emergency responders can save lives, protect property, and more quickly restore essential services. The foundation for this coordinated response is established through JCC's Emergency Operations Plan (EOP). The Commonwealth of Virginia Emergency Services and Disaster Law of 2000, as amended, requires that state and local governments develop and maintain current EOPs in order to be prepared for such events. If there are changes to this law or other regulations Virginia Department of Emergency Management will notify James City County and Emergency Management will implement the needed changes to this plan.

In the event an incident exceeds local emergency response capabilities, outside assistance is available, either through mutual support agreements with nearby jurisdictions and volunteer emergency organizations or, through Virginia Emergency Operations Center (VEOC). A local emergency must be declared, and local resources must be fully committed before state and federal assistance is requested.

James City County's Emergency Operations Plan was developed by using the Virginia Department of Emergency Management Emergency Operations Plan (EOP) template, Comprehensive Preparedness Guide 101, researching other EOP's, and including findings from the Regional Catastrophic Planning Grant documents.

James City County's EOP consists of a Basic Plan followed by the Emergency Support Functions, Support Annexes, and Incident Annexes.

The Basic Plan, uses an all-hazards approach to incident management, describes the concepts and structures of response and recovery operation, identifies agencies with essential (primary) and support emergency management functions, and assigns emergency prevention, preparedness, response and recovery duties and responsibilities to departments and agencies. The Basic Plan includes the James City County's Board of Supervisor's executive order that promulgates James City County, Virginia's Emergency Operations Plan (EOP).

Emergency Support Functions (ESFs) provide the structure for County's interagency emergency operations in support of disaster affected localities. ESF annexes describe the roles and responsibilities for County departments, agencies, and non-governmental organizations (NGO), as ESF coordinators or as primary or support agencies. The plan identifies 17 ESFs, assigns primary and support agencies and organizations for each function, and explains in general terms how the County will organize and implement those functions.

Each ESF is comprised of a primary and support agencies. The *National Response Framework (NRF)* identifies primary agencies based on authorities, resources, and capabilities. Support agencies are assigned based on resources and capabilities in each functional area. The resources provided by the ESFs are consistent with resource-typing categories identified in the *National Incident Management System*.

ESFs may be selectively activated for both *Stafford Act* and non-*Stafford Act* incidents. Not all incidents occurring in the county require activation of all ESFs. The EOC can deploy assets and capabilities through ESFs into an area in anticipation of an approaching storm or event that is expected to cause a significant impact. This coordination through ESFs allows the county to position extra support for a quick response. ESFs deliver a broad range of technical support and other services at the local level. The ESFs plan and support response activities. ESFs provide staff to support the incident command sections for operations, planning, logistics, and finance/administration, as requested. The incident command system enables the ESFs to work collaboratively.

To support an effective response, all ESFs are required to have both strategic and more-detailed operational plans that include all participating organizations and engage the private sector and NGOs as appropriate. The ongoing support, coordination, and integration of ESFs and their work are coordinated by the Office of Emergency Management.

Support Annexes address those functions that are applicable to every type of incident and that provide support for all ESFs. They describe the framework through which county departments and agencies, volunteer organizations and nongovernmental organizations coordinate and execute the common functional processes and administrative requirements necessary to ensure efficient and effective incident management.

Incident Annexes address contingency or hazards requiring specialized application of the EOP. They describe policies, situations, concepts of operations and responsibilities to incidents such as hurricanes, acts of terrorism or nuclear/radiological emergencies.

The coordination of planning and the compatibility of plans at the local, state, and federal levels, are critical elements in James City County's emergency management program. All incidents are local; yet an effective response from other local jurisdictions in the Hampton Roads region, state and federal agencies depends on compatible structures and resources and scalable plans. The maintenance of this plan is the responsibility of James City County's Office of Emergency Management. All planning is conducted in accordance with guidance provided by DHS. In the event of a major disaster, federal personnel and resources will be available to augment and supplement state and local emergency operations. During short-term and long-term recovery, additional federal support will be provided to affected local governments and individuals to assist them in the recovery process.

The *National Incident Management System (NIMS)* is a companion document that provides standard command and management structures that apply to response activities. This system provides a consistent, nationwide template to enable Federal, State, tribal, and local governments, the private sector, and NGOs to work together to prepare for, prevent, respond to, recover from, and mitigate the effects of incidents regardless of cause, size, location, or complexity. This consistency provides the foundation for utilization of the *NIMS* for all incidents, ranging from daily occurrences to incidents requiring a coordinated Federal response.

II. Introduction

James City County is committed to the protection of life, the environment, and property. This Plan provides the basis for response and recovery operations in James City County, Virginia. The success of this Plan depends on the collaboration of the departments and agencies responsible for the development and maintenance of these plans and annexes. Successful emergency planning utilizes a comprehensive approach to prepare for and plan for all-hazards. The threat of major disasters and events necessitates this Plan's all-hazards approach. It provides the structure and mechanisms for the coordination of state support to impacted local governments and affected individuals and businesses. It is compatible with the National Response Framework and provides the structure for coordinating with the federal government in the delivery of federal disaster assistance. The EOP assists JCC with its preparedness mission of preventing or reducing the threat of terrorist attacks within JCC; reducing the vulnerability to all natural and manmade hazards; and minimizing the damage and assisting in the recovery from any type of incident that occurs.

To respond effectively to any emergency of a size or complexity beyond the routine response system, it is critical that all James City County public officials, departments and agencies, non-governmental emergency organizations and the public understand their roles and responsibilities. These non-routine responsibilities begin when an incident is recognized, and response ensues. As an incident develops and command organizes beyond the initial reactive phase of first responders the roles and responsibilities highlighted in this Plan become more critical.

Per the Commonwealth of Virginia Emergency Services and Disaster Law of 2000, as amended, state and local governments are charged with developing and maintaining current Emergency Operations Plans (EOP) to be prepared for such events. It is the primary responsibility of the Emergency Management Coordinator of James City County to develop James City County's EOP, update the plan, and maintain a record of changes.

This plan seeks to address James City County's emergency response procedures, roles and responsibilities of local departments, and other private organizations during emergencies/disasters. This document explains the common discipline and structures that have been exercised and matured at the local, tribal, state, and national levels over time. Most importantly, it builds upon *NIMS*, which provides a consistent template for managing incidents.

A. Purpose

This EOP serves as the legal and organizational basis for operations in James City County, to effectively respond to and recover from all-hazards disasters and/or emergency situations. This EOP assigns broad responsibilities to county agencies and support organizations for disaster prevention, preparedness, response, recovery, and mitigation. These responsibilities are generally extensions of normal, day-to-day functions involving the same personnel and material resources. It also provides the framework within which more detailed emergency plans and procedures can be developed and maintained. Supporting plans for all-hazards disasters set forth the concepts and procedures to effectively apply available resources to ensure that casualties and property damage will be minimized, and restoration of essential services will be conducted as soon as possible following an emergency or disaster.

To ensure the county's capability to implement this plan, each agency tasked with essential emergency management responsibilities, as identified in this Basic Plan or any Incident Annex, shall develop a continuity of operations (COOP) plan that identifies the critical and time-sensitive missions, applications, processes, and functions to be recovered and continued in an emergency or disaster, including alternate operating capabilities. Agency's functions

critical to the County's emergency response and recovery operations shall have priority for protection and restoration.

B. Scope and Applicability

This EOP applies to the entire jurisdiction and its residents including populations with access and functional needs. The EOP applies to any extraordinary emergency associated with any natural, technological, or human-caused incident, which may affect James City County and result in the need for a planned, coordinated response by multiple departments and/or supporting agencies. The EOP establishes an emergency organization and defines responsibilities for all staff and individuals (public and private) having roles in the phases of emergency management to include, emergency preparedness, response, recovery and/or mitigation in the County.

This EOP is compliant with the National Incident Management System (NIMS) and employs a multi-agency operational structure based on the principles of the Incident Command System (ICS) to manage, coordinate, and direct resources committed to an incident. James City County is a practitioner of NIMS and is committed to ensuring that all persons with direct responsibility for implementing the plan and critical functions within are provided the required training. Supporting plans for disasters set forth the concepts and procedures whereby James City County can effectively apply available resources to minimize casualties and property damage, and the expeditious restoration of essential services following an emergency or disaster situation.

James City County includes all residents, governmental entities and departments, businesses, and non-profit organizations within the bounds of James City County and/or those individuals and entities operating or transiting through James City County.

James City County contracts key services that have a direct bearing on the emergency management organization; specifically, debris monitor, clearing, and clean up. Close planning and coordination with these agencies and organizations is essential to the preparedness and response capabilities of the James City County.

During emergencies, the County Administrator serves as the lead emergency management representative for James City County. James City County sends requests for additional support through the Virginia Department of Emergency Management (VDEM) regional offices; the regional office will contact the VEOC to fulfill the request. If the needs cannot be fulfilled by the VDEM the request will be sent on to the Federal level in accordance with NIMS.

This EOP has been developed to provide guidance for James City County based on the following objectives:

- Establish the local government's policies and procedures to respond to emergencies.
- Describe the local government's emergency management organization.
- Identify the roles and responsibilities of local government staff during an emergency.
- Identify lines of authorities and relationships.
- Describe the local Emergency Operations Center (EOC).
- Describe the concept of operations and legal authority for emergency operations.
- The interaction process between The County and regional, state, and federal authorities during emergencies.
- The interaction process between The County and its private partner organizations (hospitals, non-governmental emergency organizations and others) during emergencies.
- How to handle and manage needs with the resources available.
- Provides the basis to initiate long-term community recovery and mitigation activities.

Selective implementation allows for a scaled response, delivery of the resources needed, and an appropriate level of coordination. Response must be quickly scalable, flexible, and adaptable.

C. Situation

The County is located on a narrow, hilly, wooded peninsula between three major rivers that feed into the Chesapeake Bay. The geographic features that could affect plan implementation include:

- Floodplain
- Farmland
- Urban development
- Located on a narrow, hilly, wooded peninsula.
- Located between three major rivers that feed into Chesapeake Bay
- Extensive waterways
- Wetlands
- Unstable soils
- Steep slopes
- Wildlife
- Woodland area

James City County is a place of firsts. It is home to the first permanent English settlement and the first colonial government in America. From this region grew a powerful and prosperous collection of colonies that would eventually free itself from English rule and form a new nation. Because of this proud heritage, James City County is a place of special significance, not only for its residents, but also for citizens across the Commonwealth of Virginia and the United States. Given the importance of our unique historical identity, we have a responsibility to preserve and protect our irreplaceable historical and cultural assets for future generations. James City County can be characterized as suburban in nature, given the lack of an urban core and low densities throughout the County.

James City County is located on a peninsula approximately 50 miles southeast of Richmond and 40 miles northwest of Norfolk. The County is bounded by three rivers: the James to the south, the York to the northeast, and the Chickahominy to the west. Total land area, including inland water, is about 144 square miles, or approximately 92,400 acres. There are 152 miles of shoreline along the three rivers, containing about 138 miles of marshlands and 14 miles of beach. Along these shores are both tidal and non-tidal wetlands. The James City County border is contiguous with the Cities of Newport News and Williamsburg and the Counties of York, Charles City, and New Kent.

James City County has a resident population of 81,199 according to the 2022 US Census July 1 estimate. The resident population is projected to grow to approximately 86,206 by 2028. The median resident age is 46.8; notably the county has a higher percentage 26.8% of residents over 65 years old compared to other localities, this is forecasted to grow to 35% by 2030. There are 34,406 housing units in the County, of which 70% are owner occupied. Additional demographics include:

- Average household size: 2.5
- 4.7% of the population is under 5 years of age.
- 19.2% of the population is under 18 years of age.
- 8.5% of the population has a disability under the age of 65.
- 7.0% of families fall below the poverty line.
- 67% of the population have a household pet.

Interstate 64, a major east/west route passes through the northeast quadrant of James City County. This interstate serves the resort areas of North Carolina and Virginia; international

shipping activities located in the region; several of the region's military bases; and commuter movement within the region's urban area. Along with the interstate system, other transportation modes include the main line for the CSX railroad, the Jamestown-Scotland ferry, and a general aviation airport. All these systems are considered in the emergency management planning process.

Parts of the County are within the 10-mile Emergency Planning Zone (EPZ) for Surry Nuclear Power Plant and maintains a hazard specific plan, which is an annex to the EOP. The County participates along with other local governments in the 10-mile EPZ and State agencies in required exercises to demonstrate response capabilities.

James City County participated in the Hampton Roads Hazard Mitigation Plan 2022. The mitigation plan provides a detailed description of the hazards and history of James City County and establishes goals to mitigate hazards. The County has vulnerability to flooding, tropical/coastal storm, winter storms, hazardous materials incident, and tornadoes. The County participates in the National Flood Insurance program and maintains a Community Rating System (CRS) score of Class 5 which provides our residents with a 25% discount on flood insurance.

The James City County Comprehensive Plan discusses how the County has transitioned from an agricultural rural jurisdiction to a suburban residential community. Through its policies and ordinances, the County continues to encourage growth that occurs to locate inside the Primary Service Area (PSA), rather than outside of the PSA. This is an important tool ensuring that development is keeping with the existing community and preserves the elements of the County's unique community character.

James City County is part of a Historical Triangle that includes York County and Williamsburg. Along with historical sites, the area includes a 3,892-acre national park. These areas provide for major economic tourist activities and a welcoming environment for meetings among international economic and policy leaders. These special events require detailed security strategies with coordination among international, federal, state, and local public safety.

D. Management

James City County uses the Incident Command System (ICS) as a standard, on scene, all-hazards incident management approach. This is a flexible and scalable system can be used for incidents of any type, scope, and complexity and utilized at all levels of government. The span of control of anyone with supervisory responsibility should range from 3 to 7 subordinates, with 5 being optimal. This plan addresses the full spectrum of activities related to local incident management, including prevention, preparedness, response, and recovery actions. This plan focuses on those activities that are directly related to an evolving incident or potential incident.

Examples of incident management actions include:

- Increasing public awareness.
- Inter-jurisdiction coordination throughout Hampton Roads on response and recovery issues, such as protective measures, Coordinating support in the aftermath of an incident.
- Increasing countermeasures such as inspections, security, and infrastructure protection.
- Conducting public health assessments and conducting a wide range of prevention measures to include, but not limited to immunizations.
- Providing immediate and long-term public health and medical response assets.
- Providing strategies for coordination of resources.
- Enabling immediate recovery activities, and addressing long-term consequences.

III. Planning Assumptions & Considerations

A. Introduction

James City County's EOP is based on the planning assumptions, situations, considerations, and risk assessments presented in this section.

B. Planning Considerations

Assumptions

- James City County is vulnerable to various natural, technological, and manmade disaster.
- According to census estimates for July 1, 2022. James City County has approximately 81,199 residents, and the following demographic breakdowns:
 - Average household size: 2.5
 - Average age of residents: 44.9
 - 26.8% of the population is over 65 years of age
 - 4.7% of the population is under 5 years of age
 - 8.5% of the population has a disability under the age of 65
 - 7.0% of families fall below the poverty line
 - 67% of the population have a household pet
- The County's population has grown 6.9% over the last 5 years with an average year over year rate of approximately 1.4%.
- In the event of a significant disaster, the immediate response priority will be saving lives, protecting property, and critical infrastructure.
- All County government employees may assume some support role to emergency support functions.
- Incident Management activities will be initiated and conducted using the principles contained in *NIMS*.
- The combined expertise and capabilities of government at all levels, the private sector, and nongovernmental organizations will be required to prevent, prepare for, respond to, and recover from disasters.
- Mutual aid support from surrounding jurisdictions may or may not be available depending on the nature of the emergency or disaster.
- Incidents require local government to coordinate operations and/or resources and may:
 - Occur at any time with little or no warning.
 - Require significant information sharing across multiple jurisdictions and between the public and private sectors.
 - Involve single or multiple geographic areas.
 - Have significant impact and/or require resource coordination and/or assistance.
 - Span the spectrum of incident management to include prevention, preparedness, response, and recovery.
 - Involve multiple, highly varied hazards or threats on a local or regional scale.
 - Result in numerous casualties; fatalities; displaced people; property loss; disruption of normal life support systems, essential public services, and basic infrastructure; and significant damage to the environment.
 - Impact critical infrastructure across sectors.
 - Attract a sizeable influx of independent, spontaneous volunteers and supplies.
 - Require short notice State and Federal asset coordination.
 - Require prolonged, sustained incident management operations and support activities.
- The top priorities for incident management are to:
 - Save lives and protect the health and safety of the public, responders, and recovery workers.
 - Ensure security of the jurisdiction.

- Prevent an imminent incident from occurring.
 - Protect and restore critical infrastructure and key resources.
 - Ensure local government continues to function throughout the incident.
 - Protect property and mitigate damages and impacts to individuals, communities, and the environment.
 - Facilitate recovery of individuals, families, businesses, government, and the environment.
 - Ensure a clear line of communication with residents so they are fully informed about what services the county is currently able to provide.
- The severity of the impact on state and local resources might necessitate a request for federal assistance.
 - County residents and businesses are expected to use their own resources and be self-sufficient following a significant disaster event for up to 7 days.
 - County businesses will develop internal standard operating procedures for emergency operations including a COOP that provides for a line of succession for senior management and a means of internal communications.
 - County staff may become casualties or experience damage to their homes and property.
 - There may be competition among residents and communities for scarce resources.
 - Widespread power and communications outages may require use of alternative methods of providing public information and delivering essential services. Communications may be problematic due to demands exceeding capacities.
 - Upon request, the commonwealth or federal government will provide outside assistance if local capabilities are overwhelmed, or local resources are exhausted.

Situations and Considerations

- The county is vulnerable to various natural, technological, and human, hazards.
- An emergency originating in a neighboring jurisdiction may impact the county, such as a Surry Power Station incident, requiring activation of the EOP.
- County staff, equipment and resources will be used to deal with an emergency.
- If James City County needed additional assistance or resources, it would enact standing Memorandums of Understanding (MOUs) with other jurisdictions.
- If the need for resources exceeds the capabilities of James City County and MOU partners the County Administrator or designee may request State assistance.
- The emergency preparedness goal of James City County, in cooperation with state and federal agencies, is to plan and prepare for emergency operations which will ensure that casualties and property damage will be minimized, and normal operations will be restored as rapidly as possible in the event of a large-scale emergency or disaster situation.

C. Equity

The Code of Virginia § 44-146.19 requires local jurisdiction's emergency operations plans "contain provisions to ensure that the plan is applied equitably and that the needs of minority and vulnerable communities are met during emergencies." The Federal Emergency Management Agency (FEMA) defines equity as "the consistent and systematic fair, just and impartial treatment of all individuals."

The James City County Office of Emergency Management recognizes FEMA's equity definition and utilizes it in complying with the Code of Virginia's requirements. The office of emergency management works to ensure the needs of minority and vulnerable communities are met during emergencies by:

- Building and sustaining partnerships with groups and organizations to improve the engagement of everyone in our community.
- Conducting outreach events that focus on the county's diverse population and community members who are more vulnerable.
- Identifying needs and assets, as well as pre-existing vulnerability and resilience.

IV. Roles and Responsibilities

The Director of Emergency Management and the Emergency Management Coordinator oversee James City County's emergency management organization. They are empowered to review and approve emergency mutual aid plans and agreements, disaster mitigation, preparedness, response and recovery plans, and such ordinances, resolutions, rules and regulations as are necessary to implement them.

James City County Emergency Management Organization

The County's Emergency Management Organization consists of the following entities:

- Policy Group/Local Governing Board
- Director of Emergency Management and Deputy
- Coordinator of Emergency Management and Deputy
- Local Government Agencies and Staff with emergency responsibilities
- Nongovernmental and Volunteer Organizations
- Private Sector Partners
- Residents

A. Policy Group

Provide policy guidance on priorities and objectives based on the situational needs and the EOP. This group is led by the Board of Supervisor's chairperson and assisted by the Director of Emergency Management.

Chief elected or appointed officials must have a clear understanding of their roles and responsibilities for successful emergency management and response. At times, these roles may require providing direction and guidance to constituents during an incident, but their day-to-day activities do not focus on emergency management and response. On an ongoing basis, elected and appointed officials may be called upon to help shape or modify laws, policies, and budgets to aid preparedness efforts and to improve emergency management and response capabilities.

Any incident can have a mix of public health, economic, social, environmental, criminal, and political implications with potentially serious long-term effects. Significant incidents require a coordinated response across agencies and jurisdictions, political boundaries, sectors of society, organizations, etc. These incidents will require that publicly elected and appointed officials, as well as business owners and community leaders, make difficult decisions for the benefit of the community as a whole. James City County will work with other localities in the region to develop better coordination mechanisms between jurisdictions during emergencies.

B. Director of Emergency Management

James City County's Administrator, serving as the jurisdiction's chief executive, is the Director of Emergency Management for James City County and is responsible for the public safety and welfare of the people in the jurisdiction. For simplicities sake the Director of Emergency Management will be referred to as the County Administrator for the rest of this document and all Annexes. If the County Administrator is unable to carry out his/her duties for a list of succession refer to Section XII Succession of Authority in the Basic Plan.

The County Administrator and policy group provides strategic guidance and resources during preparedness, response, and recovery efforts. Emergency management, including preparation and training for effective response, is a core obligation of local leaders.

The County Administrator helps James City County mitigate against, prepare for, respond to, and recover from potential incidents. Key responsibilities include:

- Establishing strong working relationships with local jurisdictional leaders and core private-sector organizations, voluntary agencies, and community partners. With the goal of building relationships in advance of an incident and to develop mutual aid and/or assistance agreements for support in response to an incident.
- Leading and encouraging local leaders to focus on preparedness by participating in planning, training, and exercises.
- Supporting participation in local mitigation efforts within the jurisdiction and, as appropriate, with the private sector.
- Understanding and implementing laws and regulations that support emergency management and response.
- Ensuring that local emergency plans account for the needs of:
 - The jurisdiction, including persons, property, and structures.
 - Individuals with access and functional needs, including those with service animals.
 - Individuals with household pets.
- Encouraging residents to participate in volunteer organizations and training courses.
- Is responsible for coordinating local resources to address the full spectrum of actions to prevent, prepare for, respond to, and recover from incidents involving all hazards including terrorism, natural disasters, accidents, and other contingencies.
- Dependent upon state and local laws, has extraordinary powers to suspend local laws and ordinances, such as to establish a curfew, direct evacuations, and in coordination with the local health authority, to order quarantine.
- Provides leadership and plays a key role in communicating to the public, and in helping people, businesses, and organizations cope with the consequences of any type of incident within the jurisdiction.
- Negotiates and enters into mutual aid agreements with other jurisdictions to facilitate resource-sharing.
- Requests state assistance when local capabilities have been exceeded or exhausted.
- Coordinates with state and federal officials after a disaster to implement recovery strategies and programs.

C. Emergency Management Coordinator

The emergency management coordinator coordinates all components of the local emergency management program, to include assessing the availability and readiness of local resources during an incident and identifying and correcting any shortfalls. Other duties of the emergency management coordinator are:

- Coordinating and collaborating with other local agencies and private-sector organizations throughout the planning process.
- Developing mutual aid and assistance agreements.
- Coordinating damage assessments during an incident.
- Advising local officials about emergency management activities during an incident.
- Developing and executing public awareness and education programs.
- Conducting exercises to test plans and systems and obtain lessons learned.
- Involving the private sector and NGOs in planning, training, and exercises.
- Assess incident situation.
- Activate parts of the EOC organization as appropriate; Ensure planning meetings occur.
- Conduct initial briefing for Command and General staff.
- Approve and authorize implementation the Incident Action Plan and demobilization plan.
- Determine information needs and inform command personnel of needs.
- Manage incident operations; Coordinate staff activity.
- Approve requests for additional resources and/or the release of resources.
- Authorize the release of information to the news media.

D. Department and Agency Heads

Local departments and agencies participate in the ESF structure as coordinators, primary response agencies, and/or support agencies to support incident management activities. The emergency management coordinator is assisted by, and coordinates the efforts of, employees in departments that perform emergency management functions. Department heads collaborate with the emergency management coordinator during development of local emergency plans. They identify sources of emergency supplies, equipment and transportation. For the rest of the document and all annexes the word department will represent department, agencies, and authorities.

Department heads and their staffs develop, plans, standard operating procedures, and train to internal policies and procedures to meet response and recovery needs safely. They will also participate in interagency training and exercises to develop and maintain the necessary capabilities. They maintain records of disaster related expenditures, including appropriate documentation. They protect and preserve vital records essential for the continuity of government and delivery of essential functions. They will also establish and maintain a list of succession of key personnel.

E. Emergency Support Functions

The Emergency Support Function is a organizational structure grouping of government, certain private-sector, and NGO's capabilities that provide support, resources, program implementation, and emergency services that are most likely to be needed during incidents.

Each ESF is composed of primary and support agencies. James City County has identified primary departments on the basis of authorities, resources, and capabilities. Supporting departments are assigned based on resources and capabilities in a given functional area (Matrix of Responsibilities pg.51). ESFs will be expected to support one another in carrying out their respective roles and responsibilities. They will develop and maintain plans to support their functional requirements. They will identify sources of emergency supplies, equipment and transportation. They will also maintain accurate records of disaster related expenses. The support functions provide resources to support Incident Command. Additional discussion on roles and responsibilities of ESF coordinators, primary agencies, and support agencies can be found in the introduction to the ESF annexes. Not all incidents result in the activation of all the ESFs. It is possible an incident may be addressed without activating ESFs. ESFs are organized under the NIMS structure and operate out of the EOC.

F. Nongovernmental and Volunteer Organizations

Nongovernmental and voluntary organizations (NGOs) collaborate with first responders, governments at all levels, and other agencies and organizations providing relief services to sustain life, reduce physical and emotional distress, and promote recovery of disaster victims when assistance is not available from other sources. For example, the American Red Cross Coastal Virginia Chapter provides relief at the local level and also supplements staffing of ESF 6 Mass Care. The Southeastern Virginia VOAD (SEVA VOAD) is a group of recognized local, state, and national organizations that provide disaster relief. VOAD provides significant capabilities to incident management and response efforts. Examples of NGO and voluntary organization contributions include:

- Training and managing volunteer resources.
- Identifying shelter locations and needed supplies.
- Providing critical emergency services to those in need, such as cleaning supplies, clothing, food and shelter, or assistance with post-emergency cleanup.
- Identifying those people with unmet needs and help coordinate the provision of assistance.
- Have knowledge of local emergency response plans and procedures
- Implement protective actions as requested or required by the emergency manager.
- Plan for personal and business preparedness, mitigation, response, and recovery.

G. Volunteers and Donations

Volunteer organization response to incidents frequently exceeds the resources of government organizations. Volunteers and donors can support response efforts in many ways. The Volunteer and Donations Management Support Annex provides detailed guidance on dealing with this multi-faceted group.

H. Private Sector

Primary and support agencies coordinate with the private sector to effectively share information, form courses of action, and incorporate available resources to prevent, prepare for, respond to, and recover from disasters, emergencies, or other incidents. The roles of the private sector organizations are summarized below.

Table 2. Types of Private Sector Partners

Type	Role
Impacted Organization or Infrastructure	Private sector organizations may be affected by direct or indirect consequences of the incident, including privately owned critical infrastructure, key resources, and those main private sector organizations that are significant to local economic recovery. Examples of privately owned infrastructure include transportation, telecommunications, private utilities, dams, financial institutions, and health care facilities.
Response Resource	Private sector organizations provide response resources (donated or compensated) during an incident including specialized teams, equipment, and advanced technologies through local public-private emergency plans, mutual aid agreements, or incident specific requests from local government and private sector volunteer initiatives.
Regulated or Responsible Party	Owners/operators of certain regulated facilities or hazardous operations may bear responsibilities under the law for preparing for and preventing incidents from occurring, and responding to an incident once it occurs.
Local Emergency Organization Member	Private sector organizations may serve as an active partner in local emergency preparedness and response organizations and activities, such as membership on the Local Emergency Planning Committee (LEPC).

Many private-sector organizations are responsible for operating and maintaining portions of the Nation's Critical Infrastructure and Key Resources (CIKR). Critical infrastructures include assets, systems, networks, and functions – physical or virtual –vital to James City County. DHS has developed a comprehensive *National Infrastructure Protection Plan (NIPP)* that is synchronized with the *NRF*. The Commonwealth of Virginia also has a *Critical Infrastructure Protection and Resiliency Strategic Plan* that is an additional resource.

Private sector organizations are encouraged to develop and maintain capabilities to respond and to manage a complete spectrum of incidents and emergencies. James City County maintains ongoing interaction with the critical infrastructure and key resources and industries to provide coordination of prevention, preparedness, response, and recovery activities. During an incident, key private-sector partners will be invited to participate in the EOC or have a direct link to the emergency management coordinator.

Essential private-sector responsibilities include:

- Planning for the protection of employees, infrastructure, and facilities.
- Planning for the protection of information and the continuity of business operations.
- Planning for response to and recovery from incidents that impact them.
- Collaborating with emergency management pre-incident to ascertain what assistance may be necessary and how they can help.
- Developing and exercising emergency plans before an incident occurs.

- Where appropriate, establishing mutual aid and assistance agreements to provide specific response capabilities.
- Providing assistance (including volunteers) to support local emergency management and public awareness during response and throughout the recovery process.

I. Resident Involvement

Strong partnerships with citizen groups and organizations provide support for incident management prevention, preparedness, response, recovery, and mitigation. James City County's Citizen Corps program focuses efforts of individuals through education, training, and volunteer services to help make our community safer, stronger, and better prepared to address all-hazards incidents.

The Citizen Corps Council implements the Community Emergency Response Teams (CERT), Medical Reserve Corps (MRC), Neighborhood Watch, Volunteers in Police Service (VIPS), and Community Animal Response Team (CART). These programs develop targeted outreach for populations and organize special projects and support community events. James City County has the following number of teams and members per organization that are available to assist with emergency preparedness, response and recovery activities:

Table 3. Citizen Corps. Organizations and Volunteers

Organization	Number of Teams	Approximate Number of Volunteers
CERT	10	350
CART	1	30
MRC (Peninsula Unit)	N/A	997, of which 368 reside in JCC
VIPS	N/A	30
Neighborhood Watch	N/A	11 neighborhoods

Neighborhood Watch and CERT participants can assist the county with providing an extra set of eyes and ears that are looking for something out of the ordinary. If they run across anything they will report the information to the Police Department or Emergency Management.

V. Direction, Control, and Coordination

The Director of Emergency Management and the Coordinator of Emergency Management implement James City County's policy and operational coordination for domestic incident response. The response structure can be partially or fully implemented in response to a potential/actual threat, in anticipation of a significant event, or in response to an incident. Selective implementation allows for a scaled response, delivery of the exact resources needed, and a level of coordination appropriate to each incident.

A. On Scene Incident Command and Management

The on-scene Incident Commander is responsible for all response activities, including the development of strategies and tactics and the ordering and release of resources. The Incident Commander has overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site. When multiple command authorities are involved, the incident may be led by a unified command comprised of officials who have jurisdictional authority or functional responsibility for the incident under an appropriate law, ordinance, or agreement. The unified command provides direct, on-scene control of tactical operations. At the tactical level, on-scene incident command and management organization are located at an Incident Command Post (ICP), which is typically comprised of local and mutual aid responders.

B. Emergency Operations Center

An Emergency Operations Center or EOC serves as the central coordination hub for an incident response and recovery. Information flows into the EOC from the field and out of the EOC to relevant stakeholders and response partners. During an incident, the EOC supports field operations when resources that are traditionally acquired through mutual aid agreements amongst response partners, are no longer sufficient to handle the incident response.

James City County and other organizations report threats, incidents, and potential incidents using established communications and reporting channels. Once a threat or incident has occurred, local government, through the Emergency Management Director, makes an initial determination to initiate the coordination of information sharing and incident management activities. If the incident necessitates the opening of the EOC, the EOC will serve as the hub of information collection, analysis and dissemination relating to an incident or event. During an event or incident information will be collected using a variety of methods.

C. Situational Awareness

During an incident, information should flow freely from the field to the EOC. As information comes into the EOC it should be collected and recorded. This information will be collected and disseminated as a Situation Report and disseminated to the VDEM Regional Coordinator as needed throughout the incident. This information can also be shared with the Virginia Emergency Operations Center (VEOC) and other state and federal partners via conference calls, WebEOC, and email correspondence.

D. Communications

Communication between Incident Commander and EOC

Timely communication amongst first responders and local government officials working within the EOC is critical during an event. James City County has a wide variety of emergency communications equipment available to communicate internally and externally including, radio, landline phones, cell phones, satellite phones, emails, emergency notification system, etc. First responders will maintain operational communication throughout incident response and recovery operations using their communication centers and radio channels. All functions operating outside of the EOC will maintain contact with the EOC through redundant communications such as telephone, radio, fax, or crisis management software.

Public Information Officer (PIO)

The Public Information Officer ensures that all official information coming from James City County during an emergency is timely and reliable. During an incident the PIO is also responsible for monitoring local news media and social media for rumors. If the various outlets are spreading rumors regarding the incident, the PIO should make every attempt to set the record straight and dispel the rumors.

Communications to the Public

During emergencies and disasters, the public needs detailed information regarding protective actions, to minimize the loss of life and property. Every effort should be made to provide emergency information through conventional news media sources, social media sites and James City County's Webpage, as well as a community outreach program of public education for responding to, recovering from and mitigating hazards that pose a threat to a community to ensure necessary protective measures can be employed.

Joint Information Center (JIC)

The JIC is a physical location where public affairs professionals from organizations involved in incident management activities work together to provide critical emergency information, crisis communications, and public affairs support. The JIC serves as a focal point for the coordination and dissemination of information to the public and media concerning incident prevention, preparedness, response, recovery, and mitigation. The JIC will normally be collocated with EOC.

Communications with the VEOC

James City County's EOC integrates into the larger emergency management network at the state-level by using WebEOC and telephone communications with regional liaisons. VDEM regional staff facilitates communications between James City County and the VEOC. Local jurisdictions will submit daily, or twice daily situation reports to the VEOC.

Notification of Virginia Criminal Injuries Compensation Fund (CICF) and Virginia Department of Criminal Justice Services

The EOC will immediately contact the DCJS and the VCICF to deploy, if there is an emergency in which there are crime victims involved as defined by §19.2-11.01 of the Code of Virginia. Both entities will serve as the lead for coordinating services and assistance to the victims. The local government is required by the Code of Virginia § 44-146.19 to make these notifications and maintain current contact information for each organization in the EOP. Contact information for both organizations is maintained on the VDCJS website: <https://www.dcjs.virginia.gov/victims-services/report-campus-local-emergency>

VDEM regional staff may assist with this process. Local EOC will make requests for resource to the VEOC with coordination of VDEM Regional Staff.

E. Administration, Finance, and Logistics

Administration

In an incident, James City County staff may fulfill roles within the Finance and Administration and Logistics Section of the EOC. Financial and Management Services will serve as the primary department for the Finance and Administration Section.

Documentation is a key administrative process that must be used by James City County to document the response to and recovery from a disaster. Documenting actions taken during response and recovery is essential for creating historical records of incident, applying for recovery costs, addressing any insurance needs, and developing future mitigation strategies. At a minimum, the James City County EOC will maintain the following types of reports:

- Damage Assessment

- Incident Action Reports
- ICS 214s/Activity Log
- Rumor Control Call Logs

Financial Management

The Finance & Admin Section manages all financial, administrative, and cost analysis aspects of an emergency. Disaster-related expenditures and obligations of state agencies, local jurisdictions and organizations may be reimbursed under a number of federal programs (i.e. Small Business Administration (SBA), etc.)

Logistics

The Director of the Fleet and Equipment Division of General Services will serve as a primary department for the Logistics Section and Fire Department will serve as supporting department. Risk analysis and capabilities assessments help James City County identify what resources are needed for a response to a defined hazard. Based on past incident critiques, James City County has worked to identify and procure additional resources to improve capability for future events. The incident commander can activate tactical-level mutual aid agreements at the incident-level. Needs that cannot be met via mutual aid agreements at the tactical level will be escalated to the EOC.

At the EOC, the Logistics Section will provide guidance for coordinating resources needed to support the incident. Logistics primarily addresses protocols, processes, and systems for requesting, utilizing, tracking and reporting resources that are outside the standard practices of pre-existing discipline-specific mutual aid agreements. When local resources are not sufficient the Logistics Section will coordinate mutual aid agreements and work with private resources. Purchasing resources for an incident response is done by the Logistics Section Chief as needed throughout the incident response.

VI. Concept of Operations

A. General

This section outlines James City County's concept of operations for responding to emergencies and disasters. It provides background information on *NIMS* and Incident Command System (ICS), identifies authorities for emergency response, defines command and control structures and lines of authority, describes the roles and organization of the EOC, and outlines how emergency operations will be conducted under the EOP.

Commonwealth of Virginia Emergency Services and Disaster Law of 2000, as amended, provides that emergency services organizations and operations will be structured around existing constitutional government. James City County's organization for emergency operations consists of existing government departments, nongovernmental, and private sector emergency response organizations.

The ultimate goals of James City County's emergency management program are to:

- Provide effective life safety measures, reduce property loss, and protect the environment.
- Provide for the rapid resumption of impacted businesses and community services.
- Provide inclusive emergency policies that ensure persons with disabilities can evacuate, use emergency transportation, stay in shelters, and participate in emergency and disaster-related programs together with service animals.
- Provide accurate documentation and records required for cost recovery efforts.

James City County's Office of Emergency Management has the primary responsibility for emergency management activities within James City County. The Emergency Management Director or Deputy Director has the authority to declare a local emergency with approval of the James City County Board of Supervisors; the local governing board has the legal authority for approving the EOP and declaring a local emergency.

During an emergency, the Director and the Coordinator of Emergency Management, or the Director's Deputy will work with all appropriate agencies, boards, and departments within James City County to effectively respond to the incident. When an emergency exceeds the local government's capability to respond, assistance will be requested from surrounding jurisdictions, and state and federal government. In any case, incident command and response operations remain with the local jurisdiction.

Implementation of the National Incident Management System (NIMS)

James City County adopted NIMS as its operating structure by resolution of the Local Governing Board on (2/22/2005). The basic framework of NIMS incorporates the use of the Incident Command System (ICS) and the Multi-Agency Coordination System (MACS). This EOP is based on NIMS. James City County will implement the Incident Command System (ICS) for all large-scale incidents within the James City County. ICS will be used as a standardized systematic approach for the development of the Emergency Operations Plan (EOP). ICS is required for all on-scene and Emergency Operations Center (EOC) activations under the all-hazards incident management approach. Utilization of the ICS:

- Allows for the integration of facilities, equipment, personnel, procedures and communications operating within a common organizational structure.
- Enables a coordinated response among various jurisdictions and functional agencies, both public and private.
- Establishes common processes for planning and managing resources.

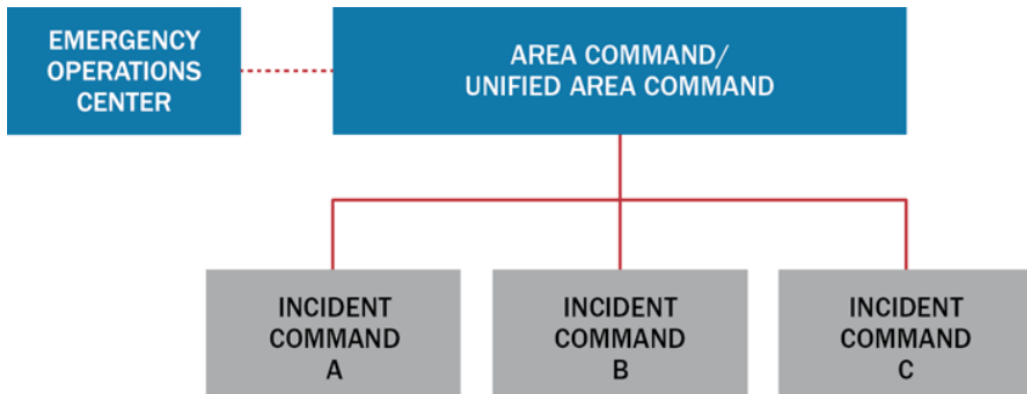
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and control structures and lines of authority, describes the roles and organization of the EOC, and outlines how emergency operations will be conducted under the EOP.

B. Organizational Structure

In accordance with the *NIMS* process, resource and policy issues are addressed at the lowest possible organizational level. If issues cannot be resolved at that level, they are forwarded up to the next level. On a day-to-day basis James City County's Departments handle many incidents without the need for support from the Emergency Operations Center, however, when an incident becomes large enough the Incident Commander can ask for the EOC to be stood up or the Emergency Management Director can activate it to support the Incident Commander or Unified Command.

EOCs are locations where staff from multiple agencies come together to address imminent threats and hazards and to provide coordinated support to incident command, on-scene



personnel, and/or other EOCs. The purpose, authorities, and composition of the teams that staff EOCs vary, but generally, the teams consolidate and exchange information, support decision making, coordinate resources, and communicate with personnel on scene and at other EOCs.

EOC staff may share the load with on-scene incident personnel by managing certain operations, such as emergency shelters or points of distribution. EOC staff may coordinate the efforts of several geographically disparate incidents or activities. In some instances, the incident command or Area Command may be conducted in the EOC. Primary functions of EOC Staff include:

- Collecting, analyzing, and sharing information.
- Supporting resource needs and requests, including allocation and tracking.
- Coordinating plans and determining current and future needs.
- In some cases, providing coordination and policy direction.

Incident Command System

ICS is a management system designed to enable effective and efficient management of incidents by integrating a combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure. ICS is widely applicable to organize both short-term and long-term field operations for the full spectrum of emergencies. The Incident Commander (IC) is the individual responsible for all incident activities including the development of incident objectives, approving on-scene strategies and tactics, and the ordering and release of on-scene resources. The IC is delegated overall authority and responsibility for conducting incident operations.

- **IC Command Staff** typically include:
 - Public Information Officer (PIO): the PIO is responsible for interfacing with the public and media and providing incident-specific information.

- Safety Officer (SO): The SO monitors incident operations and advises the IC on all matters of operational safety.
- Liaison Officer (LO): The LO serves as the point-of-contact on behalf of the IC representatives from other government agencies, non-governmental organizations, and private sector entities.
- **IC General Staff** include:
 - Planning: The Planning Section Chief is responsible for gathering information and intelligence to the incident and providing this information to the IC and other incident management personnel. This section is also responsible for developing and documenting the Incident Action Plan (IAP) that identifies overall incident objectives and strategies.
 - Operations: The Operations Section Chief is responsible for all tactical activities directed to the reduction of the immediate hazard, saving lives and property, establishing situational control, and restoration of normal operations.
 - Logistics: The Logistics Section Chief is responsible for all support requirements needed to achieve an effective response to the incident. This includes ordering resources from off-site as needed.
 - Finance/Administration: This section established when incident management activities require finance and administrative support services. The Chief of this section is responsible for recording personnel time and attendance; all financial management matters pertaining to vendor contracts, handling injury claims, and compensation; and recording, tracking, and analyzing cost data for the incident.

The ICS develops in a top-down, modular fashion that is based upon the size and complexity of the incident (see figure 1 below). As needed, separate functional elements can be established, each of which can be further sub-divided. For example, the Operations Section can be expanded to include branches, divisions, groups, and specialized resources as required to effectively manage the incident. Responsibility for the establishment and expansion of the ICS organization ultimately rests with the IC who bases the organization on the requirements of the situation. As incident complexity increases, the organization expands from the top down as functional responsibilities are delegated. The IC may appoint additional staff and support positions as necessary depending upon the nature, scope, and complexity of the incident or the requirements identified by the IC.

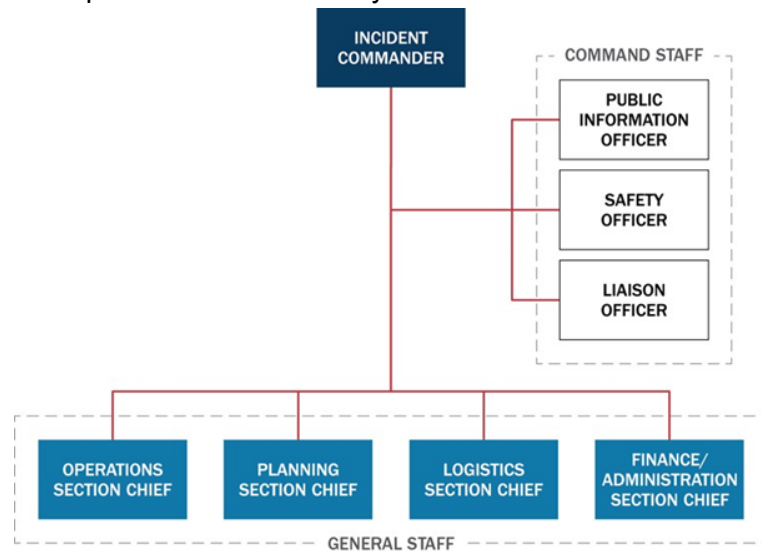


Figure 1. Incident Command System

Unified Command

Unified command will be used when there is more than one agency with incident jurisdiction or when incidents cross political jurisdictions. Agencies work together through the designated

members of the Unified Command to establish common objectives and strategies under a single IAP. In large-scale emergencies, fire-rescue and police commanders may establish a Unified Command Post at or near the incident site. They will notify other agencies that need to be present at the Unified Command Post. They will jointly appoint command and general staff as necessary to carry out incident objectives.

Emergency Response Levels

James City County has 3 levels of EOC activation which may be in-person, virtual or hybrid. The level to which the EOC is activated will be a decision made by the Emergency Management Director or designee based on the size, scale, and complexity of a given incident or set of circumstances.

Activation Level	Description
3 - Normal Operations or Steady State	Activities are normal for the EOC when no incident or specific risk or hazard has been identified. Routine monitoring watch and warning activities may occur
2 - Enhanced Steady State or Partial Activation	Certain EOC team members or organizations are activated to monitor a credible threat, risk, or hazard and or to support the response to a new or potentially evolving incident.
1 - Full Activation	EOC team is activated including personnel from all assisting agencies to support the response to a major incident or credible threat.

C. Delegation of Authority

The Director of Emergency Management is the County Administrator. The day-to-day activities of the OEM are delegated to the Coordinator of Emergency Management. The Director, in conjunction with the coordinator, will direct and control emergency operations during an emergency and issue directives to other services and organizations concerning disaster preparedness. The day-to-day activities, for which the Coordinator of Emergency Management is responsible, include developing and maintaining an EOP, maintaining EOC from which to direct operations in time of emergency in a constant state of readiness with assistance of department heads, and other responsibilities as outlined in local and state regulations. The primary EOC is currently located at [REDACTED]. The alternate EOC facility is located at [REDACTED].

Succession to the Director of Emergency Management will be the Deputy Directors, the Coordinator of Emergency Management, and Deputy Coordinator of Emergency Management, respectively. The Coordinator of Emergency Management, assisted by the Deputy Coordinator, will assure compatibility between the EOP and the plans and procedures of critical facilities and private organizations within the county, as appropriate. All appropriate available local and regional resources will be fully committed before requesting assistance from the State. Requests for assistance will be made through the VEOC to the State Coordinator.

The County Administrator or, in their absence, the Coordinator of Emergency Management, with support from designated local officials, will exercise direction and control from the EOC during disaster operations. The EOC will provide logistical and administrative support to response personnel deployed to the disaster site(s) using the ICS structure. Available warning time will be used to implement increased readiness measures, which will ensure maximum protection of the population, property, and supplies from the effects of threatened disasters.

The department directors will develop and maintain detailed plans and standard operating procedures necessary for their departments to effectively accomplish their assigned tasks. Department directors will identify sources from which emergency supplies, equipment, and

transportation may be obtained promptly when required. All disaster-related expenditures must be documented to be eligible for post-disaster reimbursement should a federal disaster be declared. During an emergency, department heads will continue to be responsible for the protection and preservation of records essential for the continuity of government operations. Department Directors will establish lists of succession of key emergency personnel.

Day-to-day functions that do not contribute directly to the emergency operation may be suspended for the duration of any emergency. Efforts that would normally be required of those functions will be redirected to accomplish the emergency task by the agency concerned.

D. Concurrent Implementation of Other Plans

James City County's EOP is the core plan for managing incidents and details the local coordinating structures and processes used during incidents. Other supplemental agency and interagency plans provide details on the authorities, response protocols, and technical guidance for responding to and managing specific contingency situations (such as hazardous materials spills, wild land fires, etc.). In many cases local agencies manage incidents under these plans using their own authorities. These supplemental agency or interagency plans may be implemented concurrently with the EOP but are subordinated to the overarching core coordinating structures, processes, and protocols detailed in the EOP.

VII. Incident Management Actions

A. Phases and Actions Within

This section describes the five phases of emergency management, and the incident management actions within them ranging from initial threat notification to early coordination efforts to assess and disrupt the threat, to preparatory activation of the ESF structure, to deployment of resources in support of incident response and recovery operations. These phases and actions do not necessarily occur in sequential order; many may be undertaken concurrently in response to single or multiple threats or incidents. Disasters affect victims in many ways, causing problems in response and obstacles to recovery.



B. Notification and Assessment

Local and nongovernmental organizations report threats, incidents, and potential incidents using established communications and reporting channels. James City County will work to prevent any threat and mitigate the threat's impact before it occurs. Once a threat or incident has occurred, The Board of Supervisors through the County Administrator makes an initial determination to initiate the coordination of information-sharing and incident management activities. Notification and coordination with other local jurisdictions within the Hampton Roads Region will be incident driven.

C. External Notifications and Warnings

Watches, warnings, and other emergency information are issued by various agencies based on their statutory missions and authorities. Information on dissemination of public information can be found in the External Affairs Support Annex and ESF 15. A variety of communications systems may be used such as:

- The Emergency Alert System (EAS): A national public warning system commonly used by state and local authorities to deliver important emergency information, such as weather and AMBER alerts, to affected communities and provides the capability for the President to address the public during a national emergency.
- Integrated Public Alert and Warning System (IPAWS): A national system which provides state and local public safety officials an effective way to alert and warn the public about emergencies from a single interface using the Emergency Alert System (EAS), Wireless Emergency Alerts (WEA), and National Oceanic and Atmospheric Administration (NOAA) Weather Radio.
- JCCAlert: A mass notification system that provides the county the capability to send emergency and non-emergency notifications quickly over multiple mediums from a web-based platform. Messages can be targeted to geographic area regarding hazards and actions to be taken. And it can send emergency voice messages using the 911 database.

D. Prevention Actions

The goal of prevention is to avoid an incident or to intervene to stop an incident from occurring. Prevention involves actions to protect lives and property. It involves identifying and applying intelligence and other information to a range of activities that may include such countermeasures as deterrence operations; heightened inspections; improved surveillance and security operations; investigations to determine the full nature and source of the threat; public health and agricultural surveillance and testing processes; immunizations, isolation, or

quarantine; and, as appropriate, specific law enforcement operations aimed at deterring, preempting, interdicting, or disrupting illegal activity, and apprehending potential perpetrators.

E. Hazard Mitigation Actions

The primary goal of mitigation is to reduce loss of life and property by lessening the impact of disasters. This is achieved through regulations, local ordinances, land use and building practices, and mitigation projects that reduce or eliminate long-term risk from hazards and their effects. Every year James City County submits a list of different festivals and events, to the state, that could draw large crowds that would need to be considered for any threat or hazard that occurs during these events. Mitigation, by reducing the impacts of a disaster, will also lessen the demand for resources in the event of another disaster.

Hazard Mitigation involves reducing or eliminating long-term risk to people and property from hazards and their side effects. James City County has taken the following steps or is working on the following steps:

- Grant programs for loss reduction measures (if available)
- Coordination of Federal Flood Insurance operations and integration of mitigation with other program efforts
- Conducting flood recovery mapping to permit expedited and accurate implementation of both recovery and mitigation programs
- Early documentation of losses avoided due to previous hazard mitigation measures.
- Community education and outreach necessary to foster loss reduction.

F. Preparation Actions

This section discusses the six essential activities for responding to an incident: plan, organize, train, equip, exercise, and evaluate and improve.

Plan

Planning includes the collection and analysis of intelligence and information, as well as the development of policies, plans, procedures, mutual aid and assistance agreements, strategies, and other arrangements to perform missions and tasks. Planning improves effectiveness by defining required capabilities, shortening the time required to gain control of an incident, and facilitating the rapid exchange of information about a situation.

James City County's plans clearly defined leadership roles and responsibilities, and they articulate the decisions that need to be made, who will make them, and when. They include both hazard specific as well as comprehensive all-hazards plans. Plans will be community-based, representing the whole population and its needs. Planning will include participation from all stakeholders in the community. Planning uses a logical and analytical problem-solving process to help address the complexity and uncertainty inherent in potential hazards and threats. Planning is flexible enough to address traditional and catastrophic incidents. It depicts the anticipated environment for action. Planning identifies tasks, allocates resources to accomplish them, and establishes accountability. Effective plans tell those with operational responsibilities what to do and why to do it, and they instruct those outside the jurisdiction in how to provide support and what to expect. Planning is fundamentally a process to manage risk. Specific procedures and protocols will augment these plans to guide implementation.



Figure 2. The Preparedness Cycle

James City County departments possess personnel and resources that may be needed in response to an incident. Some departments have primary responsibility for certain aspects of response, such as search and rescue. Others have supporting roles in providing different types of resources, such as communications personnel and equipment. All departments must develop policies, plans, and procedures governing how they will effectively locate resources and provide them as part of a coordinated response.

Organize

James City County's plan has developed an overall organizational structure, strengthening leadership at each level, and assembling well-qualified teams of paid and volunteer staff for essential response and recovery tasks using *NIMS*. This common system enables responders from different jurisdictions and disciplines to work together to respond to incidents.

Training

While there are many aspects of this plan that could be trained on yearly, due to limited funds for equipment, overtime for personnel, and the training itself James City County will conduct or participate in at least one regional exercise a year using the *Homeland Security Exercise and Evaluation Program* guidelines. All personnel will take the appropriate ICS and *NIMS* courses, as recommended by DHS, along with any other new training requirements from DHS.

Exercise

Exercises provide opportunities to test plans and improve proficiency in a risk-free environment. Exercises assess and validate proficiency levels. They allow personnel to become familiar with roles and responsibilities, improve interagency coordination and communications, highlight capability gaps, and identify opportunities for improvement. Exercises will:

- Include multidisciplinary, multijurisdictional incidents.
- Include participation of private-sector and nongovernmental organizations.
- Cover aspects of preparedness plans, particularly the processes and procedures for activating local, intrastate, or interstate mutual aid and assistance agreements.
- Contain a mechanism for incorporating corrective actions.

Evaluation

Upon conclusion of an exercise or real-world event, James City County will evaluate performance against relevant capability objectives, identify deficits, and institute a performance management plan. Performance Management planning should develop specific recommendations for changes in practice, timelines for implementation, and assignments for completion.

After each exercise James City County will institute a program to evaluate exercise participation and response, performance management issues, and make improvements in their response capabilities. A performance management program will provide a method and define roles and responsibilities for identification, prioritization, assignment, monitoring, and reporting of corrective actions arising from exercises and real-world events. The performance management program will also look at any legal issues that came up during the exercise or event and Emergency Management and the County Attorney will work on addressing the issues.

G. Response Actions

Depending on the size, scope, and magnitude of an incident communities, States, and the Federal Government could be called to action. Four key actions occur in support of a response:

- Gain and maintain situational awareness.
- Activate and deploy key resources and capabilities.

- Effectively coordinate response actions.
- Demobilize as the situation permits.

Reporting and documentation procedures are standardized using ICS to enhance situational awareness and provide emergency management and response personnel with ready access to critical information. Situation reports will contain verified information and explicit details (who, what, where, when, and how) related to the incident. Status reports, which may be contained in situation reports, relay specific information about resources. Based on an analysis of the threats, James City County might issue warnings and provide emergency public information.

H. EOC Activation

The Emergency Operations Center (EOC) is the coordination point for successful response and recovery operations. Coordination of activities will ensure that all tasks are accomplished, minimizing duplication of efforts. The core functions of the EOC are coordination, communications, resource allocation and tracking, and information collection, analysis, and dissemination. The Emergency Management Director, and/or designee may activate the EOC if the following conditions exist:

- There is an imminent threat to public safety or health on a large scale.
- A multi-department or agency James City County response is required to resolve or recover from the emergency or disaster event.
- The local emergency ordinances are implemented to control the major emergency or disaster event.
- Coordination assistance for large events or a possible threat to an event being held.

Upon activation of the EOC, representatives from the Lead Departments will staff the EOC. In addition, there may be a virtual activation of the EOC, if staff has adequate capabilities to accomplish this such as internet connectivity, cell phone and other requirements and can fulfill the mission of the EOC.

Request for State Assistance/Recommendation for State Declaration of Emergency

When local resources are insufficient to cope with the effects of a disaster, James City County will coordinate with VDEM regional staff to request assistance through the VEOC.

- The Emergency Management Director, or their designee, or regional staff will submit a request through WebEOC to VDEM.
- The report/request will include all information requested by the VEOC such as:
 - A local emergency has been declared and the EOP has been implemented.
 - All available resources have been committed,
 - Additional assistance from the county/state/etc, is being requested and the resources being requested will be described in detail using the C-SALTT (**C**apability, **S**ize, **A**mount, **L**ocation, **T**ype, and **T**ime).

James City County has the overall responsibility to provide an effective emergency response. The County uses NIMS for incident management. This emergency management system provides for on-scene management of an incident and the coordination of response activities between the County and other jurisdictions. James City County's emergency management structure and organization covers all emergency management phases – preparedness, response, mitigation, and recovery.

During an incident, the Emergency Management Coordinator ensures the EOC is staffed to support the incident command and arranges needed resources. The County Administrator provides policy direction and supports the IC and the Emergency Management Coordinator, as needed. The EOC will make plans for dealing with the incident using the Planning "P" and operating under ICS standards:

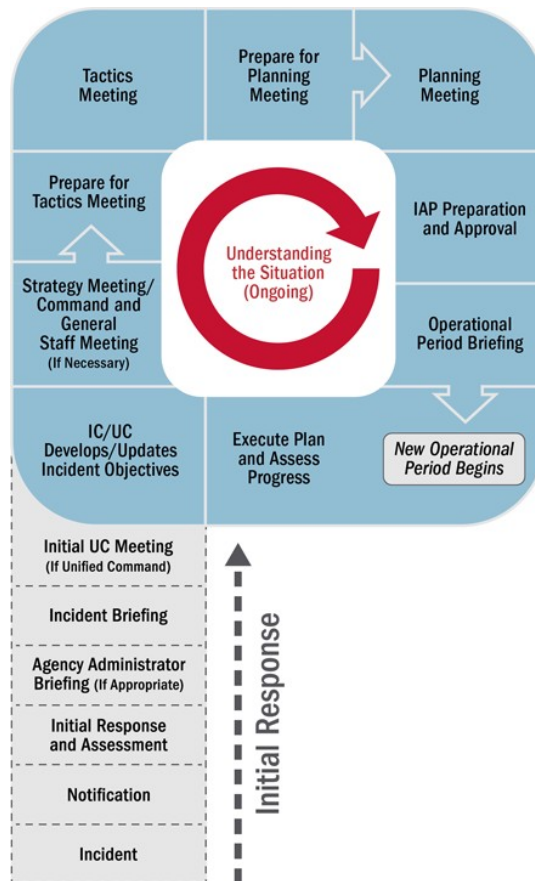


Figure 3. Operational Planning Cycle

The Planning “P” illustrates the process and steps involved in planning for an incident, from the onset of the incident through the preparations for the first operational period. The next step is to execute plan and assess progress, after which the cycle begins again. The planning cycle continues for each successive operations period.

Activate and Deploy Resources and Capabilities

When an incident or potential incident occurs, responders assess the situation, identify, and prioritize requirements, and activate available resources and capabilities to save lives, protect property and the environment, and meet basic human needs. Key activities include:

- Activating people, resources, and capabilities.
- Requesting additional resources and capabilities, if needed. VEOC uses the **C-SALTT** formula, which is **C**apability, **S**ize, **A**mount, **L**ocation, **T**ype of resource, and **T**ime frame in which resources are needed. Resource requests will use this formula submitting requests to the VEOC or other jurisdictions in the Commonwealth.
- Identifying needs and pre-positioning resources.
- Identify staff for deployment to the EOC, which has standard procedures and call-down lists for department and agency points of contact notification.
- Take the necessary steps to provide for continuity of operations.
- Activate specialized response teams, as required.
- Activate mutual aid and assistance agreements, as required.

Coordinate Response Actions

Coordination of response activities occurs through response structures based on assigned roles, responsibilities, and reporting protocols. Critical information is provided through ICS. The efficiency and effectiveness of response operations are enhanced by full application of

NIMS with its common principles, structures, and coordinating processes. Specific priorities include:

- Managing emergency functions, coordinating initial actions.
- Coordinating requests for support, identifying and integrating resources and capabilities
- Coordinating information
- Specific response actions:
 - Warning the public and providing accessible emergency public information
 - Implementing evacuation and sheltering plans that include provisions for special needs populations and household pets.
 - Sheltering evacuees in pre-identified, physically accessible shelters and providing food, water, and other necessities to meet the needs of all people, including persons with disabilities and access and functional needs.
 - Performing search and rescue
 - Treating the injured
 - Providing law enforcement and investigation
 - Controlling hazards (extinguishing fires, containing hazardous materials spills, etc.)
 - Ensuring responder safety and health
 - Emergency Management will maintain an excel spreadsheet with all available *NIMS* resources and credentialed personnel.
 - Situational awareness; collection, tracking, and reporting of incident information; and
 - Crisis action planning.

Demobilize

Demobilization will be conducted in an orderly, safe, and efficient manner. All resources will be returned to their original location and status. Demobilization will begin as soon as possible to facilitate accountability of the resources and be fully coordinated with other incident management and response structures. Once immediate response missions and life-saving activities conclude, the emphasis shifts from response to recovery operations, and if applicable, hazard mitigation. The Planning Section develops a demobilization plan for the release of appropriate resources. Demobilization planning and activities will include:

- Provisions to address and validate the safe return of resources to their original locations.
- Processes for tracking resources and ensuring applicable reimbursement.
- Accountability for compliance with mutual aid and assistance provisions.

I. Recovery Actions

Once immediate lifesaving activities are complete, the focus shifts to assisting individuals, households, critical infrastructure, and businesses in meeting basic needs and returning to self-sufficiency. The emphasis upon response will gradually give way to recovery operations. Within recovery, actions are taken to help individuals and the County return to normal. Depending on the complexity of this phase, recovery and cleanup efforts involve significant contributions from all sectors of our society.

Short-term Recovery

Short-term recovery overlaps with response. It includes providing essential public health and safety services, restoring interrupted utilities, reestablishing transportation routes, and providing food and shelter for those displaced by the incident. Although called *short term*, some of these activities may last for weeks.

Long-term Recovery

Long-term Recovery may involve some of the same actions as short term recovery but may continue for a number of months or years, depending on the severity and extent of the damage sustained. Major objectives of long-term recovery include:

- Coordinate delivery of social and health services
- Improve land use planning.

- Restore local economy to pre-disaster levels.
- Recover disaster response costs.
- Effectively integrate mitigation strategies into recovery planning and operations

The OEM is the lead for coordinating initial recovery operations and developing a plan for long-term recovery. The recovery plan and strategies for implementation will incorporate appropriate mitigation actions for maximizing available state and federal assistance. ESF 14 annex provides information concerning long-term recovery planning.

OEM may establish a County Recovery Center during the response phase operations to begin planning for the recovery process, support the damage assessment process, ensure documentation of disaster-related operations and expenditures, and provide for coordination with VDEM on recovery program issues and implementation.

Damage assessment is a critical element of recovery operations. The damage assessment determines the impacts, identifies resource needs, and, as appropriate, justifies requests for state and federal assistance. The damage assessment provides a basis for determining priorities for repair and restoration of essential facilities. The damage assessment annex to this plan provides details on damage assessment process.

James City County may be eligible to apply for reimbursement of disaster-related expenses either through the Commonwealth of Virginia or the federal government. It is critical that departments document disaster-related expenditures.

Recovery from each incident is unique and depends on the amount and kind of damage caused by the incident and the resources that are available. Recovery can include the development, coordination, and execution of service and site-restoration plans; reconstitution of government operations and services; programs to provide housing and promote restoration; long-term care and treatment of affected persons; and additional measures for social, political, environmental, and economic restoration. Disaster Recovery Centers will be established by ESF 14, if needed.

VII. Ongoing Plan Management and Maintenance

James City County will conduct a comprehensive plan review and revision, and exercise prior to formal adoption by the Board of Supervisors every four years to maintain plan currency. It is suggested that plans be updated and reviewed following a training exercise. The plan review team will use a whole community approach when updating the plan.

Code of Virginia, § 44-146.19.E, requires each jurisdiction to prepare and keep current a local emergency operations plan. The Emergency Management Director, assisted by the Emergency Management Coordinator, have overall responsibility for maintaining and updating this plan. It should be updated based on lessons learned and republished following an actual or threatened emergency. The EOP should also be updated and republished following an actual or threatened emergency to reflect lessons learned.

VIII. Glossary of Key Terms

American Red Cross

An organization charged by statute and agreements with the responsibility of helping meet the human needs of disaster victims.

Command Section

One of the five functional areas of the Incident Command System. The function of command is to direct, control, or order resources, including people and equipment, to the best possible advantage.

Declaration of Emergency

Whenever, in the opinion of the Governor, the safety and welfare of the people of the state require the exercise of extreme emergency measures due to a threatened or actual disaster, he/she may declare a state of emergency to exist.

Emergency/Disaster/Incident

An event that demands a crisis response beyond the scope of any single line agency or service and that presents a threat to a community or larger area. An emergency is usually an event that can be controlled within the scope of local capabilities; a major emergency or disaster usually requires resources beyond what is available locally.

Emergency Alert System

A network of broadcast stations interconnecting facilities authorized by the Federal Communications Commission (FCC) to operate in a controlled manner to warn and inform the public of needed protective actions in the event of a disaster or emergency situation.

Emergency Operations Center

A facility from which government directs and controls its emergency operations; where information about the status of the emergency situation is officially collected, assimilated, and reported on; where coordination among response agencies takes place; and from which outside assistance is officially requested.

Emergency Operations Plan

A document which provides for a preplanned and coordinated response in the event of an emergency or disaster situation.

Emergency Support Function

A function which takes agencies to provide or to coordinate certain resources in response to emergencies or disasters.

Exercise

An activity designed to promote emergency preparedness; test or evaluate emergency operations plans, procedures, or facilities; train personnel in emergency response duties, and demonstrate operational capability. There are three specific types of exercises: tabletop, functional, and full scale.

Evacuation

Assisting people to move from the path or threat of a disaster to an area of relative safety.

Federal Disaster Assistance

Aid to disaster victims and/or state and local governments by federal agencies under provisions of the Booker T. Stafford Relief and Emergency Assistance Act of 1988 (PL 93-288).

Hazardous Materials

Substances or materials which may pose unreasonable risks to health, safety, property, or the environment when used, transported, stored, or disposed of, which may include materials which are solid, liquid, or gas. Hazardous materials may include toxic substances, flammable and ignitable materials, explosives, or corrosive materials, and radioactive materials.

Incident Command System

A model for disaster response that uses common terminology, modular organization, integrated communications, unified command structure, action planning, manageable span of control, pre-designed facilities, and comprehensive resource management. In ICS there are five functional elements: Command, Operations, Logistics, Planning and Finance/Administration.

Incident Commander

The individual responsible for the management of all incident operations.

Initial Damage Assessment Report

A report that provides information regarding overall damage to public and private property, thereby providing a basis for emergency declaration and/or disaster assistance.

Local Emergency

The condition declared by the local governing body when, in its judgment, the threat or actual occurrence of a disaster is or threatens to be of sufficient severity and magnitude to warrant coordinated local government action to prevent, or alleviate loss of life, property damage, or hardship. Only the Governor, upon petition of a local governing body, may declare a local emergency arising wholly or substantially out of a resource shortage when he/she deems the situation to be of sufficient magnitude to warrant coordinated local government action to prevent or alleviate the hardship or suffering threatened or caused thereby.

Local Emergency Planning Committee

Appointed representatives of local government, private industry, business, environmental groups, and emergency response organizations responsible for ensuring that the hazardous materials planning requirements of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) are complied with.

Mutual Aid Agreement

A written agreement between agencies and/or jurisdictions in which they agree to assist one another, upon request, by furnishing personnel and equipment in an emergency situation.

Presidential Declaration

A presidential declaration frees up various sources of assistance from the Federal government based on the nature of the request from the governor.

Primary Agency

While several City departments will be performing varied and critical tasks during a disaster, in most cases only one agency will be considered the 'primary agency.' The primary agency shall be responsible for detailed planning, testing, and evaluation of their respective emergency support function. The Department Director of the primary agency shall serve as the principal advisor to the City Executive during the response and recovery phase. In addition, the Department Director or the primary agency must assure that essential operations of his/her agency will continue, unless otherwise directed by the City Manager, or his/her designee.

Situation Report

A form which, when completed at the end of each day of the Emergency Operations Center, will provide the County with an official daily summary of the status of an emergency and of the local emergency response. A copy should be submitted through the Virginia Department of Emergency Management WebEOC.

State of Emergency

The condition declared by the Governor when, in his/her judgment, a threatened or actual disaster in any part of the State is of sufficient severity and magnitude to warrant disaster assistance by the State to supplement local efforts to prevent or alleviate loss of life and property damage.

Unified Command

Shared responsibility for overall incident management as a result of a multi-jurisdictional or multi-agency incident. In the event of conflicting priorities or goals, or where resources are scarce, there must be a clear line of authority for decision-making. Agencies contribute to unified command by determining overall goals and objectives, jointly planning for tactical activities, conducting integrated tactical operations and maximizing the use of all assigned resources.

IX. List of Acronyms

ARC	American Red Cross
C-SALTT	Capability - Size, Amount, Location, Type of resource, and Timeframe
CERT	Community Emergency Response Team
CIKR	Critical Infrastructure and Key Resources
COOP	Continuity of Operations
DEQ	Department of Environmental Quality
DHS	Department of Homeland Security
DRC	Disaster Recovery Center
DSS	Department of Social Services
EAS	Emergency Alert System
EMS	Emergency Medical Services
EOC	Emergency Operations Center
EOP	Emergency Operations Plan
EPA	Environmental Protection Agency
OEM	Office of Emergency Management
ESF	Emergency Support Function
FAA	Federal Aviation Administration
FAC	Family Assistance Center
FBI	Federal Bureau of Investigation
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
HazMat	Hazardous Materials
IAP	Incident Action Plan
IC	Incident Commander
ICP	Incident Command Post
ICS	Incident Command System
JFO	Joint Field Office
JIC	Joint Information Center
JIS	Joint Information System
JOC	Joint Operation Center
LEPC	Local Emergency Planning Committee
LO	Liaison Officer
MACC	Multi-agency Command Center
MMRS	Metropolitan Medical Response System
MOA	Memorandum of Agreement

MOU	Memorandum of Understanding
MRC	Medical Reserve Corps
NGO	Nongovernmental Organization
NIMS	National Incident Management System
NIPP	National Infrastructure Protection Plan
NOAA	National Oceanic and Atmospheric Administration
NRC	Nuclear Regulatory Commission
NRF	National Response Framework
NWS	National Weather Service
OCME	Office of the Chief Medical Examiner
OEM	Office of Emergency Management
PDA	Preliminary Damage Assessment
PIO	Public Information Officer
SCC	State Corporation Commission
SO	Safety Officer
SOP	Standard Operating Procedures
UC	Unified Command
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
VEOC	Virginia Emergency Operations Center
VCIN	Virginia Criminal Information Network
VDOT	Virginia Department of Transportation
VFDA	Virginia Funeral Directors Association
VIPS	Volunteers in Police Service
VOAD	Voluntary Organizations Active in Disaster
VPPSA	Virginia Peninsulas Public Service Authority
WATA	Williamsburg Area Transit Authority

X. Authorities and References

The following provides emergency authorities for conducting and/or supporting emergency operations:

Federal

- Developing and Maintaining Emergency Operations Plans Comprehensive Preparedness Guide (CPG) 101, Version 3.0 (September 2021)
- Guidance on Planning for Integration of Functional Needs Support Services in General Population Shelter (November 2010)
- A Whole Community Approach to Emergency Management: Principles, Themes and Pathways for Action (December 2011)
- Disability, Access and Functional Needs Emergency Management Planning Guidance (June 2015)
- Americans with Disabilities Act of 1990, As Amended
- ADA Amendments Act (2008), P.L. 110-325, and those associated with them
- Rehabilitation Act (1973), Sections 501, 503, 504 and 508
- Older Americans Act (1965), Title III, As Amended
- Emergency Management Assistance Compact (EMAC) (1996)
- Executive Order 13407 - Public Alert and Warning System
- 1995 Presidential Memorandum "Emergency Alert System (EAS) Statement of Requirements"
- Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, 42 U.S.C. 5121, et seq., as amended.
- Homeland Security Presidential Directive 5, Management of Domestic Incidents (February 2003)
- Homeland Security Presidential Directive 8, National Preparedness (December 2003)
- The Code of Federal Regulations, Title 44, Chapter 1, Federal Emergency Management Agency, as amended
- Post Katrina Emergency Management Reform Act of 2006
- National Response Framework (As revised)
- National Incident Management System (NIMS)
- Presidential Decision Directive (PDD) [39](#) (*U.S. Policy on Counterterrorism*) and [62](#) (*Combating Terrorism*): terrorism investigations delegated to U.S. Dept. of Justice/FBI

State

- Commonwealth of Virginia Emergency Services and Disaster Law of 2000, as amended.
- Commonwealth of Virginia Emergency Operations Plan (COVEOP)
- Code of Virginia § 44-146.19
- Code of Virginia §19.2-11.01

XI. James City County ICS Chart

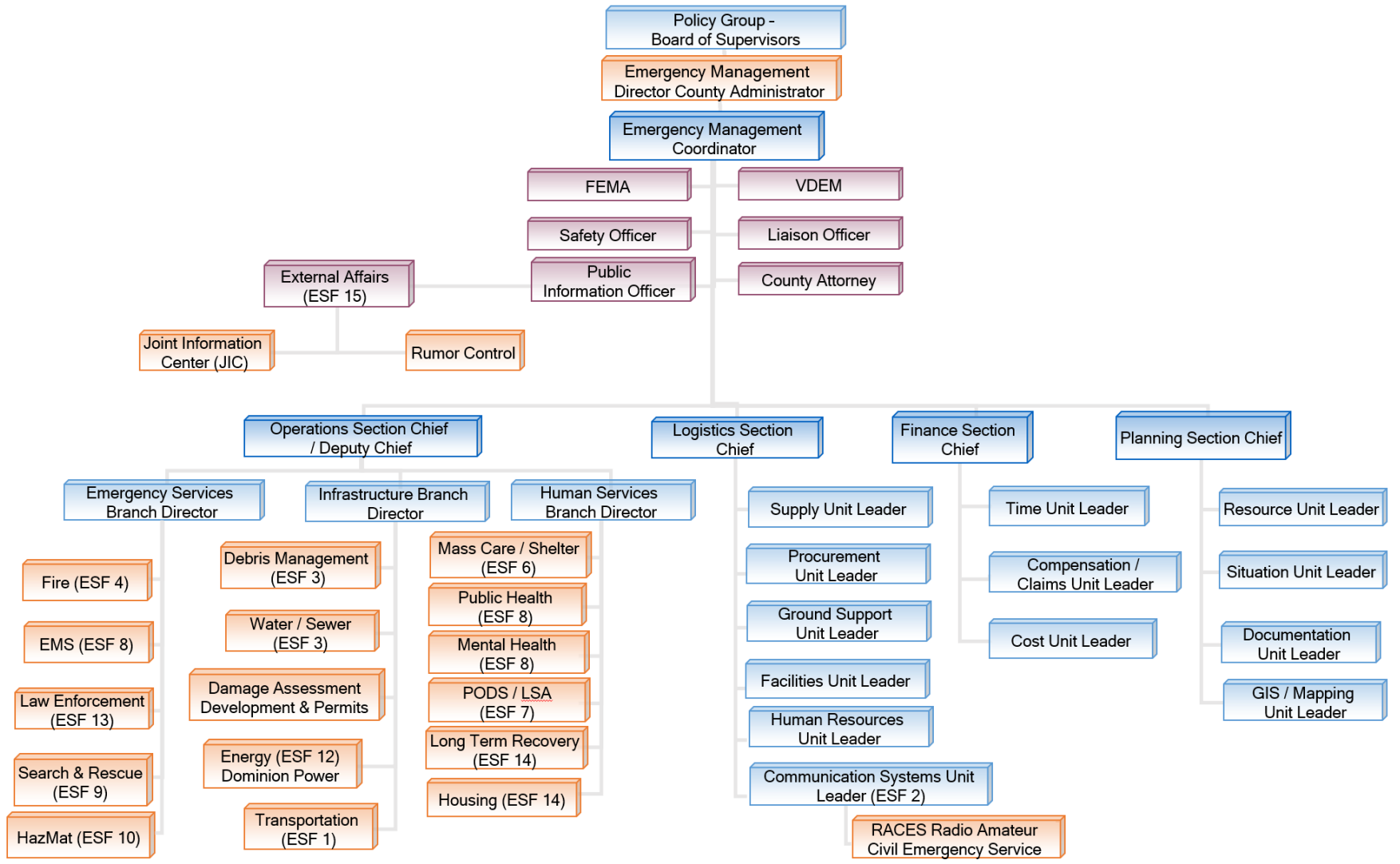


Figure 4. James City County ICS Chart

XII. Matrix of Responsibilities

Emergency Support Functions P = Primary S = Support	1: Transportation	2: Communications	3: Public Works & Engineering	4: Firefighting	5: Emergency Management	6: Mass Care, Emergency Assistance, Housing, and Human Services	7: Logistics	8: Public Health and Medical	9: Search & Rescue	10: Oil & HAZMAT	11: Agriculture and Natural Resources	12: Energy	13: Public Safety & Security	14: Long-term Community Recovery	15: External Affairs	16: Military Affairs	17: Volunteer and Donations Management
Administration					S										P		
County Attorney					S		S										
Community Development		S	S											P	S		S
Economic Development							S							S	S		S
Emergency Comms Center		P											S				
Emergency Management		S	S	S	P	S	S		S	S	S	P	S	P	S		
Financial & Management Services			S		S		S							S			S
Fire Department	S	S		P	S	S	P	S	P	P				S			
General Services	S		P			S	P							S			S
Health Department			S			S		P	S		S						
Human Resources		S													S		
Social Services	S					P	S				S			S			P
Infrastructure and Resource Management		P			S		S		S								
James City Services Authority			P														
Parks & Recreation	S		S			S					S			S			P
Public Information Officer														S	P		
Police Department	S				S	S	S		P	P	S		P	S			S
Schools						S	S							S			
Virginia Cooperative Extension Services											P						
Williamsburg Area Transit Authority	P					S											

Table 4. James City County Matrix of Responsibilities

XIII. Succession of Authority

Continuity is critical to successful completion of emergency operations. Therefore, the lines of succession are specified for contingencies, which might result in the unavailability of the ranking member of the administrative hierarchy. The decision-making authority for each organization or service function is listed below by position in decreasing order.

Organization/Service Function	Authority in Line of Succession
Direction and Control	<ol style="list-style-type: none"> 1. Emergency Management Director 2. Assistant County Administrators 3. Coordinator of Emergency Management 4. Deputy Coordinator of Emergency Management
Emergency Public Information	<ol style="list-style-type: none"> 1. Public Information Officer 2. Communications Manager 3. Emergency Management Coordinator 4. Deputy Coordinator of Emergency Management 5. Fire Dept PIO 6. Police Dept PIO
Legal	<ol style="list-style-type: none"> 1. County Attorney 2. Deputy County Attorney
Fire Department	<ol style="list-style-type: none"> 1. Fire Chief 2. Operations Assistant Chief 3. Administration Assistant Chief 4. Battalion Chief designated by the Fire Chief
Police Department	<ol style="list-style-type: none"> 1. Police Chief 2. Operations Assistant Chief 3. Support Services Assistant Chief 4. Administrative Services Assistant Chief
Community Development	<ol style="list-style-type: none"> 1. Director 2. Assistant Director 3. Zoning Administrator
Com Dev Damage Assessment	<ol style="list-style-type: none"> 1. Director 2. Director Building Safety and Permits 3. BSP Section Chief (Inspections)
Economic Development	<ol style="list-style-type: none"> 1. Director 2. Assistant Director
Financial & I Management Services	<ol style="list-style-type: none"> 1. Director 2. Assistant Director
General Services	<ol style="list-style-type: none"> 1. Director 2. Assistant Director
Human Resources	<ol style="list-style-type: none"> 1. Director 2. Senior HR Specialists 3. Training and Development Coordinator
VDH Peninsula Health District	<ol style="list-style-type: none"> 1. District Health Director 2. Deputy Director - Chief Medical Officer 3. Chief Operations Officer 4. Business Manager 5. Nurse Manager, Sr.
James City Service Authority	<ol style="list-style-type: none"> 1. Director 2. Assistant Director
Parks and Rec. Department	<ol style="list-style-type: none"> 1. Director 2. Assistant Director 3. Acting Director appointed by County Administrator

Organization/Service Function	Authority in Line of Succession
School System	1. Superintendent 2. Deputy Superintendent 3. Assistant Superintendents (Elementary and Secondary) 4. Supervisor for School Safety and Emergency Management 5. Senior Director for Operations
Social Services	1. Director 2. Assistant Director 3. Chief of Services
Virginia Extension Services	1. Director 2. Agents

XIV. Emergency Operations Plan Distribution List

Director of Emergency Management
Coordinator of Emergency Management
County Attorney's Office
County Administration
Community Development
Economic Development
Emergency Communications
Extension Service
Financial and Management Services
Fire Department
General Services
Health District
Human Resources
Information Management Resources
James City Service Authority
Public Information Officer
Parks and Recreation
Police Department
Public Schools
Social Services

XV. Continuity of Government

Court Records

The preservation of essential records for the locality is the responsibility of the Clerk of the Circuit Court. All essential records are to be stored in the records vault located in the Office of the Clerk of the Circuit Court. These records include the following:

- Real Estate Records*
- Criminal Records
- Wills
- Civil Records
- Chancery Records
- Marriage Licenses

The evacuation of records in the event of an emergency will be accomplished only by approval of the Clerk of the Circuit Court.

The loading and transportation of these records is the responsibility of the Sheriff's Department.

*** A microfilm copy of all real estate records for the locality is stored in the Archives, State Library, Richmond, Virginia.**

Agencies/Organizations

Each agency/organization within the structure of local government should establish its own records protection program. Those records deemed essential for continuing government functions should be identified and procedures should be established for their protection, such as duplicate copies in a separate location and/or the use of safe and secure storage facilities. Provisions should be made for the continued operations of automated data processing systems and records.

XVI. Declaration of Local Emergency

The declaration of local emergency is one of three actions, which activates James City County's Emergency Operations Plan and authorizes the provision of aid and assistance.

1. The Board of Supervisors, by resolution, should declare an emergency to exist whenever the threat or actual occurrence of a disaster is, or threatens to be, of sufficient severity and size to require significant expenditures and a centralized coordinated response to prevent or alleviate damage, loss, hardship, or suffering.
2. An emergency should be declared when a centralized coordinated response among several local agencies or organizations must be directed; when it becomes necessary to incur substantial financial obligations to protect the health and safety of persons and property; or to provide assistance to the victims of a disaster.

In the event the James City County's Board of Supervisors cannot convene due to the disaster or other exigent circumstances, the Director of Emergency Management (or in the absence of the director or deputy director, any member of Board of Supervisors), may declare a local emergency to exist, subject to confirmation by the Board of Supervisors at its next regularly scheduled meeting or at a special meeting within forty-five days of the declaration, whichever occurs first. (Section 44-146.21, Virginia Emergency Services and Disaster Law of 2000, as amended). County Attorney will maintain a copy of the declaration for James City County's record.

A local emergency declaration activates the response and recovery programs of all applicable local and inter-jurisdictional Emergency Operations Plans and authorizes aid and assistance according to those plans. The Coordinator of Emergency Management will notify VDEM through the VEOC and VDEM Regional Coordinator, immediately following the declaration of a local emergency. Also, Virginia Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation shall be contacted in the event of an emergency (as defined in the EOP) when there are victims as defined in Code of Virginia §19.2-11.01.

A local emergency must be declared, and local resources fully committed before state and federal assistance is requested. Requests for assistance will be made in accordance with established procedures.

Sample Declaration of Local Emergency

DECLARATION OF A LOCAL EMERGENCY

The County Administrator of James City County who serves as the Director of Emergency Management pursuant to section 44-146.19 of the *Code of Virginia*, 1950, as amended (the "Virginia Code") and as designated in the James City County Emergency Operations Plan adopted by the Board of Supervisors on _____, has declared a local emergency pursuant to Virginia Code section 44-146.21 at (time) on (date). The Board of Supervisors will be advised as soon as practicable.

This declaration is due to (list incident) and the protective actions that will be taken to assist the residents and visitors in James City County. The proclamation of the existence of an emergency is necessary to permit the full powers of the government to deal effectively with this condition of peril.

The Director of Emergency Management will request that the Board of Supervisors adopt a Resolution confirming this Declaration at its next regularly scheduled meeting on (date).

County Director of Emergency Management

Date

Witness

Date

Sample Board Resolution Declaring a Local Emergency:

I. RESOLUTION PROCLAIMING A LOCAL EMERGENCY

WHEREAS, the Director of Emergency Management has deemed it appropriate to declare a local emergency effective at (Time), (Day), (Date), due to (list conditions), and whereas James City County anticipates (list conditions) which could cause extreme peril of life and property necessitating the proclamation of the existence of an emergency; and whereas, a copy of said declaration is attached hereto.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board of Supervisors of James City County hereby consents and confirms the Director of Emergency Services declaring that a local emergency existed throughout the City as of (time), on (Day), (Date).

IT IS FURTHER RESOLVED, that during the existence of said emergency, the powers, functions and duties of the Director of Emergency Management and the Emergency Management Organization shall be those prescribed by State law and the ordinances, resolutions and approved plans of James City County in order to mitigate and respond to the effects of said emergency.

IT IS FURTHER RESOLVED, PROCLAIMED AND ORDERED that the said emergency shall be in effect from (time), on (Day), (Date), and that the local emergency shall be considered to have terminated at (time), on (Day), (Date), by order of the Director of Emergency Management.

Adopted : (Date)

XVII. Mutual Aid Agreements

During an emergency, James City County may need to activate mutual aid and shared resources quickly. Emergency assistance may be made available from neighboring jurisdictions in accordance with mutual aid agreements. Such assistance will be in accordance with existing mutual aid agreements or, in the absence of official agreements, directed by the Emergency Management Director or, in their absence, the Emergency Management Coordinator when it is determined that such assistance is necessary and feasible.

In the event an emergency situation exceeds local emergency response capabilities, outside assistance is available through mutual support agreements with nearby jurisdictions and volunteer emergency organizations, or through the Commonwealth of Virginia's Statewide Mutual Aid Compact. For assistance beyond tactical mutual aid (i.e. that which might be used in everyday incidents), a local emergency must be declared and local resources fully committed, with anticipated or actual unmet needs, before state and federal assistance is requested. The EOC coordinates the request for outside assistance.

Mutual Aid and Assistance Agreement are written agreements between and among agencies/organizations and/or jurisdictions that provide a mechanism to quickly obtain emergency assistance in the form of personnel, equipment, materials, and other associated services. The primary objective is to facilitate rapid, short-term deployment of emergency support prior to, during, and/or after an incident.

Statewide Mutual Aid Agreement:

Emergency Management Assistance Compact, included in Virginia Emergency Services and Disaster Laws, 2000, as amended.

MEMORANDUM

DATE: October 24, 2023
TO: The Board of Supervisors
FROM: Ryan T. Ashe, Fire Chief
SUBJECT: Adoption of the James City County Emergency Operations Plan 2023

The Board of Supervisors of James City County recognizes the threats that natural, technological, and human-caused hazards pose to citizens and property within our community.

The Code of Virginia, § 44-146.19, requires each local jurisdiction to prepare and keep current a local Emergency Operations Plan. Every four years each local agency conducts a comprehensive review and revision of its emergency operations plan to ensure that the plan remains current and the revised plan must be formally adopted by the locality's governing body.

The Board of Supervisors last adopted the Emergency Operations Plan in 2019.

This 2023 plan was developed and updated by the James City County Fire Department's Emergency Management Division with the assistance of the Commonwealth of Virginia Department of Emergency Management, which has reviewed its contents for compliance.

A resolution that complies with the Commonwealth of Virginia requirements is attached.

Staff recommends approval of the attached resolution to adopt the James City County Emergency Operations Plan.

RTA/ap
JCCEmergOpPln23-mem

Attachment

RESOLUTION

ADOPTION OF THE JAMES CITY COUNTY EMERGENCY OPERATIONS PLAN 2023

WHEREAS, the Board of Supervisors of James City County recognizes the threats that natural, technological, and human-caused hazards pose to citizens and property within our community; and

WHEREAS, the safety and protection of citizens and property is of foremost concern to the Board of Supervisors of James City County; and

WHEREAS, the Virginia Department of Emergency Management (VDEM) has reviewed the James City County Emergency Operations Plan; and

WHEREAS, the Board of Supervisors desires and the VDEM requires the adoption of appropriate planned protective measures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the James City County Emergency Operations Plan dated October 2023.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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

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

JCCEmergOpPln23-res

MEMORANDUM

DATE: October 24, 2023

TO: The Board of Supervisors

FROM: Mark Abbott, Capital Projects Coordinator

SUBJECT: Contract Awards - Annual Building Envelope Technical Support Services

A Request for Proposals (RFP) was solicited from qualified firms to simplify the purchasing process and speed up work when building envelope technical support services are required by having firms pre-selected based upon their qualifications per the requirements of the Virginia Public Procurement Act and establishing an “in place” contract for needed professional services.

Interested firms responded to the RFP by describing their interest, qualifications, project approach, and experience in performing similar work. A panel of staff members representing Capital Projects, Williamsburg-James City County (WJCC) Public Schools, and James City Service Authority evaluated the proposals and selected the most qualified firms. The contracts have an initial term of one year with four additional one-year options available to the County. The RFP included Cooperative procurement provisions allowing WJCC Public Schools and other entities to use the architectural firms if they so choose.

Firms selected for contract award are:

TAM Consultants
ECS Mid-Atlantic

Staff recommends approval of the attached resolution awarding a contract to the firms listed above.

MA/md
CA-AnnBldEnvTSup-mem

Attachment

RESOLUTION

CONTRACT AWARDS - ANNUAL BUILDING ENVELOPE

TECHNICAL SUPPORT SERVICES

WHEREAS, a Request for Proposals has been advertised and evaluated for annual building envelope and technical support services; and

WHEREAS, the firms listed below were determined to be the best qualified to provide the required services:

TAM Consultants
ECS Mid-Atlantic

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contracts for annual building envelope technical support services to the firms listed in this resolution.

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 24th day of October, 2023.

CA-AnnBldEnvTSup-res

MEMORANDUM

DATE: October 24, 2023
TO: The Board of Supervisors
FROM: Jeffrey A. Louke, Operations Project Coordinator
SUBJECT: Contract Award - \$139,990 - Court Support Building Roof Replacement

The Court Support Building Roof Replacement will consist of the removal of the existing ethylene propylene diene terpolymer (EPDM) roof and sections of insulation board down to the existing deck. Installation of new fully adhered EPDM membrane roof system on mechanically fastened polyiso roof insulation and other work as specified in the contract documents. The contractor is to raise existing equipment curbs, pipes, overflow drains, etc. to accommodate increased thickness of new roof insulation and maintain roofing manufacturer warranties.

The following four construction firms submitted bids to be considered for contract award:

<u>Firm</u>	<u>Amount</u>
Old Dominion Roofing & Construction, Inc.	\$139,990
N.W. Martin & Bros, Inc.	\$149,757
Patuxent Roofing & Contracting, Inc.	\$158,059
Vertex Roofing Contractors, Inc.	\$188,450

General Services in consultation with the Purchasing Office determined that Old Dominion Roofing & Construction, Inc. was determined to be the lowest qualified, responsive, and responsible bidder. This project is part of the approved Capital Improvements Program budget.

Staff recommends approval of the attached resolution authorizing the contract award to Old Dominion Roofing & Construction, Inc. in the amount of \$139,990.

JAL/ap
CA-CtSBldgRfRpl-mem

Attachment

RESOLUTION

CONTRACT AWARD - \$139,990 - COURT SUPPORT BUILDING ROOF REPLACEMENT

WHEREAS, James City County received competitive bids for the Court Support Building Roof Replacement; and

WHEREAS, four bids were considered for award and Old Dominion Roofing & Construction, Inc. was the lowest qualified, responsive, and responsible bidder; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$139,990 to Old Dominion Roofing & Construction, Inc. for the Court Support Building Roof Replacement.

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>
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_____	_____	_____	_____
_____	_____	_____	_____

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

CA-CtSBldgRfRpl-res

RESOLUTION

CONTRACT AWARD - \$100,910 - JAMES CITY COUNTY

FIRE STATION NO. 2 ROOF REPLACEMENT

WHEREAS, James City County received competitive bids for the James City County Fire Station No. 2 Roof Replacement; and

WHEREAS, two bids were considered for award and Vertex Roofing Contractors Inc. was the lowest qualified, responsive, and responsible bidder; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$100,910 to Vertex Roofing Contractors Inc. for the James City County Fire Station No. 2 Roof Replacement.

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 24th day of October, 2023.

CA-JCCFS2RfRpl-res

MEMORANDUM

DATE: October 24, 2023
TO: The Board of Supervisors
FROM: Jeffrey A. Louke, Operations Project Coordinator
SUBJECT: Contract Award - \$100,910 - James City County Fire Station No. 2 Roof Replacement

The James City County Fire Station No. 2 Roof Replacement will consist of the removal of the existing shingle roof, installation of new sleeper rafters, new plywood roof decking and new shingles. The project will also consist of installation of leaf guards to the existing gutters when reinstalled. Upon completion the roof will be GAF Golden Pledge Certified that carries a 40-year limited warranty.

The following two construction firms submitted bids to be considered for contract award:

<u>Firm</u>	<u>Amount</u>
Vertex Roofing Contractors Inc.	\$100,910
AF Ross, LLC	\$168,870

Vertex Roofing Contractors Inc. was determined to be the lowest qualified, responsive, and responsible bidder. This project is part of the approved Capital Improvements Program budget for James City County and funds are available to fund this project.

Staff recommends approval of the attached resolution authorizing the contract award to Vertex Roofing Contractors Inc.

JAL/ap
CA-JCCFS2RfRpl-mem

Attachment

MEMORANDUM

DATE: October 24, 2023

TO: The Board of Supervisors

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

SUBJECT: Dedication of the Streets in Section 5 of the Forest Glen Subdivision

Attached is a resolution requesting acceptance of the streets in Section 5 of the Forest Glen Subdivision which are proposed as public rights-of-way into the State Secondary Highway System. The streets proposed for acceptance are extensions of Mildred Drive and Walker Drive. They are shown in red on the attached map. The streets have been inspected and approved by representatives of the Virginia Department of Transportation (VDOT) as meeting the minimum requirements for secondary roadways.

VDOT's Secondary Street Acceptance Requirements (SSAR), effective March 2009 and updated December 2011, outline processes on how streets are designed, constructed, and officially accepted for maintenance as part of the secondary system of state highways. Upon the satisfactory completion of construction of streets, VDOT advises and coordinates with the local governing body of the street's readiness for acceptance through the use of VDOT's Form AM-4.3. As part of the initial acceptance process, the County Board of Supervisors must request, by resolution, that VDOT accept the street for maintenance as part of the secondary system of state highways. Administrative procedures outlined in the SSAR/24VAC30-92-70 lists criteria for street acceptance and what information is required on the local resolution. Once the resolution is approved, the signed Form AM-4.3 and the resolution are then returned to VDOT. VDOT then officially notifies the locality of the street's acceptance into the secondary system of state highways and the effective date of such action. This notification serves as the start of VDOT maintenance responsibility. As part of the process, the County will hold an appropriate amount of subdivision or public improvement surety for the roadway, as required by local Ordinances, until the acceptance process is complete. Also, within 30 days of the local governing body's request (resolution), VDOT requires a maintenance surety to be posted by the developer to guarantee performance of the street for one year from the date of acceptance.

Staff recommends the adoption of the attached resolution.

TES/md
DedStSec5ForGln-mem

Attachments

RESOLUTION

DEDICATION OF THE STREETS IN SECTION 5 OF THE FOREST GLEN SUBDIVISION

WHEREAS, the streets described on the attached Virginia Department of Transportation (VDOT) Form AM-4.3 for Section 5 of the Forest Glen Subdivision, fully incorporated herein by reference, are shown on plats recorded in the Office of the James City County Clerk of the Circuit Court; and

WHEREAS, the Residency Administrator for VDOT advised the Board that the streets meet the Secondary Street Acceptance Requirements (SSAR) of VDOT; and

WHEREAS, the County and VDOT entered into an agreement on July 1, 1994, for comprehensive stormwater detention, which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests VDOT to add the streets described in the attached VDOT Form AM-4.3 for Section 5 of the Forest Glen Subdivision to the secondary system of state highways, pursuant to § 33.2-705 of the Code of Virginia and VDOT's SSAR.

BE IT FURTHER RESOLVED that the Board of Supervisors guarantees clear and unrestricted rights-of-way as described and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Residency Administrator for VDOT.

Michael J. Hipple
Chairman, Board of Supervisors

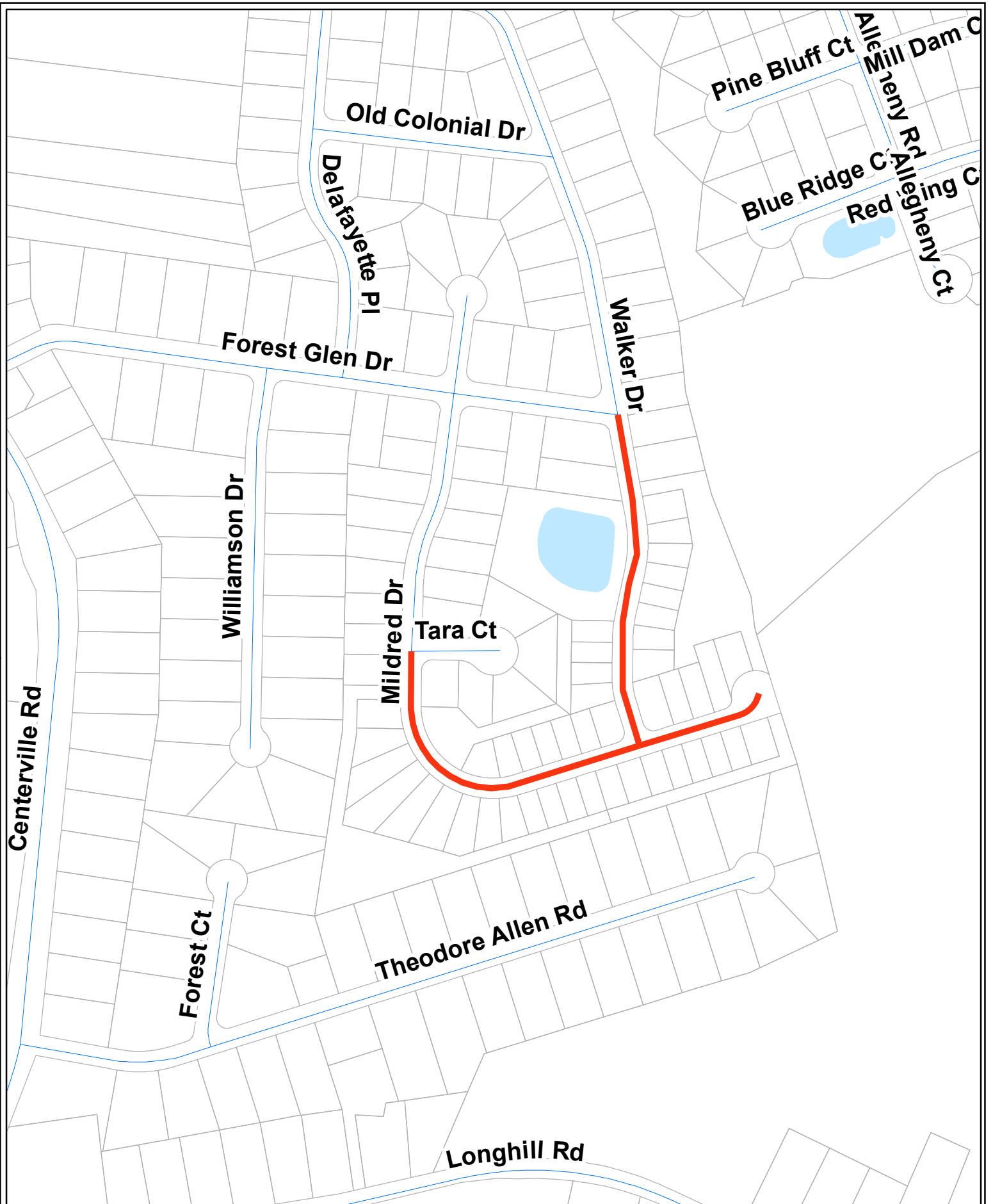
ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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


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

DedStSec5ForGln-res



**Dedication of the Streets in Section 5
of the Forest Glen Subdivision**

Legend

 Streets to be Dedicated

1 inch = 300 feet





COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION
Form AM 4.3

In James City County

by Resolution of the governing body adopted on October 24, 20

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.

A Copy Testee Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision: **Forest Glenn Section 5**

CHANGE TYPE	RTE NUM & STREET NAME	CHANGE DESCRIPTION	FROM TERMINI	TO TERMINI	LENGTH	NUMBER OF LANES	RECORDATION REFERENCE	ROW WIDTH
Addition	Rt. 1533 - Walker Dr.	New subdivision street §33.2-705	1535	1507 (connection)	0.1160	2		50
Addition	Rt. 1535 - Mildred Dr.	New subdivision street §33.2-705	1536 (stub out)	1533	0.1470	2		50
Addition	Rt. 1535 - Mildred Dr.	New subdivision street §33.2-705	1533	stub out	0.0670	2		50

MEMORANDUM

DATE: October 24, 2023

TO: The Board of Supervisors

FROM: Patrick O. Teague, Director of Human Resources

SUBJECT: Establishment of Full-Time and Part-Time Regular Positions

In the Fiscal Year (FY) 2024 budget, a number of new positions were requested but not funded due to budgetary constraints. As FY 2024 has progressed, James City County (the County) has recognized the need to provide additional management and service level positions to ensure efficient and effective services to the citizens and the County has identified savings in the budget to fund the positions. The positions are as follows:

Circuit Court Judge

- Attorney I/II, Full-Time, Salary Range 21

Financial & Management Services

- Accounts Payable Supervisor, Full-Time, Salary Range 16
- Commercial Appraiser, Full-Time, Salary Range 16

General Services

- Facilities Technician I/II/III, Full-Time, Salary Range 10
- Civil Engineer I/II/III, Full-Time, Salary Range 17
- Assistant Director, Full-Time, Salary Range 22
- Capital Project Inspector I/II/III, Full-Time, Salary Range 13
- Stormwater Inspector I/II/III, Full-Time, Salary Range 12
- Building Automation Systems Technician, Full-Time, Salary Range 15

Human Resources

- Administrative Coordinator I/II/III, Full-Time, (Currently part-time), Salary Range 11

Information Resources Management

- Information Technician, Full-Time, Salary Range 14

Park & Recreation

- Lead Lifeguard, Full-Time, Salary Range 9

Police

- Two Police Officer I/II/III/IV, Part-Time, 32 hours per week, Salary Range 13
- Property Control Assistant, (Currently 25 hours per week part-time), 32 hours per week, part-time Salary Range 15
- Program Coordinator, Part-Time, 32 hours per week, Salary Range 15
- Budget Management Specialist, Full-Time, Salary Range 16

Establishment of Full-Time and Part-Time Regular Positions

October 24, 2023

Page 2

Social Services

- Child and Family Program Manager, Full-Time, Salary Range 17
- Benefit Program Supervisor, Full-Time, Salary Range 14

If approved, these positions would be established January 2, 2024. The estimated total cost of these positions for FY 2024 is \$1,250,000. The attached resolution authorizes the use of the General Fund's Contingency Reserve as the funding source and authorizes the related appropriations in the applicable departments to fund these positions.

Staff recommends approval of the proposed changes.

POT/ap

EstFT-PTRegpos-mem

Attachment

RESOLUTION

ESTABLISHMENT OF FULL-TIME AND PART-TIME REGULAR POSITIONS

WHEREAS, James City County recognizes a need for additional management and service level positions to ensure efficient and effective services to citizens; and

WHEREAS, no new positions were approved in the Fiscal Year 2024 budget; and

WHEREAS, adding 14 full-time positions and three part-time positions, converting one part-time position to full-time, and increasing the hours for one part-time position will help to ensure efficient and effective services to the citizens.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes 14 full-time and three part-time regular positions, converts one part-time position to full-time, and increases the hours for one part-time position effective January 2, 2024, and authorizes the use of the General Fund’s Contingency Reserve for this purpose to be appropriated in the applicable departments for a total of \$1,250,000.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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

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

EstFT-PTRegpos-res

MEMORANDUM

DATE: October 24, 2023
TO: The Board of Supervisors
FROM: Mark L. Jamison, Chief of Police
SUBJECT: Grant Award - \$12,236 - Fiscal Year 2023 Edward Byrne Memorial Justice Assistance Grant

The James City County Police Department has been awarded a Fiscal Year 2023 Edward Byrne Memorial Justice Assistance Grant through the Department of Justice/Bureau of Justice Assistance for \$12,236.

The grant will be used to fund the purchase of eight BolaWrap Remote Restraint devices and holsters, as well as expendable cartridges. This allocation requires no matching funds.

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

MLJ/ap
GA-ByrneJAG23-mem

Attachment

RESOLUTION

GRANT AWARD - \$12,236 - FISCAL YEAR 2023 EDWARD BYRNE MEMORIAL

JUSTICE ASSISTANCE GRANT

WHEREAS, the James City County Police Department has been awarded an Edward Byrne Memorial Justice Assistance Grant (JAG) through the Department of Justice/Bureau of Justice Assistance for \$12,236; and

WHEREAS, funds will be used to purchase BolaWrap Remote Restraint devices, including holsters and cassettes (cartridges); and

WHEREAS, the grant is a direct allocation and requires no match.

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

Revenue:

Federal - Fiscal Year 2023 JAG Local Solicitation \$12,236

Expenditure:

Fiscal Year 2023 JAG Local Solicitation \$12,236

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

M E M O R A N D U M

DATE: October 24, 2023

TO: The Board of Supervisors

FROM: Tammy Mayer Rosario, Assistant Director of Community Development

SUBJECT: Grant Award - \$7,834 - Forest Sustainability Fund

James City County has been awarded a grant in the amount of \$7,834 from the Virginia Department of Forestry's Forest Sustainability Fund. The General Assembly established the Fund in 2022 to assist localities that provide a lower forest land tax rate to landowners for keeping their land as forest by restoring a portion of forgone revenue back to those localities. Per the Code of Virginia, monies from the Fund must be used solely for public education, outdoor recreation, or forest conservation.

James City County qualified for this Fund due to its use-value taxation program for forest land. Community Development staff have partnered with Parks & Recreation staff to use the funds for a demonstration riparian buffer at Brickyard Landing Park. Stantec has created a plan for this project, and two volunteer groups, the Historic Rivers Chapter of Virginia Master Naturalists and the James City County/Williamsburg Master Naturalists have committed to planting and maintaining the area. In addition to enhancing the park, the buffer will improve the water quality of the Chickahominy River and educate landowners, homeowners, and neighborhood associations about the importance of healthy vegetated buffers for both water quality and wildlife, in support of the County's Natural & Cultural Assets Plan.

The attached resolution appropriates these funds to the Special Projects/Grants Fund.

Staff recommends approval of the attached resolution.

TMR/md
GA-ForSustFd-mem

Attachment

RESOLUTION

GRANT AWARD - \$7,834 - FOREST SUSTAINABILITY FUND

WHEREAS, James City County has been awarded \$7,834 from the Virginia Department of Forestry as part of the Forest Sustainability Fund; and

WHEREAS, the Fund supports projects related to public education, outdoor recreation, or forest conservation; and

WHEREAS, these funds will be used to support a demonstration riparian buffer project at Brickyard Landing Park which will match the Forest Sustainability Fund’s objectives; 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.

Revenue:

State - Forest Sustainability Fund	<u>\$7,834</u>
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Expenditure:

Forest Sustainability Fund	<u>\$7,834</u>
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Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

SADLER
ICENHOUR
MCGLENNON
LARSON
HIPPLE

VOTES

AYE NAY ABSTAIN ABSENT

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_____	_____	_____	_____

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

GA-ForSustFd-res

MEMORANDUM

DATE: October 24, 2023
TO: The Board of Supervisors
FROM: Patrick O. Teague, Director of Human Resources
SUBJECT: Authorization for Leave Payout

During a time of unprecedented position vacancies and competitive recruitment and retention environment, staff has maintained a high quality of service while struggling to fill vacancies to manage the workload. James City County would like to recognize the efforts of our workforce.

I am requesting authorization to offer staff a leave payout option, as we did in December 2022. The maximum payouts would be based on tiers of years of service: up to 10 years of service the maximum is \$3,000; 10 to 20 years of service the maximum is \$4,000; and 20 or more years of service the maximum is \$5,000. The leave payout includes the County Attorney. The effective date would be December 28, 2023.

The estimated cost of the leave payout is \$1,000,000. The actual leave payout could be less based on the number of employees who elect it. The attached resolution authorizes the use of the General Fund's Unassigned Fund Balance for these purposes and authorizes the appropriation in the applicable departments and funds.

Staff recommends adoption of the attached resolution.

POT/md
AuthLeavePyout-mem

Attachment

RESOLUTION

AUTHORIZATION FOR LEAVE PAYOUT

WHEREAS, James City County desires to recognize staff for their work over the past year and provide an opportunity for staff to avoid losing earned paid leave; and

WHEREAS, staff recommends a one-time leave payout of vacation or paid time off with multi-tier levels based on years of service, maximum payout capped at \$5,000; and

WHEREAS, the estimated cost for the leave payout is \$1,000,000, but the final cost could be less based on the number of employees who elect it.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve a one-time leave payout capped at \$5,000 effective December 28, 2023, and authorizes the use of the General Fund's Unassigned Fund Balance for this purpose to be appropriated in the applicable departments and funds for a total of up to \$1,000,000.

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>
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_____	_____	_____	_____
_____	_____	_____	_____

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

AuthLeavePyout-res

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
September 12, 2023
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

P. Sue Sadler, Stonehouse District - absent
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 Ms. Sadler would not be present for the meeting due to an emergency family matter.

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Scotlyn Dietrich, a 5th grade student at Stonehouse Elementary School

Ms. Larson gave highlights of Scotlyn's interests and activities.

Scotlyn led the Board and citizens in the Pledge of Allegiance.

E. PRESENTATIONS

1. Proclamations - 2022 and 2023 Principal of the Year

Mr. McGlennon cited the Proclamation for Dr. Daniel Miani, Ed.D., Principal of Lafayette High School (LHS). He highlighted various achievements throughout his educational career and participation on several committees and programs. Mr. McGlennon stated Dr. Miani was named the 2022 Outstanding High School Principal of Virginia. He congratulated Dr. Miani and thanked him for his outstanding work.

The Board and audience applauded.

Dr. Miani thanked the Board and citizens. He stated it was an honor to have served the Williamsburg-James City County (WJCC) community and students of LHS.

The Board and audience applauded.

Mr. McGlennon presented the proclamation to Dr. Miani.

Ms. Larson cited the Proclamation for Mr. Howard Townsend, IV, Principal of Jamestown High School (JHS). She highlighted various achievements throughout his educational career and participation on several boards and committees. Ms. Larson stated Mr. Townsend was named the 2023 Outstanding High School Principal of Virginia. She congratulated Mr. Townsend and added it was a remarkable honor to have two of WJCC School Division Principals named as the 2022 and 2023 Principal of the Year.

Ms. Larson presented the proclamation to Mr. Townsend.

The Board and audience applauded.

Mr. Townsend thanked the Board and citizens. He remarked this community was very special to him as his education career started here. He mentioned he attended the College of William & Mary and led him to a career teaching, coaching, and becoming the Principal at JHS. He expressed his honor in serving this community and receiving this award.

The Board and audience applauded.

2. Proclamation - September 2023 as National Service Dog Month in James City County

Mr. Icenhour welcomed Ms. Leslie Haley, Canine Companions, to the podium.

Mr. Icenhour noted before him was a proclamation declaring September 2023 as National Service Dog Month and proceeded to read the proclamation.

Mr. Icenhour presented the proclamation to Ms. Haley.

The Board and audience applauded.

3. Proclamation - Constitution Week

Mr. Hipple cited the Constitution Week Proclamation. He noted the commemoration of Constitution Week ran annually from September 17-23.

The Board and audience applauded.

F. PUBLIC COMMENT

1. Mr. Reed Johnson, 4733 Williamsburg Glade, was not in attendance.

2. Mr. Jay Everson, 6423 Chancery Lane, addressed the Board regarding Utility-Scale Solar Facilities and considerations on permitted designations for these facilities such as Public Lands, A-1, General Agricultural, outside the Primary Service Area (PSA), and inside the PSA under 20 acres. He questioned the rural ambiance with industrial use within the A-1 District. Mr. Everson expressed his concern and lack of support for the solar facilities.

3. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board to talk trash. She mentioned the County's upcoming Harvest Festival on September 23 at the Chickahominy Riverfront Park. Ms. Boarman noted the Clean County Commission (CCC) would be participating in the event

and encouraged the Board and citizens to attend. She further noted the Quarterly Clean Business Awards would be conducted at Legacy Hall on September 20, 2023, at 8:30 a.m. and welcomed the Board to attend if possible. Ms. Boarman mentioned a CCC cleanup in the Grove area would be conducted on September 30, 2023, at 11 a.m. She spoke about the third annual Repair Fair & Recycling Expo which would be held on November 18, 2023, at Warhill High School from 9 a.m.-1 p.m. Ms. Boarman noted CCC public participation allowed education opportunities on trash, litter prevention, recycling, etc. and encouraged the public to do its part in keeping the community clean. She indicated the Good Neighbor Grant was coming to an end on September 15, 2023. She stated if any County neighborhood had not yet applied and desired to there was still time to do so, adding the application was available on the County website. Ms. Boarman further noted CCC was seeking additional Commissioners and encouraged the public to apply via the County website.

4. Ms. Kelly Kale, 427 Hempstead Road, addressed the Board regarding the permitted use of golf carts in Windsor Forest. She cited the Federal Motor Vehicle Safety Standards. Ms. Kale noted a conflict with state and local laws. Ms. Kale expressed her concern of safety for all vehicles within the neighborhood. She mentioned she had sent additional questions to Mr. Kinsman and Assistant Police Chief, Anthony Dallman, regarding the feasibility study conducted and what that entailed. Ms. Kale highlighted several points of concern such as lack of stop signs within the neighborhood, blind spots, curvy and hilly roads, lack of adherence to the posted speed limit of 25 mph, lack of sidewalks for pedestrians, etc. She reiterated her concern of safety regarding the permitted use of golf carts.

5. Ms. Jennifer Bickham Mendez, 308 Buford Road, addressed the Board regarding the termination of the joint operation of schools for the City of Williamsburg and the County of James City. She expressed her disappointment at the action taken. Ms. Bickham Mendez noted this community was united and referenced the two WJCC Principals acknowledged as Principal of the Year for 2022 and 2023. She further noted this course of action had caused a substantial amount of uncertainty and diverted the attention away from the primary objective of providing exceptional education to WJCC schoolchildren. Ms. Bickham Mendez expressed her dissatisfaction with the lack of public outreach opportunity and evaluation prior to this determination. She encouraged the Board to keep the focus on the best interests of the WJCC students and the constituents within the community.

6. Ms. Jacqueline Williams, 99 Kestrel Court, addressed the Board noting she was present to speak on behalf of The Village Initiative regarding the infrastructure in the areas deemed non-transportation zones. She mentioned she had walked some of the school routes and expressed safety concerns with some routes such as lack of proper sidewalks, crossing guards, etc. She encouraged the Board to help support proper infrastructure for the non-transportation zones within the WJCC community. She thanked the Board for its time.

7. Ms. Molly Robinson, 28 Kirkland Court, addressed the Board noting she was also present to speak on behalf of The Village Initiative regarding safety concerns in the non-transportation zones. She mentioned elementary-aged students were required to walk to school along busy roads. Ms. Robinson stated she understood the challenges WJCC School Division faced regarding staffing shortages; however, it was not an excuse to endanger elementary-aged students. She encouraged the Board to collaborate with the appropriate parties to resolve this issue.

Mr. Hipple closed Public Comment as there were no additional speakers.

G. CONSENT CALENDAR

1. Line of Duty Act Amendment Resolution

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

2. Contract Award - \$667,656 - Chickahominy Riverfront Park RV Storage Lot

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

3. Initiation of Consideration of Amendment to the Comprehensive Plan to Revise the Community Character Corridor Designation Category and to Remove a Recommendation that Short-Term Rentals be Operated in a Manner Where the Owner Resides on the Property During the Rental

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

Mr. Hipple advised that the Board of Supervisors would recess to allow the James City County Board of Directors to start its meeting as there were a number of Public Comment speakers for timing purposes.

A motion to Recess the Board of Supervisors was made by Ruth Larson, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

At approximately 5:40 p.m., the Board recessed.

At approximately 6:02 p.m., the Board reconvened.

Mr. Hipple noted Mr. Rich Krapf was the Planning Commission representative in attendance.

H. PUBLIC HEARING(S)

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

Mr. Hipple noted the applicant had withdrawn the application request. He asked Mr. Paul Holt, Director of Community Development, to confirm the status of the application.

Mr. Holt addressed the Board to confirm that the applicant had withdrawn the request in its entirety, adding should the applicant request to pursue the application at a later date the applicant would be required to refile the application.

2. SUP-23-0011. Stonehouse Water and Sewer Improvement

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

Mr. Thomas Wysong, Senior Planner, addressed the Board noting Mr. Jeff Huentelman of Land Planning Solutions, had applied for a Special Use Permit (SUP) on behalf of the property owner to extend an off-site water main and sewer force main north from Rochambeau Drive, traversing beneath Interstate 64 (I-64), and west along Mount Laurel Road to serve the Stonehouse Development. He cited the specifics of the SUP application included in the staff report in the Agenda Packet. Mr. Wysong noted staff had included an SUP condition for the proposal prohibiting any connections from these proposed mains to any property outside the PSA. He further noted staff found the proposal to be consistent with surrounding development and consistent with the 2045 Comprehensive Plan and Zoning Ordinance. Mr. Wysong added staff recommended approval of this application, subject to the proposed conditions. He welcomed any questions the Board might have.

Mr. Hipple asked if any Board members had questions.

Mr. Icenhour referenced the map displayed on the PowerPoint presentation and asked if the red outlined area was for the Stonehouse Tract 9 Commercial part of the Planned Unit Development.

Mr. Wysong confirmed.

Mr. Icenhour asked if it transits through there and into the public right-of-way and would then be servicing the residential portion near Six Mount Zion Road.

Mr. Wysong replied correct.

Mr. Hipple thanked Mr. Wysong.

Mr. Krapf addressed the Board noting at the July 5, 2023, Planning Commission meeting, the Commission voted 7-0 to recommend approval and to find the proposal consistent with the 2045 Comprehensive Plan. He concluded his report and welcomed any questions the Board might have.

Mr. Hipple asked if any Board members had questions.

Mr. Hipple opened the Public Hearing.

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

3. SUP-23-0014. 7649 Cypress Drive Rental of Rooms

A motion to Approve was made by Michael Hipple, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

Mr. Ben Loppacker, Planner, addressed the Board noting Ms. Sharon Elliot applied for an SUP to allow for a short-term rental of one bedroom within the existing three-bedroom single-family house. He cited the specifics of the SUP application included in the staff report in the Agenda Packet. Mr. Loppacker stated the property was located outside the PSA and served by private well and septic. He mentioned if the SUP were granted, short-term rentals would be allowed throughout the year. Mr. Loppacker noted no changes in the footprint of the single-family home were proposed. He touched on favorable factors which included adequate off-street parking, the applicant provided assurance that the proper licenses and inspections would be obtained, and the proposed use would not negatively impact surrounding properties and/or development, Level of Service for roads, and other public services. Mr. Loppacker stated at the Planning

Commission's July 5, 2023, meeting, the Commission voted 6-1 to recommend approval of this application to the Board of Supervisors, subject to the proposed conditions. He noted staff finds the proposal not fully consistent with the 2045 Comprehensive Plan recommendations for short-term rentals; therefore, staff was unable to recommend approval of this application. Mr. Loppacker further noted if the Board approved the application, staff had included proposed conditions. He welcomed any questions the Board might have, adding the applicant was also available.

Mr. Krapf addressed the Board noting the Planning Commission's approval of this application with a 6-1 vote. He noted one Commissioner addressed concern in relation to short-term rentals limiting the availability of affordable and workforce housing markets. He added long-term rentals and/or selling the property would allow affordable/workforce housing opportunities. Mr. Krapf discussed other points in further detail.

Mr. Hipple asked if any Board members had questions.

Mr. Hipple opened the Public Hearing.

1. Ms. Sharon Elliott, 7649 Cypress Drive, addressed the Board noting she was the applicant of the SUP. She stated this property had been in her husband's family for 30 years and she had lived there for 13 of those years. Ms. Elliott explained her mother was 90 years old and legally blind and diagnosed with dementia. She noted for these reasons she decided to retire early to be a caretaker to her mother. Ms. Elliott further noted the challenges of finding part-time jobs with flexibility to allow the continuation of her caretaking role. She indicated she had decided to pursue the short-term rental opportunity due to flexibility and financial need. Ms. Elliott remarked she was unaware that an SUP was required for a short-term rental. She noted from May-November 2022 she had rented the one-bedroom space within her home. Ms. Elliott further noted she had spoken with her adjacent neighbors to inform them of her rental plan which they were in support of. She explained in detail her rental standards and procedures regarding the short-term rental. Ms. Elliott stated in December 2022 she received written correspondence from the County's Zoning Administrator that she was in violation of the County's Zoning Ordinance. She noted she took this matter very seriously and contacted Supervisor Hipple and he directed her to the County's Planning staff. She further noted while she did not live on a major road as recommended by the 2045 Comprehensive Plan, impacts anticipated were minimal. Ms. Elliott thanked Mr. Krapf and Mr. Loppacker for their assistance during the process. She thanked the Board for its consideration.

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

Mr. Hipple expressed his support for this application. He mentioned Ms. Elliott's compliance since being made aware of the violation. Mr. Hipple indicated there had been no complaints regarding the rental from surrounding neighbors. He expressed his belief that the rental of one-bedroom would not impact the affordable/workforce housing availability.

Mr. McGlennon expressed his sensitivity regarding short-term rentals and affordable housing competition. He expressed his belief that in this particular instance with the minimal impacts and circumstances he was in support of this application despite not being fully consistent with the 2045 Comprehensive Plan.

Ms. Larson commended Ms. Elliott for her caretaking role. She agreed with Ms. Elliott's point of the challenges of finding flexible part-time work. Ms. Larson expressed her support for this application due to the circumstances.

4. SUP-23-0018. Grove Christian Outreach Center Special Use Permit Amendment

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

Mr. Ben Loppacker, Planner, addressed the Board noting Ms. Katie Patrick, applied for an SUP to amend an SUP to allow the existing Outreach Center to operate as the primary use on the property due to the growth of the Outreach Center. He cited the specifics of the SUP application included in the staff report in the Agenda Packet. Mr. Loppacker noted staff found that the proposed conditions would mitigate impacts to surrounding properties and development in addition to being consistent with the County's Zoning Ordinance and 2045 Comprehensive Plan. He stated at the Planning Commission's August 23, 2023, meeting, the Commission voted 6-0 to recommend approval of this application to the Board of Supervisors., subject to the proposed conditions. Mr. Loppacker welcomed any questions the Board might have, adding the applicant was in attendance.

Mr. Hipple asked if any Board members had questions.

Mr. Hipple thanked Mr. Loppacker.

Mr. Krapf noted there was no Planning Commission discussion on this item. He stated the Planning Commission voted 6-0 to recommend approval of this application.

Mr. Hipple asked if any Board members had questions.

Mr. Hipple opened the Public Hearing.

1. Ms. Katie Patrick, 8800 Pocahontas Trail, addressed the Board noting she did not wish to comment at this time.

2. Mr. Max Hlavin, Attorney for Grove Christian Outreach Center, addressed the Board noting there was no formal presentation, adding he filled out a speaker card in case there were questions from the Board.

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

Mr. McGlennon expressed positive remarks for both the Grove Christian Outreach Center and the Grove Christian Community Church.

Ms. Larson noted the Board received a letter of support from the Virginia Peninsula Foodbank regarding the tremendous impacts the Grove Christian Outreach Center had made to the community. She extended her thanks to the organization.

5. SUP-23-0019. 213 Southpoint Drive Detached Accessory Apartment

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

Ms. Terry Costello, Senior Planner, addressed the Board noting Mr. Jason Buckley, Promark Custom Homes, had applied for an SUP to build a detached garage to include a 399-square-foot accessory apartment for the parents of the property owner. She cited the specifics of the SUP application included in the staff report in the Agenda Packet. Ms. Costello noted detached accessory apartments were a specially permitted use in the R-1, Limited Residential Zoning District, in accordance with Section 24-32(b) of the Zoning Ordinance. She further noted staff

had reviewed the proposed design and all County requirements had been met. Ms. Costello commented staff found the proposal to be consistent with surrounding development and consistent with the 2045 Comprehensive Plan and Zoning Ordinance. She noted staff recommended approval of the application to the Board of Supervisors, subject to the proposed conditions. Ms. Costello further noted at the Planning Commission's August 2, 2023, meeting, the Commission voted 6-0 to recommend approval. She welcomed any questions the Board might have, adding the applicant was available as well.

Ms. Larson asked if the occupancy of this apartment was immediate family.

Ms. Costello confirmed.

Ms. Larson thanked Ms. Costello.

Mr. McGlennon asked if there was any concern expressed throughout the application process.

Ms. Costello replied no.

Mr. Krapf addressed the Board noting there was no Planning Commission discussion and/or concern. He added the Planning Commission voted 6-0 to recommend approval of the application.

Mr. Hipple opened the Public Hearing.

1. Mr. Jason Buckley, Applicant, 115 John Bratton, addressed the Board noting he did not wish comment.

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

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

Assistant Police Chief, Anthony Dallman, addressed the Board noting this item was previously discussed at the Board's July 11, 2023, meeting. He confirmed there were some unanswered questions in relation to this application. Assistant Police Chief Dallman stated Mr. Reed Hunt, the President of the Windsor Forest Homeowners Association (HOA), had applied on behalf of the homeowners in the community requesting Board approval for authorization of golf cart use. He further noted the HOA had agreed to pay for all necessary signage, including a sign on Devon Road at Wetherburn Lane stating "no golf carts past this point". Assistant Police Chief Dallman further noted the HOA had indicated its intention to educate its members on the laws pertaining to operating golf carts on state-maintained roads. He highlighted the necessary requirements as follows: 1) driver of the golf cart is required to have a valid driver's license in their possession; 2) display of a slow-moving vehicle emblem; 3) headlights/taillights, if operated after sunset; and 4) required insurance coverage. Assistant Police Chief Dallman remarked after careful consideration of Windsor Forest's request and the results of a traffic study conducted by the Police Department, staff believed that the golf carts may be safely accommodated along the public highways in Windsor Forest. He noted staff recommended adoption of the attached Ordinance designating certain roads in Windsor Forest for golf cart use. Assistant Police Chief Dallman welcomed any questions the Board might have.

Ms. Larson mentioned there had been a number of neighborhoods within the County authorized for golf cart use. She asked if there had been any issues and/or concerns regarding golf carts.

Assistant Police Chief Dallman replied there had been 17 calls total over the past year regarding any involvement of golf carts.

Ms. Larson asked if that could pertain to golf courses as well.

Assistant Police Chief Dallman replied sure. He noted three calls were pertaining to golf cart crashes. Assistant Police Chief Dallman explained one incident was at a campground, another at a golf course, and one was in a neighborhood; however, it was not on a public highway. He mentioned a few of the other calls pertained to larcenies, and information pertaining to the subject matter. Assistant Police Chief Dallman added there was one call regarding golf carts blocking the road during a community gathering in a neighborhood.

Ms. Larson thanked Assistant Police Chief Dallman.

Mr. Icenhour asked the number of neighborhoods approved for golf cart usage.

Assistant Police Chief Dallman replied he believed five or six.

Mr. Icenhour noted it seemed the calls for service in relation to this use were not substantial. He reiterated the requirements of golf cart usage for clarification purposes. Mr. Icenhour asked if individuals without a valid driver's license were not permitted to operate the golf cart.

Assistant Police Chief Dallman confirmed.

Mr. Icenhour asked Mr. Kinsman if he could speak to the issue of motor vehicles federal versus state and local. He noted from his understanding when approving these requests, the Board retained the ability to revoke the approval if there were issues. He asked if Mr. Kinsman could speak to those points.

Mr. Kinsman replied the Board could rescind the Ordinance. He stated the County Code and the Ordinances adopted were in compliance with the Code of Virginia. Mr. Kinsman could not speak to the federal aspect.

Mr. Icenhour thanked Mr. Kinsman.

Mr. Hipple asked about Ms. Kale's email and if there was a response to her email.

Assistant Police Chief Dallman replied Mr. Kinsman received the same email and he responded to her email on behalf of the County.

Mr. Hipple requested the response to her email be resent for verification purposes. He recommended contact with Mr. Rossie Carroll, Residency Administrator for the Virginia Department of Transportation (VDOT), regarding the lack of stop signs within the neighborhood.

Mr. Hipple opened the Public Hearing.

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

I. BOARD CONSIDERATION(S)

1. Utility Scale Solar Farm Applications

Mr. Jose Ribeiro, Senior Planner/Landscape Planner, addressed the Board noting at its July 25, 2023, Board of Supervisors' meeting, The Berkley Group was present to discuss the preliminary scope of work and options for standards and processes for the review of Utility-Scale Solar Farm applications. He further noted Board members had provided feedback and The Berkley Group had proceeded to develop materials based on this feedback. Mr. Ribeiro indicated the purpose of today's presentation was to present the Board with draft solar policy language and a draft Ordinance template that addressed various scales of solar facilities.

Mr. Michael Zehner, Director of Planning and Community Development of The Berkley Group, addressed the Board acknowledging his colleague in attendance, Mr. Linds Edwards, Planner. He noted he would touch on the draft Board Utility-Scale Solar Facilities Policy and the Ordinance template. Mr. Zehner highlighted the various criteria regarding Utility-Scale Solar Facilities displayed on the PowerPoint presentation. He moved on to discuss the regulatory recommendations for the Ordinance template which included the following: 1) Terms and definitions; 2) Zoning districts; 3) Process; 4) SUP factors to be considered; 5) Application requirements; 6) Minimum development standards; and 7) Construction, operational, and decommissioning requirements. Mr. Zehner displayed several maps on the PowerPoint presentation for visual purposes of the one- and two-mile buffers between existing solar projects within the County. He spoke about that point in further detail. Mr. Zehner displayed an additional map to include transmission lines with a two-mile buffer between existing solar projects within the County.

Mr. Hipple stated that the Racefield Solar project was outside of the transmission area, adding he believed that project was designed to be in James City County and through parts of New Kent County as well.

Mr. Zehner asked if it connected to a transmission line in New Kent County.

Mr. Hipple confirmed.

Mr. Zehner replied it does happen. He cited the verbiage in the draft policy regarding transmission line corridor proximity requirements. Mr. Zehner explained these policies would help provide a checklist for these applications. He indicated the policies could be modified based on the County's preference.

Mr. McGlennon asked if it was a Utility-Scale Solar project.

Mr. Zehner replied the various solar facilities were all considered a Utility-Scale Solar project under The Berkley Group template definition.

Mr. Icenhour expressed his belief that the Racefield Solar Facility had a transmission line across the back of the property, adding it may not be a major transmission line.

Mr. Hipple stated he thought there was a line that ran the houses back there, but he did not believe it was a transmission line.

Mr. Icenhour replied there was a transmission line at the back of the property.

Mr. McGlennon mentioned the Racefield Solar Facility was considered a small Utility-Scale facility and was only feasible in a couple of instances.

Mr. Zehner replied he could investigate the specifics of that connection. He noted a distribution line of a certain size might be present which may have accommodated that facility.

Mr. Hipple mentioned if that current verbiage was in place it would not allow this particular case to pass.

Mr. Zehner replied if the verbiage was in black and white yes.

Mr. Hipple replied staff could not recommend approval based on that verbiage. He noted staff limitations and recommended some flexibility in the verbiage.

Mr. Zehner replied based on the Board's preference that could be accommodated. He displayed another map on the PowerPoint presentation highlighting areas to be considered prime farmland, farmland of statewide importance, or not prime farmland. Mr. Zehner recommended that applicants provide a map similar to the one displayed as part of the application process to better visualize the area of the proposed project and the relationship of the project to that in terms of the area being disturbed. He discussed proposed projects of 20 acres or less would be minimal; proposed projects of 20-50 acres would require proposed conditions to mitigate impacts; and proposed projects of 50+ acres while discouraged would need a higher level of evaluation.

Mr. Icenhour expressed his concern with government regulations on landowner property and utilization of the land. He used the Hunt Farm as an example of prime agricultural land which had been farmed for generations, adding the landowner had decided to no longer farm the land; however, desired to utilize the land in an alternative way. Mr. Icenhour noted he understood the significance of preserving rural lands. He reiterated his concern.

Ms. Larson asked if there were conditions that could be implemented or other viable options for County landowners who no longer desired to farm.

Mr. Holt noted this was a first step in attempting to find appropriate language. He noted if the Board chose to use the language only as information in the staff report opposed to favorable and/or unfavorable factors that could be accommodated. Mr. Holt mentioned if there was particular verbiage that the Board wished to remove that could be done as well. He explained those points in further detail.

Ms. Larson expressed her belief that most of these solar project applications would be located in prime farmland. She asked if there was a cumulative count regarding the percentage of prime farmland available for measuring purposes.

Mr. Holt replied based on the way that the proposed policy and regulations were set up it was not a cumulative count but more so what existed on the parcel in terms of acreage. He expressed the challenges of a cumulative count regarding 50+ acres.

Ms. Larson replied some localities utilized the cumulative count for measuring purposes to determine the cut-off of approving applications.

Mr. Holt expressed time constraints and lack of resources to develop that kind of component. He made positive remarks regarding the consultant and its work to mimic and mirror the County's approach and methodology based on the existing solar applications that had gone through the process. Mr. Holt expressed his belief that the draft solar policy language and Ordinance template would establish additional guidance for better evaluation of these applications. He noted if the Board desired to implement the cumulative count staff could do so; however, it would require additional time.

Mr. Hipple suggested a process similar to the SMART Scale VDOT Program to better evaluate the pros and cons, the beneficial factors to the landowner(s), priority, etc.

Mr. Holt recommended utilization of these draft documents to establish a foundation for the desired directive. He spoke about that point in further detail.

Discussion ensued.

Mr. McGlennon expressed the challenges of identifying the objective regarding some of these policies. He discussed that point in further detail.

Mr. Icenhour highlighted the vital importance of adequate screening and buffering of these solar facilities. He expressed he favored the close proximity of transmission lines, positive economic return, etc. Mr. Icenhour remarked buffers, setbacks, screening, etc. should be specified in the Ordinance opposed to the Board policy. He recommended flexibility and interpretation regarding the language for consideration purposes. Mr. Icenhour explained his point in further detail.

Ms. Larson thanked the consultant for the thorough decommissioning language.

Mr. Holt highlighted Board feedback.

Discussion ensued.

Mr. Holt asked if the Board preferred to modify the language and draft it based on Board feedback and initiate a public hearing or would the Board rather review another version of the drafted language at a future meeting.

The Board preferred to review another version of the drafted language at a future meeting.

Mr. Holt anticipated a two-month timeframe to make the necessary modifications based on Board feedback.

Mr. Icenhour expressed his willingness to collaborate with Planning staff to assist in the process.

Mr. Holt stated that would be a terrific opportunity and thanked Mr. Icenhour.

2. Hazelwood Property - Hampton Roads Sanitation District Sanitary Sewer Service Area Expansion Request

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

Mr. Doug Powell, General Manager of James City Service Authority (JCSA), provided a brief overview of the memorandum and resolution included in the Board's Agenda Packet. He stated if the Board adopted the resolution it would then require consideration from Hampton Roads Sanitation District (HRSD). Mr. Powell noted staff recommended approval.

Mr. Icenhour asked if this expansion was for the sole purpose of covering the property in its entirety.

Mr. Powell replied correct.

Mr. Icenhour asked about the next steps after HRSD's consideration of this matter. He questioned if the applicant would then submit an application to extend the sewer line.

Mr. Powell confirmed.

Mr. Icenhour asked if the application would go before the Board and HRSD or just the Board.

Mr. Powell replied to his knowledge it would go before the Board only.

Mr. Icenhour asked if the application would also go before JCSA.

Mr. Powell replied correct.

Mr. McGlennon asked for clarification regarding the next item. He asked if that was also being discussed in Closed Session.

Mr. Hipple replied yes.

Mr. McGlennon stated he had originally preferred to discuss Item No. 3 in Open Session; however, he expressed his belief based on recent developments there should be discussion regarding the resolution and contract prior to taking public action on this item.

Mr. Hipple advised discussion on Item No. 3 would be forthcoming once the Board had an opportunity to discuss it in Closed Session.

3. Resolution Concerning the Restated Contract for the Joint Operation of Schools

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon remarked August was a busy month for him, adding he would pass on discussion of his attended events. Mr. McGlennon mentioned the recent decisions within the WJCC School Division to implement non-transportation zones had generated significant concern amongst parents. He noted he visited James River Elementary School earlier this afternoon during the school's dismissal. Mr. McGlennon indicated approximately 200 students were affected by this determination. He stated that was more than twice as many as any other school within the WJCC School Division. Mr. McGlennon expressed his concerns about various factors based on this decision. He recommended this be addressed at an upcoming meeting with the School Liaison.

Mr. Hipple echoed Mr. McGlennon's comment regarding the non-transportation zones. He expressed his concern with Centerville Road and children's safety. He noted various factors such as inclement weather, the location and safety of those school routes, etc. Mr. Hipple agreed with Mr. McGlennon's point of having these concerns addressed to the WJCC School Board.

Ms. Larson remarked after knowledge of the School Board's decision she contacted Mr. Stevens to address the subject matter and the concerns she anticipated as the outcome of this decision. She expressed her concern that the School Board made this decision without collaborative efforts with the County to try and rectify these issues. Ms. Larson highlighted possible opportunities if collaboration efforts were made. She noted this decision was based on the lack of school bus drivers, adding she encouraged the public to apply if desired. Ms. Larson commented that she, Supervisor McGlennon, the Honorable Senator Monty Mason, the Honorable Delegate Amanda Batten, and Sheriff David Hardin attended the Elected Officials Day at the Virginia Peninsula Foodbank. She highlighted the substantial support the community received from this organization and encouraged public donation if possible. Ms. Larson stated on behalf of the Board she welcomed Virginia Recreation and Park Society to James City County at its Annual Conference held on Sunday, September 10, 2023, for 500+ attendees. She recognized the attendance of Mr. Stevens and Assistant Police Chief Monique Myers at the conference. Ms. Larson remarked to Mr. Stevens that she had an HOA President contact her with interest in bringing back the Community Conversations that used to be conducted at the James City County Recreation Center prior to the COVID-19 pandemic. She requested Mr.

Kinsman provide her data regarding neighborhoods with golf cart permitted use and their policies and procedures for evaluation purposes. Ms. Larson expressed her desire for this legislative session to look at agritourism opportunities. She also requested contact be made with the Dam Safety Committee to determine if there were alternative opportunities for low-risk dams. Ms. Larson mentioned she had an eight-year-old constituent in her district by the name of Langdon who needed a liver and a kidney transplant. She highlighted the various requirements for donor eligibility and encouraged eligible individuals to visit his Facebook page: Langdon's ARPKD Journey or reach out to her via email, adding her email address could be accessed on the County website. Ms. Larson mentioned the Patriots Triathlon and thanked the volunteers, 757swim, and Ms. Margaret Keithley for their efforts.

Mr. Icenhour noted he attended two ribbon cutting ceremonies: 1) Planet Fitness in New Town; 2) The Prescription Shoppe - opened its second location in Courthouse Green. He stated the United States Small Business Administration (SBA) came to Williamsburg for its 70th Anniversary and the Celebration of Black Business Month. Mr. Icenhour mentioned the organization nationally recognized Mr. Lawrence and Ms. Ti'Juana Gholsons' longest-running business, FamMat (Family Matters) Services, LLC.

Mr. Hipple noted he desired to pass on discussion.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens mentioned the Fall Series of New Town Tunes would be forthcoming starting on Wednesday, September 13, 2023, and highlighted additional dates to include the following: September 20, 2023, September 27, 2023, and October 4, 2023. He noted the concerts would be held in New Town on Sullivan Square. Mr. Stevens further noted gates open at 5 p.m. and the concert starts at approximately 5:30 p.m., adding these concerts were on a weather-permitted basis. He spoke about the Virginia Recreation and Park Society Annual Conference that was held in the County from Saturday, September 9-12, 2023. He recognized the Parks & Recreation Department staff for an outstanding job of planning and carrying out the event. Mr. Stevens noted he attended the Awards Banquet yesterday evening and the Parks & Recreation Department received six statewide awards. He highlighted the awards received included the following: 1) Most Creative Marketing Strategy; 2) Distinguished Private Sector Service Award; 3) Best New Special Event; 4) Snapshot Moment; 5) Best New Diversity Equity and Inclusion Initiative; and 6) Best Health and Wellness Initiative. Mr. Stevens mentioned the most prestigious award received by individuals was the James C. Stutts Fellows Award, which James City County had been awarded for two consecutive years. He noted last year Ms. Arlana Fautleroy, Assistant Director of Parks & Recreation Department, received the award and this year Mr. John Carnifax, Director of Parks & Recreation Department. Mr. Stevens further noted these awards exemplified the quality County staff serving the community. He reiterated his thanks to Parks & Recreation Department staff for all their efforts.

L. CLOSED SESSION

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

At approximately 7:35 p.m., the Board entered Closed Session.

At approximately 8:40 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, Larson, McGlennon

Absent: 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.

A motion to Approve the Contract Award for School Consultant for \$120,000 was made by Ruth Larson, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

A motion to Approve the Amended Restated Contract for the Joint Operation of Schools City of Williamsburg and James City County was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

2. 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 York County, James City County, the City of Williamsburg, and the Williamsburg Regional Library.
3. 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 2.23711(A)(3) of the Code of Virginia
4. 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

- a. Reappointment - Virginia Peninsula Community College Board

A motion to Reappoint Mr. Joseph Fuentes to the Virginia Peninsula Community College Board was made by Ruth Larson, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

- b. Appointments - Colonial Community Criminal Justice Board

A motion to Appoint Mr. Mark Jamison and Mr. Brandon Waltrip to the Colonial Community Criminal Justice Board for terms that expire on February 28, 2025, was made by James Icenhour, the motion result was Passed.

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

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

c. Williamsburg Regional Library Board of Trustees Discussion

Ms. Larson requested Mr. Stevens provide the Board information regarding the Property Tax Exemption adjustment. She elaborated on the reasoning for the request.

Mr. Stevens replied sure, adding he spoke to the Commissioner of the Revenue to discuss the addressed points made and anticipated a discussion on those points at the Board's October 24, 2023, Business Meeting, if the Board approved.

The Board approved.

M. ADJOURNMENT

1. Adjourn until 1 pm on September 26, 2023 for the Business Meeting

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

At approximately 8:44 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
September 26, 2023
1:00 PM

A. CALL TO ORDER

B. ROLL CALL

P. Sue Sadler, Stonehouse District - absent
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 Ms. Sadler would not be present for the meeting due to a family matter.

C. PRESENTATION(S)

1. Proclamation - Old Towne Medical Center 30th Anniversary

Ms. Larson noted her pleasure representing the County on the Olde Towne Medical & Dental Center (OTMDC) Board. She extended her appreciation to Mr. Aaron Thompson, Executive Director of OTMDC, and staff for all their work done for the community. Ms. Larson read the proclamation recognizing the 30th anniversary of the Center and its service to residents in the Historic Triangle.

Mr. Thompson thanked the Board for the proclamation. He expressed his appreciation to Ms. Larson for her tenure on the OTMDC Board. Mr. Thompson also thanked Mr. Stevens and others for their support. He extended his thanks to James City County, the Center's largest jurisdictional entity, for its longstanding support. Mr. Thompson referenced the upcoming gala to celebrate the anniversary.

Mr. Hipple noted Mr. Stevens had several comments.

Mr. Stevens addressed several staff points. He noted September 26 was Human Resources Professional Day. Mr. Stevens thanked Mr. Patrick Teague, Director of Human Resources, and his staff for their work over the past few years with applications and staffing. Mr. Stevens also recognized Ms. Terry Costello, Senior Planner, for her 35+ years of service to James City County. He noted Ms. Costello had been recognized for her service with an award last week from the Virginia Association of Zoning Officials (VAZO) Board. Mr. Stevens acknowledged her award and thanked her for the many years of service to the County and its residents.

Ms. Costello thanked Mr. Stevens.

Mr. Stevens noted he also wanted to recognize Ms. Teresa Saeed, Deputy Clerk to the Board. He further noted Ms. Saeed had worked for the County 11 years and had recently been selected to serve as the 2023-2024 President of the Virginia Municipal Clerks Association. Mr. Stevens stated her dedication and effort to attaining the necessary credentials was commendable and he offered his congratulations to Ms. Saeed.

Ms. Saeed thanked Mr. Stevens.

Mr. Stevens thanked the Board for the opportunity to congratulate staff for the outstanding achievements which aided the County and its residents.

D. CONSENT CALENDAR

Mr. Hipple asked if any Board member wished to pull any item(s).

Mr. McGlennon noted he would like to pull Item Nos. 14 and 15. He added he had no questions on these items but felt both cases represented important issues regarding protection of the County's water quality and environment. Mr. McGlennon noted if the involved parties had contacted County staff regarding building expectations within the Resource Protection Area, these violations may have been avoided. He stressed the importance of such matters to the public. Mr. McGlennon then made the motion to approve adoption of Item Nos. 14 and 15.

1. Acceptance of Funds - \$2,701 - Virginia Forfeited Asset Sharing Program

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

2. Contract Award - \$303,267 - Human Resources Recruiting Management System

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

3. Contract Award - \$299,907 - James City County Library Public Restroom Improvements

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

4. Establishment of One Part-Time Permanent Position

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

5. Grant Award - \$20,890 - Department of Motor Vehicles - Alcohol Enforcement

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

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

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

6. Grant Award - \$36,610 - Department of Motor Vehicles - Police Traffic Services

A motion to Approve was made by John McGlennon, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Hipple, Icenhour Jr, Larson, McGlennon
Absent: Sadler

7. Grant Award - \$75,947 - Four-for-Life - Return to Localities Fund

A motion to Approve was made by John McGlennon, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Hipple, Icenhour Jr, Larson, McGlennon
Absent: Sadler

8. Grant Award Kinship - \$68,180 Kinship Navigator Program

A motion to Approve was made by John McGlennon, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Hipple, Icenhour Jr, Larson, McGlennon
Absent: Sadler

9. Grant Award - \$30,000 - Radiological Emergency Preparedness

A motion to Approve was made by John McGlennon, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Hipple, Icenhour Jr, Larson, McGlennon
Absent: Sadler

10. Grant Award - \$210,105 - School Security Officer - Williamsburg-James City County Schools

A motion to Approve was made by John McGlennon, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Hipple, Icenhour Jr, Larson, McGlennon
Absent: Sadler

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

A motion to Approve was made by John McGlennon, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Hipple, Icenhour Jr, Larson, McGlennon
Absent: Sadler

12. Grant Award - \$352,335 - Virginia Fire Programs Fund

A motion to Approve was made by John McGlennon, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Hipple, Icenhour Jr, Larson, McGlennon
Absent: Sadler

13. Minutes Adoption

A motion to Approve was made by John McGlennon, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Hipple, Icenhour Jr, Larson, McGlennon
Absent: Sadler

The Minutes Approved for Adoption included the following meetings:

- March 17, 2023, Joint Meeting with the Williamsburg City Council and the Williamsburg-James City County (WJCC) School Board
- July 25, 2023, Business Meeting

14. Resolution of Chesapeake Bay Preservation Ordinance Violation at 2800 Durfey's Mill Road

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

15. Resolution of Chesapeake Bay Preservation Ordinance Violation at 2808 Durfey's Mill Road

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

16. Tri-Rivers Drug Task Force Agreement

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

E. BOARD DISCUSSIONS

1. WATA Update

Mr. Matthew Scalia, Williamsburg Area Transit Authority (WATA) Executive Director, addressed the Board about the importance of the work and services WATA performed in the community. Mr. Scalia provided some personal background history. He noted a PowerPoint presentation highlighted WATA's history, service areas, and Board information. Mr. Scalia further noted the challenges of a small staff and operational challenges. He highlighted employee data in the presentation, adding WATA was currently seven operators short of the 42 full-time transit bus operators and two Americans with Disability Act (ADA) part-time operators. Mr. Scalia noted the shortages prevented WATA from providing reliable service to the community. He continued the presentation addressing WATA's fleet vehicles and the plan for replacement of the aging fleet. Mr. Scalia noted WATA had 12 fixed routes as he provided details on WATA's various routes, operation hours, and other statistics. He further noted WATA's numbers were approximately down 200,000 from pre-pandemic data due to the lack of frequency. Mr. Scalia highlighted the various routes in the presentation with the one connecting location with Hampton Roads Transit at Lee Hall. He continued the presentation noting WATA's additional services which included Paratransit, One-Call Center with various local agencies, and ticket purchases available at the WATA Store located at the Williamsburg Transportation Center. Mr. Scalia noted the Paratransit routes were bound by ADA requirements, adding that ridership had increased 84% since Fiscal Year 2016. He continued the presentation highlighting recent technological investments such as the computer-aided dispatch and automatic vehicle locator (CAD/AVL). Mr. Scalia noted the CAD/AVL system allowed

WATA to better access data, better serve customers, and overall assessment of the transit service. He further noted the use of various tools such as Google Maps and the Transit app to serve customers and assist Dispatch with transit operator communications. Mr. Scalia addressed WATA's upcoming move to mobile ticketing via customers' phones. He added this feature eliminated the need for customers to use cash for transit services. Mr. Scalia noted the WATA Store would offer prepaid transit cards for use also. He further noted the use of the Transit app for use with tourists visiting the area. Mr. Scalia highlighted statistics regarding WATA's customer base, benefits of transit, and budget breakdown of federal, state, and local funding. He addressed the operating and capital expenses in the presentation. He noted WATA sought various grants available in the Commonwealth, adding many of those grants required some local match that ranged from 4-20% depending on the grant type. Mr. Scalia highlighted some of WATA's future projects and initiatives in the presentation. He provided details on bus stop improvements, adding local jurisdictions and their respective staffs assisted WATA in these areas. Mr. Scalia addressed community partnerships.

Ms. Larson addressed the point that some routes were not permanent and so no structures would be placed at those locations. She added she continued to see people at those stops even during inclement weather. Ms. Larson asked if the employer could be approached to sponsor a bench as part of those community partnerships. She noted one such location was at The Fresh Market where shoppers with their Walmart groceries were waiting with no area to sit. Ms. Larson questioned if the shopping center could be contacted as part of that outreach to assist with benches and such. She noted bus stop improvements had been a point of previous Board discussions.

Mr. Scalia thanked Ms. Larson for that question. He noted the need for a planner who would address those points. Mr. Scalia further noted the logistics of meeting with jurisdictional leaders for recommended sites for improvements and other factors. He added bus stop sponsorship had increased some and was a potential avenue to explore more.

Ms. Larson thanked Mr. Scalia.

Mr. Stevens added the possibility of James City County providing funding that assisted its residents. He noted prioritization of that funding and seeking future sponsorship opportunities, adding he sought Board direction on the County funding aspect with WATA monitoring the maintenance aspect.

Ms. Larson thanked Mr. Stevens.

Mr. McGlennon noted this was a challenging area, but other opportunities existed. He further noted WATA's development of a strategic plan as requested by the Department of Rail and Public Transportation (DRPT). Mr. McGlennon stated he hoped Mr. Scalia would take advantage of the small-scale Capital Improvements projects as part of that strategic plan effort. He noted these amenities for riders were supported by that type of funding, but challenges existed as he cited examples. Mr. McGlennon further noted the funding opportunities with the County and potential private funding partnerships to assist.

Mr. Scalia thanked Mr. McGlennon. He reiterated funding, adding the City of Williamsburg had transit funding in its budget. He also noted collaboration with local jurisdictions for prioritization of projects. Mr. Scalia stated "Evolving WATA" was the new strategic plan and he highlighted points of the goals and challenges in the presentation. He noted the first priority was to increase ridership before coverage with a 70% focus on rider increase and 30% to coverage. Mr. Scalia provided additional data to support WATA's goals and challenges with the "Evolving WATA" strategic plan. He stated those comments concluded his presentation, but he welcomed any questions the Board had for him.

Mr. McGlennon noted he was the Chairman for a Richmond group named the Transit Service

Delivery Advisory Committee (TSDAC) for DRPT. He added the TSDAC developed formulas that the Commonwealth Transportation Board could adopt for incentives to assist local transit systems with increased service and area. He addressed several key points including dependable transportation services to communities while also reducing automobile traffic on roadways. He asked Mr. Scalia about exploring these options and also asked the amount of fare collection in reference to the total \$9 million plus budget.

Mr. Scalia responded he had seen recently where the Greater Richmond Transit Company had gone to a fare-free system and its ridership had increased. He noted 5% of WATA's revenues was generated from fare collection. Mr. Scalia further noted grant opportunities and he would review data from other organizations as well.

Mr. McGlennon thanked Mr. Scalia. He noted some challenges with funding for the local transit system. Mr. McGlennon questioned potential expansion of service frequency and continuation of bidirectional bus service.

Mr. Scalia noted those points were addressed in Phase One of the strategic plan with some northern routes redirected to the new northern transfer center and increased frequencies for Routes One and Two, Lee Hall and Richmond Road. He noted some smaller routes may become bidirectional but largely not throughout the system. Mr. Scalia further noted the inconvenience of the non-bidirectional service.

Mr. Icenhour noted his appreciation of the stops along Longhill Road. He asked if the solar panels were operational for the lighting system at those locations.

Mr. Scalia responded they were not operational at this time and repairs were still being reviewed.

Ms. Larson thanked Mr. Scalia and welcomed both he and his family to the area. She referenced Mr. Scalia's earlier comment on the mobile app for WATA tickets and asked about people who may not have a smartphone. Ms. Larson noted paper tickets could be purchased at the WATA Store and questioned how that would impact riders who needed transportation to get to the WATA Store to make those purchases and if any allowances would be given.

Mr. Scalia noted no current payment methods would be removed so riders could pay at the WATA Store or on the bus.

Ms. Larson replied that was great. She noted Mr. Scalia's activity with Dispatch and other areas of WATA. Ms. Larson inquired how often he rode the bus.

Mr. Scalia responded not as often as he would like, but it allowed him time to talk with drivers and riders. He cited personal experience riding the bus and the need for public transportation. Mr. Scalia noted he had observed the relationship between the drivers and the frequent riders. He further noted the need to familiarize people with the nuances of the transit service. Mr. Scalia added he wanted to meet with the schools and provide a bus while discussing route planning to students who may use public transit. He noted outreach education such as that discussion could dispel some riders' apprehension about public transportation by broadening their understanding.

Ms. Larson thanked Mr. Scalia.

Mr. Hipple also thanked Mr. Scalia. He asked Mr. Scalia about the details of the agreement for Colonial Williamsburg and its route.

Mr. Scalia noted the initial cost was \$850,000 with annual decreases, adding it was a seven-year agreement. He further noted no fare was charged on Route 15 due to several reasons.

Mr. Hipple asked if WATA had been involved in conversation with the WJCC School Division regarding a joint venture with school buses.

Mr. Scalia thanked Mr. Hipple for that question. He noted he had met with the Director of Bus Operations for the School Division, but they had not pursued that path, adding he was aware of the bus challenges faced by the School Division this year. Mr. Scalia further noted he would contact the School Division for possibilities.

The Board thanked Mr. Scalia.

2. Brush Fire Response

Fire Chief Ryan Ashe addressed the Board referencing the fire approximately two weeks earlier on Croaker Road. He noted he would provide a presentation and address the specifics of that situation. Chief Ashe provided details of the original dispatch for a structure fire at 8212 Croaker Road. He added this location was a land debris site for highway land clearing and similar situations where the debris was repurposed for mulch. Chief Ashe provided visual representation of the site and details regarding on-site excavator staff. He noted small brush fires sometimes occurred at such facilities and the on-site crew had been using the excavator to extinguish the fire when it became damaged and was inoperable. Chief Ashe further noted the priorities for the situation which included response for injured on-site staff, excavator salvage, and a water supply as the location was not a hydrant area and water had to be brought into the area. He continued the presentation demonstrating the fire site and equipment use. Chief Ashe noted some unique challenges to the situation included the ladder truck adjustment in the packed mulch, a larger than normal mulch pile on-site, and protection of the existing mulch pile for an upcoming order. He further noted the James City County Police Department assisted with its Drone Team to get aerial views of the fire to develop a plan of action. Chief Ashe provided details of the action plan. He noted the County had one tanker, but additional water was needed to sustain the operation. Chief Ashe further noted the tanker operation process for additional water use. He added 180 tanker trips were made with seven tankers traversing the area. Chief Ashe noted assistance from the Fleet Division of the General Services Department with fueling the tankers during the process. He continued the presentation highlighting the dispatch information and noting mutual response was received from York County. Chief Ashe noted additional units were brought in from other localities. He provided a timeline of calls for service within the first hour of the Croaker Road fire.

Mr. McGlennon asked Chief Ashe if this was an unusual amount of traffic in the morning.

Chief Ashe responded that the severity of the calls was a unique component. He noted that typically more medic units may be committed for calls with availability of one or two engines. Chief Ashe further noted most of the calls received in that hour required two or three units for effective response. He added all those factors within one hour created a unique challenge in addition to the fire. Chief Ashe noted reviewing data to see the status of all of the County's units at particular times to help with preparation and planning. He further noted collaboration and cooperation with localities, off-duty staff, and Camp Peary's fire engines. Chief Ashe stated people had questioned why so much water on a stick pile. He added the significant cost of business equipment, the wood pile as a business resource, and the mulch for business revenue made the effort a worthwhile endeavor. Chief Ashe noted the fire also served as a training opportunity and cited an example. He further noted the County's Fire Marshal's Office and Zoning Division had followed up with the business owner regarding compliance with the pile size. Chief Ashe stated the Fire Marshal addressed the necessary size for future operation access roads in addition to the parameters for the pile sizes. He noted calls from citizens regarding smoke smell and falling ashes on cars. Chief Ashe noted smoke may continue for another week unless additional rainfall occurred.

Mr. McGlennon asked if the excavator had been recovered.

Chief Ashe stated not yet. He showed some current photos of the burn site and the excavator courtesy of the Fire Marshal's recent visit back to the site. He noted complaints continued to be received regarding the smoke.

Ms. Larson asked what height for the wood pile would be too tall, adding this pile seemed too tall.

Chief Ashe responded specific requirements could be determined through the Special Use Permit (SUP) process. He noted the 2016 SUP for the site addressed the concrete and asphalt restoration process. Chief Ashe further noted a review of the Fire Prevention Code which specified the pile parameters were 250 feet long, 150 feet wide, and 25 feet tall. He stated this wood pile was too tall and lacked access routes of 25 feet each between each of the piles.

Ms. Larson thanked Chief Ashe, Fire Marshal Kenny Lamm, the fire crews, and everyone involved. She asked for an update when the burn pile was completely extinguished.

Chief Ashe confirmed yes.

Mr. Hipple noted this situation was a good example of the County's need for more firefighters. He further noted while events such as this fire were not daily occurrences the mutual agreements with neighboring localities were very important. Mr. Hipple stated some of the County's newest firefighters gained hands-on experience with this brush fire. He noted the collaboration of many County departments and mutual aid. Mr. Hipple asked Chief Ashe to extend the Board's thanks for all the hard work and effort to everyone on this particular fire.

Ms. Larson acknowledged all the mutual aid regarding the brush fire. She noted the significance of the drone footage.

Chief Ashe added that the drone footage offered a different perspective on the fire. He noted thermal imaging was an added point in viewing the footage.

Discussion ensued.

Ms. Larson extended her thanks to the Fire Department. She commended the Fire Department on its honor in recognizing one of the County's long-time firefighters who had retired, Mr. Richard Svadeba, at his memorial service.

Chief Ashe noted the Fire Department's Honor Guard did a great job with Mr. Svadeba's service.

Mr. Hipple thanked Chief Ashe.

F. BOARD CONSIDERATION(S)

1. Contract Award - \$833,350 - Replacement Ambulances

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

Chief Ashe addressed the Board noting as part of the Capital Improvements Program (CIP), the

Fire Department replaced its ambulances every 10-11 years. He noted the use of diesel medic units for the past 15-16 years, but the Department was in the process of transitioning back to gasoline motors. Chief Ashe further noted emission issues with diesel engines was a factor. He added the last two ambulances ordered were scheduled for February-March 2024 delivery. Chief Ashe noted with this contract award for two more ambulances would give the Department five front-line gasoline ambulances. He provided details on the contract and the equipment. Chief Ashe noted the two ambulances for this contract award were scheduled approximately 30 months out due to availability and backlogs. He further noted additional equipment such as stretchers for the ambulances would also be ordered and were included in the CIP account but were not part of this particular contract.

Mr. Hipple thanked Chief Ashe.

2. Powhatan Creek Watershed Management Plan Adoption

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

Mr. Michael Woolson, Section Chief, Stormwater and Resource Protection Division, addressed the Board noting he was joined by Ms. Toni Small, Director of Stormwater and Resource Protection Division, and Mr. Daniel Proctor with Stantec, the project's consultant. Mr. Woolson noted the County had six approved watershed plans with Powhatan Creek the first plan and first to be revised. He further noted many changes since the plan's original adoption 22 years earlier included revision to the 2004 Chesapeake Bay Preservation Ordinance and other factors. Mr. Woolson stated this watershed management plan mirrored other approved County plans in its encouragement of management improvement of County resources through development and private property owner incentives. He provided details on the Powhatan Creek Watershed and its watershed management plan. Mr. Woolson noted staff recommended the Board's adoption of the Powhatan Creek Watershed Management Plan. He further noted Mr. Proctor would provide a presentation on results of the study.

Mr. Proctor addressed the Board noting he would also provide some feedback from the public engagement process as part of the plan development. He provided a PowerPoint presentation which addressed the three main components of the watershed assessment. Mr. Proctor noted the components focused on a review of past information, field-level reconnaissance, and desktop-level analysis, adding he would identify key findings within each component in the presentation. He further noted these findings included review of bacteria levels, impervious cover trends, field assessments, water quality modeling, conservation area review, and flood risk review. Mr. Proctor stated two of the most flood prone areas in the County were within Powhatan Creek and they were Jamestown 1607 and Powhatan Shores. He noted several main takeaways from the study showed overall watershed health had declined over the last 20 years, but much of the watershed was still relatively healthy and worthy of protection for future activities. Mr. Proctor stated the plan included several recommendations in various areas such as regulation/enforcement, education/awareness, and others with examples of the recommendations. He noted a project website had been implemented for public engagement input, two public meetings were held, and other aspects of the public engagement piece.

Ms. Larson noted the water management plan was very informative. She further noted the mention of James City Service Authority pump houses and danger to those facilities. Ms. Larson referenced the importance of stormwater management and coordination with developers on many of these points. She noted contact with a local homeowners association that has been dealing with stormwater issues for over 20 years. Ms. Larson referenced the importance of transportation and flood information, educational opportunities, and other factors such as information regarding any application on the Eastern State property that would come before the

Board. Ms. Larson thanked Mr. Proctor.

Mr. McGlennon noted the plan included a large amount of information. He inquired if the County's stream bed restorations that had been implemented were holding up well over time while still maintaining the desired water quality. Mr. McGlennon also asked about impacts due to climate changes which produced more extreme rain events.

Mr. Proctor referenced the restorations, adding increased improvements had occurred in those specific areas. He noted the impact of higher sea levels with relation to pump stations and additional homes particularly along Neck-O-Land Road. Mr. Proctor further noted north of Jamestown Road was impacted by rainfall effects.

Mr. McGlennon noted recent Board action on the calculation of permitted units on developable versus gross land acreage. He referenced possible impacts to erosion and stormwater regulations with recent Board action.

Mr. Proctor noted any new development would have stricter stormwater regulations and compliance.

Mr. McGlennon thanked Mr. Proctor.

Mr. Hipple thanked Mr. Proctor. Mr. Hipple noted the 70% reference in the report, adding that was a good percentage currently for the watershed. He further noted adding anything could lower that percentage and questioned what measures could be taken to increase the percentage over time.

Mr. Proctor replied yes with the help of the collective recommendations listed.

Mr. Hipple noted current procedures were holding the percentage and questioned if additional regulations would be needed.

Mr. Proctor confirmed yes. He added the 70% was a collective percentage as some streams had improved over the past 20 years. Mr. Proctor noted earlier County policies had created positive effects for some streams, but other streams had worsened, and those risks still existed in those areas. He further noted additional work needed to be done.

Discussion ensued.

Mr. Icenhour thanked Mr. Proctor, adding this report was requested and received in an expeditious manner. He added it was also done in an excellent manner and provided a great reference for the Board to use. Mr. Icenhour noted the Executive Summary was very helpful. He referenced several key points in the Executive Summary. Mr. Icenhour noted the increased expense of fixing a broken watershed versus doing one right from the beginning and the importance of that initial action. Mr. Icenhour stated the Powhatan Creek watershed over the past 20 years showed a poor track record from the standpoint of Board approval. He referenced conservation areas and the irreparable damage done to some of those areas. Mr. Icenhour noted the plan was a good tool, but it needed to be used well. He referenced some cases where too much was put into too small of an area and some such cases were due to come before the Board. Mr. Icenhour noted the importance of this plan to guide the Board's decision and to ensure any Board decision would not worsen the Powhatan Creek watershed situation.

3. ORD-22-0005. Possible Zoning Ordinance Revisions to the Use List of the General Business District, B-1

A motion to Accept the Report was made by Ruth Larson, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

Ms. Costello addressed the Board referencing the Board's April 12, 2022, adoption of an Initiating Resolution for possible amendment consideration regarding the Use List of the General Business District, B-1. She noted staff had since reviewed the Use List for any uses no longer consistent with the intent of the B-1 District or appropriate uses that currently were not on the list but could be included. Ms. Costello further noted review of similar commercial district Use Lists in area localities for major differences compared to those of the County. She stated a review of the 2045 Comprehensive Plan was done regarding any language or Goals, Strategies, and Actions specific to the B-1 Use List. Ms. Costello noted staff found no immediate reference to uses for deletion or addition to the B-1 Use List. She further noted the Policy Committee at its August 10, 2023, meeting agreed with staff's review without further guidance from the Board.

Mr. McGlennon questioned what principles guided staff recommendations regarding SUP requirements. He asked what factor(s) contributed to staff's recommendation.

Ms. Costello stated for this review it had only pertained to the B-1 Use List. She noted a comparison to other localities for possible deletions or additions had been considerations.

Mr. Hipple thanked Ms. Costello.

Mr. Icenhour asked if the motion was to accept the report and leave the Use List as it was.

Mr. Paul Holt, Director of Community Development, addressed the Board noting this Initiating Resolution was one of five that the Board had adopted. He noted the Board could accept the report as presented, direct staff not to pursue this point currently, and revisit consideration at a later time if the Board wished.

Mr. McGlennon noted at times zones adjoin other land uses and referenced the example of school zones near certain types of businesses. He questioned if those businesses would require an SUP.

Mr. Holt referenced one of the Initiating Resolutions had addressed vape shops and other specific products. He noted the particular verbiage as adopted by the Board in the Ordinance addressed that point. Mr. Holt further noted the strength of the Zoning Ordinance was its overarching commercial requirements of the SUP with regards to businesses within districts.

Mr. McGlennon thanked Mr. Holt.

G. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour noted, as the representative to the Greater Williamsburg Chamber of Commerce Board of Directors and a member of the Military Affairs Committee, the Home for the Holidays program had started. He further noted the program, currently in the fundraising aspect, was a program designed to provide travel stipends to junior enlisted military personnel at Naval Weapons Station Yorktown, the Marine Corps Security Force Regiment, and the United States Coast Guard Training Center Yorktown. Mr. Icenhour stated 40 people were sent home with \$300 travel credits last year. He added this year's goal was 60 people as last year there had been 70-plus applicants. Mr. Icenhour encouraged people to visit the Greater Williamsburg Chamber of Commerce website and use the Home for the Holidays link to donate. He added local businesses donated as did retired military and family members of active military. Mr. Icenhour stated applications would be received through November with awards presented in the first week of December.

Mr. McGlennon referenced a recent Zoom meeting sponsored by the area Sierra Club chapter when local governments presented information on their initiatives for environmental condition improvements in local communities and programs over the past few years. He commended Ms. Joanna Ripley, Assistant Director of General Services Department for the County, for an outstanding presentation. He noted staff did an outstanding job. Mr. McGlennon noted his recent attendance at the Annual United Way of the Virginia Peninsula with nonprofit organizations and elected officials. He added details regarding the format which rotated elected officials to six tables with various nonprofit organizations. Mr. McGlennon noted discussion on the work of the nonprofit organizations ensued, adding it was very informative. He further noted on October 5 at 6 p.m. citizens would have the opportunity to meet the County's new Police Chief, Mark Jamison, at a meeting hosted by Mr. McGlennon at James River Elementary School.

Ms. Larson asked Mr. Stevens if there was an upcoming School Liaison Committee meeting.

Mr. Stevens noted he would check as he had not seen anything on a meeting.

Ms. Larson noted the Williamsburg Tourism Council meeting had taken place last week and she reminded everyone those meetings were open to the public. She referenced a softening during the summer with people staying in hotels but possibly not attending as many attractions. She added the heat could have been a factor. Ms. Larson noted marketing efforts continued. She further noted the Chamber Meeting was held at Eastern State which she added she had previously toured. Ms. Larson thanked the Greensprings HOA for hosting Mr. Stevens, Mr. Joe Buchite, Section Chief Inspections, Stormwater and Resource Protection Division, and herself at its meeting. She noted Mr. Buchite had spent considerable time at the Greensprings subdivision, adding when development was done incorrectly, County resources were used to correct the problem(s) with taxpayer money and not by the developer. She added there were some major issues that needed addressing at Greensprings soon.

Mr. Hipple noted his attendance at the Hampton Roads Transportation Accountability Committee (HRTAC) and Hampton Roads Military and Federal Facilities Alliance (HRMFFA) meetings with Mr. Stevens. He further noted the Finance Committee meeting was followed by HRMFFA and then HRTAC. Mr. Hipple stated he was now the liaison for the Hampton Roads Tunnel boring machine where he served as the connection between that operation and the Virginia Department of Transportation (VDOT). He noted he and Mr. Stevens had taken a tour of the tunnel to see the progress. Mr. Hipple further noted funding was being split with VDOT on the project so HRTAC would not be solely funding it. He further noted he would provide the Board with progress reports.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens noted he had two items to report. He stated the first item was a reminder that the last two dates, September 27 and October 4, were slated for the New Town Tunes concert series. He further noted gates open at 5 p.m. with the concerts starting at 5:30 p.m. Mr. Stevens added the second item was the Halloween with Heroes event which was scheduled for October 25, 6-8 p.m. at the Law Enforcement Center. He noted the event was hosted by the James City County Police Department.

I. CLOSED SESSION

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

At approximately 2:57 p.m., the Board of Supervisors entered a Closed Session.

At approximately 4:35 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: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

1. Discussion or consideration of the disposition of publicly held real property located at 2054 Jamestown Road, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
2. Discussion or consideration of the acquisition of a parcel of real property located along Jamestown Road, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
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, the City of Williamsburg, and WJCC Schools.
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 York County, James City County, the City of Williamsburg, and the Williamsburg Regional Library.
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

A motion for Appointment to Boards and/or Commissions as made by James Icenhour, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

- a. Appointment - Clean County Commission

Mr. Icenhour noted the appointment of Mr. Tim Stanley to the Clean County Commission for a term beginning September 26, 2023, and expiring July 31, 2026.

- b. Appointments - Chesapeake Bay Board and Wetlands Board

Mr. Icenhour noted the reappointment of Mr. Charles Roadley to the Chesapeake Bay Board and Wetlands Board for a term beginning October 1, 2023, and expiring December 1, 2028. Mr.

Icenhour noted the appointment of Ms. Leslie Bowie, a former alternate, to the Chesapeake Bay Board and Wetlands Board for a term beginning October 1, 2023, and expiring December 1, 2028.

c. Reappointment - Social Services Advisory Board

Mr. Icenhour noted the reappointment of Ms. Adrian Carter to the Social Services Advisory Board for a term beginning September 23, 2023, and expiring September 23, 2027.

d. Appointments - Williamsburg Area Arts Commission

Mr. Icenhour noted the reappointment of Mr. Thomas Phelps to the Williamsburg Area Arts Commission for a term beginning September 26, 2023, and expiring June 30, 2026. He further noted the reappointment of Ms. Robin Phillips to the Williamsburg Area Arts Commission for a term beginning September 26, 2023, and expiring June 30, 2026.

6. Certification of Closed Session

J. ADJOURNMENT

1. Adjourn until 5 pm on October 10, 2023 for the Regular Meeting

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

At approximately 4:37 p.m., Mr. Hipple adjourned the Board of Supervisors.

MEMORANDUM

DATE: October 24, 2023

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Neighborhood Development Administrator

SUBJECT: 2023 Scattered Site Housing Rehabilitation - Community Development Block Grant Application

On November 22, 2016, the James City County Board of Supervisors adopted the 2035 Strategic Plan. The Strategic Plan identifies seven goals and is the County's guidebook for future investments, the provision of public services and facilities, and County work plans for the next 20 years. The plan sets priorities to be incorporated into future County budgets, Capital Improvement Plans, and new initiatives to be undertaken by County departments.

Adopted Goal No. 5 (Exceptional Public Services) includes an Operational Initiative to "Develop Strategies to Address Findings in the Housing Conditions Study." The Housing Conditions Study found that approximately 946 homes in the County need significant repairs, at least 82 of which are severely dilapidated single-family homes.

The Workforce Housing Task Force report completed in February 2019 recommended that the County increase the resources available to rehabilitate single-family homes, with a priority given to homes identified in the Housing Conditions Study.

Since the completion of the Housing Conditions Study and adoption of the Strategic Plan, the County has obtained three grants from the Virginia Department of Housing and Community Development (DHCD) to rehabilitate or replace unsafe homes owned by low-income residents, including:

- \$350,000 to rehabilitate 10 homes with the Rural Homeowner Rehabilitation Grant.
- \$1,000,000 to rehabilitate 16 homes with the Scattered Site Rehabilitation Grant.
- \$720,000 to substantially reconstruct five homes in the 2021 Scattered Site Rehabilitation Grant; funds remain after completing the five homes; therefore, the 2021 grant will expand its benefits to rehabilitate two or three additional homes.

Staff would like to continue to address the substandard homes identified in the Housing Conditions Study by applying for a new round of funding to assist another 13 people in seven households, all of whom are low-income.

To do this, staff has recently become aware of a new funding opportunity from DHCD. For 2023, DHCD is accepting Scattered Site Rehabilitation Grant applications on a rolling basis until December 31, 2023.

If approved, a Community Development Block Grant (CDBG) totaling \$860,259, \$779,500 of which is CDBG funds and \$80,759 is local funds, would allow the County to undertake a two-year County-wide Housing Rehabilitation project to rehabilitate five homes and replace two homes, benefiting 13 people, all of whom are low-income. The project area for this funding is the entire County and is not limited to any specific area or neighborhood.

2023 Scattered Site Housing Rehabilitation - Community Development Block Grant Application

October 24, 2023

Page 2

For budget planning purposes, the local share will include \$3,000 of volunteer and in-kind services from Housing Partnerships, Inc., and \$77,759 of program income from prior CDBG projects in the County.

DHCD does not require a local contribution; however, County contributions make the application request more competitive in the statewide selection process.

As a requirement of the application process, public hearings were held on April 13, 2023, and October 18, 2023, regarding the proposed project and the use of CDBG funding.

Staff recommends approval of the attached resolution to authorize the submission of a CDBG application to undertake the 2023 Scattered Site Housing Rehabilitation program.

AVP/ap

SSHR23_CDBG-mem

Attachments:

1. Resolution
2. Summary of the Public Hearings held on April 13, 2023, and October 18, 2023, regarding the Proposed Project and the Use of CDBG Funding

RESOLUTION

2023 SCATTERED SITE HOUSING REHABILITATION -

COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

WHEREAS, financial assistance is available to units of local government through the Commonwealth of Virginia Community Development Block Grant (CDBG); and

WHEREAS, in compliance with CDBG requirements, two public hearings were advertised in a newspaper with general circulation in the County, posted on County social media sites, and held on April 13, 2023, and October 18, 2023, regarding this application; and

WHEREAS, James City County wishes to apply for \$779,500 in CDBG funds to be used to undertake a County-wide two-year Scattered Site Housing Rehabilitation program throughout the County; and

WHEREAS, James City County is expecting to make a local contribution of up to \$77,759 in local funds; and

WHEREAS, Housing Partnerships, Inc. has committed to provide \$3,000 in in-kind services; and

WHEREAS, the program is anticipated to benefit 13 people in seven households, of whom all are low-income, by providing housing rehabilitation, which will meet the Housing and Community Development Act of 1974 Section 104(b) National Objective of providing benefits to persons of low- and moderate-income.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, pursuant to two public hearings, and the County of James City, Virginia, hereby wishes to apply for \$779,500 of CDBG funds for a 2023 Scattered Site Housing Rehabilitation program.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to sign and submit appropriate documents.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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

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

Blaze preps racetrack for summer season

By Kim O'Brien Root
Editor

NEW KENT — Colonial Downs set fire to its Secretariat Turf Course last week to prepare the racetrack for its summer horse racing season.

The annual controlled burn prepares — and actually helps — the racing surface for the nine-week season, which is scheduled to begin July 13 and go through Sept. 9.

“The burn takes dead cover off the turf in a rapid manner and allows it to grow back more lush, green and safe within weeks, if not days,” said Colonial Downs spokesman Mark Hubbard.

“The controlled burn strategy is used as opposed to trimming, because the fire drives nutrients back into the soil.”

The controlled burn

method is preferred to cutting the grass, Hubbard said. The process is quicker and more efficient.

Track employees, working with New Kent Fire-Rescue and the Virginia Department of Forestry, started the burn the afternoon of March 28. Virginia law prohibits open burning before 4 p.m. this time of year, so the track was set ablaze just afterward.

Colonial Downs workers used a drip torch, a device that holds kerosene. Once the torch is lit, it drips fire, allowing the holder to basically draw a fire along a line.

The fire was set into the wind, which allows it to burn back on itself, said New Kent Fire Chief Rick Opett. A crew of about 10 firefighters stayed on scene during the burn, positioned inside and outside of the track’s perimeter to keep flames from spreading. A

crew of “fire swatters” was also on hand to make sure the fire stayed within the planned boundaries.

But nothing went amiss. Opett said it was “probably one of our smoothest burns we’ve had in a while. ... The weather conditions were perfect, the winds weren’t too crazy.”

It took about two hours for the flames to work their way across the old, dead layer of thatch, leaving a charred surface behind. Colonial Downs adds a fresh layer of dirt after a burn, leaving plenty of time for the grass to grow back for the season.

“In another week, with that good sun, we should have a layer of green,” Opett said.

At 180 feet wide, the Secretariat Turf Course is the widest grass racing course in North America, while its 1 1/4-mile dirt track is the country’s second longest.

The turf course is named for the famed thoroughbred who swept the Triple Crown Series in 1973.

Secretariat, considered one of the greatest racehorses of all time, was born in 1970 in Doswell and



Colonial Downs set fire to its Secretariat Turf Course on March 28 to prepare the racetrack for its summer horse racing season. The annual controlled burn prepares — and actually helps — the racing surface for the nine-week season, which is scheduled to begin July 13 and run through Sept. 9. **COLONIAL DOWNS**

trained in Virginia.

Colonial Downs plans to commemorate the 50th anniversary of Secretariat’s historic season this summer.

The year’s racing season will feature three Thoroughbred stakes races that are moving to the New Kent course for the first time — the Grade 1 Arlington Million, the Beverly

D. Stakes and the Grade 2 Secretariat Stakes.

In addition, the racetrack will be modifying its live race days to Thursdays, Fridays and Saturdays instead of the traditional Monday, Tuesday and Wednesday schedule. The change is intended to make horse racing more accessible to everyone, the race-

track has said.

The 2023 race season will be the first under the new owners, Churchill Downs Incorporated, the owners of the Kentucky Derby venue, after the sale was finalized last year.

Kim O'Brien Root,
kimberly.root@virginiamedia.com

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W&M reschedules Hearth memorial vessel dedication ceremony to May 4

By Sian Wilkerson
Staff Writer

WILLIAMSBURG — The dedication ceremony for William & Mary’s Hearth Memorial to the Enslaved vessel has a new date.

The event has been rescheduled to May 4 at 5:30 p.m., the school announced Tuesday morning. In March, a handcrafted vessel was installed in the memorial, which commemorates those who were enslaved by William & Mary, bringing

their stories and role in the school’s history to the forefront. The vessel, which was created by Richmond artist Charlie Ponticello, will hold the hearth’s fire and will be illuminated during ceremonial occasions throughout the year. The dedication ceremony was originally scheduled for April 1, but was postponed because of inclement weather.

Sian Wilkerson, sian.wilkerson@pilotonline.com, 757-342-6616



In March, a handcrafted vessel was installed in Hearth Memorial to the Enslaved, which commemorates those who were enslaved by William & Mary, bringing their stories and role in the school’s history to the forefront.

STEPHEN SALPUKAS/WILLIAM & MARY

James City County Virginia Jamestown 1607

Community Development Block Grant

James City County will hold a public hearing on Thursday, April 13, 2023, at 6 PM, to solicit public input on local community development and housing needs in relation to Community Development Block Grant (CDBG) funding for a project in our community.

The meeting will be held at the Griffin Yeats Community Center located at 1490 Government Rd, Williamsburg, VA 23185 Rm 6a

Information on the amount of funding available, the requirements on benefit to low- and moderate-income persons, eligible activities, and plans to minimize displacement and provide displacement assistance as necessary will be available. Citizens will also be given the opportunity to comment on James City County’s past use of CDBG funds. All interested citizens are urged to participate. For additional information, contact **Marion Paine at 757-253-6673**.

Comments and grievances can be submitted in writing to Neighborhood Development at 101-A Mounts Bay Road, Williamsburg, VA 23188 or by phone at 757-253-6673 or Relay 711 for the hearing impaired until May 1, 2023, Monday thru Friday 8am to 5pm.

If you plan to participate and have any special needs requirements, please call the number listed above.

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Moses Lane Community Block Grant – 1st Public Meeting

6pm

April 13, 2023

1. Sign In
2. Housekeeping
3. Review Agenda
4. Overview Presentation
5. Questions and Answers
6. Adjourn

In Attendance:

Ms. J Mathews 1314 Moses Ln

Ms. M. Lightfoot 1316 Moses Ln

Ms. A. Hilt 1312 Moses Ln

Mr. A.V. Poller James City County

Mr. Poller thanked those in attendance for coming out.

After housekeeping the presentation was given

Q&A

- Ms. Lightfoot asked if anything could be done about the tree in front of her house. She stated that limbs were falling off of it and she was concerned someone could be hurt.
- Mr. Poller responded that he'd ask someone from JCC General Services, come out and inspect the tree.
- Ms. Hilt stated that she is still experiencing water standing in her back yard.
- Mr. Poller stated that he hoped that the funding being applied for would improve the drainage enough to improve the drainage conditions in her yard.
- There being no further questions the meeting was adjourned at 6:45pm

Notice of Trustee's Sale of Time-Share Estates at Manor Club at Ford's Colony, a Condominium, Ford's Colony and St. Andrews Drive, James City County, Virginia, on April 19, 2023

In execution of the hereinafter described memoranda of liens for time-share estate regular and/or special assessments and/or maintenance fees and related charges due from the Owners named below to the Manor Club at Ford's Colony Time-Share Association (the "Association"), which memoranda are the respective instruments referenced below and recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and the County of James City, on the respective dates shown below, the undersigned duly appointed Trustee hereby offers for sale, pursuant to Virginia Code § 55.1-2211, "as is," and subject to all prior liens, covenants, restrictions, and interests, whether or not of record, at public auction on April 19, 2023, at 1:30 P.M. at the front of the courthouse for the County of James City and the City of Williamsburg, located at 5201 Monticello Avenue, Williamsburg, Virginia, the following time-share estate(s) in the following condominium unit(s) located in the Manor Club at Ford's Colony time share condominium, which are all located at the intersection of Ford's Colony and St. Andrews Drive, 101 St. Andrews Drive, Williamsburg, James City County, Virginia, with the address of each time share estate being the Street No. shown below on St. Andrews Drive, Williamsburg, Virginia 23188, for the respective time share estate, which such time-share estate(s) is/are generally described in and subject to all provisions and liens created by the Time-Share Declaration recorded in the aforesaid Clerk's Office in Deed Book 619, Page 1 (as amended and supplemented from time to time), and further subject to and part of a condominium regime created by that certain Declaration of Condominium of Manor Club at Ford's Colony, a Condominium, recorded in the aforesaid Clerk's Office in Deed Book 618, at Page 744 (as amended and supplemented from time to time), and which such time-share estates subject to sale herein are more particularly described below and in the hereinafter referenced recorded liens with regard to the respective undivided marital or co-tenant interests therein (unless otherwise indicated):

The Following Time Share Estate Subject to Sale Under the Herein Below Described Lien Constitutes A One Over Fifty-One and One-Half (1/51) Undivided Interest in the Following Described Condominium Unit:

OWNERS	Street Adr.	Condo No.	Est No.	Parcel ID No.	Date of Lien Recordation	Lien Instr. No.
JACINTO GASTON KANOORE EDUL AND AIDA ESTER VALLEJO	1117	1117	15	3130801117	5/11/2022	202207568
EUGENE L. MCKAY PATRICIA A. MCKAY	1118	1118	32	3130801118	5/11/2022	202207569
CHERI ANN THOMPSON	1118	1118	49	3130801118	6/8/2022	202209077
CHERI ANN THOMPSON	1121	1121	16	3130801121	6/8/2022	202209080
CARTER W. FELLEBAUM CHRISTINE B. FELLEBAUM	1125	1125	45	3130801125	5/11/2022	202207573
LYNN S RAPPAPORT LEWIS A. RAPPAPORT	1126	1126	13	3130801126	5/11/2022	202207574
LAWRENCE C. GARVEY ILENE C. GARVEY	1126	1126	17	3130801126	5/11/2022	202207575
GORDON E. TAYLOR DEBORAH TAYLOR	1128	1128	25	3130801128	7/20/2022	202211154
LAWRENCE J. MINOR BEVERLY W. MINOR	1133	1133	11	3130801133	5/11/2022	202207579
ALICIA S. BEACH-HALVERSTADT (AKA ALICIA S. BEACH) TRUSTEE THE ALICIA S. BEACH TRUST DATED SEPTEMBER 13, 1991	1211	1211	20	3130801211	5/11/2022	202207581
EUGENE L. MCKAY PATRICIA A. MCKAY	1214	1214	24	3130801214	5/11/2022	202207580
BRYCE BURKHART	1221	1221	36	3130801221	5/11/2022	202207589
CHARLES A. WELLER PATRICIA A. WELLER	1222	1222	34	3130801222	5/11/2022	202207593
JOSEPH WILLIAM HOHLER	1226	1226	15	3130801226	5/12/2022	202207613
MARIANNE SADELL JEANINE SZEWCZYK	1423	1423	30	3130801423	3/7/2022	202203632
MARGOT MELLIES, DWANEY EDWARD RATLIFF KELLY GRACE RATLIFF	1511	1511	38	3140701511	5/13/2022	202207678
MARIA FERNANDA GONZALEZ MARIA CAMILA CASADIEGO GONZALEZ	1516	1516	19	3140701516	5/13/2022	202207693
THOMAS W. WUJICKI SUSAN K. WUJICKI	1521	1521	33	3140701521	6/8/2022	202209073
THOMAS J. TEMPLETON CHRISTINE L. TEMPLETON	1533	1533	22	3140701533	5/13/2022	202207699
GLORIA ELENA RAAD RAAD MICHELLE MALUF RAAD	1533	1533	25	3140701533	5/13/2022	202207707
ROBERT W. MCISAAC KAREN C. MCISAAC	1615	1615	18	3140701615	6/8/2022	202209063
TERRY E. GILLAND PHYLLIS A. GILLAND	1623	1623	09	3140701623	5/13/2022	202207747
THOMAS G. SCHAEFER	1632	1632	05	3140701632	5/13/2022	202207751
PATRICK W. COOKE MARY P. COOKE	1711	1711	15	3140701711	5/13/2022	202207753
RICHARD S. GRIBBIN BARBARA J. GRIBBIN	1713	1713	49	3140701713	5/13/2022	202207763
MARIA FERNANDA GONZALEZ MARIA CAMILA CASADIEGO GONZALEZ	1713	1713	51	3140701713	5/13/2022	202207770
RICARDO ARMANDO GUZMAN, MARIA EUGENIA GARCIA PEREZ, JUAN FERNANDO GUZMAN, ADRIANA GUZMAN	1715	1715	42	3140701715	6/8/2022	202209079
LAWRENCE J. KILBRIDE JULIA A. KILBRIDE	1721	1721	34	3140701721	5/16/2022	202207833
LEON S. NELLENBACK CAROL J. NELLENBACK	1811	1811	10	3140701811	5/18/2022	202207911
KATHRYN L. THOMAS	1815	1815	06	3140701815	5/18/2022	202207926
ROBERT H. RUSH	1824	1824	38	3140701824	5/18/2022	202207931
CAROL S. BRINKLEY	1826	1826	44	3140701826	5/18/2022	202207936
LAFRANTZE V. DAVIS STEPHANIE J. DAVIS	1836	1836	49	3140701836	5/18/2022	202207942
CARBONI, MARY JANE	2111	2111	18	3131102111	5/12/2022	202207618
CARBONI, MARY JANE	2112	2112	09	3131102112	5/12/2022	202207622

The Following Time Share Estates Subject to Sale Under the Herein Below Described Liens Each Constitute A One Over Fifty-One and One-Half (1/51.5) Undivided Interest in the Following Described Condominium Units:

OWNERS	Street No.	Condo No.	Est No.	Parcel ID No.	Date of Lien Recordation	Lien Instr. No.
ANTONIO BENINCASA VIRGINIA LOMBARDI	2304	2304	19	3131102304	5/13/2022	202207675
LAWRENCE J. KILBRIDE JULIA A. KILBRIDE	2304	2304	40	3131102304	5/13/2022	202207677
RUTH H. NATON, WIDOW	2305	2305	32	3131102305	11/4/2022	202215849
ROBERT PFISTER, AS TRUSTEE OF THE BARBARA D. PFISTER TRUST, DATED MAY 4, 1995, AS AMENDED MAY 31, 2000	2305	2305	44	3131102305	5/13/2022	202207734
JOHN GRANT MATHIAS	3111	3111	19	3131103111	5/13/2022	202207701
CHARLES WALKER, JR. SUE F. WALKER	3115	3115	21	3131103115	5/13/2022	202207704
MICHAELINA J. CARTER GEORGE R. CARTER	3204	3204	21	3131103204	5/13/2022	202207710
GRETCHEN B GREEN, WIDOW	3216	3216	37	3131103216	5/13/2022	202207735
JOHN F. STRAZZULLO CAROLE A. STRAZZULLO	4114	4114	40	3140704114	5/13/2022	202207756
JOHN F. STRAZZULLO CAROLE A. STRAZZULLO	4114	4114	41	3140704114	5/13/2022	202207758
RICHARD W. MARKLEY JOANNE G. MARKLEY	4204	4204	26	3140704204	5/13/2022	202207759
GEORGE L. HUBER JR. GWENDOLYN K. HUBER	4211	4211	20	3140704211	5/13/2022	202207764
GRETCHEN B GREEN, WIDOW	4213	4213	16	3140704213	5/13/2022	202207771
KURT H. WEIDEMAN CHERYL A. WEIDEMAN	4214	4214	32	3140704214	5/13/2022	202207776
STEVEN A. SHUMAN ELIZABETH G. SHUMAN	4303	4303	01	3140704303	6/8/2022	202209081
DOROTHY RYAN	4303	4303	29	3140704303	5/13/2022	202207780
SHAWN M. KELLY ANNE KELLY	4304	4304	12	3140704304	5/13/2022	202207782
JENNIFER MARIE NEWMAN NORA M. MCINTIRE	4304	4304	42	3140704304	5/16/2022	202207834
LEE T. SLATTERY MARY B. SLATTERY	4305	4305	49	3140704305	5/16/2022	202207836

TERMS OF SALE: CASH, AS IS, WHERE IS. A deposit of 33% of the sale price for each time-share estate will be required (in cash, certified or cashier's check) before a bid is accepted at sale; in the event the Association makes a bid, the deposit requirement may be satisfied by a credit for amounts due under the respective lien. Written one-price bids may be made and shall be received as provided in Virginia Code § 55.1-2211(D)(8)(a). Each purchaser will be required to sign a purchase and sale agreement containing terms of sale, including acknowledgment that the sale and the conveyance of the time-share is made subject to the terms and conditions contained in the above referenced Declaration, including all rights of the Association thereunder, and to the Association's by-laws, and regulations. Settlement shall occur within 15 calendar days of the sale date, TIME BEING OF THE ESSENCE. If any bidder fails to complete timely settlement, the deposit shall be applied to pay the costs and expenses of the sale, and the balance, if any, may be retained by the Association in connection with the sale. The sales and time-share estates are subject to all rights of the Association under the Declaration and all liens, encumbrances, easements, and restrictive covenants of record as they apply to said time-share estate(s). The time-share estates will be conveyed by special warranty deed. If the trustee is unable to convey title to the time-share estate, the purchaser shall be entitled to the return of the deposit as its sole remedy. Except for the grantor's tax, Purchaser shall pay all recordation taxes and all other fees, costs and charges incurred at settlement, including the fees and costs of Purchaser's settlement agent. The Trustee reserves the right at any time to amend or supplement the terms of sale, modify the requirements for bidders' deposits and/or date of settlement, withdraw all or some of the time-share estates from the sale before commencement of bidding thereon, and postpone the sale, as the Trustee may determine in his discretion. If the Trustee is unable to convey title to any respective time share estate, the Purchaser's sole remedy shall be the return of the deposit. Additional terms may be announced at the time of sale.

THIS COMMUNICATION IS MADE IN AN ATTEMPT TO COLLECT A DEBT.

Trustee: James J. Knicely, The Knicely Law Firm, P.C., 487 McLaus Circle, Suite 2, Williamsburg, Virginia 23185, (757) 253-0026.
 MANOR CLUB AT FORD'S COLONY TIME-SHARE ASSOCIATION by and through its Managing Agent, MARRIOTT RESORTS HOSPITALITY CORPORATION, a South Carolina corporation, 1200 Bartow Highway, Lakeland, Florida 33801
 CONTACT FOR INQUIRIES: Marriott Vacations Worldwide Corp., Financial Services 1-800-895-5386
 Publication Dates: March 22, 2023, March 29, 2023, April 5, 2023 & April 12, 2023.

ARTS REVIEW

Chamber Music Society of Williamsburg closes season of top-notch events

By John Shulson
 Correspondent

The Chamber Music Society of Williamsburg closed its season April 4 with the Hermitage Piano Trio in yet another splendid program of high-quality performances.

The program at the Williamsburg Library Theatre opened and closed with bright, sunny Spanish sounds that surrounded two highly emotional and dark Russian works, the latter particularly suited for Russian-born Misha Keylin (violin), Sergey Antonov (cello) and Ilya Kazantsev (piano).

The acclaim of this multiple-times nominated Grammy ensemble is well-built on the qualities heard here: warm, rich blended sounds, passion, overflowing technique, sensitivity, lyricism and interpretative abilities. Those qualities have not wavered in the least over the years.

As strange as this sounds, I find a sense of pleasure in hearing Shostakovich's acutely mournful lines, the pleasure being how skillfully he managed to use music to reach deep into the listener's soul and pull and shape indescribable emotions. Intense. Cerebral. Emotionally stunning, especially given the 1944 atmosphere when written — the siege of Leningrad and Nazi death camps.

From the opening moments with the cello in eerie, haunting high range harmonics to a demonic waltz-like dance into extended moments of dark lyricism, this piano trio

showed deep commitment in bringing the extreme feelings Shostakovich penned, inspired by the death of a dedicated associate.

Following intermission, the trio offered up Rachmaninoff's Trio No. 1 in G Minor, "Élégiaque." Much like the Shostakovich, this is a somewhat moody, dark hued, dramatic work that's filled with searing, agitated and passionate lines, culminating in a recurring plaintive motif funeral march.

The Hermitage soothed things out a bit with an arrangement of Rachmaninoff's "Vocalise," made especially for the ensemble. True to the original, it was lyrical and flowing and exquisite in composition and playing.

The evening opened on a lovely and sunny tone with Turina's Piano Trio No. 2 in B minor. Rich in harmony and color and somewhat bridging the classical and romantic genres, it was a sweeping landscape of warm sounds.

Closing the fare was the Cassadó Piano Trio in C major. Much like the Turina, it's a work of warmth and rich harmonies and impressionistic touches inspired by Ravel. More Spanish in flavor than the Turina, its rhythms and dynamics are exciting, the last few minutes breaking out into a wild flurry of activity that brought the full house to its feet in vocal appreciation. It was another very fine evening of music making.

Have information about arts in the Historic Triangle? Contact John Shulson at johnshulson@gmail.com.

Council members hear city budget proposal presentation

By Sian Wilkerson
 Staff Writer

WILLIAMSBURG — The city budget took another step closer to finalization as Williamsburg City Manager Andrew Trivette presented his budget proposal to members of City Council.

At Monday's work session, Trivette told council members that there are three main goals of the proposed budget: finalizing funding for a new downtown library, improving the benefits package for city employees and eliminating the city's reliance on funds from U.S. Housing and Urban Development, which administers programs that provide housing and community development assistance.

The 2024 proposal totals \$90.7 million, a decrease of more than \$27 million from last year's \$117.8 million. The budget proposal was released March 31 and is available on the city's website at williamsburgva.gov/217/Budget.

Over 16% of the city's budget is slated for Williamsburg-James City County Public Schools. That \$14.2 million includes \$10.4 million in operating funds.

Vice Mayor Pat Dent asked Trivette to talk more about the property assessment process, explaining that this is something he hears frequent questions about from the community.

"Most cities in the Commonwealth reassess property value every year," Trivette said. "The reason we do it every year is so that the increases aren't quite so shocking in the adjustment process. ... This is not something where we just decide in a room that we're going to increase property values by 15-20% this year to make sure that we have enough revenue."

In the budget proposal document, Trivette explained that while the property tax rate — 62 cents per \$100 of assessed value — will stay the same, property owners can expect to pay a higher tax bill due to an expected increase in assessed values.

The public is invited to comment at Thursday's regular meeting at the Stryker Center or email Trivette or City Council members at citymanager@williamsburgva.gov and council@williamsburgva.gov, respectively. The adoption of the budget is slated for May 11.

In other business, council heard an update on Virginia Peninsula Community College's

current status and its future direction from Towuanna Porter Brannon, the school's president. There are around 10,000 students enrolled at the college, including around 9,000 traditional students and 1,000 students in workforce development. In the fall, the college, which has campuses in Hampton and near Williamsburg, received its first increase in enrollment in eight years.

Forty percent of the students are in the traditional transfer program, with intentions of transferring to another college to get their bachelor's degree, while 30% are enrolled in an occupational/technical program. Non-curricular students make up 31% of students, meaning that they're enrolled in a specific class.

Additionally, more than 1,700 students from local high schools are taking part in dual enrollment programs.

The college is working to increase its presence locally to enhance the student experience in the Historic Area campus.

"I think everyone in the room would agree that education is extremely important and the unique product that you provide your students is really what we need to see to help economic development," said City Mayor Doug Pons. "Being able to provide the catalyst for the person to get the education they need to get the job is critical."

The council also heard from Dave Beals, a director of the Colonial Soil and Water Conservation District, about its current efforts.

The Colonial Soil and Water Conservation District is an independent political subdivision within the state of Virginia, serving James City, Charles City, New Kent and York counties as well as the city of Williamsburg. As one of the state's 47 soil and water conservation districts, the Colonial district works to deliver environmental education programs, conservation and nutrient management planning.

One of the programs in Williamsburg is the Williamsburg Community Growers Partnership, located near the WISC complex. The program has donated more than 5,000 pounds of produce to local community members over the past two years. The district received \$6,500 in funding from the city last year to help with these initiatives.

Sian Wilkerson, sian.wilkerson@pilotonline.com, 757-342-6616



Community Development Block Grant - Second Public Hearing Scheduled

James City County will hold a public hearing on April 20, 2023, at 6:30 p.m. at the Griffin Yeats Community Center, located at 1490 Government Road, to solicit public input on a proposed Community Development Block Grant (CDBG) proposal to be submitted to the Virginia Department of Housing and Community Development for the 2023 Moses Lane roadway improvement project. Residents of the County are encouraged to attend. The Program proposal will include construction of subdivision roadway to VDOT standards, rehabilitation of unsafe owner-occupied homes for low- and moderate-income households and the removal of derelict structures in the neighborhood.

The draft CDBG proposal will be presented for comment along with information on projected beneficiaries, including the number of low- and moderate-income residents to benefit from the proposed project, and plans to minimize displacement. Citizens will also be given the opportunity to comment on James City County's past use of CDBG funds. A fact sheet on the proposed project and the draft proposal is available at 101-A Mounts Bay Road, Williamsburg, VA23185. For additional information, contact Marion Paine 757-253-6673.

Comments and grievances can be submitted in writing to Neighborhood Development at 101-A Mounts Bay Road, Williamsburg, VA 23188 or by phone at 757-253-6673 or Relay 711 for the hearing impaired until May 1, 2023, Monday thru Friday 8 a.m. to 5 p.m.

If you plan to participate and have any special needs requirements, please call the number listed above.

NAME

Email Address

NAME	Email Address
A. Vaughn Poller	vaughn.poller@jamescitycountyva.gov
Audrey Ragsdale	audreybuy452@gmail.com
Agatha Hill	agathahill@gmail.com

Moses Lane Community Block Grant – 2nd Public Meeting

6:30 pm

April 20, 2023

1. Sign In
2. Review Agenda
3. Overview Presentation
4. Questions and Answers
5. Adjourn

In Attendance:

Ms. A. Ragsdale 1317 Moses Ln

Ms. A. Hilt 1312 Moses Ln

Mr. A.V. Poller James City County

Mr. Poller thanked Ms. Ragsdale and Ms. Hilt for attending.

A presentation was made.

Q&A

- Mr. Poller reiterated that the funding being sought would cover the cost of Phase 1A and 1B but not the major upgrades shown in Phase 2.
- Attendees asked the reason and Mr. Poller stated that the cost was more than could be accomplished with one grant application.
- Ms. Hilt questioned what could be done to get more people to come out.
- Mr. Poller stated that he though many people felt they understood what they were trying to do. He also stated that the weather being so nice, people likely had other things to do.
- Ms. Ragsdale mentioned that she'd taken a new position at work and that was why she missed the first meeting.
- Ms. Ragsdale stated that the potholes were beginning to return to the road.
- Ms. Hilt stated that it was so dark on the road and that people were again parking at the end of the road at night.
- There being no further questions the meeting was adjourned at 7:30 pm

Street Improvements Community Meetings

MOSES LANE

**April 13, 2023, 6 p.m. &
April 20, 2023, 6:30 p.m.**

Griffin Yeats Center
1490 Government Road

Visit jamescitycountyva.gov/3982 or scan the QR code below to complete our neighborhood survey. **We must hear from all residents!**

For assistance completing the survey, contact Vaughn Poller at 757-253-6640.



Street Improvements Community Meetings

MOSES LANE

**April 13, 2023, 6 p.m. &
April 20, 2023, 6:30 p.m.**

Griffin Yeats Center
1490 Government Road

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For assistance completing the survey, contact Vaughn Poller at 757-253-6640.



MEMORANDUM

DATE: October 24, 2023
TO: The Board of Supervisors
FROM: Adam R. Kinsman, County Attorney
SUBJECT: 2024 Legislative Agenda

Each year the Board of Supervisors adopts an agenda detailing the positions and legislation it recommends that the General Assembly consider during its upcoming session. Once adopted, the agenda is forwarded in November to our four local legislators for their consideration and, hopefully, support.

The Board's adopted 2023 Legislative Agenda is attached. This Agenda did not request that the General Assembly adopt any particular legislation and instead advocated that the General Assembly take (or refrain from taking) certain actions. Many of the items on the 2023 Legislative Agenda remain relevant this year.

Items mentioned by the Board during the past year to be considered during its 2024 Legislative Agenda deliberations include the following:

1. Adopt a resolution supporting the National Association of Counties (NACo) position on regulating telecommunications facilities. (Dr. McGlennon)
2. Deregulate low-hazard dams like Kingspoint and Jolly Pond. (Ms. Larson)
3. Encourage/provide for/regulate the Electric Vehicle (EV) charging infrastructure. (Dr. McGlennon)
4. Increase the distance of the 40-foot no-contact voting center rule. (Mr. Icenhour)
5. Relax development standards for agritourism. (Ms. Larson)

Additionally, in light of the Board's ongoing discussion regarding trash service in the County, Deputy County Attorney Liz Parman has recommended that Virginia Code Section 15.2-934 be amended to eliminate the five-year notice period for trash takeover.

I look forward to discussing your proposed 2024 Legislative Agenda with the Board.

ARK/md
2024LegislAgen-mem

Attachment



JAMES CITY COUNTY 2023 LEGISLATIVE PROGRAM

1. CHANGE THE SCHOOL FUNDING INDEX TO MORE FAIRLY ALLOCATE STATE FUNDS AMONG LOCALITIES
2. DECENTRALIZE THE HAMPTON/PENINSULA HEATH DISTRICT INTO THREE SEPARATE, SMALLER DISTRICTS
3. IMPACT FEES

The County encourages the General Assembly to revise existing impact fee laws to encourage the use of statutorily-calculated impact fees in lieu of cash proffers.

4. STATE FUNDING

The County requests that the state adequately fund for local road improvements, tourism, substance abuse and mental health treatment, public education, stormwater local assistance funds (“SLAF” funding), and public libraries.

5. GROCERY TAX

The County encourages the General Assembly ensure that any reduction in the grocery tax includes permanent replacement funding for local governments and school divisions.

6. SHORT TERM RENTALS

The County requests that the General Assembly reject any attempt to usurp local zoning control of short term housing rentals.

7. VIRGINIA RETIREMENT SYSTEM

The County recommends that the General Assembly amend Virginia Retirement System regulations to allow retired police officers and school resource officers to return from retirement without affecting their VRS status.

8. COLONIAL BEHAVIORAL HEALTH EXPANSION

The County encourages the General Assembly to approve Colonial Behavioral Health’s request for funding to expand a building on its Merrimac campus to provide for crisis service operations.

9. LEGISLATIVE PROGRAMS OF VML/VACO/VIRGINIA COALITION OF HIGH GROWTH COMMUNITIES/HRPDC/TPO

The County supports the legislative agendas of the Virginia Municipal League, the Virginia Association of Counties, the Virginia Coalition of High Growth Communities, the Hampton Roads Planning District Commission, and the Hampton Roads Transportation Planning Organization.

MEMORANDUM

DATE: October 24, 2023

TO: The Board of Supervisors

FROM: Jose R. Ribeiro, Senior Planner II/Landscape Planner

SUBJECT: Utility-Scale Solar Farm Applications

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.

On April 11, 2023, (see Attachment No. 1) the Board adopted a resolution directing staff to analyze the manpower, financial assets, and the recommended work timeline required to conduct an analysis of the goals listed in the Assets Plan. The resolution also directed staff to present a draft policy document to the Board of Supervisors on September 12, 2023.

At the July 25, 2023, Board of Supervisors' meeting, The Berkley Group was present to discuss the preliminary scope of work and options for standards and processes for the review of Utility-Scale Solar Farm project applications. The Board members provided feedback and The Berkley Group has proceeded to develop materials based on this feedback.

At the September 12, 2023, Board of Supervisors' meeting, The Berkley Group presented to the Board the draft solar policy language for Large-Scale Solar Facilities and a draft Ordinance template that addresses various scales of solar facilities.

Since that time, staff has prepared executive summaries of the draft policy and Ordinance template to aid the Board's review (Attachment Nos. 4 and 5). Comments received to date have been addressed in legislative format within the executive summaries, while The Berkley Group's draft solar policy language and draft Ordinance templates remain in their original form.

The purpose of today's meeting is to present to the Board of Supervisors the revised language of the draft solar policy and Ordinance template based on feedback from members of the Board of Supervisors. Staff looks forward to the Board's feedback. Based upon these materials and further direction at the meeting, staff will prepare the policy and ordinance for the Planning Commission's direct review at a public hearing in early 2024.

JRR/ap
UtilScSolFrmApp-rev-mem

Attachments:

1. Board of Supervisors Adopted Resolution, dated April 11, 2023
2. Cover Memorandum from The Berkley Group, with Proposed Draft Policy Statement
3. The Berkley Group, Proposed Draft Ordinance
4. Summary of the Draft Policy Statement (with Revisions Marked in Legislative Format)
5. Summary of the Draft Ordinance Template (with Revisions Marked in Legislative Format)

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
Linds Edwards, ENV SP, Planner I
Luke Peters, ENV SP, Planner I

Date: August 29, 2023

Subject: Development of a Comprehensive Policy for Utility-Scale Solar;
Recommendations and Draft Language

INTRODUCTION

Pursuant to the scope of work, and as previously discussed, we are providing this memorandum outlining draft Board policy language for utility-scale solar energy generation facilities, along with recommendations for regulations that the County may wish to consider adopting. Additionally, attached for the Board's consideration is a template of solar facility regulations that address recommended regulatory provisions noted herein. These drafts are based upon feedback and input received from the Board and County staff to this point. The Berkley Group will be prepared to make any revisions and produce final drafts based upon further direction from the Board and staff.

DRAFT BOARD POLICY

As noted, the following is draft language for a potential Board of Supervisors' policy for utility-scale solar facilities. It is anticipated that this policy, once adopted, would inform the County's review of discretionary land use permits (i.e., special use permits) and support the potential adoption of regulatory amendments to the County's Zoning Ordinance. As presented, the draft policy sets out minimum criteria for projects, while allowing the County staff and the Board to employ discretion in evaluating whether a project is or is not consistent with the Policy.

RESOLUTION

UTILITY-SCALE SOLAR FACILITIES POLICY

WHEREAS, the James City County Natural and Cultural Assets Plan identifies specific goals, objectives, and recommendations concerning the evaluation and development of utility-scale solar facilities within the County; and

WHEREAS, the James City County Board of Supervisors directed that an assessment be made of "large-scale solar farms," identifying best practices with regard to policies and regulations; and

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WHEREAS, the James City County Board of Supervisors further directed the development of a comprehensive Board Policy on “Large-Scale Solar Farm projects” based upon this assessment; and

WHEREAS, the James City County Board of Supervisors has been presented with an assessment, research, and best practices concerning large-scale solar facilities, broadly identified as utility-scale solar facilities; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby establishes the following Utility-Scale Solar Facilities Policy to inform the Board's consideration of special use permits for such facilities:

In early 2023, based upon project activity and the goals established in the County's Natural and Cultural Assets Plan, the County endeavored to evaluate its future consideration of applications for “large-scale solar farms.” To that end, the focus of this Policy is on utility-scale solar facilities, those facilities which are non-accessory, ground-mounted solar facilities generating electricity for commercial distribution. It may be determined to be necessary to establish additional separate policy consideration for renewable energy generation broadly, or specifically for accessory and community-scale solar facilities.

It is expected that approval will be sought for additional utility-scale solar facilities within the County. Such requests and the resulting facilities should be considered, developed, and operated consistent with applicable polices and criteria outlined below. Conditions may be imposed upon individual Special Use Permits to ensure consistency with these criteria and to mitigate potential or anticipated negative impacts associated with the design or location of a facility. A Special Use Permit application may be denied where one or more of these criteria cannot be met. It is expected that special use permit applications for all utility-scale solar facilities will provide information and plans identifying project consistency with this Policy and these criteria.

1. The County has identified that there are different sizes and types of solar facilities, and that certain sizes and types are only appropriate in certain areas of the County, or under certain circumstances. With respect to utility-scale solar facilities and this Policy, the County has established that large-scale solar facilities are those that have a rated generation capacity of 1 MW and greater and that small-scale solar facilities are those that have a rated generation capacity of less than 1 MW. Large-scale solar facilities should be located outside the County's designated Primary Service Area, in the General Agriculture (A1) or Public Land (PL) zoning districts, and be subject to a Special Use Permit. Generally, small-scale solar facilities and those facilities less

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than 20 acres in size may be appropriate within the Primary Service Area and/or within other zoning districts if demonstrating unique design characteristics to limit project impact and/or enhanced economic and community benefits. The Board may also consider site-specific limitations on future use, such as landfills and brownfields as appropriate sites.

2. The County has identified that utility-scale solar facilities may have negative impacts on resources and other land uses relating to their industrial nature and developed state. Utility-scale solar facility active components, including but not limited to solar panels, substations, and inverters, and developed features, including but not limited to fences, gates, stormwater control measures, and maintenance/operations buildings, shall not be located or designed to be in close proximity to residences or historic, cultural, recreational, and environmentally sensitive areas and resources resulting in negative impacts to their use, value, or importance. Projects shall be required to incorporate appropriate setbacks, buffers, and screening to address project visibility and proximity to historic and cultural resources.
3. The County has identified that the visibility of utility-scale solar facilities may have negative impacts. Facilities, including fencing and support equipment, should be fully screened from ground-level view of adjacent properties and rights-of-way by buffers. Buffers shall consist of screening utilizing existing vegetation and landforms and/or be landscaped with a mix of plant materials, with trees at least eight (8) feet in height at the time of planting. Landscaping materials should be native to the James City County region and exclude the use of invasive species. Additional screening and/or setbacks may be required to mitigate potential impacts of a project owing to the location or design.
4. The County has identified that the concentration of utility-scale solar projects in close proximity to one another may have negative impacts on the immediate area due to over development, compatibility of land uses, and competition for other land uses; however, the County also recognizes that there are limited lands suitable for this land use. Generally, there should be a minimum distance of one mile provided between fenced areas of separate utility-scale solar facilities; however, consideration may be made for a closer distance based upon the size, scale, and design of facilities and the overall suitability of a given site.
5. The County has identified that compact projects, developed on single or contiguous parcels, lessen the potential for impacts on a wider area. If a utility-scale solar facility consists of multiple parcels, solar

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panels included as part of the same facility should be sited on contiguous parcels to limit project fragmentation and viewshed impacts on a greater area.

6. The County has identified the importance of limiting the overdevelopment of utility-scale solar facility sites, to ensure the appropriate provision of open space, but also to guard against negative stormwater conditions resulting from projects. Additionally, the County has identified that it is appropriate to limit the maximum size of individual utility-scale solar facilities. The area of solar panel coverage for any single utility-scale solar facility project may not exceed 65 percent of the total acreage of the facility (total lot coverage shall not exceed 60% as required by the County's Chesapeake Bay Ordinance). The total project area for individual projects, measured as the total fenced acreage, shall not exceed 300 acres.
7. The County has identified the importance of protecting existing habitat areas, inventorying these areas and establishing goals for their conservation as part of the County's Natural and Cultural Assets Plan. Facilities should be designed to conserve and protect habitat cores and blocks and corridors connecting these areas, trails, and greenways. While disturbance of less than 10 acres may be acceptable for any individual project, facilities should generally strive to avoid development of existing habitat areas, and the disturbance of 10 to 20 acres shall be considered an adverse impact requiring mitigative action, and disturbance of more than 20 acres shall be discouraged. In considering the level, nature, and acceptability of impacts, the County and applicants should consult the Natural and Cultural Assets Plan, the Virginia Department of Conservation and Recreation Natural Heritage Data Explorer, and other relevant and accepted resources, as well as determine the particular mix of species and composition of affected habitat areas.
8. The County has identified the importance of protecting existing agricultural lands, as well as lands suitable for future agricultural use. Facilities should avoid development of areas identified as prime farmland by the United States Department of Agriculture's Natural Resources Conservation Service and/or areas actively farmed within five years preceding an application, unless portions of the parcels utilized for the facility will continue to be farmed. While disturbance of less than 20 acres of these areas may be acceptable for any individual project, disturbance of 20 to 50 acres shall be considered an adverse impact requiring mitigative action, and disturbance of more than 50 acres shall be discouraged.

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9. The County has identified that utility-scale solar facilities, with the potential for fencing large areas for security and safety, may negatively impact the mobility of wildlife, especially in areas previously undeveloped or otherwise unencumbered. Corridors to allow for the movement of wildlife should be incorporated in the design of facilities and the latest guidance of State environmental departments should be considered; for instance, the Virginia Department of Wildlife Resources has Solar Energy Facility Guidance which includes recommendations for wildlife passages and fencing. Designed corridors are encouraged to both connect to and protect other resources identified in the County's Natural and Cultural Assets Plan, including ecological and forest cores.

10. The County has identified that it is necessary to establish a standard for the proximity of utility-scale solar facilities to existing transmission line corridors, to ensure greater predictability in the siting of utility-scale solar facilities, as well as to limit the potential need for the extension of infrastructure to connect proposed facilities. At least the closest point of any facility should be located within 2 miles of existing transmission line corridors. Any generation lead lines (gen-tie) lines or electrical lines to connect noncontiguous portions of facilities and/or leading to a facility's substation or point of interconnection should be located underground.

11. The County has identified that it is important to understand the impact that the development of one or more utility-scale solar facilities may have on the grid and transmission network within the County. Applications for facilities should include information identifying where existing electric distribution or transmission infrastructure may need to be upgraded for the facility. Larger system wide improvements or upgrades beyond the point of interconnection and not necessarily associated with a single project, such improvements to be performed by a utility, will be subject to review by the County pursuant to Virginia Code Section 15.2-2232, unless otherwise exempt.

12. The County has identified that specific and greater setbacks are necessary for utility-scale solar facilities given their industrial nature and potential incompatibility with other land uses. Projects should incorporate setbacks consistent with the requirements of the Zoning Ordinance and setbacks (along with buffering and screening) should be sufficient to ensure that project components are sited from property lines, roads, and residences a distance appropriate to ensure viewshed impacts are minimized or eliminated and that the use does not detract from other existing or potential land uses. Applicants, through their design, and the County, through their evaluation, should use discretion in considering whether greater setbacks should be

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required based upon the location, scale, and design of individual projects, with specific consideration to greater setbacks from residences, major thoroughfares, railways.

13. The County has identified that it is feasible to develop utility-scale solar facilities in conjunction with other uses on the same site and that this possibility should be accommodated. Utility-scale solar facilities are not precluded from and are encouraged to allow for the continued residential, agricultural, commercial, industrial, or recreational use of portions of project parcels, or the incorporation of agricultural, commercial, industrial, or passive recreational uses within project sites. Additionally, projects are encouraged to protect undeveloped areas.
14. The County has identified that the development and construction phases of utility-scale solar facilities can have negative impacts on adjacent and nearby properties, particularly residents in the area of projects. Impacts from the development and construction of facilities shall be managed and limited to protect nearby properties, uses, and public infrastructure. Impacts to be managed relate to, but may not be limited to, noise, hours of construction, delivery and storage of materials, and general traffic impacts associated with the project.
15. The County has identified that utility-scale solar facilities may involve significant construction traffic, both in the volume of trips and the size of vehicles, which may be abnormal for the given area of a project site. It is preferable that utility-scale solar facility sites have principal access from roads meeting VDOT standards and classified as collector and above; however, roads meeting VDOT standards and classified as local may be acceptable. Principal access from local roads not meeting VDOT standards, local roads through neighborhoods or platted subdivisions, or rural roads may not be acceptable, and secondary or construction access from these roads is discouraged; if proposed, the distance of access along these road types from a collector road will be a point of evaluation. Facility access from roads that may be impacted by a significant emergency or hazardous event, such as a train derailment, where access to critical facility components would be impacted, is discouraged.
16. The County has identified that it is in their best interest to ensure that developed utility-scale facilities provide for economic returns beyond those which could otherwise be anticipated for a given property. Facilities should provide maximum benefits to the County as demonstrated by thorough economic analysis provided by applicants.
17. The County has identified that as a unique land use there are common areas of concern for all utility-scale solar facilities that should be

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addressed through special use permit conditions, as well as responsive application materials. These areas of concern and potential conditions relate to:

- a. The management of construction and mitigation of impacts resulting from construction. Applications should include a construction management/mitigation plan outlining, at a minimum, the anticipated construction schedule, phases, hours of construction, noise impacts and mitigation measures, the location of construction parking and storage parking for employees, and information on traffic impacts.
- b. The management of erosion, sedimentation, and stormwater and mitigation of potential negative impacts resulting therefrom. Applications should include information on, if not preliminary plans addressing, erosion and sedimentation, grading, and stormwater management outlining, at a minimum, proposed grading and disturbance of the site, drainage patterns, location and extent of stormwater features including stormwater basins, and groundwater testing and monitoring.
- c. Visibility of and impacts to viewsheds, as well as landscaping impacts. Applications should include a report or analysis pertaining to viewshed impacts of the project, addressing project visibility from adjacent properties, public areas, roads, and historic and cultural resources within 1 mile of the facility. Additionally, applications should include a landscape plan outlining plans for buffers, screening, and plant materials and species, including plans for the use of native plants and pollinators, and the exclusion of invasive plants.
- d. Impacts of the project on environmental, natural, and agricultural resources. Applications should include a report or analysis inventorying and mapping wetlands, rivers, streams, floodplains, forested areas, soils, and prime farmland/agricultural land within and near the project site and discussing the project's relation and impacts to and these resources, and any planned mitigation.

REGULATORY RECOMMENDATIONS

In addition to recommended policy language, based upon feedback from the Board as well as staff, we would recommend the following minimum regulatory actions:

- **Define the Use; Allowable Zoning:** It is recommended that the County define large-scale solar facilities as a distinct use. In doing so, it may be necessary to define different scales of the use (i.e., large-scale versus small-scale), as well as

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different use types (i.e., commercial production versus community or shared solar facilities versus accessory). Further, it is recommended that the County also identify acceptable zoning districts for the defined uses. In addressing uses, the County should also consider whether large-scale solar will be allowed in conjunction with other uses, where there may effectively be two principal uses of property.

- **Determine Process:** It is recommended that the County identify those types of facilities that require a Special Use Permit and those that may be allowed by-right. For those facility types requiring a Special Use Permit, the County should establish a two-step process by which the Planning Commission first considers whether a project is in accord with the County's Comprehensive Plan (i.e., review per Virginia Code Section 15.2-2232) separate from consideration of a Special Use Permit. Additionally, the County should consider establishing internal procedures for siting agreements for facilities.
- **Submittal Requirements:** Either as part of Zoning Ordinance amendments or as separately established administrative regulations (i.e., application forms and checklists), the County should establish minimum application submittal requirements for facilities requiring a Special Use Permit. At a minimum, submittal requirements should require a project narrative, concept plan, landscape plan, visual impact assessment, assessments addressing project impacts to environmental, agricultural, and historic, and cultural resources, construction management plan, and preliminary decommissioning plan.
- **Minimum Design/Performance Standards:** Establish the following minimum design/performance standards:
 - Regulatory limit on maximum project area;
 - Regulatory limit on solar panel coverage area;
 - Specific setbacks from property lines and roadways, if not also from residences on abutting/adjacent properties;
 - Limits on the maximum height of panels and other common project components; maximum height of the lowest edge of panels not to exceed 10 feet;
 - Minimum dimensions for project buffers and standards for screening; provision for use of existing vegetation to provide for buffer and screening;
 - Requirement for use of native, non-invasive plants species
 - Requirements for security fencing;
 - Requirements for wildlife corridors; and
 - Requirements for decommissioning.
- **SUP Conditions:** It is also recommended that standard Special Use Permit conditions be established. Generally, standard conditions should address project compliance with submitted plans, limits on project size based on proposed rated capacity and fenced or disturbed area, limits on impacts and project proximity

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to stream and wetlands, construction mitigation, bonding, and decommissioning requirements. Conditions may also address any of the aforementioned design/performance standards if not adopted as regulations.

As noted in the Introduction, attached for the Board's consideration is a template of solar facility regulations that addresses the above regulatory provisions, as well as other provisions that the County may wish to consider.

CONCLUSION/NEXT STEPS

We appreciate the County staff and Board's review of the proposed draft policy language and regulatory recommendations. We welcome any comments and questions and will be prepared to assist County staff in making revisions to the draft policy language based upon the Board's feedback and direction. Additionally, we anticipate assisting County staff in making changes to the regulatory template to ensure consistency with the final version of the Board Policy.

- **Definitions**

It is recommended that the following terms and definitions be added to Article/Section #:

Brownfield: A former industrial or commercial site typically containing low levels of environmental pollution such as hazardous waste or industrial byproducts.

Solar Energy Generating Facility (Solar Facility). Solar energy generating devices, inverters, a substation, ancillary equipment, buildings, security fencing, access roads, setbacks, and/or screening on the site. Solar energy generating devices utilize sunlight as an energy source to heat or cool buildings, heat or cool water, or produce mechanical power by means of any combination of collecting, transferring, or converting solar generated energy. The term applies to, but is not limited to, solar photovoltaic systems, solar thermal systems, and solar hot water systems. The following words, terms and phrases pertaining to solar energy generating facilities, when used in the ### County Zoning Ordinance or in the administration thereof, shall have the following meanings ascribed to them:

Accessory Solar Facility. A solar facility comprised of photovoltaics attached to and/or incorporated into building components and/or materials for structures, such as roofs or shingles, along with supporting equipment, the facility being an accessory use to the principal use of the property. Such facilities may be ground-mounted and not attached to a building. Supporting equipment commonly includes panels, racking, inverters, performance monitoring, grid connection, and energy storage systems. Accessory solar hot water systems shall also be incorporated within this term.

Community Solar Facility. A solar facility, ground- and/or building-mounted, that generates electricity from sunlight on an area adequate to support a rated capacity of five megawatt (MW) alternating current or less, the facility directly providing generated electricity and/or utility bill reductions through net metering to multiple owners or subscribers. Also known as a shared solar facility.

Operator. The company or individual responsible for the overall operation and management of the solar facility.

Owner. The company or person who owns all or a portion of a solar facility.

Participating landowner. A person who owns real property under lease or other property agreement with the owner or operator of a solar facility.

Photovoltaic (PV). Materials and devices that absorb sunlight and convert it directly into electricity.

Rated capacity. The maximum capacity of a solar facility based on the sum total of each photovoltaic system's nameplate capacity.

Utility-Scale Solar Facility. A type of solar facility with ground-mounted PV panels generating electricity for commercial distribution. The following facilities are considered utility-scale solar facilities:

Large-Scale Solar Energy Facility. A ground-mounted solar facility that generates electricity from sunlight on an area adequate to support a rated capacity of one megawatt (MW) alternating current or greater.

Small-Scale Solar Energy Facility. A ground-mounted solar facility that generates electricity from sunlight on an area adequate to support a rated capacity of less than one megawatt (1 MW) of alternating current.

Viewshed. The view of an area from a specific vantage point. It includes all surrounding points that are in line of sight with that location.

- **Permitted Uses/District Regulations**

Amend Article/Section # to allow for the various uses, as follows:

- To specify that **Accessory Solar Facilities** are permitted "By right" in all zoning districts;
- To specify that **Community Solar Facilities** and **Small-Scale Solar Facilities** are permitted "By special use permit" in all zoning districts; and
- To specify that **Large-Scale Solar Facilities** are permitted "By special use permit" in the General Agriculture (A1) and Public Land (PL) zoning districts.

- **Supplementary Regulations**

Amend Article/Section #, to add the following:

Sec. # - Solar Energy Generating Facilities.

##.1 - Applicability and Permitting. The requirements set forth in this Section shall govern the location, siting, development, construction, installation, operation and decommissioning of solar energy generating facilities in the County. Solar facilities are permitted either by-right or subject to a special use permit as specified within the applicable zoning district in Article/Section #.

##.2 - Application Process. In addition to the procedures required as outlined in Section #, special use permits for solar facilities shall be subject to the following procedural requirements:

##.2.1 Pre-Application Meeting. Prior to submission of a Special Use Permit application, a pre-application meeting shall be held with the Planning Director to discuss the location, scale, and nature of the proposed use, what will be expected during that process, as well as the potential for a siting agreement, if applicable.

##.2.2 - Third-Party Review. The County is authorized to hire an independent third-party consultant, and may choose to do so at their discretion, to review any special use permit application and all associated documents for completeness and compliance with this section and any other state and federal codes. Any costs associated with the review shall be paid by the applicant. Any payment of such fees would in no way be a substitute of payment for any other application review fees otherwise required by the County.

##.2.3 Completeness/Compliance Review. Upon submission, the Planning Director and/or a third-party reviewer shall review the application and determine whether it is complete (i.e., that all required application materials have been submitted) and compliant (i.e., that the application and proposed use meet all required regulations and standards). Based upon this review, the Zoning Administrator may determine that an application is incomplete and/or noncompliant and either reject the application or require the applicant to submit additional or revised application materials prior to proceeding to further review.

##.2.4 Neighborhood Meeting. Following application submission and at least 14 days prior to the review conducted

pursuant to subsection #.#.2.5, Comprehensive Plan Review, a public neighborhood meeting shall be held to give the community an opportunity to hear from the applicant and to ask questions regarding the proposed application. The meeting shall adhere to the following requirements:

- a. The applicant shall inform the Planning Director and adjacent property owners in writing of the date, time, and location of the meeting, at least 14 but no more than 21 days, in advance of the meeting date.
- b. The date, time and location of the meeting shall be advertised in a newspaper of record in the County by the applicant, at least 14 but no more than 21 days, in advance of the meeting date.
- c. The meeting shall be held within the County, at a location open to the public with adequate parking and seating facilities that will accommodate persons with disabilities.
- d. The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant, and provide feedback.
- e. The applicant shall provide the Planning Office with a summary of any input received from members of the public at the meeting and copies of any written submissions from the public.

#-#.2.5 - Comprehensive Plan Review. Pursuant to §15.2-2232., of the Code of Virginia, the Planning Commission shall consider, at a public meeting in conjunction with the public hearing on a special use permit, whether the general or approximate location, character, and extent of a proposed solar facility is substantially in accord with the County's Comprehensive Plan or part thereof. The Planning Commission shall communicate its findings to the Board of Supervisors, indicating its approval or disapproval with written reasons therefor. The Board of Supervisors may overrule the action of the Planning Commission by a vote of a majority of its membership. Failure of the Planning Commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the

Planning Commission to the governing body within 10 days after the decision of the Planning Commission. The appeal shall be by written petition to the Board of Supervisors setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the Board of Supervisors shall overrule the commission.

##.2.6 - Siting Agreement. For Solar Energy Generating Facilities requiring a special use permit, applicants shall enter into a siting agreement with the County, pursuant to and as authorized by Title 15.2, Article 7.3, Siting of Solar Projects and Energy Storage Projects, of the Code of Virginia, unless this requirement is waived by the County.

##.3 - Special Use Permit Factors to be Considered.

##.3.1 Factors to be considered. In addition to the factors to be considered when reviewing and acting on an application for a special use permit as established in Article/Section #, the Planning Commission and Board of Supervisors will consider the guidance and criteria included in the Board of Supervisors' Utility-Scale Solar Facilities Policy adopted ## ##, 2023.

##.4 - Application Requirements. In addition to application materials required pursuant to Section 24-23 and 24-24, all special use permit applications for solar facilities for which a special use permit is required shall include the following materials and information:

##.4.1 - Project Narrative. A detailed narrative identifying the applicant, facility owner, site owner, and operator, if known at the time of application, and describing the proposed energy facility, including an overview of the project and its location; the size of the site, and the project area; the current and recent previous use of the site (10-years preceding application); the estimated time for construction, any phasing schedule, location of staging areas or off-site storage facilities, and proposed date for commencement of operations; the planned maximum rated capacity of the facility; the approximate number, representative types and expected footprint of equipment to be constructed, including the maximum number of photovoltaic panels; specifications for proposed equipment, including the manufacturer and model, materials, color and finish, and

racking type; ancillary facilities; and how and where the electricity will be transmitted, including the location of the proposed electrical grid interconnection.

##.4.2 - Concept Plan. A concept plan as a visual summary of the project. The concept plan shall be prepared by a professional, state-licensed engineer and shall include the following:

- a. Identification of subject parcels and property lines and/or leased portions of parcels;
- b. Identification of required setbacks;
- c. Existing and proposed buildings and structures, including identification of buildings, structures, or features to be removed or retained; preliminary locations and heights of proposed solar panels, ground equipment, ancillary equipment, and other proposed structures; the location of proposed fencing, driveways, internal roads, and structures; and the location of points of ingress/egress;
- d. The location and nature of proposed buffers and screening elements, including vegetative and constructed buffers;
- e. Existing and proposed access roads, drives, turnout locations, and parking;
- f. Location of substations, electrical cabling from the facility to substations, ancillary equipment, buildings, and structures, including those within any applicable setback;
- g. Fencing or other methods of ensuring public safety;
- h. Proposed lighting;
- i. Aerial imagery showing the proposed location and boundaries of the facility, fenced areas, ingress/egress, and the closest distance to all adjacent property lines and buildings, noting their uses; and
- j. Additional information may be required as determined by the Planning Director, such as a scaled elevation view of the property and other supporting drawings, photographs of the proposed site, , coverage map, and additional information that may be necessary for a technical review of the proposal.

##.4.3 - Grading Plan. A draft grading plan that limits grading to the greatest extent practicable. The Plan shall include:

- a. Existing and proposed contours;
- b. Locations and amount of topsoil to be stripped and stockpiled onsite (if any);
- c. Percent of the site to be graded;
- d. An earthwork balance achieved on-site with no import or export of soil; and
- e. Indicate natural flow patterns in drainage design and amount of impervious surface.

##.4.4 - Landscape Plan. A draft landscape plan identifying:

- a. The location of existing vegetation and the limits of proposed clearing;
- b. All proposed plant species to be used for ground cover, screening and buffering materials, and landscaping, along with applicable sections and elevations (preference for native and pollinator-friendly plant species);
- c. Locations of wildlife corridors; and
- d. Landscape maintenance requirements.

##.4.5 - Visual Impact Analysis. An analysis demonstrating project siting and proposed mitigation, if necessary, so that the proposed facility minimizes impacts on the visual character, viewsheds, and/or vistas of the County. At a minimum the visual impact analysis shall include accurate, to scale, photographic simulations showing the relationship of the facility and its associated equipment and development to its surroundings. The photographic simulations shall show such views of the facility from locations such as property lines, roadways, and/or scenic viewsheds/vistas as deemed necessary by the County in order to assess the visual impact of the facility. The total number of simulations and the perspectives from which they are prepared shall be established by the Planning Director after the pre-application meeting. Visual representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of facilities and structures. All visual representations will include existing, as well as proposed structures, buildings and tree coverage.

##.4.6 - Community Impact Assessment. An assessment of the impact of the proposed facility on the immediate vicinity as well as the greater County. The assessment shall be prepared by a professional acting within his or her

competency, shall be presented in written form, and shall analyze in specific terms the probable impact of the facility on the vicinity and community over time. Specific attention, as may be appropriate to the individual proposal, should be given but not be limited to the following elements:

- a. Consistency of the proposed facility with applicable policies contained in the County's Comprehensive Plan;
- b. Information on the project's distance from existing transmission infrastructure, development areas and municipal boundaries, and other existing or approved solar facilities, as well as the total rated capacity and acreage of existing and approved solar facilities, and the overall electrical demand of the County;
- c. Anticipated direct revenues to the County from real estate and personal property taxes;
- d. An assessment of employment opportunities to be created by the proposed development;
- e. An assessment of the short- and long-term economic impact of the proposed development;
- f. If the development is replacing an existing enterprise, including agriculture and forestry, an assessment of the impact the current enterprise has on the local economy and how the local economy will be impacted by the loss of the existing enterprise; in the case of agricultural use, if applicable, the assessment shall include a history of the agricultural use of the site;
- g. Fire, rescue, and law enforcement requirements as compared to existing capacities and facilities;
- h. Utility, water, sewer, and stormwater management needs as compared to existing capacities and facilities;
- i. Socioeconomic changes and impacts to result from the proposed development;
- j. The relationship of the project to historic resources within 1 mile of the project;
- k. The costs in both capital and operating funds of providing services to the proposed development; and
- l. What efforts, if any, are proposed to mitigate the service demands or costs to the County.

The Planning Director may waiver certain elements of the impact assessment where the nature of the proposed facility makes such elements inapplicable.

##.4.7 - Environmental Impact Assessment. An assessment of the impact of the proposed facility, to include the following:

- a. A statement regarding any site and viewshed impacts, including direct and indirect impacts to national or state forests and grasslands, national or state parks, County parks, wildlife management areas, conservation easements, recreational areas, or any known historic or cultural resources within 5 miles of the project parcels;
- b. An inventory of wetlands, rivers, streams, and floodplains, to be delineated and mapped, in order to provide baseline data for the evaluation of the current proposal and evaluation of the satisfactory decommissioning as required. The inventory and mapping of floodplain shall not be construed to allow development within regulatory flood plain areas without a flood plain development permit;
- c. A statement regarding impacts to wildlife and describing project design accommodations to mitigate for any impacts to wildlife, such as wildlife corridors;
- d. Information on native and invasive plants within the project area and plans to retain native species and remove invasive species; and
- e. Information regarding soil conditions present in the project area, especially areas directly impacted by facility development and construction, areas identified as "prime farmland" and/or comprised of soil classifications suitable for agricultural, and areas potentially at risk for erosion.

##.4.8 - Traffic and Transportation Assessment. An assessment of the impact of the proposed facility, including construction processes, on traffic and transportation infrastructure, to include the following:

- a. The time of day that operations and construction transport activities will occur;
- b. A map showing the desired primary and secondary transportation routes for operations and construction traffic;

- c. Characteristics of operations and construction loaded vehicles, including:
 - i. Length, height, width, curb weight;
 - ii. Maximum load capacity;
 - iii. Number of axles, including trailers; and
 - iv. Distance between axles.

- d. Haul route(s)

After review, the County may require a full traffic study to be accepted by an engineer approved by the County.

##.4.9 - Decommissioning and Reclamation Plan. A draft decommissioning and reclamation plan certified by an engineer with a professional engineering license in the Commonwealth of Virginia, to include the following and demonstrating compliance with the requirements of ##.6.8, Decommissioning and Reclamation:

- a. The anticipated life of the project, along with the basis for determining the anticipated life of the project;
- b. The estimated decommissioning cost in current dollars;
- c. How said estimate was determined;
- d. The method of ensuring that funds will be available for decommissioning and restoration;
- e. The estimation method by which the decommissioning cost will be kept current; and
- f. The manner in which the facility will be decommissioned and the site restored.

##.5. - Minimum Development Standards for Solar Energy Generating Facilities. The following minimum development standards shall apply to solar energy generating facilities, as stipulated:

##.5.1 - Compliance with building codes and standards. All solar facilities shall be designed and maintained in compliance with standards contained in applicable local, state and federal building codes and regulations that were in force at the time of the permit approval. Facilities subject to a special use permit shall be constructed and maintained in substantial compliance with the approved Concept Plan.

##.5.2 - Multiple uses. All solar facilities may be located on parcels with other active agricultural, residential, commercial, or industrial uses.

##.5.3 - Location, dimensional, and setback standards.

- a. Accessory solar facilities and small-scale solar facilities shall be subject to the applicable setbacks of the zoning district in which the facility is located.
- b. Community and large-scale solar facilities shall be subject to the following location, dimensional, and setback standards:
 - i. The maximum project area of a solar facility shall be 300 acres, measured as the total fenced acreage.
 - ii. The area of solar panel coverage for any single solar facility project may not exceed 65 percent of the total acreage of the project (total lot coverage shall not exceed 60% as required by the County's Chesapeake Bay Ordinance).
 - iii. Solar facilities shall meet all setback requirements for primary structures for the zoning district in which the facility is located and the requirements set forth below (the more restrictive requirements shall apply).
 - iv. The minimum setback of structures and uses associated with the facility, including fencing, PV panels, parking areas, and outdoor storage, but not including landscaping and berming, shall be:
 - a. 200 feet from adjacent property lines.
 - b. 200 feet from all public rights-of-way.
 - c. 400 feet from dwellings on adjacent parcels.

The Planning Commission may recommend, and the Board of Supervisors may require, increased setbacks up to 300 feet in situations where the height of structures or the topography affects the visual impact of the facility.

These setback requirements shall not apply to the internal property lines of those parcels on which a solar facility is located.

Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas provided that such are generally perpendicular to the property line.

##.5.4 - Height. For all solar facilities, the maximum height of the lowest edge of ground-mounted photovoltaic panels shall be 10 feet as measured from the finished grade. The maximum height of panels, buildings, structures and other components of a solar facility shall be 20 feet, which shall be measured from the highest natural grade below each element. This limit shall not apply to utility poles, substations, roof- or building-mounted solar panels, or the interconnection to the overhead electric utility grid. The Board of Supervisors may approve a greater height based upon the demonstration of a significant need where the impacts of increased height are mitigated.

##.5.6 - Buffer and Screening. For community, small- and large-scale solar facilities, such facilities, including security fencing that is not ornamental, shall be screened from the ground-level view of public streets by a buffer zone at least 100' in width and from adjacent properties by a buffer zone at least 50' in width. The buffer shall be located within the setbacks required under this Section and shall be located around the entire perimeter of the property. The buffer shall be maintained for the life of the facility. Screening may also be required in other locations to screen specific uses or structures. A recommendation that the screening and/or buffer creation requirements be waived or altered may be made by the Planning Commission when the applicant proposes to use existing wetlands or woodlands to satisfy the screening requirement. The wetlands or woodlands shall be permanently protected as a designated buffer and the overall buffer shall measure at least 75 feet. Screening methods may include:

- a. Existing Screening: Existing vegetation, topography, buildings, open space, or other elements located on the site may be considered as part of the required screening. Existing trees and vegetation may be

retained within the buffer area except where dead, diseased, or as necessary for development or to promote healthy growth.

- b. **Vegetative Screening:** In the event existing vegetation or landforms providing screening are inadequate or disturbed, new plantings shall be provided in a landscaped strip at least 50 feet wide. Landscaping intended for screening shall consist of a combination of non-invasive species, pollinator species, and native plants, shrubs, trees, grasses, forbs, and wildflowers. Trees intended for screening shall consist of a combination of evergreen and deciduous trees that are 8 feet in height at time of planting. A triple row of trees shall be placed on average at 15 feet on center. A list of appropriate plant materials as well as species appropriate spacing shall be available at the Community Development Department. Species listed on DCR's Invasive Plant Species list shall not be used.
- c. **Berming:** Berms shall generally be constructed with a 3:1 side slope to rise ratio, 4-6 ft. above the adjacent grade, with a 3 ft. wide top with appropriate pollinator-friendly native shrubs, trees, forbs, and wildflowers. The outside edges of the berm shall be sculpted such that there are vertical and horizontal undulations to give variations in appearance. When completed, the berm should not have a uniform appearance like a dike.
- d. **Opaque Architectural Fencing:** Fencing intended for screening shall be at least 50 percent visually solid as viewed on any line perpendicular to the fence from adjacent property or a public street. Such fencing may be used in combination with other screening methods but shall not be the primary method. A typical example is the use of wood privacy fencing and landscaping to screen structures such as substations. Depending on the location, ornamental features may be required on the fence. Fencing material shall not include plastic slats.

##.5.7 - Ground Cover. For community, small- and large-scale solar facilities, ground cover on the site shall be vegetation native to the County's region of Virginia and maintained in accordance with the landscaping plan in accordance with

established performance measures. A performance bond reflecting the costs of anticipated maintenance shall be posted and maintained. Failure to maintain the ground cover shall result in revocation of the special use permit and the facility's decommissioning. The operator shall notify the County prior to application of pesticides and fertilizers. The County reserves the right to request soil and water testing.

##.5.8 - Security Fencing. For community, small- and large-scale solar facilities, such facilities shall be enclosed by security fencing on the interior of the buffer area (not to be seen by other properties) no taller than 8 feet in height. No razor/barbed wire is permitted. The height and/or location of the fence may be altered in the conditions for any particular special use permit. Fencing must be installed on the interior of the vegetative buffer. Fencing shall be placed around sections of the infrastructure (not the entire site) to provide access corridors for wildlife to navigate through the facility. All fencing shall be constructed so as to substantially lessen the likelihood of entry into a solar farm by unauthorized individuals. A performance bond reflecting the costs of anticipated fence maintenance shall be posted and maintained. Failure to maintain the security fencing shall result in revocation of the special use permit and the facility's decommissioning.

##.5.9 - Wildlife Corridors. For large-scale solar facilities, the Applicant shall identify access corridor(s) for wildlife to navigate through and across the solar facility. The proposed wildlife corridor(s) shall be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife. Access corridors for wildlife to navigate through the solar facility shall be identified and shown on the Concept Plan submitted to the County.

##.5.10 - Lighting. For community, small- and large-scale solar facilities, proposed lighting fixtures as approved by the County to minimize off-site glare and shall be the minimum necessary for safety and/or security purposes. No facility shall produce glare that would constitute a nuisance to the public. Any exceptions shall be enumerated on the Concept Plan and approved by the Zoning Administrator. No lighting shall conflict with Chapter 23, Article II, Division 7.

##.5.11 - Signage. For all solar facilities, no signage of any type may be placed on the facility other than notices, warnings, and identification information required by law and not in conflict with Chapter 24, Article II, Division 2. Warning signage shall be placed on solar equipment to the extent appropriate or legally required. Solar equipment shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy project. All signs, flags, streamers, or similar items, both temporary and permanent, are prohibited on solar equipment except as follows:

- a. manufacturer's or installer's identification;
- b. appropriate warning signs and placards;
- c. signs that may be required by a federal agency; and
- d. signs that provide a 24-hour emergency contact phone number and warn of any danger. Educational signs providing information about the project and benefits of renewable energy may be allowed as provided in the local sign ordinance.

##.5.12 - Transmission Lines. For community, small- and large-scale solar facilities, any new associated electrical transmission lines shall be located below ground.

##.6 - Construction, Operational, and Decommissioning Requirements for Solar Energy Generating Facilities. For community, small- and large-scale solar facilities, the following requirements shall be met during the construction phase and/or throughout the operational life of solar facilities subject to a special use permit:

##.6.1 - Groundwater Monitoring. Ground water monitoring to assess the level of groundwater contamination shall take place prior to, and upon completion of construction of a project, throughout the area of the facility. Ground water monitoring shall take place every five years of the operation of the facility, and upon completion of decommissioning. Results from said monitoring shall be delivered to the County.

##.6.2 - Coordination of Local Emergency Services; Emergency Response Plan. Prior to completion of construction, the owner or operator of a facility shall coordinate with the County's emergency services to provide materials, education, and/or training on how to safely

respond to on-site emergencies, and to develop, implement and periodically update, including exercising of, an emergency response plan. Emergency personnel will be given a key or code to access the property in case of an on-site emergency.

##.6.3 - Monitoring and Maintenance. The owner or operator shall maintain the solar facility in good condition. Such monitoring and maintenance shall include, but not be limited to, painting, evaluating the structural integrity of equipment, foundations, structures, fencing and security barriers, as applicable, maintenance of the buffer areas, and landscaping. Site access shall be maintained to a level acceptable to the County. The project owner shall be responsible for the cost of maintaining the facility and access roads, and the cost of repairing damage to private roads occurring as a result of construction and operation. Failure to maintain the Solar Facility may result in revocation of the special use permit and the facility's decommissioning.

- a. Any cleaning products used to maintain photovoltaic materials must be biodegradable.

##.6.4 - Liability Insurance. The owner or operator of a facility shall provide to the Zoning Administrator written evidence of liability insurance in an amount acceptable to the purchasing utility provider prior to beginning construction and before the issuance of a zoning permit.

##.6.5 - Compliance with Local, State, and Federal Requirements. During the term of issued special use permits, operation of facilities shall fully comply with all applicable local regulations, as well as all applicable state and federal regulations, including but not limited to, the U.S. Environmental Protection Agency (EPA), Federal Aviation Administration ("FAA"), State Corporation Commission ("SCC") or equivalent, any state departments related to environmental quality, parks, and wildlife protection, as well as all the applicable regulations of any other agencies that were in force at the time of the permit approval.

##.6.6 - Inspections.

- a. The applicant, owner, or operator will allow designated County representatives or employees access to a

facility for inspection purposes. The County representative or employee will provide the facility operator with 24-hour notice prior to such inspection when practicable.

- b. The applicant or owner of a facility shall reimburse the County its costs in obtaining an independent third-party to conduct inspections required by local and state laws and regulations.

##.6.7 - Storage and Removal of Damaged Panels. All physically damaged panels or any portion or debris thereof shall be collected by the Project operator and removed from the site or stored on site in a location protected from weather and wildlife and from any contact with ground or water until removal from the site can be arranged; on-site storage of damaged panels or portion or debris thereof shall not exceed thirty (30) days.

##.6.8 - Change in Ownership. Notice of any change of ownership of the facility shall be provided to the County within ten (10) working days of any such change.

##.6.9 - Decommissioning and Reclamation.

- a. Solar facilities which have reached the end of their useful life or have not been in active and continuous service for a period of 6 months shall be removed at the owner's or operator's expense, except if the project is being repowered or a force majeure event has or is occurring requiring longer repairs; however, the County may require evidentiary support that a longer repair period is necessary.
- b. The owner or operator shall notify the Planning Director by certified mail of the proposed date of discontinued operations and plans for removal.
- c. Decommissioning shall be performed in compliance with an approved Decommissioning Plan, which must be submitted for approval by the Planning Director prior to the issuance of a Zoning Permit. The draft Decommissioning Plan and the final Decommissioning Plan must demonstrate compliance with the requirements of this section. The Planning Director may

approve any appropriate amendments to or modifications of the Decommissioning Plan.

- d. Decommissioning shall include removal of all electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural uses. The site shall be graded and re-seeded to restore it to as natural a condition as possible.
- e. The site shall be re-graded and re-seeded to as natural condition as possible within 12 months of removal of facilities. Re-grading and re-seeding shall be initiated within a 6-month period of removal of equipment.
- f. Any exception to site restoration, such as leaving driveways, entrances, or landscaping in place, or substituting plantings, shall be requested by the landowner in writing, and this request must be approved by the Zoning Administrator.
- g. Hazardous material from the property shall be disposed of in accordance with federal and state law.
- h. The estimated cost of decommissioning shall be guaranteed by the deposit of funds in an amount equal to the estimated cost in an escrow account at a federally insured financial institution approved by the County.
 - i. The applicant shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the solar facility.
 - ii. The escrow account agreement shall prohibit the release of the escrow funds without the written consent of the County. The County shall consent to the release of the escrow funds upon the owner's or occupant's compliance with the approved decommissioning plan. The County may approve the partial release of escrow funds as portions of the approved decommissioning plan are performed.

- iii. The amount of funds required to be deposited in the escrow account shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.
- iv. The owner or occupant shall recalculate the estimated cost of decommissioning every five years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by ten percent (10%), then the owner or occupant shall deposit additional funds into the escrow account to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than ninety percent (90%) of the original estimated cost of decommissioning, then the County may approve reducing the amount of the escrow account to the recalculated estimate of decommissioning cost.
- v. The County may approve alternative methods to secure the availability of funds to pay for the decommissioning of a utility-scale solar, such as a performance bond, letter of credit, or other security approved by the County.
- vi. If the owner or operator of the solar facility fails to remove the installation in accordance with the requirements of this permit or within the proposed date of decommissioning, the County may collect the surety and the County or hired third party may enter the property to physically remove the installation.

Executive Summary of Draft Policy for Utility-Scale Solar Facilities (“Facilities”)

Text shown with *gray highlights and italics* has been added to the policy in response to comments.

Text shown in ~~strikethrough~~ has been deleted in response to comments.

- Criteria 1. Provides definition of large- and small-scale solar facilities *and project areas* and location guidance based on rated generation capacity.
 - Large-scale solar (1 MW and greater) should be located outside the Primary Service Area (PSA), inside A-1 and, *R-8*, and PL zoning districts and subject to a Special Use Permit (SUP).
 - Small-scale solar facilities and facilities less than 20 acres in size may be appropriate within the PSA and/or within other zoning districts *and subject to a SUP.*
 - There may also be site-specific limitations.
 - *Project areas are the areas fenced for the solar facility infrastructure.*
- Criteria 2. Facilities may have negative impacts to residences or historical, cultural, recreational, and environmentally sensitive areas and resources related to project location and design. Projects should be buffered with appropriate setbacks and screening to mitigate visibility and proximity to these resources.
- Criteria 3. Facilities should be fully screened from ground-level view of adjacent properties and rights-of-way by buffers. Buffers shall consist of existing and/or additional vegetation and landforms. Landscape materials should be to minimum standards, native to the region and exclude the use of invasive species. Additional screening and/or setbacks may be required.
- Criteria 4. The concentration of facilities near one another may have negative impacts. A minimum distance of one mile provided between fenced areas of separate facilities is generally recommended.
- Criteria 5. Facilities should be sited on contiguous parcels to limit project fragmentation and viewshed impacts on a greater area.
- Criteria 6. The maximum size of individual facilities shall not exceed 300 acres. *Solar panel coverage may not exceed 65 percent of the total acreage of the facility. For the purposes of this policy, solar panels shall be considered impervious surface and shall follow the provisions of the County’s Chesapeake Bay Ordinance. Total ~~let~~ impervious coverage shall not exceed 60 percent as required by the County’s Chesapeake Bay Ordinance Section 23-9(b)(1)(b).*
- Criteria 7. Facilities should generally strive to avoid development of existing habitat areas and corridors as identified by various sources.
 - Disturbance of less than 10 acres may be acceptable.
 - Disturbance of 10 to 20 acres of habitat resources shall be considered an adverse impact requiring mitigation.
 - Disturbance of more than 20 acres shall be discouraged.
- Criteria 8. Facilities should avoid development of areas identified as prime farmland and/or areas ~~actively farmed within five years~~ *recently farmed* preceding an application.
 - Disturbance of less than 20 acres may be acceptable.
 - Disturbance of 20 to 50 acres shall be considered an adverse impact requiring mitigation.
 - Disturbance of more than 50 acres shall be discouraged.
- Criteria 9. Wildlife corridors should be incorporated in the design of facilities using the latest state guidance and recommendations for wildlife passages and fencing. Designed corridors are encouraged

to both connect to and protect other resources identified in the County's Natural and Cultural Assets Plan.

- Criteria 10. The closest point of any facility should be located within 2 miles of the existing transmission line corridor *within James City County or an adjoining locality.* Any generation lead lines (gen-tie) or electrical lines to connect noncontiguous portions of facilities and/or leading to a facility's substation or point of interconnection should be located underground.
- Criteria 11. Development of one or more facilities may have an impact on the grid and transmission network within the County. Application for facilities should include information identifying where existing electric distribution or transmission infrastructure may need to be upgraded for the facility. Certain upgrades or improvements may require Sec 15.2-2232 review.
- Criteria 12. Specific and greater setbacks are necessary for facilities given their industrial nature. Applicants, through their design, and the County, through their evaluation, should use discretion in considering whether greater setbacks should be required based upon the location, scale, and design of individual projects, particularly from residences, major thoroughfares, railways. *The Planning Commission may recommend, and the Board of Supervisors may require, increased setbacks to external property lines.*
- Criteria 13. Utility-scale solar facilities are encouraged to be co-located with other uses on the same site and to protect undeveloped areas.
- Criteria 14. Development and construction phases of facilities shall be managed and limited to protect adjacent and nearby properties from negative impacts, including but not limited to, noise, hours of construction, delivery and storage materials, and general traffic impacts associated with the project.
- Criteria 15. Utility-scale facility sites should be accessed from roads meeting VDOT standards and classified as collector and above; however, roads meeting VDOT standards and classified as local may be acceptable. Principal access from roads not meeting VDOT standards, local roads through neighborhoods or platted subdivisions, or rural roads may not be acceptable.
- Criteria 16. An economic analysis for the facility should be submitted by applicants.
- Criteria 17. Areas of concern should be mitigated through potential development impacts through SUP conditions and addressed in application materials. Potential conditions and concerns relate to:
 - Construction management and mitigation plan – outlining, at a minimum, issues related to construction schedule, phases, hours of construction, noise impacts, location of parking, and traffic impacts and mitigation.
 - Erosion and sedimentation, grading, and stormwater management - outlining, at a minimum, proposed grading and disturbance of the site, drainage patterns, location and extent of stormwater features including stormwater basins, and groundwater testing and monitoring.
 - Viewshed report or analysis and landscape plan – addressing impacts of the project, project visibility from adjacent properties, public areas, roads and historic and cultural resources within 1 mile of the facility, and including a landscape plan outlining plans for buffers, screening, and plant materials and species.
 - Report or analysis on environmental, natural, and agricultural resources – inventorying and mapping wetlands, rivers, streams, floodplains, forested areas, soils, and prime farmland/agricultural land within and near the project site, and planned mitigation.

Executive Summary of Ordinance Template for Utility-Scale Solar Facilities (“Facilities”)

Text shown with *gray highlights and italics* has been added to the Ordinance template in response to comments.

Text shown in ~~strikethrough~~ has been deleted in response to comments.

- Definitions. Add terms associated with solar energy facilities, such as Utility-Scale Solar Facility, Large-Scale Solar Energy Facility, Small-scale Solar Energy Facility, *Project Area*, Photovoltaic (PV), and Rated Capacity.
- Permitted Uses/District Regulations. Add Accessory Solar Facilities as “by right” uses in all zoning districts; Community Solar Facilities and Small-Scale Solar Facilities as “special use permit” uses in all zoning districts; and Large-Scale Solar Facilities as “special use permit” uses in the General Agriculture (A1), *Rural Residential (R-8)*, and Public Land (PL) zoning districts.
- Supplementary Regulations. Add the following:
 - **##.1 - Applicability and Permitting**. The requirements set forth in this Section shall govern the location, siting, development, construction, installation, operation and decommissioning of solar energy generating facilities in the County.
 - **##.2 - Application Process**. Special Use Permit applications for solar facilities shall be subject to the following procedural requirements:
 - ##.2.1 - Pre-Application Meeting
 - ##.2.2 - Third-Party Review
 - ##.2.3 - Completeness/Compliance Review
 - ##.2.4 - Neighborhood Meeting
 - ##.2.5 - Comprehensive Plan Review
 - ##.2.6 - Siting Agreement
 - **##.3 - Special Use Permit Factors to be Considered**
 - ##.3.1 *Factors to be considered*. Criteria included in the Board of Supervisors’ Utility-Scale Solar Facilities Policy shall be considered.
 - **##.4 - Application Requirements**. Materials and information required to be submitted with the Special Use Permit application:
 - ##.4.1 - Detailed Narrative of the project
 - ##.4.2 - Concept Plan as a visual summary of the project
 - ##.4.3 - Draft Grading Plan
 - ##.4.4 - Draft Landscape Plan
 - ##.4.5 - Visual Impact Analysis
 - ##.4.6 - Community Impact Assessment
 - ##.4.7 - Environmental Impact Assessment
 - ##.4.8 - Traffic and Transportation Assessment
 - ##.4.9 – Decommissioning and Reclamation Plan
 - **##.5. - Minimum Development Standards for Solar Energy Generating Facilities**
 - ##.5.1 - *Compliance with building codes and standards*. All solar facilities shall be designed and maintained in compliance with standards contained in applicable local, state, and federal building codes and regulations. Facilities shall be constructed and maintained in substantial compliance with the approved Concept Plan.
 - ##.5.2 - *Multiple uses*. All solar facilities may be located on parcels with other active land uses.
 - ##.5.3 - *Location, dimensional, and setback standards*
 - Accessory solar facilities and small-scale solar facilities shall be subject to the applicable setbacks of the zoning district in which the facility is located.
 - Community and large-scale solar facilities shall be subject to the location, dimensional, and setback standards:
 - a. The maximum project area shall be 300 acres.
 - b. ~~The area of solar panel coverage for any single solar facility project may not exceed 65 percent of the total acreage of the project (t~~ Total lot *impervious*

coverage shall not exceed 60% as required by the County's Chesapeake Bay Ordinance) *Section 23-9(b)(1)(b)*.

- c. Solar facilities shall meet all setback requirements for primary structures.
 - d. Structures and uses associated with the facility (e.g., fencing, parking areas, outdoor storage, etc.) shall be: (a) 200 feet from adjacent property lines, (b) 200 feet from all public rights-of-way, and (c) 400 feet from dwellings on adjacent parcels. ~~The Planning Commission may recommend, and the Board of Supervisors may require, increased setbacks up to 300 feet to external property lines.~~ Access through setbacks shall be generally perpendicular to property line.
- ~~##.5.4~~ - **Height**. The maximum height of the lowest edge of ground-mounted photovoltaic panels is 10 feet. The maximum height of panels, buildings, structures, and other components of a solar facility shall be 20 feet. The Board of Supervisors may approve a greater height based on need and mitigation.
 - ~~##.5.5~~
 - ~~##.5.6~~ - **Buffer and Screening**. Community, small-and large-scale solar facilities shall be screened from view of public streets by a buffer zone at least 100' in width and from adjacent properties by a buffer zone at least 50' in width. Includes location and maintenance requirements. Additional screening or buffers may be required if existing wetlands or woodlands are used for screening. ~~The wetlands or woodlands shall be permanently protected as a designated buffer and the overall buffer shall measure at least 75'.~~ Screening methods may include:
 - Existing vegetation, topography, buildings, open space, or other elements located on the site.
 - In the event existing vegetation or landforms providing screening are inadequate or disturbed, new plantings shall be provided in a landscaped strip at least 50 feet wide.
 - Berming
 - Opaque architectural fencing
 - ~~##.5.7~~ - **Ground Cover**. For community, small- and large-scale solar facilities, ground cover on the site shall be native to the County's region of Virginia. A performance bond shall be posted and maintained. Notification shall be made before applying pesticides and fertilizers, and soil and water testing may be requested.
 - ~~##.5.8~~ - **Security Fencing**. For community, small-and large-scale solar facilities, such facilities shall be enclosed by security fencing on the interior of the buffer area no taller than 8' in height and with access for wildlife.
 - ~~##.5.9~~ - **Wildlife Corridors**. For large-scale solar facilities, the applicant shall identify **and provide** access corridor(s) for wildlife to navigate through and across the solar facility.
 - ~~##.5.10~~ - **Lighting**. For community, small- and large-scale solar facilities, proposed lighting fixtures as approved by the County to minimize off-site glare.
 - ~~##.5.11~~ - **Signage**. For all solar facilities, no signage of any type may be placed on the facility other than required by law and not in conflict with Chapter 24, Article II, Division 2.
 - ~~##.5.12~~ - **Transmission Lines**. For community, small- and large-scale solar facilities, any new associated electrical transmission lines shall be located below ground.
 - **##.6 - Construction, Operational, and Decommissioning Requirements for Solar Energy Generating Facilities**. For community, small- and large-scale solar facilities, the following requirements shall be met during the construction phase and/or throughout the operational life of solar facilities subject to a special use permit:
 - **##.6.1** - Groundwater Monitoring
 - **##.6.2** - Coordination of Local Emergency Services; Emergency Response Plan
 - **##.6.3** - Monitoring and Maintenance
 - **##.6.4** - Liability Insurance

- ##.6.5 - Compliance with Local, State, and Federal Requirements
- ##.6.6 – Inspections
- ##.6.7 - Storage and Removal of Damaged Panels
- ##.6.8 - Change in Ownership
- ##.6.9 - Decommissioning and Reclamation

Virginia Association of Counties

Connecting County Governments since 1934



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General Counsel

Phyllis A. Errico, Esq., CAE

TO: Chairs, County Board of Supervisors
County Administrators

FROM: Dean A. Lynch, CAE 
Executive Director

SUBJECT: Voting Credentials for the 2023 VACo Annual Business Meeting

DATE: September 19, 2023

The 2023 Annual Business Meeting of the Virginia Association of Counties will be held on Tuesday, November 14, at 10:00 a.m. at the Omni Homestead in Bath County, VA.

Article VI, VACo Bylaws, states that each county shall designate a representative of its board of supervisors to cast its vote(s) at the Annual Business Meeting.

However, if a member of the board of supervisors cannot be present for this meeting, the Association's Bylaws allow a county to designate a non-elected official from your county or a member of a board of supervisors from another county to cast a proxy vote(s) for your county.

For your county to be certified to vote at the Annual Business Meeting, a completed Voting Credentials Form or a Proxy Statement must be submitted to VACo by November 7, 2023.

We look forward to your participation at the VACo Annual Conference November 12-14, 2023.

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