

AGENDA
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
November 28, 2023
1:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PRESENTATION(S)

1. Retiree Recognition - Brenda Grow
2. Proclamation - James City-Bruton Volunteer Fire Department 75th Anniversary
3. FY 2023 Annual Report

D. CONSENT CALENDAR

1. Contract Award - Bulk Fuel Delivery Services
2. Grant Award - \$24,644 - Bulletproof Vest Partnership
3. Grant Award - \$25,000 - Competitive Litter Prevention and Recycling Grant
4. Grant Award - \$1,000 2023 Fall Green Grant
5. Grant Award - \$160,078 - Fiscal Year 2022 Homeland Security Grant Program - Urban Area Security Initiative
6. Grant Award - \$32,246 - Litter Prevention and Recycling Program
7. Reallocation and Appropriation of Housing and Neighborhood Development Fund Balance
8. Minutes Adoption

E. BOARD DISCUSSIONS

1. Historic Triangle Recreational Facilities Authority Update
2. James City County Marina Improvements

F. BOARD CONSIDERATION(S)

1. 2024 Legislative Program

G. BOARD REQUESTS AND DIRECTIVES

H. REPORTS OF THE COUNTY ADMINISTRATOR

I. CLOSED SESSION

1. Code of Virginia section 2.2-3711.A(8): 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, the New Town Section 7 and 8 Proffers.
2. Discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia and pertaining to Fire Station 6 Land Acquisition.
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. 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.
5. Appointments - Chesapeake Bay Board and the Wetlands Board
6. Appointment - Stormwater Program Advisory Committee
7. Certification of Closed Session

J. ADJOURNMENT

1. Adjourn until 8:30 a.m. on December 1, 2023 for the Joint Meeting located at Room 127 in the Stryker Building, 412N Boundary Street, Williamsburg, VA



1

FY2023 ACCOMPLISHMENTS

Community Development

- Finalized Skiffes Creek Connector project
- Completed Natural and Cultural Assets Plan
- Assisted 25 households with grant-supported septic tank pump-outs

Intact Natural Habitat Cores and Corridors
JAMES CITY COUNTY
Natural & Cultural Assets Plan

James City County logo and Skiffes Creek text are visible in the top right corner of the slide.

jamescitycountyva.gov

2

FY2023 ACCOMPLISHMENTS



Economic Development

- Recognized three JCC businesses celebrating 50th anniversaries
- \$485,500 in Virginia Business Ready Sites Program grant funding
- Facilitated sale of 58 acres of property



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3

FY2023 ACCOMPLISHMENTS



Financial and Management Services

- Overcame staffing challenges
- Achieved two major milestones with software enhancements:
 - Launched budget module in MUNIS
 - Launched a TEAMS/OneDrive channel
- Processed over 4,1000 sales and completed 1,100 permits



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FY2023 ACCOMPLISHMENTS



Fire Department



- Began carrying whole blood on EMS vehicles
- Placed a new technical rescue truck and fire boat into service
- Continued to collaborate with Social Services for the CONECT program

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FY2023 ACCOMPLISHMENTS



General Services

- Received a \$10,000 grant from Virginia DEQ for septic pump-outs
- Completed rehabilitation of baseball infield and renovation of basketball courts at Warhill Sports Complex
- Installed a dual port electric vehicle charging station at JCC Recreation Center



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6

FY2023 ACCOMPLISHMENTS



Human Resources

- Awarded Health Promoter of the Year by Greater Williamsburg Chamber of Commerce
- Increased employee satisfaction with open enrollment process
- Increased minimum wage to \$14.78 per hour



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7

FY2023 ACCOMPLISHMENTS



Information Resources Management

- Expanded live streaming to all public, education and government channels
- Completed requirements for implementation of Next Generation 9-1-1
- Awarded 20th annual Digital Counties Survey by the Center for Digital Government and the National Association of Counties



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8

FY2023 ACCOMPLISHMENTS



Parks & Recreation

- Installed new grant-supported outdoor classroom at Freedom Park
- Provided year-round accommodations to over 400 customers with special needs
- Expanded tourism activities



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9

FY2023 ACCOMPLISHMENTS



Police Department

- Secured several grants to enhance public safety
- Hosted third annual Halloween with Heroes
- Supported local children with “Shop with a Cop”



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FY2023 ACCOMPLISHMENTS



Social Services

- Succeeded in placing 90% of foster care youth with kinship families
- Implemented the local Housing Voucher Subsidy Program
- Assisted homeowners with repairs, first-time homebuyer support and affordable housing construction
- Managed significant increases in SNAP and Medicaid participants



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FY2023 ACCOMPLISHMENTS



Williamsburg Regional Library

- Ranked as one of the top public libraries in the country by Library Journal
- Received Friends of the Library Award for Friends of WRL Foundation programs
- Selected as \$7,000 grant recipient by the Public Library Association for digital literacy workshops




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Connect With Us!



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 **JCC TV**
Cox Cable Channel 88 and
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 **JCCAlert.org**
Receive emergency updates on
your cell phone, email and more!

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 **YouTube**
[youtube.com/jamescitycounty](https://www.youtube.com/jamescitycounty)

 **News Flash**
You can get James City County news
flashes delivered straight to your inbox!
Email jccnews@jamescitycountyva.gov
to sign up.

MEMORANDUM

DATE: November 28, 2023

TO: The Board of Supervisors

FROM: William W. Stewart, Director of Fleet and Equipment

SUBJECT: Contract Award - Bulk Fuel Delivery Services

A Request for Proposals (RFP) was solicited from qualified firms to simplify the purchasing process and delivery of Bulk Fuel Delivery Services by having a firm pre-selected based upon its qualifications per the requirements of the Virginia Public Procurement Act and establishing an “in place” contract for Bulk Fuel Delivery 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 James City County Fleet and Equipment and Williamsburg-James City County Public Schools (WJCC) evaluated the proposals and selected the most qualified firm. The contract has 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 firm if they so choose.

Firm selected for contract award is:

World Fuel Services

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

WWS/ap
CA-BlkFuelDlv-mem

Attachment

RESOLUTION

CONTRACT AWARD - BULK FUEL DELIVERY SERVICES

WHEREAS, a Request for Proposals has been advertised and evaluated for Bulk Fuel Delivery Services; and

WHEREAS, World Fuel Services was determined to be the best qualified to provide the required fuel delivery services in its respective group.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby awards the contract for Bulk Fuel Delivery Services to the firm listed in this resolution.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

SADLER
ICENHOUR
MCGLENNON
LARSON
HIPPLE

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

CA-BlkFuelDlv-res

MEMORANDUM

DATE: November 28, 2023
TO: The Board of Supervisors
FROM: Mark L. Jamison, Chief of Police
SUBJECT: Grant Award - \$24,644 - Bulletproof Vest Partnership

The James City County Police Department has been awarded a Patrick Leahy Bulletproof Vest Partnership (BVP) grant from the Office of Justice Programs' Bureau of Justice Assistance for \$24,644 (\$12,322 federal funds; \$12,322 local match). The funds will be used to purchase approximately 18 new and replacement bulletproof vests for officers.

BVP has typically been a recurring grant program made available yearly to law enforcement agencies throughout the United States. This grant expires August 31, 2025, which allows us to replace vests as needed or purchase vests for new officers throughout the grant period.

Each sworn officer within the Department is offered a bulletproof vest as part of their normally issued equipment. Unless recalls are made, or the vest is damaged, the lifespan of vests is typically five years. The vests used by the Department are engineered for superior performance and integrate high-performance ballistic materials with a temperature-regulating carrier for maximum comfort.

The grant requires a match of \$12,322, which is available in the Special Projects/Grants Fund.

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

MLJ/ap
GA-BlltprfVP23-mem

Attachment

RESOLUTION

GRANT AWARD - \$24,644 - BULLETPROOF VEST PARTNERSHIP

WHEREAS, the James City County Police Department has been awarded a Patrick Leahy Bulletproof Vest Partnership (BVP) grant from the Office of Justice Programs' Bureau of Justice Assistance for \$24,644 (\$12,322 federal funds; \$12,322 local match); and

WHEREAS, the grant requires a local match of \$12,322, which is available in the Special Projects/Grants Fund; and

WHEREAS, the funds will be used to purchase approximately 18 new and replacement bulletproof vests for officers.

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.

Revenues:

Federal - BVP - Fiscal Year 2023	\$12,322
Local Match	<u>\$12,322</u>
Total	<u>\$24,644</u>

Expenditure:

BVP - Fiscal Year 2023	<u>\$24,644</u>
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Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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

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

MEMORANDUM

DATE: November 28, 2023
TO: The Board of Supervisors
FROM: Robert B. Dittman, Solid Waste Director
SUBJECT: Grant Award - \$25,000 - Competitive Litter Prevention and Recycling Grant

The Fiscal Year 2024 Virginia Department of Environmental Quality Competitive Litter Prevention and Recycling Grant was awarded to James City County in the amount of \$25,000.

James City County wishes to expand its recycling efforts and efficiency at the Toano Convenience Center by purchasing and installing a vertical cardboard baler. The baler will replace the open-top container currently used at the Convenience Center. Baling the cardboard will minimize the risk of litter during transport while increasing the value of the baled cardboard. The baling will increase the density of the loads thus reducing the hauling frequency and greenhouse gas emissions.

The attached resolution appropriates these funds for the purchase and installation of a vertical cardboard baler at the Toano Convenience Center in support of the litter prevention and recycling programs.

Staff recommends adoption of the attached resolution.

RBD/ap
GA-CompLtrPr-mem

Attachment

RESOLUTION

GRANT AWARD - \$25,000 - COMPETITIVE LITTER PREVENTION

AND RECYCLING GRANT

WHEREAS, the Virginia Department of Environmental Quality has awarded James City County Solid Waste Division a Competitive Litter Prevention and Recycling Grant in the amount of \$25,000; and

WHEREAS, the funds will be used for the purchase and installation of a vertical cardboard baler at the Toano Convenience Center in support of the litter prevention and recycling programs; and

WHEREAS, no local match is required.

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

Revenue:

State - Fiscal Year 2024 Litter Prevention and Recycling Grant \$25,000

Expenditure:

Fiscal Year 2024 Litter Prevention and Recycling Grant \$25,000

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

SADLER
ICENHOUR
MCGLENNON
LARSON
HIPPLE

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



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

1111 E. Main Street, Suite 1400, Richmond, Virginia 23219

P.O. Box 1105, Richmond, Virginia 23218

(800) 592-5482 FAX (804) 698-4178

www.deq.virginia.gov

Travis A. Voyles
Acting Secretary of Natural and
Historic Resources

Michael S. Rolband, PE, PWD, PWS
Emeritus, PE, PWD, PWS Emeritus
Director
(804) 698-4020

October 16, 2023

Scott Stevens
County Administrator
James City County
101 Mounts Bay Road
Building D
Williamsburg, VA 23185

RE: FY2024 Competitive Litter Prevention and Recycling Grant

Dear Scott Stevens:

On behalf of the Litter Fund Board, it is my pleasure to inform you that a competitive grant to **James City County** in the amount of **\$25,000.00** has been approved for FY2024 litter prevention and recycling activities.

Conditions:

1. Grant funds must be used in accordance with the information provided in your application.
2. Grantee must provide detailed Accounting and Performance Reports by August 1, 2024.
3. Any unspent funds at the end of FY2024 exceeding the FY2025 non-competitive litter grant award must be returned to DEQ.

Processing of the grant awards is underway, and a payment for this amount should be received within the next two weeks if funds can be transferred electronically (EDI) or in thirty days if processing by check is required.

If you have any questions or need additional information, please contact Prina Chudasama at prina.chudasama@deq.virginia.gov or at (804) 698-4159.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sanjay Thirunagari'.

Sanjay Thirunagari
Programs Manager
Division of Land Protection & Revitalization



October 18, 2023

Regina Jackson,
Keep James City County Beautiful
107 Tewing Rd.
Williamsburg, VA 23188

Dear Regina,

I'm happy to enclose your 2023 Fall Green Grants check award in the amount of \$1000 for your Beautification plans!

We would greatly appreciate it if you would complete your project and complete a final report by March 1, 2024, so that everything will be wrapped up before the Spring Green Grant funding window opens.

If you aren't able to complete your project before that time, please let me know.

We're looking forward to seeing all that you accomplish in your community. You're welcome to share pictures of your work in progress!

Thank you again for the work you're doing to improve our natural and scenic environment!

Sincerely,

A handwritten signature in blue ink that reads "Beckey".

Beckey Watson
Development Director

Enclosure

MEMORANDUM

DATE: November 28, 2023
TO: The Board of Supervisors
FROM: Andrea Case, Environmental Sustainability Coordinator
SUBJECT: Grant Award - \$1,000 - 2023 Fall Green Grant Award

The 2023 Fall Green Grant was awarded to James City County by Keep Virginia Beautiful in the amount of \$1,000.

The grant will be used to support garden educational efforts by providing signage and plant markers at the water-wise and pollinator gardens located at the Human Services Center and Veterans Park. These gardens educate citizens on the benefits of native plants and provide an enjoyable environment for those visiting these locations.

The attached resolution appropriates the grant amount of \$1,000 to the Special Projects/Grants Fund.

Staff recommends adoption of the attached resolution.

AC/ap
GA-FllGrn23-mem

Attachment

RESOLUTION

GRANT AWARD - \$1,000 - 2023 FALL GREEN GRANT

WHEREAS, the Keep Virginia Beautiful Fall Green Grants Program has awarded James City County Solid Waste Division a 2023 Fall Green Grant in the amount of \$1,000; and

WHEREAS, the funds will be used to provide signage and plant markers at the water-wise and pollinator gardens located at the Human Services Center and Veterans Park; and

WHEREAS, no local match is required.

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

Revenue:

2023 Fall Green Grant	<u>\$1,000</u>
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Expenditure:

Fiscal Year 2023 Fall Green Grant	<u>\$1,000</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			
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Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of November, 2023.

MEMORANDUM

DATE: November 28, 2023

TO: The Board of Supervisors

FROM: Mark L. Jamison, Chief of Police

SUBJECT: Grant Award - \$160,078 - Fiscal Year 2022 Homeland Security Grant Program - Urban Area Security Initiative

The James City County Police Department has been awarded a Fiscal Year 2022 Homeland Security Grant Program - Urban Area Security Initiative grant through the Department of Homeland Security/Federal Emergency Management Agency for \$160,078.

The grant will be used to fund the purchase of two Axon Fotokite tethered drones and one Skydio X2E unmanned aircraft system. Each drone will be purchased with licensing, service and warranties, related equipment, and training. This allocation requires no matching funds.

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

MLJ/md
GA-22HSGP-UASI-mem

Attachment

RESOLUTION

GRANT AWARD - \$160,078 - FISCAL YEAR 2022 HOMELAND SECURITY

GRANT PROGRAM - URBAN AREA SECURITY INITIATIVE

WHEREAS, the James City County Police Department has been awarded a Homeland Security Grant Program (HSGP) - Urban Area and Security Initiative (UASI) grant through the Department of Homeland Security/Federal Emergency Management Agency for \$160,078; and

WHEREAS, funds will be used to purchase two tethered drones and one unmanned aircraft system, along with related equipment, software, warranties, services, and training; 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 2022 HSGP - UASI	<u>\$160,078</u>
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Expenditure:

Fiscal Year 2022 HSGP - UASI	<u>\$160,078</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

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



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

1111 E. Main Street, Suite 1400, Richmond, Virginia 23219

P.O. Box 1105, Richmond, Virginia 23218

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Travis A. Voyles
Acting Secretary of Natural
and Historic Resources

Michael S. Rolband, PE, PWD,
PWS Emeritus, PE, PWD, PWS
Emeritus
Director
(804) 698-4020

October 30, 2023

Scott Stevens
County Administrator
James City County
101 Mounts Bay Road
Williamsburg, VA 23185

Dear Scott Stevens:

I am pleased to inform you that a total grant award of **\$32,245.93** has been approved for the **James City County** Litter Prevention and Recycling Program activities and the Extended Polystyrene (EPS) campaign for the period of July 1, 2023 to June 30, 2024.

The total grant award amount above includes the following:

Non-Competitive Grant Award: \$28,207.00

EPS Campaign Amount: \$4,038.93

Processing of the grant awards is underway, and a payment for this amount should be received within the next two weeks if funds can be transferred electronically (EDI) or in thirty days if processing by check is required.

If you have any questions or need additional information, please contact Prina Chudasama at prina.chudasama@deq.virginia.gov or at (804) 659-1530.

Sincerely,

A handwritten signature in black ink, appearing to read "Sanjay Thirunagari".

Sanjay Thirunagari
Programs Manager
Division of Land Protection & Revitalization

MEMORANDUM

DATE: November 28, 2023
TO: The Board of Supervisors
FROM: Andrea Case, Environmental Sustainability Coordinator
SUBJECT: Grant Award - \$32,246 - Litter Prevention and Recycling Program

The Fiscal Year 2024 Virginia Department of Environmental Quality Litter Prevention and Recycling Grant was awarded to James City County in the amount of \$32,246.

The funds will be used to support the James City Clean County Commission's annual programs and activities such as the Annual Litter Cleanup, the Annual Repair and Recycling Expo, and other community outreach and environmental education programs.

The attached resolution appropriates the grant amount of \$32,246 to the Special Projects/Grants Fund in support of the litter prevention, beautification, and recycling programs.

Staff recommends adoption of the attached resolution.

AC/ap
GA-LitterPrev24-mem

Attachment

RESOLUTION

GRANT AWARD - \$32,246 - LITTER PREVENTION AND RECYCLING PROGRAM

WHEREAS, the Virginia Department of Environmental Quality has awarded James City County Solid Waste Division a Litter Prevention and Recycling Grant in the amount of \$32,246; and

WHEREAS, the funds will be used to support the James City Clean County Commission’s annual programs and activities such as the Annual Litter Cleanup, the Annual Repair and Recycling Expo, and other community outreach and environmental education programs; and

WHEREAS, no local match is required.

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

Revenue:

State – Fiscal Year 2024 Litter Control Grant	<u>\$32,246</u>
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Expenditure:

Fiscal Year 2024 Litter Control Grant	<u>\$32,246</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			
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Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of November, 2023.

MEMORANDUM

DATE: November 28, 2023

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Neighborhood Development Administrator

SUBJECT: Reallocation and Appropriation of Housing and Neighborhood Development Fund Balance

In September 2019, the Board of Supervisors approved the implementation of the Septic System Repair Cost Share Program in the Housing and Neighborhood Development Fund. The Septic System Repair Cost Share Program was intended to assist eligible homeowners with failing septic systems to connect to public sewer or install a regulatory compliant alternative on-site septic system in coordination with the Virginia Department of Environmental Protection’s Septic and Well Assistance Program.

The Septic System Repair Cost Share Program required local funding to support the initiative, and state funding was anticipated to reimburse certain costs as incurred. In Fiscal Year (FY) 2020, \$100,000 in Fund Balance was transferred from the Housing and Neighborhood Development Fund to provide the necessary local funding. However, due to lack of owner interest and changes in the housing market, the program could not be utilized and has recently expired. As a result, staff recommends transferring the funds previously allocated to the septic program in the amount of \$100,000 back to the Housing and Neighborhood Development Fund Balance.

Separately, staff requests that \$50,000 of the Housing and Neighborhood Development Fund Balance be appropriated to the FY2024 budget for the Affordable Housing Incentive Program, to cover any unforeseen costs associated with current efforts underway to provide affordable housing.

The attached resolution authorizes the reallocation of Housing and Neighborhood Development Fund Balance from the expired Septic System Repair Cost Share Program and the appropriation of \$50,000 in Housing and Neighborhood Development Fund Balance from the Housing and Neighborhood Development Fund.

Staff recommends adoption of the attached resolution.

AVP/md
FndBalReallApp-mem

Attachment

RESOLUTION

REALLOCATION AND APPROPRIATION OF

HOUSING AND NEIGHBORHOOD DEVELOPMENT FUND BALANCE

WHEREAS, the James City County Board of Supervisors approved the implementation of the Septic System Repair Cost Share Program in September 2019; and

WHEREAS, the program involved reimbursement by the state for certain costs incurred and required local funding; and

WHEREAS, the Board authorized the use of Fund Balance in the Housing and Neighborhood Development Fund in Fiscal Year (FY) 2020 to provide the necessary local funding for this program; and

WHEREAS, due to changes in the housing market and economic conditions, this program could not be initiated, and has recently expired without any costs being incurred; and

WHEREAS, local Housing and Neighborhood Development Fund Balance in the amount of \$100,000 previously allocated to this program could be transferred back to the Fund Balance and \$50,000 of this Fund Balance could be appropriated to the Affordable Housing Incentive Program’s FY2024 budget to support unforeseen costs associated with the construction of affordable homes.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the reallocation of Fund Balance in the amount of \$100,000 from the expired Septic System Repair Cost Share Program to the Affordable Housing Incentive Program and the appropriation of \$50,000 of that Fund Balance as follows in the Housing and Neighborhood Development Fund.

Revenue:

Fund Balance \$50,000

Expenditure:

Affordable Housing Incentive Program \$50,000

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>
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LARSON	_____	_____	_____	_____
HIPPLE	_____	_____	_____	_____

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

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
October 10, 2023
5:00 PM

A. CALL TO ORDER

Mr. Hipple called the meeting to order at approximately 5:04 p.m. following the James City Service Authority Board of Directors Regular Meeting.

B. ROLL CALL

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

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

Mr. Hipple requested a motion to allow Ms. Sadler to participate in the meeting remotely, due to medical conditions that prevented her attendance.

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 acknowledged Ms. Sadler's presence.

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Olivia Taliaferro, a 4th grade student at DJ Montague Elementary School

Mr. Hipple gave highlights of Olivia's interests and activities.

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

E. PUBLIC COMMENT

Mr. Hipple opened the Public Comment.

1. Ms. Ofelia Seredni, 7657 Cypress Drive, addressed the Board regarding septic issues she has

experienced at her property. She stated the only viable solution to this issue was direct discharge and requested the Board approve the application she submitted. Ms. Seredni noted the home was built in 1984 and in 2019 the property started experiencing septic issues. She further noted she hired a septic company and installed the AdvanTex AX20. Ms. Seredni stated prior to installation there were numerous trips to the site, soil testing, design plans, and final approval of the plans from the Virginia Department of Health (VDH). She noted a year later the project commenced and the project was completed in 2021. Ms. Seredni further noted a final inspection was conducted and VDH failed it, adding she received written correspondence of alleged violation of what appeared to be effluent on the ground surface. She mentioned there were changes made by the installer to fix the issue that was initially approved by VDH at the design plan phase. Ms. Seredni advised in July 2021, the changes were completed and VDH inspected the work and failed it for a second time. She mentioned she had received further written correspondence from VDH requesting her attendance at a meeting regarding the septic issues. Ms. Seredni requested VDH contact the contractor she had hired as she was not an expertise on the subject matter; however, she was advised by VDH that it only collaborates with homeowners. She mentioned her attendance at the requested meeting including the owner of the septic company she hired, design engineer, and the installer. Ms. Seredni noted the company explained how the system worked and how the puddles in the ground surface were not contaminated with effluent, adding the puddles in the yard were due to runoff water coming from the street and adjacent properties. She stated the installer had reached out to James City County numerous times to request approval of direct discharge; however, was denied each time. Ms. Seredni noted VDH had requested the septic company provide the details in written correspondence then VDH would reach out to the County directly. She further noted the requested directives were conducted but there was no further action taken. Ms. Seredni mentioned she attempted to contact the septic company she hired numerous times; however, she received no response. She stated after consultation with an attorney it was recommended to contact the manufacturer of the AdvanTex AX20, Orenco. She noted Orenco had referred her to Mr. Ray Johnson, local representative of Orenco, who inspected the work performed and the tanks installed, adding everything passed inspection. Ms. Seredni mentioned she and Mr. Johnson have been attempting to gain approval of direct discharge since 2022. She highlighted various organizations and individuals she had meetings with to address these concerns. Ms. Seredni questioned the reasons VDH initially approved the project in the design plan phase and then denied after the final inspection. She requested Board approval for direct discharge, adding if denied she desired written correspondence identifying the Ordinance which determined the conclusion.

Mr. Hipple thanked Ms. Seredni.

2. Mr. Ray Johnson, Wastewater Consultant, 4733 Williamsburg Glade, addressed the Board to discuss environmental injustice. He spoke about restrictions regarding direct discharge permits and the constraints to make septic repairs. Mr. Johnson elaborated on that point in further detail. Mr. Johnson expressed his concern with the stern County Ordinances in place. He stated new technologies and regulations existed today to manage highly treated effluent that was environmentally safe for all citizens. Mr. Johnson noted high-density direct discharge was a short-term solution, adding effluent sewer systems were a long-term solution that could be designed for growth issues, could be privately maintained, septic could be converted as needed, and could resolve long-term issues with affordability. Mr. Johnson thanked the Board for its time.

3. Mr. William Yuiska, III, 7600 Cypress Drive, addressed the Board regarding septic issues. He noted he bought his home in 2011 as a new construction with an alternative Norweco septic system. Mr. Yuiska further noted the system was permitted by VDH and inspected by an engineer who designed it. He stated septic issues began in 2013 and experienced the following issues of poor electrical work, leaking risers, broken floats, and frequent backups. Mr. Yuiska mentioned these issues resulted in multiple replacements of the septic pump, septic aerator, and

Ultraviolet (UV) Disinfection System. He noted it was later discovered the initial installation was incorrect as the original design was changed to include too small of a drainfield in order to decrease the costs and save money. Mr. Yuiska further noted the original engineer had retired in order to avoid responsibility for numerous failing septic systems, adding he had heard the original contractor was no longer authorized to build in Virginia. Mr. Yuiska stated he was advised by various septic professionals that based on the poor system design and soil conditions of the area it would not function adequately. He noted a loan was taken out to fix the poor electrical work. Mr. Yuiska further noted once the system was fully operational the sand mound began to exhibit effluent surfacing. He remarked he was advised by septic professionals that the land could not take the amount of water being pumped into it. Mr. Yuiska stated his family was limited to 450 gallons of water a day for a family of six. He mentioned after discussion with VDH regarding the concerns the Yuiska family was given a small grant in the amount of \$13,500 to aid in the replacement of the system. Mr. Yuiska explained the grant did not cover the permit fees or the engineering costs nor could he find one engineer to accept the work due to the poor soil conditions and increased liability of the job. He noted he was made aware that the land in this area was one of the worst in the County and several engineers were apprehensive of conducting work in this area without VDH to back them up, so they did not lose their license and liability purposes. Mr. Yuiska further noted a year later he found an engineer who quoted \$40,000-\$50,000 for the system. He mentioned the engineer voiced his frustration on having to fix many of the failing systems within the area and further explained the only viable solution for this area was direct discharge. Mr. Yuiska commented he was still awaiting design plans and the grant issued was soon to expire. He noted continuous issues of the failing system, adding the pump had to be replaced once again. Mr. Yuiska highlighted various essential chores and daily tasks that could not be done at home due to these issues. He asked the Board for consideration on a viable solution and to recognize the failures from design plan phase to the faulty installation of many of these septic systems. Mr. Yuiska encouraged the Board to recognize the community needs and thanked the Board for its time.

Mr. Hipple thanked Mr. Yuiska.

4. Mr. Kenny Elliot, 7649 Cypress Drive, addressed the Board noting he was speaking today in support of the Seredni family. He commented that Mr. and Mrs. Seredni followed the necessary measures to fix their septic system and after exhausting all options were then denied the direct discharge permit. Mr. Elliott noted several other counties that bordered the Chickahominy River allowed alternative septic systems to direct discharge into the river. He further noted he was not in favor of water and sewer lines coming down Forge Road if it brought more development to the area. Mr. Elliott expressed his belief that direct discharge should be a temporary fix for the citizens experiencing these issues until a long-term solution could be determined. He stated he has an AdvanTex system that was capable of direct discharge and was required to have it tested and maintained annually even though it drained into a drainfield. Mr. Elliott mentioned at this time he did not experience these septic issues; however, he knew of several citizens in the area who were. He expressed his concern for the future regarding these septic concerns and new residential development with the awareness of these issues in this area. Mr. Elliott suggested the halt of new residential development until these issues could be addressed and rectified. He thanked the Board for its time.

5. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board to talk trash. She noted a vacancy on the Clean County Commission for the Powhatan District. Ms. Boarman spoke about uncovered loads and the importance of securing them. She mentioned if trash was exhibited in the County to contact the Virginia Department of Transportation (VDOT). Ms. Boarman recognized Mobilize Recovery and The WAR Foundation for their efforts in cleaning the property at the Grove Christian Outreach Center and in areas of Route 60. She thanked the Board for its time.

Mr. Hipple thanked Ms. Boarman.

6. Mr. Doug Harbin, 208 Landing Road, Seaford, VA, addressed the Board in support of the Hertzler Clearing and Grading application. He spoke highly of the Hertzler family and their business. Mr. Harbin encouraged the Board to approve the Special Use Permit (SUP) application.

7. Mr. Vernon Geddy, Geddy, Harris, Franck & Hickman, LLP, 1177 Jamestown Road, addressed the Board noting he was present on behalf of Mr. Steven and Mrs. Mary Hertzler and Hertzler Clearing and Grading Company. He noted at the Board's April 11, 2023, Regular Meeting, the case had been deferred as the Board had requested accident history regarding Hertzler commercial vehicles on Barnes Road and completion of all restoration work regarding the Resource Protection Area (RPA) on-site. Mr. Geddy further noted that based on information from the Hertzlers' insurance company there had been no accidents. He confirmed that the RPA restoration work had been completed, adding Mr. Mike Woolson, Section Chief, Stormwater and Resource Protection Division, had inspected the work performed and was satisfied with the results. Mr. Geddy stated this company was an environmentally responsible business. He highlighted the pros of the business and the work performed, in addition to the ideal location for this land use. Mr. Geddy mentioned the SUP conditions in place would ensure compliance. He encouraged the Board to approve this application and thanked the Board for its time.

Mr. Hipple thanked Mr. Geddy.

8. Ms. Rosa Mayes, 135 Racefield Drive, addressed the Board noting she was not in support of the Hertzler Clearing and Grading application. She expressed her concerns with noise and sanitary water with residents of the Racefield neighborhood who had shallow wells. Ms. Mayes pointed out that the business had operated illegally for numerous years.

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

Mr. Hipple addressed Mr. Doug Powell, General Manager, James City Service Authority, requesting a discussion regarding the septic issues voiced this evening. He asked the citizens of Cypress Drive to provide their information to Mr. Powell. Mr. Hipple expressed his desire to find a solution for these concerns. He thanked the constituents.

F. CONSENT CALENDAR

None.

G. PUBLIC HEARING(S)

Mr. Hipple noted Ms. Barbara Null was the Planning Commission representative present.

1. SUP-23-0012. 8659 Richmond Road Solar Project

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

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

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

Ms. Suzanne Yeats, Planner, addressed the Board noting Mr. John Townsend had applied for an SUP on behalf of Sun Tribe Development to develop and construct a five-megawatt solar panel facility for electrical power generation, storage, and transmission on an approximate 67.7-acre portion of parcels located at 8659 and 8659A Richmond Road. She cited the specifics of the SUP application included in the staff report in the Agenda Packet. Ms. Yeats stated the parcel was split by Richmond Road and the entirety of the project would lie south of the Richmond Road right-of-way. She noted the design of the project depicted solar panels on a single-axis tracking system that would rotate throughout the day to track the sun. Ms. Yeats further noted the electricity produced by the solar panels would be collected and connected to the Toano Substation. She remarked the project was intended to operate for a term of 30 years with the

potential for two additional five-year periods for a total of up to 40 years. Ms. Yeats stated at the end of the sublease term, the owner would cease operation of the project and execute a final decommissioning plan agreed to by the landlord and project owner. She mentioned staff had included proposed conditions to mitigate impacts from this proposal to address public safety, stormwater and resource protection measures to mitigate potential pollutants and flooding, preservation of nearby and surrounding properties, placing utilities underground, buffering to mitigate visual impacts to the Community Character Corridor, native pollinators, and public improvements addressing public need and benefit. Ms. Yeats stated at the September 6, 2023, Planning Commission meeting, the Planning Commission approved by a vote of 7-0 a resolution to find this proposal consistent with the 2045 Comprehensive Plan and Section 15.2-2232 of the Code of Virginia. She added the Planning Commission also approved by a vote of 7-0 to recommend approval of this application with the amendment that the utilities be undergrounded to the point of interconnection. Ms. Yeats noted staff found the proposal to be compatible with surrounding development and consistent with the recommendations of the adopted 2045 Comprehensive Plan. She further noted staff recommended the Board of Supervisors approve the SUP, subject to the proposed conditions. She welcomed any questions the Board might have, adding the applicant was also available.

Mr. Hipple asked if any Board members had questions.

Ms. Sadler asked if access to the site required the crossing of any railroad tracks.

Ms. Yeats replied no.

Ms. Sadler thanked Ms. Yeats.

Ms. Null addressed the Board noting at the September 6, 2023, Planning Commission meeting, there were various considerations regarding this application including details on the revenue provided to the County from the project, traffic management plan, flow of traffic and turning movements, and if VDOT required bonding for damage to the road, and the Virginia Shared Solar Program and beneficial factors to low-income residents and marketing capabilities. She noted the Commission had questions regarding handling of damaged solar panels, mowing maintenance, and bad restorage on-site. Ms. Null noted there were three public speakers who spoke in favor of the application. She further noted the Planning Commission voted 7-0 to find the application proposal consistent with the adopted 2045 Comprehensive Plan. Ms. Null added the Planning Commission approved by a vote of 7-0 to recommend approval of this application with the amendment that the utilities be undergrounded to the point of interconnection and to include machinery and tool tax revenue share payments to the County. She welcomed any questions the Board might have.

Mr. Hipple asked if any Board members had questions.

Mr. Hipple thanked Ms. Null.

Mr. Hipple opened the Public Hearing.

1. Mr. John Townsend, Applicant, 107 5th Street Southeast, Charlottesville, VA, addressed the Board to provide a presentation on the project. He highlighted various beneficial factors to the County from this project on the PowerPoint presentation. Mr. Townsend briefly discussed background information on Sun Tribe Development. He noted the project was a five-megawatt solar panel facility which would produce enough electricity to power up to 1,000 homes a year with clean, affordable energy. Mr. Townsend further noted the project would use less than 70 acres of the 130-acre parcel. He stated the site was currently screened with existing mature vegetation on three sides of the property, adding new vegetation and plantings along Richmond Road would be accommodated, if approved. Mr. Townsend indicated the project would connect to existing distribution power lines on-site, adding Sun Tribe Development voluntarily proposed

ground-mounted equipment to tie into the existing power line on-site. He mentioned the project would incorporate meticulous stormwater erosion and sediment control best practices as required by state and County regulations. Mr. Townsend remarked during project operation there was no noise or emissions generated, minimal traffic, no on-site lighting, and required no County services. He stated solar facilities were safe and did not pose a threat to persons or property. Mr. Townsend advised the facility was required to be decommissioned at the end of its operational life, adding the property would be returned to its previous use. He reiterated and displayed the beneficial factors of the project on the PowerPoint presentation. Mr. Townsend indicated a public meeting was held in May 2023 and to-date there had been no opposition received regarding the project. He highlighted the various studies, reviews, and approvals required prior to commencement of construction of solar projects on the PowerPoint presentation. Mr. Townsend noted a six-month timeframe for the construction of this project. He reiterated the beneficial factors of this project to the County and the community as a whole. Mr. Townsend concluded the presentation and welcomed any questions the Board might have.

Ms. Larson asked if there would be future changes to the solar facility based on evolving innovations.

Mr. Townsend replied that was a great question, adding what was proposed would be the way it was anticipated to operate for the entirety of the project.

Ms. Larson thanked Mr. Townsend.

Mr. McGlennon asked if it was likely to see solar in different industries and applications as time moved forward.

Mr. Townsend replied yes. He mentioned solar panel efficiency had increased, versatility of panel shapes and sizes to accommodate various structures and/or surfaces. Mr. Townsend stated his specialty was not in rooftop solar; however, he mentioned longevity concerns based on the condition and lifespan of the roof.

Mr. McGlennon sought legislative advice.

Mr. Townsend mentioned he had watched the most recent presentation The Berkley Group gave to the Board. He noted asking the right questions and establishing the desired goals for solar facilities within the County was key. Mr. Townsend expressed his belief that he was unable to provide legislative feedback; however, Sun Tribe Development was not opposed to collaborative efforts and feedback through the process if need be.

Mr. McGlennon asked if Mr. Townsend could speak to the benefit of mobile solar panels in relation to the soil.

Mr. Townsend explained there would be a row of poles with a horizontal tube connecting them with a panel on each side. He noted in the morning the panels would be shifted at a left angle and as the sun path moved throughout the day the solar panels would gradually shift to conclude a shifted right angle. Mr. Townsend further noted the mobility of these panels reduced impact to the soil. He spoke on that point in further detail.

Mr. Hipple asked if there would be visual glare impacts from the solar panels when tilted toward Richmond Road.

Mr. Townsend stated a Solar Glint and Glare study had been conducted which identified it would not be a concern to nearby roads and/or houses. He referenced Slide No. 3 on the PowerPoint to display the project site layout. Mr. Townsend mentioned the way the site was laid out the panels rotated from left to right, adding it would not have any visibility impact on Richmond Road.

Mr. Icenhour asked if the project included the parcel on the north side of Richmond Road.

Mr. Townsend replied no, adding it was approximately 20-25 acres north of Richmond Road and would not be impacted by this project. He stated the landowner could utilize the land as desired.

Mr. Hipple thanked Mr. Townsend.

Ms. Sadler requested clarification on the results of the report from the Virginia Soil and Water Conservation Board.

Mr. Paul Holt, Director of Community Development, addressed the Board noting there were a number of technical concerns and questions that the applicant answered. Mr. Holt indicated that the Virginia Soil and Water Conservation Board did not recommend approval nor denial of this application.

Ms. Sadler thanked Mr. Holt for the confirmation.

Mr. Hipple thanked Mr. Townsend.

2. Ms. Patricia Hunter, 1010 Marney Court, Richmond, VA, addressed the Board stating she was the manager on behalf of her family for the 8659 Richmond Road Solar Project. She noted an SUP was submitted to James City County in March 2023, adding she had been working with Sun Tribe Development for almost three years. Ms. Hunter further noted that the land had been in her family for generations. She remarked her family had no interest in farming the land nor selling to a large developer. She stated her family wished to diversify the uses of the property and protect the land. Ms. Hunter explained solar aligned with her family's goals as it was a temporary land use and allowed generated revenue. She expressed her belief that this project would not negatively impact the community. Ms. Hunter thanked the Board for its time and welcomed any questions.

Ms. Larson asked if she could ask a question to Ms. Hunter.

The Board agreed.

Ms. Larson asked if other developers had approached her family regarding development opportunities.

Ms. Hunter replied yes all the time. She noted her family owned five parcels in the County totaling approximately 1,000 acres. Ms. Hunter mentioned positive remarks of Sun Tribe Development. She expressed her belief that this was a positive alternative use of the land and beneficial to the community.

Ms. Larson thanked Ms. Hunter.

Ms. Hunter thanked the Board.

3. Mr. Jay Everson, 6923 Chancery Lane, addressed the Board noting this case was a well thought out project and met the needs of the landowner. He remarked he was not opposed to this project. Mr. Everson explained solar facilities were an industrial use and should only be permitted in industrial zoned areas.

Mr. Hipple thanked Mr. Everson.

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

Mr. Icenhour expressed his desire to move the motion to approve this application with the exclusion of SUP Condition No. 11. He mentioned Ms. Hunter made a compelling case forward for the use of her land. Mr. Icenhour noted the positive collaboration between the landowner and developer. He further noted the beneficial factors of this application. Mr. Icenhour stated he attended the community meeting and noted great feedback and engagement. He noted the decommissioning bonds would be reviewed every five years for sufficiency purposes. Mr. Icenhour further noted he supported this application.

Mr. McGlennon agreed with Mr. Icenhour on the points made. He highlighted the beneficial factors to the community, environment, landowner, and developer. Mr. McGlennon expressed his support for this application.

Ms. Larson pointed out the landowner and longtime County family having the ability to make a decision for the land use opposed to having to sell. She expressed her support for this compelling case.

Ms. Sadler agreed with Ms. Larson.

Mr. Hipple noted he met with Sun Tribe Development and expressed his concerns of visibility, safety, buffering, etc. He further noted there were no issues regarding these concerns with this proposal. Mr. Hipple echoed Ms. Larson's point of a James City County family having the ability to make a decision on land use for their property. He expressed his support for this application.

H. BOARD CONSIDERATION(S)

1. SUP-20-0010. 9537 Barnes Road Hertzler Clearing and Grading

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

AYES: 3 NAYS: 2 ABSTAIN: ABSENT: 0

Ayes: Hipple, Icenhour Jr, Larson

Nays: McGlennon, Sadler

Mr. John Risinger, Senior Planner, addressed the Board noting at its April 11, 2023, Regular Meeting, the Board postponed consideration of this application for six months to complete remediation impacts to the RPA on-site. He further noted on September 29, 2023, a property inspection was conducted by the County's Stormwater and Resource Protection Division and upon inspection all stockpiled mulch and debris had been removed from the RPA. Mr. Risinger stated a total of 111 native canopy trees were required to be planted within the RPA on the property. He indicated another inspection was conducted on October 9, 2023, and confirmed all plantings had been planted within the RPA. Mr. Risinger stated the Board had also requested staff to provide data for vehicular accidents that occurred along Barnes Road at the intersection of Barnes Road and Route 30. He noted Police Department staff had searched database records available beginning in 2004 and determined 244 accidents had occurred to-date. Mr. Risinger spoke to that point in further detail. He noted staff found the proposal compatible with surrounding zoning and development, and consistent with the adopted 2045 Comprehensive Plan. Mr. Risinger further noted staff recommended approval of this application to the Board of Supervisors, subject to the proposed conditions. He welcomed any questions the Board might have, adding the applicant team was in attendance as well.

Mr. Hipple asked if any Board members had questions.

Ms. Larson asked about sanitary well concerns regarding burying of woodchips and/or debris. She asked if the County had observed any evidence of these concerns being related.

Mr. Risinger replied staff was unaware of any information that would suggest they were related.

1. Mr. Chase Grogg, LandTech Resources Inc., 205 Bulifants Boulevard, Suite E, addressed the Board noting the site water ran in the opposite direction. He noted there was no burying conducted on-site. Mr. Grogg referenced the map on the PowerPoint presentation for a visual representation.

Mr. Icenhour asked about aquifer impacts in relation to shallow wells.

Mr. Holt replied he was unsure, adding he could investigate and follow up with the Board if desired.

Mr. McGlennon asked if remediation occurred due to activities conducted on-site causing RPA impacts.

Mr. Risinger replied correct.

Ms. Larson asked Mr. Holt if the Board preferred a six-month check-in period on this project could that be accommodated.

Mr. Holt confirmed yes. He referenced proposed conditions and the flexibility of verbiage to accommodate as requested by the Board.

Ms. Larson replied ok, thank you.

Mr. Holt confirmed that would be incorporated to accommodate two annual inspections opposed to just one.

Discussion ensued.

Ms. Larson asked if the Board had the ability to revoke an SUP at any time.

Mr. Holt replied yes.

Ms. Sadler expressed her concerns with the safety of Barnes Road despite zero Hertzler vehicular accidents recorded on that road. She referenced the high number of accidents to-date on the road. Ms. Sadler expressed her belief that this application was not suitable for this location, adding she received many citizen complaints regarding noise. She also pointed out that the business had operated illegally for numerous years.

Ms. Larson requested some further details on the illegal activity situation.

Mr. Holt replied it generated from a complaint received in 2019/2020 timeframe.

Ms. Larson asked if the proposal were to be denied and the Hertzler business continued its operation, what would happen then.

Mr. Holt replied it would be enforcement action through the County's Attorney's Office.

Ms. Larson asked the timeframe. She questioned 2023-2027.

Mr. Holt deferred the question to Mr. Kinsman, County Attorney.

Mr. Kinsman's response was inaudible.

Ms. Larson asked if there were other active investigations regarding illegal operations.

Mr. Holt confirmed yes.

Ms. Larson asked about the progress status.

Mr. Holt replied short-term rentals as an example.

Ms. Larson asked if he felt the applicant had conducted satisfactory due diligence during the compliance process.

Mr. Holt replied yes.

Ms. Larson thanked Mr. Holt.

Mr. Hipple asked if any Board member had anything further to add.

Mr. McGlennon mentioned SUPs were not optional. He noted he was appeased that the RPA violations were remediated; however, he emphasized the violations component. He further noted he would not support this application.

Mr. Icenhour remarked he investigated the explanation behind the original SUP denial; however, he was unable to obtain clarity with the documentation resources utilized. He highlighted a different perspective in reviewing this case. Mr. Icenhour elaborated on his point in further detail. He noted the proposed SUP conditions were established, he pointed out the SUP could be revoked at any time, and the project would be closely monitored. Mr. Icenhour further noted he was in support of this application.

Ms. Sadler pointed out numerous constituent concerns in relation to noise. She asked if there was an SUP condition included with this application regarding noise mitigation.

Mr. Holt highlighted a few proposed SUP conditions.

Ms. Sadler asked if there was a proposed SUP condition for the noise level itself.

Mr. Holt replied no, other than to maintain the locations of those areas as depicted on the proposed master plan.

Ms. Sadler thanked Mr. Holt.

Mr. Hipple expressed the challenges with this application due to the background history. He questioned future practices with local businesses if this case were approved. Mr. Hipple highlighted the beneficial factors of this type of business. He encouraged the local business public to reach out to County staff if there were any questions and/or concerns regarding operation practices.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour displayed the “Home for the Holidays” brochures and passed them to his fellow Board members. He noted fundraising efforts had begun and encouraged Board members to circulate this initiative within the community. Mr. Icenhour advised donations were accepted on the Greater Williamsburg Chamber of Commerce website. He encouraged the public to support this worthwhile program.

Mr. McGlennon extended his thanks to Police Chief Jamison, Mr. Stevens, and Police

Department staff who attended the Grove community meeting last week. He noted positive engagement. He encouraged the Board to look into deforestation, erosion control, and climate control measures. He referenced an article he read about Scotland where approximately five million trees had been planted in approximately 20 years to aid the future. Mr. McGlennon recommended a program to plant 100,000 trees in James City County over the course of the next decade. He spoke to that point in further detail.

Ms. Larson mentioned she had a constituent ask her about potentially extending the Safe Routes to School sidewalk on Ironbound Road. She asked if there were other grant opportunities to extend the sidewalk.

Mr. Stevens stated he would follow up on the sidewalk plan and funding opportunities to accommodate more of that.

Mr. McGlennon stated a Safe Routes to School plan was recently approved for Laurel Lane Elementary School. He noted he received an email this evening from a constituent who inquired if the sidewalk could potentially be extended to some portion of Lake Powell Road. Mr. McGlennon suggested reviewing the current sidewalk plan with the growing interest of ensuring students had a safe way to get to school, adding especially with the recent enforcement of the non-transportation zones at a number of the Williamsburg-James City County elementary schools.

Ms. Larson replied from her understanding that had been retracted.

Mr. McGlennon noted James River Elementary School had approximately 200 students affected by the non-transportation zone enforcement. He further noted that had been retracted due to various factors.

Ms. Larson stated she hoped for an update once the School Liaison meeting was scheduled. She mentioned she had attended the Olde Towne Medical & Dental Center 30th Anniversary gala, adding positive remarks about the event. Ms. Larson stated she attended the Community Foundation Fall Grant Awards Luncheon. She highlighted triathlons within the County were a significant economic benefit to the community. Ms. Larson noted she understood the traffic congestion in relation to these triathlons.

Ms. Sadler thanked her fellow Board members for their help and support during the past few months. She noted both of her parents had become critically ill.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens mentioned the annual Boo Bash would be held on October 14, 2023, from 1-4 p.m. at Jamestown Beach Event Park. He spoke about the Halloween with Heroes event, which was scheduled for October 25, 6-8 p.m. at the Law Enforcement Center. Mr. Stevens encouraged the public to attend.

K. CLOSED SESSION

None.

L. ADJOURNMENT

1. Adjourn until 1 pm on October 24, 2023 for the Business Meeting

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

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

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

At approximately 7:02 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
October 24, 2023
1:00 PM

A. CALL TO ORDER

B. ROLL CALL

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

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

Mr. Hipple sought a motion to amend the Agenda to remove the first Closed Session item regarding the Williamsburg Regional Library and a motion to change the adjournment to a continuation of a meeting due to Board members attending the Virginia Association of Counties (VACo) Annual Conference.

A motion to Amend the Agenda and Change the Adjournment was made by Sue Sadler, the motion result was Passed.

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

C. PRESENTATION(S)

1. VDOT Quarterly Update

Mr. Rossie Carroll, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, addressed the Board noting this quarterly update covered July 1, 2023, to September 30, 2023. He noted 655 work orders during that period with completion of 568 work orders, adding that number represented an 86% completion rate. He highlighted several points during the quarter, adding drainage repairs, ditching, pothole repairs, sweeping, roadway patching, and work on Route 60 between Anderson's Corner and the New Kent County line. Mr. Carroll noted the County's final mowing and litter pickup for primary and secondary roads was October 30. He further noted mowing and litter pickup would resume with the 2024 schedule. Mr. Carroll highlighted the various VDOT completed projects which included guardrail repairs and other County improvements such as New Town paving, Longhill Road widening, Olde Towne Road turn lanes, Skiffes Creek connector, and other projects. He noted some upcoming projects included the SmartScale Longhill Road shared use path, Croaker Road widening near the Croaker Library, Pocahontas Trail Reconstruction Phase One, and others. Mr. Carroll stated the PM5V, the County's 2024 asphalt paving project, goes out to advertise on

November 9. He noted a proposed list of routes for 2024 summer paving was in the Board's Agenda Packet. Mr. Carroll continued his presentation highlighting other upcoming projects. He noted the work on Route 60 between Anderson's Corner and the New Kent County line was an asphalt-concrete combination project for both east and west directions. Mr. Carroll detailed the project's timeline. He continued listing Fiscal Year (FY) 2024 County safety projects which included Olde Towne Road Americans with Disabilities Act (ADA) compliant sidewalk repairs and New Town ADA compliant sidewalk repairs. He added tree trimming had taken place along Route 199 for better sign visibility. Mr. Carroll noted some traffic studies were also included in the Board's Agenda Packet and he referenced several of those studies. He continued with a land use update since July 1 with 23 plan reviews completed and issuance of 55 land use permits within the County. Mr. Carroll noted 115 land use permits had been closed, adding that marked the first time he had reported to the Board that the closures exceeded the issuances. He further noted that point was due to holding the issuances until the outstanding permits could be addressed. Mr. Carroll stated there was an abundance of utility work being done in James City County, particularly fiber work. He noted the nine-mile gap project of Interstate 64 widening and pavement rehabilitation that also included work on two bridges. Mr. Carroll further noted paving of the Lightfoot Park & Ride lot and other components included in the gap project. He concluded his presentation and asked the Board if there were any questions or comments.

Ms. Sadler thanked Mr. Carroll. She noted a reminder to trim the shrubs at the Warhill Indoor Sports Complex at Longhill Gate Road.

Mr. Carroll noted VDOT would check that area.

Ms. Sadler thanked Mr. Carroll. She added another constituent concern was the greenery in the roundabout on Longhill Road and trimming was needed. Ms. Sadler thanked Mr. Carroll for looking into that area also.

Mr. Icenhour extended his appreciation on behalf of the residents of The Meadows for the speed adjustment and the area near Veterans Park.

Mr. Carroll noted increased vehicular traffic was noted in that area. He further noted the pedestrian crossing also in that area and improved safety measures.

Mr. McGlennon extended his thanks for the work done at the intersection of Ron Springs Drive and Magruder Lane in the Grove area. He thanked Mr. Carroll for assistance with the paving projects. Mr. McGlennon noted some traffic concerns at Brookwood Drive and Route 199 in addition to Kingspoint and Route 199. He asked about an update on the Goodrich Durfey work in The Vineyards.

Mr. Carroll responded that work constituted the pipe contract he mentioned earlier that VDOT had recently awarded. He explained the phases of the contract work.

Discussion ensued on the timeline and details of the pipe project.

Ms. Larson thanked Mr. Carroll for the tree trimming work which had occurred on Route 5. She questioned work to be done at the Centerville Road and Route 5 intersection as well as one in Ms. Sadler's district.

Mr. Carroll noted both locations had traffic studies completed and recognized the need for work at both intersections. He further noted funding availability was a factor.

Ms. Larson questioned the possibility of a crosswalk from Greensprings Road to Jamestown High School.

Mr. Carroll noted a study had been done on that location. He further noted the County was

reviewing putting sidewalks at that location with VDOT adding the crosswalk there also. Mr. Carroll stated currently there were no pedestrian facilities to allow people to cross there.

Mr. Paul Holt, Director of Community Development, addressed the Board noting the County had applied for the funding and should have a decision in early 2024.

Ms. Larson noted it was an area of concern for her. She thanked Mr. Holt for the update. Ms. Larson stated the Berkeley District had numerous drainage issues that needed to be addressed.

Mr. Hipple stated the light at Harris Teeter and Route 60 was a quick light as drivers were leaving Harris Teeter. He noted the backup of cars in the roundabout.

Mr. Carroll responded VDOT would look into that situation.

Mr. Hipple thanked Mr. Carroll for VDOT's work on the tree trimming along Forge Road. He referenced several other locations of interest.

D. CONSENT CALENDAR

1. Adoption of the James City County Emergency Operations Plan 2023

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

2. Contract Awards - Annual Building Envelope Technical Support Services

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

3. Contract Award - \$139,990 - Court Support Building Roof Replacement

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

4. Contract Award - \$100,910 - James City County Fire Station No. 2 Roof Replacement

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

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

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

6. Establishment of New Positions

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

7. Grant Award - \$12,236 - Fiscal Year 2023 Edward Byrne Memorial Justice Assistance Grant

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

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

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

8. Grant Award - \$7,834 - Forest Sustainability Fund

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

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

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

9. Leave Payout

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

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

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

10. Minutes Adoption

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

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

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

11. 2023 Scattered Site Community Development Block Grant

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

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

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

E. BOARD DISCUSSIONS

1. Financial Updates, FY2023 Year-End and FY2024 First Quarter

Ms. Cheryl Holland, Budget Manager, addressed the Board with an update on the County's FY2023 finances which ended June 30, 2023. She noted she would also provide an update for FY2024 first quarter which ended September 30, 2023. Ms. Holland further noted the presentation was only focused on the General Fund and excluded grant-related funds, American Rescue Plan Act funds, Capital Improvements Program (CIP), and such as they existed outside of the County's normal operating activities. She highlighted the County's General Fund revenues for FY2023 in the presentation, adding the numbers represented were still considered preliminary until the completion of the FY2023 financial statement audit over the ensuing months. Ms. Holland noted FY2023 budget versus actual was shown in the PowerPoint presentation as well as a comparison to FY2022 actual revenue. She stated General Property taxes constituted two-thirds of total revenue and was the County's largest revenue source. Ms. Holland added real estate and personal property taxes were included in this category. She stated most of the increase was impacted by the reassessments done in FY2023. Ms. Holland continued the presentation identifying other taxes which included meals, lodging, and sales in addition to business licenses. She highlighted the decreased revenue in the Use of Money & Property category as representative of properties where the County ceased to serve as the landlord on properties sold during FY2022, thus eliminating that revenue stream in FY2023. Ms. Holland noted the increase in the State and Federal Revenue category was primarily due to an increase in state funding to assist with law enforcement recruitment and retention efforts. She stated the increase in Charges for Services primarily reflected the increased use of Parks & Recreation Department programs and facilities. Ms. Holland highlighted the Miscellaneous &

Transfers line item which included property sales that occurred each fiscal year. She added the Fund Balance was in excess of \$14.4 million used for various purposes which also included the FY2023 CIP in addition to other one-time expenditures. Ms. Holland stated \$7 million of the Fund Balance was used for the purchase of the Courthouse Green properties. She noted the red highlighted information in the presentation indicated the overall growth in recurring revenues in a year-over-year comparison.

Mr. McGlennon questioned the amount of property tax from new construction versus reassessment on existing properties.

Ms. Holland noted she would have to gather that information and send it to the Board.

Mr. McGlennon also requested some information on the personal property particularly in consideration of the Board's action earlier in the year.

Ms. Holland confirmed she would provide that information. She noted personal property had a calendar year which meant part of FY2023 reflected that tax deduction. Ms. Holland further noted the second half of FY2023 reflected the 100% assessment. She continued the PowerPoint presentation highlighting the expenditure portion, adding all departments finished the year under budget. Ms. Holland noted the category labeled Actual reflected expenditures incurred and purchase orders that were outstanding at year's end. She added there was approximately \$1.9 million of purchase orders at the end of FY2023 which would carry forward into FY2024 for those purchases to occur. Ms. Holland noted savings occurred from vacancies and unmade purchases due to supply chain issues or departmental need changes during FY2023. She highlighted the savings in the School Division which equated to \$8.7 million for the County's proportionate share. Ms. Holland noted a resolution was normally presented to the Board regarding the surplus funds, but a new operating agreement was in place for this year which allowed the County to retain 10% of those year-end savings with the 90% balance going to the School Division. She further noted additional savings to the School Division and other transfer line items were related to debt service savings. Ms. Holland continued the presentation highlighting the General Fund surplus, adding some of that surplus was previously committed to specific areas. She noted the County's fiscal policy required an Unassigned Fund Balance of 15% of general governmental expenditures. Ms. Holland further noted 12% had been the requirement prior to FY2023. She explained the County would have a strong reserve at approximately 29%. Ms. Holland noted some previous uses of the General Fund included one-time CIP projects as opposed to operational needs which were ongoing expenses. She further noted the conservative approach the County had implemented regarding the budget and future strategic uses of the Fund Balance were important in maintaining a strong financial situation while planning for future funding.

Ms. Larson asked if the total amount of funding for the School Division could be sent to the Board.

Ms. Holland confirmed yes.

Ms. Larson questioned the 7% increase given by the School Division and if any additional increases were forthcoming with the finalization of the state budget. She asked if she could get some information on that point.

Ms. Holland responded she would get that information.

Ms. Larson thanked Ms. Holland.

Mr. Stevens replied he thought that had been the case, but that point would be verified.

Mr. McGlennon asked if the revenue returned to the School Division was considered capital.

Ms. Holland noted per the new agreement, those funds would be part of building the FY2025 budget. She further noted at that point discussion would take place of whether the funds were capital or operating needs. Ms. Holland continued the presentation addressing the first quarter of FY2024 with actual revenue displayed for the first three months. She noted it was early in the fiscal year and so real estate and personal property tax due dates were still upcoming. Ms. Holland further noted some adjustments for funding from the prior year and corresponding factors. She continued the presentation highlighting the expenditures and detailed the departmental spending. Ms. Holland noted some departments incurred spending early in the fiscal year such as Financial Administration. She further noted the insurance premiums were paid upfront early in the year followed by the annual audit occurring in the fall. Ms. Holland stated Information Technology had its equipment maintenance and software contracts paid in full at the start of the year, thus its budget percentage was higher at this time of the year. She continued stating Parks & Recreation had recurring seasonal costs. Ms. Holland noted the impact of incumbencies was due to purchase orders being issued at the beginning of the fiscal year. She stated these were normal timing issues and usually abated during the course of the fiscal year, adding the Financial and Management Services Department would work with departments to monitor spending throughout the fiscal year.

Ms. Larson thanked Ms. Holland for a great presentation and explanation. She questioned Ms. Holland's typical conversation with department leaders regarding their normal expenditures.

Ms. Holland responded that her contact depended on the type of expenditure and if it required the department director or leadership team for a department. She noted a shift in line items and future budget planning were also considered in conversations with departments, adding that included if certain spending was one-time or ongoing.

Ms. Larson noted the healthy budget and the funding for the previously requested positions which were approved earlier in the meeting under the Consent Calendar.

Mr. Stevens confirmed yes. He noted all those positions had been requested during the budget process but were not recommended in the Board's budget message for funding. Mr. Stevens further noted those positions totaled just under \$2 million. He added the County had set aside an additional \$2 million for the School Division with \$4 million already allocated into the budget. Mr. Stevens noted the state budget allocated additional school funding which allowed the \$2 million allocation to be used for the recurring expenses regarding full-time positions.

Ms. Larson reiterated the importance of those positions. She expressed her concern regarding position turnover due to compensation. Ms. Larson noted the upcoming compensation study and the need to address that issue. She expressed her appreciation regarding filling those positions.

Mr. Stevens noted the awareness and concern regarding much-needed compensation with surrounding localities to maintain and recruit employees. He further noted more discussion on the compensation study would likely occur in the January 2024 timeframe.

Ms. Larson thanked Mr. Stevens.

Mr. Hipple noted compensation had been discussed regionally at the Mayors and Chairs meeting. He further noted the struggles of competitive pay. Mr. Hipple stressed the need to address upcoming projects, protect the County's AAA bond rating, and other factors.

Mr. McGlennon noted the correlation of last year's savings to the number of vacancies. He further noted the demands placed on employees during that time and the need to address ongoing costs regarding staff. Mr. McGlennon commented on the opportunity to bank some savings based on those points.

Mr. Hipple noted training and compensation for employees. He referenced ongoing training as employees moved to other locations and the impact on staff.

Ms. Holland noted those questions would be addressed in a follow-up for the Board.

The Board thanked Ms. Holland.

2. Tax Exempt Requirements

Mr. Richard Bradshaw, Commissioner of the Revenue, addressed the success of the Real Estate Exemption Program for the Elderly and Disabled Citizens. He noted the program was designed to assist citizens with limited income to remain in their homes without the overburden of real estate taxes. Mr. Bradshaw stated a historical record of the past 24 years regarding the program was included in the Board's Agenda Packet. He cited some statistics from the record regarding income threshold, assets, and exemptions. Mr. Bradshaw explained the program was based on value of the home and changes that had ensued over the past 24 years. He cited program specifics in surrounding localities, adding James City County had substantial benefits to its citizens. Mr. Bradshaw noted with income and costs increasing, there was a need to make adjustments to both the income requirement and the benefit level. He stated the maximum income to receive the exemption was currently \$45,000 per household income and he recommended that amount be raised to \$55,000. Mr. Bradshaw suggested the benefit be raised from the first \$120,000 of value to the first \$150,000 of value. He added this would increase the current exemption amount of \$996 (\$120,000 value at \$0.83 per \$100) to approximately \$1,245 (\$150,000 value at \$0.83 per \$100) and would be effective FY2025.

Ms. Larson thanked Mr. Bradshaw. She noted a senior citizen in her neighborhood had brought this point to her attention. Ms. Larson further noted this program assisted older people who wanted to age in their homes. She supported the recommendations to increase the value to the first \$150,000 and the \$55,000 maximum income.

Mr. McGlennon noted no significant changes to the program had taken place in a while and the recommendations warranted consideration, particularly with increased costs and other factors. He questioned the cumulative impact of the changes in terms of number of people impacted and additional costs.

Mr. Bradshaw noted the increase from approximately \$1,000 to \$1,245. He further noted the number of applicants was an unknown variable.

Ms. Larson questioned whether this information could be reviewed and be ready for the November Business Meeting.

Mr. Stevens stated yes, that would allow the Commissioner of the Revenue to prepare his paperwork for the beginning of the calendar year.

Mr. Bradshaw confirmed November would work. He noted the timing of forms for the June application submission date.

Mr. McGlennon asked about the range of impact.

Mr. Bradshaw noted this year with 400 applicants, the impact was approximately \$400,000. He further noted with the exemption adjustment from \$120,000 to \$150,000, the impact was likely less than \$600,000. Mr. Bradshaw stated 915 disabled veterans qualified for real estate exemptions which equated to \$3.2 million in real estate taxes at the time he printed the historic record chart for the Board. He noted 12 more veterans had been added since that time with several more pending. Mr. Bradshaw stated in comparison, the \$600,000 for real estate exemption for the elderly and disabled citizens was minor.

Ms. Larson thanked Mr. Bradshaw.

Mr. Icenhour questioned if there was no recommendation to change the total assets from \$200,000. He asked if surrounding jurisdictions used a similar amount.

Mr. Bradshaw stated yes, adding some were lower than \$200,000. He cited the difference in New Kent County was a higher income with a lower asset of \$150,000.

Ms. Larson asked if a motion to table pending more information was needed.

Mr. Stevens noted either way was fine. He further noted action was not necessarily required as this was for discussion purposes.

Mr. McGlennon noted he was in favor of supporting these changes.

The other Board members concurred with Mr. McGlennon.

F. BOARD CONSIDERATION(S)

1. 2024 Legislative Agenda

Mr. Kinsman addressed the Board to discuss the 2024 legislative agenda. He noted he had compiled items the Board had discussed throughout the year. Mr. Kinsman stated one item addressed adoption of a resolution in support of the National Association of Counties' (NACo) position on regulating telecommunications facilities, deregulation of low-hazard dams like Kingspoint and Jolly Pond, encourage and provide for regulating the electric vehicle charging infrastructure, increase the distance of the 40-foot no contact voting center rule, and relaxed development standards for agri-tourism. He continued noting the recommendation from Deputy County Attorney Liz Parman regarding a change in the Virginia Code section requiring a five-year notice period for trash takeover as the County was considering that point. Mr. Kinsman stated he had spoken with the Honorable Holly Smith and learned the judges of the 9th District Circuit had met and spoken with the Judicial Council. He added the judges had presented the caseload numbers to the Judicial Council and had convinced the Judicial Council to recommend the addition of another Circuit Court judge to the County's district. Mr. Kinsman noted the funding would be provided by the General Assembly. He added that recommendation would go before the General Assembly, and he recommended that recommendation be on the Board's legislative agenda in support of that effort. Mr. Kinsman noted he had also included the Board's 2023 legislative agenda and asked if the Board wanted to retain the reference to school funding. He cited the reference to change in the school funding index to a fairer allocation of state funding among localities.

Mr. McGlennon noted that point may have more impetus coming from VACo or the Virginia Municipal League (VML) agendas. He further noted reemphasis to fully remove the cap on support positions.

Ms. Larson noted the importance of the 45-day early voting. She questioned an analysis of the cost to the locality and awareness of the timelines. Ms. Larson stated she would check with other VACo localities to see how things had gone for them.

Mr. Icenhour referenced the 40-foot no contact rule, adding it was based upon an arc from the entrance. He noted with the new voting center at 4095 Ironbound Road, drawings had to be created based on any potential entrance. Mr. Icenhour further noted 40-feet around the building rather than an entrance. He referenced a conversation with Ms. Dianna Moorman, Director of

Elections, Office of Elections, and her concerns about the 40-foot criteria. He suggested a building envelope for protection of the entire building.

Mr. McGlennon noted a consideration of the state regarding regulation on the use of herbicides or pesticides in the vicinity of the Chesapeake Bay and its tributaries. He further noted this point might gain more strength from the local lobbying groups such as VACo or VML.

Discussion ensued.

Mr. Kinsman noted he would directly contact individual Board members whose names were attached to specific items. He stated the next steps for moving forward with the legislative agenda.

Ms. Larson noted the importance of contact with future General Assembly members.

Mr. Hipple asked if the March Business Meeting would be convenient as it would follow the election.

Ms. Larson agreed.

Mr. Kinsman noted possibly April or May for that meeting with legislators. He added he would provide a draft agenda at the Board's November 28, 2023, Business Meeting. He noted no motion was needed as the Board had provided direction for the draft agenda.

2. Utility-Scale Solar Farm Applications

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

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

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

Mr. Jose Ribeiro, Senior Planner II/Landscape Planner, addressed the Board noting The Berkley Group's presentation at the Board's September 12, 2023, meeting which addressed the draft solar policy language for Large-Scale Solar Facilities. He noted a draft Ordinance template was also presented which addressed various scales of solar facilities. Mr. Ribeiro referenced the attachments in the Agenda Packet. He noted the revised draft language based on the Board's feedback was included and the policy and Ordinance would be prepared for review by the Planning Commission in early 2024.

Mr. Icenhour noted the revised language was easier to read. He complimented Mr. Ribeiro on the work. Mr. Icenhour noted this policy would be reviewed by the Planning Commission, be presented at a public hearing, and then return to the Board for comments.

3. Designation of Voting Representative at VACo Annual Business Meeting

A motion to Nominate Ms. Larson was made by John McGlennon, the motion result was Passed.

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

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

Mr. Stevens noted four of the five Board members planned to attend the VACo conference. He stated the voting delegate would be sent conference information, adding a volunteer or elected representative were options for that decision.

Ms. Larson accepted the nomination.

G. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour noted the turnout at the recent James City Service Authority Recognition Event. He added he was impressed with the camaraderie.

Mr. McGlennon noted he and Mr. Hipple had been at KelRae Farm for the celebration regarding the grant the farm received. He further noted KelRae Farm was part of a food hub that assisted those in need of food. Mr. McGlennon stated it was an impressive presentation.

Ms. Larson asked Mr. Stevens if the County had an officer who assisted with recruiting. She noted she had heard more about that use in other areas.

Mr. Stevens noted yes though that was not necessarily the officer's primary duty. He added officers went to job fairs and other activities. Mr. Stevens noted a Human Resource (HR) position within the Police Department to coordinate and further recruiting efforts. He further noted HR positions within other County departments to assist with recruitment. Mr. Stevens added he could get additional information for Ms. Larson but some of those efforts were being done.

Ms. Larson referenced the intersection at Route 5 and Centerville Road and asked if a redlight camera could be installed there. She asked if someone could get back with her on that area. She continued noting her attendance at Lafayette High School's (LHS) 50th Anniversary celebration. Ms. Larson commended the Planning Committee for the celebration and all the activities. She addressed the influence of teachers and coaches as exemplified during the recognition of the 22 inductees in to LHS's 2023 Sports Hall of Fame. Ms. Larson noted recognition of students beyond test scores and return to the personal impact of teachers and coaches beyond tests. She further noted the passing of her uncle, a long-time resident of James City County.

Ms. Sadler extended her sympathies to Ms. Larson and her family. Ms. Sadler noted her participation in the recent Economic Development Authority meeting on October 17, 2023. She noted her attendance at the recent Agricultural and Forestal District (AFD) Advisory Committee meeting on October 19, 2023. Ms. Sadler further noted a new AFD application would be forthcoming. She stated she felt the AFD program was a very worthwhile program in the County.

Mr. Hipple noted he and Mr. Stevens attended the Mayors and Chairs meeting on October 23, 2023. He further noted the meeting, which was held in Yorktown, was very well attended. Mr. Hipple stated the next meeting would be held in James City County in January 2024. He noted the great work and support the KelRae Farm provided to the community.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens noted the Halloween with Heroes event was Wednesday, October 25, 2023, 6-8 p.m. at the Law Enforcement Center located at 4600 Opportunity Way. He added that children and adults were encouraged to attend this fun and safe Trick-or-Treat event. Mr. Stevens stated the Clean County Commission was hosting another Repair Fair & Recycling Expo, Saturday, November 18, 2023, 9 a.m.-1 p.m. at Warhill High School. He noted items could be dropped off for recycling and registration for items to be repaired was available on the website, <https://jamescitycountyva.gov/>.

I. CLOSED SESSION

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

At approximately 2:24 p.m., the Board of Supervisors entered a Closed Session.

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

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

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

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

Item No. 1 was removed per the Agenda amendment made at the start of the Business Meeting.

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

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

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

- a. Appointment - Board of Zoning Appeals

Mr. Icenhour noted the appointment of Mr. Andrew Frank to the Board of Zoning Appeals for the balance of a five-year term that ends on March 31, 2024.

- b. Appointment - Colonial Juvenile Services Commission

Mr. Icenhour noted the appointment of Ms. Melinda Marriott and Ms. Denise Kirschbaum to the Colonial Juvenile Services Commission for length of term through June 30, 2027.

- c. Appointments - Social Services Advisory Board

Mr. Icenhour noted the appointment of Mr. Frank Ferguson to the Social Services Advisory Board to assume the unexpired term of Mr. Henry Wells that expires on November 30, 2025, and the appointment of Mr. Kenya Williams and Ms. Charvalla West for terms that expire on October 24, 2027.

d. Appointments - Colonial Community Criminal Justice Board

Mr. Icenhour noted the Board's recommendation to appoint the Honorable Judge Joshua DeFord and Mr. Brad Rinehimer to three-year terms expiring October 24, 2026.

J. ADJOURNMENT

Mr. Hipple noted the Board's next meeting would be on November 14, 2023, at 5 p.m. in the Board Room. He stated the October 24, 2023, Business Meeting would continue on November 12, 2023, at 9 a.m. where four Board members would be attending the VACo Annual Conference at The Omni Homestead Resort in Hot Springs, Virginia.

A motion to Keep the October 24, 2023, Business Meeting Open was made by Ruth Larson, the motion result was Passed.

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

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

At approximately 4:02 p.m., Mr. Hipple noted the Board of Supervisors would reconvene on November 12, 2023.

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

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
November 14, 2023
5:00 PM

A. CALL TO ORDER

Mr. Hipple called the meeting to order at approximately 5:03 p.m. following the James City Service Authority (JCSA) Board of Directors Regular Meeting.

B. ROLL CALL

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

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

Mr. Hipple noted Ms. Barbara Null, Planning Commission representative, would lead the Board and citizens in the Pledge of Allegiance after the moment of silence.

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Colton Greenleaf, a 3rd grade student at J Blaine Blayton Elementary School

Ms. Null led the Board and citizens in the Pledge of Allegiance.

E. PUBLIC COMMENT

Mr. Hipple opened the Public Comment.

1. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board to talk trash. She stated on Friday, November 10, 2023, she and the James City County Ruritan Club cleaned up the Adopt-A-Spot on Centerville Road and collected four bags of trash. Ms. Boarman highlighted tips for the holidays including avoid sink backups by putting grease in a can and freezing it and then disposing of it in the garbage; scraping leftovers into the garbage or compost pile; choosing products by packaging, etc. She stated November 15, 2023, was America Recycles Day. Ms. Boarman mentioned the Repair Fair & Recycling Expo was on Saturday, November 18, 2023, from 9 a.m.-1 p.m. at Warhill High School. Ms. Boarman discussed the event in further detail. She highlighted other environmentally friendly tips and referenced AskHRGreen.org for additional information. She thanked the Board for its time and extended Happy Holiday wishes

from the Clean County Commission.

2. Mr. Marco Sardi, 4008 Governor's Square, addressed the Board noting he was a teacher at James Blair Middle School and President of Williamsburg-James City Education Association (WJCEA). He extended his gratitude to the Board for its ongoing support for the Williamsburg-James City County (WJCC) Schools. Mr. Sardi remarked he looked forward to productive collaborative efforts as time moved forward closer to the budgetary process. He noted the budget process may begin to look a bit different in the coming years as it had been decided to allow further input from staff and students on priorities within the WJCC School Division. Mr. Sardi elaborated on that point in further detail. He noted one of the priorities this year was to fund additional Pre-K centers to allow for consolidation efforts. Mr. Sardi further noted the limited staff and the Pre-K population had significantly increased this year. He explained the objective was to allow all Pre-K classes to be in one building to share resources and support to properly address the Pre-K population. He encouraged the Board to support this vital priority and thanked the Board for its time.

Mr. Hipple thanked Mr. Sardi.

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

F. CONSENT CALENDAR

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

1. Excavator Replacement

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

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

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

2. Williamsburg Landing, Inc., Revenue Bond Issuance

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

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

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

G. PUBLIC HEARING(S)

Mr. Hipple acknowledged Mr. Stephen Rodgers, the Planning Commission representative, at the meeting.

1. SUP-22-0017, Z-22-0002, & MP-22-0002. 4399 John Tyler Highway Five Forks Self Storage Facility

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

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

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

Ms. Paxton Condon, Deputy Zoning Administrator/Senior Planner, addressed the Board noting Mr. Greg Davis, Kaufman & Canoles, P.C., had applied on behalf of Stein Investment Group to amend the adopted Master Plan and proffers for Governor's Grove at Five Forks as well as a Special Use Permit (SUP) to permit a self-storage facility at 4399 John Tyler Highway. She added a boundary line adjustment was requested to utilize a portion of 4365 John Tyler Highway for the stormwater facilities. Ms. Condon cited the specifics of the SUP application included in the Agenda Packet. She noted the proposed facility would consist of a three-story building totaling approximately 100,000 square feet and 700 storage units. Ms. Condon further noted the entrance access for this facility would be from John Tyler Highway. She stated traffic

improvements would include an extension of the center left-turn lane on John Tyler Highway. Ms. Condon advised at its October 4, 2023, meeting, the Planning Commission voted 6-1 to recommend approval of the application to the Board of Supervisors, subject to the proposed conditions. She noted staff found the proposal consistent with the 2045 Comprehensive Plan and recommended the Board of Supervisors approve these applications, subject to the proposed conditions and proffers. Ms. Condon welcomed any questions the Board might have, adding the applicant was available as well.

Mr. Hipple asked if any Board members had questions.

Mr. McGlennon requested details on the stormwater management conditions.

Ms. Condon replied the applicant had collaborated with the Stormwater and Resource Protection (SRP) Division, adding SRP had approved all designs as proposed.

Mr. Rodgers addressed the Board noting the applicant had a very informative and detailed PowerPoint presentation. He stated there were no public comments for and/or against the proposed application. Mr. Rodgers noted the Planning Commission had taken consideration based on data provided by the applicant. He further noted that based on the data the existing facilities had thrived as a local low-intensity neighborhood commercial use. Mr. Rodgers remarked the vast majority of business was from residents within an approximate four-mile radius. He highlighted the pros of this application such as required minimal public utilities; generated a de minimis waste stream; minimal traffic generated; and minimal County services. Mr. Rodgers noted the Commission had discussion regarding the Mixed Use opportunities; revisions to the size of the building; and the proposed use was not an active ongoing commercial activity. He further noted the Commission voted to recommend approval of the SUP, rezoning, and Master Plan amendment with proffers by a vote of 6-1. He welcomed any questions the Board might have.

Mr. Hipple asked if any Board members had questions.

The Board had no questions.

Mr. Hipple opened the Public Hearing.

1. Mr. Greg Davis, 4801 Courthouse Street, Suite 300, addressed the Board acknowledging the applicant team in attendance: Mr. Jason Linscott and Mr. Daniel Ginburg of Stein Investment Group, Mr. Howard Price of AES Consulting Engineers, and Mr. Benming Zhang of Kaufman & Canoles, P.C. Mr. Davis stated Stein Investment Group was a third generation family-owned company with more than 60 storage facilities nationally. He noted Stein Investment Group had projects under its Space Shop brand either under development and/or in operation in Norfolk, Henrico, Hanover, and Glen Allen. Mr. Davis further noted Stein Investment Group was a long-term owner. He displayed the conceptual layout and views of the proposed facility on the PowerPoint presentation. Mr. Davis showed various examples of other Space Shop Self Storage facilities on the PowerPoint presentation. He highlighted data regarding self-storage facilities and the pros of this proposed facility. Mr. Davis spoke about the extension of the center left-turn lane on John Tyler Highway to avoid traffic congestion. He noted there would be no public entrance to the facility from Ironbound Road. Mr. Davis reiterated the pros of the project and the support of the Planning Commission. He concluded the PowerPoint presentation and encouraged the Board to approve this application. Mr. Davis welcomed any questions the Board might have.

Ms. Larson mentioned she had received concerns regarding traffic, adding she thanked Mr. Davis for addressing that. She noted additional constituent concerns regarding hazardous materials potentially being stored in the facility. Ms. Larson asked Mr. Davis if he could speak to that point.

Mr. Davis replied the lease prohibited any hazardous materials to be stored in the storage units in addition to extensive video surveillance for monitoring purposes. He noted there were various protocols in place to pick up on suspicious activity. Mr. Davis further noted Stein Investment Group had not experienced a significant concern related to the matter.

Ms. Larson thanked Mr. Davis.

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

Ms. Larson expressed her hope that the facility depiction remained true as construction commenced. She mentioned constituents raised concern regarding the historic nature of the area. Ms. Larson noted she spoke with Mr. Paul Holt, Director of Community Development, and confirmed there would be an archaeological study conducted as required prior to construction. She thanked the Planning Commission staff and the applicant team for all efforts during this process.

Mr. Kinsman informed the Board there was both a resolution and an Ordinance to incorporate into the motion approval.

Ms. Sadler clarified a motion to approve both the resolution and the Ordinance.

2. SUP-22-0027. 3426 North Riverside Drive Family Subdivision

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

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

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

Mr. Hipple noted the applicant had requested a deferral of this case until the Board's December 12, 2023, Regular Meeting.

Mr. Hipple opened the Public Hearing and noted the Public Hearing would remain open. He advised any individuals who had signed up to speak this evening would be allowed to do so, but only one opportunity to speak during the Public Hearing process was allowed.

3. Cell Tower Lease at 101 Mounts Bay Road

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

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

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

Ms. Liz Parman, Deputy County Attorney, addressed the Board noting before the Board was a resolution authorizing the County Administrator to enter into a lease amendment extending a cellphone tower lease on County-owned property. She noted the amendment would extend the lease to December 2028. Ms. Parman further noted the tenant would pay the County a monthly rent of \$3,300, which would increase 3% annually. She added staff recommended approval of the resolution. Ms. Parman welcomed any questions the Board might have.

Ms. Larson asked if the lease amount was appropriate.

Ms. Parman confirmed yes, adding it was comparable to other cellphone tower lease agreements. She added the amended lease would increase rent payment by approximately \$1,000 from the current payment.

Mr. McGlennon asked if over the course of the five-year period the County would incur approximately \$250,000.

Ms. Parman confirmed yes.

Mr. McGlennon asked if there was an opportunity for colocation.

Ms. Parman stated there was a term in the lease that required payment for colocation. She noted she did not have the information on-hand; however, she would provide him the requested information.

Mr. McGlennon thanked Ms. Parman.

Mr. Hipple opened the Public Hearing.

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

Ms. Parman introduced Mr. Nathaniel Blevins, Extern in the County Attorney's Office, to the Board. She noted he had been working with the County since August 2023, adding he was a second-year law student at the College of William & Mary. Ms. Parman highlighted various topics he had researched during his time with the County. She informed the Board that Mr. Blevins would present the discussion on Item No. 4.

4. Utility Easement at 191 Clark Lane

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

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

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

Mr. Blevins addressed the Board noting Virginia Natural Gas, Inc. had asked the County to convey an easement to it for the construction and maintenance of a natural gas transmission line across County-owned property located at 191 Clark Lane. He highlighted the rights regarding the easement. He welcomed any questions the Board might have.

Mr. McGlennon asked if this was related to the County's involvement in a development for housing.

Mr. Blevins replied he was unsure.

Mr. McGlennon asked if this was an area that had not had service before and was being connected now.

Mr. Holt addressed the Board noting it was a general extension for their system. He noted it was not related to the housing development the County desired to pursue in this area.

Mr. McGlennon asked if it was a new connection to serve a new area.

Mr. Holt confirmed yes, adding it would extend into the existing infrastructure. He explained Virginia Natural Gas, Inc. would bore under the CSX railroad tracks and underneath Richmond Road in both directions where it would tie into the existing infrastructure.

Mr. McGlennon questioned redundancy.

Mr. Holt replied most likely.

Mr. Hipple opened the Public Hearing.

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

5. Consolidated Government Center Proposal

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

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

Ayes: Hipple, Icenhour Jr, Larson, Sadler

Nays: McGlennon

Mr. Brad Rinehimer, Assistant County Administrator, addressed the Board stating he was present to discuss the consolidated government center proposal. He noted the past couple of years the County started evaluating the costs associated with a new government facility versus the cost to remain in the existing facilities and expand. Mr. Rinehimer further noted that based on the study conducted the costs were comparable. He commented as the County worked through various discussions regarding the subject the County received an unsolicited proposal from Henderson, Inc. and Gilbane, Inc. in December 2022. Mr. Rinehimer stated the County followed the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) guidelines and formed a working group for evaluation purposes. He noted after evaluation the working group recommended approval of the unsolicited proposal to the Board of Supervisors which the Board approved. Mr. Rinehimer further noted the County was then required to advertise and received one competing proposal from Clancy & Theys Construction Company/David A. Nice Builders, Inc. He advised after both proposals were received contact was made to Mr. Jim Yatzek, Vice President, Service Executive of MBP Consulting firm, to aid in the evaluation process. Mr. Rinehimer turned the presentation over to Mr. Yatzek to discuss the proposal evaluation process.

Mr. Yatzek addressed the Board noting the MBP Consulting firm had worked on over 14 projects that had been delivered with the PPEA process and guidelines, adding the firm was very familiar with the requirements. He noted conceptual proposals were received and evaluated by the working group. Mr. Yatzek further noted after reviewal each proposal generated approximately 100 questions and were submitted back to the proposing companies for responses. He stated the proposing companies were then required to provide oral presentations for further evaluation. Mr. Yatzek noted MBP Consulting firm analyzed both proposals and moved on to the detailed phase with both proposing companies. He elaborated on the detailed phase in further detail. Mr. Yatzek remarked after much evaluation the County had selected one of the proposing companies. He briefly discussed PPEA and the distinction between Design Build versus Design Bid Build on the PowerPoint presentation. Mr. Yatzek indicated that the County chose to go with the Design Build option which allowed one entity to be hired opposed to multiple. He discussed the pros of the Design Build option.

Mr. Hipple asked if any Board members had questions for Mr. Yatzek.

Ms. Larson stated she did not have a question; however, she remarked she had known Mr. Yatzek for a long time and had collaborated with him for many school projects, adding she valued his opinion.

Mr. Yatzek thanked Ms. Larson.

Mr. Rinehimer continued the PowerPoint presentation noting the consolidated building would be approximately 165,000 square feet. He spoke about the evaluation of multiple versus single building layout. Mr. Rinehimer noted the County's objective was to offer a more centralized consolidated building for citizens for a one-stop service experience. He further noted a phased in approach was decided for the parking garage and new school administration building based on the current circumstances and uncertainty of the joint school system. Mr. Rinehimer stated both proposed companies provided excellent proposals. He mentioned a unanimous decision was made by the working group and MBP Consulting firm to select Henderson, Inc./Gilbane, Inc. to move forward to enter into the negotiation phase. Mr. Rinehimer highlighted the various reasons on the selection and displayed conceptual design photos on the PowerPoint

presentation. He noted before the Board was a resolution authorizing the County Administrator to enter into the negotiation phase with Henderson, Inc./Gilbane, Inc. to work toward an interim and/or comprehensive agreement. Mr. Rinehimer further noted an interim agreement was currently desired; however, based on PPEA guidelines a comprehensive agreement would need to be finalized and come back before the Board at a future date. He indicated if the Board chose to move forward on this item it would begin the process of soliciting public input in addition to County staff, stakeholders, and the Board on the project. Mr. Rinehimer concluded the presentation and welcomed any questions the Board might have.

Ms. Larson expressed her concern with the school component regarding the new school administration building and the current uncertainty aspect of things. She requested consideration on that point.

Mr. Rinehimer agreed noting discussions were being had on that consideration.

Mr. McGlennon questioned the parking garage and paved parking space component. He inquired about the phased approach for the parking garage and the process on that.

Mr. Rinehimer expressed his belief there would be some sort of process; however, he was uncertain on the exact process. He noted the conceptual layout was not definitive yet. Mr. Rinehimer further noted the plan was to use the James City County Recreation Center's parking lot as an overflow parking lot to satisfy some of the parking space requirements.

Mr. McGlennon expressed his belief that if the parking garage were to commence with the project there would be no need for the front parking area as depicted on the conceptual layout.

Mr. Rinehimer replied the number of parking spaces by zoning requirements for a building of that size far exceeded what was depicted. He noted Board meetings and special events required additional parking, adding the Recreation Center allowed for overflow parking to meet some of the parking space requirements.

Mr. Stevens stated an interim agreement was not mandatory; however, the interim agreement allowed for consideration and an input basis, adding the comprehensive agreement was more final. He spoke on that point in further detail. Mr. Stevens requested the Board enter into the interim phase to work through some of these discussions.

Mr. Hipple asked if the Board members had any further questions.

Mr. McGlennon asked about the process in determining when the project would commence and costs associated with the project.

Mr. Rinehimer replied that was a great question, adding the County was required to come to an interim agreement within 30 days of this public hearing. He noted no time period had been set yet for the comprehensive agreement. Mr. Rinehimer further noted some components were uncertain at this time, adding he could not provide a definitive answer on that.

Mr. Stevens noted as the Board moved forward with the interim agreement some of those milestones and timelines would be determined. He discussed that point in further detail.

Mr. Hipple opened the Public Hearing.

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

Mr. Hipple asked if the Board had any further discussion on the subject matter.

Mr. McGlennon expressed that he had not fully grasped some components regarding the subject; therefore, he would not vote in favor of the motion to move forward this evening.

H. BOARD CONSIDERATION(S)

1. Requests to Establish a Conditionally Permitted Use and to Exceed the Maximum Structure Size for an Event Facility in a Conservation Easement at 2589 Greensprings Road and 3516 Mott Lane

Mr. Hipple stated the applicant had notified County staff of the request to withdraw the application at this time.

I. BOARD REQUESTS AND DIRECTIVES

Ms. Sadler mentioned her attendance at the Virginia Association of Counties (VACo) Annual Conference noting it was very informative. She recognized Mr. Stevens and Ms. Larson for their positive representation at a discussion on tourism in rural areas.

Mr. Icenhour stated he was privileged to speak at Patriots Colony on Friday, November 10, 2023, for its Veterans Day Ceremony. He noted a very impressive group of veterans within the community.

Mr. McGlennon mentioned he attended the Celebration of Business and had the honor to recognize two local businesses with the Founders Award. He noted he attended the VACo Annual Conference. Mr. McGlennon further noted he attended sessions on the budget and Virginia's energy future with much emphasis on data centers. Mr. McGlennon requested County staff take consideration on the subject for potential future action. He added a productive meeting was held with the Virginia Coalition of High Growth Communities. Mr. McGlennon thanked all staff involved in Election Day and for all the citizen participation.

Ms. Larson stated she and Mr. McGlennon attended the School Liaison meeting. She mentioned as a reminder there would be four new WJCC School Board members forthcoming in January 2024. Ms. Larson noted discussion at the School Liaison meeting on Pre-K opportunities and operating costs. She mentioned the Celebration of Business event and thanked the County's Economic Development Department and Economic Development Authority for their support. Ms. Larson expressed positive remarks of the workshops held at the VACo Annual Conference. She noted several new members of the General Assembly. Ms. Larson recognized the recently retired Honorable Senator Thomas Norment, Jr., who represented the County for a long time and was a County resident. She mentioned it was imperative for the Board to familiarize Honorable Senator Ryan McDougle with James City County as time moved forward. She acknowledged newly elected Stonehouse Supervisor Ms. Barbara Null as she joins the Board in January 2024.

Mr. McGlennon recognized Ms. Larson to serve as President-Elect on the VACo Executive Committee. He extended positive remarks to Ms. Larson.

Mr. Hipple extended congratulations to Board members and all who participated in the 2023 Elections. He mentioned a JCSA meeting noting more information would be forthcoming at the Board's December 12, 2023, meeting. Mr. Hipple noted he and Ms. Larson attended a Fire Boat tour. He further noted he attended the Mayors and Chairs meeting with Mr. Stevens. Mr. Hipple mentioned he met Mr. David Coe, Executive Director of Colonial Behavioral Health, and Ms. Krya Cook, Director of Special Projects, Colonial Behavioral Health. He extended best wishes to Mr. Kenny Lamm, the County's former Fire Marshal. Mr. Hipple noted he attended a ribbon cutting ceremony at the Williamsburg Fire Department. He further noted he attended the ribbon cutting ceremony for Chickahominy Riverfront Park Pier. Mr. Hipple spoke about Hampton

Roads Transportation Accountability Commission (HRTAC) and its significant savings of approximately \$64 million. He discussed that point in further detail. He mentioned Veterans Day and thanked Supervisor Icenhour, Mr. Rinehimer, Mr. Stevens, and the veterans within the community for their service. Mr. Hipple attended the groundbreaking event in New Kent County to mark the start of the Interstate 64 widening from James City County to the Richmond area. He recognized the 75th Anniversary of the James City-Bruton Volunteer Fire Department.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens mentioned the Clean County Commission Repair Fair & Recycling Expo would be held on Saturday, November 18, 2023, from 9 a.m.-1 p.m. at Warhill High School. He noted the information was available on the County website or for more information citizens can call 757-259-5375. He spoke about the leaf disposal options for County residents noting residents may drop off leaves free of charge at the Jolly Pond Convenience Center. Mr. Stevens noted leaves would be accepted in clear bags, truck beds, trailers, and/or containers. He added if leaves were transported via truck bed to ensure it was covered. Mr. Stevens advised leaves from commercial lawn service companies would not be accepted. He noted information was available on the County website or for additional information citizens can call 757-565-0971. Mr. Stevens advised curbside leaf collection would begin December 1, 2023, and to contact 757-565-0971 for neighborhood collection information. He recognized the County's Video Services Division for winning seven awards from the National Association of Telecommunications Officers and Advisors at its annual Government Programming Awards.

The Board and citizens applauded.

K. CLOSED SESSION

None.

L. ADJOURNMENT

1. Adjourn until 1 pm on November 28, 2023 for the Business Meeting

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

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

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

At approximately 6:29 p.m., Mr. Hipple adjourned the Board of Supervisors.

MEMORANDUM

DATE: November 28, 2023

TO: The Board of Supervisors

FROM: Alister Perkinson, Parks Administrator

SUBJECT: James City County Marina Improvements

Parks & Recreation and General Services staff will share an update to the Board of Supervisors on the James City County Marina Improvements. To date, several portions of the project have been completed or are underway: the covered boat slips were demolished in early 2023, and the fuel system and marine sewage pump-out were installed and operational in the summer of 2023. The construction of docks “F” and “T”, as shown on the Marina Master Plan, are under contract and will be installed in the winter of 2023-2024 and will provide 16 additional slips as well as a transient/day use dock for 15-20 boats. Additionally, a comprehensive stormwater master plan for the entire site and a conceptual plan for the proposed bathhouse are underway.

The remaining projects for the development of the James City County Marina Master Plan include:

- Dredging the Stage II area of the Marina
- Construction of additional car and trailer parking
- Installation of 65-70 boat slips to replace old covered slips
- A new bathhouse
- A new boat ramp
- Car and boat trailer parking
- Construction of a dry boat storage area on an adjacent property leased by the County
- Construction of parking for the new privately funded restaurant

Due to several challenges, including timing of available America Rescue Plan Act funding and complex coordination of design and construction of the aforementioned projects, staff are pursuing a design-build procurement to complete all remaining projects. This approach will provide consistency of design for the entire site, help navigate coordination of construction with the current Marina and private operations on-site and private construction of the proposed restaurant and will include a public input element to ensure that citizens and Marina users have input on the design.

A Request for Proposals from potential design-build teams will be advertised in early 2024. Currently, the budget balance for the remaining projects is \$5.3 million - staff estimate that an additional \$2.5-\$3 million will be needed to complete all projects. There are still many factors that can affect the timeline, but currently staff are targeting a spring 2026 completion date for these remaining projects.

AP/ap
JCCMrnaImp-mem

Master Plan

James City County
Marina
Sept 2020

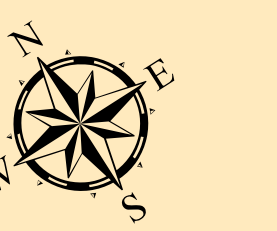


Label	Feature
A	Restaurant / Tasting Room / Multipurpose / Community Room & Deck
B	Covered Pavillion
C	Billsburg Brewery & Expansion
D	Parks Office, Rentals, Marine Repairs & Restrooms
E	Dry Stack Storage
F	Docks and Slips
G	Property Boundary
H	Fuel Dock / Pump Out
I	Existing Gazebo
J	New Covered Boat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

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

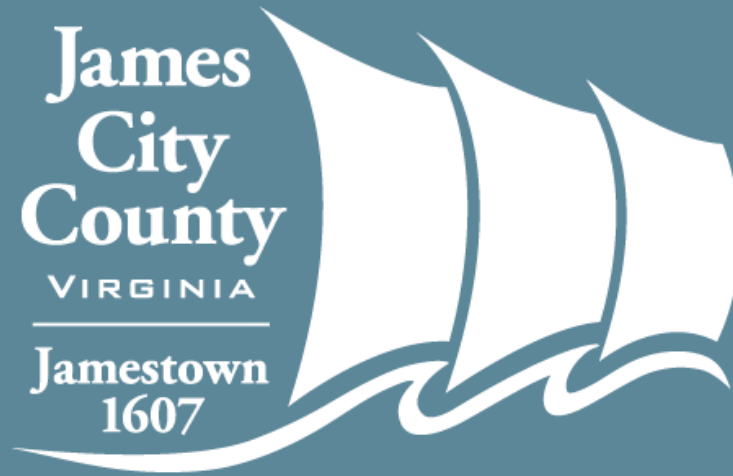
Proposed Site Information

44 Covered Boat Slips
64 Boat Slips
108 Total



0 60 120 Feet





JAMES CITY COUNTY MARINA IMPROVEMENTS

James City County Board of Supervisors
Business Meeting – November 28, 2023

James City County Marina Improvements

- Updates on current progress
- Remaining improvements, challenges, plan
- Budget & Timeline



Current Progress

- Covered boat slips demolished in early 2023
- Fuel and marine pump-out installed and operational in summer 2023
- Stormwater Master Plan for Marina site in progress
- Installation of additional docks under contract and scheduled to take place this winter (F, T)
- Bathhouse conceptual design

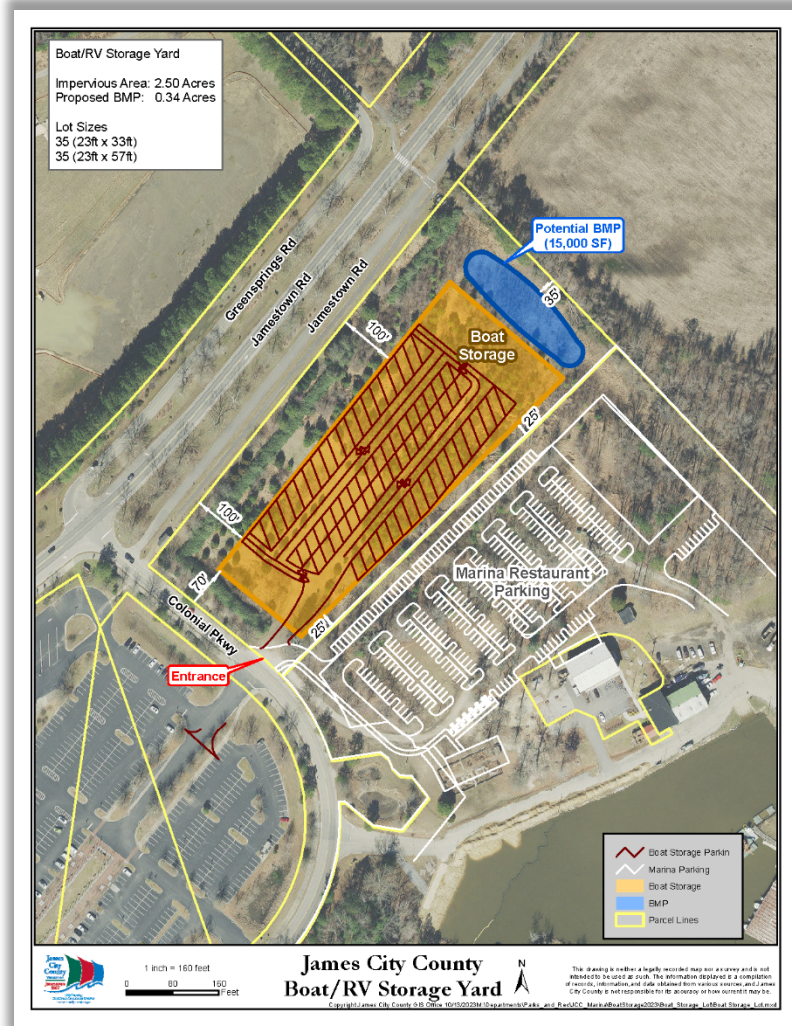


Remaining Improvements



- Additional 65-70 boat slips (J&M)
- Bathhouse
- New boat ramp (O)
- Parking and stormwater infrastructure to support marina operations and proposed restaurant (P, P1)
- Dry Storage on leased property

Remaining Improvements



- Additional 65-70 boat slips (J&M)
- Bathhouse
- New boat ramp (O)
- Parking and stormwater infrastructure to support marina operations and proposed restaurant (P, P1)
- Dry Storage on leased property

Remaining Improvements - Challenges



- ARPA funding requirements
- Complex coordination with multiple projects
- SUP – traffic study
- Permit Renewals
- Stormwater Management
- Budget

Remaining Improvements - Plan

- Pursue a design-build procurement to complete all remaining improvements
- Enable coordination of all remaining elements
- Include a public engagement element to ensure Marina users have input on design



Remaining Improvements – Budget & Timeline

- Budget balance for remaining projects: \$5.3 million
- Additional \$2.5 – 3 Million needed to complete all projects
- Request for Proposals for design-build team in early 2024
- Targeting a completion of all items in spring 2026 - many factors that can affect the timeline



QUESTIONS?



MEMORANDUM

DATE: November 28, 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 discussed its proposed agenda at its meeting on October 24 and the desired changes and additions to the 2024 Legislative Agenda have been incorporated. The proposed Agenda includes several desired changes to the Virginia Code, multiple position statements, and support for the legislative agendas of Virginia Municipal League, Virginia Association of Counties, Hampton Roads Planning District Commission, Hampton Roads Transportation Planning Organization, and the Virginia Coalition of High Growth Communities.

I recommend adoption of the attached resolution.

ARK/ap
LegisAgen2024-mem

Attachment

RESOLUTION

2024 LEGISLATIVE PROGRAM

WHEREAS, James City County has developed a Legislative Program for the consideration of the 2024 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its Legislative Program and believes that it is in the best interests of the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby approves the County’s 2024 Legislative Program and commends it to the County’s representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that a copy of the County’s 2024 Legislative Program be forwarded to the County’s elected representatives to the General Assembly.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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

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



JAMES CITY COUNTY 2024 LEGISLATIVE PROGRAM

1. AMEND VIRGINIA CODE SECTION 24.2-604 TO EXTEND THE 40-FOOT “NO CONTACT” RULE TO INCLUDE THE ENTIRE BUILDING, NOT JUST THE ENTRANCES.
2. SUPPORT EFFORTS TO ADD AN ADDITIONAL CIRCUIT COURT JUDGE IN THE 9TH JUDICIAL DISTRICT.
3. RELAX OR ELIMINATE MAINTENANCE AND CONSTRUCTION STANDARDS AND REGULATIONS IMPOSED UPON LOW-HAZARD DAMS.
4. AMEND VIRGINIA CODE SECTION 15.2-934 TO ELIMINATE THE FIVE-YEAR NOTICE REQUIREMENT IN FAVOR OF A ONE-YEAR NOTICE.
5. FULLY REMOVE THE SPENDING CAP ON SCHOOL SUPPORT POSITIONS.
6. DECENTRALIZE THE HAMPTON/PENINSULA HEATH DISTRICT INTO THREE SEPARATE, SMALLER DISTRICTS.

7. 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.

8. STATE FUNDING

James City 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.

9. 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.

10. SHORT TERM RENTALS

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

11. VIRGINIA RETIREMENT SYSTEM

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

12. 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.

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

The County supports the legislative agendas of VML, VaCo, the Virginia Coalition of High Growth Communities, the HRPDC, and the HRTPO.

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(8) of the Code of Virginia, 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, the New Town Section 7 and 8 Proffers.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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

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

112823bos-ex-res

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(3) of the Code of Virginia, discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, and pertaining to Fire Station 6 Land Acquisition.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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

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

112823bos-ex1-res

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member’s knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(29) of the Code of Virginia, 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, and pertaining to the contract between the County, the City of Williamsburg, and WJCC Schools.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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

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

112823bos-ex2-res

RESOLUTION

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1) of the Code of Virginia, consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions pertaining to the Chesapeake Bay Board, the Wetlands Board, and the Stormwater Program Advisory Committee.

Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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

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

112823bos-ex3-res