

AGENDA
JAMES CITY COUNTY BOARD OF SUPERVISORS
BUSINESS MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
September 24, 2024
1:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. PRESENTATION(S)

1. Retirement Commendation for Service - John Carnifax
2. Retirement Commendation for Service - James Laing
3. WATA Strategic Plan Presentation

D. CONSENT CALENDAR

1. Acceptance of Funds - \$686 - Virginia Forfeited Asset Sharing Program
2. Appointment of Assistant Fire Marshal and Authorization of Fire Prevention Powers
3. Contract Award - \$118,396 - Clark-Talley Residential Neighborhood - Phase II Plan Development
4. Contract Award – Leaf Collection Services
5. Contract Award - \$405,012 - My Place Playground Replacement
6. Dedication of the Streets in Parcels A and B of Tract 3, in the Stonehouse Subdivision
7. Grant Award - \$183,260 - Commonwealth’s Attorney - Victim Witness Assistance Program
8. Grant Award - \$17,900 - Department of Motor Vehicles - Alcohol Enforcement
9. Grant Award - \$39,748 - Department of Motor Vehicles - Police Traffic Services
10. Grant Award - \$76,464 - Four-for-Life - Return to Localities Fund
11. Grant Award - \$30,000 - Radiological Emergency Preparedness
12. Grant Award - \$206,865 - School Security Officer - Williamsburg-James City County Schools
13. Grant Award - \$401,046 - Virginia Department of Fire Programs Fund

14. Grant Award - \$47,957 – Virginia Opioid Abatement Authority – Colonial Behavioral Health/Historic Triangle Drug Prevention Coalition
15. Grant Award - \$168,691 – Virginia Opioid Abatement Authority - Drug Court
16. Minutes Adoption
17. Phone System Replacement - Mid-Atlantic Business Systems
18. Revised JCC Williamsburg Convenience Center Agreement
19. Updates to Personnel Policy and Procedures Manual Chapters 2 Employment, 5 Employee Benefits and 11 Safety Policy
20. Grant Award - \$718,311 - 2023 Scattered Site Housing Rehabilitation Community Development Block Grant
21. 2023 Scattered Site Housing Rehabilitation - Community Development Block Grant - Adoption of Required Housing Rehabilitation Program Design and Residential Anti-Displacement and Relocation Assistance Plan
22. 2023 Scattered Site Housing Rehabilitation - Community Development Block Grant - Adoption of Required Section 504 Grievance Procedure for Disability Nondiscrimination
23. 2023 Scattered Site Housing Rehabilitation - Community Development Block Grant - Adoption of Required Fair Housing Certification
24. 2023 Scattered Site Housing Rehabilitation - Community Development Block Grant - Adoption Of Required Local Employment Plan

E. BOARD DISCUSSIONS

1. Government Center Update
2. Policy to Address Solar Energy Generating Facilities

F. BOARD CONSIDERATION(S)

1. Real Estate Tax Credit Discussion

G. BOARD REQUESTS AND DIRECTIVES

H. REPORTS OF THE COUNTY ADMINISTRATOR

I. CLOSED SESSION

1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
 - a. Peninsula Agency on Aging Appointment
 - b. Social Services Advisory Board Appointment
2. Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the

public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia and pertaining to the contract for the joint operation of schools between the County and the City of Williamsburg.

3. Certification of Closed Session

J. ADJOURNMENT

1. Adjourn until 5 pm on October 8, 2024 for the Regular Meeting



Williamsburg Area Transit Authority

Matt Scalia
Executive Director



WATA ➤

EVOLVING
WATA

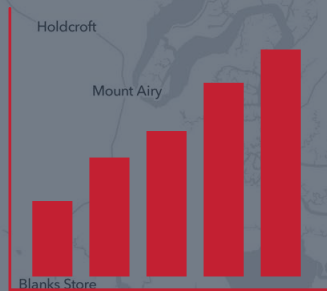
TRANSIT STRATEGIC PLAN



- Service Update
- TSP Requirements
- TSP Process
- Results
- Public Feedback
- Questions/Discussion

Service Update

FY24 Operations



819,873
Fixed Route Rides

16,136
Paratransit Rides

1,064,730
Revenue Miles Driven

60,556
Revenue Hours in Operation

- 20 Clean Diesel
- 10 Compressed Natural Gas
- 2 Trolley Buses
- 7 Paratransit Buses

80% Operators
49/61

2019: Rides/Hour
Fixed Route — 13.6

2023: Rides/Hour
Fixed Route — 17.4

Service Hours:
Mon-Sat 6am-9pm
Sun 8am-6pm

EVOLVING WATA

TRANSIT STRATEGIC PLAN



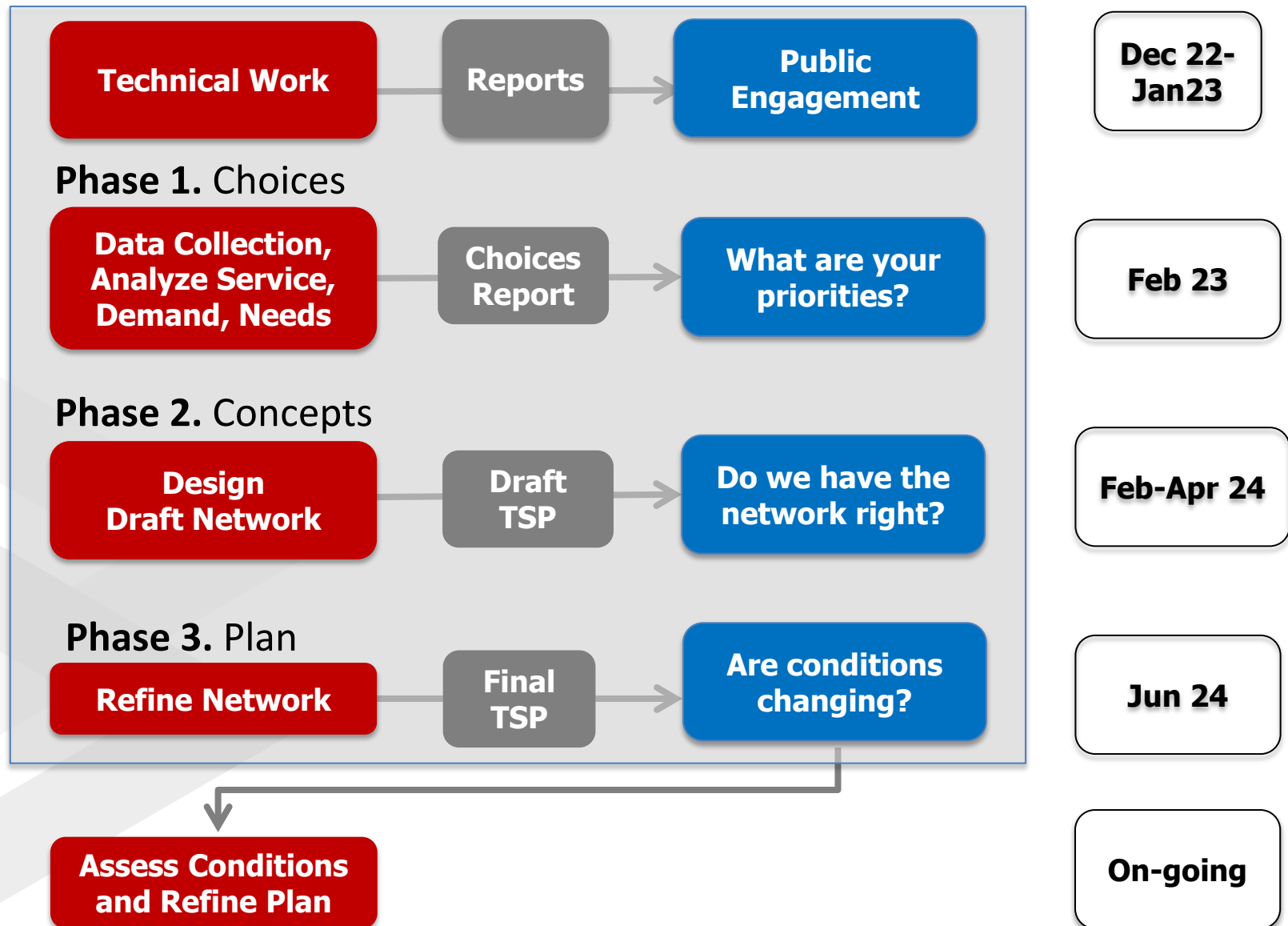
What is *Evolving WATA*?

- Transit Strategic Plan with a 10-year planning horizon
- Partnership between WATA and supported/supporting municipalities
- Required for 16 urban transit agencies statewide
- Minor updates required every 5 years
- Contracted with Jarrett Walker + Associates

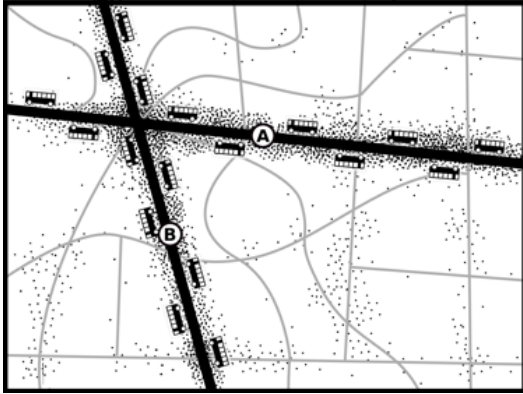
The study involved:

- Analyzing the existing system and ridership patterns
- Considering transit alternatives
- Planning network for the next 10 years
- Stakeholder engagement and public outreach

What was the Process?

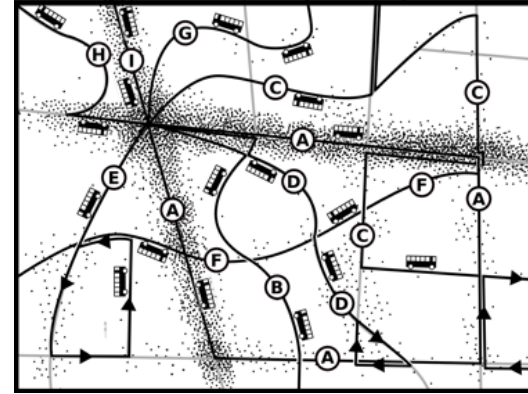


Ridership vs. Coverage: both goals matter . . .



Ridership Goal

- Maximum average access to opportunity.
- Lowest subsidy per passenger.
- Support dense and walkable development.
- Emissions reduction.
- Reduction in vehicle miles traveled.



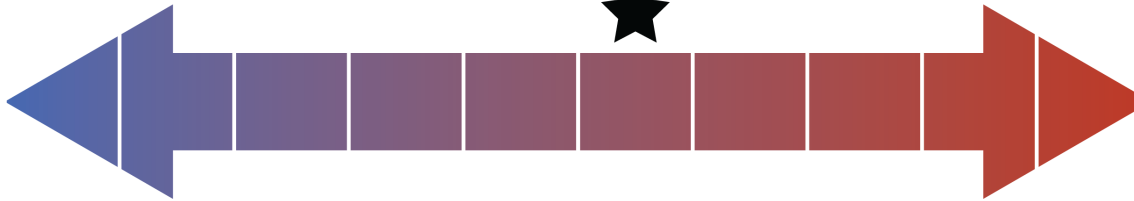
Coverage Goal

- Some service near every home and job.
- Baseline level of access available everywhere.
- Service to every member city or electoral district.

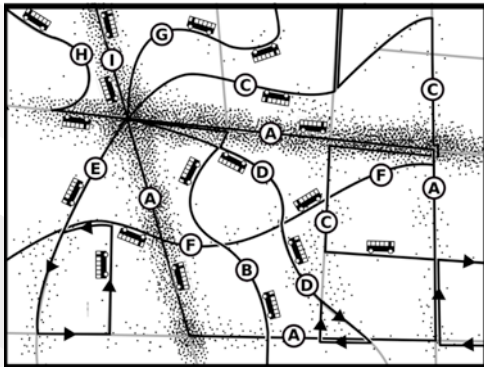
WATA's existing network ...

Existing System:
60% Ridership,
40% Coverage

Higher
Coverage

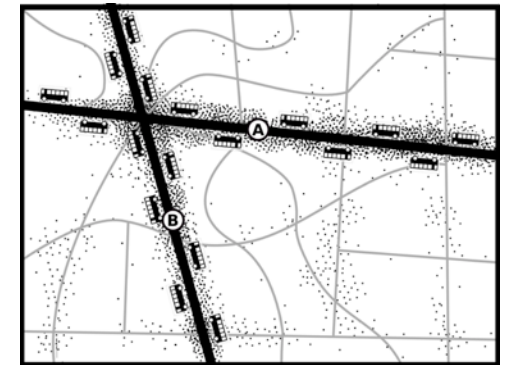


Higher
Ridership



- Coverage Goal

60% Ridership
40% Coverage



- Ridership Goal

Should we change that balance?

Public Engagement Methods

- Online survey
- Paper survey
- Information online
- Public meetings
- Social media posts
- E-mails

Public Engagement Results

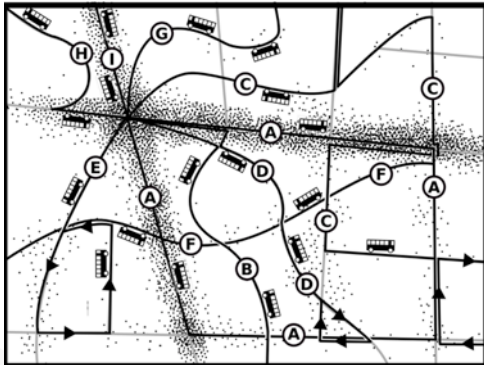
December 2022 – January 2023: **Ridership or Coverage?**

- Stakeholder Workshop with 30+ participants
- Public Survey with 163 respondents
- Public Meetings (virtual)
- 75% of respondents preferred ridership over coverage
- Results consistent across demographic categories (race, age, income)

March – April 2024: **Do we have the network right?**

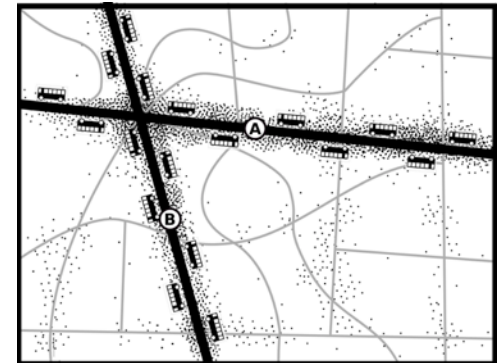
- Draft and survey sent to Stakeholders
- Public Survey with 93 respondents
- Public Meetings (virtual)
- >70% of respondents said it is better for them, people they know, and the region
- Diversity among respondents in age, gender, and income

WATA's future network ...



- Coverage Goal

70% Ridership
30% Coverage



- Ridership Goal

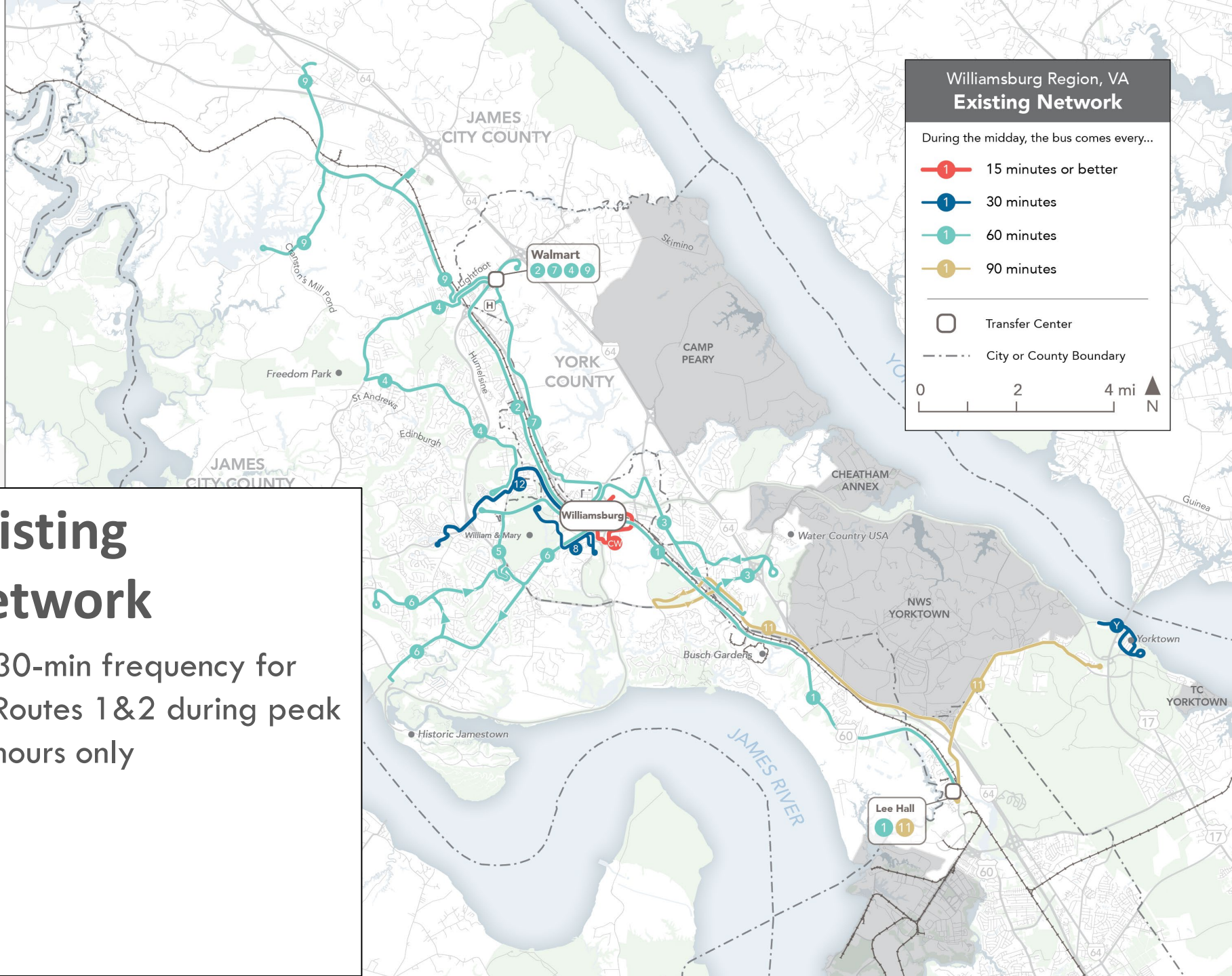
Higher
Coverage



Higher
Ridership

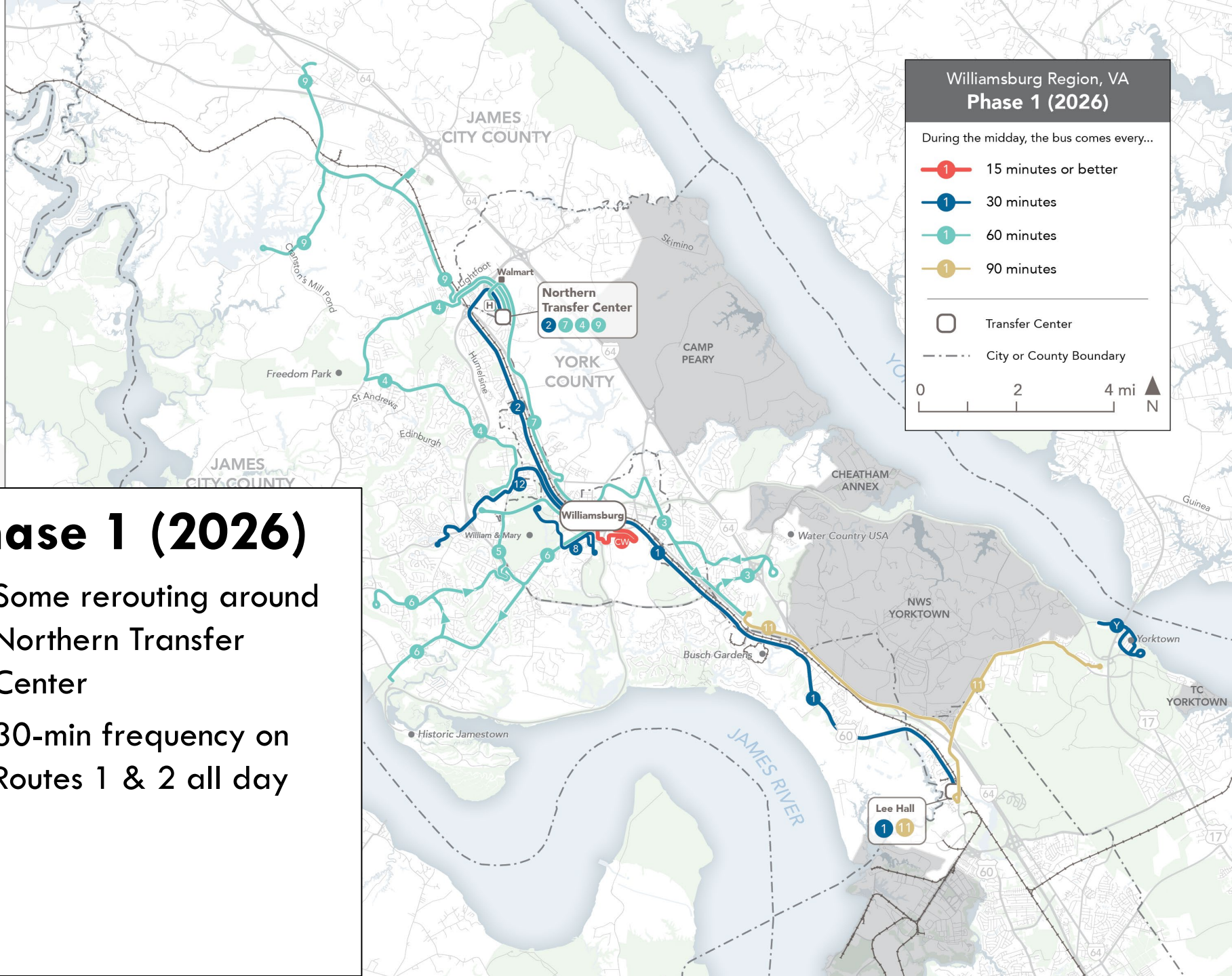
Existing Network

- 30-min frequency for Routes 1&2 during peak hours only



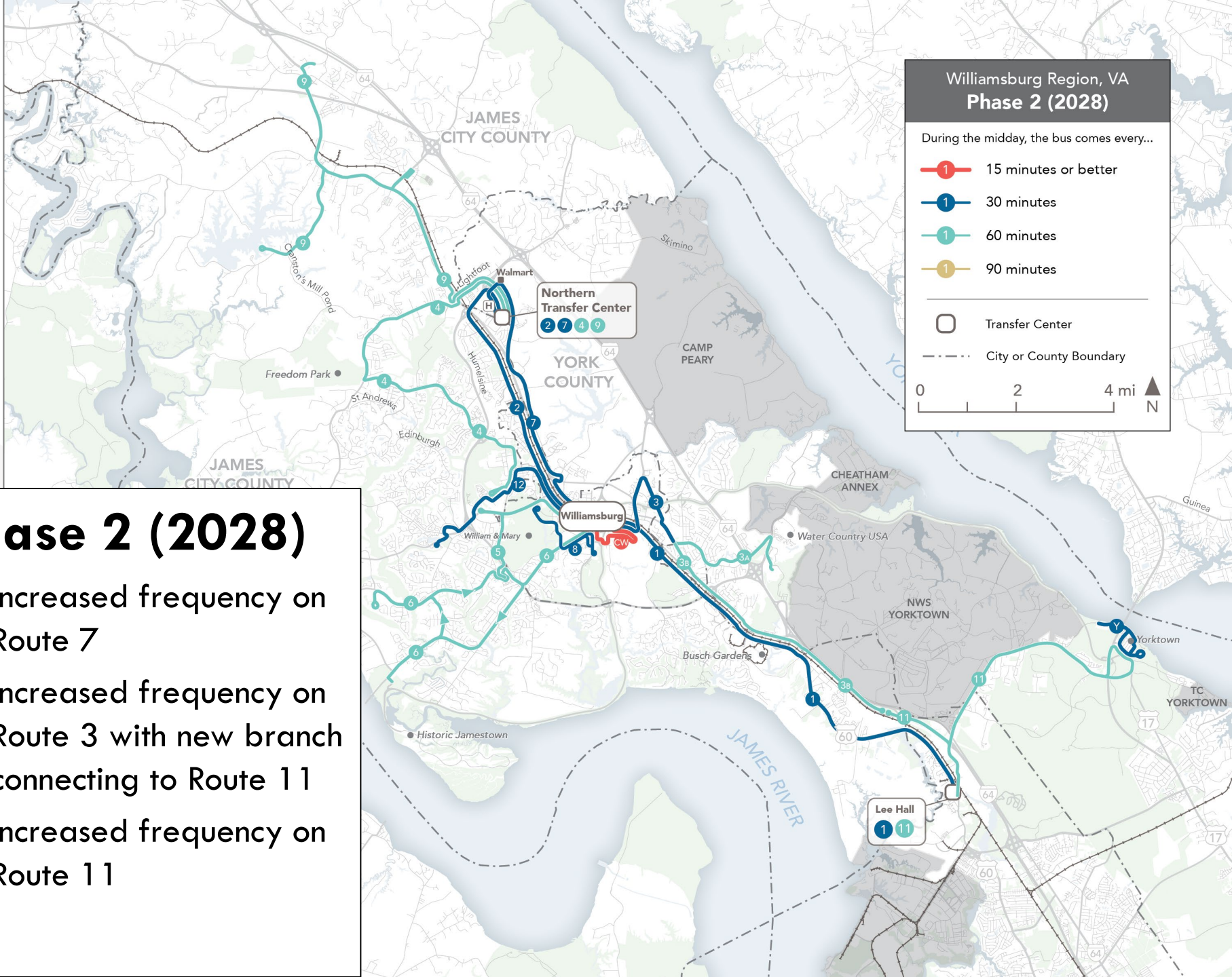
Phase 1 (2026)

- Some rerouting around Northern Transfer Center
- 30-min frequency on Routes 1 & 2 all day



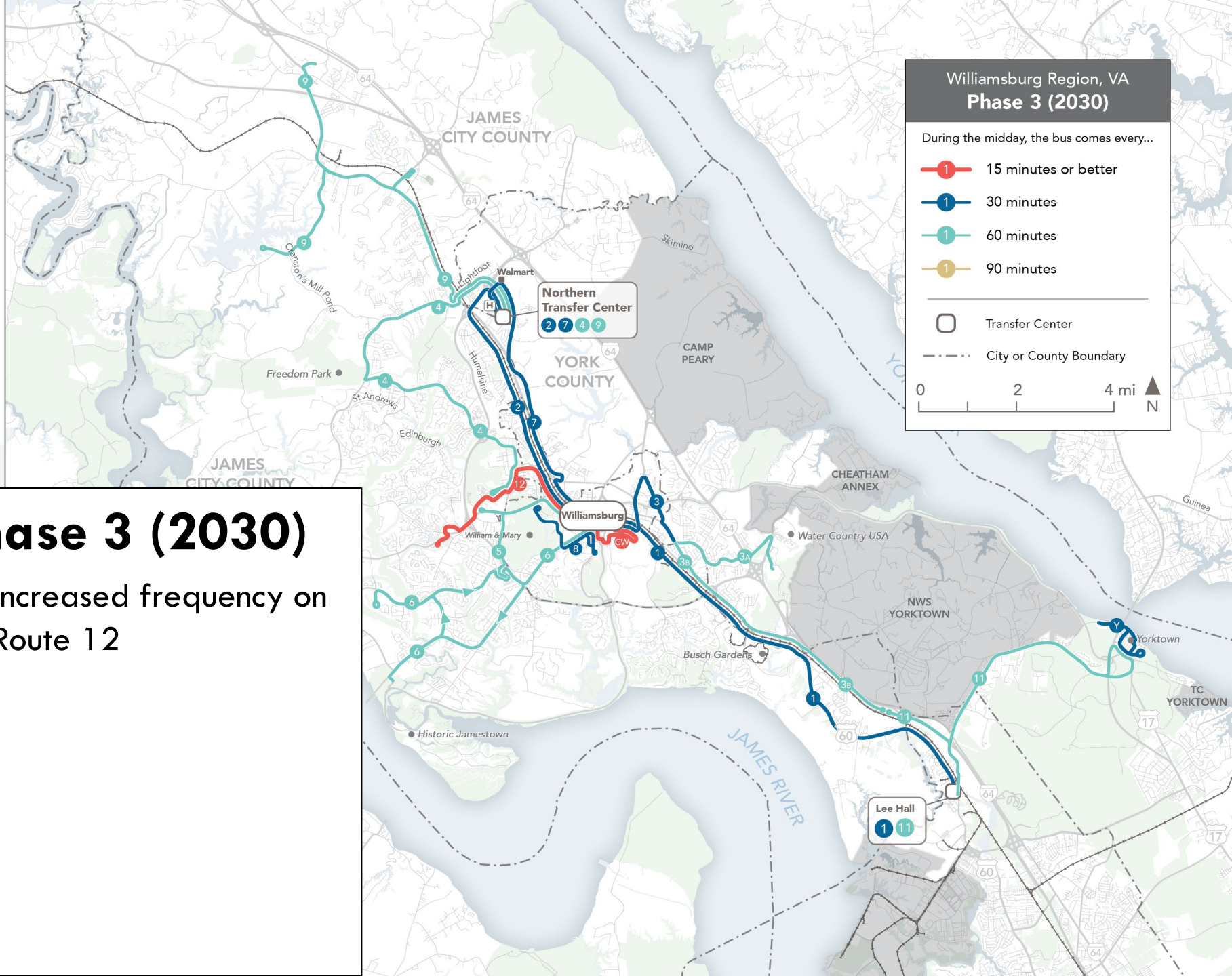
Phase 2 (2028)

- Increased frequency on Route 7
- Increased frequency on Route 3 with new branch connecting to Route 11
- Increased frequency on Route 11



Phase 3 (2030)

- Increased frequency on Route 12



Summary

- 75% of respondents preferred ridership over coverage
- >70% of respondents said *Evolving WATA* is better for them, people they know, and the region
- Phase 1 (2026)
 - Some rerouting around new Northern Transfer Center
 - 30-min frequency on Routes 1 & 2 all day
- Phase 2 (2028)
 - Increased 30-min frequency on Routes 3 & 7
 - Increased 60-min frequency on Route 11
 - New branch connecting Route 3 to Route 11
- Phase 3 (2030)
 - Increased 15-min frequency on Route 12



Questions & Discussion

Matt Scalia
Executive Director

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: Mark L. Jamison, Chief of Police
Nathan R. Green, Commonwealth's Attorney

SUBJECT: Acceptance of Funds - \$686 - Virginia Forfeited Asset Sharing Program

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

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

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

Funds have been dispersed to the James City County Police Department and the Williamsburg-James City County Commonwealth's Attorney's Office in the amount of \$686.

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

MLJ/NRG/md
VAForfASPrpSep24-mem

Attachment

RESOLUTION

ACCEPTANCE OF FUNDS - \$686 - VIRGINIA FORFEITED ASSET SHARING PROGRAM

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

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

WHEREAS, funds have been dispersed to the James City County Police Department and the Williamsburg-James City County Commonwealth's Attorney's Office in the amount of \$686.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts and appropriates funds of \$686 to the Special Projects and Grants Fund for the Police Department's and Commonwealth's Attorney's participation in the Virginia Forfeited Asset Sharing Program.

Revenues:

State - Police Department State Asset Forfeit Funds	\$281
State - Commonwealth's Attorney State Asset Forfeit Funds	<u>\$405</u>
Total	<u>\$686</u>

Expenditures:

Police Department State Asset Forfeit Funds	\$281
Commonwealth's Attorney State Asset Forfeit Funds	<u>\$405</u>
Total	<u>\$686</u>

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Appointment of Assistant Fire Marshal and Authorization of Fire Prevention Powers

Assistant Fire Marshal Robert W. Mintern has completed all the necessary training and certification requirements to be appointed as an Assistant Fire Marshal in accordance with the Code of Virginia Section 27-30, et. seq. An Assistant Fire Marshal is responsible for fire prevention, code enforcement, and fire investigations.

Assistant Fire Marshal training includes certification as a Fire Inspector and Fire Investigator through the Virginia Department of Fire Programs as well as the Core Code Academy through the Department of Housing and Community Development to enforce the Virginia Statewide Fire Prevention Code.

This appointment must be authorized by the Board of Supervisors. A resolution is attached that complies with all Commonwealth of Virginia requirements.

RTA/md
AFMApptAuth-RobM-mem

Attachment

RESOLUTION

APPOINTMENT OF ASSISTANT FIRE MARSHAL AND AUTHORIZATION OF

FIRE PREVENTION POWERS

- WHEREAS, Section 27-34.2 of the Code of Virginia, 1950, as amended provides that the County may authorize the Fire Marshal and his assistants to have the authority to arrest, procure, and serve warrants of arrest, and to issue summons in the manner authorized by the general law for violation of fire prevention and fire safety laws and related Ordinances; and
- WHEREAS, Section 27-34.3 of the Code of Virginia, 1950, as amended provides that the County may authorize the local Fire Marshal to exercise the powers authorized by the Fire Prevention Code; and
- WHEREAS, Section 27-36 of the Code of Virginia, 1950, as amended provides that the County may appoint one or more assistants, who, in the absence of the Fire Marshal, shall have the powers and perform the duties of the Fire Marshal; and
- WHEREAS, Robert W. Mintern has completed all the minimum training and certification requirements of the Virginia Department of Fire Programs and the Department of Housing and Community Development.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby appoints Robert W. Mintern as a James City County Assistant Fire Marshal with all such fire prevention powers as provided in Virginia Code Sections 27.30, et. seq. and those contained in Virginia Code Sections 27-34.2 and 27-34.3.

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

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	MCGLENNON				
	ICENHOUR				
	LARSON				

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
_____ Teresa J. Saeed Deputy Clerk to the Board	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

AFMApptAuth-RobM-res

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Neighborhood Development Administrator
Paul D. Holt, III, Director of Community Development

SUBJECT: Contract Award - \$118,396 - Clark-Talley Residential Neighborhood - Phase II Plan Development

On June 11, 2024, the Board of Supervisors rezoned approximately 15.82 acres from R-2, General Residential, to R-3, Residential Redevelopment with Proffers, to create a new neighborhood consisting of 27 single-family detached units and 20 single-family attached units (duplexes) which will be offered for sale at affordable prices.

For purposes of implementation, the project has been separated into two phases. Phase I fronts on Clark Lane and includes eight workforce units configured as duplexes. Timmons Group, Inc. is the engineer for that phase, which includes developing the stormwater management plan and final lot layout. This contract will provide the funding necessary to develop the engineering drawings for Phase II.

Two qualified firms submitted bids to be considered for contract award, Timmons Group, Inc. and Retnauer Baynes Associates.

After concluding a process requesting proposals for engineering, Timmons Group, Inc. was determined to have the most responsive submission for the project. This award will allow Timmons Group, Inc. to carry out the necessary work to provide engineering and design services for the road, stormwater, utilities and surveying in Phase II.

Funding for this work is available as part of a previously awarded grant from Virginia Housing.

Staff recommends approval of the attached resolution authorizing the County Administrator to sign the contract and enter into agreement with Timmons Group, Inc. for engineering and design services for Clark Lane Phase II in the amount of \$118,396.

AVP/PDH/md
CA-Clk-TalPhIIPD-mem

Attachment

RESOLUTION

CONTRACT AWARD - \$118,396 - CLARK LANE PHASE II ENGINEERING -

TIMMONS GROUP, INC.

WHEREAS, James City County was awarded funding in the form of a Virginia Housing Homeownership Gap Financing Grant that will provide funding to develop this project; and

WHEREAS, the County solicited submissions through the Request for Proposals process; and

WHEREAS, Timmons Group, Inc. was determined to have the most responsive submission.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to sign the contract and enter into agreement with Timmons Group, Inc. for engineering and design services for Clark Lane Phase II:

Revenue:

Housing Development - Virginia Housing Grant Award	<u>\$118,396</u>
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Expenditure:

Clark Lane Phase II Engineering	<u>\$118,396</u>
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Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

		VOTES				
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Teresa J. Saeed
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

CA-Clk-TalPhIIPD-res

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: Robert B. Dittman, Solid Waste Director

SUBJECT: Contract Award - \$250,000 - Leaf Collection Services

The current contract between Stewart's, Inc., and James City County (the "County") to provide for the collection of bagged leaves from the residents of the County has expired. The County desires to continue to provide this service for its residents.

General Services along with Purchasing issued a Request for Proposals (RFP) (RFP 20250137) for the collection of bagged leaves throughout the County's five districts during the month of December. Only one bidder, Dampeer, LLC ("Dampeer") responded to the RFP.

Dampeer proposed and estimated annual leaf collection cost of \$27,600. Staff recommends approval of the attached resolution awarding Dampeer the leaf collection contract in an amount, not to exceed, \$50,000 per year with four one-year renewals. The total potential cost of the contract would not exceed \$250,000.

RBD/ap
CA-LeafCollSvcs-mem

Attachment

RESOLUTION

CONTRACT AWARD - \$250,000 - LEAF COLLECTION SERVICES

WHEREAS, a Request for Proposals (RFP) for leaf collection services was publicly advertised; and

WHEREAS, one proposal was received, upon evaluating the proposal, staff determined that Dampeer, LLC, is fully qualified and submitted a proposal that best suited the County's needs as presented in the RFP, and negotiated an annual price for a one year initial contract not to exceed \$50,000 for leaf collection services with the option for four additional one-year renewal periods upon mutual agreement of both parties; and

WHEREAS, funding is available in the current Fiscal Year 2025 budget for this contract.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$250,000 to Dampeer, LLC, for the leaf collection services.

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
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ICENHOUR
LARSON

VOTES

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Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

CA-LeafCollSvcs-res

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: Alister Perkinson, Parks Administrator

SUBJECT: Contract Award - \$405,012 - My Place Playground Replacement

A Request for Proposals (RFP) was solicited from qualified firms to provide a turn-key project for furnishing, installing, and site work related to replacing the playground at My Place Playground. The current playground and surfacing require replacement due to the age of the equipment and use.

The following qualified firms submitted proposals to be considered for contract award, in these proposals each firm described their past experience, qualifications, project approach and timeline, playground concepts, and cost of total project.

Firms

1. All Recreation
2. Bliss Products
3. Cunningham Recreation
4. Kompan
5. Miracle Recreation
6. Playground Specialists
7. Sparks at Play

A team of staff members from the Parks & Recreation Department and General Services Department evaluated each of the proposals and selected one firm, Playground Specialists.

Staff recommends approval of the attached resolution awarding a contract to Playground Specialists.

AP/md
CA-MyPlaceReplmt-mem

Attachment

RESOLUTION

CONTRACT AWARD - \$405,012 - MY PLACE PLAYGROUND REPLACEMENT

WHEREAS, a Request for Proposals (RFP) has been advertised and evaluated to replace the playground at My Place Playground; and

WHEREAS, seven firms submitted proposals and Playground Specialists was determined to be the most fully qualified firm that best met James City County Parks & Recreation's needs as defined in the RFP; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the contract award in the amount of \$405,012 to Playground Specialists for the playground replacement at My Place Playground.

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

CA-MyPlaceReplmt-res

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

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

SUBJECT: Dedication of the Streets in Parcels A and B of Tract 3 in the Stonehouse Subdivision

Attached is a resolution requesting acceptance of the streets in Parcels A and B of Tract 3 in the Stonehouse Subdivision which are proposed as public rights-of-way into the State Secondary Highway System. The streets proposed for acceptance are Astilbe Lane, Foxglove Drive, Goddin Court, Iberis Lane, Marigold Court, Rock Rose Court, Allium Court, Dahlia Court, and Goldenrod Court. They are shown in red on the attached map. The streets have been inspected and approved by representatives of the Virginia Department of Transportation (VDOT) as meeting the minimum requirements for secondary roadways.

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

Staff recommends the adoption of the attached resolution.

TES/md
DedStTrc3A-BStnhs-mem

Attachments:

1. Resolution
2. AM-4.3
3. Map

RESOLUTION

DEDICATION OF THE STREETS IN PARCELS A AND B OF TRACT 3 IN THE

STONEHOUSE SUBDIVISION

WHEREAS, the streets described on the attached Virginia Department of Transportation (VDOT) Form AM-4.3 for Parcels A and B of Tract 3 in the Stonehouse Subdivision, fully incorporated herein by reference, are shown on plats recorded in the Office of the James City County Clerk of the Circuit Court; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests VDOT to add the streets described in the attached VDOT Form AM-4.3 for Parcels A and B of Tract 3 in the Stonehouse Subdivision to the Secondary System of State Highways, pursuant to § 33.2-705 of the Code of Virginia and VDOT's SSAR.

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

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

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

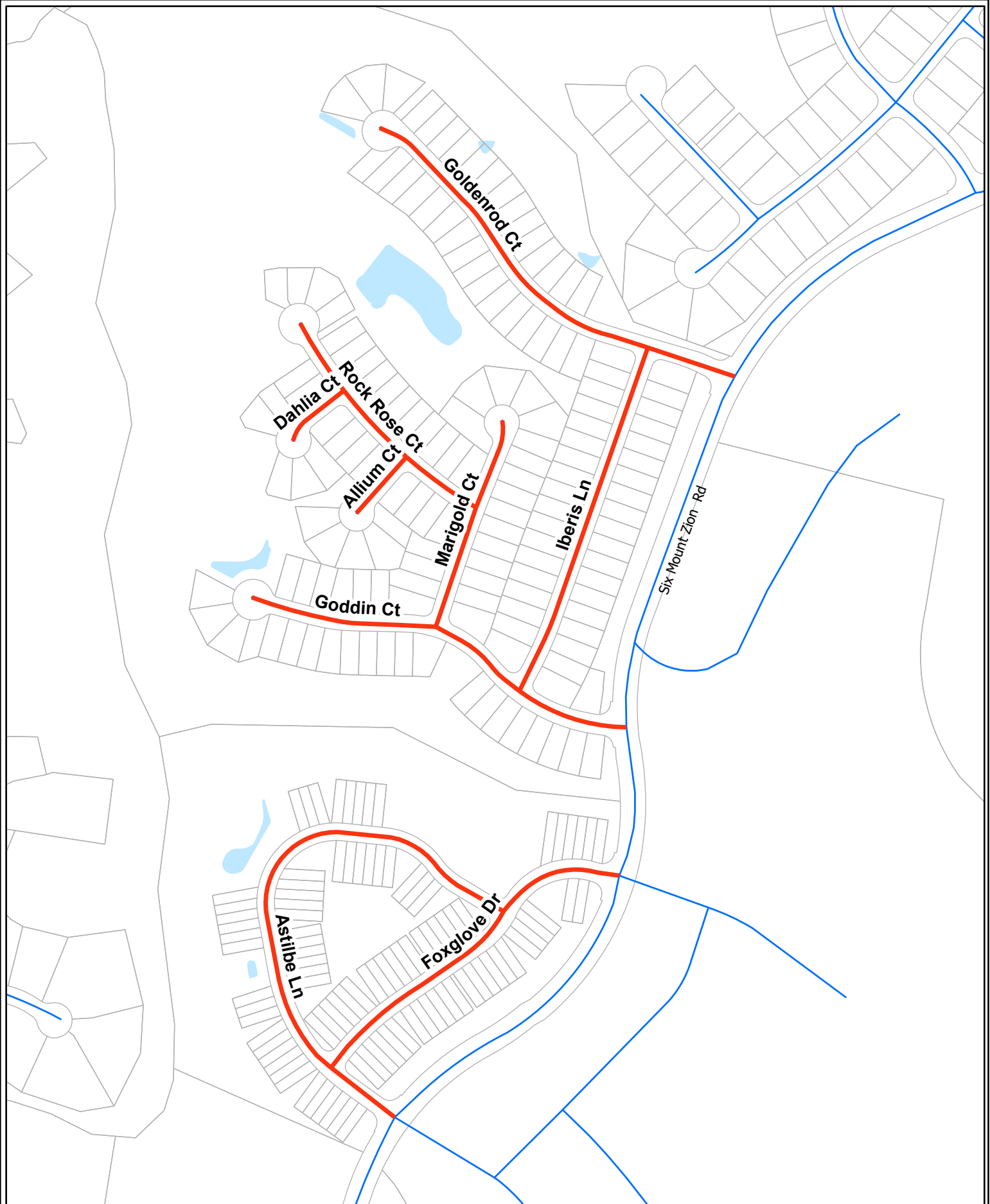
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LARSON

VOTES

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_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.



Dedication of the Streets in Parcels A and B of Tract 3, in the Stonehouse Subdivision

Legend

 Streets to be Dedicated

1:4,200





COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION
Form AM 4.3

In James City County

by Resolution of the governing body adopted 9/24/2024

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

A Copy Testee Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision: Stonehouse Tract 3, Parcel A and B

CHANGE TYPE	RTE NUM & STREET NAME	CHANGE DESCRIPTION	FROM TERMINI	TO TERMINI	LENGTH	NUMBER OF LANES	RECORDAT ION REFERENC E	ROW WIDTH
Addition	Rt. 1251 - Astilbe Ln.	New subdivision street §33.2-705	Rte 600	1252	0.30	2		50
Addition	Rt. 1252 - Foxglove Dr.	New subdivision street §33.2-705	rte 600	Astilbe Ln.	0.19	2		50
Addition	Rt. 1253 - Goddin Ct.	New subdivision street §33.2-705	Rte 600	cul de sac	0.23	2		50
Addition	Rt. 1254 - Iberis Ln	New subdivision street §33.2-705	Goddin Ct.	1259	0.22	2		50
Addition	Rt. 1255 - Marigold Ct.	New subdivision street §33.2-705	Goddin Ct.	cul de sac	0.12	2		50
Addition	Rt. 1256 - Rock Rose Ct.	New subdivision street §33.2-705	Marigold Ct.	Cul de sac	0.14	2		50
Addition	Rt. 1257 - Allium Ct.	New subdivision street §33.2-705	Rock Rose Ct.	Cul de sac	0.04	2		50
Addition	Rt. 1258 - Dahlia Ct.	New subdivision street §33.2-705	Rock Rose Ct	Cul de sac	0.04	2		50
Addition	Rt. 1259 - Goldenrod Ct.	New subdivision street §33.2-705	rte 600	cul de sac	0.24	2		50

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: Nathan R. Green, Commonwealth's Attorney

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

The Commonwealth's Attorney has been awarded a \$183,260 grant (Federal share \$112,223; State share \$71,037) from the Victim Witness Grant Program through the State Department of Criminal Justice Services. The grant will fund the personnel costs for the continuation of three full-time positions to provide comprehensive information and direct services to crime victims and witnesses. The Commonwealth's Attorney has been successful in obtaining this grant for more than 15 years and plans to apply for this grant in the future.

The attached resolution appropriates these funds to the Special Projects/Grants Fund through June 30, 2025.

Staff recommends approval of the attached resolution.

NRG/ap
GA-FY25VWAPrg-mem

Attachment

RESOLUTION

GRANT AWARD - \$183,260 - COMMONWEALTH'S ATTORNEY -

VICTIM WITNESS ASSISTANCE PROGRAM

WHEREAS, the Commonwealth's Attorney for the City of Williamsburg and James City County has been awarded a \$183,260 grant from the Victim Witness Grant Fund (Federal share \$112,223; State special funds \$71,037) through the State Department of Criminal Justice Services; and

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

WHEREAS, these positions provide comprehensive information and direct services to crime victims and witnesses beginning July 1, 2024 through June 30, 2025; 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 funding and the following appropriation to the Special Projects/Grants Fund for this purpose as follows:

Revenues:

Federal - Victim Witness Assistance Program	\$112,223
State - Victim Witness Assistance Program	\$ <u>71,037</u>
Total	<u>\$183,260</u>

Expenditure:

Fiscal Year 2025 Victim Witness Assistance Program	<u>\$183,260</u>
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Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: Mark L. Jamison, Chief of Police

SUBJECT: Grant Award - \$17,900 - Department of Motor Vehicles - Alcohol Enforcement

The James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$17,900. The funds are to be used toward alcohol traffic enforcement overtime and the purchase of five breathalyzers. The grant only requires an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties. These funds will not take the place of budgeted expenses.

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

Staff recommends adoption of the attached resolution.

MLJ/md
GA-DMVAlcEnf25-mem

Attachment

RESOLUTION

GRANT AWARD - \$17,900 - DEPARTMENT OF MOTOR VEHICLES -

ALCOHOL ENFORCEMENT

WHEREAS, the James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$17,900; and

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

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

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

Revenue:

Federal - Fiscal Year 2024 DMV Alcohol Enforcement	<u>\$17,900</u>
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Expenditure:

Fiscal Year 2024 DMV Alcohol Enforcement	<u>\$17,900</u>
--	------------------------

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: Mark L. Jamison, Chief of Police

SUBJECT: Grant Award - \$39,748 - Department of Motor Vehicles - Police Traffic Services

The James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$39,748. The funds are to be used toward speed and occupant protection traffic enforcement overtime and the purchase of five speed radars. The grant only requires an in-kind match, which is available through the fuel and maintenance costs for police vehicles that participate in traffic enforcement duties. These funds will not take the place of budgeted expenses.

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

Staff recommends adoption of the attached resolution.

MLJ/md
GA-DMVPTSEnf25-mem

Attachment

RESOLUTION

GRANT AWARD - \$39,748 - DEPARTMENT OF MOTOR VEHICLES -

POLICE TRAFFIC SERVICES

WHEREAS, the James City County Police Department has been awarded a highway safety grant from the Virginia Department of Motor Vehicles (DMV) Highway Safety Office for \$39,748; and

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

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

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

Revenue:

Federal - Fiscal Year 2024 DMV Speed Enforcement	<u>\$39,748</u>
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Expenditure:

Fiscal Year 2024 DMV Speed Enforcement	<u>\$39,748</u>
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Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award - \$76,464 - Four-for-Life - Return to Localities Fund

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

The James City County Fire Department has been awarded \$76,464 in Four-for-Life to provide funding for training EMS personnel of a licensed nonprofit EMS agency and for the purchase of necessary equipment and supplies for use in such localities. Historically, this grant has been included in the original budget based on estimated amounts. We have removed it from the budget to eliminate the need for adjustments.

The attached resolution appropriated the additional funds received of \$76,464 for Fiscal Year 2025. Staff recommends approval of the attached resolution appropriating funds to the Four-for-Life Fund.

RTA/ap
GA-4LifeLocalFY25-mem

Attachment

RESOLUTION

GRANT AWARD - \$76,464 - FOUR-FOR-LIFE - RETURN TO LOCALITIES FUND

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

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

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

Revenue:

Four-for-Life	<u>\$76,464</u>
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Expenditure:

Four-for-Life	<u>\$76,464</u>
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Ruth M. Larson
Chair, 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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Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

GA-4LifeLocalFY25-res

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

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

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

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

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

This grant requires no local match.

Staff recommends adoption of the attached resolution to appropriate funds.

RTA/ap
GA-RADEmrgPrep25-mem

Attachment

RESOLUTION

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

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

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

WHEREAS, the grant requires no match.

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

Revenue:

Radiological Emergency Preparedness Funds - VDEM \$30,000

Expenditure:

Radiological Emergency Preparedness Funds - VDEM \$30,000

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

	VOTES			
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Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

GA-RADEmrgPrep25-res

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: Scott A. Stevens, County Administrator

SUBJECT: Grant Award - \$206,865 - School Security Officer - Williamsburg-James City County Schools

Funds are available through the Virginia Department of Criminal Justice Services (DCJS) to enhance School Security Officer programs in Virginia. The Williamsburg-James City County (WJCC) School Division has been awarded \$206,865 through this program to provide Security Officers in the nine elementary schools during the 2024-2025 school year. This grant requires a local match of \$243,135, of which the County's share is 89.73% or \$218,165. This local match will be funded through the School Division's prior approved Year-End Spending Plans with \$91,420 available from savings in the Grants/Special Projects Fund for School safety and security initiatives and the remaining \$126,745 to be transferred from School project savings in the Capital Projects Fund.

The WJCC School Division is ineligible to receive these funds directly and requires that James City County serve as the fiscal agent. The County will receive the grant funds from DCJS and pass-through the allocation to the WJCC School Division to support the program.

I recommend approval of the attached resolution authorizing participation in the grant program, allowing James City County to serve as the fiscal agent for the WJCC School Division for this program, and appropriating the grant award of \$206,865 and the related transfer from the Capital Projects Fund for this purpose.

SAS/md
GA-SSOffWJCCSchs-mem

Attachment

RESOLUTION

GRANT AWARD - \$206,865 - SCHOOL SECURITY OFFICER -

WILLIAMSBURG-JAMES CITY COUNTY SCHOOLS

WHEREAS, funds are available through the Virginia Department of Criminal Justice Services (DCJS) to enhance School Security Officer programs in Virginia; and

WHEREAS, the Williamsburg-James City County (WJCC) School Division has been awarded \$206,865 from DCJS through this program to provide Security Officers in the nine elementary schools during the 2024-2025 school year; and

WHEREAS, a local match of \$243,135 is required for this program, of which the County's share is 89.73% or \$218,165; and

WHEREAS, the County's local match will be funded through \$91,420 available from savings in the Grants/Special Projects Fund for prior School safety and security initiatives and the remaining \$126,745 to be transferred from School project savings in the Capital Projects Fund; and

WHEREAS, the County will serve as the fiscal agent, receive the grant funds from DCJS, and pass-through the allocation to the WJCC School Division to support the program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, shall act as fiscal agent for the Williamsburg-James City County School Division for the purpose of receiving and transferring State disbursements through the School Security Officer grant program.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes acceptance of this funding and the following related appropriations:

Revenue:

State - DCJS School Security Officer Grant	\$206,865
Transfer from Capital Projects Fund	<u>\$126,745</u>
	<u>\$333,610</u>

Expenditure:

DCJS School Security Officer Grant	<u>\$333,610</u>
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Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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LARSON

VOTES

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Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

GA-SSOffWJCCSchs-res

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: Ryan T. Ashe, Fire Chief

SUBJECT: Grant Award - \$401,046 - Virginia Department of Fire Programs Fund

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

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

The attached resolution appropriates the additional funds received of \$401,046. Staff recommends approval of the attached resolution appropriating funds to the Fire Programs Fund.

RTA/md
GA-VAFirePrgFd24-mem

Attachment

RESOLUTION

GRANT AWARD - \$401,046 - VIRGINIA DEPARTMENT OF FIRE PROGRAMS FUND

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

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

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

Revenue:

VDFP	<u>\$401,046</u>
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Expenditure:

VDFP	<u>\$401,046</u>
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Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

GA-VAFirePrgFd24-res

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: Barbara E. Watson, Director of Social Services

SUBJECT: Grant Award - \$47,957 - Virginia Opioid Abatement Authority Colonial Behavioral Health/Historic Triangle Drug Prevention Coalition

James City County, York County, and the City of Williamsburg have submitted a Cooperative Partnership grant application to the Virginia Opioid Abatement Authority (OAA) for the purpose of supporting Colonial Behavioral Health (CBH) and the Historic Triangle Drug Prevention Coalition (HTDPC) through both administrative support and educational/marketing prevention efforts. The application was awarded for \$47,957. The award includes Cooperative Partnership grant funding (\$33,288) from OAA as well as grant allocations for each locality (James City County: \$7,131; York County: \$6,536; and the City of Williamsburg: \$1,002).

James City County will serve as the fiscal agent for this Cooperative Partnership. The funding will be provided by OAA to James City County in advance, and reimbursements will be made by James City County to CBH and the HTDPC for qualified expenditures.

This grant requires no local matching funds.

Staff recommends approval of the attached resolution authorizing the acceptance of the grant award, for James City County to serve as the fiscal agent for the Cooperative Partnership, and appropriation to the Special Projects/Grants Fund for \$47,957 for this purpose.

BEW/md
GA-OAA-CBH-HTDPC-mem

Attachment

RESOLUTION

GRANT AWARD - \$47,957 - VIRGINIA OPIOID ABATEMENT AUTHORITY

COLONIAL BEHAVIORAL HEALTH/HISTORIC TRIANGLE DRUG

PREVENTION COALITION

WHEREAS, the Virginia Opioid Abatement Authority (OAA) has awarded James City County, York County, and the City of Williamsburg a Cooperative Partnership grant in the amount of \$47,957; and

WHEREAS, the funds will be used to support Colonial Behavioral Health (CBH) and the Historic Triangle Drug Prevention Coalition (HTDPC) through both administrative support and educational/marketing prevention efforts; and

WHEREAS the County will serve as the fiscal agent and receive funds from OAA on behalf of York County and the City of Williamsburg to support the program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County to act as the fiscal agent for this program for the purpose of receiving and transferring OAA disbursements through the Cooperative Partnership Grant Program.

BE IT FURTHER 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:

<u>Revenue:</u>	
OAA CBH and HTDPC	<u>\$47,957</u>
<u>Expenditure:</u>	
OAA CBH and HTDPC	<u>\$47,957</u>

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: Barbara E. Watson, Director of Social Services

SUBJECT: Grant Award - \$168,691 - Virginia Opioid Abatement Authority Drug Court

James City County, York County, and the City of Williamsburg have submitted a Cooperative Partnership grant application to the Virginia Opioid Abatement Authority (OAA) for the purpose of supporting a Drug Court, also known as an alternative docket, for Williamsburg-James City County and York-Poquoson Circuit Courts. Drug Courts offer low-level, nonviolent offenders who are suffering from substance abuse alternatives to incarceration through treatment and education in an effort to reduce future criminal activity. The application was awarded for \$168,691. The award includes grant allocations for each locality (James City County: \$82,000; York County: \$75,168; and the City of Williamsburg: \$11,523).

James City County will serve as the fiscal agent for this Cooperative Partnership. The funding will be provided by OAA to James City County in advance, and reimbursements will be made by James City County to the Circuit Courts for qualified expenditures.

This grant requires no local matching funds.

Staff recommends approval of the attached resolution authorizing the acceptance of the grant award, for James City County to serve as the fiscal agent for the Cooperative Partnership, and the appropriation to the Special Projects/Grants Fund for \$168,691 for this purpose.

BEW/md
GA-VAOAA Drug Court-mem

Attachment

RESOLUTION

GRANT AWARD - \$168,691 - VIRGINIA OPIOID ABATEMENT AUTHORITY

DRUG COURT

WHEREAS, the Virginia Opioid Abatement Authority (OAA) has awarded James City County, York County, and the City of Williamsburg a Cooperative Partnership grant in the amount of \$168,691; and

WHEREAS, the funds will be used to support a Drug Court to serve Williamsburg-James City County and York-Poquoson Circuit Courts; and

WHEREAS the County will serve as the fiscal agent and receive funds from OAA on behalf of York County and the City of Williamsburg to support the program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the County to act as the fiscal agent for this program for the purpose of receiving and transferring OAA disbursements through the Cooperative Partnership Grant Program.

BE IT FURTHER 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:

OAA Drug Court	<u>\$168,691</u>
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Expenditure:

Drug Court	<u>\$168,691</u>
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Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185

July 9, 2024

5:00 PM

A. CALL TO ORDER

Ms. Larson called the meeting to order at approximately 5:05 p.m. following the James City Service Authority Board of Directors Regular Meeting.

B. ROLL CALL

Barbara E. Null, Stonehouse District
Michael J. Hipple, Powhatan District
John J. McGlennon, Roberts District
James O. Icenhour, Jr., Vice Chair, Jamestown District
Ruth M. Larson, Chair, Berkeley District

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

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

E. PUBLIC COMMENT

1. Mr. Max Pfannebecker, 5103 Melanies Way, addressed the Board noting he was a County resident for the past seven years and operator of Triangle Skateboard Alliance, a local nonprofit organization. He recognized Mr. Jimmy Thomas, Triangle Skateboard Alliance Board member. Mr. Pfannebecker mentioned he was in attendance to support the new proposed Government Center near the James City County Recreation Center. He highlighted details of the organization and its mission to build and improve skate parks in the local area and to create a culture of service in the skateboarding community. Mr. Pfannebecker mentioned participation in County park cleanups, food drives, school supply drives, as well as partnerships with other nonprofit organizations such as Faith Recovery, Christian Skaters International Ministry, Inverse Ministries, and more. He highlighted various local community and state awards received over the years. Mr. Pfannebecker touched on the organization's partnership with James City County Parks & Recreation Department and the variety of services provided within the community. He advised Triangle Skateboard Alliance was now offering youth and adult kayak programs at the recently renovated James City County Marina and spoke to that point in further detail. He reiterated his exuberant support of the new proposed Government Center. Mr. Pfannebecker hoped that the County would continue its ongoing support for the organization's mission and skateboarding culture.

Ms. Larson thanked Mr. Pfannebecker for his public service to the community.

2. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board to talk trash. She noted she had recently attended a Law Enforcement Forum which included participation of James City County, York County, Cities of Williamsburg and Poquoson Police Departments, and the Virginia State Police. She remarked during the forum she inquired who was responsible for cleaning debris after car accidents. Ms. Boarman stated she was told it was the tow truck driver's responsibility; however, she questioned situations where a towing service was not called. She mentioned she had observed quite a bit of debris left over from car accidents. Ms. Boarman requested Board consideration on that point. She thanked the Board and County residents for all efforts to keep the community clean. Ms. Board concluded her remarks and thanked the Board for its time.

Ms. Larson thanked Ms. Boarman.

3. Mr. Chris Henderson, 101 Keystone, addressed the Board noting the reason for his attendance was based on the Closed Session Item No. 2 regarding the contract for the joint operation of schools between the County and the City of Williamsburg. He first commended Ms. Boarman for her dedication and public service to James City County over the decades. Mr. Henderson mentioned after reviewing the County's feasibility study for a potential separate PK-12 School Division he was inclined to support the separation for various reasons. He stated this would allow the County to control and direct its own school system without regard to the needs and wants of the City of Williamsburg. He touched on the differences in relation to student academic performance between jurisdictions and elaborated on that point in further detail. Mr. Henderson noted there had been discussion regarding possible consideration of converting Lafayette High School into a middle school and potentially building a new high school, adding he favored that consideration. He spoke to that point in greater detail. Mr. Henderson discussed the analysis conducted regarding the return on investment and savings in relation to the new proposed Government Center. He expressed his disbelief that the current Government Center campus did not have significant value to the commercial real estate market. He mentioned the analysis factored in land and building value; however, he believed there was only land value minus demolition cost. Mr. Henderson expressed his skepticism regarding savings on operational costs as the County continued to expand its footprint operational costs would increase based on gross square footage occupied by the County. He touched on the County's Public-Private Education Facilities and Infrastructure Act (PPEA) process and recommended more transparency to allow for additional opportunities for the design and construction components. Mr. Henderson thanked the Board for its time.

4. Ms. Linda Rice, 2394 Forge Road, addressed the Board expressing her thanks to the Board for the road and stormwater improvements in Toano. She mentioned the need for a traffic light at the intersection of Forge Road and Richmond Road. She requested a traffic study be conducted to determine the necessary improvements. Ms. Rice thanked the Board.

5. Mr. Kenneth Fletcher, 7146 Little Creek Dam Road, addressed the Board noting he had applied for a Special Use Permit (SUP) to allow for the short-term rental of one bedroom in a four-bedroom single-family home. He mentioned his application was first presented at the Board's May 15, 2024, Regular Meeting. Mr. Fletcher noted at the Board's request the application had been deferred to today's meeting. He further noted he would provide a brief summary of the application. Mr. Fletcher advised he only planned to rent one bedroom to a maximum of two people a few days a month. He indicated he worked from home and his wife was a stay-at-home mother so there were no issues in relation to an owner on-site. Mr. Fletcher stated he and his family resided on four acres and were at least 400 feet from the nearest neighbor, adding it was unlikely to impact any of the surrounding neighbors. He encouraged the Board to support the application.

F. CONSENT CALENDAR

None.

G. PUBLIC HEARING(S)

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

1. An ordinance to amend Appendix A – Fee Schedule for Development Related Permits

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, Null

Ms. Toni Small, Director of Stormwater and Resource Protection Division, addressed the Board noting she was before the Board to present an Ordinance to amend and reordain the Code of James City County by amending the Appendix A - Fee Schedule for Development Related Permits. She mentioned this was simply a housekeeping measure that would only address formatting changes to align the Code references to the new Chapter 8 for the Stormwater Resource and Protection Division fees. Ms. Small advised it corrected sections and numbering references, adding there were no changes to the fees associated with this Ordinance amendment. She noted staff recommended approval of the attached resolution.

Ms. Larson asked if any Board members had questions.

The Board declined.

Ms. Larson opened the Public Hearing.

Ms. Larson closed the Public Hearing as there were no speakers.

2. AFD-24-0001. 2394 Forge Road, Mill Creek AFD Addition

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

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

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

Ms. Roberta Sulouff, Planner I, addressed the Board noting Ms. Linda Rice had applied to enroll approximately 16.81 acres of land located at 2394 Forge Road into the Mill Creek Agricultural and Forestal District (AFD). She cited the specifics of the application included in the staff report in the Agenda Packet. Ms. Sulouff advised a portion of the land was currently pastured for horse grazing and the remaining property was forested. She stated the subject parcel was within one mile of the core parcels in the Mill Creek AFD and contiguous with other parcels currently in the District. She noted at its April 18, 2024, AFD Advisory Committee meeting, the Committee voted 4-3 to recommend approval of this request. Ms. Sulouff further noted at its June 5, 2024, meeting, the Planning Commission voted 6-0 to recommend approval of this request to the Board of Supervisors. She remarked that staff found the proposed addition met all state and local requirements for inclusion in the Mill Creek AFD. Ms. Sulouff noted staff recommended approval of this application. She welcomed any questions the Board might have, adding the applicant was available as well.

Ms. Larson asked if any Board members had questions.

Mr. Icenhour asked the reasoning for the three AFD Advisory Committee members who voted against the application.

Ms. Sulouff replied the AFD Advisory Committee members had a discussion in relation to the Land Use Taxation Program and whether or not the applicant would take advantage of that

program. She noted that was a separate program and was not relevant to consideration on the subject matter.

Mr. Icenhour thanked Ms. Sulouff.

Mr. Rodgers addressed the Board noting the application was desirable due to being adjacent to other properties and other various beneficial factors. He indicated there were no public comments against the application. He advised the Planning Commission voted 6-0 to recommend approval to the Board of Supervisors.

Ms. Larson opened the Public Hearing.

1. Ms. Linda Rice, Applicant, 2394 Forge Road, addressed the Board requesting approval for her property to be included in the Mill Creek AFD. She emphasized the importance of protecting the rural lands and the historic nature of Forge Road. Ms. Rice encouraged the Board to approve this application.

Ms. Larson closed the Public Hearing as there were no additional speakers.

3. AFD-24-0002. 10135 Fire Tower Road, Barnes Swamp AFD Addition

A motion to Approve was made by Barbara Null, the motion result was Passed.

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

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

Ms. Tess Lynch, Planner II, addressed the Board noting Ms. Nancy Bradshaw had applied to enroll approximately 50.14 acres of land located at 10135 Fire Tower Road into the Barnes Swamp AFD. She cited the specifics of the application included in the staff report in the Agenda Packet. Ms. Lynch stated the parcel was located within one mile of the core parcels in the Barnes Swamp AFD and directly adjacent to other parcels within the District. She further stated at its April 18, 2024, meeting, the AFD Advisory Committee voted to recommend approval of the application by a vote of 6-2-0 with Mr. Richard Bradshaw and Ms. Null abstaining. She noted at its June 5, 2024, meeting, the Planning Commission voted to recommend approval of the application by a vote of 6-0. She further noted staff found that the proposed addition met all state and local requirements for inclusion in the Barnes Swamp AFD and that the Planning Commission recommended approval of this application to the Board of Supervisors. Ms. Lynch welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

The Board declined.

Mr. Rodgers addressed the Board noting the beneficial factors of this application such as the property being directly adjacent to other parcels, allowing wildlife connectivity, preservation of rural lands, and more. He indicated there were no public comments against the application. Mr. Rodgers advised at its June 5, 2024, meeting, the Planning Commission voted 6-0 to recommend approval of this application to the Board of Supervisors. He welcomed any questions the Board might have.

Ms. Larson opened the Public Hearing.

Ms. Larson closed the Public Hearing as there were no speakers.

4. SUP-24-0009. Lovett 64 Commerce Center (Formerly Hazelwood Farms - The Enterprise Center) SUP Amendment

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

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

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

Ms. Lynch addressed the Board noting Mr. Ben Swift of Lovett Industrial had submitted a request to amend the existing SUP condition as it applied to Building 6. She stated this would change the parking layout to place the employee parking lot between the building and Leisure Road and the loading docks and semi-trailer parking to be interior to the industrial development. Ms. Lynch further stated this amendment would not increase the approved square footage or change the use on-site. She advised the subject property was located at 275 Old Stage Road and cited specifics of the application included in the staff report in the Agenda Packet. Ms. Lynch noted staff found the proposal to be compatible with surrounding zoning and development and recommended use within the Comprehensive Plan. She further noted that staff found that the proposed use was not fully consistent with the County's Character Design Guidelines. Ms. Lynch stated to address the inconsistency staff proposed an additional condition to ensure the design protected the neighboring properties and character of the area by increasing the evergreen requirement for trees and shrubs mixture to 50% in the landscape buffer to shield the view of vehicles from Leisure Road. She further stated at its June 5, 2024, meeting, the Planning Commission voted 6-0 to recommend approval of this application to the Board of Supervisors. She welcomed any questions the Board might have, adding the applicant was available as well.

Mr. Rodgers addressed the Board noting the Planning Commission favored the amendment as it was beneficial for screening purposes, noise, and other factors. He indicated there were public comments in support of the amendment. Mr. Rodgers stated at its June 5, 2024, meeting, the Planning Commission voted 6-0 to recommend approval to the Board of Supervisors.

Ms. Larson asked if any Board members had questions.

The Board declined.

Ms. Larson opened the Public Hearing.

1. Mr. Ben Swift, Applicant, 923 15th Street NW, Suite 500, Washington DC, addressed the Board noting based on industrial building layout standards and safety requirements this was the ideal design and more appealing and beneficial to surrounding neighbors and the public. He concluded his remarks and welcomed any questions the Board might have.

Ms. Larson thanked Mr. Swift.

2. Mr. Chris Henderson, 101 Keystone, addressed the Board noting his support for this application. He remarked that this development allowed an opportunity for the County to take advantage of potential high-bay warehouse, distribution, and manufacturing market opportunities. Mr. Henderson encouraged the Board to consider site lines to Interstate 64 for competitive purposes. He elaborated on that point in greater detail.

Ms. Larson closed the Public Hearing as there were no additional speakers.

H. BOARD CONSIDERATION(S)

1. SUP-24-0001. 7146 Little Creek Dam Road Rental of Rooms

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

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

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

Ms. Terry Costello, Senior Planner, addressed the Board noting at its May 14, 2024, Regular Meeting, the Board of Supervisors postponed action on this item until today's meeting. She further noted that due to new legislation enacted by the Virginia General Assembly, SUPs may now include a period of validity. Ms. Costello stated that staff had replaced SUP Condition No. 7 that required a compliance review and added the condition with a validity date of December 31, 2027. She explained that this condition required the applicant(s) to amend the existing SUP prior to December 31, 2027, if the applicant(s) wished to continue the use. Ms. Costello noted that staff found the proposed use would not negatively impact surrounding property or development. She further noted that the proposal would not impact Level of Service for roads and other public services. Ms. Costello stated staff found the location to be appropriate for this use; however, the proposal was not fully consistent with the Comprehensive Plan recommendations for short-term rentals. She remarked staff could not recommend approval of this application. She welcomed any questions the Board might have, adding the applicant was available as well.

Ms. Larson asked if any Board members had questions.

The Board declined.

I. BOARD REQUESTS AND DIRECTIVES

Ms. Null noted she had no comments.

Mr. Hipple noted he had no comments.

Mr. McGlennon mentioned he attended the 3rd Annual Journey to Racial Healing Ceremony. He added it was a very inspiring and moving event. Mr. McGlennon noted he and Supervisor Icenhour traveled to Culpeper and attended the Virginia Coalition of the High Growth Communities meeting held at the Old House Vineyards. He further noted two speakers were unable to attend last minute; however, the speakers would make the presentations available via Zoom. Mr. McGlennon highlighted the topics to be discussed and welcomed all Board members to participate. He mentioned he received several Kingsmill resident concerns regarding cell towers and the proximity to nearby residents. Mr. McGlennon noted the County had a policy in relation to the placement of new cell towers; however, the residents questioned whether that same standard should apply for placement of new residences in terms of distance. He requested County staff to look into the subject matter. He elaborated on his specific requests on the subject matter in further detail.

Mr. Icenhour remarked Mr. Pfannebecker had invited him to attend a Triangle Skateboard Alliance youth camp, adding it was very impressive to watch the kids. He noted James City County held its first Commemoration of the 250th Anniversary of the James City County Resolves at Freedom Park. He discussed the history and details of this event in further detail. Mr. Icenhour stated he attended a ribbon cutting ceremony for Edmarc, a family-centered home health and hospice organization for children with life-threatening illnesses. He indicated families were never billed for any support received. Mr. Icenhour expressed positive remarks of this organization and mentioned he had never witnessed such a well-attended ribbon cutting ceremony during his tenure on the Board.

Ms. Larson agreed with Mr. Icenhour that Edmarc was a really impressive organization. She recognized Mr. Edward Harris, the new CEO of Visit Williamsburg, adding he had his first Williamsburg Tourism Council meeting today at Busch Gardens. She requested Mr. Stevens coordinate an opportunity for Mr. Harris to come before the Board for a meet-and-greet opportunity and community engagement purposes. Ms. Larson requested a member of the County's Fire Department to discuss storm safety at the Board's next meeting. She mentioned

she attended a July 4th Parade in First Colony and expressed positive remarks of the event. Ms. Larson advised that the Colonial K9 Classic would be held from September 13-15 at the Jamestown Beach Event Park. She discussed the upcoming event in further detail and encouraged the public to attend. Ms. Larson stated she and Supervisor Null as well as Mr. Brad Rinehimer, Assistant County Administrator, and Ms. Sharon McCarthy, Director of Financial and Management Services, would attend the National Association of Counties (NACo) Conference.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens mentioned the heat and summer was here and reminded the public to look after one another. He stressed the importance of calling 911 if a child and/or pet was in a vehicle by themselves. Mr. Stevens encouraged folks to stay safe and hydrated. He welcomed anyone in need of a source of cooling to visit the James City County Recreation Center. Mr. Stevens mentioned a future discussion would be had on storm safety and reminded the community of hurricane season and to be prepared.

K. CLOSED SESSION

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

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

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

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

At approximately 6:45 p.m., the Board re-entered Open Session.

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

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

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

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

- a. Appointment - Colonial Community Criminal Justice Board

A motion to Appoint the Honorable Judge Matt Danielson to fill the balance of a vacated term expiring October 24, 2026, to the Colonial Community Criminal Justice Board was made by James Icenhour, the motion result was Passed.

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

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

- b. Appointments - Colonial Behavioral Health Board of Directors

A motion to Reappoint Fire Chief Ryan Ashe and Donyale Wells for new terms to expire on June 30, 2027, to the Colonial Behavioral Health Board was made by James Icenhour, the motion result was Passed.

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

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

- c. Appointments - Williamsburg Area Arts Commission

A motion to Appoint Nicholas Vrettos and Melody Matheny for terms to expire on June 30, 2027, to the Williamsburg Area Arts Commission was made by James Icenhour, the motion

result was Passed.

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

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

d. Appointments - Social Services Advisory Board

A motion to Reappoint Chris Howard and Camica Credle for new terms to expire on June 30, 2028, to the Social Services Advisory Board was made by James Icenhour, the motion result was Passed.

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

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

2. Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia and pertaining to the contract for the joint operation of schools between the County and the City of Williamsburg.

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, York County, and the City of Williamsburg for the joint operation of the Williamsburg Regional Library System.

4. Certification of Closed Session

L. ADJOURNMENT

1. Adjourn until 1 pm on July 23, 2024 for the Business Meeting

A motion to Adjourn was made by Barbara Null, the motion result was Passed.

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

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

At approximately 6:46 p.m., Ms. Larson adjourned the Board of Supervisors.

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
BUSINESS MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
July 23, 2024
1:00 PM

A. CALL TO ORDER

B. ROLL CALL

Barbara E. Null, Stonehouse District
Michael J. Hipple, Powhatan District
John J. McGlennon, Roberts District
James O. Icenhour, Vice Chair, Jamestown District
Ruth M. Larson, Chair, Berkeley District

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

Ms. Larson sought a motion to Amend the Agenda to add a Severe Weather Preparedness presentation under Board Discussions.

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

C. PRESENTATION(S)

1. Retirement Commendation for Service - Cheryl Waldren

Ms. Grace Boone, Director of General Services, addressed the Board stating retirements were bittersweet. She noted Ms. Cheryl Waldren, Stormwater Sureties Coordinator, had worked for the County for 26 years. Ms. Boone cited highlights of Ms. Waldren's tenure with the County which included various departments and duties. She thanked Ms. Waldren for her service and dedication and extended well wishes for her retirement.

Ms. Larson read Ms. Waldren's retirement Commendation for Service proclamation which highlighted her 26-year career.

Ms. Waldren noted it had been both a privilege and an honor to serve the residents and the Board of Supervisors. She expressed her appreciation of her co-workers and others.

2. Proclamation National Night Out August 6, 2024

Ms. Larson noted prior to presenting the proclamation she wanted to address the severity of a recent incident involving several James City County Police officers. She stated while no officers were seriously injured, the outcome could have been very different. Ms. Larson noted

several officers were present and she extended her appreciation on the Board's behalf for all the Police efforts on a daily basis. She encouraged citizens to participate in National Night Out and meet the officers. Ms. Larson added National Night Out was a great opportunity for the neighborhoods and law enforcement representatives to come together. Ms. Larson read the National Night Out proclamation.

Police Chief Mark Jamison thanked Ms. Larson. He noted the importance of National Night Out as it offered the opportunity for law enforcement to continue building on local relationships and friendships. Chief Jamison introduced Sergeant Kurt Dykstra of the Community Services Unit (CSU) and Mr. Allen McDowell, retired Lieutenant, who provided part-time support to the CSU. Chief Jamison thanked them for their attendance and the Board for its support.

D. CONSENT CALENDAR

Ms. Larson asked if any Board member wished to pull any item(s). She thanked the many attendees regarding the various grants noted on the Agenda.

1. Contract Award - \$307,145 - Collington Court Stream Restoration

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

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

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

2. Grant Award - \$74,240 - Byrne/Justice Assistance Grant Program - Law Enforcement Equipment Grant

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

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

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

3. Grant Award - \$15,840 - Coastal Resilience and Trees Fund

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

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

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

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

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

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

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

5. Grant Award- \$12,500- Fatherhood Incentive Funds

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

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

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

6. Minutes Adoption

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

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

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

The Minutes Approved for Adoption included the following meetings:

- o June 11, 2024, Regular Meeting
- o June 25, 2024, Business Meeting

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

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

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

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

8. Participation in Proposed Settlement of Opioid-Related Claims Against Kroger

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

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

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

9. Purchase on an Existing Contract, Underground Fiber Optic Cable Installation - Cable Associates, Inc. - \$1,914,250

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

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

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

10. Purchase of Property Located at 110 Nina Lane

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

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

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

E. BOARD DISCUSSIONS

1. James City County Housing Portal (website and mobile app)

Mr. Paul Holt, Director of Community Development, addressed the Board. He referenced the 2019 work of the Workforce Housing Task Force and its recommendations to the Board regarding affordable and workforce housing in the local market. Mr. Holt noted a number of issues had been addressed. He stated he was joined by Ms. Barbara Watson, Director of Social Services, and Mr. Patrick Page, Director of Information Resources Management (IRM), to highlight another accomplishment based on one of the recommendations. He noted one Task Force recommendation had focused on working with the Hampton Roads Planning District Commission (HRPDC) to create a housing resource portal. Mr. Holt stated the portal would serve the region as a coordinated resource center. He noted the County began that effort, but HRPDC timing varied from that of the County. Mr. Holt stated the County recognized the opportunity to provide another valuable resource to County residents. He added the three County departments worked together toward that goal. Mr. Holt introduced Mr. Vaughn Poller, Administrator for Neighborhood Development, a division of the Community Development Department, Ms. Tina Colonna from the Web & Publications Management Division of the IRM Department, and Ms. Tiara Murphy from the Housing Office of the Social Services Department, and stated these three had collaborated on the interdepartmental project.

Mr. Poller addressed the Board with a brief history of the 2019 Workforce Housing Task Force's recommendations. He noted Ms. Colonna and Ms. Murphy would address the County's Housing Portal and Housing app. Mr. Poller stated the portal was designed to provide 24-hour, one-stop shopping for citizens in their search for housing assistance. He noted the portal offered greater citizen outreach and structural advantages in relation to Housing Office requests, adding it served a dual capacity as a resource and a tool. Mr. Poller stated the long-term goal was regional use on a common interface to further expand the portal's use.

Ms. Colonna, Web & Publications Supervisor, addressed the Board to discuss the process. She noted in early June 2023, staff from the three departments, along with Purchasing Division staff, formed an internal group to discuss the goals and outcomes. Ms. Colonna provided details on the Request for Information (RFI) submission in which nine companies responded to the RFI. She added demonstrations were scheduled with four companies. Ms. Colonna stated the group selected CivicPlus as the best platform for achieving the needs of the project. She added the County already worked with CivicPlus and minimal training would be required for use on the platform. Ms. Colonna noted the Purchasing Division signed the contract in late 2023 and numerous meetings between staff and CivicPlus followed. She stated design, layout, content, and other components were discussed for use with the portal. Ms. Colonna noted CivicPlus provided a sample which County staff revised. She added over the ensuing six and a half months, additional meetings occurred and select staff was trained. Ms. Colonna stated Ms. Murphy participated in the CivicPlus training which enabled her to update pages on the Housing Portal and then submit them to the Web team for approval and posting. Ms. Colonna noted the new Housing website launched May 23, 2024, adding the mobile app went live in both the Apple and Google Stores on June 18, 2024.

Ms. Murphy, Administrative Coordinator for the Housing Office, addressed the Board with an overview of the portal which was accessible at <https://www.jccvahousing.gov/>. Ms. Murphy stated the portal was designed for easy navigation with key features such as online applications, property listings, various Social Services resources, and other components. She noted the mobile app features. Ms. Murphy continued the presentation highlighting additional features of the Housing Portal's accessibility. She cited statistics on the portal since its launch in May 2024. Ms. Murphy encouraged residents to visit the website and use the mobile app.

Ms. Larson noted the portal had already received over 1,000 requests since its launch. She added there was a great need for this resource, adding the accessibility for residents with mobility or transportation issues.

Mr. McGlennon questioned the success rate for those seeking housing for rental or purchase.

Ms. Murphy noted not currently, but the website was being used for apartment listings.

Mr. McGlennon asked about the number of available units, adding that information could be provided at a later date.

Ms. Murphy noted she would provide that information via email later.

Mr. McGlennon thanked Ms. Murphy.

Ms. Larson thanked Mr. Poller, Ms. Colonna, and Ms. Murphy. She noted she had seen a recent article regarding housing in the Hampton Roads area.

Mr. McGlennon stated that had been the focal discussion point at a recent HRPDC meeting.

2. Parks and Recreation CIP

Mr. Alister Perkinson, Parks Administrator, addressed the Board noting this was a follow-up to the discussion from the Board's June 25, 2024, Business Meeting regarding the Parks & Recreation Department's Capital Improvements Program (CIP). He noted the presentation would include a quick recap, recommendations, and discussion items. Mr. Perkinson highlighted the current CIP projects, funded through Fiscal Year (FY) 2024, in a PowerPoint presentation. He continued with a CIP breakdown through FY 2029. Mr. Perkinson noted staff reviewed the five-year CIP list and provided recommendations. He stated the Parks & Recreation Master Plan process would begin this fall and provided an opportunity to determine

needs and garner public input. Mr. Perkinson noted two short-term projects were identified as higher immediate need: restrooms, parking, and stormwater for Chickahominy Riverfront Park at the paddlecraft/rowing area and the skate park design. He provided additional details on both projects. Mr. Perkinson stated staff recommended moving the Veterans Park Phase II construction project to a future CIP. He identified the shift in the five-year CIP project list in the presentation.

Mr. Stevens referenced the reprioritization to the projects funded through FY 2025 on the five-year CIP and asked the Board if it had reservations on the proposed project shifts.

Mr. Hipple agreed with the proposed changes.

Mr. Stevens noted the projects slated for FY 2026 and beyond were currently unfunded. He stated additional discussion with the Board would be forthcoming, adding he wanted to ensure the Board agreed on the proposed changes.

Mr. Hipple noted the skate park was an important project. He referenced the Triangle Skateboard Alliance and its community impact as noted at the Board's July 9, 2024, Regular Meeting.

Mr. McGlennon noted he would like the Lower County Park funding advanced. He cited timeline and property acquisition in relation to that project.

Mr. Stevens addressed the importance of that project remaining visible in the five-year CIP plan. He noted the challenges on finalizing the property acquisition. Mr. Stevens addressed funding and property in more detail.

Mr. McGlennon emphasized the importance of keeping the Lower County Park project in the forefront.

Mr. Stevens acknowledged that point. He questioned Mr. Perkinson if \$1 million was designated for the Warhill Sports Complex (WSC) Softball/Baseball Complex design.

Mr. Perkinson confirmed yes.

Mr. Stevens noted the design money was approved for FY 2024, but the construction funding was slated for FY 2028 or FY 2029. He further noted that move was a funding issue, and more discussion was needed on that point. Mr. Stevens addressed additional points in more detail.

Discussion on funding ensued.

Mr. Perkinson noted two CIP projects for additional discussion included the WSC and improvements to the Longhill Road intersection. He added design plans had begun. Mr. Perkinson stated the second project was the potential expansion of the locker rooms at the 757swim Aquatic Center facility. He addressed potential benefits of that project for local high school swim teams.

Mr. Stevens noted both Ms. Larson and Mr. John Carnifax, Director of Parks & Recreation, had been contacted to that point. He asked if the County had not participated financially in that facility.

No financial participation by the County was confirmed by an unrecognized audience member.

Mr. Stevens addressed public benefit if the County participated financially. He noted other points in more detail. Mr. Stevens stated he wanted the Board to be aware of these points as discussion ensued and hopefully in September or October, the Board would reach a decision on

an agreement and possible financial participation. He elaborated on that point in more detail.

Ms. Larson addressed the local high school swim teams' use of the facility and adjusted hours for swim practice due to the lack of accommodations. She noted as part of the lease agreement with the County, the local high schools paid nothing to 757swim for the practice space. Ms. Larson stated that 757swim absorbed the chemical costs. She provided additional details to that point regarding the financial participation request.

Mr. Perkinson noted two projects were on hold which included the WSC Softball/Baseball design money (\$1 million) and the Upper County Park Splash Pad design money (\$135,000). He further noted those projects were on hold but shown on the five-year CIP plan.

Ms. Larson echoed Mr. Hipple's statement on receipt of numerous baseball/softball comments. She questioned the popularity of splash pads.

Mr. Perkinson confirmed the popularity of splash pads. He noted splash pads offered many benefits, particularly to Upper County Park. Mr. Perkinson stated the splash pad would replace an old toddler pool with maintenance challenges and less popularity. He added that Kidsburg at Veterans Park also had a splash pad.

Ms. Larson thanked Mr. Perkinson.

3. Government Center Update

Mr. Stevens noted he would provide the update in the absence of Mr. Brad Rinehimer, Assistant County Administrator. He stated the programming phase continued and the staff group was working with the design team. Mr. Stevens noted a draft schematic was being developed for presentation to the Board. He provided additional details on space condensation. Mr. Stevens stated a three-story building with an on-site parking garage option were being discussed. He noted building renderings would be available to the Board for consideration in late August-early September.

Mr. Hipple cautioned against making the building size too small as only one opportunity for this project existed. He stressed the importance of a building that allowed for growth over the years.

Mr. Stevens confirmed a small building that failed to address growth was not the vision for the Government Center.

Mr. McGlennon questioned if the reduced building size accounted for Williamsburg-James City County (WJCC) School Administration.

Mr. Stevens replied the 165,000-square-foot building did not factor that component. He noted discussion included an additional 60,000 square feet could be incorporated for WJCC School Administration. Mr. Stevens stated the recommendation was separate buildings with a connector to the Board Room which served as a conduit to both groups. He added that while WJCC School Administration was not incorporated into the 165,000 square feet, there was discussion on that point.

Mr. McGlennon questioned if the Social Services Department and Olde Towne Medical & Dental Center (OTMDC) would be included in the square footage.

Mr. Stevens confirmed Social Services was included. He added OTMDC would not move into the building. Mr. Stevens stated the County would then consider options on the current Human Services building such as retainment, sale, or other considerations.

Mr. Hipple noted a separate floor for WJCC School Administration rather than a separate

building. He further noted a separate building equated to separate costs regarding maintenance and other points.

Mr. Icenhour questioned timing and resolution on the future of the WJCC School Division. He noted additional questions to that point.

Mr. Stevens noted additional square footage could be incorporated into the design as future plans were unknown and the timing aspect. He further noted the similarity of the floors if an additional floor were incorporated into the design.

Ms. Larson questioned the cost-effectiveness of one building versus two buildings. She noted if the School Administration Office was not housed at the Government Center, what location would be available. Ms. Larson noted the James Blair Middle School site would be impacted. She stated if the City of Williamsburg and the County remained together the site would be expanded or if separation occurred, then a location for County School Administration would be needed. Ms. Larson elaborated on other points.

Mr. Hipple stated when he had broached the subject of a consolidated government center years earlier, it was noted the volume and time factors of traffic involved during emergencies. He stated emergency meetings in one building reduced the travel time and coordination. Mr. Hipple noted one location was also advantageous for the WJCC School Division during emergency situations. He further noted the reduction in fuel costs and other favorable factors with one facility.

4. Severe Weather Preparedness

Ms. Larson welcomed Fire Chief Ryan Ashe. She noted she took summer weather seriously and appreciated his presentation.

Chief Ashe noted severe weather preparedness should occur prior to the actual storms and be treated as an overall process. He further noted the information applied to various forms of severe weather such as lightning, thunderstorms, ice storms, winter weather, and other situations. Chief Ashe referenced Ms. Sara Ruch, Deputy Coordinator, Emergency Management Division, and her presentations in which she referenced make a plan and build a kit. He highlighted the importance of making a plan and necessary components in the PowerPoint presentation. Chief Ashe noted the importance of family discussion for the plan as it applied to the County and surrounding local areas. He stressed the importance of communicating the plan with family and emergency contacts, adding out-of-state contacts were also recommended. Chief Ashe elaborated on these points. He stated the need for identifying meeting places, emergency shelter, transportation, and evacuation routes. Chief Ashe noted Social Services was a valuable resource as well as the Emergency Management Division regarding pet-friendly facilities and accessibility. He further noted building a kit included food and water for seven days, first aid kit, prescription medications, hygiene supplies, extra clothing and sleeping bags, as well as emergency cash. Chief Ashe continued the presentation highlighting securing important medical and other documents, infant needs, pet-friendly items, and special considerations such as unique medical devices. He stressed the importance of the emergency checklist which was available on the Virginia Department of Emergency Management (VDEM) website. Chief Ashe addressed the importance of staying informed and the use of social media, local news and radio, and other outlets for receiving emergency notifications. He noted the County provided JCCAlert.org where residents could sign up to receive emergency notifications and select specific alerts. Chief Ashe encouraged residents to sign up for the alert system. He continued the presentation highlighting protective measures such as well-trimmed vegetation around homes, cleared gutters and downspouts, secured outside furniture, and a review of insurance coverage. Chief Ashe stated homeowners insurance did not cover flood damage and the national flood insurance program had a 30-day waiting period at sign up. He noted the various risk categories of severe thunderstorms in the presentation and the color coding that

accompanied the various categories. Chief Ashe identified the differences between a thunderstorm watch and a warning. He continued the presentation with safety information on thunderstorms and lightning. Chief Ashe noted the National Weather Service (NWS) offered lightning safety toolkits and elaborated on the program for outdoor venues. He further noted County Parks & Recreation pools closed at the sound of thunder or the sight of lightning and remained closed until 30 minutes after the last sound of thunder or sight of lightning. Chief Ashe reiterated those practices were aligned with those of the NWS, adding Parks & Recreation staff were available if additional questions arose. He addressed concerns from flooding due to heavy rain or storms and preventative measures. Chief Ashe emphasized the slogan, "Turn around, don't drown." He noted tornado watches and warnings were the result of hurricane remnants moving through the area. Chief Ashe noted safety measures in these situations. He further noted June 1-November 30 was hurricane season with the peak time from mid-September to mid-October. Chief Ashe discussed the Saffir-Simpson Hurricane Wind Scale in more detail. He addressed the Know Your Zone program through VDEM and evacuation measures. Chief Ashe highlighted the evacuation zones in the County on a local map. He provided additional details on the zones and potential emergency evacuation orders from the Governor.

Ms. Larson clarified her earlier reference to pools was not related to County Parks & Recreation pools.

Chief Ashe acknowledged his understanding of the comment, but added all community pools were encouraged to follow the safety measures similar to those used by County Parks & Recreation.

Ms. Larson concurred.

Chief Ashe continued the presentation highlighting drowning prevention. He noted drowning was the number one cause of death for 1- to 4-year-old children in this country. Chief Ashe cited statistics for other age groups where drowning occurred in pools, rivers, bathtubs, and other bodies of water. He added that drownings happened quickly and often quietly. Chief Ashe noted the National Drowning Prevention Alliance (NDPA) encouraged five layers of protection: barriers and alarms, supervision, water competency, life jackets, and emergency preparation. He provided details on each layer. Chief Ashe provided resources for swim lessons as well as resources at the NDPA website (<https://ndpa.org/>).

The Board thanked Chief Ashe.

Mr. McGlennon asked if the presentation information was on the County website.

Chief Ashe noted no, but added the information could be made available.

Mr. Stevens noted the information would be posted under the current meeting's Agenda for review but could also be posted elsewhere.

5. Contract Award - Settlers Market

Item No. 5 and its vote followed the Closed Session portion of the Minutes.

F. BOARD CONSIDERATION(S)

None.

Ms. Larson requested a motion to Amend the Board's meeting calendar to add a meeting on Friday, July 26 at 1 p.m. where at least three Board members would be touring the Norge Solar Farm with representatives from Dominion Energy.

A motion to Amend the Board's meeting calendar as stated was made by Michael Hipple, the motion result was Passed.

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

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

G. BOARD REQUESTS AND DIRECTIVES

Ms. Null noted she wanted to attend the tour of the Norge Solar Farm. She further noted her attendance at the National Association of Counties (NACo) convention in Tampa, Florida. Ms. Null expressed her amazement at the vast amount of information at the NACo convention, adding she learned a lot while in attendance. She highlighted some of the similar topics shared across localities of varying sizes. Ms. Null noted the experience was very educational and rewarding.

Mr. Hipple noted he had no comments.

Mr. McGlennon noted both the HRPDC and the Hampton Roads Transportation Planning Organization (HRTPO) met on July 18. He further noted the HRTPO meeting's focus was on transportation issues through 2050. Mr. McGlennon stated the discussion involved better connections between the various transportation systems for greater regional access. He noted another topic discussed was air space with drone deliveries and potentially flying cars. Mr. McGlennon stated at the HRPDC meeting later that day, discussion centered on the move of young people from the Hampton Roads area. He noted addressing the move and the lack of identity, affordable housing, and other discussion points. Mr. McGlennon further noted his attendance at a dedication for a new ornamental gate donated by Metal Masters, LLC to the Williamsburg Botanical Garden at Freedom Park. He added Metal Masters, LLC was a local company at McLaws Circle, adding the former gates had been repurposed for use around the botanical garden. Mr. McGlennon noted the passing of Mr. Mark Gulesian, former WJCC School Board member and former faculty member of the School of Education at the College of William & Mary.

Mr. Icenhour referenced Mr. McGlennon's comment on flying cars and expressed his appreciation for his retirement from aviation. He noted he was a dedicated dog park user and he complimented the Parks & Recreation Department for the dog park at Veterans Park.

Ms. Larson stated the NACo convention was a great experience. She echoed Ms. Null's comments on the opportunity to network with others. Ms. Larson stated Mr. Rinehimer and Ms. Sharon McCarthy, Director of Financial and Management Services, also attended the convention.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens noted the Good Neighbors Grant Program, overseen by the Clean County Commission, provided \$500 to neighborhood associations or community groups to enhance the sense of community and sustainability of local neighborhoods. He further noted the application deadline was September 16. Mr. Stevens stated interested parties could call 757-259-4080. He referenced the NACo convention and the numerous awards the County received. Mr. Stevens acknowledged staff's work and the awards solidified the great work, particular in national competition. He noted awards were received in the following categories: Information Technology, Parks & Recreation, and Personal Management Employment and Training. Mr. Stevens extended his congratulations to the departments and staff for the work, the submissions, and to acknowledge the level of service to the community.

Ms. Larson extended her appreciation and congratulations also.

I. CLOSED SESSION

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

At approximately 2:23 p.m., the Board of Supervisors entered a Closed Session.

At approximately 2:41 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, Null

Ms. Larson referenced Item No. 5 under Board Discussions, Contract Award - Settlers Market, for which she sought a motion.

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

- a. Board of Adjustments and Appeals Appointment

A motion to Appoint Mr. Jeremy Findlay, Mr. Leo Aquino, and Mr. Ted Polk for terms that would begin immediately and expire on July 23, 2029, was made by James Icenhour, the motion result was Passed.

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

- b. Economic Development Authority Appointment

A motion to Reappoint Mr. Vincent Campana, III, to a new term that would begin on August 1, 2024, and expire on July 31, 2028, was made by James Icenhour, the motion result was Passed.

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

- c. Wetlands Board and Chesapeake Bay Board Appointment

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

A motion to Accept the resolution for the Contract Award for \$2,743,975 Settlers Mill Market Road improvements was made by James Icenhour, the motion result was Passed.

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

3. Certification of Closed Session

J. ADJOURNMENT

1. Adjourn until 1 pm on July 26, 2024 for a tour of the Norge Solar Farm, 172 Old Church Road, Williamsburg, Va

A motion to Adjourn was made by Barbara Null, the motion result was Passed.

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

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

At approximately 2:42 p.m., Ms. Larson adjourned the Board of Supervisors.

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
SPECIAL MEETING
LEGACY HALL
4301 NEW TOWN AVE, WILLIAMSBURG, VA 23188
August 8, 2024
3:00 PM

A. CALL TO ORDER

B. ROLL CALL

Barbara E. Null, Stonehouse District
Michael J. Hipple, Powhatan District
John J. McGlennon, Roberts District
James O. Icenhour, Vice Chair, Jamestown District
Ruth M. Larson, Chair, Berkeley District

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

Ms. Larson extended appreciation to her fellow Board members, staff, and guests for their attendance at the Special Meeting.

C. BOARD DISCUSSIONS / GUIDANCE

1. Government Center Discussion

Mr. Brad Rinehimer, Assistant County Administrator, addressed the Board and guest attendees. He thanked everyone, adding he wanted to introduce the guest attendees before providing a brief timeline on the Government Center project. Mr. Rinehimer noted that during the process, an internal working group was formed to review proposals. He added the group had spent numerous hours working with the architects, the builder, and the engineering team. Mr. Rinehimer introduced working group members: Ms. Grace Boone, Director of General Services, Mr. Shawn Gordon, Chief Civil Engineer, Ms. Sharon McCarthy, Director of Financial Management and Services, Mr. Patrick Page, Director of Information Resources Management, and Mr. Paul Holt, Director of Community Development. He noted an outside consultant, Mr. Jim Yatzeck with McDonough Bolyard Peck, Inc. (MBP), was also a member of the working group but was unable to attend. Mr. Rinehimer introduced Mr. Al Davis from Henderson, Incorporated, who would introduce some members of the Henderson team.

Mr. Davis thanked Mr. Rinehimer for the opportunity to introduce his team and provide project information to the Board. Mr. Davis introduced Mr. Brad Sipes and Mr. Michael Creasy, lead architects and project managers from the design partner, GuernseyTingle, as well as Mr. Rodney Freeman and Ms. Leslie Schultz, President, of Henderson, Incorporated. He continued the introductions with Mr. Tom Tingle, GuernseyTingle, and Mr. Peter Henderson and Ms. Heather Harmon of Henderson, Incorporated.

Mr. Rinehimer noted the team was a great group to work with and he extended his appreciation

to the group. He referenced the timeline of approximately 10-11 years earlier when discussion regarding the building of a consolidated Government Center occurred. He stated discussion ensued over the years until 2020 when the County performed a space needs study. Mr. Rinehimer noted a Facilities Master Plan was reviewed and costs were considered for a new Government Center versus retaining the current location. He further noted an unsolicited proposal was received in December 2022 from the Henderson-Gilbane (Henderson, Incorporated and Gilbane Building Company) group. Mr. Rinehimer stated at that time, the proposal was presented to the Board, the working group was formed to evaluate the proposal, with a recommendation forwarded to the Board. He noted the Board accepted the Henderson-Gilbane proposal, publicly advertised the project for 120 days, after which one competing proposal was received. Mr. Rinehimer stated at that point Mr. Yatzeck joined the team to assist with proposal evaluations. He noted the next step was to present the information to the Board, which the Board approved the decision to move forward with the Henderson-Gilbane group. Mr. Rinehimer stated the next step was negotiation of an interim agreement which encompassed a 30% design. He added that step occurred in late March-early April with the team working on that project aspect to date. Mr. Rinehimer stated the intention of the interim agreement was to reach the 30% design point, adding the process was approximately halfway through that point with the programming phase completed. He provided details on the various components of that phase. Mr. Rinehimer noted the Board's direction was needed for schematics and other aspects, adding his goal was to gather that information and direction at this meeting. He presented the four main items for the Board's input: site layout, School Administration, site parking, and exterior concepts. Mr. Rinehimer noted the site had some topographic and size limitations which had been addressed. He stated School Administration had been discussed as an on-site option, which upon the decision to build, would include or not include School Administration. Mr. Rinehimer noted site parking was similar in point to School Administration, adding consideration of a parking deck was an option as well as underground podium-type parking. He added Mr. Sipes would address the latter parking style in more detail. Mr. Rinehimer stated the fourth item, exterior concepts, had been previously discussed.

Mr. Sipes addressed the Board noting Clark Nexsen was another group working on the project, but representatives were unable to attend the meeting. He noted the architectural collaboration between GuernseyTingle and Clark Nexsen on the project. Mr. Sipes addressed the size configuration with the buildings approximately 60 feet to 80 or 90 feet wide. He addressed that point in more detail and highlighted the dimensions in a PowerPoint presentation. Mr. Sipes noted the building was approximately 164,000 square feet, adding an 80-foot-wide building would be very long. He further noted that point led to consideration of a multi-level building concept. Mr. Sipes continued the presentation to demonstrate departmental groupings with three options which he addressed in detail. He noted as analysis continued the second option was eliminated as it encompassed separate buildings. Mr. Sipes addressed separation of the Emergency Operations Center (EOC) in design consideration, adding a standalone EOC was not warranted as a separate dedicated space. He added the majority of the year that EOC space could be used for other functions with EOC use determined during emergency situations. Mr. Sipes noted the EOC space would serve as double space, but he added that space required the special criteria to withstand the emergency event. He addressed other considerations for the EOC in more detail. Mr. Sipes continued the presentation highlighting the various components of a three-floor diagram which included modifications to the first option for incorporation of the EOC and School Administration. He displayed the first option design on the property map to visualize parking and other property aspects. Mr. Sipes noted consideration for the main entrance based on feedback from the working group. He further noted other criteria involved in the design concept. Mr. Sipes continued the presentation identifying advantages and considerations regarding School Administration. He noted an attached building provided greater mechanical, electrical, and plumbing efficiencies. Mr. Sipes addressed additional efficiencies, enhanced security, and future flexibility in more detail, citing maintenance as a major point. He noted a consideration of a fourth floor was less favorable due to the Building Code. Mr. Sipes further noted that with a fourth floor additional requirements were placed on the entire building. He cited elevator systems were one feature with additional criteria. Mr. Sipes indicated

additional building height impacted difficulty in fighting structural fires. He added that point was favorable in the three-story building recommendation. Mr. Sipes explained that the soils on the property were soft and could potentially impact the load bearing aspect of a three-story versus four-story building. He continued with a revised diagram showing the parking deck underneath the building, adding that deck was referenced as podium parking. Mr. Sipes compared the podium parking to a walkout basement. He noted additional considerations included a better use of the topographical slope, enhanced security, immediate building access, and other factors. Mr. Sipes highlighted this design offered more pleasing aesthetics to the Government Center with increased public parking as noted on the diagram. He noted future expansion was also available with this layout.

Mr. McGlennon asked if the podium parking was one level.

Mr. Sipes confirmed one level.

Mr. Icenhour questioned if the back parking lot was for employees and if a separate employee access would be available.

Mr. Sipes noted potential access based on preliminary discussion. He added that security concerns were major considerations. He provided additional details on a dedicated staff entrance into the building.

Mr. Icenhour noted his concern had been if staff had to walk around the entire building for entrance.

Mr. Sipes confirmed that point adding security could still be maintained. He noted multiple secure access points could be included with the modified first option floor plan.

Mr. Hipple noted the slope of the land would be used for the podium parking.

Mr. Sipes confirmed yes.

Mr. Hipple referenced the advantages of the podium parking and the security features.

Mr. Sipes confirmed yes. He referenced after-hours calls to Social Services staff in which personal vehicles were required to be exchanged for County vehicles. Mr. Sipes addressed the safety features of secure podium parking in such instances.

Mr. Hipple noted this was another safety consideration by the Board to maintain employees. He further noted the importance of employee benefits.

Mr. Sipes concurred. He added there was a cost associated with podium parking.

Mr. Hipple stressed the importance of doing the project right in relation to cost and future revisions to projects. He added that cost would not go down.

Mr. Sipes concurred.

Mr. Hipple elaborated on additional points regarding spending.

Mr. Icenhour asked if the podium parking accommodated 200 vehicles.

Mr. Sipes confirmed yes.

Mr. Icenhour asked if that number was the same with a parking deck.

Mr. Sipes noted the parking deck was originally slated for two levels with accommodations for 120 vehicles. He elaborated on the parking accommodations in more detail. Mr. Sipes noted a possible terrace with an outdoor eating area near the parking as opposed to a third-floor rooftop location. He commented on the nearby walking trail and the natural space.

Mr. Hipple noted his agreement with the terrace concept. He acknowledged a relaxing place for staff to take a break or have lunch.

Mr. Sipes addressed the site exterior noting exploration on the design was forthcoming. He noted this meeting offered an opportunity to gather the Board's input on potential exterior design. Mr. Sipes stated the starting concept needed to be based on classical proportions, adding the building should not be a historic building. He addressed finding a balance of the two elements. Mr. Sipes noted the building should be modern with a 50-year long-term goal, but still be rooted in local history. He highlighted the design of the Law Enforcement Center (LEC) in the presentation, adding its design was separated into manageable sections. Mr. Sipes stated that style of building was recommended as he provided examples of the combined features which utilized classical proportions. He also presented several designs with varying overhangs for the Board's input. Mr. Sipes continued the presentation highlighting some original design submissions.

Ms. Larson noted it would be interesting to see how the five Board members would reach consensus. She stated her preference was the openness afforded by the glass front that overlooked the trail and other elements.

Mr. Sipes noted each Board member gave the design team some direction. He stated the options allowed for inclusion of the different perspectives.

Mr. Icenhour stated he favored the design with two side components and a middle section. He noted the large expanse of glass similar to the LEC and potential hurricane damage. Mr. Icenhour stated the need for strong glass and elaborated on the use of glass on the building. He reiterated the proper use of the glass for an open concept as Ms. Larson had noted.

Mr. Sipes referenced the hardening of the glass for the larger areas.

Mr. Icenhour noted the cost in the areas of glass hardening versus other areas. He stated he liked the modern touch on traditional structures. Mr. Icenhour noted a three-story building would also be more manageable.

Mr. Sipes concurred.

Mr. McGlennon stated he preferred the large expanses of windows, adding the windows created a greater sense of light. He noted his preference was a warm and welcoming building rather than an intimidating look. Mr. McGlennon elaborated on the importance of a sense of belonging for anyone coming into the building for services. He noted he favored softer corners and expansions.

Mr. Hipple stated he liked the LEC design. He addressed design costs with each turn representing a dollar amount for footings and other design elements. Mr. Hipple noted the LEC design was more cost-efficient. He further noted other design elements such as a covered terrace and other considerations.

Discussion ensued.

Ms. Null stated she was an architectural advocate and a strong proponent of flowing lines and a curved entry. She noted an open entry with high ceilings to indicate a welcoming feel to the building. Ms. Null stated she would like the use of copper incorporated into the design, adding

the addition of metal was a desired feature. She elaborated on additional design features for inclusion. Ms. Null stated she wanted a natural and clean look at the front as she was not in favor of parking lots.

Mr. Sipes noted the Board had provided good feedback for the design direction. He stated options could then be presented to the internal working group for review prior to the Board's review.

Ms. Larson noted the four questions presented to the Board at the beginning of the presentation. She further noted the exterior question had been addressed. Ms. Larson asked if a consensus on the parking was required.

Mr. Rinehimer responded yes. He asked the Board if it agreed on the site layout.

Mr. Icenhour replied yes that the building was pulled back and centered on the lot with no large parking lot at the rear.

Fellow Board members concurred.

Mr. Rinehimer noted the site layout included one building with School Administration in the wing. He stated that component could be added if needed later in the process.

Ms. Larson stated regardless of the decision on the school system operating jointly or separately, a future location for School Administration was still needed.

Mr. Rinehimer noted the site was being developed to accommodate either School Administration or another group as needed. He added that aspect had been incorporated into the design from the start of the process.

Mr. Hipple suggested building the wing presently and not as an add-on later. He cited costs and other factors toward a delay on that construction.

Mr. Rinehimer questioned if pedestal-style parking was the Board's choice.

While the consensus favored that style, Ms. Larson expressed concern regarding costs and items being cut. She noted she favored that parking style but cautioned that if cuts needed to be made for the building to allow for the parking, that was a concern for her.

Mr. Rinehimer reiterated no decisions were being made at the meeting, but the Board's input allowed for direction. He noted changes could be made at a later date. Mr. Rinehimer asked the Board if the consensus was in favor of the pedestal-style parking.

The Board concurred.

Ms. Null asked about the layout showing the parking deck and relocating it to the back of the property. She noted the streetside view if the parking deck was on the front.

Mr. Rinehimer noted those were questions that had arisen.

Discussion ensued.

Mr. Hipple noted the Government Center would not be cheap to construct, but he referenced the older buildings in the County and repairs to those structures. He stressed the importance of investing funding into a long-term product for the citizens.

Mr. Rinehimer thanked the Board and special guests for their attendance. He expressed his

appreciation to the Board members for their responses.

Ms. Larson thanked the internal working group for attending the meeting. She extended her appreciation to her fellow Board members for the great discussion.

At approximately 4:01 p.m., the Board recessed for a short break.

At approximately 4:10 p.m., the Board reconvened.

D. CLOSED SESSION

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

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

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

At approximately 4:11 p.m., the Board of Supervisors entered a Closed Session.

At approximately 5:25 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, Null

1. Discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community, pursuant to Section 2.2-3711 (A)(5) of the Code of Virginia
2. Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia and pertaining to the contract for the joint operation of schools between the County and the City of Williamsburg.
3. Certification of Closed Session

E. ADJOURNMENT

1. Adjourn until 5 pm on September 10, 2024 for the Regular Meeting

A motion to Adjourn was made by Barbara Null, the motion result was Passed.

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

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

At approximately 5:26 p.m., Ms. Larson adjourned the Board of Supervisors.

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

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

SUBJECT: Phone System Replacement - Mid-Atlantic Business Systems

The telephone system supporting James City County (JCC), James City Service Authority, Williamsburg/James City County Courts, and other fiscal agents needs replacing after more than 30 years of service. Originally installed in the 1990s, this system is at its end of reliable and performative use. Spare parts are hard to find, and the system's manufacturer is discontinuing licensing and support.

In August of 2022, a Request for Information (RFI) was issued to solicit vendor information on modern telephony systems. This provided 25 responses, of which five were selected for demonstrations. Information from the RFI and surveys of department needs formed the specifications for a replacement system. In April of 2024, a Request for Proposals (RFP) was issued for a new system. This provided 13 qualified vendor proposals of which five were selected for detailed demonstrations and discussions. Based on an evaluation by Information Resources Management staff and assistance from the Purchasing Department, Mid-Atlantic Business Systems was selected as the vendor best qualified to install and maintain a Mitel/Cloud9 hosted telephony system for JCC. The Mitel system will support staff communicating with citizens from in the office and away from the office using mobile technology. The system will also provide call center functions to serve citizens better when seeking information and assistance.

The purchase of hardware, installation services, first of a five-year support services contract, and first of a five-year subscription licensing contract is funded with American Rescue Plan Act funds previously approved by the Board of Supervisors. First-year cost total is \$475,563.78. Contract years two through five will be funded by operational budgets at a cost of \$191,494.68 per year.

<u>Year</u>	<u>Amount</u>
1	\$475,563.78
2	\$191,494.68
3	\$191,494.68
4	\$191,494.68
5	\$191,494.68

For a five (5)-year total of \$1,241,542.50 (subject to state and federal communication fees).

Staff recommends approval of the attached resolution.

PNP/ap
PhSysRepl-mem

Attachment

RESOLUTION

PHONE SYSTEM REPLACEMENT -

MID-ATLANTIC BUSINESS SYSTEMS

WHEREAS, County staff has evaluated and recommends the replacement of the current County phone system after 30 years of service; and

WHEREAS, this replacement system supports telephony needs of staff serving citizens; and

WHEREAS, staff determined Mid-Atlantic Business Systems services, Mitel technology and Cloud9 hosting services met the technical requirements, service needs, and extended support; and

WHEREAS, a Request for Proposals identified and provided the best vendor and contract pricing of \$1,241,542.50 over a 5-year contract; and

WHEREAS, funding for the replacement phone system was identified through use of American Rescue Plan Act funds approved by the Board.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the purchase contract for a replacement phone system with Mid-Atlantic Business Systems.

Ruth M. Larson
Chair, 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>
NULL	_____	_____	_____	_____
HIPPLE	_____	_____	_____	_____
MCGLENNON	_____	_____	_____	_____
ICENHOUR	_____	_____	_____	_____
LARSON	_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

PhSysRepl-res

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: Robert B. Dittman, Solid Waste Director

SUBJECT: James City County - City of Williamsburg Convenience Center Agreement

Currently, James City County (the “County”) and the City of Williamsburg (the “City”) have two separate agreements to permit residents of the City of Williamsburg access to Jolly Pond and Tewning Road Convenience Centers. The Memorandum of Agreement for the Tewning Road Convenience Center was executed on October 1, 1994, and the Agreement for the Jolly Pond Convenience Center was executed on August 1, 2007.

Both Agreements have conditions and fees that have become obsolete, difficult to enforce, and calculate since their initial execution. It is in the best interests of both parties to update the terms and conditions of these Agreements and merge them into a single document.

The updated Agreement requires the City to remit \$3,000 to the County quarterly, while also providing for prorated capital expenditure reimbursement from the City and annual increases based on the Consumer Price Index (5% cap).

Staff recommends adoption of the attached resolution and execution of the revised Agreement. The Agreement will take effect the first quarter of Fiscal Year 2025.

RBD/ap
ConvCtrAgt-mem

Attachment

RESOLUTION

JAMES CITY COUNTY - CITY OF WILLIAMSBURG CONVENIENCE CENTER AGREEMENT

WHEREAS, the James City County (the “County”) Board of Supervisors (the “Board”) and the City of Williamsburg (the “City”) entered into a Memorandum of Agreement on October 1, 1994, which permitted residents of the City access to the Tewning Road Convenience Center; and

WHEREAS, the County and the City entered into an Agreement on August 1, 2007, which permitted residents of the City access to the Jolly Pond Road Convenience Center; and

WHEREAS, the County and the City have determined that a simplified, updated, and single Agreement that defines the terms and conditions for residents of the City to utilize both the Tewning Road Convenience Center and the Jolly Pond Road Convenience Center would benefit both parties; and

WHEREAS, the County and the City have negotiated the terms and conditions of the updated Agreement; and

WHEREAS, the City approved the updated Agreement on August 15, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute the revised Agreement between the County and City as it relates to the City’s residents access to the Tewning Road and Jolly Pond Convenience Centers.

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES

AYE NAY ABSTAIN ABSENT

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

ConvCtrAgt-res

THIS AGREEMENT (the "Agreement"), dated the 1st day of August 2024, by and between James City County, Virginia, a political subdivision of the Commonwealth of Virginia ("JAMES CITY"), and the City of Williamsburg, a municipal corporation of the Commonwealth of Virginia ("WILLIAMSBURG"). JAMES CITY and WILLIAMSBURG are collectively referred to herein individually as "Party" and collectively as the "Parties".

WHEREAS, JAMES CITY operates solid waste and recycling convenience centers referred to as Jolly Pond Convenience Center ("JPCC") and Tewning Road Convenience Center ("TRCC") (collectively the "Convenience Centers") within the County.

WHEREAS, the City Council of WILLIAMSBURG and the Board of Supervisors of JAMES CITY desire to allow WILLIAMSBURG residents and small businesses to use the Convenience Centers under the same terms and conditions as JAMES CITY residents and small businesses; and

WHEREAS the Parties entered an agreement dated August 1, 2007 for the use of JPCC that is automatically renewed from year-to-year upon the same terms and conditions unless modified by agreement of the Parties and said agreement can be terminated at any time by the either Party; and

WHEREAS, the Parties also had in place a memorandum of understanding dated October 1, 1994 which permitted residents of WILLIAMSBURG to utilize the TRCC to deposit their recyclables and said memorandum of Understanding can be terminated by either Party with 90 days written notice to the other Party; and

WHEREAS, both Parties wish to terminate the August 1, 2007 agreement and the October 1, 1994 memorandum of understanding and enter into a new comprehensive agreement governing the use of the Convenience Centers by WILLIAMSBURG residents and small businesses.

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

1. **TERMINATION OF PRIOR AGREEMENTS:** The August 1, 2007 agreement between the Parties and the October 1, 1994 memorandum of understanding between the parties are hereby terminated effective the date of this Agreement, and any and all provisions related to written notice of termination and timelines associated with the August 1, 2007 agreement and the October 1, 1994 memorandum of understanding are hereby waived.
2. **DURATION OF AGREEMENT:** This Agreement shall be renewed automatically from year-to-year upon the same terms and conditions unless modified, in writing, by both parties; provided, however, that either party may terminate this agreement or any subsequent renewal thereof upon giving 90 days written notice to the other party. This notice shall be conclusively deemed to have been given if in writing and placed in the United States mail, postage prepaid, and addressed to:

For Williamsburg:

City Manager
City of Williamsburg
Williamsburg, VA 23185

For James City County:

County Administrator, James City County
P.O. Box 8784

Williamsburg, VA 23187-8784

3. **REGULATIONS GOVERNING USE:** Disposal/recycling of materials pursuant to this Agreement shall be in accordance with guidelines provided on the JAMES CITY Convenience Center webpage (which may be updated from time to time). Items not listed on the webpage or that are prohibited from acceptance at either JPCC or TRCC will not be accepted. Guidelines are subject to change at the discretion of JAMES CITY.
4. **WILLIAMSBURG VEHICLES:** Vehicles owned by WILLIAMSBURG shall be allowed to utilize the James County Transfer Station located at the Convenience Centers for disposal of non-hazardous wastes. Said waste shall be consistent with those currently accepted by the operator of the Transfer Station as well as VADEQ rules and regulations.
5. **PAYMENT TERMS:** Conditions related to the use of JPCC/TRCC shall be as follows:
 - a. **CAPEX:** WILLIAMSBURG will make payment to JAMES CITY in the amount of \$3000 within 30 days of the effective date of this Agreement for capital expenditures related to the operation of TRCC and JPPCC. In the event future capital expenditures are necessary to operate TRCC and JPCC, WILLIAMSBURG will reimburse JAMES CITY at a rate of 20% of the total capital expenditure cost.
 - b. **OPERATING EXPENSES:** WILLIAMSBURG will pay JAMES CITY a \$3,000 quarterly fee for operating expenses associated with operating JPCC and TRCC.
 - c. Payment by WILLIAMSBURG shall be due within 30 days of the date of the invoice. Failure to remit payment within the required timeframe is a default by WILLIAMSBURG. In the event of default, JAMES CITY has the right to immediately terminate this Agreement without notice to WILLIAMSBURG.
 - d. The quarterly fee shall increase on an annual basis, based on the current CPI but in no event greater than 5%.
6. **CHANGES TO FEE SCHEDULE:** JAMES CITY shall notify WILLIAMSBURG within 30 days of any changes in the fee schedule charged at either the JPCC or the TRCC.
7. **DISCONTINUATION OF CURBSIDE SERVICES:** The Parties to this Agreement understand that any change to and/or termination of WILLIAMSBURG's curbside recycling program will materially affect the costs associated with operating JPCC and TRCC. WILLIAMSBURG shall provide at least 90 days advance notice of any changes to and/or termination of its curbside recycling program.

Witness the following signatures:

JAMES CITY COUNTY

By: _____
Scott Stevens, County Administrator

Date: _____

CITY OF WILLIAMSBURG

By: Andrew O. Trivette
Andrew O. Trivette, City Manager

Date: 7/15/2024

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: Patrick O. Teague, Assistant Director of Human Resources
Cathy Binczak, Risk Manager

SUBJECT: Revisions to Chapters 2, 5, and 11 with Appendix E of the James City County Personnel Policies and Procedures Manual

Periodic reviews and updates of the County's policies and procedures are an important practice to ensure that such policies and procedures remain current, relevant, and compliant with regulation. Virginia Occupational Safety and Health requires that employer Bloodborne Pathogen Exposure Control Plans be reviewed and updated at least annually and whenever necessary to reflect new or modified procedures and responsibilities. In addition, during the Fiscal Year 2025 budget process new programs or benefits were approved.

Staff proposes the following revisions to the James City County Personnel Policies and Procedures Manual:

Chapter 11: Revision of Section 11.4.2, Letter D, to reflect the joint responsibility of the Financial and Management Services and Human Resources Departments to maintain an inventory of safety training materials. Revision of Section 11.4.2, addition of Letter I, to authorize the Risk Manager to establish and support a County Safety Committee. Revision of Section 11.5, to clarify responsibility for development of departmental safety procedures. Appendix E of the James City County Personnel Policies and Procedures Manual be removed and converted into Administrative Regulations regarding the Hazard Communication Program and Bloodborne Pathogen Exposure Control Plan to facilitate annual reviews and updates to those procedures.

Chapter 2: Revision of Section 2.8, Letter P 2, to reduce the time required in a temporary assignment before temporary pay is provided to the employee.

Chapter 5: Revision of Section 5.4 Letter B 4, to provide use of sick leave up to 12 weeks for a qualified FMLA covered event, including maternity and paternity leave and family care. Revision of Section 5.7 Letter E, to provide authority for the County to create a program to provide retirees with a medical savings account program.

Lastly, several small updates were made to correct grammar and formatting, legal compliance, or current practice.

A copy of the proposed changes is attached. Staff recommends approval of the proposed changes.

POT/ap
JCC-Ch2,5,11AppERev-mem

Attachments

RESOLUTION

REVISIONS TO CHAPTERS, 2, 5, AND 11 WITH APPENDIX E OF THE JAMES CITY

COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, the James City County Personnel Policies and Procedures Manual (the “Manual”) is an important document that guides decisions; and

WHEREAS, it is the practice of the County to revise and update the Manual to reflect changes and improvements; and

WHEREAS, staff recommends revisions to Chapter 2 to reduce the time required to in a temporary assignment before temporary pay is provided; and

WHEREAS, staff recommends revisions to Chapter 5 to provide use of sick leave up to 12 weeks for a qualified FMLA covered event and to provide authority for the County to create a program to provide retirees with a medical savings account program; and

WHEREAS, staff recommends revisions to Chapter 11 of the Personnel Policies and Procedures Manual to clarify responsibilities for maintenance of safety training materials, establishment of a County Safety Committee, and development of departmental safety procedures; and removal of Appendix E of the Personnel Policies and Procedures Manual and conversion of the contents into Administrative Regulations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, that revisions to the Personnel Policies and Procedures Manual listed above and set forth in the staff memorandum are adopted, effective September 25, 2024.

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

	NULL				
	HIPPLE				
	MCGLENNON				
	ICENHOUR				
	LARSON				

Teresa J. Saeed
Deputy Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

CHAPTER 2

EMPLOYMENT

Section 2.1 Philosophy

Section 2.2 Policy

Section 2.3 Legal Basis

Section 2.4 Definitions

Section 2.5 Recruitment

Section 2.6 Application Process

Section 2.7 Selection Process

Section 2.8 Hiring

Section 2.9 Orientation for New Employees

Section 2.10 Introductory Employment Period

Section 2.11 Work Hours, Schedules and Practices

Section 2.12 Separation from Employment

Section 2.13 Reduction in Force (RIF)

Section 2.14 Elimination of Limited Term or Other Positions

Section 2.1 Philosophy

~~To support our value of “Demonstrating high standards of excellence, efficiency and commitment to service,”~~ *To demonstrate our values of “Integrity, Collaboration, Excellence, Stewardship, and Civility, James City County seeks to attract and retain a diverse group of excellent employees whose experiences and qualifications best meet the needs of the organization.*

Section 2.2 Policy

~~It is the policy of James City County to recruit and hire without regard to race, color, religion, gender, national origin, age, disability, pregnancy, or sexual orientation. Employment practices shall be in compliance with Chapter 10, “Diversity and Equal Employment Opportunity.”~~ It is the policy of James City County to recruit and hire without regard to

- Race
- Color
- Religion
- Gender
- National origin
- Age
- Disability
- Pregnancy
- *Genetic information*
- *Gender identity*
- *Veteran’s Status*
- Sexual orientation

Employment practices shall be in compliance with Chapter 10, “Diversity and Equal Employment Opportunity

Section 2.3 Legal Basis

~~James City County is committed to ensuring that our employment policies are in compliance with all applicable employment laws and regulations, including but not limited to: Title VII of the Civil Rights Act; the Fair Labor Standards Act; the Age Discrimination in Employment Act; the Americans With Disabilities Act; the Uniformed Services Employment and Reemployment Rights Act; and, the Fair Credit Reporting Act.~~

James City County is committed to ensuring that our employment policies are in compliance with all applicable employment laws and regulations, including but not limited to:

- Title VII of the Civil Rights Act
- Fair Labor Standards Act
- Age Discrimination in Employment Act
- Americans With Disabilities Act

- Uniformed Services Employment and Reemployment Rights Act
- *Affordable Care Act*
- *Pregnancy Discrimination Act*
- *Family Medical Leave Act*
- *Virginia Human Rights Act*
- Fair Credit Reporting Act

In accordance with the Charter of James City County, § 4.2., the County Administrator is responsible for the administration of the affairs of the County including the authority to employ and to dismiss employees.

Section 2.4 ~~Definitions~~ *Employee Classifications*

Employees of James City County, ~~James City Service Authority, James City Social Services, and employees of Elected/Appointed Officials~~ and agencies that *follow* James City County *Personnel Policies and Procedures Manual* ~~Human Resources provides administrative support~~ are classified as follows:

- A. Contract Employee – A person providing services to the County through a temporary employment or leasing agency, as an independent contractor, or who in any other way fails to meet the Internal Revenue Service definition of an employee.
- B. Family Member – For purposes of this Chapter, family member is defined as spouse, parent, guardian, brother, sister, son, daughter, grandparent, grandchild; any of these as an in-law or as a step relation; or any person residing in the same household as the employee.
- C. Full-Time Position – A Full-time position is one that has as its regular work schedule the number of hours below:

Sworn Fire Personnel	2,916 hours per year
Sworn Police Personnel	2,167 hours per year
All other personnel	2,080 hours per year

Sworn Fire and Police personnel may be assigned as needed to full-time positions authorized to work 2,080 hours.

- D. Internal Candidate – Internal candidates are job applicants who are current employees in full or part-time Regular, Limited-Term, Temporary or On-Call positions. Eligibility as an internal candidate varies for employees in positions categorized as “Other.” Specific information regarding eligibility is available from the Human Resource Department.

- E. Limited-Term Position – A Limited-Term position is one established by the Board of Supervisors, funded under a special revenue source other than the operating General Fund or James City Service Authority revenues, and projected to continue subject to funding. If the funding should end, the position has no guarantee of general County funding. A Limited-Term position may be either full-time or part-time. Employees in Limited-Term positions work a fixed number of hours per year and generally a fixed number of hours per week.
- F. On-Call Position – An On-Call position is created from a pool of hours established by the Board of Supervisors or County Administrator. On-Call hours are established to provide on-going public service in situations where work schedules, such as the number of hours per day, or number of days per week, vary from day-to-day or week-to-week due to operational needs; or to supplement staff during absences or peak work times. Employees in On-Call positions may be discharged at the will of the Department ~~manager~~ Director without cause or hearing. *Employees in on-call positions are not covered under the Reduction in Force Policy*
- G. Other Position – An Other position is one in a department or office which follows some or none of the County's personnel policies. An Other position may include members of boards and commissions; elected and appointed officials or positions in the offices of elected or appointed officials; or positions in agencies for which the County serves as fiscal agent. An Other position is projected to continue indefinitely and may be either full-time or part-time. Policies followed by Other positions vary and specific information is available from the Human Resource Department.
- H. Part-Time Position – A part-time position is one which has as its regular work schedule less than the number of full-time hours as described in Section 2.4 C.
- I. Regular Position – A Regular position is one established by the Board of Supervisors, funded from the operating General Fund or James City Service Authority revenues and projected to continue indefinitely unless the Board eliminates it. A Regular position may be either full-time or part-time. Employees in Regular positions work a fixed number of hours per year and generally a fixed number of hours per week.
- J. Supervisor, Direct – A direct supervisor is an employee who assigns, guides, monitors, evaluates the work and signs the performance evaluation of one or more employees.
- K. Supervisor, Indirect – A supervisor anywhere in the line of supervision above an employee's immediate supervisor, i.e. the employee's supervisor's supervisor.

- L. Temporary Position – A Temporary position is one established by the Board of Supervisors or the County Administrator to perform a specific function with an ending date, such as a special project or to substitute when a position is vacant. The term of employment depends on the length of time needed to perform the special function but has a specific ending date which shall not exceed 12 months. Temporary positions are reviewed each fiscal year. The Board of Supervisors or County Administrator may extend a Temporary position. A Temporary position may be either full or part-time and may have either a fixed or fluctuating number of hours per week. Employees in Temporary positions may be discharged at the will of the ~~County Administrator~~ Department Director without cause or hearing.

Section 2.5 Recruitment

The Human Resource Department works collaboratively with hiring departments to identify talent within the organization or to design a recruitment strategy to solicit a qualified and diverse applicant pool from outside the organization to fill a vacant position.

- A. Recruitment Necessary – Vacancies for all full or part-time Regular and Limited-Term positions must be listed on the Human Resource Department's employment opportunities announcement, unless otherwise stated in Section 2.5 B. A variety of other recruitment sources may also be used as determined in the recruitment strategy, including but not limited to, websites, newspapers, professional publications, job fairs, or radio announcements.

Recruitment is also necessary when a part-time Regular or Limited-term position is approved by the Board of Supervisors to become full-time. In the event the incumbent in the part-time position is not selected for the full-time position, the Reduction in Force policy would apply.

- B. Recruitment Not Necessary – Recruitment is not necessary when:
1. The original position, or a position in the same job class, becomes vacant within twelve months of the date the position was filled from the most recent recruitment and a viable applicant pool still exists.
 2. An employee is transferred or demoted to a vacant position.
 3. An employee is placed in a vacant position due to a reduction in force.
 4. The position is Temporary or On-call.
- C. Length of Advertisement – Positions advertised without a closing date shall remain open for a minimum of seven calendar days. Applications for

such positions are accepted on an on-going basis or until all vacancies are filled.

Positions advertised with a closing date shall remain open for a minimum of seven calendar days. Applications will not be accepted after the closing date unless the recruitment period is extended or the job is re-advertised.

- D. Internal Recruitment – The Department Director may request that recruitment be restricted to internal candidates if it is felt that employees within the organization may possess the experience and qualifications required for a vacant position.

When organizational needs dictate, such as position reclassifications or departmental reorganizations which do not result in position vacancies, and with the approval of the Human Resource Director, internal recruitment may be limited to employees in specific departments, divisions, or to incumbents of specific job classes or positions.

- E. External Recruitment – In those instances where recruitment is not restricted within the organization, recruitment for the vacant position shall be conducted outside the organization and applications from the public and from employees shall be accepted.

- F. Recruitment Incentives – Hiring departments may offer incentives as a strategy to fill positions which have been identified by Human Resources as having significant recruitment and retention problems or are critical to the organization's mission and ongoing operations. Up to 5% of the minimum of the salary range of the job class to which the candidate is hired may be used to fund the incentives. Exceptions may be granted by the County Administrator.

All incentives are paid by the hiring department and must be approved by the Department Director and the Human Resource Director prior to incurring the expense. ~~Incentives may not be in the form of bonuses or other direct payments to the candidate.~~ Recruitment and retention incentives include the following:

1. Referral Incentive – Hiring departments, in collaboration with Human Resources, may develop programs to give Incentive Awards to employees who refer external candidates selected for positions.
2. Payment for Recruitment Expenses – Departments may arrange and pay for a County hotel or motel room for lodging associated with the interview and selection process. Applicants may also be reimbursed for verified travel expenses associated with the

interview and selection process. Reimbursement shall be consistent with James City County travel policy.

3. Leave – A balance up to a maximum of 160 hours of annual leave or paid time off (PTO) may be given as a condition of employment.

Successful candidates may also be given a higher annual leave or PTO accrual rate at the time of initial hire. Accrual would remain at that rate until years of service with the County are consistent with accrual rates for employees with annual leave and for employees with PTO as outlined in Chapter 5.

Any leave balances beyond normal accrual will not be paid if the employee leaves employment within a year.

4. Hiring Bonus – Positions identified as difficult to fill by the Department and Human Resources may be advertised and filled using a hiring bonus up to 5% of the minimum of the salary range.

All terms and conditions of any recruitment and retention incentives, such as requirements for satisfactory performance, duration of employment and repayment terms if the terms and conditions are not met, shall be included in the formal offer issued by the Human Resource Department *or in an incentive contract*.

- G. Employment Agencies – Employment agencies may be used to fill positions temporarily. The Human Resource Department will coordinate with the department and a temporary employment agency. The hiring department will then work directly with the temporary employment agency for timekeeping and billing.

Employment agencies may also be used to solicit qualified applicants for vacancies. Payment of fees for service or placement costs is subject to available departmental funding and shall be approved in advance by the Department Director and Human Resource Director.

Section 2.6 Application Process

All individuals interested in employment with James City County must apply through the application process designated by the Human Resource Department.

The County may disqualify an applicant who does not meet the requirements specified in the job description or job posting, fails to submit complete, accurate or current information, or makes false or deceptive statements.

Section 2.7 Selection Process

The Human Resource Department works with hiring supervisors to develop a selection process that is ~~non-discriminatory~~ nondiscriminatory and designed to identify the best candidate for the position. Selection tools will be used to assess knowledge, skills and abilities required for the position. All selection tools shall be coordinated with and approved by the Human Resource Department and shall be administered consistently and impartially.

- A. Pre-Employment Selection Tools – Selection tools, including but not limited to the following, may be used in the pre-employment process: oral interviews; skills demonstrations; presentations; work samples; portfolios; written knowledge/skills assessment exercises; background check; and reference checks.
- B. Post-Offer Selection Tools – The following checks and assessments may be used only after a contingent offer of employment has been made: ~~background check~~, driving record check, criminal history or sex offender check, fitness assessment, physical examination, or personality suitability assessment. Failure to successfully complete any of these assessments will result in the withdrawal of the contingent offer of employment.
- C. Refusal or Failure to Participate – Any applicant refusing or failing to undergo any part of the selection process shall be eliminated from further consideration for the position. In such a situation, the applicant shall be considered to have withdrawn the employment application.
- D. Veteran Hiring – In accordance with the Code of Virginia §15.2-1509, the County shall take into consideration an individual's status as an honorably discharged veteran in hiring policies and practices. Applicants identified as veterans, who meet all of the knowledge, skills and eligibility requirements for an available position, shall be considered for employment by the hiring department.

A “veteran” is any person who has received an honorable discharge from the armed forces of the United States and has (1) provided more than 180 consecutive days of full-time, active duty service in the armed forces of the United States or reserve components thereof, including the National Guard, or (2) has a service-connected disability rating fixed by the United States Veterans Administration.

- E. Physical Examinations – Physical examinations are performed by a medical professional designated by the County and are required for identified job classes to: ensure that candidates offered employment and employees in these job classes are able to safely and satisfactorily perform the required physical aspects of the job; comply with local, State and

Federal regulations; and ensure a safe work environment and protect the public.

Job classes requiring physical exams are identified in the ~~Compensation Plan.~~ **Job Description.**

The content of the physical exam varies by job class based on the physical requirements of the job. The County pays the cost of the required post-offer, post-employment, or fitness for duty physical examinations.

- F. Reference Checking – It shall be the responsibility of the hiring supervisor to check employment references of the candidate being considered for employment prior to extending a job offer.

Section 2.8 Hiring

- A. Job Offer – The Human Resource Department or the hiring supervisor may extend a verbal job offer to the candidate selected for the position. The Human Resource Department shall issue a formal written offer of employment.
- B. Employment Date – The employment date is the date on which an employee was initially employed, provided there has been no break in service. The employment date is the date used to determine length of service with the County for ~~computing service recognition and~~ leave accrual rates, unless a higher annual leave or paid time off accrual rate was negotiated at the time of initial hire.
- C. Reinstatement – A former employee may be reinstated to the position he or she held or to a vacant position in the same job class in the same department within one year of separation from the County.

As a condition of reinstatement, the employee shall repay all annual and sick leave or paid time off payments received at the time of separation and leave balances shall be restored. A reinstated employee shall retain the original employment date and the applicable leave accrual rate upon return. Retirement benefits may be restored as permitted by those programs.

- D. Transfer – Transfer is the movement of an employee to a vacant position in the same salary range. Employees may be transferred **within their department or outside of their department** at the discretion of the organization to meet organizational needs. ~~Transferred employees do not serve an introductory period and are compensated in accordance with Section 4.12 C.~~ **Transferred employees are compensated in accordance with Section 4.12 C.**

- E. Promotion – A promotion is the selection of an employee, after competition with internal or external applicants, to a different position in a higher salary range. Employees who are promoted receive a salary increase in accordance with Section 4.12 A.
- F. Voluntary Demotion – A demotion is the movement of an employee to a different position in a lower salary range. An employee may choose to accept a position in a lower salary range for a number of reasons, such as a career change, career broadening experience, for personal reasons or to remain employed if his or her position is eliminated. A voluntary demotion may or may not require a reduction in salary. See Section 4.12 D.
- G. Hiring Overlap – In order to provide uninterrupted services and a seamless transition, the County Administrator may approve hiring an employee prior to the termination date of the incumbent. This hiring overlap is contingent upon available funding within the department and shall not exceed thirty calendar days. Exceptions to the length of overlap may be granted by the County Administrator.
- H. Hiring of and Supervision of Family Members – No family member, as defined in Section 2.4 B., shall be hired, promoted, or temporarily assigned as a direct or indirect supervisor or report of another member of the same family. The selection of a family member of a department director to fill a position in any department shall be subject to approval by the County Administrator prior to hire. A family member of the County Administrator or Board of Supervisors shall not be hired by the County in any capacity.
- I. Minimum Age – Employees must be a minimum of sixteen years of age by the date of hire. Employees between age sixteen and eighteen may only be hired in positions which meet the Child Labor Regulations of the Fair Labor Standards Act, CFR, Title 29, Chapter V, Part 570.
- J. Licenses and certifications – Some positions require specific licenses or certifications, which are listed in the job description. Failure to maintain required licenses or certifications may result in demotion or termination of employment.
- K. Special Public Safety Employment Conditions – Employees in positions in the Police or Fire Departments which are covered by the “Heart and Lung legislation”, Code of Virginia §65.2-402, and who began employment on or after July 1, 1994, shall not use tobacco products in any form on or off duty. New hires who use tobacco products may be granted a period of time

in which to stop. Failure to refrain from using tobacco products in any form on or off duty may result in termination of employment.

- L. Holding More Than One County Job – Employees in nonexempt positions, with the approval of the Human Resource Director, may hold more than one County job, either full or part-time, in situations where work hours can be monitored and overtime paid in accordance with the overtime requirements of the Fair Labor Standards Act, CFR, Title 29, Chapter V, Part 553.

Employees in exempt positions may hold more than one County job, either full or part-time, with the approval of the respective Department Directors.

- M. Volunteering – Employees in nonexempt positions may volunteer to perform work in other County jobs without compensation as long as the services are offered freely, without pressure or coercion, and the work is not the same type of work the individual is employed to perform for the County. Any such volunteer work shall be reviewed by the Human Resource Department for compliance with requirements of the Fair Labor Standards Act, CFR, Title 29 Part 553, Subpart B prior to beginning the volunteer work.

Employees in exempt positions may volunteer to perform work in any position.

- N. Career Ladder Advancement – A career ladder advancement is the progression of an employee from a position in a designated career ladder class to a ~~higher-level~~ higher-level position of that class.

Upon meeting the minimum qualifications for the ~~higher-level~~ higher-level career ladder position as required in the job description, and upon a review of the employee's qualifications, experience and work performance, the Department Director may approve the career ladder advancement.

Failure to maintain the minimum requirements, required certifications or to perform the work requirements of the career ladder position will result in a demotion to the career ladder position the employee is performing or for which he or she is qualified. Such career ladder demotions will result in a salary reduction consistent with Section 4.12 B.

- O. Hiring Within Career Ladder Levels – With the approval of the Department Director, external candidates may be hired at a career ladder level for which they meet the minimum qualifications as required in the job description.

- P. Temporary Assignments

1. An employee may be temporarily assigned to a vacant position, or a prescribed set of duties, other than that to which officially assigned, for a variety of reasons including emergency situations, abnormal workload, organizational changes, job vacancies, unmet needs pending the establishment of a new position, development opportunities; or for other purposes necessary to provide quality public service.
2. Duration, Approval, Documentation, and Compensation

Duration	Six (6) Weeks within a 12 month period	Between 6 Weeks and Six (6) Months within a 12 month period	Between 6 Months and One (1) Year Within a 12 month period	More than 1 Year
Approval	Supervisor	Department Director (DD)	Human Resources (HR)	County Administrator (CA)
Documentation	None	None	DD writes business reasons and expected duration to HR; if HR concurs, they notify Payroll	DD writes business reasons and proposed duration; HR makes recommendation; CA decides
Compensation	No change	No change	If position in higher salary range, increase consistent with promotion effective the beginning of the seventh month	Maintains increase given at 6 months

Duration	Approval	Documentation	Compensation
Up to 30 days within a 12 month period	Department Director (DD)	None	No Change
Expected to be 30 or more days within a 12 month period	County Administrator (CA)	DD provides justification and proposed duration; HR makes recommendation; CA has final approval	Salary changes will be applied in accordance with Section 4.12 A

Exceptions may be granted by the County Administrator.

3. Salary Adjustment Considerations

- a. Performance Increase – Performance increases effective during the portion of the assignment in which the employee is receiving a temporary salary adjustment shall be handled in accordance with Section 4.11.D.4.
- b. End of Temporary Salary Adjustment – When the employee returns to her regular duties, the salary shall be reduced by the same dollar amount by which it was temporarily increased.

Section 2.9 Orientation for New Employees

- A. Human Resource Department Responsibility – The Human Resource Department will offer assistance to employees in enrolling in applicable benefits and will provide ways for them to learn more about the County and what is expected from them as County employees.
- B. Department Responsibility – The Department Director is responsible for ensuring that new employees are oriented to the work site and receive information regarding job duties, responsibilities, expectations and work rules.
- C. Employee Responsibility – The employee is responsible for attending required orientation and training sessions and for being familiar with the James City County Personnel Policies and Procedures Manual and departmental policies and procedures.

Section 2.10 Introductory Employment Period

The introductory employment period is designed to give both the employee and the County an opportunity to determine whether the correct employment decision has been made.

- A. Initial Introductory Period – Employees initially hired in Regular and Limited-term positions shall serve an introductory period of at least six months. Some job classes, because of a long training period or annual work cycles, require a one-year introductory period. Such job classes are identified in the Compensation Plan.
- B. Promotional Introductory Period – Employees promoted to Regular or Limited-term positions shall serve an introductory period of six months.

- C. Transfer Introductory Period – Employees who transfer to Regular or Limited-Term positions within a different department shall serve an introductory period of six months.
- C. Extension – The Department Director, with the concurrence of the Human Resource Director, may extend either an initial, promotional, or transfer introductory period for up to six additional months if it is deemed necessary to fully evaluate the hiring decision.
- D. Termination During the Introductory Period – At any time during the introductory period if the employee determines that employment in the position or with the County is not a good match or in the employee's best interest, the employee may resign from employment in good standing.

Should the County determine that the hiring decision does not meet the needs of the organization, the employee may be discharged at the will of the County Administrator without cause or hearing at any time during the introductory period. Employees in introductory periods are not eligible to use the Grievance Procedure.

Section 2.11 Work Hours, Schedules and Practices

- A. Official Work Hours – The official work hours for County office and administrative employees shall be 8:00 a.m. to 5:00 p.m. Monday through Friday with a one hour unpaid lunch break. Lunch or other meal breaks may not normally be taken at the end of the work period. Because of differing requirements in operational departments, official work hours for a County office may vary with the approval of the County Administrator.
- B. Alternative Work Schedule – An alternative work schedule is the daily work schedule of an individual employee that deviates from the official business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. Alternative work schedules must be approved by the Department Director.

Alternative work schedules may include any daily or weekly work schedule or work arrangement designed to enhance service to customers or increase productivity, such as flex-time, compressed work week, or telecommuting. Alternative work schedules must be in compliance with the overtime requirements of the Fair Labor Standards Act, CFR, Title 29, Chapter V, Part 553.

Alternative work schedules for full-time positions must include a minimum of a 30 minute unpaid meal break at a time approved by the supervisor. Exceptions may be granted by the County Administrator.

Employees working alternative schedules who do not work on a holiday are compensated for a day as defined in Section 5.4.A.3.c.

- C. Outside Employment – The County is considered the primary employer. An employee may hold another non-County job provided that an actual or perceived conflict of interest is not created; the employment does not discredit or potentially discredit the County; and, the work of the second job does not distract from the performance of County duties.

Requests to hold second jobs must be made in writing and approved by the Department Director and Human Resource Director prior to beginning such work. If the Department or Human Resource Director determines at any time that the other employment causes a conflict, interferes with County duties, or is disruptive to the workplace, the employee shall be requested to terminate the outside employment. Refusal to comply with such a request may result in termination of employment.

Employees are prohibited from performing work of second jobs or businesses during paid work time. This includes sales of services or products, such as cosmetics, jewelry, or dishware; scheduling appointments with customers; telephone calls; use of electronic mail; or any other related activities.

- D. Solicitations – Solicitations for charity, fund-raising, or staff gifts are allowed only with the Department Director's approval that such activities do not detract from the employee's work performance and are not disruptive to the workplace.

Under no circumstances shall an employee be required or obligated to contribute to any solicitation request.

- E. Fitness for Duty – To ensure an employee is safely and fully able to perform the essential functions of the employee's job, the employee may be directed by the Department Director, with the concurrence of the Human Resource Director, to be examined by a County designated medical professional. The employee may also seek, at his own expense, an evaluation by a medical professional of his choice in addition to the evaluation by the County designated medical professional. If, after consultation with the employee's medical professional, the County designated medical professional determines that the employee is unable to perform the essential functions of the job, the employee's continued employment will be addressed in accordance with applicable policies.

- F. Election to the Board of Supervisors – An employee may not serve as a member of the James City County Board of Supervisors while employed by the County or the James City Service Authority. This does not prohibit

a County employee from seeking election to the Board of Supervisors; however, the employee shall submit his or her resignation within seven (7) days of being elected. In the event the employee fails to resign, the County Administrator shall terminate his or her employment.

Section 2.12 Separation from Employment

- A. Reference Giving – Requests for references may be referred to the Human Resource Department. Supervisors may also furnish, at the request of a prospective employer, factual information, given in good faith, about a current or former employee's professional conduct, reasons for separation or job performance. Information provided should be documented facts not opinions or interpretations of facts. Employees are subject to civil liability if the information provided is false, intended to deliberately mislead or is provided with reckless disregard for whether or not it is false, per the Code of Virginia § 8.01-46.1.
- B. Resignations – To leave employment in good standing, an employee must give written notification of the intended resignation and resignation date to the immediate supervisor. Written resignation is also required for retirement.

Employees are asked to give as much notice as possible to ensure a smooth transition, but are required to give a minimum of fourteen (14) calendar ~~days~~ days' notice of an impending resignation. Failure to do so shall result in a loss of annual and sick leave or paid time off payments as outlined in Chapter 5. Exceptions to leave forfeiture may be granted by the Department Director.

Once a resignation has been accepted, it may be withdrawn only with the approval of the Department Director.

- C. Termination by County Administrator – Employment may be terminated by the County Administrator for reasons including, but not limited to: inappropriate conduct in accordance with Chapter 7, failure to successfully complete introductory period; failure to continue to meet job requirements; loss of required certifications; unsatisfactory work performance, or a reduction in force.

Section 2.13 Reduction in Force (RIF)

- A. Eligibility – The RIF policy applies only to employees in Regular positions who have successfully completed their initial introductory period. Employees in Limited Term, Other, Temporary, or On-Call positions are not covered.
- B. Policy – Every reasonable effort shall be made to accomplish the elimination of a position without having to lay-off an employee in the event that Regular positions must be eliminated due to circumstances such as financial shortfalls, curtailment or reduction of services, reorganizing/streamlining operations, privatizing functions, or other

situations. The County shall attempt to achieve necessary reductions through attrition or through the placement of employees in other County positions. Assistance shall also be provided to seek employment outside the County, if necessary.

- C. Alternatives to Reduction in Force – The County shall take proactive steps whenever practical to avoid or minimize a reduction in force. Such steps may include the elimination of temporary or on-call hours, a hiring freeze, incentives for retirement, job sharing, use of part-time positions, or other strategies which may reduce expenses or hold open potential vacancies for employees whose positions will be eliminated.
- D. Identifying Job Classes to be Eliminated – In the event that positions must be eliminated, a number of factors shall be considered in identifying which job classes to eliminate. These include the County's vision, mission, and goals; the needs of our customers; skills needed in the organization; and source of funding of the job class. Reasons for selecting job classes to be eliminated shall be documented by the Department Director and submitted to the Human Resource Director and the County Administrator. The County Administrator shall make the final determination.
- E. More than One Employee in a Job Class – If there is more than one employee in a job class and it is necessary to reduce the number of employees in that class, the following factors will be considered in determining which employees will be subject to lay-off: job performance; skills contributed to the job; length of service with the County; and source of funding of the position. Reasons for selecting employees subject to lay-off shall be documented by the Department Director and submitted to the Human Resource Director and County Administrator. The County Administrator shall make the final determination.
- F. Notification – Employees in positions targeted to be eliminated will be notified in writing as soon as possible, but no fewer than 60 calendar days prior to the effective date of the elimination of the position.
- G. Placement Within the Organization – The Human Resource Department will meet with employees in positions identified to be eliminated to determine their skills, experience, education and training, and interests so that the Human Resource Department may identify other positions in the organization for which they may qualify, or for which retraining is feasible. Every reasonable effort shall be made to place employees in positions identified to be eliminated in another job within the County at the same, lower, or higher salary range. In such cases, the affected employee's pay will be handled in accordance with the compensation policies for promotion, transfer and voluntary demotion in Section 4.12.

- H. Placement Outside the Organization – Assistance in obtaining employment outside the organization shall be made available to the employee. This includes assistance in preparing resumes, training in interview skills, information on conducting a job search, use of telephones, computers, and typing support. Employees shall be given reasonable time off not charged to leave to interview for other jobs prior to the date the position is eliminated.
- I. Employees Who Are Separated – An employee who is separated from employment through a RIF shall be given preferential consideration for vacancies which occur for which the individual is qualified and makes application. Preferential consideration means that the employee will be eligible for internal, as well as, external employment opportunities; that the Human Resource Department will send Employment Opportunity Bulletins to the employee's home or designated e-mail address; and that applications from these employees, as long as they meet the minimum qualifications of the job, shall be referred to the hiring department. Preferential consideration shall be given for a period of 12 months from the date of separation. An employee hired under preferential consideration shall be considered reinstated.

Employees who are separated are eligible for payment of leave balances and other benefits in accordance with Chapter 5 of this Manual.

If the separated employee elects to continue County-sponsored group health insurance under COBRA, the County will continue to pay its share of the premium for up to six months, or until the employee is no longer eligible under COBRA, whichever comes first.

Separated employees and their immediate families shall continue to be eligible for services provided by the County's Employee Assistance Program for 12 months from the date of separation.

- J. Employees Who are Not Separated – Employees who retain their jobs through a RIF may also be affected in a number of ways such as by an increased workload and concerns about job security. The Human Resource Department will work with departments to take actions to assist employees with the transition.

Section 2.14 Elimination of Limited Term or Other Positions

In the event that Limited Term or Other positions must be eliminated due to circumstances such as financial shortfalls, curtailment or reduction of services, reorganizing/streamlining operations, privatizing functions or other situations, the Human Resource Department will work with the affected departments to: notify employees in positions identified to be eliminated as far in advance as possible;

meet with those employees to determine their skills, experience, education and training in order to identify other positions in the organization for which they may apply; and offer assistance in obtaining employment outside the organization including assistance preparing resumes, coaching in interview skills, or providing information on conducting a job search.

Employees who are separated are eligible for payment of leave balances and other benefits in accordance with Chapter 5 of this Manual.

Chapter2

Rev. 08/19/2024

CHAPTER 5

EMPLOYEE BENEFITS

- [Section 5.1 Policy - General](#)
- [Section 5.2 Eligibility - General](#)
- [Section 5.3 Holidays](#)
- [Section 5.4 Leave](#)
- [Section 5.5 Family and Medical Leave Act \(FMLA\)](#)
- [Section 5.6 Health Related Benefits](#)
- [Section 5.7 Retirement, Disability, and Life Insurance](#)
- [Section 5.8 Workers' Compensation \(\[Policy\]\(#\)\) \(\[Procedures\]\(#\)\)](#)
- [Section 5.9 Tax-Related Benefits](#)
- [Section 5.10 Employer Assisted Home Ownership Program](#)
- [Section 5.11 Optional, Employee-Paid Benefits](#)

Chapter 5 Employee Benefits

4.

Type	Sick Leave		
Eligibility	Employees in full-time regular and limited-term positions who are members of VRS Plan 1 or 2 and employees in part-time regular and limited-term positions who were hired into their positions before January 1, 2014. VRS Hybrid Plan employees and Part-time regular and limited-term positions of 1,040 or more annual authorized hours who were hired into their position on or after January 1, 2014, are eligible for sick leave at varying accrual rates.		
Purpose	May be used by an employee to provide paid absences for health-related reasons as outlined below. Accumulated sick leave provides continued income for employees during periods of disability.		
Guidelines	Sick leave provides paid absences for the following reasons: - A personal illness, injury, and/or disability not incurred in the line of duty, which incapacitates the employee from being able to perform assigned duties. - Appointments for examination and/or treatment related to health when approved in advance by the department director and when such appointments cannot reasonably be scheduled during nonwork hours. - An illness or appointment for examination and/or treatment related to the health of an immediate family member requiring the attendance of the employee and approved by the department director, not to exceed twelve (12) days per fiscal year <i>or 12 weeks for employees on approved FMLA</i>. A day is defined in Section 5.4.A.3.a. Use of additional sick leave in excess of the permitted allowance may be approved if recommended by the department director and approved by the Human Resource Director. <u>Accrual</u> - VRS Plan 1 and 2 employees accrue sick leave in accordance with the chart below: <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">Annual Authorized Hours</td><td style="text-align: center;">Monthly Accrual Rate In</td></tr> </table>	Annual Authorized Hours	Monthly Accrual Rate In
Annual Authorized Hours	Monthly Accrual Rate In		

	Hours
<261	1
261-520	2
521-780	3
781-1,040*	4
1,041-1,300	5
1,301-1,560	6
1,561-1,820	7
1,821-2,080	8
2,081-2,340	9
2,341-2,600	10
2,601-2,860	11
>2,860	12

b. There is no limit to the amount of sick leave an employee may accrue.

c. VRS Hybrid Plan employees accrue 3 hours of sick leave per month.

d. Part-time regular and limited-term position of 1,040 or more annual authorized hours who were hired into their part-time position on or after January 1, 2014, accrue 1.50 hours of sick leave per month.

Payment for Accumulated Leave Upon Separation from Employment

Employees with two (2) years or more of continuous service with the County shall be compensated for their sick leave balance at the rate of one hour's pay for every four hours of accrued sick leave or the maximum amount listed below, whichever is less. If two weeks' notice is not given by the employee, or if the employee is discharged for disciplinary reasons, sick leave payments shall be forfeited. Exceptions may be made by the department director.

Years of Service	Maximum Payment
2-14	\$1,000
15-24	\$2,500
25 or more	\$5,000

Payment for Accumulated Leave Upon Retirement from Employment

	Employees who retire with 20 or more of continuous years of service with James City County or Affiliate who follows Chapter 5 of the Personnel Policies & Procedures Manual are eligible to receive \$15 per hour of sick leave, in whole hours, up to a maximum of \$20,000. Employees reinstated within the last 5 years prior to retirement will be ineligible. <u>Sick Leave Bank</u> VRS Plan 1 and 2 employees may elect to pool accumulated sick leave into a sick leave bank for the purpose of providing participating employees additional leave for extended illness or injury. Such a bank shall be supported by employees and shall cease to exist should there be insufficient employee interest.
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5.

Section 5.7 Retirement, Disability and Life Insurance

- A. Policy Statement - James City County recognizes the importance of income after retirement and in the event of disability, and the financial needs of surviving family members in the event of death. It is the policy of the County to assist employees in meeting these needs through financial contributions to retirement and insurance plans or by providing group plans in which employees may choose to participate at their own expense.
- B. Retirement - James City County believes that an employee is best served by having retirement income from more than one source. It is the policy of the County to contribute towards Social Security (FICA) and the Virginia Retirement System (VRS), on behalf of the employee. The County also provides an IRS Section 457 Deferred Compensation Plan to which the employee may choose to contribute. The County may match a portion of those contributions as outlined in Section 5.7.B.3.b.
 1. Social Security (FICA) - Both the County and the employee contribute to the social security account of employees in full-time and part-time regular, limited-term, temporary, and on-call positions as required by law. All questions, including those regarding estimated retirement income, account balances, and the like, should be directed to the local Social Security Administration Office.
 2. VRS Service Retirement
 - a. The County's retirement plan is administered by the Virginia Retirement System (VRS). VRS Plans 1 and 2 are defined benefit plans qualified under the Internal Revenue Service Code.

The VRS Hybrid Plan has both a defined benefit and defined contribution component. The VRS is governed by the Code of Virginia, and changes to the law can be made by an act of the General Assembly. Some items are optional to local governments.

The VRS outlines the factors used to determine the defined benefit retirement benefit such as whether the employee is in Plan 1, 2, or the Hybrid Plan, age, average final compensation, and years of VRS service.

- b. Generally, a credit of up to a maximum of \$45 per month is available to employees who retire with at least 15 years of VRS service to help defray the cost of health insurance premiums. The amount of the credit varies based on factors such as the number of years of VRS service. This reimbursement for health insurance premiums is included in the VRS retirement payment and is non-taxable. (Effective 7-1-2006)

3. Deferred Compensation

- a. The County sponsors a pre-tax 457 Deferred Compensation plan and a post-tax Roth 457 to allow County employees to save a portion of their salary for retirement purposes. The plans are voluntary and administered in accordance with appropriate Federal and State laws. Employees in full-time and part-time regular and limited-term positions are eligible to participate.
- b. The County may match 50 percent of the employee contribution in the deferred compensation plan up to a maximum County contribution established by the Board of Supervisors in the budget. The maximum match for part-time employees will be half that of full-time employees. Employees who have at least two years of County service will be vested for purposes of the match funds. (Effective 7-1-2006)
- c. Employees age 45 or older with 15 years or more of service on July 1, 2006, may be eligible for an additional match upon retirement if they have contributed continuously to deferred compensation from July 1, 2006, and if they contribute at least some of their final leave payments to their deferred compensation account. (Effective 7-1-2006)

C. Disability

- 1. VRS Plan 1 and 2 Members - The VRS provides an employee with disability retirement if the employee becomes mentally or physically

unable to perform the employee's present duties, the disability is likely to be permanent, and the employee is under age 65. Employees are eligible from the first day of employment, provided the disability did not exist at the time of employment, and regardless of whether the cause of the disability is work-related or is compensable under Workers' Compensation.

2. VRS Hybrid Plan Members - are eligible for Long-Term Disability (LTD) coverage in accordance with the provisions implemented under the Code of Virginia. If benefits are approved by the LTD insurance carrier, benefits may continue until service retirement age.
3. Health Insurance Credit - VRS provides a health insurance credit of \$45 per month to employees who retire on disability regardless of the years of VRS service to help defray the cost of health insurance premiums. This reimbursement for health insurance premiums is included in the VRS retirement payment and is non-taxable. (Effective 7-1-2006)

D. Life Insurance

1. VRS Basic Group Life Insurance - Provides payment to an employee's designated beneficiary in the event of the employee's death or to the employee in the event of his dismemberment. A medical examination is not required in order to be covered by this insurance. The County pays the full cost of the coverage. The insurance continues at a reduced amount for employees who retire and receive VRS payments and may be converted to an individual policy by employees who are terminating employment.
2. VRS Optional Group Life Insurance - Employees may, at their own expense, purchase additional life insurance for themselves as well as coverage for their spouses and dependent children through a VRS-sponsored program. A medical examination is not required for some levels of coverage.

E. Retirement Health Care Reimbursements - *The County may, in its sole discretion, sponsor a medical savings account program for employees who have retired from James City County.*



CHAPTER 11

SAFETY POLICY

Section 11.1 Purpose

~~James City County's~~ The safety initiative within James City County incorporates the County values of integrity, collaboration, excellence and stewardship. The County recognizes that workplace violence and aggression is a national problem which conflicts with our value of mutual respect, trust, honesty and personal responsibility. The purpose of the Safety Policy is to provide an environment in which employees can complete their assigned tasks with little or no risk of personal injury, illness, aggression or vehicle accident, and in which our customers can transact business with the County and participate in County-sponsored programs without sustaining injury. The Safety Policy is based on a sincere concern for the welfare and safety of our employees and our customers, as well as on the belief that safety is an essential element of an effective and efficient organization. As such, safety is a basic requirement of everyone's job.

Section 11.2 Objectives

Objectives of the County Safety Policy include the following:

1. Ensure that all employees have the necessary knowledge and receive the proper training to perform their jobs in a safe and efficient manner.
2. Identify and remove or mitigate environmental hazards and sources of aggression.
3. Provide a structure for the County's all divisions/departments in the County to be in compliance with Federal and State Occupational Safety & Health Standards and Regulations.
4. Reduce lost time work injuries to zero.

Section 11.3 Employee Coverage

This County Safety Policy applies to all County employees within the County including workers under the direct supervision of County personnel.

Section 11.4. Responsibilities

All County employees shall be fully responsible for following the provisions of this policy. The responsibilities listed below are a MINIMUM, and they shall in no way be construed to limit individual initiative to take additional action to reduce losses due to personal injury or vehicle accident.

1. All Employees

Employees are required, as a condition of employment, to exercise due care in the course of their work to prevent *accidents and* injuries to themselves, their fellow workers and the general public. All ~~e~~Employees shall:

- a. ~~Become~~ trained in and comply with all specialized safety rules and procedures required of the department/division for which ~~he/she~~ *they* works.
- b. Operate only machines and equipment that they have been trained *to safely operate* and authorized to operate by their supervisor.
- c. Obey all published safety rules.
- d. Not bring any weapon (firearm, knives, clubs, stun guns, other object designed to inflict harm) on County property, building, or automobile; ~~except that~~ *provided, however, that* an employee of the ~~County~~ may store at the County's workplace a lawfully possessed firearm and ammunition in a locked, private motor vehicle.
- e. Not threaten or inflict harm against any individual or property.
- f. Take an active part in the safety effort.
- g. Report all unsafe conditions to their supervisor.
- h. Report all accidents immediately to their supervisor.

2. Financial & Management Services/ - Risk Manager

The Risk Manager shall be ~~fully~~ responsible for the direction and administration of the Safety Policy and shall take ~~the~~ *all* actions deemed necessary to affect a reduction in *injuries and* accidents and their causes. The Risk Manager shall:

- a. Determine the safety procedures required by each department.
- b. Assist departments with the setting of safety goals and objectives.
- c. Assist departments with the establishment and maintenance of required safety procedures.
- d. *In partnership with the Human Resources Department,* ~~M~~maintain an inventory of training materials and topics for safety training.

- e. Maintain complete records and provide reports on County ~~accidents~~ *injuries* in accordance with *the Occupational Health & Safety Administration (OSHA)* requirements.
- f. Provide reports to Department Directors and Department Safety Representatives on County *injuries and* accidents.
- g. Provide technical support to Department Safety Committees.
- h. Administer the County Workers' Compensation Program.
- i. *Establish and support a County Safety Committee as needed.*

3. Department/Division Directors

(In some ~~D~~departments, ~~D~~divisions and Division Directors will have the same responsibilities as ~~D~~departments *and Department Directors* due to their autonomy or unique operations and size. The Risk Manager will determine if separate responsibilities are warranted.)

Department Directors are responsible for maintaining safe working conditions within their departments. ~~All~~ Department Directors shall:

- a. Establish and maintain department safety programs and procedures as identified by the Risk Manager *or as otherwise determined to be necessary by the Director.*
- b. Set safety goals, *which may* include ~~ing~~ OSHA Total Recordable Incident Rate, Lost Time Incident Rate, and Vehicle Accident Rate, and establish them as performance indicators for the department.
- c. Designate ~~(a)~~ department safety representative(s) and establish and support a department safety committee as needed.
- d. Ensure that ~~all~~ employees in their department comply with the policies and procedures set forth herein.
- e. Devote a portion of staff meetings, as necessary, to the review of safety efforts, procedures and past losses.

4. Department Safety Representatives

The department safety representative is responsible for the coordination of the safety rules and procedures within the department and among departments ~~within~~ the County. ~~All d~~Department safety representatives will:

- a. Oversee the implementation and maintenance of safety procedures within the department.
- b. Review and ensure investigation of all department accidents, and make recommendations for preventing reoccurrence.
- c. Serve as a safety resource to the department employees.
- d. Participate in the Department Safety Committee.

5. Supervisors

Supervisors are responsible for ensuring that their employees work and operate machines and equipment in a safe manner. All supervisors shall:

- a. Ensure that each employee is fully trained *and/or certified* to safely perform the job ~~her or she is~~ *they are* assigned to do.
- b. Ensure that each employee ~~is~~ is familiar with the safety procedures they need to follow based on their position and tasks performed.
- c. Conduct *or facilitate* safety training meetings as qualified and provide time for staff to attend safety training as required by safety procedures.
- d. Make recommendations to the Department Director on safety needs including training, *equipment*, and personal protective equipment.
- e. Make recommendations to the Department Director *and Risk Manager* on ~~any~~ additional or specialized safety rules or procedures needed.
- f. Correct any unsafe conditions or practices observed in the work area and not allow employees to resume work until corrections are made.
- g. Ensure that employees are familiar with and trained in the safety and health specialized programs required for the department/division by OSHA.
- h. Review all *injuries and* accidents that occur within the work unit, provide accurate information on the appropriate ~~accident~~ reporting forms and make recommendations on ways to prevent a reoccurrence of the *injury or* accident.

Section 11.5 Safety Rules and Procedures

The County has published safety rules and detailed safety procedures. These rules and procedures are based ~~on~~ *meeting* the Virginia Occupational Safety and Health Standards and to protect employees from the risks and hazards they face. Safety procedures are based on the requirement of written procedures and employee training.

The Risk Manager will assist each department in determining which procedures are required based on operations and assist with the *development and* implementation of the procedures. Each ~~D~~department is responsible for *developing and* implementing the required safety procedures identified. New procedures will be added as regulations mandate and loss factors require.

Safety procedures must be adopted ~~by~~ *to* the department based on operations and responsibilities within the department. The Department Director is responsible for organizing the structure, including establishing responsibilities, committees, etc. for implementing and maintaining these procedures.

Section 11.6 Accountability

Violation of this policy or published safety rule or procedure warrants prompt investigation and disciplinary action following the County Standards of Conduct.

APPENDIX E

HAZARD COMMUNICATION PROGRAM

I. OBJECTIVE

~~The purpose of the Hazard Communication Program is to provide a safe work environment by ensuring that all chemicals with which employees work have been evaluated to determine their hazard and by informing all employees of proper precautions to take in working with those hazardous chemicals~~

II. RESPONSIBILITIES

~~All County employees shall be responsible for keeping informed of and taking proper precautions to protect themselves from the hazards of chemicals and solvents which are used in the workplace.~~

A. Department Directors

~~Department directors are responsible for ensuring that all employees are aware of the hazards from chemicals and solvents that are present in County facilities. All department directors shall:~~

- ~~1. Ensure that an inventory of all chemicals that are present in the workplace is established and ensure that a safety data sheet is available for all chemicals.~~
- ~~2. Ensure that employees are designated who will verify that all containers received for use are clearly labeled as to contents, note the appropriate warning and list the name and address of the manufacturer or importer.~~
- ~~3. Ensure that training is provided to all employees in the following areas:~~
 - ~~a. How to detect the presence of hazardous chemicals in the work area.~~
 - ~~b. What are the physical and health hazards of the chemicals in the work area.~~
 - ~~c. Measures employees may use to protect themselves from hazards.~~
 - ~~d. What personal protective equipment is required when handling hazardous chemicals.~~
 - ~~e. What steps to take if exposed to a hazardous chemical.~~
 - ~~f. How the hazard communication program is implemented in the workplace, how to read and interpret information on labels and Safety Data Sheets, (SDS) and how to obtain and use the available hazard information.~~

III. SUPERVISORS

~~Supervisors are responsible for ensuring that all hazardous chemicals are properly stored and handled by employees.~~

~~The Supervisor shall:~~

- ~~1. Ensure that copies of SDSs for all hazardous chemicals are available in the workplace, and that all employees are aware of their location.~~
- ~~2. Ensure that all secondary containers are labeled with either an extra copy of the original manufacturer's label or an acceptable substitute.~~
- ~~3. Ensure all hazardous chemicals are stored separately from other supplies that may be incompatible.~~
- ~~4. Ensure that all hazardous chemicals are disposed of in accordance with the manufacturers' recommendations.~~
- ~~5. Ensure employees are aware of and trained in the hazards, personal protective equipment and first aid procedures for any new hazardous chemicals introduced into the workplace and that an SDS accompanies that new chemical.~~
- ~~6. Monitor employees' compliance with wearing personal protective equipment.~~
- ~~7. Give employees specific instruction and warning prior to performing any non-routine tasks in which the employee will be or could be exposed to a hazardous chemical.~~
- ~~8. Ensure that all new employees receive the required training to ensure that they are aware of the hazards in the workplace.~~

IV. EMPLOYEES

~~All County Employees shall be aware of and take proper precautions to protect themselves from the hazards of chemicals and solvents in County facilities. County employees shall:~~

- ~~1. Know what hazardous chemicals are in the workplace and where the SDSs are located in their work area.~~
- ~~2. Not remove any labels from a chemical container and ensure that any secondary container used for the storage of hazardous chemicals is properly labeled.~~
- ~~3. Wear the personal protective equipment required to protect themselves from hazardous chemicals.~~

4. ~~Dispose of hazardous chemicals in accordance with the manufacturer's recommendations.~~

~~V. COUNTY SAFETY COMMITTEE~~

~~The County Safety Committee shall assist departments in complying with the Hazard Communication Standard, 1910.1200 of the VOSHA. The County Safety Committee shall:~~

1. ~~Assist departments in setting up their Hazard Communication Program.~~
2. ~~Periodically survey locations and evaluate chemicals in the workplace to determine if they are hazardous by reviewing the SDS.~~
3. ~~Periodically review the Hazard Communication Standard to ensure compliance.~~
4. ~~Maintain a master inventory of all chemicals used by County departments which will be located in the Personnel Department.~~

~~VI. PURCHASING DEPARTMENT~~

~~The Purchasing Director shall ensure that all vendors providing hazardous chemicals are in compliance with the labeling requirements of the Hazard Communication Standard and that all shipments are accompanied by an SDS. The Purchasing Director shall:~~

1. ~~Require all bids be accompanied by SDSs.~~
2. ~~Require all shipments of chemicals and solvents be accompanied by SDSs.~~
3. ~~Request that all shipments of chemicals and solvents be delivered with extra labels for secondary containers.~~
4. ~~Forward SDSs for chemicals and solvents purchased to the County Safety Committee for review.~~

~~VII. TRAINING~~

~~At the time of employment, all employees shall receive training specific to the Department's Hazard Communication Program, and the hazards that are in the workplace. Additional training shall be provided when new hazardous chemicals or solvents are introduced into the workplace. Employees shall receive training in the following areas:~~

1. ~~Methods and observation techniques to detect the presence of a hazardous chemical in the workplace.~~
2. ~~Specific information about the physical and health hazards of the chemicals in the workplace.~~

3. ~~Measures employees may use to protect themselves from the hazards of chemicals and solvents in the workplace.~~
4. ~~Specific protective procedures implemented by the employer.~~
5. ~~Specific information concerning the implementation of the Hazard Communication program in the workplace, how to read and interpret information on SDS and container labels.~~

~~Documentation of training efforts will provide evidence of compliance with the training requirements of the Hazardous Communication Standard. It is recommended that each department maintain a list of those employees who have received the Hazard Communication training and when.~~

~~VIII. CHEMICAL INVENTORY~~

~~Each department, division or group of divisions shall maintain an inventory of all hazardous chemicals and solvents purchased, stored, or used within that department or work area. The chemical inventory should be developed from purchasing records, any existing inventory listings and an annual physical inspection of the workplace within each department. An updated copy of the chemical inventory shall be submitted to Human Resources for development and updating of the County Master Chemical Inventory. A master inventory shall be maintained by the Human Resource Department. The chemical inventory shall include the following:~~

1. ~~The chemical and common name.~~
2. ~~The manufacturer, distributor, and/or supplier's name and address.~~
3. ~~The amount of chemical on hand.~~
4. ~~The method of storage.~~
5. ~~The storage location~~
6. ~~The use of the hazardous chemical.~~

~~IX. WRITTEN HAZARD COMMUNICATION PROGRAMS~~

~~Each department shall maintain a written Hazard Communication program. This should include information on how each department, division, or group of divisions is protecting its employees from the hazard of chemicals and solvents, who is responsible for ensuring that all chemicals received are properly labeled, stored, and are accompanied by the SDS, an inventory of chemicals and solvents used by that department and a list of those job classes which may be exposed to those chemicals or solvents. This written program should be placed where all employees have knowledge of its location as well as access to this information.~~

Specialized Safety and Health Procedures- Bloodborne Pathogen Exposure Control Plan

1.0 — PURPOSE

To provide procedures and guidelines that ensure James City County employees have a full understanding of the potential risks in a biological environment and can protect themselves, the patient, and the general public from contaminants.

2.0 — OBJECTIVES

To ensure that all reasonable precautions to protect employees from unnecessary exposure to communicable diseases are taken and to provide guidelines to minimize and to prevent, when possible, the occupational exposure to disease-causing microorganisms transmitted through blood or other potentially infectious materials, since any exposure could result in the transmission of bloodborne pathogens.

3.0 — SCOPE

These procedures apply to all James City County employees who are required, or expected, as part of their job responsibilities, to render first aid treatment to other employees or the general public. These procedures also apply to employees who could be "reasonably anticipated" as the result of performing their job duties to face contact with blood and other potentially infectious materials. Fire/EMS and other healthcare employees have separate procedures that include additional responsibilities required of healthcare professionals. The Infection Control Officer and committee has evaluated each County position by responsibilities and daily tasks for exposure potential and divided them into one of three categories. The categories are:

1. — Category I - High potential for occupational exposure to potentially infectious materials in course of normal duties;
2. — Category II - Moderate potential for occupational exposure to potentially infectious materials in course of normal duties; and
3. — Category III - Low potential for occupational exposure to potentially infectious materials in course of normal duties.

4.0 — REFERENCES

Documents

OSHA 1910.1030—Bloodborne Pathogens; Final Rule-
OSHA 1910.134—Respiratory Protection
OSHA 1910.20—Medical Records Standard

Forms

Vaccine Declination Form (A)
Exposure Report (B)
Health Care Professional's Opinion (C)
Training Outline (D)

5.0 PROCEDURES/RESPONSIBILITIES

A. EMPLOYEES Personal Health Maintenance (Category I & II)

1. County employees who fall under Category I & II should follow a course of good personal health maintenance and make sure their immunizations are complete and up-to-date.
2. The employee shares in the responsibility for his or her own safety, and is responsible for learning the basics of infection control, including modes of disease transmission and exposure risk. Each employee is responsible for ensuring compliance with the procedures of the Bloodborne Pathogen Exposure Control Plan.

B. Hepatitis B Vaccination (Category I Only)

James City County complies with the OSHA mandate by providing the Hepatitis B vaccination. Employee hired in Category I positions will be informed by Human Resources of these designations and offered the Hepatitis B vaccination.

1. Hepatitis B. vaccinations are offered at the time of hire and during periodic medical exams.
2. This vaccine is free of charge to all County employees that work in a Category I position.
3. Any employee wishing to be vaccinated must sign a consent form, which is administered by the Infection Control Physician.
4. Any employee who declines the vaccination must sign a declination waiver.
5. Any employee who may have signed a waiver may change his/her mind at any time and receive the vaccination series free of charge.
6. Hepatitis B. vaccinations are available for employees through the following clinic:
Williamsburg Area Medical Assistance Corporation (WAMAC)
5249 Olde Towne Road
Human Services Center
Williamsburg, VA
259-3271
259-1953
7. All vaccination programs are administered under the guidance of a physician. The vaccine of choice as well as dosage regimen shall be in accordance with current health care standards.
8. The vaccination steps consist of the following:
 - a. Three shot series over a six-month period.
 - b. Titer (check for antibodies) is performed after an exposure.

(Note: Titer tests are recommended for Health Care Workers after the initial vaccination series.)

C. DESIGNATED INFECTION CONTROL OFFICER

The Infection Control Physician has received specific training in exposure management and risk reduction. The Infection Control Officer is:

Bart Johnson
Human Resources
101F Mounts Bay Road
Williamsburg VA 23185
757-259-4033 Work
757-596-3788 Home
757-876-8706 Cell
757-890-7322 Numeric Pager

alternate

Pete Brown
Fire Training Center
Building 29
Eastern State Hospital
757-564-0906 Work
757-565-0192 Home
757-872-2413 Pager

Responsibilities of the Infection Control Officer include:

1. ——— Acting as primary contact person for the initial processing of exposure reports.
2. ——— Conducting time of incident investigation to assure appropriate follow-up measures have been instituted.
3. ——— All compliance monitoring activities.
4. ——— All post exposure follow-up investigations.
5. ——— The completion of all appropriate documentation and reports, and ensuring that all necessary documentation is forwarded to management.
6. ——— Determining compliance monitoring needs, communicating such needs to the designated officers, and compiling and maintaining compliance monitoring documentation.
7. ——— The development and coordination of delivery of annual infection control refresher training to all necessary employees.

D. ——— INFECTION CONTROL PHYSICIAN (S)

James City County uses an Infection Control Physicians as referenced in this policy. The Infection Control Physician is: ——— Dr. Gregory Biernacki

Williamsburg Medical Arts
5231 John Tyler Highway
Williamsburg, VA 23185
757-220-8300

The responsibilities of this physician include:

1. ——— Administering Hepatitis B immunizations and counseling.
2. ——— Providing Department employees post exposure medical treatment including counseling and written medical opinion of exposure and recommended treatment.
3. ——— Notifying and providing a copy of the "Medical Opinion Letter" to the Infection Control Officer only.
4. ——— Provide post exposure medical treatment as required by the State of Virginia Worker's Compensation Act.

E. ——— HUMAN RESOURCES

Human Resources shall be responsible for the maintenance and security of employee exposure records:

1. ——— Such records to be accessible on a need-to-know basis only, and then only to the employee and Infection Control Officer.
2. ——— Exposure report documentation is required by OSHA to be maintained in an accessible format for the employee's term of employment plus 30 years.
3. ——— All documentation related to exposure event follow up shall be maintained by the Infection Control Physician or treating physician.
4. ——— The maintenance of all employee infection control training records.

F. ——— TRAINING

Employees in Category I & II positions receive training in bloodborne pathogens. This training is conducted within 30 days of hire. Refresher training is conducted annually thereafter. The employee's department or Human Resources conduct the training. Training is conducted following the outline contained in Appendix D.

6.0 — GENERAL INFECTION CONTROL PROCEDURES

People have varying degrees of infectivity and susceptibility to infectious diseases. The following are general procedures that are to be followed when rendering aid to injured and ill personnel.

- A. — Efforts are made to assess each patient's status and initiate appropriate precautions whenever indicated.
- B. — Employees must be aware that the presence of a communicable disease or immune deficiency may not be known at the time of treatment. Therefore, ALL patients shall be treated as potentially infectious and/or susceptible. The Center for Disease Control recommends "**Body Substance Isolation**" when emergency response personnel work with blood or body fluids from any patient. This precaution states that emergency response personnel must consider ALL body substances from any patient as potentially infectious. Body Substance Isolation exceeds universal precautions that state blood or certain body fluids may be potentially infectious.
- C. — The primary infection control measure — careful hand washing — shall be practiced by all employees before and after each direct patient contact (refer to Section No. 10).
- D. — Each situation shall be visually assessed to determine the application of gowns, protective eyewear and mask.
- E. — All contaminated (used) supplies shall be isolated from sterile supplies or usable stock at all times. Care shall be taken to insure that no contaminated material is permitted to contact reusable or sterile items. If such an event occurs the newly contaminated item shall be discarded or properly sanitized.
- F. — Inventory levels of first aid kits shall be maintained by the employee they are assigned to.
- G. — These items shall be inventoried after each use and deficiencies reported to the Infection Control Officer.
- H. — Replacement items shall be obtained through the Infection Control Officer.
- I. — Appropriate protective equipment shall be used at all times.
- J. — If CPR is necessary, use a pocket face mask in preference to direct mouth-to-mouth contact recommended until other advanced airway measures become available.

NOTE: In the unexpected event that absolutely no equipment is available, CPR shall not be withheld, as there has been no data presented to support a risk.

- K. — Separate all equipment and supplies used for patient care that need to be decontaminated and destroyed.
- L. — After patient contact, even if gloves are worn, hand washing is required. (Refer to Section No. 10).

7.0 — GLOVES

- A. — Gloves shall be worn by all employees having direct contact with patients with blood or other potentially infectious materials.
- B. — Disposable latex or vinyl gloves shall be donned prior to initiating emergency patient care. The donning of gloves prior to arrival at the scene is discouraged, as the gloves may be damaged while driving and handling equipment.

- C. Contaminated gloves shall be disposed of in a red plastic bag and labeled with "Bio-Hazard" labels. See Section 15 "Waste Disposal Guidelines". Under no circumstances shall contaminated gloves be discarded at the scene and under no circumstances shall contaminated gloves be worn into the cab of the vehicle.

8.0 PROTECTIVE EYE GEAR

- A. Protective eye gear shall be worn when body fluids and spillage are visually assessed as excessive or a splash hazard is deemed to exist. (Eye protection = goggles, mask/shield combinations.) Eye protection is required when there exists a possibility for exposure to contaminated body fluids from; mucosal membranes, eyes, or nose; where splashes or aerosols of materials are likely to occur.
- B. Contamination of eyes and mouth through blood or body fluids shall be handled as follows:
1. Flush eye with water for 15 minutes.
 2. Wash mouth out with water. Rinse with mouthwash.

9.0 DAMAGED SKIN PROTECTION

- A. Prior to any contact with patients, first aid employees shall cover all areas of abraded, lacerated, chapped, irritated or otherwise damaged skin with an occlusive (waterproof), adhesive dressing.
- B. First aid employees with extensive skin lesions or severe dermatitis shall consult with his/her supervisor before participating in patient care or handling patient care equipment.
- C. If there is any question regarding whether the employee should work, the Infection Control Officer shall notify the Infection Control Physician for his/her opinion.

10.0 HAND WASHING POLICY

- A. Hand washing is one of the most important factors in both prevention and control of infectious diseases. It is the single most effective preventive measure for employees. The principle is mechanical removal of dirt and microorganisms by sudsing, friction and flushing with water.
1. Proper hand washing shall be performed after each patient contact to include the following steps:
 - a. Use soap. (Plain soap and water are adequate for routine hand washing.)
 - b. Work up a lather, using friction for 15 seconds.
 - c. Rinse hands well and dry them with a paper towel.
 2. In field situations, when running water is not available, alcohol-based foam or gel solutions shall be used. When applying the solution, rub hands together. The friction causes the solution to evaporate, killing surface organisms.

NOTE: This is a temporary preventative measure until circumstances allow a more thorough hand washing technique to be performed.

3. Even when gloves are used, hand washing shall take place after removal of gloves.

11.0 EMPLOYEE INFECTIONS & EXPOSURE GUIDELINES

- A. In determining the degree of risk associated with a suspected or potential exposure event, employees shall consider the following definitions:
1. "Occupational Exposure" means reasonable anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from

the performance of an employee's duties. Occupational Exposure to Bloodborne Pathogens; Final Rule, Department of Labor, OSHA, 29 CFR Part 1910.1030.

2. ——— "Exposed" with respect to HIV disease or any other infectious disease, means to be in circumstances in which there is a significant risk of becoming infected with the etiologic agent for the disease involved. Ryan White Comprehensive AIDS Resources Emergency Act: Emergency Response Employees; Notice, Department of Labor, Centers for Disease Control and Prevention.
3. ——— "Exposure Incident" means a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties. Occupational Exposure to Bloodborne Pathogens; Final Rule, Department of Labor, OSHA, 29 CFR Part 1910.1030
4. ——— "Parenteral" means piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts and abrasions." Occupational Exposure to Bloodborne Pathogens; Final Rule, Department of Labor, OSHA, 29 CFR Part 1910.1030
5. ——— Blood: Human blood, human blood components, and products made from human blood.
6. ——— Bloodborne Pathogens: Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B virus (HBV) and human immunodeficiency virus (HIV).
7. ——— Contaminated: Presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.
8. ——— Other Potentially Infectious Materials (OPIM) include: 1) the following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate among body fluids; and, 2) any unfixed tissue or organ (other than intact skin) from a human (living or dead); (NOTE: Urine and feces are not considered infectious unless contaminated with blood.)

B. ——— Some general examples of exposures include:

- contaminated needle sticks.
- blood or body fluid contact with employee's mucous membrane of eyes, nose, or mouth.
- blood or body fluid contact with non-intact skin.
- cuts with sharp instruments covered with blood or body fluids.
- any injury sustained while cleaning contaminated equipment

C. ——— Employees who know they have been exposed, or possibly exposed, to a communicable disease shall:

1. ——— Take immediate action to limit further exposure.
2. ——— Restrict the number of personnel in contact with the patient to those essential for patient treatment.
3. ——— Advise any personnel on the scene who may be at risk of exposure (e.g. police, EMS) of the potential exposure risk. **This information shall be exchanged in a discreet and confidential manner.** All patient related information must be considered confidential.
4. ——— Initiate proper wound care, if applicable.
5. ——— Initiate proper decontamination of clothing and supplies.
6. ——— If there is any doubt whether an exposure has occurred, the incident shall be discussed with the Infection Control Officer.

D. ——— Exposure Documentation:

1. ——— The immediate supervisor of the exposed employee will make sure that the following forms are completed and forwarded to the Infection Control Officer within 24 hours of the incident:
 - Exposure Report
 - Quick Fax Workers' Compensation Form

E. Notification Procedure

1. ~~The employee is responsible for notifying his/her supervisor ASAP after the exposure has taken place.~~
2. ~~The employee's supervisor shall immediately notify the Infection Control Officer.~~
3. ~~Should the Infection Control Officer's investigation reveal that an exposure has occurred, the Infection Control Officer shall notify;~~
 - ~~the attending ER physician receiving the suspected source patient, if any~~
 - ~~the Infection Control Physician's office~~

NOTE: NOTIFICATION OF PHYSICIAN(S) RECEIVING SOURCE PATIENTS MUST TAKE PLACE AS SOON AS POSSIBLE AND PRACTICAL. The goal is to notify the attending physician before the source patient is discharged or transferred from the emergency department.

F. Verification Procedure:

1. ~~The Infection Control Officer shall be responsible for the follow up with the receiving hospital if lab tests were required from source patients that were transported to that facility.~~
2. ~~The Infection Control Officer shall have the hospital notify the Infection Control Physician of the test results.~~
3. ~~The Infection Control Physician will notify the exposed employee if further treatment is needed.~~

G. Treatment:

1. ~~Treatment is medical care given to reduce the chance of contracting a communicable disease after an exposure. The type and timing of treatment varies with different diseases. Depending on the disease, treatment may be short-term or long-term.~~

NOTE: In the absence of an injury requiring emergency treatment, initiation of exposure follow up treatment is rarely an emergency situation. The Infection Control Physician should be used for ALL non-emergency treatment involving exposures.

2. ~~Diseases that usually require post-exposure treatment include but are not limited to:~~
 - ~~HIV~~
 - ~~Hepatitis B~~
 - ~~Hepatitis C~~
 - ~~Meningitis~~
 - ~~Tuberculosis~~
 - ~~Syphilis~~
3. ~~All post-exposure testing will be performed by the Infection Control Physician. The testing should be done as soon as possible, but not later than 72 hours from the exposure.~~
4. ~~An exception to the above directive may occur when the exposure is in conjunction with an injury, such as a laceration, or any injury that requires prompt treatment by emergency room staff. In such cases the initial testing and treatment should be done simultaneously.~~
5. ~~A second exception may occur on weekends and holidays, when the Infection Control Physician's office may be closed. In this case the closest emergency medical facility should be used.~~

H. ~~Occupational exposures to an unknown source, or with a known contamination source, should be handled as follows:~~

1. ~~Employee shall immediately notify his or her supervisor of the incident.~~
2. ~~The Infection Control Officer shall be immediately notified of the incident.~~
3. ~~The Infection Control Officer shall, as soon as possible, contact the emergency department attending physician at the hospital receiving the source patient, whose responsibility it shall be to take such actions as may be necessary to determine the risk of infection to the exposed employee, as outlined in the Ryan White Act.~~
4. ~~The Infection Control Officer will contact the Infection Control Practitioner at the receiving hospital to determine whether the patient is a carrier of, or infected with, HIV, Hepatitis B, Hepatitis C, or syphilis. The Infection Control Officer will ask that serologic testing be done using the Source Testing Request Form, if the above is **not known**.~~
5. ~~Determination of risk will be based on:~~
 - a. ~~Interview of patient~~
 - b. ~~Interview of patient's physician~~
 - c. ~~Review of patient's chart~~
6. ~~The infection control practitioner at the receiving hospital will be asked to supply the Infection Control Physician with the results of the source patient's test results.~~
7. ~~According to the Code of Virginia, Section 32.1-45.1, blood will be drawn from the source patient and the following tests completed:~~
 - a. ~~Hepatitis B surface antigen (HbsAg)~~
 - b. ~~Hepatitis B core antibody (HB_cAb)~~
 - c. ~~Hepatitis C~~
 - d. ~~HIV antibody I & II~~
 - e. ~~VDRL and RPR (syphilis test)~~
8. ~~The above tests will be performed at the expense of James City County.~~
9. ~~The exposed employee should be interviewed regarding any history of Hepatitis or HIV, risk factors for exposure to Hepatitis B or HIV, and Hepatitis B immunization status. The following blood tests will be requested:~~
 - a. ~~HbsAg (antibody titer to Hepatitis B surface antigen)~~
 - b. ~~HIV antibody (SUDS or ELISA)~~
 - c. ~~Any employees receiving a documented exposure from a Hepatitis B positive patient or any unknown source should have an additional Hepatitis B antibody test done six weeks post exposure.~~
 - d. ~~The HIV anti-body test needs to be re-drawn for follow up testing at three and six month intervals.~~
10. ~~The results of these tests will be provided to the employee with counseling from the Infection Control Physician. The results of these tests will remain in **strict confidence** between the employee and the Infection Control Physician. The employee will provide his/her supervisor with information necessary to comply with worker's compensation laws, and other Department policies only.~~

12.0 VEHICLE/EQUIPMENT/FLOOR CLEANING & DISINFECTION

In the event a County vehicle is involved in an accident and blood or other body fluids need to be cleaned in the vehicle the following procedures will be followed:

- A. ~~Cleaning is defined as the physical removal of dirt and debris. Soap and water should be used, combined with scrubbing action. The scrubbing action is the KEY to rendering all items safe. Cleaning must take place prior to any required disinfection.~~
- B. ~~Disinfection is reducing the number of disease-producing organisms by physical or chemical means. Employees should clean all items with soap and water, and disinfect with the provided disinfectant solution.~~
- C. ~~Employees should inspect equipment and vehicle surfaces observing for blood, tissue or other residue soiling the equipment.~~
- D. Cleaning & Disinfection
 - 1. Cleaning Definitions
 - a. ~~Cleaning is the physical removal of organic material from objects using water with detergent.~~
 - b. ~~Disinfecting is a process of killing an infection outside the body by chemical or physical means.~~
 - 2. Cleaning Agents
 - a. ~~Disinfectant soap shall be used to clean.~~
 - c. ~~Chlorine bleach solution (1:100) is recognized as a very effective bactericidal agent, and may be used in certain specific applications, as indicated elsewhere in these procedures.~~
- E. ~~Employees shall wear utility gloves during the cleaning procedure.~~
- F. ~~Utility gloves shall be disinfected for re-use if the integrity of the glove is not compromised. Utility gloves must be discarded if they are cracked, peeling, discolored, torn, punctured, or exhibit other signs of deterioration.~~

13.0 BLOOD SPILLS

- A. ~~Blood spills can be hazardous since the Hepatitis B virus can survive for long periods of time on surface. Cleaning blood-contaminated areas is crucial, and shall be performed before any other vehicle areas are cleaned.~~
 - 1. ~~Wear utility gloves.~~
 - 2. ~~Collect all gross quantities of blood by mopping or absorbing prior to cleaning the area using paper towels, rags, etc.~~
 - 3. ~~Clean all areas covered with blood with a disinfecting agent.~~
 - 4. ~~Large blood spills shall be cleaned as previously described, or washed into the storm drain system with copious quantities of water.~~

NOTE: Cleanup should not interfere with the actions and investigation of the Police Department. Always check with the Officer on-site before initiating cleanup.

- 5. ~~Refer to Section No. 16 for guidelines on cleaning clothing contaminated with blood.~~

14.0 PATIENT CLOTHING

- A. ~~Grossly soiled clothing for any patient shall be handled as follows:~~
 - 1. ~~Wear protective attire if situation warrants (i.e., gloves/mask). If clothing is heavily soiled, these shall be worn. Gloves shall be worn whenever handling used linen.~~

2. — Gently fold soiled linen so contamination is inside. Take care not to shake and create aerosols. If soiled linen cannot be folded with dry surface out, wrap it with another dry linen article.
3. — Give clothing to EMS personnel indicating that it belongs to the patient.

15.0 — WASTE DISPOSAL GUIDELINES

A. — Solid Waste:

1. — Lightly contaminated dressings, paper towels, tissues, etc., are not classified as regulated waste, and therefore may be safely disposed of in the regular trash.
2. — The trash shall be disposed of within twenty-four (24) hours.
3. — At **NO TIME** shall trash, medical debris or any other articles used by County employees be left at a scene or incident.
4. — Larger quantities of solid waste such as dripping towels, bandages, etc. should be placed in a clear plastic bag and labeled with a "Bio-Hazard Waste" label. Fire/EMS will remove these bags.

B. — Liquid Waste:

1. — Liquid waste can safely be disposed of in the city sewer system.

C. — Syringes:

1. — Syringes and other sharp objects should only be used by trained medical personnel.
2. — If syringes are occasionally found on County property, sharp disposal containers should be obtained from Fire/EMS. Syringes should not be put in the trash.

16.0 — CONTAMINATED CLOTHING

A. — Contaminated clothing shall be changed as soon as possible.

B. — Small stains from blood or body fluids shall be "spot cleaned" and then disinfected. The stain shall initially be cleaned with a mild detergent and water. Utility gloves shall be worn and cleaning shall take place at a sink that is not used in food preparation or for personnel hygiene.

C. — Contaminated clothing can be washed in standard washing machines and dryers at work locations using detergent and hot water.

D. — Contaminated clothing beyond this point should be bagged and the Infection Control Officer should be contacted for instructions.

Attachment A-
BLOODBORNE PATHOGENS-
EXPOSURE CONTROL PLAN
Vaccine Declination (Mandatory)

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring the Hepatitis B Virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine, *at no charge to myself*. However, I decline the Hepatitis B vaccination at this time. I understand that by declining this vaccine I continue to be at risk of acquiring Hepatitis B, a serious disease. If, in the future, I continue to have an occupational exposure to blood or other potentially infectious materials and want to be vaccinated with Hepatitis B vaccine, I can receive the vaccination series *at no charge to me*.

Signature

Printed Name

Position

Social Security Number

Witness

Date

Attachment B-
BLOODBORNE PATHOGENS-
EXPOSURE CONTROL PLAN
Exposure Report

Employee Name: _____ Social Security # _____

Address: _____

Phone Numbers: Home (____) _____-____ Work (____) _____-____ Ext. #: _____

Date of Birth: _____; Marital Status: _____; Number of Dependent Children: _____

Date of Exposure: _____ Time of Exposure: _____ (a.m.)(p.m.)

Source of Exposure: Individual () (*complete below*); Other (): _____

Source of Exposure (Individual): _____ Sex: M () F () Age: _____

Address: _____

Suspected/Confirmed Disease: _____

Medical Facility Transported to: _____

Transported by EMS Unit: Yes () No ()

EMS Incident #: R-____ EMS Unit #: M-____; Operator: _____ Medic in Charge: _____

What were you exposed to?: Blood () Other () _____

How were you exposed?: Needle stick (); Splash (); Other (): _____

What part(s) of your body was exposed? (*Be specific*) _____

Describe how exposure occurred. (*Be specific*) _____

Were you wearing personal protective equipment (gloves, masks, etc.)? Yes () No (); If no, why not? If yes, what type: _____

Did you seek/receive medical attention? Yes () No ();
Date/Time:_____Where:_____

Work Area Supervisor notified? Yes () No ();
Date/Time:_____Supervisor Name:_____

Worker's Compensation forms completed? Yes () No ()
Date:_____

Additional information/Comments

Employee's Signature:_____Date:_____

Supervisor's Signature:_____Date:_____

Original to Supervisor with copy to Infection Control Officer for follow-up recommendations

~~Attachment C~~
BLOODBORNE PATHOGENS
EXPOSURE CONTROL PLAN
Health Care Professional's Opinion
for Post Exposure Evaluation and Follow-Up

Employee has been informed of the results of the post exposure evaluation.

Employee has been informed about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

Health Care Professional

Date

Employee Signature

Date

Please return to: _____ James City County
Human Resource Department
P.O. Box 8784
101-A Mounts Bay Road
Williamsburg, VA 23187-8784
(757) 253-6680

Attachment D-
BLOODBORNE PATHOGENS
EXPOSURE CONTROL PLAN
Training Outline

I.——Introduction

II.——Objectives

A.——OSHA regulations, the impact on James City County/JCSA.

B.——Epidemiology & symptoms of bloodborne diseases

C.——Universal precautions

D.——Hepatitis B Vaccine

E.——Exposure incident reporting procedures

III.——OSHA Regulations/Impact on County Operations

A.——Purpose for an Exposure Control Plan

B.——Availability of Exposure Control Plan for review

C.——Categories of employees who might be at risk

D.——County vs. Employee responsibilities

E.——Fire/EMS Assistance

IV.——Epidemiology & Symptoms of Bloodborne Diseases

A.——Hepatitis B

B.——AIDS

C.——Other

V.——Universal Precautions

A.——Purpose

B.——Definition

VI. ~~Hepatitis B Vaccine~~

A. ~~Safety~~

B. ~~Method of administration~~

C. ~~Benefits of Vaccination~~

D. ~~Cost~~

VII. ~~Exposure Control Plan for James City County/JCSA~~

A. ~~Purpose~~

B. ~~Scope of coverage~~

C. ~~Highlights of plan~~

1. ~~Personal protective equipment~~

a. ~~disposable gloves~~

b. ~~"pocket mask" with one-way valve~~

c. ~~Alcare foaming alcohol handwash~~

d. ~~other: (towlettes, etc.)~~

2. ~~Post exposure evaluation and follow-up~~

a. ~~Report form (completed by employee)~~

1) ~~copy to immediate supervisor~~

2) ~~copy to Infection Control Officer~~

3. ~~Clothing/vehicle decontamination~~

VIII. ~~Recordkeeping & Training Requirements~~

A. ~~Confidentiality~~

B. ~~Vaccinations record~~

C. ~~Results of medical tests & follow-up requirements (maintained by Human Resources Department for duration of employment plus 30 years)~~

D. ~~Training records (3 years)~~

IX. ~~Question & Answer Period~~

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Neighborhood Development Administrator

SUBJECT: Grant Award - \$718,311 - 2023 Scattered Site Housing Rehabilitation Community Development Block Grant

On October 24, 2023, the Board of Supervisors authorized the application for Community Development Block Grant (CDBG) funding, which was subsequently approved by the Virginia Department of Housing and Community Development. This program will improve substandard housing conditions for seven households in the County as summarized below and as more detailed in the attached 2023 Scattered Site Housing Rehabilitation Program Design.

While the Board approved an application in 2023 for a total project amount of \$860,259 that included a local leverage amount of \$77,759, escalating prices in labor and materials have increased the project costs an additional \$58,821 (i.e., local leverage will now need to total \$136,580). Housing Partnerships, Inc. has pledged \$3,000 of in-kind services, and in-kind services are planned from project:HOMES as well for weatherization assistance.

As the name suggests, the project area for this funding is the entire County and it is not limited to any specific area or neighborhood. More specifically, the grant will be expended to undertake the following activities:

1. Rehabilitation of five (5) substandard homes for low- and moderate-income owner-occupants;
2. Replacement of two (2) substandard homes in a condition beyond repair for low- and moderate-income owner-occupants; and

The \$136,580 in County funds is proposed to be comprised of \$106,000 from the Housing Development Fund Balance and \$30,580 from the Affordable Housing Incentive Partnership Fund Balance.

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

AVP/ap
GA-SSHRCDBGAgmt-mem

Attachments:

1. Resolution
2. 2023 Scattered Site Housing Rehabilitation Program Design

RESOLUTION

GRANT AWARD - \$718,311 - 2023 SCATTERED SITE HOUSING REHABILITATION

COMMUNITY DEVELOPMENT BLOCK GRANT

WHEREAS, on October 24, 2023, the Board of Supervisors of James City County, Virginia, authorized the County Administrator to submit an application to the Virginia Department of Housing and Community Development (DHCD) for a Community Development Block Grant (CDBG) for the Scattered Site Housing Rehabilitation Program (the "Program"); and

WHEREAS, DHCD has notified James City County of the award of \$718,311 of CDBG funds; and

WHEREAS, sufficient funds are available in the Housing and Neighborhood Development Accounts and Fund Balances to provide the local leverage funds, which are required to complete the activities under the 2023 Scattered Site Housing Rehabilitation Program; and

WHEREAS, Housing Partnerships, Inc. has agreed to provide \$3,000 of in-kind services to assist with the Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to sign the 2023 Scattered Site Housing Rehabilitation Program Community Development Block Grant Agreement to contract with the Virginia Department of Housing and Community Development and to sign other agreements and documents necessary to participate in and implement the program.

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

Funding Sources:

Federal - 2023 Scattered Site Housing Rehabilitation CDBG	\$718,311
Housing Development Fund Balance	\$106,000
Affordable Housing Incentive Program Fund Balance	\$ 30,580
Total	<u>\$854,891</u>

Expenditures:

2023 Scattered Site Housing Rehabilitation CDBG	\$718,311
2023 Scattered Site Program Leverage	<u>\$136,580</u>
Total	<u>\$854,891</u>

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

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

Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

GA-SSHRCDBGAgrmt-res

HOUSING REHABILITATION PROGRAM DESIGN

James City County Scattered Site Housing Rehabilitation Program
2023 Community Development Block Grant #23-23-17
September 2024

PROGRAM PURPOSE AND OBJECTIVES

James City County (the “County”) will improve housing conditions at various locations in the County. The Scattered Site Housing Rehabilitation Program (the “Program”) will include rehabilitation of five (5) homes owned and occupied by low- to moderate-income (“LMI”) households; substantial reconstruction of two (2) homes that are unsuitable for rehabilitation, which are owned and occupied by LMI households.

This Housing Rehabilitation Program Design shall also apply to rehabilitation assistance provided from program income derived from this Program.

PROGRAM AREA BOUNDARIES

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

BENEFIT REQUIREMENTS

LMI households will occupy all of the homes rehabilitated with Community Development Block Grant funds. County staff will verify household income using the U.S. Department of Housing and Urban Development (HUD) income limits for the County.

OVERSIGHT AND STAFFING

Housing Rehabilitation Oversight Board

Neighborhood Development and Housing will jointly manage the Program. The Community Development Block Grant Housing Rehabilitation Oversight Board (the “Rehab Board”) will review homeowners’ applications to confirm the applicants’ qualifications, pre-approve qualified contractors, and accept scopes of work, bid results, cost of construction contracts, and loan terms.

The Rehab Board shall include a member of the Board of Supervisors, a James City County resident, the Assistant County Administrator, the Director of Social Services, the Housing Administrator, and the Neighborhood Development Administrator.

The Grant Manager will prepare a file for each action requiring Rehab Board confirmation. The file may contain a summary of the applicant’s eligibility, work to be completed, bid results, and loan terms. At least three members of the Rehab Board must approve each action or project file. If approved, the County’s accounting and legal departments will review to verify the availability of budgeted funds and adherence to legal requirements.

The Rehab Board Guidelines are attached as Exhibit A.

Housing Administrator

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

- Perform initial and final DHCD HQS inspections;
- Oversee the work of the Housing Rehabilitation Specialist;

- Review and approve all contractors' pay requests and change orders;
- Receive all complaints, investigate, and make recommendations to resolve them, and
- Oversee the application process and the rehabilitation loan process.

Housing Rehabilitation Specialist

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

- Schedule and conduct a thorough inspection of the property with the homeowner to determine the deficiencies of the property using the DHCD Housing Rehabilitation Standards Inspection Checklist.
- Prepare a work write-up and itemized cost estimate.
 - The work write-up will specify equipment, materials, and installation procedures and reference the Manufacturer's Recommended Installation Standards.
 - The cost estimate will reflect cost calculations based on current local rates.
 - The work write-up will be reviewed and signed by the homeowner.
- Bid the rehabilitation/reconstruction project.
 - Invite three or more pre-qualified contractors, taken consecutively from the Rehab Board's pre-approved contractors list, to attend a pre-bid meeting.
 - Provide and review bid documents with contractors.
 - Conduct a pre-bid walk-through of the home for the contractors.
 - Review the bids and determine the lowest-responsive bidder. Acceptable bids normally should not exceed cost estimates by more than 10 percent.
- Control the construction project.
 - Conduct weekly progress and quality assurance inspections during construction.
 - Conduct contract payment inspections, which will be reviewed and approved by the Rehab Manager.
 - Document problems with photographs and notes in an inspection log.
 - Conduct final inspections with the homeowner.

Lead-Based Paint Risk Assessor

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

- The owners of homes built prior to 1978 shall be informed of the possible presence of Lead-Based Paint (LBP) and provided with the pamphlet "Protect Your Family from Lead in Your Home."
- The Rehabilitation Specialist will conduct a preliminary visual inspection to determine the painted surface condition, paint history, and whether an Inspection, Risk Assessment, or Lead Hazard Screen is necessary.
- If needed, a Lead Hazard Screen will be conducted by a certified Lead Paint Risk Assessor.
- When an Environmental Intervention Blood Lead Level (EIBLL) child is in the home, a lead inspection will be required to identify the presence of lead in the home. In homes with a child or children under age 6, X-Ray Fluorescence Analyzer (XRF) testing of all painted surfaces to be disturbed during paint stabilization will be conducted by a certified Lead Paint Risk Inspector. This prevents unnecessary use of materials and time if the paint is identified as "not lead-based paint" and ensures that areas are correctly identified and proper precautions are used during repairs prior to cleaning and clearance.
- Renovation firms certified under EPA's Renovation, Repair and Painting Rule will be employed to complete the paint stabilization and cleaning, after which an approved lead paint inspection company will conduct a clearance test.

Intake Surveyor

The Housing Specialist will serve as the Intake Surveyor. The Intake Surveyor will:

- Receive preliminary applications, which may be taken over the phone; screen applicants and inform them of the program requirements.
- Interview the applicants and obtain the required financial, identification, and ownership documentation.
- Complete the final application and obtain the applicants' signatures.
- Review beneficiaries' ability to pay annually and obtain the Rehab Board's approval if adjustments to the required repayments are necessary.

Loan Servicer

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

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

Grant and Financial Manager

The Neighborhood Development Assistant Administrator will serve as the Grant and Financial Manager (the "Grant Manager"). The Grant Manager will ensure that all grant expenditures are adequately budgeted and tracked in accordance with DHCD Financial Management requirements as outlined in the Grant Management Manual.

The County Accounting Supervisor, or designee, shall assist the Financial Manager in reviewing all financial reports prior to submission to DHCD.

The Grant Manager will prepare the files for the Rehab Board's consideration.

The Grant Manager will prepare and file all reports required by DHCD.

APPLICANT ELIGIBILITY

Allowable Income and Asset Limits for the Applicant

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

Fairness and Equitable Distribution of Benefits

- Moderate-income households will not benefit to the exclusion of low-income households. Low-income households are defined as those whose aggregate income by household size is below 50 percent of the area median household income.

- Minority, elderly, or female-headed households will not be denied reasonable benefits through the rehabilitation program guidelines or loan structuring.
- Funds shall not be set aside, nor shall goals specified that adversely affect the benefits to low-income, minority, elderly, or female-headed households be affected.
- For this grant, an elderly household is any household occupied by a person 62 years of age or older.

Prioritization of Applicants

- All persons whose homes were inspected and who provided personal and financial information in preparation for the 2023 CDBG application will be ranked based on need. One point is awarded to each of the following:
 - Disability
 - Elderly
 - Minors
 - Significant structural, plumbing or mechanical deficiencies
 - Lacking Water or Sewer

The applicants will be ranked based on the sum of these points from highest to lowest.

- If staff determines that an applicant does not meet eligibility criteria, the applicant shall be informed in writing prior to suspending or terminating their application.
- New applicants will be considered, if necessary, from Housing's Rehab Waiting List on a first-come, first-served basis.

PROPERTY ELIGIBILITY

Suitable for Rehabilitation

A unit is considered suitable for rehabilitation if it is occupied by an LMI owner and can be rehabilitated to DHCD Housing Quality Standards (HQS) at a cost that does not exceed the base CDBG cost limit. Extra bedrooms, a bathroom, well, septic, or handicap accessible structures, if required, are considered "exceptions" to the base cost CDBG limit. These exceptions may allow an additional amount as determined by DHCD program guidelines.

Unsuitable for Rehabilitation

An LMI occupied unit with major structural deficiencies that cause the estimated rehabilitation costs to exceed the base CDBG cost limit, excluding the cost of "exceptions," is considered unsuitable for rehabilitation. Properties deemed unsuitable for rehabilitation may be addressed as Substantial Reconstructions.

Loan-To-Value Limit

The projected cost of rehabilitation plus the current balance on existing liens on the property may not exceed the greater of the current real estate tax assessment or the projected value of the property after rehabilitation. The Rehab Board may elect to waive the loan-to-value limit if the applicant has been current with all loan payments on the secured debt for the preceding six months.

Real Estate Taxes

Owners must be current in payment of the real estate taxes owed to the County or have a written payment plan with the County Treasurer.

Eligible Property Types

Housing rehabilitation assistance funded through the CDBG will be available for properties owned and occupied by LMI households, as defined by HUD. Eligible properties include the following:

- Owner-Occupied Properties: All properties must be owner-occupied. Ownership shall be determined pursuant to “Property Ownership and Clear Title” section below. An “occupant” is one whose principal place of residence has been at the property for at least 180 days.
- Vacant Properties: Vacant properties are not eligible for rehabilitation unless the house,
 - was consistently occupied during the last five years and for at least six months of the preceding year, or
 - was purchased or inherited by an LMI household who intends to occupy the house when rehabilitation is completed, or
 - is owned by the County or nonprofit and will be sold to an LMI household.

Prior written approval must be obtained from DHCD before a vacant property may be rehabilitated.

- Manufactured (Mobile) Homes: Mobile homes will be eligible for rehabilitation or replacement subject to the 2017 CDBG Grant Management Manual Mobile Home Cost Limits (the “Cost Limits”) and policy requirements. If the cost of the rehabilitation will exceed the Cost Limits, the mobile home must be substantially replaced with a stick-built or modular unit or subject to DHCD approval, replaced with a new mobile home.

Property Ownership and Clear Title

Property ownership and eligibility will be determined as follows:

- Owner-Occupied Properties are properties occupied by LMI owners with record title.
- Heir Properties. Heirs are eligible if the property is their primary residence at the time of application, they prove they are an heir, and they have control over the property. DHCD does not require that the occupant own the property in fee simple, but the County must verify ownership status and determine that the applicant is likely to continue to occupy the property. If the property is owned by more than one heir, the County must make reasonable attempts to ensure the lien of the Deed of Trust will be valid and enforceable by:
 - Making a reasonable effort to identify all heirs and document attempts to contact each heir in writing to request transfer of their interest to the applicant. Where co-heirs agree to transfer title, appropriate deeds to the applicant must be recorded in the Clerk’s Office of the Circuit Court for James City County.
 - If obtaining fee simple title for the applicant is impossible because the co-owners are unwilling or unable to convey the property to the applicant, a life estate for the applicant may be recorded. If a life estate is created the requirements in “Life-Estates” below must be met.
 - Where title to the property is not clear and marketable the County may assist applicants in attempting to obtain clear title.
- Life Estates. Occupants with a life estate are eligible if the property is otherwise eligible for rehabilitation. All co-owners and remaindermen must sign the Note and Deed of Trust and agree that the remaindermen will repay the loan balance when the life estate terminates, whether by the death or removal of the life tenant. However, when the life estate terminates, if one or more of the remaindermen meets the program qualifications, they may continue the obligations of the loan and Deed of Trust, provided they occupy the property, sign a note for the balance of the loan and the other owners agree in writing.

REHABILITATION STANDARDS

Eligible Improvements

All rehabilitation and reconstruction financed through the Program must meet DHCD Housing Quality Standards (“DHCD HQS”) after rehabilitation is completed. Any improvements, which are necessary for a property to meet DHCD HQS, are eligible property improvements.

The following types of improvements and repairs will also be eligible:

- Improvements required to meet the Virginia Weatherization Assistance Program Installation Standards including insulation, window and door caulking and/or weather stripping, and storm windows or insulated replacement windows as needed.
- Window screens.
- Repair, replacement, or provision of one storage shed not exceeding 64 square feet.
- Hall and bedroom closets where adequate space exists.
- Air conditioning.
- Acquisition of property for a replacement dwelling or to meet setback and minimum lot size requirements of the County’s Zoning Ordinance for rehab beneficiaries.

Ineligible Improvements

Cosmetic repairs and improvements are ineligible rehabilitation expenses.

PERMANENT RELOCATION

No permanent relocations are required by this project.

TEMPORARY RELOCATION

Households receiving substantial reconstruction may be temporarily relocated while their homes are being reconstructed. These households will be encouraged to find temporary housing with friends or families. If other options are not available, the household will be provided with temporary relocation assistance, including moving costs, if necessary, rent payments in a temporary home while their home is being rebuilt.

FINANCIAL ASSISTANCE TERMS AND AVAILABILITY

Ability-to-Pay Calculation

The Housing Specialist will calculate the ability-to-pay for all applicants in accordance with the guidance outlined in the 2017 CDBG Grant Management Manual. Every owner-occupied household with an ability to pay will pay the amount calculated as its ability-to-pay, or as approved by the Rehab Board and DHCD. Loans made with CDBG funds after the revision date, will not require repayment.

Financial Assistance

All rehabilitations will be financed by a loan, secured by a Note and a Deed of Trust recorded as a lien on the property. The loan will cover the cost of all improvements, including any exceptions and demolition. Home maintenance education program, temporary relocation, and administrative costs will not be included in the loan. All loans made to secure the expenditure of CDBG funds shall be an installment loan as follows:

- Total projected housing expenses, including the proposed rehab loan, shall not exceed 25 percent of the applicants’ household income and total projected debt shall generally not exceed 40 percent of income.

- There will be no pre-payment penalty.
- The rate of interest shall be zero percent.
- The loan term shall be 15 years for substantially reconstructed homes and 10 years for rehabilitation projects. Loans made with CDBG funds after the revision date shall be for a term of 5 years.
- A late fee of 10 percent of the required payment, rounded to the nearest dollar, shall be assessed for any loan payment not made by the 15th of the month.
- Additional rehabilitation loans, secured by a Note and Deed of Trust lien recorded against the property may be created for funding provided by the County.

Loan Closing and Servicing

The County Attorney, assisted by the Grant Manager, will prepare all loan documents, conduct closings and record the deeds of trust.

The County may deduct a maximum of \$5 per month from each loan payment as a servicing fee, to offset the cost of loan collection. The County may also be reimbursed 10 percent of annual inactive program income to pay for actual administrative costs, at the time the program income is expended.

The County shall issue an Annual Loan Statement to the primary borrower for each loan.

Collection of delinquent loans will be conducted in accordance with County 2019 Community Development Block Grant Loan Approval and Servicing Guidelines, up to and including foreclosure, and will adhere to all applicable state and federal laws.

Housing maintains a record of loan maturity dates. When a loan reaches maturity, Housing staff will verify that all loan conditions have been met and prepare and record a Certificate of Satisfaction. The original note marked paid and a copy of the Certificate of Satisfaction will be mailed to the primary borrower.

CONTRACTING PROCEDURES

James City County adopted and implemented a Local Business and Employment Plan after required advertisements and notice to listed contractors. Additional advertisements, listings, and referrals will be undertaken as required.

James City County will encourage contractors and subcontractors to contact those appropriate project area minority- and female-owned firms on the Housing's solicitation list and provide such firms reasonable opportunities to compete for procurement contracts.

The following process will be used in selecting and qualifying contractors, and bidding, awarding, and managing projects:

Contractor Pre-Qualification

Contractors will be pre-qualified as follows:

- The County Purchasing Office will advertise in *The Virginia Gazette*, or other local newspaper, informing contractors of the opportunity to pre-qualify for participation in bid opportunities.
- Housing may obtain a list of local Class A and B contractors from the Department of Professional and Organizational Regulations or other sources and send correspondence to inform them of the opportunity to become a pre-qualified contractor.
- Contractors will complete and submit the pre-qualification form to the County Purchasing Office.
- Purchasing will call references and other sources (e.g. building inspectors) will be checked to verify contractor's previous performance.

Contractor Selection

Contractors will be selected for each home as follows:

- At least three contractors, taken consecutively from the Rehab Board's approved list of pre-qualified contractors, will be invited bid and given the bid package with instructions.
- No more than two contracts will be awarded to a contractor at any given time.

Contract Management

Contracts will be managed by the Rehabilitation Specialist as follows:

- The contractor, County, and homeowner will enter into a written agreement requiring the rehabilitation work to be completed within 60 days from the approved start date. Agreements for reconstructions may be allowed up to 120 days.
- The Rehabilitation Specialist will issue a Notice to Proceed to the contractor.
- The contractor may request an initial payment after at least 25 percent of the contracted work is complete. Only line items that are 100 percent complete may be included in an invoice.
- The contractor may submit additional invoices as work is completed (suggested intervals are 50, 95, and 100 percent complete).
- The Housing Rehabilitation Specialist will review all invoices, verify the amount with the original itemized bid, inspect the work and confirm the line items are 100 percent complete and obtain the homeowners' approval signature on the payment request. Payment requests and calculation worksheets will be reviewed and approved by the Homeowner, Contractor, and Rehab Specialist, Housing Manager and Program Administrator.
- Final payments are processed in the same manner, but must include Code Compliance inspection approval tickets, equipment documentation; register of contractors, subcontractors and suppliers, materialmen's affidavits, lien waivers, and certification by the homeowner that all work has been satisfactorily completed.
- All change orders will be prepared and submitted by the Rehabilitation Specialist and will contain a detailed description of the work to be completed along with an itemized cost list. The Homeowner, Contractor, Rehab Specialist, Housing Manager, and Program Administrator will sign all change orders. The Grant Manager will submit to the assigned DHCD representative for final approval. Payment for completed change order items will be made during the next scheduled draw.
- Early completion is encouraged by requesting homeowner to remove furniture and personal belongings from the house or to rooms where work will not be done. Homeowner is also asked to ensure contractor has access to the property during approved work hours. The Rehabilitation Specialist works closely with the contractor and the homeowner during the project to ensure compliance with the agreement. Extensions are discouraged by requiring documentation for justified delays and monetary fines are charged for undocumented delays. All extensions must be approved by Homeowner, Contractor, and Rehab Specialist, Housing Manager, and Program Administrator.
- During the initial HQS inspection, or the pre-bid walk-through, the Rehabilitation Specialist and the homeowner, identify and record on the HQS form, all items that must be removed. The homeowner will be responsible for disposing of these items according to their ability. Assistance to the homeowner will be provided as needed to ensure compliance with this requirement.
- All construction debris, waste, and excess material may be maintained in an approved area on-site, but must be disposed of weekly unless a container (e.g., dumpster, trailer, truck) is provided by the contractor.
- No hazardous materials or materials that pose a threat to health or safety may be left on-site.
- Upon completion of construction, the site must be clear of construction debris and left in broom-clean condition.
- Damage to the yard and property due to delivery or storage of material or construction debris will be corrected by the contractor at no additional charge.

HOME MAINTENANCE EDUCATION PROGRAM

The Rehabilitation Construction Agreement, signed by the applicant, shall require homeowners to attend the Home Maintenance Education. The Home Maintenance Education will be conducted by the Rehabilitation and Housing Specialists.

The Rehabilitation Specialist will explain the functions and proper use of the heating, plumbing, electrical systems, and the water heater, including a description of common problems and solutions. The Rehabilitation Specialist will also review proper routine, annual, and seasonal cleaning and maintenance of these systems, and energy conservation measures.

The Housing Specialist will teach household budgeting and personal financial management, including, establishing and using checking and savings accounts, selecting and purchasing insurance coverage, creating and following a household budget, and recognizing and avoiding predatory lenders.

Each training session shall be “hands-on” and take at least four hours and will include one hour on budgeting.

CONFLICT OF INTEREST

The property of any person, or their immediate family, who had decision-making influence in the Program, from the time the application was planned, developed, and submitted to DHCD to the grant’s completion shall be ineligible for assistance of any kind, without DHCD’s prior written approval, regardless of any prior approval of a Program Design. This includes any elected and appointed officials, employees of James City County, or Rehabilitation Board members, in accordance with Virginia and Federal conflict of interest requirements.

COMPLAINT AND APPEALS PROCEDURES

Complaints and appeals regarding this program or the contractor should follow the procedures stated in the Scattered Site Housing Rehabilitation Community Development Block Grant Program Complaint and Appeals Procedures.

REVISING THE PROGRAM DESIGN

Notwithstanding the provisions of the Program Design, all federal, state, and local laws, Ordinances, and regulations shall strictly apply to this project. Any portion of this Program Design found to be inconsistent or incompatible with applicable laws, Ordinances, or regulations shall be deemed to be severed from the Program Design without effect to the remaining provisions.

Because the Program Design is an official contract document, all revisions must be reviewed and approved by DHCD and amended by formal action by the local governing body.

Date adopted by the Board of Supervisors: September 24, 2024

I, Teresa J. Saeed as Deputy Clerk to the James City County Board of Supervisors and Custodian of the Seal, do hereby certify that this is a true copy of the foregoing James City County Housing Rehabilitation Program Residential Anti-Displacement and Relocation Assistance Plan that was approved by Resolution of the Board of Supervisors and duly adopted on September 24, 2024.

Teresa J Saeed

Date

**Project Management Plan
James City County
2023 Scattered Site Housing Rehabilitation Project**

PURPOSE OF PLAN:

The Project Management Plan (“Plan”) is a contract document that identifies all key responsibilities and tasks involved in completing the 2023 Housing Rehabilitation Project (Project). In addition, the Plan identifies the:

- person(s) responsible for all tasks,
- projected completion date for all major tasks and
- Project Management Team (“PMT”) members.

The Plan provides the PMT with a tool for monitoring the Project’s progress to help ensure its completion within the time established by the Virginia Department of Housing and Community Development (“DHCD”). Therefore, the PMT will maintain and update the Plan throughout the Project.

PROJECT DESCRIPTION:

James City County (“County”) received a Community Improvement Grant (Grant) from the Virginia Department of Housing and Community Development (DHCD). The Grant will provide substantial home reconstruction/rehabilitation to seven homes occupied by low to moderate-income individuals.

The total project budget is \$797,286, of which DHCD will provide \$718,311 in CBDG funds. The Project will require James City County leverage funds in the amount of \$136,580 and in-kind services provided by HousingPartnerships Inc. of \$3,000. The Project is a two-year endeavor beginning with the pre-contract negotiations between the County and DHCD on July 19, 2024. All products and activities must be completed on or before the date outlined in the Project Contract, which is anticipated to be December 1, 2026.

Project activities include:

1. Demolishing and replacing or substantially reconstructing two homes occupied by LMI households,
2. Rehabilitating five homes occupied by LMI households to DHCD HQS,
3. Providing two homes with Energy Star appliances, insulation, fixtures, and improved accessibility,
4. Removing junk, debris and inoperable vehicles from all properties and
5. Providing occupants with home maintenance education and resources.

MANAGEMENT TEAM ROSTER:

Name	Affiliation	Role
Barbara Watson	James City County	Director Social Services
Jason Purse	James City County	Assistant County Administrator
Keith Denny	James City County	Housing Administrator
Kim Orthner	James City County Resident	Citizen Representatives
Jessica Gaines	DHCD	Community Development Specialist
Marion Paine	James City County	Grant and Financial Manager
Mike Padgett	James City County	Housing Rehabilitation Specialist
John McGlennon	James City County	Board of Supervisors Representative
Stephaine Williams Ortery	James City County	Grants Accountant, Financial Oversight
Vaughn Poller	James City County	Grant Program Administrator
Jonathan Hines	James City County	Housing Counselor

By signing this Plan, the County Administrator approves the Plan and the members of the Project Management Team (PMT). The PMT will monitor progress to ensure the Project is on schedule, within budget, and delivers all contracted benefits.

The PMT meets on the first Friday of the month at 9:30 a.m. to review the outlined activities, identify potential problems and direct corrective action as necessary. The PMT should ensure that actions taken or not taken now will not create significant delays or cost overruns.

The Grant Manager will send meeting agendas and reminders to PMT members at least one week before each meeting.

COMMUNICATIONS PROCESS:

The Assistant County Administrator, a member of the PMT, will keep the County Administrator and the Board of Supervisors informed about the Program's progress.

The PMT includes a Representative from the Board of Supervisors who will receive minutes of the monthly PMT meetings.

The Grant Manager will send the PMT meeting minutes to the Directors of Community Development and Social Services Directors, who shall distribute them to the County Administrator as necessary.

PROJECT OVERSIGHT PROCESS:

This Plan provides the tools to monitor the progress of the Project. The Plan shows the projected and actual completion dates in the timeline for each specific task. The PMT will review the progress and costs at the PMT meetings.

EXPENDITURE REVIEW AND PAYMENT PROCESS:

The Housing Rehabilitation Specialist will review and approve all housing construction, construction-related soft-cost and demolition invoices.

The Housing Rehabilitation Specialist will forward approved invoices to the Grant Manager.

The Grant Manager will obtain the Grant Administrator or designee's approval on all invoices and send them to Accounts Payable.

The County will operate the Grant on a reimbursement basis and request payments from DHCD at least once each quarter.

The Grant Financial Manager will prepare Remittance Requests and forward those requests to the Grant Accountant, who reviews the Remittance for accuracy and submits them to CAMS.

POTENTIAL PROBLEMS:

Potential problems and proposed resolutions:

- A. **Problem:** One rehabilitation project planned for the 2023 program was moved to the 2021 Scattered Site program because that program had additional funds to expend.

Solution: The Rehabilitation Specialist has identified another home in need of repairs. The Housing Counselor will take their application and confirm household eligibility. If that household cannot participate, the Housing Specialist has a waiting list of homeowners who have requested assistance.

James City County 2023 CDBG Master Schedule

Task	Person with Primary Responsibility	Person Providing Support	Start Date	Completion Date	Status
2nd Public Hearing			October 6, 2023	October 18, 2023	Complete
Submit BOS Documents			October 1, 2023	October 6, 2023	Complete
BOS Approval to Apply			October 6, 2023	October 24, 2023	Complete
Submit Application			October 25, 2023	October 30, 2023	Complete
GETTING UNDER CONTRACT					
Grant Award			July 19, 2024		Complete
Contract Negotiations	DHCD	V. Poller	July 19, 2024	November 16, 2024	
Agenda Items to Board of Supervisors	V. Poller	M. Paine	August 7, 2024	September 6, 2024	Complete
Board of Supervisors Accepts Grant and Adopts Required Plans*	V. Poller	M. Paine	September 6, 2024	September 24, 2024	
Pre-Contract Activities Completed*	M. Paine	V. Poller	July 19, 2024	November 16, 2024	
CDBG Contract Executed*	V. Poller	Liz Parman	November 16, 2024	November 30, 2024	
ADMINISTRATION					
Set up Project Files	M. Paine	V. Poller	July 19, 2024	August 18, 2024	Complete
Set up Client Files	J. Hines	M. Paine	July 19, 2024	December 1, 2024	
Approve Prior Authorized Expenses	M. Paine	V. Poller	August 4, 2024	September 3, 2024	Complete
Submit Monthly Progress Reports to VDHCD	V. Poller	M. Paine	December 30, 2024	Monthly	
Verify that Project Sign is Installed	M. Paine	V. Poller	September 25, 2024	October 25, 2024	
Revise Mgmt Plan & Budget as necessary	M. Paine	V. Poller	August 7, 2024	As needed	
Organize Annual Fair Housing Activity and Document File	L. Tolley	K. Denny	April 1, 2025	Annually	
Submit Quarterly Drawdown Requests	M. Paine	SWO	February 28, 2025	November 30, 2026	
Financial Record Keeping & Reporting	M. Paine	M. Paine	September 3, 2024	On-going	
LMI Benefits Record Keeping & Reporting	M. Paine	M. Paine	November 30, 2024	On-going	
Coordinate Project Management Team Meetings	V. Poller	M. Paine	August 1, 2024	Monthly	
Monitor Project Milestones	V. Poller	M. Paine	September 9, 2024	Monthly	
Monitor & Record non-CDBG Expenditures	V. Poller	M. Paine	September 3, 2024	On-going	
Interim Compliance Review	V. Poller	DHCD	November 30, 2025	December 30, 2025	
Final Compliance Review	V. Poller	DHCD	November 30, 2026	December 30, 2026	
Environmental Review					
DHR Records Search	M. Paine	V. Poller	August 1, 2023	On-going	Complete for Tier 1
CZM Review Requested	M. Paine	V. Poller	August 1, 2023	September 15, 2023	Complete
DHR Review Requested	M. Paine	V. Poller	August 2, 2023	September 1, 2023	Complete - Tier 1
DHR Approval Received	M. Paine	V. Poller	August 24, 2023	On-going	
CZM Review	M. Paine	V. Poller	August 1, 2023	September 15, 2023	Complete
Statutory Checklist Signed by County Administrator	M. Paine	V. Poller	August 8, 2024	On-going	ongoing for Tier 2
HOUSING REHABILITATION AND RECONSTRUCTION					
<i>Substantial Reconstruction 7 homes - LMI Owner-Occupants</i>					
Schedule Intake/Inspection	M. Padgett	J. Hines	January 3, 2025	May 15, 2025	
Initial Inspection/Owner Interview	M. Padgett	J. Hines	January 3, 2025	July 7, 2025	
Income Verification Complete	J. Hines	V. Poller	February 19, 2025	July 21, 2025	
Work Write up / Preliminary Estimate	M. Padgett	K. Denny	March 11, 2025	August 6, 2025	
HMEP Conducted	M. Padgett	J. Hines	February 19, 2025	On-going	
Bids Released Constr & Demo	M. Padgett	K. Denny	March 12, 2025	August 11, 2025	
Pre-Bid Conference (minutes in project file)	M. Padgett	J. Hines	March 19, 2025	August 18, 2025	
Bids Open, Tab and Copy of Lowest Responsible Bid	M. Padgett	K. Denny	April 3, 2025	September 3, 2025	
Case Approved by Rehab Board	J. Hines	V. Poller	May 2, 2025	October 3, 2025	
DOT recorded after 3-day rescission	L. Parman	M. Paine	June 2, 2025	November 3, 2025	
Pre-Construction Conference (minutes in project file)	M. Padgett	K. Denny	June 9, 2025	November 10, 2025	
Demolition Complete	M. Padgett	K. Denny	June 24, 2025	August 27, 2025	
Progress Inspections	M. Padgett	K. Denny	Weekly	Weekly	
Process Payment to Contractor	M. Padgett	M. Paine	On-going	On-going	
Improvements complete*	M. Padgett	M. Paine	October 3, 2025	March 13, 2026	
Post 60-day inspection	M. Padgett	K. Denny	January 6, 2026	May 12, 2026	

APPROVALS:

The County of James City, Virginia

By: _____
Scott A. Stevens, County Administrator

Date

Vaughn Poller, Program Administrator

Date

Jessica C. Gaines, Community Development Specialist
Department of Housing and Community Development

Date

Approved as to Form

County Attorney or Designee

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Neighborhood Development Administrator

SUBJECT: 2023 Scattered Site Housing Rehabilitation - Community Development Block Grant - Adoption of Required Housing Rehabilitation Program Design and Residential Anti-Displacement and Relocation Assistance Plan

The 2023 Scattered Site Housing Rehabilitation Program Design and the Residential Anti-Displacement and Relocation Assistance Plan govern housing rehabilitation and replacement, as well as relocation assistance for the 2023 Scattered Site Housing Rehabilitation Program Community Development Block Grant (CDBG).

The 2023 Housing Rehabilitation Program Design describes the program's oversight and staffing, applicant and property eligibility requirements, housing rehabilitation standards, temporary relocation assistance, financial assistance terms, contracting procedures, and dispute resolution procedures.

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

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

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

AVP/md
CDBGHRProgDesign-mem

Attachments:

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

RESOLUTION

2023 SCATTERED SITE HOUSING REHABILITATION - COMMUNITY DEVELOPMENT

BLOCK GRANT - ADOPTION OF REQUIRED HOUSING REHABILITATION PROGRAM

DESIGN AND RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION

ASSISTANCE PLAN

WHEREAS, James City County has been awarded a Community Development Block Grant (CDBG) of \$718,311 to rehabilitate and replace housing owned and occupied by low- and moderate-income households with the James City County 2023 Scattered Site Housing Rehabilitation Program; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the attached James City County 2023 Scattered Site Housing Rehabilitation Program Design and the 2023 Residential Anti-Displacement and Relocation Assistance Plan as the policies that shall govern the provision of housing rehabilitation, replacement housing, and relocation assistance for the James City County Scattered Site Housing Rehabilitation Program.

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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LARSON

VOTES

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Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

COMMUNITY DEVELOPMENT BLOCK GRANT #23-23-17

JAMES CITY COUNTY 2023 SCATTERED SITE HOUSING REHABILITATION

PROGRAM RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION

ASSISTANCE PLAN

The County of James City, Virginia (the “County”) will replace all occupied and vacant-occupiable low/moderate-income dwelling units demolished or converted to a use other than a low/moderate-income dwelling unit as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, the County will make public and advise the state that it is undertaking such activity and will submit to the state, in writing, information that identifies:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate income dwelling units as a direct result of the assisted activity;
3. A schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a schedule for the provision of replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a dwelling unit for low/moderate-income households for at least 10 years from the date of initial occupancy and
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate-income households in the jurisdiction.

The County of James City, Virginia, will provide relocation assistance to each low- or moderate-income household displaced by the demolition of housing or by the direct result of assisted activities. Such assistance shall be provided under Section 104 (d) of the Housing and Community Development Act of 1974, as amended, or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The James City County Scattered Site Housing Rehabilitation program includes the following activities:

- Substantial reconstruction of two (2) owner-occupied units.
- The rehabilitation of five (5) owner-occupied units.

The planned activities will not cause any permanent displacement from or conversion of occupiable structures.

The program does not call for the acquisition of any tracts of land.

James City County will work with the grant management staff, engineers, program area residents, and the Department of Housing and Community Development to ensure that any changes in program activities do not cause any displacement from or conversion of occupiable structures.

In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet building codes for \$25,000 or less.

Date adopted by the Board of Supervisors: September 24, 2024

I, Teresa J. Saeed, as Deputy Clerk to the James City County Board of Supervisors and Custodian of the Seal, do hereby certify that this is a true copy of the foregoing *James City County Housing Rehabilitation Program Residential Anti-Displacement and Relocation Assistance Plan* that was approved by Resolution of the Board of Supervisors and duly adopted on September 24, 2024.

Teresa J. Saeed

Date

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Neighborhood Development Administrator

SUBJECT: 2023 Scattered Site Housing Rehabilitation - Community Development Block Grant - Adoption of Required Section 504 Grievance Procedure for Disability Nondiscrimination

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

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

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

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

AVP/md
CDBGSec504Griev-mem

Attachments:

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

RESOLUTION

2023 SCATTERED SITE HOUSING REHABILITATION COMMUNITY DEVELOPMENT

BLOCK GRANT - ADOPTION OF REQUIRED SECTION 504 GRIEVANCE PROCEDURE

FOR DISABILITY NONDISCRIMINATION

WHEREAS, James City County has been awarded a Community Development Block Grant of \$718,311 to rehabilitate and replace housing owned and occupied by low- and moderate-income households with the James City County Scattered Site Housing Rehabilitation Project; and

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

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

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

CDBGSec504Griev-res

Section 504 Grievance Procedure for Disability Nondiscrimination

The James City County Board of Supervisors has adopted an internal grievance procedure by resolution dated September 24, 2024, providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) ((24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794, hereinafter referred to as "Section 504")). Section 504 states, in part, that "no otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development."

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

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

1. A complaint shall be filed in writing, containing the name and address of the complainant, and briefly describe the alleged violation of the regulations.
 2. A complaint shall be filed within 7 days after the complainant becomes aware of the alleged violation. Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.
 3. An investigation, as may be appropriate, shall follow the filing of a complaint. Barbara Watson will conduct the investigation. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, a reasonable opportunity to submit evidence relevant to a complaint. Under 24 CFR 8.53(b), James City County does not need to process complaints from applicants for employment or applicants for admission to housing.
 4. A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by Barbara Watson and a copy forwarded to the complainant no later than 30 days after its filing.
 5. The Section 504 coordinator shall maintain the files and records relating to the complaints filed pursuant to this grievance procedure.
-

6. The complainant may request a reconsideration of the case in instances where they are dissatisfied with the resolution. The request for reconsideration shall be made within 7 days of the issuance of the written determination and shall be made in writing to Barbara Watson.
7. The right of a complainant to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the complainant's pursuit of other remedies, such as the filing of a Section 504 complaint with the Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that James City County complies with Section 504 and the applicable HUD regulations.

Date adopted by the Board of Supervisors: September 24, 2024

I, Teresa J. Saeed, as Deputy Clerk to the James City County Board of Supervisors and Custodian of the Seal, do hereby certify that this is a true copy of the foregoing Section 504 Grievance Procedure for Disability Nondiscrimination that was approved by Resolution of the Board of Supervisors and duly adopted on September 24, 2024.

Teresa J. Saeed

Date

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Neighborhood Development Administrator

SUBJECT: 2023 Scattered Site Housing Rehabilitation - Community Development Block Grant - Adoption of Required Fair Housing Certification

The \$718,311 in Community Development Block Grant (CDBG) funds awarded to James City County for the Scattered Site Housing Rehabilitation Program (the “Program”) are federal funds authorized under the Housing and Community Development Act of 1974 (the “Act”), as amended.

The Act requires recipients of CDBG funds to take action to affirmatively further fair housing. The Virginia Department of Housing and Community Development (DHCD), administrator of the CDBG funds, requires James City County to take at least one action to affirmatively further fair housing each grant year during the life of its 2023 Scattered Site Housing Rehabilitation Program. Attached is a list of actions that DHCD deems acceptable in affirmatively further fair housing. The County may also request that DHCD approve actions not listed.

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

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

AVP/md
CDBGReqFairHsCert-mem

Attachments:

1. Resolution
2. Eligible Fair Housing Actions

RESOLUTION

2023 SCATTERED SITE HOUSING REHABILITATION - COMMUNITY DEVELOPMENT

BLOCK GRANT - ADOPTION OF REQUIRED FAIR HOUSING CERTIFICATION

WHEREAS, James City County has been awarded a Community Development Block Grant (CDBG) of \$718,311 to rehabilitate and replace housing owned and occupied by low- and moderate-income households with the James City County 2023 Scattered Site Housing Rehabilitation Program; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby agrees to take at least one action to affirmatively further fair housing each grant year during the life of its 2023 Scattered Site Housing Rehabilitation Program funded with CDBG funds. The Board of Supervisors directs the County Administrator to take those actions necessary to affirmatively further fair housing as required by the Act.

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

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Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

CDBGReqFairHsCert-res

resolved in CAMS. Final Closeout Reports

Project Closeout

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

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

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

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

Fair Housing Requirements

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

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

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

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

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

advertisement in a local newspaper;

- Adopt a proclamation declaring April as Fair Housing Month. A sample resolution can be provided by your CDS;
- Include a flyer about Fair Housing in the water bill and send it to every household in the Grantee's locality;
- Partner with a technology class at the local high school to create a short advertisement or spotlight on Fair Housing to be aired on community access television;
- Run a Fair Housing public service announcement on local radio stations or the local community cable station throughout the month of April. Topics can include what are prohibited activities and where to file a discrimination complaint;
- Develop a page on the Grantee's website concerning fair housing issues, including links to the Virginia Fair Housing Office and other resources available to protected groups;
- Add the Fair Housing logo to the Grantee's official stationary. The logo can be downloaded at <https://portal.hud.gov/hudportal/HUD?src=/library/bookshelf/1/hudgraphics/fheologo>;
- Provide all program beneficiaries with a copy of federal or state Fair Housing brochures. Various federal Fair Housing brochures

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

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

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

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

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



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

Complaints and Appeals

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

MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: A. Vaughn Poller, Neighborhood Development Administrator

SUBJECT: Community Development Block Grant Local Business and Employment Plan

As a recipient of a Community Development Block Grant (CDBG), James City County is obligated to adhere to the requirements of a variety of state and federal laws and regulations in areas such as equal opportunity and labor standards. One such law is Section 3 of the Housing and Community Development Act of 1974, as amended (Section 3). Section 3 requires a locality receiving CDBG funds to adopt, for each new CDBG, a written plan setting forth steps the locality will take to identify and notify minority, female, and locally owned businesses of goods and services to be purchased with grant funds. This plan also describes procedures the County will follow to notify lower-income James City County residents of training and employment opportunities.

The County has adhered to the Section 3 requirements in its previous CDBG projects, and the requirements are consistent with the affirmative action policies within the County's own purchasing and employment regulations. The attached Community Development Block Grant Local Business and Employment Plan is based on the model plan suggested by the Virginia Department of Housing and Community Development that administers the CDBG funds.

Staff recommends approval of the attached resolution to adopt the Community Development Block Grant Local Business and Employment Plan.

AVP/md
CDBGLocBusEmpPln-mem

Attachments:

1. Resolution
2. Local Business Plan

RESOLUTION

2023 SCATTERED SITE HOUSING REHABILITATION - ADOPTION OF REQUIRED LOCAL

BUSINESS AND EMPLOYMENT PLAN

WHEREAS, the County of James City, Virginia, has been awarded a Community Development Block Grant (CDBG) of \$718,311 for the 2023 Scattered Site Housing Rehabilitation Program; and

WHEREAS, Section 3 of the Housing and Community Development Act of 1974 specifies that low-income project area residents and businesses should be used to the greatest extent reasonable and further requires recipients of CDBG funds to adopt and act in accordance with a written Local Business and Employment Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the attached Community Development Block Grant Section 3, Local Business and Employment Plan.

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES

AYE NAY ABSTAIN ABSENT

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Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

CDBGLocBusEmpPln-res

JAMES CITY COUNTY

COMMUNITY DEVELOPMENT BLOCK GRANT SECTION 3, LOCAL BUSINESS AND EMPLOYMENT PLAN

1. The Board of Supervisors for the County of James City, Virginia (the "County") designates the boundaries of the County of James City, Virginia, as its Section 3 Business and Employment Project Area.
2. The County, its contractors and suppliers, and designated third parties shall, in utilizing Community Development Block Grant (CDBG) funds, utilize businesses and lower-income residents of the County to carry out grant activities to the greatest extent feasible. For purposes of Section 3, low-income residents are those with household incomes that do not exceed 80% of the HUD area median income.
3. In awarding contracts for construction, non-construction, materials, and supplies, the County, its contractors and suppliers, and designated third parties shall take the following steps to utilize businesses located in or owned in substantial part by persons residing in the County:
 - (a) The County shall identify the contracts required to conduct the CDBG activities.
 - (b) The County shall identify potential contractors and suppliers through various and appropriate sources, including:
 - Publishing an advertisement in the Virginia Gazette
 - Directly contact the contractors and suppliers known to the County who are likely to provide construction contracts, non-construction contracts, materials, and services that will be utilized in the activities funded through the CDBG.
 - (c) The identified contractors and suppliers shall be included on bid lists used to obtain bids, quotes, or proposals for work or procurement contracts that utilize CDBG funds.
4. The County and its contractors and suppliers shall take the following steps to encourage the hiring of lower-income persons residing in the County:
 - (a) The County, in consultation with its contractors and suppliers (including design professionals), shall ascertain the types and number of open positions for both trainees and employees needed to conduct CDBG activities.

- (b) The County shall encourage its contractors and suppliers to advertise open positions and the availability of such positions with information on how to apply through the following sources:

■ The Virginia Gazette

- (c) The County, its contractors and suppliers shall maintain a record of inquiries and applications by project area residents who respond to advertisements and shall maintain a record of the status of such inquiries and applications.
- (d) To the greatest extent feasible, the County, its contractors and suppliers shall reasonably hire lower-income project area residents to fill open training and employment positions necessary for implementing activities funded by the CDBG.
5. In order to document compliance with the above affirmative actions and Section 3 of the Housing and Community Development Act of 1974, as amended, the County shall keep and obtain from its contractors and suppliers registers of contractors and suppliers, and registers of assigned employees for activities funded by the CDBG. Such listings shall be completed and verified by site visits and employee interviews, crosschecking of payroll reports and invoices, and audits if necessary.

Date adopted by the Board of Supervisors: September 24, 2024

I, Teresa J. Saeed, as Deputy Clerk to the James City County Board of Supervisors and Custodian of the Seal, do hereby certify that this is a true copy of the Section 504 Grievance Procedure for Disability Nondiscrimination that was approved by Resolution of the Board of Supervisors and duly adopted on September 24, 2024.

Teresa J. Saeed

Date

LONGHILL ROAD

LONGHILL ROAD

DEPUE DRIVE

ASHBURY LANE

JAMES CITY COUNTY RECREATION CENTER

TRANSFORMER
COOLING TOWER
GENERATOR

41 PARKING SPACES
(FUTURE PARKING GARAGE)

FUTURE BUILDING EXPANSION

PROPOSED BUILDING

WET POND

FIRE ACCESS ROUTE
(REINFORCED GRASS PAVE)

237 PARKING SPACES

237 PARKING SPACES

136 PARKING SPACES

255 PARKING SPACES
(309 EXISTING SPACES)

65' BUILDING SETBACK
50' AVERAGE LANDSCAPE BUFFER
25' MIN LANDSCAPE BUFFER

DEPUE ROAD
(FORMERLY LONGHILL CONNECTOR)
VARIABLE WIDTH R/W
O.B. 4/1/10















JAMES CITY COUNTY







MEMORANDUM

DATE: September 24, 2024

TO: The Board of Supervisors

FROM: Thomas P. Wysong, Principal Planner

SUBJECT: Policy to Address Solar Energy Generating Facilities

History

At the May 28, 2024, Board of Supervisors' Business Meeting, the Board discussed the proposed solar policy presented by staff. The draft Board policy would apply to solar facility cases that come before the Planning Commission and Board of Supervisors seeking legislative approval through the Special Use Permit (SUP) process. The policy will set expectations for solar facility plan applicants, establish parameters to evaluate the solar facilities and their impacts to their surroundings, and provide guidance regarding appropriate mitigation of these impacts through conditions and other measures. The policy criteria location includes the following major criteria (please see Attachment No. 3 for the map expressing this information):

- There should be a minimum distance of one mile between fenced areas of separate solar facilities;
- The closest point of any solar facility should be located within two miles of an existing transmission line within the County or an adjoining locality; and
- For large-scale utilities, the project must be located outside of the Primary Service Area.

As part of the discussion on May 28, the Board requested staff further research the possibility of providing a specific limit on the amount of land to be developed as solar farms within the County as part of the policy. Specifically, the Board directed staff to research policies implemented by other Virginia localities that established limits for the total amount of solar farms permitted in the County.

Virginia Localities Policies

Multiple counties within Virginia have implemented a limit on land that can be developed as solar farms. Generally, there are two approaches in place within the Commonwealth. The first approach is to limit the amount of solar farm development to a fixed number or percentage of the total acreage within the locality. In this approach, some localities specify the amount of prime farm soil that can be affected. The second approach is to limit the amount of solar farm development to a percentage of the total acreage of the zoning district in which it is proposed.

The approaches detailed below have been approved within the localities' Zoning Ordinances, except for Surry County, which recommends the limit within its Comprehensive Plan. Although the examples below are mostly Zoning Ordinance amendments, staff finds a Board adopted policy is an appropriate approach in James City County because solar farms require an SUP and thus a proposed limit would be considered as part of the application.

Table 1: Virginia Locality Solar Approaches

Locality	Total Solar Limits
Brunswick County	8,600 acres
Gloucester County	2% of total zoning district acreage in which use is permitted
Greensville County	7,600 acres
Henry County	1% of County land area
Isle of Wight County	2% of prime farm soils/soils of statewide importance in County or 2,446 acres
Mecklenburg County	1% of County land
Pittsylvania County	2% of total zoning district acreage
Surry County	10% of developable land in County

Land Area Limit Approach

According to its Geographic Information System, the County consists of approximately 114,901 acres. Once water has been excluded from this total, the total land acreage is approximately 89,048 acres. If the County were to establish a policy limiting solar facilities development to 1% of the total County land area, a total of 890.48 acres would be permitted for solar facilities. Currently, the County has approved 356.73 acres of land disturbance for approved solar facilities, leaving 533.75 acres for any new proposed solar facilities within the County, should this criterion be included in the policy. Staff consider this approach to be straightforward and a simple addition to the solar policy.

Table 2: Total Land Area Limit Approach

County Land Acreage Area	1% Total Acreage Area	Current Approved Solar Acreage Area	Remaining Acres for Solar Projects
89,048	890.48	356.73	533.75

Zoning District Limit Approach

If the County were to pursue the second approach, 2% of each zoning district could be permitted for solar farms. Compared to the first approach, this would allow a greater amount of land to be permitted for solar development within the County. Staff notes that this approach is more complicated than the first because it could allow for district acreage limits to fluctuate based on rezoning approvals, which would increase or decrease zoning district acreages. This could pose challenges to implementing the solar policy. (See Table 3: Zoning District Approach on next page.)

Table 3: Zoning District Approach

Zoning District	Total Acreage	2% Acreage Area Cap	Approved Solar Acreage	Remaining Acreage for Solar Projects
A-1	39,396.01	787.92	356.73	431.19
B-1	983.43	19.67	0.00	19.67
EO	329.68	6.59	0.00	6.59
LB	110.82	2.22	0.00	2.22
M-1	1,670.76	33.42	0.00	33.42
M-2	2,681.17	53.62	0.00	53.62
MU	1,562.56	31.25	0.00	31.25
PL	1,1048.62	220.97	0.00	220.97
PUD-C	362.85	7.26	0.00	7.26
PUD-R	3,319.18	66.38	0.00	66.38
R-1	4,204.72	84.09	0.00	84.09
R-2	4,180.53	83.61	0.00	83.61
R-3	60.11	1.20	0.00	1.20
R-4	7,351.22	147.02	0.00	147.02
R-5	725.89	14.52	0.00	14.52
R-6	261.32	5.23	0.00	5.23
R-8	5,135.26	102.71	0.00	102.71
Grand Total	83,384.13	1,667.68	356.73	1,310.95

RECOMMENDATION

Staff finds that either approach could be implemented within the County in addition to the draft policy. Staff looks forward to the Board's discussion of this item.

TPW/md

PolcSolEngGenFac-mem

Attachments:

1. Board of Supervisors Solar Facilities Policy
2. Board of Supervisors Initiating Resolution, dated April 11, 2023
3. Solar Location Criteria Map
4. Brunswick County Solar Ordinance Limit
5. Gloucester County Solar Ordinance Limit
6. Greenville County Solar Ordinance Limit
7. Henry County Solar Ordinance Limit
8. Isle of Wight County Solar Ordinance Limit
9. Mecklenburg County Solar Ordinance Limit
10. Pittsylvania County Solar Ordinance Limit
11. Surry County Comprehensive Plan Amendment

RESOLUTION

SOLAR FACILITIES POLICY

WHEREAS, James City County has recently considered a number of Special Use Permit (“SUP”) applications for solar facilities; and

WHEREAS, these applications generated concerns that such facilities may adversely affect the County; and

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

WHEREAS, the James City County Board of Supervisors (the “Board”) adopted a resolution on April 11, 2023, directing staff to assess solar facilities, and identify best practices with regard to policies and regulations; and

WHEREAS, the Board further directed the development of a comprehensive Board policy for solar facilities based on this assessment; and

WHEREAS, on July 25, 2023, September 12, 2023, and October 4, 2023, the Board was presented with an assessment, research, and best practices concerning solar facilities.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby establishes the following Solar Facilities Policy (the “Policy”).

1. Solar Facility Definitions:

- a. Solar energy generating facility (solar facility). Solar facilities may include, but are not limited to, solar energy generating devices, inverters, a substation, ancillary equipment, buildings, security fencing, access roads, stormwater control measures, and screening on the site. Solar energy generating devices utilize sunlight as an energy source to heat or cool buildings, heat or cool water, or produce mechanical power by means of any combination of collecting, transferring, or converting solar generated energy and applies to, but is not limited to, solar photovoltaic systems, solar thermal systems, and solar hot water systems.
- b. Community solar facilities provide electricity and/or utility bill reductions through net metering to multiple owners or subscribers and generate 5 megawatts (“MW”) alternating current or less. In James City County, community solar facilities should be less than 1 MW.
- c. Utility-scale solar facilities provide electricity for commercial distribution.
 - i. Small utility-scale facilities generate less than 1 MW.
 - ii. Large utility-scale facilities generate 1 MW or greater.

2. Location Guidance:

- a. Community solar facilities should be located on less than 20 acres of total fenced area and may be located inside and outside the Primary Service Area (“PSA”).
 - b. Small utility-scale solar facilities should be located on less than 20 acres of total fenced area and may be located inside and outside the PSA.
 - c. Large utility-scale solar facilities should be located on 20 acres or more of total fenced area. They should be located outside the PSA in the General Agricultural (A-1), Rural Residential (R-8), or Public Land (PL) zoning districts. Total project area should not exceed 300 acres.
3. Land use applications for solar facilities should be developed consistent with this policy. Conditions may be imposed upon individual SUPs for solar facilities to ensure consistency with this policy and to mitigate any negative impacts associated with a facility.
 4. Solar facilities should not be located within 400 feet of dwellings or within 250 feet of historic, cultural, recreational, special flood hazard areas, and environmentally sensitive areas and resources. Solar facilities should incorporate appropriate setbacks, buffers, and screening to address proximity to the above-named areas. For the purpose of this policy, the recommended distances shall be measured from the fenced area of the solar facilities.
 5. Solar facilities, including fencing and support equipment, should be fully screened from ground-level view by vegetated buffers at least 50 feet in width from adjacent properties and at least 100 feet in width from public rights-of-way.
 6. There should be a minimum distance of one mile between fenced areas of separate solar facilities; however, consideration may be made for a closer distance based upon the size, scale, and design of a solar facility and the overall suitability of a given site. For the purpose of this policy, the recommended distances shall be measured from the fenced area of the solar facilities.
 7. If a solar facility consists of multiple parcels, solar panels included as part of the same solar facility should be sited on contiguous parcels to limit project fragmentation and viewshed impacts.
 8. The number and size of solar facilities in the County should be limited to preserve open space and adequately mitigate stormwater runoff.
 9. Solar facilities should be designed to conserve and protect habitat cores, blocks, and corridors connecting habitat areas. Any disturbance of these areas should be adequately mitigated, and disturbance of more than 20 acres of these areas is discouraged.
 10. Solar facilities should avoid, to the maximum extent possible, the use of land identified as prime farmland by the United States Department of Agriculture. Any disturbance of these areas should be adequately mitigated, and disturbance of more than 50 acres is discouraged.

11. Solar facilities should include corridors to allow for the movement of wildlife across the solar facility , and the latest guidance from state environmental agencies should be considered.
12. The closest point of any solar facility should be located within two miles of an existing transmission line within the County or an adjoining locality. Any generation lead lines or electrical lines to connect noncontiguous portions of a solar facility and/or leading to a solar facility's substation or point of interconnection should be located underground. For the purpose of this policy, the recommended distances shall be measured from the fenced area of the solar facilities.
13. Applications for solar facilities should identify existing electric distribution or transmission infrastructure that may need to be upgraded for the solar facility.
14. Solar facilities are encouraged to allow for the continued residential, agricultural, commercial, industrial, or recreational uses within project sites.
15. Applicants for solar facilities should provide mitigation strategies for noise and traffic impacts which should include general traffic plans and designated hours for construction and delivery of materials.
16. Solar facilities should have principal access from roads meeting Virginia Department of Transportation ("VDOT") standards. While collector or arterial roads are preferred, access from local roads may be considered. Principal access from roads not meeting VDOT standards, local roads through neighborhoods or platted subdivisions, or across railroad tracks are not acceptable, and secondary or construction access from these roads and across railroad tracks is discouraged.
17. Solar facilities should provide for economic returns beyond those which could otherwise be anticipated for a given site.
18. Solar facility applicants should discuss and negotiate a siting agreement with the County.
19. To help address the impacts of any proposed solar facility, the SUP application should include the following:
 - a. A construction management plan outlining, at a minimum, the anticipated construction schedule, phasing plan, hours of construction, noise mitigation measures, parking, and traffic control plans.
 - b. Plans for addressing erosion and sedimentation, grading, and stormwater management. Solar panels are to be considered unconnected impervious areas when performing post-development water quality and quantity calculations.
 - c. A landscape plan outlining existing vegetation and the limits of proposed clearing, buffers, screening, and plant materials and species. It should also include a report describing and addressing the viewshed impacts of the facility.
 - d. A report inventorying wetlands, Resource Protection Areas, streams, floodplains, forested areas, and agricultural soils on the proposed facility site.

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES			
<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of
May, 2024.

SolEnrgyGenFacPol-res

RESOLUTION

LARGE-SCALE SOLAR FARM APPLICATIONS

- WHEREAS, the James City County Code (the “County Code”) permits any property owner, contract purchaser with the owner’s written consent, or the owner’s agent to apply to amend, supplement, or change by Ordinance the boundaries of zoning districts or the regulations established in the James City County Zoning Ordinance (the “Zoning Ordinance”), including zoning map amendments (collectively, “Owner Applications”); and
- WHEREAS, Owner Applications are regularly submitted for consideration by the Board of Supervisors (the “Board”), all of which are given thorough consideration by staff and the James City County Planning Commission (the “Commission”) prior to transmittal to the Board; and
- WHEREAS, major factors for the consideration of any amendment to the Zoning Ordinance, including Owner Applications, include whether staff, the Commission, and the Board believe that the proposed amendment is consistent with the James City County Comprehensive Plan (the “Comprehensive Plan”), the James City County Code (the “County Code”) and any other adopted plans and policies; and
- WHEREAS, at its meeting on October 25, 2022, the Board of Supervisors adopted the Natural & Cultural Assets Plan (the “Assets Plan”); and
- WHEREAS, Goal No. 1.1 of the Assets Plan calls for the development of “zoning tools and guidance for siting large-scale solar sites to avoid or minimize disturbance of habitats or cultural resources”; and
- WHEREAS, Goal No. 2.A of the Assets Plan calls for the inclusion of “high-value agriculture soils maps in County Geographic Information System layers and property information and recommend minimal disturbance of those soils during development (especially for utility solar sites)”; and
- WHEREAS, Goal No. 3.D of the Assets Plan calls for the prevention of “stormwater impacts from utility-scale solar projects by adopting stormwater standards as required by the Virginia Department of Environmental Quality”; and
- WHEREAS, at the March 14, 2023, Board meeting, members of the Board expressed concern that its consideration of any Owner Applications involving solar farms would be done so without the benefit of the completion of the three solar-farm-related goals (the “Goals”) set forth in the Assets Plan; and
- WHEREAS, the Board finds that it promotes the health, safety, and welfare of the citizens of the County and good zoning practice to ensure that all Owner Applications involving large-scale solar farms are considered with analysis set forth in the Goals.
- NOW, THEREFORE, BE IT RESOLVED the Board does hereby direct staff to analyze the manpower, financial assets, and the recommended work timeline that will be required to conduct the analysis of the goals listed in the Assets Plan and to present that information to the Board at its July 25, 2023, Business Meeting so that the Board can determine the most effective way to proceed with meeting these goals.

BE IT FURTHER RESOLVED the Board does hereby direct staff to retain an outside consultant to assist both staff and the Board in devising a comprehensive Board Policy on Large-Scale Solar Farm projects and present a draft policy document to the Board at its September 12, 2023, Regular Meeting.

BE IT FURTHER RESOLVED the Board does hereby direct staff to not place any large-scale solar farm application on the Board's Calendar until its first meeting in December 2023, or at such earlier time as the Board may determine.

BE IT FURTHER RESOLVED that any Owner Application for a large-scale solar farm associated with a conceptual plan submitted to the County on or prior to April 10, 2023 may be placed on the Board's Calendar following consideration by the Planning Commission.


Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:


Teresa J. Saegert
Deputy Clerk to the Board

SADLER
ICENHOUR
MCGLENNON
LARSON
HIPPLE

VOTES

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of April, 2023.

LgSolarFrm-res

Sec. 23-406. Development standards.

- (a) Any applicant for a solar facility installed upon a commercial or industrial roof top shall submit a site plan which must be approved by the zoning administrator and an engineering study to the office of the building official which must be approved by the building official.
- (b) The maximum total acreage of land in Brunswick County to be under PV panel coverage for both cooperative-scale and utility-scale solar facilities is 8,600 acres. The maximum total acreage of PV panel coverage for all cooperative-scale solar facilities is 100 acres cumulatively; the maximum total acreage of PV panel coverage for utility-scale solar facilities is 8,500 acres cumulatively.
- (c) Cooperative-scale solar facilities and utility-scale solar facilities must comply with all of the following requirements:
 - i. The area of PV panel coverage for any single solar facility project may not exceed 65 percent of the total acreage of the site.
 - ii. The project must be constructed and maintained in substantial compliance with the approved concept plan except for deviations required by the Virginia Department of Environmental Quality or the Permit By Rule (PBR) process.
 - iii. The minimum setback to property lines of parcels with habitable dwellings shall be 250 feet and the minimum setback to all other property lines shall be 150 feet except that upon the request of the applicant, the board of supervisors may reduce, but not increase, these setback requirements for a solar facility if it finds that it is in the public interest to do so. Setback requirements are not applicable to interior property lines on the site for that part of the property line adjacent to any other property comprising a part of the site. Property lines adjacent to streets, roads, or highways are not considered interior property lines.
 - iv. The maximum height of the lowest edge of the PV panels shall be ten (10) feet as measured from the finished grade when oriented at minimum tilt. The maximum height of primary structures and accessory buildings shall be fifteen (15) feet as measured from the finished grade at the base of the structure to its highest point, including appurtenances. The board of supervisors may approve a greater height based upon the demonstration of a significant need where the impacts of increased height are mitigated.
 - v. Solar facilities, including fencing, shall be significantly screened from the ground level view of adjacent properties by a buffer area at least 100 feet wide that shall be landscaped with plant materials consisting of an evergreen and deciduous mix (as approved by the zoning administrator), except to the extent that existing vegetation or natural land forms on the site provide sufficient screening as determined by the zoning administrator. In the event existing vegetation or land forms providing the screening are disturbed, new plantings shall be installed which accomplish the same screening effect. Opaque architectural fencing may be used to supplement other screening methods but shall not be the primary method.
 - vi. Solar facilities shall be enclosed by security fencing on the interior of the buffer area (not to be visible from other properties) not less than seven (7) feet in height and topped with razor/barbed wire, as appropriate. A performance bond in the amount of anticipated fence maintenance costs shall be posted and maintained.
 - vii. Ground cover on the site shall be native vegetation as determined by the Virginia Department of Conservation and recreation solar site native plant finder and maintained in accordance with the landscaping maintenance plan in accordance with established performance measures. A performance bond in the amount of anticipated landscaping maintenance costs shall be posted and maintained.

Failure to maintain the landscaping shall result in revocation of the CUP and commencement of the solar facility's decommissioning. Incorporation of native plant and grass species that require no pesticides, herbicides, and fertilizers or the use of pesticides and fertilizers with low toxicity, persistence, and bioavailability is recommended. The operator shall notify the county prior to application of pesticides and fertilizers. The county reserves the right to request soil and water testing.

- viii. The applicant shall identify an access corridor for wildlife to navigate through the solar facility. The proposed wildlife corridor shall be shown on the site plan submitted to the county. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.
- ix. The design of support buildings and related structures shall incorporate materials, colors, textures, screening, and landscaping that will blend the facilities to the natural setting and surrounding structures.
- x. The owner or operator shall maintain the solar facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the equipment and structures, as applicable, and maintenance of the buffer areas and landscaping. Site access shall be maintained to a level acceptable to the county. The project owner shall be responsible for the cost of maintaining the solar facility and access roads and the costs of repairing damage to private roads occurring as a result of construction and operation.
- xi. Solar facilities shall be designed and maintained in compliance with standards contained in applicable local, state, and federal building codes and regulations in effect at the time of the permit approval.
- xii. Solar facilities shall comply with all permitting and other requirements of the Virginia Department of Environmental Quality.
- xiii. The applicant shall provide proof of liability insurance for a solar facility prior to beginning construction of the solar facility.
- xiv. All lighting must be shown on the concept plan or the site plan, or both, and must be approved by the zoning administrator.
- xv. No signage of any type may be placed on the solar facility other than notices, warnings, and identification information required by law or as approved by the zoning administrator.
- xvi. All facilities must meet or exceed the standards and regulations of the Federal Aviation Administration ("FAA"), State Corporation Commission ("SCC") or equivalent, and any other agency of the local, state or federal government with the authority to regulate such facilities.
- xvii. No boundary of any property on which a utility-scale solar facility is located may be located within one mile of any town boundary.

(Ord. of 7-21-2021; Ord. of 8-15-2023)

Sec. 9-28. Solar energy facilities.

1. The following general requirements shall apply to all solar energy facilities, unless otherwise provided:
 - a. The maximum height of all ground mounted solar facilities, including any mounts, shall not exceed twenty (20) feet above the ground when oriented at maximum tilt (except for the poles and wires associated with the interconnection to the Dominion Power distribution system) unless otherwise approved by the Board of Supervisors as a condition of approval for a conditional use permit. Roof-mounted solar energy facilities shall be exempt from the building height requirements for the zoning district in which they are located.
 - b. All solar projects shall comply with generally accepted current national environmental protection and product safety standards for the use of solar panels for solar photovoltaic (electric energy) projects, such as those developed for existing product certifications and standards including the National Sanitation Foundation/American National Standards Institute No. 457, International Electro technical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2. All site plans for solar facilities shall make reference to the specific safety and environmental standards being met.
 - c. Battery storage facilities associated with a solar facility shall comply with generally accepted current national environmental protection and product safety standards for the use of battery technologies projects, such as those developed for existing product certifications and standards including the National Sanitation Foundation/American National Standards Institute No. 457, International Electro technical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2. All site plans including battery storage facilities shall make reference to the specific safety and environmental standards being met.
 - d. The following maximum percentages of total land area devoted to community- and utility-scale solar facilities have been established within the districts identified below. The total developed solar acreage shall be calculated and updated by the Department of Planning, Zoning, and Environmental Programs upon approval of the site plan for a solar facility. The land area devoted to solar shall be derived from approved site plans that are currently valid for solar facilities and shall only include those portions of the parcel(s) on which the solar panels and associated elements such as inverters and switching facilities that exist or are approved to be located (typically the area within a perimeter fence) and shall not include other acreage associated with a project on which the panels and associated elements are not placed including but not limited to buffers, wetlands, and stormwater management areas.
 - i. Suburban Countryside (SC-1) district - Two (2) percent.
 - ii. Rural Countryside (RC-1) district - Two (2) percent.
 - e. All large-, community-, and utility-scale solar facilities shall develop a decommissioning plan, which shall include the following: (1) the anticipated life of the project; (2) the estimated decommissioning cost in current dollars, not including any salvage value; (3) how said estimate was determined; (4) the manner in which the project will be decommissioned including the submittal of a site plan for review and approval prior to the start of decommissioning; and (5) a surety, in a form acceptable to the County Attorney, sufficient to cover the cost of preparing the site plan for and the completion of decommissioning the solar energy facility. The decommissioning plan shall be submitted for review concurrent with the site plan and shall be re-reviewed not less frequently than every five (5) years after initial approval; the decommissioning surety shall be updated as needed based on plan re-review and revised estimates provided by owner, lessee, or developer.
 - i. As used in this section, the term "decommission" means the removal and proper disposal of all solar energy equipment, facilities, and devices. Decommissioning also includes the restoration of

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- the real property, including soil stabilization and revegetation of the ground cover of the real property disturbed by the installation and removal of such equipment, facilities, and devices when applicable. Buffers, roadways, stormwater basins and other site conditions associated with the use of the site as a solar facility may remain based on these features being included on the approved site plan and any required maintenance agreements in place prior to decommissioning.
- ii. The decommissioning plan shall be approved and a surety shall be posted prior to obtaining a land disturbance permit (LDP) or zoning permit for the project; or in the case of a multi-phase project, a separate decommissioning surety may be submitted prior to land disturbance permitting or zoning permit for each individual phase of the project provided that the plan is also broken into phases so that the surety can be calculated for each phase.
- f. Prior to the approval of a zoning permit for a by-right large-scale facility and as a condition of the approval of a site development plan for any other large-, community-, or utility-scale solar generation facility, the owner, lessee, or developer of the project (the "responsible party") shall enter into a written project development agreement with the county, setting forth, at a minimum, that:
- i. If the facility ceases generating electricity for more than 12 consecutive months, the responsible party will provide for its decommissioning;
 - ii. If the owner, lessee, or developer defaults in the obligation to decommission the facility, the county has the right to enter the real property without further need of consent of the owner to engage in decommissioning; and
 - iii. The decommissioning surety shall be based upon an estimate by a professional engineer licensed in the Commonwealth, who is engaged by the responsible party and who has experience in preparing decommissioning estimates. The estimate and surety shall be approved by the county. The estimate shall equal the total projected cost of decommissioning, including the cost for preparation of a site plan for decommissioning, a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor. The decommissioning estimate shall not include salvage value of the materials being removed.
 - iv. Prior to decommissioning, a site plan detailing the decommissioning process and final site conditions shall be submitted for review and approval pursuant to Chapter 15.5 of the County Code.
- g. The following testing shall be required for all ground-mounted large-, community-, and utility-scale solar facilities:
- i. Post-land disturbance soils testing, utilizing a standardized methodology for determining soil composition, shall be required for each phase or sub-phase of development in order to formulate the proper seed mixture for the establishment of permanent ground cover at the solar facility site.
 - ii. The county may require the owner to engage a qualified neutral third party to perform soil and ground water sample testing subsequent to an event causing damage to the panels due to wind, hail, or other similar hazards. Developers shall provide to the county the results of these tests and be responsible for remediation of any contamination or other adverse environmental conditions as required by law.
- h. All solar equipment and facilities shall include warning signage per industry standards. Solar equipment shall not be used for the display of advertising, except for reasonable identification of the photovoltaic equipment manufacturer or operator of the solar energy facility. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except as follows: (a) manufacturer's or installer's identification; (b) warning signs and placards; (c) signs that may be

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- required by a federal or state agency; and (d) signs that provide a 24-hour emergency contact phone number and warn of any danger. Educational signs providing information about the project and the benefits of renewable energy may be allowed as provided in article 12 of the Zoning Ordinance.
- i. Gloucester County may engage the services of county-contracted inspectors, as deemed appropriate by the county, to ensure compliance with applicable codes and ordinances. Developers of large-, community-, and utility-scale solar energy facilities shall be financially responsible for all inspections necessitated by their projects.
2. All private small-scale solar energy facilities shall meet the following requirements in addition to the general requirements:
 - a. Roof-mounted small solar energy facilities shall meet the building setback requirements for the structures to which they are affixed.
 - b. Ground-mounted small solar energy facilities shall meet the minimum setbacks for principal structures in the zoning districts which they are located.
 3. All private large-scale solar energy facilities shall meet the following requirements in addition to the general requirements:
 - a. Facilities shall not be constructed to generate more than one-hundred thirty (130) percent of the estimated need of the facility. Applicants shall provide utility load letters or similar documentation detailing the electrical needs of the facility solar is serving. However, these regulations do not prohibit the transfer of surplus power to the electrical grid to serve facilities that are not adjacent or under common use, ownership, or control.
 - b. Roof-mounted solar facilities shall meet the setback requirements for the structures on which they are affixed. Solar canopy facilities shall meet the setbacks for accessory structures in the zoning districts which they are located.
 - c. Ground-mounted facilities shall meet the following requirements.
 - i. No land disturbing activity as defined in the County's Erosion and Sediment Control Ordinance shall occur on slopes greater than eight (8) percent when the eight (8) percent slopes are greater than or equal to a contiguous area of 5,000 square feet. Those areas shall be preserved in their existing state. This does not include slopes on areas that have been in agriculture crop, pastureland, or grassland for the previous five (5) years.
 - ii. The following setbacks shall be met for all buildings, structures, and above-ground ancillary equipment related to the solar facility including fences and all facilities necessary to transmit the electricity generated at the facility to the grid, if applicable:
 - (1) The front yard setback and setback adjacent to any public or private road shall be a minimum of seventy-five (75) feet. This shall not include sections of private roads exclusively serving the solar facility.
 - (2) Side yard setbacks shall be a minimum of fifty (50) feet.
 - (3) Rear yard setbacks shall be a minimum of one hundred (100) feet.
 - iii. Landscape buffers are required that minimize impacts year-round on the view from an existing public right-of-way (ROW), historic properties listed in Appendix B - Zoning, article 6, section 6-1, the Virginia Landmarks Register, the National Register of Historic Places, and adjacent parcels. Required buffers shall be placed or preserved between the solar facility and adjoining properties and adjacent public or private rights-of-way.

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- (1) The use of existing vegetation shall be allowed in place of required new plant material provided the vegetation to be used adequately screens the solar panels from view from the right of way and adjacent parcels, is a minimum of twenty-five (25) feet in width, and is located entirely on the applicant's property. The applicant shall submit a landscape plan drawn by a professional landscape architect showing the location, size, and type of the existing plant material in the buffer area that is being used to meet the screening requirement. The plan shall include supplemental plantings wherever needed to ensure year-round screening. Should the buffer be damaged or destroyed at any time during the operation of the solar energy facility, additional vegetation shall be planted to restore the required vegetative buffer based on the approved or an amended plan.
 - (2) Where adequate vegetative screening does not exist, buffers shall consist of a continuous landscaping strip of not less than twenty-five (25) feet in width planted with a mix of large deciduous trees, large evergreen trees, and shrubs forming a continuous screen. At least seventy-five (75) percent of the plantings shall be evergreen. The required screening shall be placed within the twenty-five (25) feet closest to the perimeter of the site area. The applicant shall submit a landscape plan drawn by a professional landscape architect showing the location, size, and type of the plant material in the buffer area that is being used to meet the screening requirement and demonstrate compliance with this section.
 - (3) The zoning administrator shall require a surety prior to site plan approval in an amount sufficient and with conditions satisfactory to secure to the county compliance with the landscaping requirements set forth above. The landscaping surety will be held for the life of the project and will be released upon completion of decommissioning.
 - (4) The buffer shall be maintained for the life of the facility. Dead, diseased, or dying plants shall be replaced within the next planting season unless the remaining healthy vegetation provides the required screening.
 - (5) Buffers shall not be required when the property on which the solar energy facility is located and the adjoining property are under the same ownership. However, buffers along property lines within one hundred (100) feet of a public right of way or historic feature as described in iii above will be required unless an adequate buffer exists as described in iii (1) or (2) above.
 - (6) Buffers shall not be required when the operator of a solar energy facility and the adjoining property owner(s) agree that no buffer is necessary and provide a written affidavit to that effect to the zoning administrator. However, buffers along property lines within one hundred (100) feet of a public right of way or historic feature as described in iii above will be required unless an adequate buffer exists as described in iii (1) or (2) above.
4. All solar facilities requiring a Conditional Use Permit shall be subject to the following submittal requirements. This information must be provided at the time of application for the Conditional Use Permit, in addition to other requirements of section 14-23 Conditional Use Permits.
 - a. A narrative identifying the applicant, owner, and operator, and describing the proposed solar energy project, including: an overview of the project and its location, approximate rated capacity of the solar energy project, the approximate number, representative types and expected footprint of solar equipment to be constructed, and a description of ancillary facilities, if applicable, including the type and location of all facilities necessary for electric grid interconnection.
 - b. A site concept plan that includes the following information and details:

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- i. Location and proposed heights of all electrical cabling from the solar systems to the substations, ancillary equipment, buildings, and structures including all facilities necessary to transmit the electricity generated at the facility to the grid, if applicable.
 - ii. Existing and proposed access roads, permanent entrances, temporary construction entrances, drives, and similar elements.
 - iii. Fencing and other methods of ensuring public safety.
 - iv. Identification of the proposed setbacks for all buildings, structures, and above-ground ancillary equipment related to the solar facility, including fences and all facilities necessary to transmit the electricity generated at the facility to the grid, if applicable. Below are the required minimum setbacks, which may be modified by the Board of Supervisors as a condition of approval for a conditional use permit.
 - (1) The front yard setback and setback adjacent to any public road shall be a minimum of seventy-five (75) feet.
 - (2) Side yard setbacks shall be a minimum of fifty (50) feet.
 - (3) Rear yard setbacks shall be a minimum of or one hundred (100) feet.
 - v. Landscape plans depicting areas where buffers will be maintained and/or installed to ensure that the solar project minimizes impacts year-round on the view from an existing public right-of-way (ROW), historic properties listed in Appendix B - Zoning, article 6, section 6-1, the Virginia Landmarks Register, the National Register of Historic Places, and adjacent parcels. Landscaping shall at a minimum comply with that required for private large-scale facilities under Section 9-28(3)(c)(iii) unless modified by the Board of Supervisors as part of the CUP approval. Except that for purposes of review by the Board during the CUP process, landscape plans may be conceptual and, upon approval, comply with the requirement of being drawn by a professional landscape architect at the time of site plan review.
 - vi. Wetlands, Resource Protection Areas, and woodlands.
 - vii. Existing and proposed topographic information. The United States Geographic Service (USGS) topographical maps (most recent edition) can be utilized to display existing topographic information. No land disturbing activity as defined in the County's Erosion and Sediment Control Ordinance shall occur on slopes greater than eight (8) percent when the eight (8) percent slopes are greater than or equal to a contiguous area of 5,000 square feet. Those areas shall be preserved in their existing state. This does not include slopes on areas that have been in agriculture crop, pastureland, or grassland for the previous five (5) years.
- c. An environmental and cultural resources review, including the following:
- i. Virginia Cultural Resource Information System report. A report by the Virginia Department of Historic Resources Virginia Cultural Resource Information System shall be submitted to identify historical, architectural, archeological, or other cultural resources on or near the proposed facility.
 - ii. Cultural resources report. A copy of the cultural resources review conducted in conjunction with the State Department of Historic Resources for the Department of Environmental Quality permit by rule process. This report shall be in addition to the report required in Section 9-28(4)(c)(i) and shall further identify historical, architectural, archeological, or other cultural resources on or abutting the proposed site.

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- iii. A report on the potential impacts on wildlife and wildlife habitats at the site and within a two-mile radius of the proposed facility using information provided by the Department of Game and Inland Fisheries or a report prepared by a qualified third-party.
 - iv. A report on potential impacts on pollinators and pollinator habitats at the site, including but not necessarily limited to the submission of a completed solar site pollinator habitat assessment.
 - v. A glint and glare study that demonstrates that the panels will be sited, designed, and installed to eliminate glint and glare effects on roadway users, nearby residences, commercial areas, and other sensitive viewing locations, or that the applicant will use all reasonably available mitigation techniques to reduce glint and glare to the lowest achievable levels. The study shall assess and quantify potential glint and glare effects and address the potential health, safety, and visual impacts associated with glint and glare. Any such assessment shall be conducted by qualified individuals using appropriate and commonly accepted software and procedures.
 - d. Additional information to enable the Board of Supervisors to evaluate the proposal shall include: a scaled elevation view and other supporting drawings, photographs of the proposed site, traffic analysis of the impacts during construction and operation, and a fiscal & economic analysis.
 - e. Documentation of right to use property for the proposed project, to include proof of control over the land or possession of the right to use the land in the manner requested.
5. Solar generation facilities in compliance with this section and those for which a Conditional Use Permit (CUP) is approved in accordance with this section, shall be deemed substantially in conformance with the comprehensive plan.

(Ord. of 11-4-2015(2); Ord. of 11-8-2017(1); Ord. of 2-4-2020; Ord. of 9-7-2021(4))

ARTICLE 24 SOLAR FACILITIES

24-1 Statement of intent

The purpose of this section is to establish requirements for construction and operation of solar facilities and to provide standards for the placement, design, construction, monitoring, modification, and removal of solar facilities; address public safety, minimize impacts on scenic, natural, and historic resources; and provide adequate financial assurance for decommissioning.

24-2 Applicability

This article shall apply to all solar facilities permitted after the effective date of this article, including any physical modifications to any existing solar facilities that materially alter the type, configuration, or size of such facilities or other equipment.

24-3 Zoning districts

- (a) Small-scale solar facilities may be installed by-right in all zoning districts to provide electricity to individual structures; provided a site plan (as applicable) has been submitted to the zoning administrator for review and approval; all Federal, State and Local regulations have been followed; and the system is located upon the property or structure being served.
- (b) Medium-scale solar facilities may be installed by-right in commercial and industrial zoning districts to provide electricity to individual structures; provided a site plan (as applicable) has been submitted to the zoning administrator for review and approval; all Federal, State and Local regulations have been followed; and the system is located upon the property or structure being served.
- (c) Any commercial or industrial solar facility installed upon a roof top shall submit a site plan to the zoning administrator and an engineering study to the Building Official Office for review.
- (d) Utility-scale solar facilities 5MW or less are not allowed in any zoning district throughout the County. Utility Scale solar facilities greater than 5MW may be permitted by Special Use Permit (SUP) only in the A-1 zoning district.
- (e) Utility-scale solar facilities should locate on brownfields or near existing industrial uses, where feasible.
- (f) The total size of Utility Scale Solar Projects shall be less than 1,000 acres with no more than 75% PV panel coverage. Total acreage shall include the acreage under panels, and shall also include all areas within the project boundaries, including areas designated as buffers.
- (g) Utility Scale Solar Projects must locate within one mile of an existing transmission line or an existing distribution line.
- (h) Utility Scale Solar Projects shall not be located within one and one-half (1.5) miles from another approved Utility Scale Solar Project. (Amended September 7, 2021)

- (i) The maximum total acreage of land in Greenville County which may be used for utility scale solar facilities shall be 7,600 acres. (Amended March 7, 2022)
- (j) The minimum acreage of land which may be used for an individual utility scale solar facility shall be 100 acres. (Amended March 7, 2022)

24-4 Applications and procedures

In addition to other requirements of the Greenville County Zoning Ordinance and Supplemental Use Permit requirements, applications for a utility-scale solar facility shall include the following information:

- (a) Pre-application meeting. Schedule a pre-application meeting with the zoning administrator to discuss the location, scale, and nature of the proposed use and what will be expected during that process.
- (b) Comprehensive Plan Review. A 2232 review by the County is required by the *Code of Virginia* (§15.2-2232) for utility-scale solar facilities. This Code provision provides for a review by the Planning Commission of public utility facility proposals to determine if their general or approximate location, character and extent are substantially in accord with the Comprehensive Plan or part thereof.
- (c) Supplemental Use Permit (SUP) application. A complete SUP application including:
 - 1. Documents demonstrating the ownership of the subject parcel(s).
 - 2. Proof that the applicant has authorization to act upon the owner's behalf.
 - 3. Identification of the intended utility company who will interconnect to the facility.
 - 4. List of all adjacent property owners, their tax map numbers, and addresses.
 - 5. A description of the current use and physical characteristics of the subject parcels.
 - 6. A narrative identifying the applicant, owner or operator, and describing the proposed solar facility project, including an overview of the project and its location, approximate rated capacity of the solar facility project, the approximate number of panels, representative types, expected footprint of solar equipment to be constructed, and type and location of interconnection to electrical grid. The narrative must identify the total parcel acreage, the total project acreage (including buffered areas and wetlands) and the total acreage that will have PV coverage. (Amended September 7, 2021)
 - 7. A narrative identifying the applicant, owner or operator, and describing the proposed solar facility project, including an overview of the project and its location, approximate rated capacity of the solar facility project, the approximate number of panels, representative types, expected footprint of solar equipment to be constructed, and type and location of interconnection to electrical grid.
 - 8. Aerial imagery which shows the proposed location of the solar facility, fenced area, driveways, and interconnection to electrical grid with the closest distance to all adjacent property lines and dwellings along with main points of ingress/egress.
 - 9. Payment of the application fee and any additional review costs, advertising, or other required staff time.
- (d) Concept plan. A concept plan prepared by an engineer with a professional engineering license in the Commonwealth of Virginia, that shall include the following:
 - 1. A description of the subject parcels.

2. Property lines and setback lines.
 3. Existing and proposed buildings and structures; including preliminary locations of the proposed solar panels and related equipment; the location of proposed fencing, driveways, internal roads, and structures; and the location of points of ingress/egress.
 4. The location and nature of proposed buffers and screening elements, including vegetative and constructed buffers.
 5. A grading plan.
 6. A landscaping maintenance plan.
 7. Existing and proposed access roads, drives, turnout locations, and parking.
 8. Location of substations, electrical cabling from the solar facility systems to the substations, ancillary equipment, buildings, and structures including those within any applicable setback.
 9. Fencing or other methods of ensuring public safety.
 10. Fourteen sets (11"× 17" or larger), one reduced copy (8½"× 11") and one electronic copy of the concept plan, including elevations and landscape plans as required.
 11. Additional information may be required as determined by the zoning administrator, such as a scaled elevation view of the property and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed project from potentially sensitive locations as deemed necessary by the zoning administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.
- (e) Concept plan compliance. The facility shall be constructed and operated in substantial compliance with the approved Concept Plan, with allowances for changes required by the Virginia Department of Environmental Quality (DEQ) Permit by Rule (PBR) process.
- (f) Decommissioning plan. A detailed decommissioning plan, certified by an engineer, which shall include the following:
1. The anticipated life of the project;
 2. The estimated decommissioning cost in current dollars;
 3. How the estimate was determined;
 4. The method of ensuring that funds will be available for decommissioning and removal;
 5. The method that the estimated decommissioning cost will be kept current; and
 6. The manner in which the project will be decommissioned and the site restored.
- The applicant shall provide a cost estimate for the decommissioning of the facility that shall be prepared by a professional engineer or contractor who has expertise in the removal of the solar facility. The decommissioning cost estimate shall explicitly detail the cost and shall include a mechanism for calculating increased removal costs due to inflation and without any reduction for salvage value. This cost estimate shall be recalculated every five (5) years and the surety shall be updated accordingly.
- (g) A proposed method of providing appropriate escrow, surety or security for the cost of the decommissioning plan.
- (h) Traffic study submitted with application modelling the construction and decommissioning processes. County staff will review the study in cooperation with VDOT.

- (i) An estimated construction schedule.
- (j) Wetlands, waterways, and floodplains shall be inventoried, delineated, and avoided.
- (k) Environmental inventory and impact statement regarding any site and viewshed impacts, including direct and indirect impacts to national and state forests, national or state parks, wildlife management areas, conservation easements, recreational areas, or any known historic or cultural resources within three (3) miles of the proposed project.
- (l) A visual impact analysis demonstrating project siting and proposed mitigation, if necessary, so that the solar facility minimizes impact on the visual character of the County.
 - 1. The applicant shall provide accurate, to scale, photographic simulations showing the relationship of the solar facility and its associated amenities and development to its surroundings. The photographic simulations shall show such views of solar structures from locations such as property lines and roadways, as deemed necessary by the County in order to assess the visual impact of the solar facility.
 - 2. The total number of simulations and the perspectives from which they are prepared shall be established by the zoning administrator after the pre-application meeting.

24-5 Neighborhood meeting

- (a) A public meeting shall be held prior to the public hearing with the Planning Commission to give the community an opportunity to hear from the applicant and ask questions regarding the proposed project.
 - 1. The applicant shall inform the zoning administrator's Office and adjacent property owners in writing of the date, time and location of the meeting, at least seven but no more than 14 days, in advance of the meeting date.
 - 2. The date, time and location of the meeting shall be advertised in the County's newspaper of record by the applicant, at least seven but no more than 14 days, in advance of the meeting date.
 - 3. The meeting shall be held within the County, at a location open to the general public with adequate parking and seating facilities which may accommodate persons with disabilities.
 - 4. The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant and provide feedback.
 - 5. The applicant shall provide to the zoning administrator summary of any input received from members of the public at the meeting.

24-6 Minimum development standards

- (a) Provide an inventory of all solar facilities – existing or proposed – within a four (4) mile radius.
- (b) A utility-scale solar facility shall be constructed and maintained in substantial compliance with the approved concept plan.

- (c) The minimum setback from the fencing to all exterior property lines shall be 150 feet.
- (d) The maximum height of the lowest edge of the photovoltaic panels shall be 10 feet as measured from the finished grade. The maximum height of primary structures and accessory buildings shall be 15 feet as measured from the finished grade at the base of the structure to its highest point, including appurtenances. The Board of Supervisors may approve a greater height based upon the demonstration of a significant need where the impacts of increased height are mitigated.
- (e) The facilities, including fencing, shall be significantly screened from the ground-level view of adjacent properties by a buffer zone at least 100 feet wide that shall be landscaped with plant materials consisting of an evergreen and deciduous mix (as approved by County staff), except to the extent that existing vegetation or natural land forms on the site provide such screening as determined by the zoning administrator. In the event, existing vegetation or land forms providing the screening are disturbed, new plantings shall be provided which accomplish the same. Opaque architectural fencing may be used to supplement other screening methods but shall not be the primary method.
- (f) The facilities shall be enclosed by security fencing on the interior of the buffer area (not to be seen by other properties) not less than six (6) feet in height and topped with razor/barbed wire, as appropriate. A performance bond reflecting the costs of anticipated fence maintenance shall be posted and maintained. Failure to maintain the security fencing shall result in revocation of the SUP and the facility's decommissioning.
- (g) Ground cover on the site shall be native vegetation and maintained in accordance with the Landscaping Maintenance Plan in accordance with established performance measures. A performance bond reflecting the costs of anticipated landscaping maintenance shall be posted and maintained. Failure to maintain the landscaping shall result in revocation of the SUP and the facility's decommissioning. Incorporation of native plant species that require no pesticides, herbicides, and fertilizers or the use of pesticides and fertilizers with low toxicity, persistence, and bioavailability is recommended. The operator shall notify the County prior to application of pesticides and fertilizers. The County reserves the right to request soil and water testing.
- (h) The Applicant shall identify access corridors for wildlife to navigate through the Solar Facility. The proposed wildlife corridor shall be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.
- (i) The design of support buildings and related structures shall use materials, colors, textures, screening and landscaping that will blend the facilities to the natural setting and surrounding structures.
- (j) The owner or operator shall maintain the solar facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the equipment and structures, as applicable, and maintenance of the buffer areas and landscaping. Site access shall be maintained to a level acceptable to the County. The project owner shall be responsible for the cost of maintaining the solar facility and access roads, and the cost of repairing damage to private roads occurring as a result of construction and operation.
- (k) A utility-scale solar facility shall be designed and maintained in compliance with standards contained in applicable local, state and federal building codes and regulations that were in

force at the time of the permit approval.

- (l) A utility-scale solar facility shall comply with all permitting and other requirements of the Virginia Department of Environmental Quality.
- (m) The applicant shall provide proof of adequate liability insurance for a solar facility prior to beginning construction and before the issuance of a zoning or building permit to the zoning administrator.
- (n) Lighting fixtures as approved by the County shall be the minimum necessary for safety and/or security purposes to protect the night sky by facing downward and to minimize off-site glare. No facility shall produce glare that would constitute a nuisance to the public. Any exceptions shall be enumerated on the Concept Plan and approved by the zoning administrator.
- (o) No signage of any type may be placed on the facility other than notices, warnings, and identification information required by law.
- (p) All facilities must meet or exceed the standards and regulations of the Federal Aviation Administration ("FAA"), State Corporation Commission ("SCC") or equivalent, and any other agency of the local, state or federal government with the authority to regulate such facilities that are in force at the time of the application.
- (q) Any other condition added by the Planning Commission or Board of Supervisors as part of a SUP approval.

24-7 Decommissioning

The following requirements shall be met:

- (a) Solar facilities which have reached the end of their useful life or have not been in active and continuous service for a period of one (1) year shall be removed at the owner's or operator's expense, except if the project is being repowered or a force majeure event has or is occurring requiring longer repairs; however, the County may require evidentiary support that a longer repair period is necessary.
- (b) The owner or operator shall notify the zoning administrator by certified mail and in person of the proposed date of discontinued operations and plans for removal.
- (c) Decommissioning shall include removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural or forestall uses. The site shall be graded and re-seeded to restore it to as natural a pre-development condition as possible or replanted with pine seedlings to stimulate pre-timber pre-development conditions as indicated on the Preliminary Site Plan. Any exception to site restoration, such as leaving access roads in place or seeding instead of planting seedlings must be requested by the land owner in writing, and this request must be approved by the Board of Supervisors (other conditions might be more beneficial or desirable at that time).

- (d) The site shall be re-graded and re-seeded or replanted within 12 months of removal of solar facilities. Re-grading and re-seeding or replanting shall be initiated within a six-month period of removal of equipment.
- (e) Decommissioning shall be performed in compliance with the approved decommissioning plan. The Board of Supervisors may approve any appropriate amendments to or modifications of the decommissioning plan.
- (f) Hazardous material from the property shall be disposed of in accordance with federal and state law.
- (g) The estimated cost of decommissioning shall be guaranteed by the deposit of funds in an amount equal to the estimated cost in an escrow account at a federally insured financial institution approved by the County.
 - 1. The applicant shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the solar facility.
 - 2. The escrow account agreement shall prohibit the release of the escrow funds without the written consent of the County. The County shall consent to the release of the escrow funds upon on the owner's or occupant's compliance with the approved decommissioning plan. The County may approve the partial release of escrow funds as portions of the approved decommissioning plan are performed.
 - 3. The amount of funds required to be deposited in the escrow account shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.
 - 4. The owner or occupant shall recalculate the estimated cost of decommissioning every five years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by ten percent (10%), then the owner or occupant shall deposit additional funds into the escrow account to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than ninety percent (90%) of the original estimated cost of decommissioning, then the County may approve reducing the amount of the escrow account to the recalculated estimate of decommissioning cost.
 - 5. The County may approve alternative methods to secure the availability of funds to pay for the decommissioning of a utility-scale solar facility, such as a performance bond, letter of credit, or other security approved by the County.
- (h) If the owner or operator of the solar facility fails to remove the installation in accordance with the requirements of this permit or within the proposed date of decommissioning, the County may collect the surety and the County or hired third party may enter the property to physically remove the installation.

24-8 Coordination of local emergency services

Applicants for new solar facilities shall coordinate with the County's emergency services staff to provide materials, education and/or training to the departments serving the property with emergency services in how to safely respond to on-site emergencies.

24-10 Conditions

- (a) The Board of Supervisors may consider conditions addressing a proposed solar facility, including, but not limited to, the following:
1. A solar facility shall be constructed, maintained, and operated in substantial compliance with:
 - i. The development standards under this article.
 - ii. The approved concept plan.
 - iii. Any other conditions imposed pursuant to a Supplemental Use Permit.
 2. The Supplemental Use Permit shall require the applicant to submit an erosion and sediment control plan for review by the County or by a qualified third party, however, the third-party review shall not supersede any requirements imposed by state agencies. The applicant shall construct, maintain, and operate the solar facility in compliance with the approved plan.
 3. The Supplemental Use Permit shall require the applicant to submit a stormwater management plan for review by the County or by a qualified third party. The applicant shall construct, maintain, and operate the solar facility in compliance with the approved plan.
 4. The applicant shall pay a supplemental application fee to cover the reasonable and actual cost of any review of the erosion and sediment control plan or the stormwater plan by a qualified third party.
 5. If the solar facility does not receive a building permit within thirty-six (36) months of approval of the Supplemental Use Permit, the Permit shall be terminated.
 6. If the solar facility is declared to be unsafe by the zoning administrator or building official, the facility must be in compliance within fourteen (14) days or the Supplemental Use Permit shall be terminated, and system removed from the property.
 7. The owner and operator shall give the County written notice of any change in ownership, operator, or Power Purchase Agreement within thirty (30) days.

Article 25

Technology Overlay District

25-1 Purpose and Intent. The Technology Overlay District (TOD) is hereby created for the purpose of promoting the development of technology centers in areas of the County where existing or proposed infrastructure could adequately support the proposed uses. By their nature, these uses may require sizable acreage, often operating and designed in a campus like atmosphere, and are developed with a functional separation from dense residential and commercial retail development. The TOD furthers the County's efforts to attract and advance high-tech industrial development while limiting the impacts on the community. The TOD may be designated by the Board of Supervisors ("BOS") as an overlay of existing zoning districts, regardless of classification.

25-2 Establishing a Technology Overlay District

(1) Size and Location: Lands in the TOD shall encompass a minimum of one hundred twenty-five (125) contiguous acres as part of a TOD campus. Properties in the TOD shall be located in close proximity to high voltage power transmission lines of 115kv or more. Additionally, parcels in the TOD shall be located on lands which can be served by adequate infrastructure, including public water and sewer (or other suitable ground water and septic systems), and a road network with acceptable capacity that can serve the TOD's intended uses expressed herein.

(2) TOD Adoption: The TOD boundaries and any future amendments shall be created by the BOS and amended by ordinance upon adoption by the BOS based on boundaries established by the Technology Overlay District map.

(3) TOD Overlay/Zoning: The TOD shall overlay the existing zoning district and impose additional restrictions on the use of the property. The regulations and requirements of the underlying zoning district and the TOD shall both apply, provided however, that when the regulations applicable to the TOD conflict with the regulations of an underlying zoning district, the TOD regulations shall supersede and apply. If the TOD is silent on a development condition or matter, and the underlying zoning district is not silent on said condition or matter, then the TOD shall govern.

(4) TOD Design Standards: TOD facilities shall meet the following design guidelines:

(A) Principal Building Facades:

(1) Principal Building facades shall include all building facades substantially visible to adjacent public roads and streets. When a building has more than one principal facade, such principal building facades shall be consistent in terms of design, materials, details, and treatments. Principal building facades associated with new construction within the TOD shall meet the following standards:

(A) Principal building facades shall avoid the use of uniform surfaces by including at least two (2) of the following design elements:

i. change in building height.

ii. building step-backs or recesses.

iii. fenestration (the arrangement of windows and doors on the building elevations).

iv. change in building material, pattern, texture, color; or

v. use of accent materials.

(B) Buildings not visible from adjacent roads or properties due to buffering shall not be required to have differentiated design elements.

(C) Building Facade Material Requirements.

(i.) The following primary and second materials are permitted and to include: a tinted textured masonry block, pre-cast concrete, tilt-up concrete panels with brick finish or stone facing, glass, stucco and external insulation finish system that simulates a stucco appearance, fiber-cement siding, metal panel systems, structural metal siding, wood siding and smooth faced concrete blocks.

(ii.) Precast concrete must contain other materials embedded within and articulated with design detailing or have application of other building materials to create design interest. (iii) Notwithstanding anything to the contrary herein, the BOS may approve alternative building facades and features, and building facade materials.

(B) Screening of Accessory Equipment:

(1) To minimize visibility from adjacent public roads and adjacent properties, ground level and roof top accessory equipment shall be screened from public roads and streets abutting residentially zoned or planned properties. This screening may be provided by a principal building or existing vegetation that will remain on or is within a landscaping/buffer easement on an adjacent property. Accessory equipment not screened by a principal building or existing vegetation shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building. Notwithstanding the requirements of this section, accessory equipment located in a manner found to have no adverse impact on adjacent roads and adjacent properties, as determined by the BOS, shall not be required to be screened.

(2) Notwithstanding anything to the contrary herein, this Section 4 shall not apply to permitted accessory uses, including without limitation electric substations, transmission, and distribution facilities.

(C) Landscaping:

- (1) A minimum of twenty (20) percent open space shall be maintained for each group of contiguous parcels within the TOD, inclusive of undeveloped land wetlands, steep slopes, stormwater areas, or water left in undisturbed, open condition or developed as a landscaped or buffer area for buildings, streets or parking lots, areas used primarily for resource protection or recreational purposes.
- (2) If created, individual parcels within the TOD are required to submit a landscaping plan with a site plan.
- (3) Required landscaping is to be maintained in perpetuity.

(D) Perimeter Buffers:

- (1) All buffers shall be inclusive of required setbacks.
- (2) All roads and utility rights-of-ways and easements are permitted to cross all TOD buffered areas. Stormwater management features are prohibited in the buffer areas, except by waiver approved by the BOS.
- (3) Buffer yard plantings shall be designed to minimize visual impacts from adjacent public roads and streets and properties. Notwithstanding the requirements of this section, use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, or on the outside of a six-foot-tall solid fence, may be substituted for the above requirements when found by the BOS to provide minimal visual screening from adjacent land uses.
- (4) Buffers shall be shown on the TOD campus buffer and landscape plan and on any individual site plans when the buffer area is part of an individual lot or multiple lots for which the site plan was submitted.
- (5) Minimum Buffering Requirements:
 - (a) Adjacent to Residential and Agricultural District Uses. Minimum buffer area shall be two hundred (200) feet
 - (b) Adjacent to Commercial and Industrial District Uses. Minimum buffer area shall be one hundred (100) feet.
 - (c) Adjacent to Primary Public Roads. Minimum buffer area shall be one hundred fifty (150) feet. Primary public roads include Interstate 95, Route 301, Route 58 and Route 397.
 - (d) Adjacent to Secondary Public Roads. Minimum buffer area shall be one hundred (100) feet Secondary Public Roads are all roads not defined as primary roads.
 - (e) TOD, Internal Parcel Buffers. Where multiple parcels within the TOD are included in a development master plan, buffer requirements shall not

apply to internal parcel lines. Where internal parcels lines intersect with perimeter parcel lines, the TOD perimeter buffer regulations shall apply.

(E) Noise: Specific sound levels in the TOD shall be governed by the provisions in Chapter 15 of the Greensville County, Virginia Code of Ordinances. Notwithstanding anything to the contrary in chapter 15, TOD decibel levels shall not exceed the following:

Daytime Level: 65dB.

Nighttime Level: 60dB.

(E) Minimum Lot Sizes: There is no minimum lot size applicable to the TOD.

(F) Fencing:

(1) Fencing of the property improvements shall be located inside the buffer area. roads shall be deemed to have a right-of-way of at least 50 feet and setbacks should be measured accordingly from the edge of the right of way.

(G) Setback Requirements:

(1) Adjacent to Primary Public Roads. No buildings shall be permitted closer than one hundred fifty (150) feet. Primary public roads include routes (insert route numbers) and all right-of-way.

(2) Adjacent to Secondary Public Roads. Minimum setback shall be one hundred (100) feet. Secondary Public Roads are all roads not defined as primary roads. All roads shall be deemed to have a right-of-way of at least 50 feet and setbacks should be measured accordingly from the edge of the right-of-way.

(3) Adjacent to Residential and Agricultural District Uses. No building, parking, outdoor storage areas for collection of refuse, or loading area shall be permitted closer than two hundred (200) feet from any residential or planned residential district, or development zone allowing residential development, or agricultural land.

(4) Adjacent to Commercial and Industrial Districts. No buildings, parking, outdoor storage or loading areas shall be permitted closer than one hundred (100) feet from commercial or industrial use districts.

(5) Setbacks Between Buildings. Within the TOD where individual lots or building sites are provided, the minimum setback between buildings on adjacent lots or building sites shall be twenty-five (25) feet, unless a waiver of this requirement is approved by the BOS. Driveways, parking, and covered entrances may be within the aforesaid setback area; however, no such facility may be closer than five (5) feet to any adjoining lot line. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such setback areas.

(H) Building Height:

(1) Eighty (80) feet from the vertical dimension of a structure as measured from the average elevation of the finished grade at the front line of the building to the highest point of the roof of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge (mid-line of the roof) for a gable, hip, or gambrel roof. This height limitations shall not apply to parapets, screening, spires, belfries, cupolas, antennas, communication towers, air cooling ventilation equipment, ventilators, or other appurtenances usually required to be placed on the roof level and not intended for human occupancy nor does it apply to any utility infrastructure facility. Electric transmission, distribution and substation facilities, and towers (water or other) shall be excluded from the maximum height requirements. A special exception permit to exceed the maximum building height regulations provided herein may be granted by the BOS.

(I) Lighting Requirements:

(1) Fully shielded lighting fixtures shall be used in all areas. Lighting shall not exceed .50 foot-candles as measured from the property line. Lighting that is exempt from these requirements includes temporary lighting and lighting provided for emergency or safety purposes as required by: the Building Code, Electric Code, or otherwise within the County Code. Signage related to the authorized uses shall not be illuminated.

(2) Parking lot, access and security lighting shall not exceed a height of thirty (30) feet.

(3) Pedestrian and walkway lighting structures shall not exceed a height of twelve (12) feet.

(4) Security Entrance Gates: A minimum illumination of 3 foot-candles (30 lux) is required to support safe and secure operation of the gate area.

25-3 Permitted Uses:

(1) The following uses are permitted by right in the TOD, subject to the requirements and limitation provided under this ordinance section:

- a. Technology College, University, or Technical School
- b. Conference or training center
- c. Data centers
- d. Technology research and development facility
- e. Technology capital intensive advanced manufacturing facility
- g. Utility service, minor

(2) The following uses are permitted by the issuance of a Special Use Permit in the TOD, subject to the requirements and limitation provided under this ordinance section:

- a. Utility service, major. Utility scale solar energy generating facilities producing two MW or more of electricity which powers uses within the TOD site boundaries. Utility Scale solar facilities constructed to power the uses within the TOD site boundaries must obtain a Special Use Permit from the Board of Supervisors and must conform to ARTICLE 24: Solar Facilities.

25-4 Accessory Permitted Uses: The following ancillary uses, which support permitted uses expressed above under Section 25-3, are hereby authorized and by right in the TOD. Accessory permitted uses that are deemed utility facilities subject to the provisions of the Zoning Ordinance, and must be in substantial accord with the relevant provisions of the county comprehensive plan or applicable element thereof. Notwithstanding this provision, facilities that are by-right uses shall be deemed substantially in accord with the comprehensive plan.

- a. water treatment plant, public or privately owned.
- b. sewage treatment plant, public or privately owned.
- c. elevated water storage tank or tower
- d. telecommunications tower
- e. district heating or cooling facility
- f. energy storage facility
- g. energy generating facility other than solar
- h food service facility
- i. security building
- j. general storage and maintenance facility
- k. structured parking
- l. general office
- m. other Ancillary uses approved by the BOS.

Sec. 21-1806. Location, appearance, and operational requirements.

The following requirements apply to large-scale solar energy facilities:

- (a) *Visual impacts.* The applicant shall demonstrate through project siting and proposed mitigation, if necessary, that the solar project minimizes visual impacts to adjoining and nearby residents or public roads.
- (b) *Signage.* Warning signage shall be placed on solar equipment to the extent appropriate. Solar equipment shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy project. All signs, flags, streamers or similar items, both temporary and permanent, are prohibited on solar equipment except as follows (a) manufacturer's or installer's identification; (b) appropriate warning signs and placards; (c) signs that may be required by a federal agency; and (d) signs that provide a twenty-four-hour emergency contact phone number and warn of any danger. Educational signs providing information about the project and benefits of renewable energy may be allowed as provided in the local sign ordinance.
- (c) *Noise.* Noise levels from the facility shall comply at all times with the county noise ordinance.
- (d) *Setbacks.* The project area shall be set back a distance of at least one hundred (100) feet from all public rights-of-way and main buildings on adjoining parcels, and a distance of at least fifty (50) feet from adjacent property lines. Exceptions may be made for adjoining parcels that are owned by the applicant. Increased setbacks and additional buffering may be included in the conditions for a particular permit. Solar energy facilities also shall meet all setback requirements for primary structures for the zoning district in which the facility is located in addition to the requirements set forth above. Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas provided that such are generally parallel to the property line.
- (e) *Fencing.* The project area shall be enclosed by security fencing not less than six (6) feet in height and equipped with an appropriate anticleimbing device such as strands of barbed wire on top of the fence. The height and/or location of the fence may be altered in the conditions for a particular permit. Fencing must be installed on the interior of the vegetative buffer required in this section so that it is screened from the ground level view of adjacent property owners. The fencing shall be maintained at all times while the facility is in operation.
- (f) *Vegetative buffer.* A vegetated buffer sufficient to mitigate the visual impact of the facility is required. The buffer shall consist of a landscaped strip at least twenty (20) feet wide, shall be located within the setbacks required under subsection (d), and shall run around the entire perimeter of the property. The buffer shall consist of existing vegetation and, if deemed necessary for the issuance of a special use permit, an installed landscaped strip consisting of multiple rows of staggered trees and other vegetation. This buffer should be made up of plant materials at least six (6) feet tall at the time of planting and that are reasonably expected to grow to a minimum height of ten (10) feet within three (3) years. The Board of Zoning Appeals may require increased setbacks and additional or taller vegetative buffering in situations where the height of structures or the topography affects the visual impact of the facility. Non-invasive plant species and wildlife-friendly native plants, shrubs, trees and grasses must be used in the vegetative buffer. Fencing must be installed on the interior of the buffer. A recommendation that the screening and/or buffer creation requirements be waived or altered may be made by the Board of Zoning Appeals when the applicant proposes to use existing wetlands or woodlands, as long as the wetlands or woodlands are permanently protected for use as a buffer. Existing trees and vegetation may be maintained within such buffer areas except where dead, diseased or as necessary for development or to promote healthy growth, and such trees and vegetation may supplement or satisfy landscaping requirements as applicable. If existing trees and vegetation are

disturbed, new plantings shall be provided for the buffer. The buffer shall be maintained for the life of the facility.

- (g) *Pollinator habitats.* The project area will be seeded with appropriate pollinator-friendly native plants, shrubs, trees, grasses, forbs and wildflowers. The project area will be seeded promptly following completion of construction in such a manner as to reduce invasive weed growth and sediment in the project area. The owners and operator also are required to install pollinator-friendly native plants, shrubs, trees, grasses, forbs and wildflowers in the setbacks and vegetative buffering.
- (h) *Height.* Ground-mounted solar energy generation facilities shall not exceed a height of twenty (20) feet, which shall be measured from the highest natural grade below each solar panel. This limit shall not apply to utility poles and the interconnection to the overhead electric utility grid.
- (i) *Lighting.* Lighting shall be limited to the minimum reasonably necessary for security purposes and shall be designed to minimize off-site effects.
- (j) *Density; location.* Large scale solar energy facilities shall not be located within one mile of an airport unless the applicant submits, as part of its application, written certification from the Federal Aviation Administration that the location of the facility poses no hazard for, and will not interfere with, airport operations. In addition, no more than two and one-half (2½) percent of the land in a five-mile radius of the project area of any existing large scale solar energy facility shall be approved for use as the project area for a new large scale solar energy facility.
- (k) *Project area limit.* No more than one percent of the County's land mass, equating to two thousand four hundred forty-five (2,445) acres of solar project area, shall be approved for large scale solar energy facilities. This project area limit shall not apply to local industries producing electricity for their own consumption. The PV (solar) panels must be on-site, adjacent to, or adjoining the user's property.
- (l) *Entry and inspection.* The owners and/or operator will allow designated county officials access to the facility for inspection purposes, provided such inspectors will be subject to the owners' and/or operator's safety requirements and protocols while within the facility.

(Ord. of 3-24-20 ; Ord. of 7-25-23)

Sec. 5-5003. Supplementary use regulations for civic use types.

A. Adult care center.

1. Proof that all required local, state, or federal licenses, permits, and other documents necessary for the operation of an adult care center shall be provided to the zoning administrator prior to the issuance of a zoning permit.
2. The zoning administrator shall be notified of any license expiration, suspension, revocation or denial within three (3) days of such event. Failure to do so shall be deemed willful noncompliance with the provisions of this zoning ordinance.
3. Where provided for in the zoning district(s) regulation(s) as a conditional use, an adult day care center may be permitted by the board of supervisors with a recommendation by the planning commission upon a finding of the following criteria:
 - a. That the adult care center will not create excessive traffic, insufficient parking, number of individuals being cared for, noise, or type of physical activity; and
4. A conditional use permit shall not be required for an adult care center that is operated by a religious organization, in buildings or structures on property regularly used as a place of worship, or on adjacent leased property.

B. Cemetery.

1. Any burial plot on land abutting a public or private street shall comply with the required setback of twenty-five (25) feet from all property lines. In addition, cemeteries shall comply with all state regulations, including setbacks from residential uses and public water supplies.
2. Arrangements for perpetual maintenance of the cemetery shall be in compliance with all applicable governmental laws and regulatory requirements and shall be approved by the county attorney as to form.
3. Cemeteries and distance from wells. All cemeteries shall meet the requirements set forth below unless otherwise exempted by the department of health.

Well Class	Distance from Cemetery
Class 3A or deep well	Minimum 50 feet
Class 3B well	Minimum 50 feet
Class 3C or a shallow well	Minimum 100 feet
Class 4 well	Minimum 100 feet

4. Landscaping shall be distributed across the area developed as a cemetery to provide a minimum of ten percent (10%) canopy coverage or shading within twenty (20) years.
5. The proposed location for a cemetery shall be compatible with adjacent land uses, existing or proposed highways, and any other elements or factors deemed to affect the public health, safety, and welfare of the inhabitants of such district.

C. Child care center.

1. Proof that all required local, state, or federal licenses, permits, and other documents necessary for the operation of a child care center shall be provided to the zoning administrator prior to the issuance of a zoning permit.

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2. The zoning administrator shall be notified of any license expiration, suspension, revocation or denial within three (3) days of such event. Failure to do so shall be deemed willful noncompliance with the provisions of this zoning ordinance.
 3. Where provided for in the zoning district(s) regulation(s) as a conditional use, a child care center may be permitted by the board of supervisors with a recommendation by the planning commission upon a finding of the following criteria:
 - a. That the child care center will not create excessive traffic, insufficient parking, number of individuals being cared for, noise, or type of physical activity;
 - b. That there is ample indoor and outdoor play space, free from hazard, appropriately equipped, and readily accessible for the age and number of children attending the child day care center; and
 - c. That the area of the property upon which the child care center is located contains no less than one thousand (1,000) square feet per child to be cared for in the child care center.
 4. A conditional use permit shall not be required for a child care center that is operated by a religious organization, in buildings or structures on property regularly used as a place of worship, or on adjacent leased property.
- D. Child care institution.
1. Setbacks adjacent to single-family residential districts or property used for single-family dwellings shall be at least sixty (60) feet. No active recreational areas, refuse containers, parking or vehicular access, etc., should be located within this setback area.
 2. Perimeter landscaping shall be in accordance with use types as specified in article VIII, and fencing shall be required.
 3. Entrances for vehicular access must be provided in accordance with requirements of the Virginia Department of Transportation, and shall be located at least sixty (60) feet from exterior lot lines.
 4. Vehicular parking shall be in accordance with the requirements of this ordinance.
 5. Lighting shall be installed in accordance with article XI (outdoor lighting requirements and restrictions) and shall be arranged to shine inward so that it does not reflect onto adjacent properties or impair the safe movement of traffic.
- E. Community center.
1. Pedestrian access and/or bike paths shall be provided to adjacent residential developments. A bike parking area shall also be provided.
 2. Entrances for vehicular access must be provided in accordance with requirements of the Virginia Department of Transportation, and shall be located at least fifteen (15) feet from any recreational use on the lot and from exterior lot lines.
 3. Vehicular parking shall be in accordance with the requirements of this ordinance and shall not be designed as to require or encourage cars to back into a street.
 4. Lighting shall be installed in accordance with article XI (outdoor lighting requirements and restrictions) and shall be arranged to shine inward so that it does not reflect onto adjacent properties or impair the safe movement of traffic.
- F. Educational facility, primary/secondary. Facilities in the RAC and VC enlarged without a conditional use permit provided that all other site plan requirements are met.

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- G. Modular classroom. Modular classroom unit(s) shall only be allowed on a temporary basis, not to exceed twelve (12) months, on the site of an existing primary/secondary, college/university, or religious assembly educational facility.
1. No more than three (3) units shall be allowed on a single site without approval of a conditional use permit.
 2. The placement of the modular classroom unit(s) shall meet all of the required building setbacks for the underlying zoning district. In addition, all modular classroom unit(s) shall be setbacks at least thirty-five (35) feet from the front or primary entrance of the permanent education facility.
 3. The existing parking on the site shall meet the requirements of article X, including spaces necessary to serve users of the modular classroom unit(s).
 4. Exterior lighting of the modular classroom unit(s) shall be shielded and shall have zero (0) spillover onto adjacent properties.
 5. If existing landscaping on the site does not meet the requirements of article VIII, additional landscaping shall be required to attain the minimum buffer and frontage zone landscaping requirements of the site. Foundation zone planting is not required for modular classroom units which are in place less than twelve (12) months.
 6. Modular classroom unit design and installation shall meet all applicable federal, state and local building code regulations.
 7. Modular classroom which require placement longer than twelve (12) months or construction of additional parking shall require a conditional use permit.
- H. Nursing home. Buildings in existence as of the date of adoption of this ordinance may be expanded or enlarged without a conditional use permit provided that all other site plan requirements are met.
- I. Public maintenance and service facility. Outside storage of materials shall be completely screened from public view, including vehicular storage area.
- J. Public park and recreational area.
1. All outdoor recreational playfields, grounds and facilities and associated fences or enclosures shall conform to the required front and corner side yard building setbacks of the underlying zoning district.
 2. Recreational structures for indoor recreation shall meet the required setbacks of the underlying zoning district for a primary use.
 3. Pedestrian access shall be provided whenever practicable to adjacent residential properties.
 4. Entrances for vehicular access must be provided in accordance with requirements of the Virginia Department of Transportation, and shall be located at least fifteen (15) feet from any recreational use on the lot and twenty-five (25) feet from any exterior lot line.
 5. Vehicular parking shall be in accordance with the requirements of this ordinance and shall not be designed as to require or encourage cars to back into a street.
 6. Lighting shall be installed in accordance with article XI (outdoor lighting requirement and restrictions) and shall be arranged to shine inward so that it does not reflect onto adjacent properties or impair the safe movement of traffic.
 7. All public swimming pools shall conform to the following minimum requirements:
 - a. Setback requirements: Seventy-five (75) feet from any property line.
 - i. Additional setback requirements:

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- (1) Setback adjacent to residential zone: One hundred twenty-five (125) feet.
 - (2) Setback adjacent to railroad right-of-way, publicly point: Twenty-five (25) feet.
 - b. Any buildings erected on the site of any such pool shall comply with the yard requirements of the zone in which the pool is located.
 8. A public water supply shall be available and shall be used for the pool. Use of a private supply of water for the pool may be granted by conditional use permit provided that it will not adversely affect the water supply of the community.
 9. Perimeter landscaping shall be in accordance with article VIII and fencing shall be required adjacent to a residential zone.
 10. Special conditions deemed necessary to safeguard the general community interest and welfare, such as provisions for off-street parking, additional fencing or planting or other landscaping, additional setback from property lines, location and arrangement of lighting and other reasonable requirements, including a showing of financial responsibility by the applicant, may be required by the board of supervisors with a recommendation from the planning commission as a requisite to the granting of a conditional use when applicable.
- K. Religious assembly.
1. Religious facilities in the RAC, RR, NC, and VC districts in existence as of the date of this ordinance may be expanded or enlarged without a conditional use permit provided that all other site plan requirements are met.
 2. Religious assembly may occupy existing civic or commercial facilities in the RAC, VC, GC and PD-MX districts as a principal, accessory or temporary use provided that the existing site improvements, particularly parking, are adequate to accommodate the demands of the use and provided that the use is allowed under the conditional zoning of the property, if applicable.
- Any new construction, expansion, or enlargement shall obtain a conditional use permit in accordance with this ordinance.
- L. Utility service, minor. All new customer utilities, services, including, but not limited to, all wires, cables, pipes, conduits and appurtenant equipment, carrying or used in connection with the furnishing of electric power, telephone, telegraph, cable televisions, petroleum, gas, steam, water or sewer system, shall, after the effective date of this ordinance be placed below the surface of the ground; provided, that:
1. Equipment such as electric distribution transformers, transmission 33 KV and above, switchgear, meter pedestals and telephone pedestals, which are normally installed above ground and in accordance with accepted utility practices for underground distribution systems may be so installed;
 2. Meters, service connections and similar equipment normally attached to the outside wall of the premises it serves may continue to be so installed;
 3. Overhead utilities services existing as of October 29, 1974, may be repaired, replaced or increased in capacity; and relocated parallel and adjacent to preexisting state roads;
 4. Temporary overhead facilities required for construction purposes will be permitted;
 5. Whenever relocation of utility facilities is compelled by any construction undertaken by any unit of government, the provisions of this section may be waived by the board of supervisors or its agent;
 6. Overhead farm and industrial customer utility services and wiring which is on property owned and/or occupied by the users thereof will be permitted;

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7. Underground utilities will not be required in those areas of the county zoned rural agricultural conservation districts under the zoning ordinance of Isle of Wight County;
 8. Underground utilities will not be required in industrial parks which would be defined as subdivisions by the subdivision ordinance of Isle of Wight County if zoned to an industrial use under the zoning ordinance of Isle of Wight County;
 9. Overhead utilities services may be extended within a subdivision where the average lot size (excluding the original parcel) is greater than five (5) acres and may further be extended in any case where such extension would be parallel and adjacent to public roads existing as October 29, 1974. Utilities services along roads not existing as of October 29, 1974, and internal to a subdivision where the average lot size (excluding the original parcel) is five (5) acres or less must be underground. Overhead utilities service may be extended along or across other public road as authorized by the zoning administrator.
 10. All improvements herein required shall be in accordance with accepted standards of utility practice for underground construction.

M. Utility services, major.

1. Public utility buildings in any permitted residential zone shall have the exterior appearance of residential building. Landscaping shall be provided in accordance with article VIII.
2. Nothing herein shall require a conditional use permit for repair of a water well so long as the design capacity of the repaired well is not increased; nor shall a conditional use permit be required for replacement of a well which is worn out or has become less productive, so long as:
 - a. The replacement well is no more than one-fourth ($\frac{1}{4}$) of a mile in distance from the well being replaced;
 - b. The replaced well is abandoned in accordance with regulations administered and enforced by Virginia Department of Environmental Quality or other applicable agency;
 - c. The replacement well shall draw water from the lower cretaceous aquifer (Potomac Group) only;
 - d. The owner of the well demonstrate to the zoning administrator that the replacement well will provide no more water than the well being replaced by providing the zoning administrator board with the initial production tests of the well being replaced and the initial production tests of the replacement well; and
 - e. The average static water level of the lower cretaceous aquifer, as determined from the average of all monitoring and observation wells of the Virginia Department of Environmental Quality, has not dropped more than fifty percent (50%) from the most recent average static water level. (Measured from the most recent average static water level to the top of the aquifer.)

Provided, further, that if the owner has more than one (1) well designed or capable of producing fifty thousand (50,000) gallons or more per day located in Isle of Wight County, Virginia, the owner shall provide the zoning administrator with the name, location and initial production tests of such other wells of said design or capacity.
3. The dissolution or abandonment of a public water system previously approved by the Virginia Department of Health and/or the county shall require obtaining a conditional use permit from the board of supervisors, after recommendation from the planning commission. (7-7-05; 5-27-10; Ord. No. 2012-2-C, 2-16-12, 3-20-14; 12-18-14; 7-19-18.)
4. Utility Scale Solar Energy Facilities.
 - a. In addition to any conditional use permit application requirements, the applicant shall provide the following at the time of application:

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- i. A conceptual plan showing the proposed layout of all structures, adjacent properties, screening, landscaping, internal roadways, easements, environmentally sensitive features including proposed wildlife corridors;
 - ii. A visual impact analysis demonstrating through project siting and proposed mitigation, if necessary, that the solar project minimizes impacts on the visual character of a scenic landscape, vista, or scenic corridor;
 - iii. A transportation plan showing vehicular access to the site, proposed construction traffic route to the site, parking areas, and laydown yards;
 - iv. An estimated time frame and proposed hours of operation for construction activity;
 - v. Economic impact analysis of the project including projected net new tax revenue as well as loss of active agricultural and silvicultural lands and its indirect impact to associated local businesses;
 - vi. An environmental resource impact analysis discussing any proposed activities within designation resource conservation areas;
 - vii. A historical and cultural resources impact analysis; and
 - viii. Written comments from the relevant electric company regarding the capacity of the transmission lines as part of any use permit application. An applicant may meet this requirement by submitting a third-party report that provides relevant transmission capacity information.
- b. Ground-mounted systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt, except when temporarily stowed in a vertical position for vegetation management or for inspection, maintenance and/or repair.
 - c. Audible sound from a solar energy system shall not exceed sixty (60) dBA (A-weighted decibels), as measured at any adjacent non-participating landowner's property line. The level, however, may be exceeded during short-term exceptional circumstances, such as severe weather.
 - d. All equipment, accessory structures and operations associated with a large solar energy system shall be setback at least seventy-five (75) feet from all property lines and at least one hundred, one hundred and twenty-five (125) feet from any residential parcels, and two hundred and fifty (250) feet from any structure with documented historical significance, a cemetery, a cultural resource, or a school. New substations, connector stations, inverters and transformers shall be set back at least two hundred and fifty (250) feet from the property line of any non-participating property. Final setbacks for shall be determined by equipment decibel level specifications. In addition, these facilities are subject to the following:
 - i. Setbacks shall be kept free of all structures and parking lots; and
 - ii. Setbacks shall not be required along property lines adjacent to other parcels which are part of the solar energy system with the exception of structures with documented historical significance, a cemetery, a cultural resource, or a school, however, should properties be removed from the system, setbacks must be installed along all property lines of those properties remaining within the project and which are adjacent to a parcel which has been removed.
 - e. The following landscaping standards shall apply:
 - i. Along public roadways, a minimum fifty-foot wide bufferyard shall be installed or retained consisting of a three (3), staggered rows of trees and shrubs installed a maximum of eight

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- (8) feet on center in order to create an effective visual screen as approved by the Zoning Administrator;
- ii. Where solar facility properties abut residential parcels, a fifty-foot wide bufferyard shall be installed or retained consisting of a three (3), staggered rows of large and small canopy trees and medium shrubs installed a maximum of eight (8) feet on center in order to create an effective visual screen as approved by the Zoning Administrator;
 - iv. Existing vegetation that meets the minimum landscaping specifications may be used to meet required landscaping;
 - v. No silvicultural activities or removal of required landscaping materials shall occur in the required bufferyards except as approved by the Zoning Administrator; and
 - vi. If the land area being leased was under crop cultivation prior to lease, it shall be maintained and cut annually during the growing season prior to August 1 until site construction begins.
- f. Provide soil testing for any contaminants directly attributable to the solar panels before and after construction and every five (5) years during the interim until the facility is decommissioned. Owner/operator must provide copies of initial baseline report and subsequent reports to the zoning administrator. Should a negative finding indicating contamination from the solar panels occur, contamination must be remedied by the owner/operator to applicable state and federal standards.
- g. Prior to final site plan approval, an owner, lessee, or developer of real property shall enter the following agreement and provide them to the zoning administrator for review and approval:
- i. A written agreement to decommission solar energy equipment, facilities, or devices upon the following terms and conditions:
 - a) If the party that enters into such written agreement with the county defaults in the obligation to decommission such equipment, facilities, or devices in the timeframe set out in such agreement, the locality has the right to enter the real property of the record title owner of such property without further consent of such owner and to engage in decommissioning; and
 - b) Such owner, lessee, or developer shall provide financial assurance of such performance to the county in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional engineer licensed in the commonwealth, who is engaged by the applicant, with experience in preparing decommissioning estimates and approved by the county; such estimate shall not exceed the total of the projected cost of decommissioning, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor.
 - c) Decommissioning of discontinued or abandoned large solar energy systems shall include the following:
 - i. Physical removal of all solar energy equipment and above-ground appurtenant structures from the subject property including, but not limited to, buildings, machinery, equipment, cabling and connections to transmission lines, equipment shelters, security barriers, electrical components, roads, unless such roads need to remain to access buildings

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- retrofitted for another purpose, or the landowner submits a request to the board of supervisors that such roads remain.
 - ii. Below-grade structures, such as foundations, underground collection cabling, mounting beams, footers, and all other equipment installed with the system shall be completely removed: however, these structures may be allowed to remain if a written request is submitted by the landowners and a waiver is granted by the Board of Supervisors.
 - iii. Compacted soils shall be decompacted as agreed to by the landowner.
 - iv. Restoration of the topography of the project site to is pre-existing condition, except that any landscaping or grading may remain in the after-condition if a written request is submitted by the landowner and a waiver is granted by the board of supervisors.
 - v. Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local, state, and federal solid waste disposal regulations.
- h. During and at the end of project construction, any damage done to public roads by solar farm construction equipment shall be repaired in accordance with YDOT standards and specifications. Post construction damage shall be identified based on inspections by VDOT with the developer or their agent, prior to construction and upon completion, identifying the items for repair. Additionally, at the request of YDOT, in order to ensure the safety of the traveling public, some damages may need to be addressed immediately.
 - i. Facilities shall not be located within the limits of the County's Development Service Districts.
 - j. The facilities themselves must be wholly located within a two-mile radius of existing substations and/or high voltage transmission lines.
 - k. The total acres of prime farm soils and soils of statewide importance that may be within the fence of a utility scale solar facility pursuant to issued and active CUPs shall be limited to a maximum of two percent (2%) of the County's total number of prime farm soils and soils of statewide importance, or two thousand four hundred forty-six (2,446) acres.
 - l. For projects that are connected to transmission lines, the applicant shall provide detailed capacity information to the Planning Commission for each project which shall include at a minimum, but not limited to, available capacity in MW on the effected distribution lines and any details that may impact future energy generation projects, such as scheduled power generation facility decommissionings, transmission system capital improvements or other events impacting transmission line capacity.
 - m. The facility operator shall prepare and submit an annual activity report to the Zoning Administrator to be shared with the Planning Commission and Board of Supervisors.
 - n. The applicant shall provide documentation demonstrating the selected panels and all power generating equipment initially installed and replaced qualify, for disposal purposes, as nonhazardous waste under applicable US EPA regulation using a Toxicity Characteristics Leaching Procedure or equivalent laboratory analysis.
 - o. The applicant shall submit an Emergency Response Plan at the time of site development plan application for review and approval by the County, which shall detail fire suppression methods that will be immediately deployed during both construction and operation of the facility. The plan shall include a training program to be provided to emergency responders

about safety for on-site incident response. Initiation and frequency of training will be coordinated between the Department of Emergency Services and the facility operator. The applicant shall install a Knox Box or other remote access technology at the facility to ensure emergency responders have access to the facility should the need arise.

- p. The operator shall post a notification sign at each site entrance that states (a) the rated nameplate capacity, (b) the name of the project owner, and operator (if different from the owner), (c) the street address of the site, and (d) a 24-hour emergency contact phone number for the operator.
- q. On-site energy storage shall require a separate conditional use permit.
- r. The applicant shall be responsible for any costs incurred by the County for additional staff and/or third-party inspectors for inspection services.
- s. Topsoil is not permitted to be removed from the property.
- t. The portion of the subject property supporting solar panels shall be enclosed by security fencing of a type that is harmonious with the rural, agricultural, and historical character of the County while meeting federal and state regulations for solar electric generating facility fencing as determined by the Zoning Administrator adjacent to all public rights-of-way, residential property, properties eligible for listing on the National Register of Historic Places, and civic uses prior to final site plan approval.
- u. Fencing shall be placed around the solar arrays, inverters, and substation only and not the whole site in order to provide wildlife corridors.
- v. The applicant shall provide an appraisal report from an independent appraiser approved by the Zoning Administrator on the impact of the facility on nearby property values. (7-7-05; 5-27-10; Ord. No. 2012-2-C, 2-16-12, 3-20-14; 12-18-14; 7-19-18; 7-18-19; 3-19-20; 12-7-22; 5-8-23; 5-18-23.)

part of its application written certification from the FAA that the location of the facility poses no hazard and will not interfere with airport operations.

20.14 Maximum Acreage for Solar Projects

No more than 2,325 acres within Mecklenburg County shall be approved for use as the fenced-in acreage of a Community-Scale Solar Facility, Utility-Scale Solar Facility, Medium-Scale Solar Facility, and Small-Scale Solar Facility. The “fenced-in” acreage will be identified by the applicant on the concept plan and will include all solar generating equipment, substations, related infrastructure, detention ponds, and other areas of the projects that are physically inside the required security fencing.

The following sets out contents of the requirements of the Pittsylvania County Waste Ordinance.

1. Solid Waste Disposal Approval Requirements
2. Public Participation
3. Consideration for Acting upon Request for Approval
4. Findings Required by Board of Supervisors for Approval
5. Record for Request Shall Be Kept
6. Approval Prohibited Due to Prior Violations
7. Revocation of Approval by Board of Supervisors
8. Noncompliance and Penalties Set for Ordinance Violation
9. Must Meet All Other Rules and Regulations of State, Local, Federal Governments
10. Adjudication in Part

SEC. 35-141. SOLAR ENERGY FACILITIES.

The following guidelines are intended to promote and regulate the development of solar energy facilities in Pittsylvania County while protecting the public health, safety and general welfare of the community.

SEC. 35-141. (A) SMALL SOLAR ENERGY FACILITIES.

Small solar energy facilities shall be a Permitted Use in all zoning districts:

1. Roof-mounted small solar energy facilities may be mounted on a principal building or an accessory building but shall not exceed the maximum building height requirements for the zoning district in which they are located and shall not be more than three (3) feet higher than the finished roof to which it is mounted. These facilities shall meet the building setback requirements for the structures to which they are affixed and shall not extend beyond the exterior perimeter of the structure roof.
2. Ground-mounted small solar energy facilities shall meet the minimum setbacks for principal or accessory structures in the zoning districts which they are located. The maximum height of these facilities shall be 15 feet as measured from the grade or base of the facility to its highest point.
3. All small solar energy facilities shall be configured to avoid glare and heat transfer to adjacent properties.
4. All small solar energy facilities shall utilize components which have a UL listing or equivalent and fully comply with all applicable building and electrical codes, and shall not generate or create electrical interruptions or interference with existing electrical or electronic uses.

SEC. 35-141.(B) LARGE SCALE SOLAR ENERGY FACILITIES.

1. Roof-mounted large-scale solar energy facilities shall be a Permitted Use in all zoning districts when affixed to the roof of an existing or properly permitted commercial, governmental, industrial, agricultural or institutional building. These facilities shall meet the building setback requirements for the structures to which they are affixed and shall meet all design requirements specified for small solar energy facilities.
2. Ground-mounted large-scale solar energy facilities shall be by Special Use Permit in the M-1 Industrial District, Light Industry zoning district and the M-2 Industrial District, Heavy Industry zoning district, and in the A-1 Agricultural zoning district.

SEC. 35-141(C). UTILITY SCALE SOLAR ENERGY FACILITY

1. Utility-Scale Solar Energy Facilities shall not be located less than five (5) miles from any other Utility Scale Solar Energy Facility.
2. No more than two percent (2%) of the total acreage within a single zoning district shall be approved for use as a Utility Scale Solar Energy Facility.
3. No rezoning or Special Use Permit Application for a Utility Scale Solar Energy Facility shall be initiated until the Applicant has first initiated negotiations with the County for a Siting Agreement as authorized by the Code of Virginia.

Utility Scale Solar Energy Facilities shall be exempt from Sec. 35-141(C). Items 1. and 2. if the proposed project has entered into a Power Purchase Agreement (“PPA”), or similar agreement, with a tenant company located within the defined boundaries of the Southern Virginia Megasite at Berry Hill which also has an approved local performance agreement with the Board of Supervisors.

SEC. 35-141(D). PERMITTING REQUIREMENTS FOR LARGE SCALE AND UTILITY SCALE SOLAR ENERGY FACILITIES

In addition to the requirements of Article V, Division 4 (Site Development Plans) and, where applicable, Article V, Division 3 (Special Use Permits) of Chapter 35, Pittsylvania County Zoning Ordinance, the following documents, and information must be provided for review and approval of large- and utility-scale solar energy facilities:

1. A narrative identifying the applicant, owner, and operator, and describing the proposed solar energy project, including: an overview of the project and its location, approximate rated capacity of the solar energy project, the approximate number, representative types and expected footprint of solar equipment to be constructed, and a description of ancillary facilities, if applicable.
2. Project site development and landscape plans demonstrating that the solar project minimizes impacts on the visual character of an existing public right-of-way (ROW) or historic properties listed on the Virginia Landmarks Register, or the National Register of Historic Places.

3. A site plan meeting the requirements of Chapter 35, Article V, Division 4 Pittsylvania County Code, including the following additional information and details:

- a) Property lines and setbacks as set out below, unless required setbacks are increased by the Board of Zoning Appeals as a condition of approval for a Special Use Permit.
 - All aspects and components associated with a solar energy facility shall be no less than one hundred fifty (150) feet from any property line. No setbacks are required between the property lines of parcels that are adjacent to each other and within the project area of a single project.
 - The project area shall be no less than two hundred (200) feet from the property line of any residential use located outside of the project area.
 -
- b) Existing and proposed buildings and structures, including preliminary location(s) of the proposed solar equipment.
- c) Existing and proposed access roads, drives, turnout locations, and parking; however, this requirement shall not exceed VDOT requirements for other types of projects in the underlying zoning district.
- d) Location of substations, electrical cabling from the solar systems to the substations, ancillary equipment, buildings, and structures (including those within any applicable setbacks).
- e) Fencing, or other methods of ensuring public safety, in accordance with Section 35-121.
- f) Buffering as required based on the visual impacts of the project or as required by the Board of Zoning Appeals as a condition of approval for a Special Use Permit. Required buffers shall be placed or preserved between any required fencing and adjoining properties and/or adjacent rights-of-way. Buffering or vegetative screening shall include a minimum 100-foot-wide landscaped area comprised of any existing vegetation supplemented as needed with a staggered row of planted trees and large shrubs. All rows of planted vegetation shall be evergreen plantings of varieties native or adaptable to the region, with one (1) row consisting of a variety expected to reach a minimum height of twenty-five (25) feet and the remaining rows of varieties designed to reach at least fifteen (15) feet in height at maturity. All evergreens shall be a minimum of six (6) feet in height at time of planting.
- g) Additional information may be required, as determined by the Community Development Director, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive locations as deemed necessary by the Community Development Director to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal. Landscape renderings or simulations shall be sealed by a registered landscape architect.

4. Documentation shall include proof of control over the land or possession of the right to use the land in the manner requested. The applicant may redact sensitive financial

or confidential information.

5. Document that the panels are located and installed so that the sum of the glare is directed away from an adjoining property or public rights of way.

6. The applicant shall provide proof of adequate liability insurance for a large and utility- scale solar facility prior to issuance of a zoning or building permit.

7. Power cannot be sold until a final inspection has been conducted to determine if all requirements of this Ordinance, the Special Use Permit, and any Siting Agreement have been met, or a schedule of completion, with appropriate surety as requested, has been approved by the Community Development Director.

8. The facility operator shall provide the name and contact information of a person with authority over the facility who can provide access for any requested inspections.

9. The facility shall be opened upon three (3) days' notice for compliance inspections.

10. Prior to generation of power, a Fire Suppression Plan shall be approved by the Public Safety Director.

11. All inspections required under the Uniform Statewide Building Code shall be conducted by a third-party inspector in accordance with the Virginia Construction Code and the County's Third-party Inspection Policy. All associated inspection costs shall be borne by the facility operator.

12.A Viewshed Protection Plan shall be submitted to and approved by the Director of Community Development prior to the issuance of permits, identifying appropriate measures that will be taken throughout the viewshed surrounding the project.

Sec. 35-141(E) Decommissioning Requirements for Large and Utility Scale Solar Energy Facilities

The owner or operator of a large or utility scale solar energy facility shall completely decommission a facility within 12 months if the facility ceases to generate electricity for a continuous period of 12 months. This period may be extended by the Board of Zoning Appeals if the owner or operator provides evidence that the failure to generate electricity is due to circumstances beyond their control and the facility has not been abandoned. Decommissioning shall include the removal of all solar collectors, cabling, electrical components, fencing and any other associated equipment, facilities, and structures to a depth of at least 36 inches and stabilization of the site, returning the property to a condition that is conducive to its prior use. A decommissioning plan shall be submitted, which shall include the following: (1) the anticipated life of the project; (2) the estimated decommissioning cost in current dollars, not including a salvage or recyclable material value used to offset the decommissioning cost, provided in an itemized format by a Virginia Licensed Professional Engineer (PE); (3) how said estimate was determined; and (4) the manner in which the project will be decommissioned. As allowed by Section 35-714 of the Pittsylvania County Zoning Ordinance, the Board of Zoning Appeals shall require a bond with surety or other approved security to ensure compliance with conditions

imposed in a Special Use Permit. The plan shall acknowledge that if at any time the project is declared to be an unsafe structure by the Pittsylvania County Building Code Official, the terms of the “unsafe structure” code shall apply.

Sec. 35-141(F) General Requirements for Large and Utility Scale Solar Energy Facilities

1. The height of roof mounted large and utility-scale solar energy facilities shall not exceed the maximum height of other structures as permitted in the zoning district, and the maximum height of ground mounted facilities shall be 15 feet, as measured from the grade or base of the facility to its highest point,

2. Warning signage shall be placed on solar equipment and facilities to the extent appropriate. Solar equipment shall not be used for the display of advertising, except for reasonable identification of the photovoltaic equipment manufacturer or operator of the solar energy facility. All signs, flags, streamers, or similar items, both temporary and permanent, are prohibited on solar equipment except as follows: (a) manufacturer's or installer's identification; (b) warning signs and placards; (c) signs that may be required by a federal agency; and (d) signs that provide a 24-hour emergency contact phone number and warn of any danger. Educational signs providing information about the project and the benefits of renewable energy may be allowed as provided in Article II, Division 3 of the Pittsylvania County Zoning Ordinance.

3. All large and utility scale solar energy facilities shall utilize components which have a UL listing or equivalent and fully comply with all applicable building and electrical codes, and shall not generate or create electrical interruptions or interference with existing electrical or electronic uses.

4. All large and utility scale solar energy facilities shall comply with all applicable state and federal permitting and regulatory requirements.

5. All large and utility scale solar energy facilities must comply with the Pittsylvania County Noise Ordinance, but the requirements shall be no more stringent than for other development in the underlying zoning district.

(B.S.M. 3/21/23)

DIVISION 4. SUPPLEMENTARY REGULATIONS

SEC. 35-142. DATA CENTER.

(A) Due to the high-water demand, data centers shall be connected to a public water system if a water-based cooling system is utilized.

(1) Data centers shall not establish commercial wells for any operations.

Energy Projects Amendment

Introduction

This document, which was recommended for approval by the Surry County Planning Commission on February 3, 2023 and adopted by the Board of Supervisors on April 6, 2023, serves as a supplement to the Energy Policies outlined in the Surry County 2040 Comprehensive Plan, adopted September 3, 2020. This amendment adds clarity to any recommendations in the original section on Page 48. If there is any perceived conflict between the objective and strategies on Page 48 and this amendment, the amendment will supersede the original text. The amendment will be used as guidance in amending local ordinances and in consideration of energy project applications.

Background

At the outset of this Comprehensive Plan Amendment process, Surry County had received many applications for energy projects, especially utility-scale solar developments. The County realized a need for more in-depth evaluation and clear guidance for review of energy project applications, to the benefit of both the County and potential applicants. This amendment was created with the benefit of public input, research, and quantitative geographic analysis, to provide the needed guidance.

The most recent update to Virginia's Energy Plan was released by Governor Youngkin on October 3, 2022, during the revision process for this Comprehensive Plan Amendment. This 2022 Virginia Energy Plan recommends the Commonwealth make strategic investments in emerging energy technologies. The policies outlined in this Comprehensive Plan Amendment are reflective of the state of energy technology and the energy industry at the time of adoption. As innovative energy technologies, such as small modular nuclear reactors (SMRs), emerge and progress, the County will assess its energy policies and make updates as needed.

How to use this document

This document provides guidance on the siting of new energy projects in Surry County within the context of the original plan language, community engagement, and the state of energy projects at the time of writing.

Updated language for Objective 5 of the Future Land Use Goals in the 2040 Comprehensive Plan (on Page 48) is shown below:

Objective 5: When assessing potential energy projects, Surry County should balance the benefits of renewable energy, the interests of property owners, and the best interest of the County as a whole, including the impacts to natural, agricultural, and cultural resources.

Strategy 1: The County will support the installation of distributed energy facilities where considered appropriate and set clear standards for the permitting process for such facilities.

- The County will allow distributed energy facilities by right in residential, commercial, industrial, and mixed-use zoning districts.
- The County will consider the use of automated permitting programs, such as Solar APP+ from the National Renewable Energy Laboratory (NREL), to streamline the permitting process for distributed energy facilities.

Strategy 2: The County supports preserving the agricultural character of Surry and limiting the sum of all project site areas for community-scale energy facilities and utility-scale energy facilities (see Definitions on Page 8 of this amendment) to no more than 10% of developable land within the County, or 15,278 acres in total.

Strategy 3: The County will consider applications for new *utility-scale energy facilities* and *community-scale energy facilities*, provided that they meet the following criteria:

- The project site is not located in Residential Corridors or Residential Investment Areas (reference Future Land Use Map on Page 43 of adopted 2040 Comprehensive Plan).
 - The project site must be screened from view of Residential Corridors, Residential Investment Areas, and Towns within Surry County.
- The center of the project site, defined as the centroid of energy-generating or energy storage equipment, is within 1 mile of existing high-voltage electric transmission lines.
 - Community-scale energy facilities, which are connected directly to the electric distribution grid, will not be subject to the aforementioned proximity to high-voltage electric transmission lines.
- No part of the project site is within 0.5 miles of historic sites.
- No part of the facility is in any historic or otherwise significant viewshed in the County, as determined by staff.
 - Staff will select nearby sites from which renderings of the project site will be submitted by the developer, at the developer's expense. These renderings will be reviewed by staff during a pre-application meeting.
- No part of the facility is within 750 feet of the property lines for any place of worship or cemetery.
- The project site incorporates contiguous, unfenced, undisturbed natural areas to serve as wildlife passage corridors.
- The project site utilizes best practices to maintain biodiversity and soil quality.
- The project site is screened by vegetation that will prevent the facility from being seen from residential, commercial, or mixed-use areas.
 - Vegetation used for screening is to be mature enough to effectively screen the site by the time the facility is operational.
 - A screening and landscaping plan is submitted by the developer, to include a care, maintenance, and replacement plan during the course of the facility's life.
 - The screening landscaping plan includes native plants and pollinator habitat, and does not incorporate pesticide use. The use of herbicides should be overseen by certified professionals to limit air, water, and soil pollution.
 - The screening and landscaping plan prioritizes the preservation of existing trees over 6" caliper on the perimeter of the site.
- Any noise-generating equipment installed with sound dampening equipment and/or located a minimum of 750 feet away from any adjacent residential, commercial, or mixed-use parcels to eliminate noise impacts to neighboring uses.
- The project site complies with or exceeds erosion and sediment control requirements.
- The project site is a minimum of 0.5 miles from any existing community-scale or utility-scale energy project sites.

Strategy 4: The County will require conformance with Virginia Stormwater Management Program (VSMP) regulations. For utility-scale and community-scale solar photovoltaic energy projects, solar panels will be considered unconnected impervious surfaces in water quantity and water quality calculations, as outlined below.

- **Water Quantity:** Solar panels are to be considered unconnected impervious areas when performing post-development water quantity calculations using the hydrologic methods specified in the Virginia Stormwater Management Program Regulation, 9VAC25-870-72. Current information regarding the application of unconnected impervious areas can be found in Chapter 9 (Hydrologic Soil-Cover Complexes), Part 630 (Hydrology) of the Natural Resource Conservation Service’s National Engineering Handbook.
- **Water Quality:** Solar panels are to be considered impervious areas when performing post-development water quality calculations using the Virginia Runoff Reduction Method (VRRM). To account for the disconnection of the solar panels from the overall drainage system, the area of the solar panels may be entered into the applicable “Simple Disconnection” stormwater best management practices section of the VRRM compliance spreadsheet (i.e., 2a – Simple Disconnection to A/B Soils or 2b – Simple Disconnection to C/D Soils).

Strategy 5: The County will support the use of agrivoltaics to enhance the long-term viability of land used for energy projects and supplement crop yields.

Strategy 6: The County will continue to advocate for increased financial benefit from additional solar facilities.

- The County should join an advocacy organization to advocate with surrounding localities for favorable community benefits from the development of solar energy facilities.

Strategy 7: The County will adopt a formal approval process for utility-scale energy facilities that consists of key elements, such as:

- Negotiation of a siting agreement (§ 15.2-2316.7 of the Code of Virginia), with a recommendation from the Planning Commission to the Board of Supervisors
- A determination that the project is in substantial accord with the Comprehensive Plan (§ 15.2-2232) is included in the discussion and negotiation of a siting agreement.
- Land use approval for the utility-scale energy facility

Strategy 8: The County will strengthen its requirements for solar facility decommissioning to ensure the safe disposal of materials and effective transition of land for future use.

Strategy 9: The County will amend the Solar Ordinance adopted in 2018 (Sec. 4-607 of the County’s Zoning Ordinance) to reflect the policies outlined in this amendment.

- The amendment to the Solar Ordinance may include the establishment of a zoning district for utility-scale solar facilities.

Community Engagement for the Amendment

Energy projects can have significant impacts on a community, both positive and negative. As such, it is essential that the Comprehensive Plan Amendment reflects the needs and priorities of Surry County residents. The County solicited public input on energy projects through two focus groups, an open house, and a survey (181 responses). Several key findings from the focus groups and the open house are highlighted below:

- There is significant concern over the effects of energy projects, especially utility-scale solar projects, on the county.
- Key impacts of concern are the loss of farmland and timberland, the loss of historic character/agricultural character, the displacement of wildlife, and flooding/stormwater runoff. The loss of historic and agricultural character subsequently negatively impacts tourism, which is a key part of the local economy.
- Utility-scale solar projects do not bring many jobs to the community, especially when compared to nuclear energy plants. Jobs to install solar energy facilities are temporary and rarely draw from local skilled labor.
- Recent utility-scale solar projects have brought better community benefits, but early projects had severe impacts with regard to stormwater runoff, traffic, wildlife passage, and variance from site plans.
- New regulations allowing additional revenue sharing for utility-scale solar energy projects have helped mitigate some of the impacts to localities, but there is still concern that the drawbacks outweigh the benefits.
- Distributed solar (rooftop solar on individual structures) is generally well accepted by community members, but there is a general consensus that Surry County already has enough utility-scale solar projects.

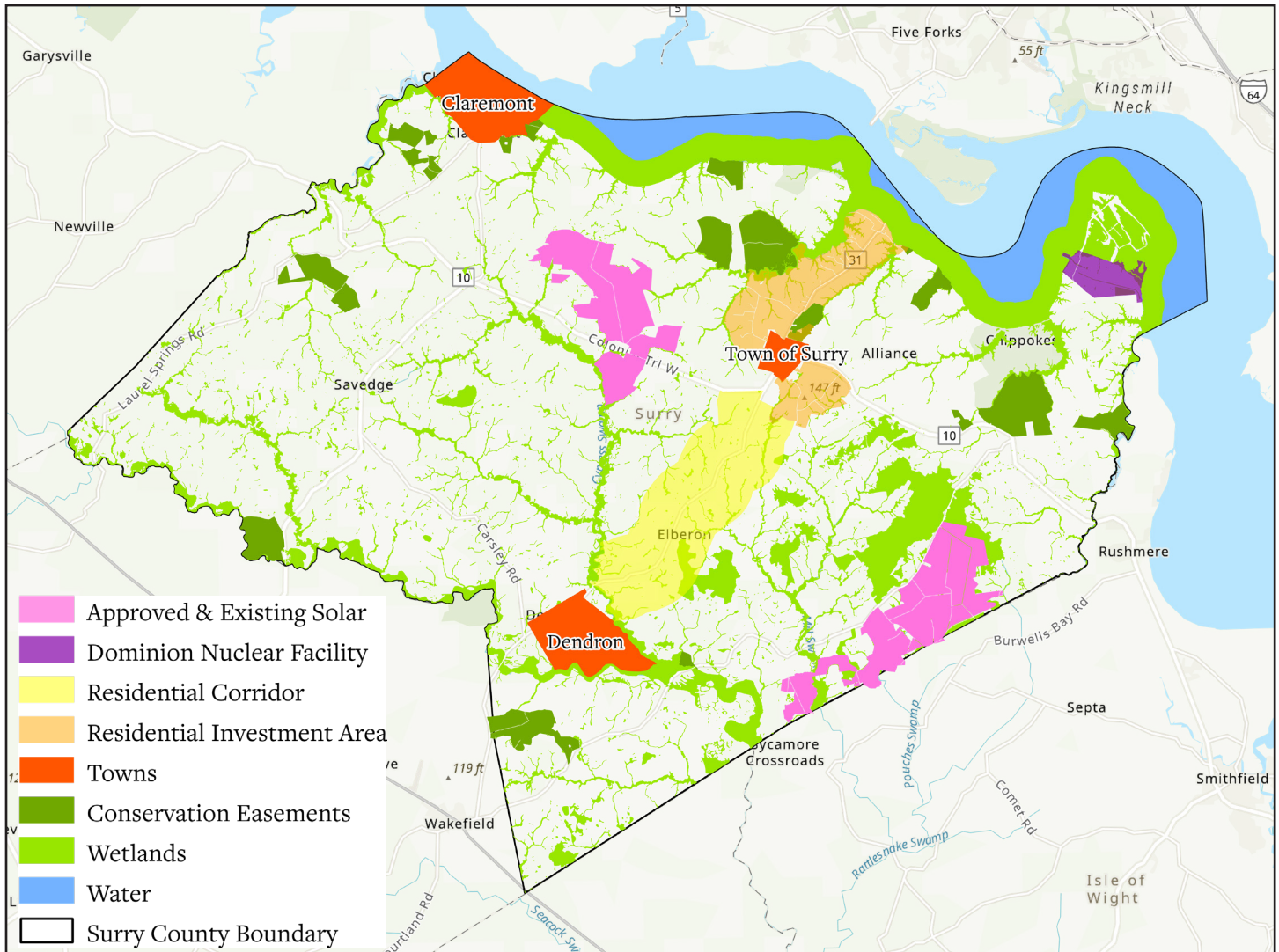
Responses to the survey on energy projects are summarized below:

- 72% of respondents are “concerned about the effects on the county by solar energy projects.”
- 17% of respondents believe “energy projects will help Surry economically.”
- 83% of respondents are “concerned over the displacement of wildlife” as a result of energy projects.
- 80% of respondents are “concerned over the loss of farmland and forested land” as a result of energy projects, from the perspectives of hunters and environmentalists, alike.
- 67% of respondents are “concerned over the loss of historic character or agricultural character” as a result of energy projects.
- 50% of respondents believe the County’s management of energy projects is “poor and needs immediate attention.”
- 45% of respondents believe “increased benefits to the community” would improve energy projects.
- 70% of respondents believe energy projects “should be limited to a very small percentage” of land in the county.
- 77% of respondents believe that energy projects are inappropriate “within view of historic properties or in historic viewsheds.”
- 76% of respondents believe that energy projects are inappropriate “within a certain distance of residential areas.”

State of Energy Projects in Surry as of the Writing of this Amendment

To inform this amendment, GIS analysis was conducted so that decisions can be made on quantitative, rather than subjective or experiential information. To begin the analysis, the Residential Corridor and Residential Investment Area, as defined by the Comprehensive Plan, were added to a map along with Towns, and existing and approved solar sites. The amount of existing “developable land” was calculated by removing water and wetlands. The figures below help frame the amount of land in Surry County that is already dedicated to energy projects as a proportion of all developable land.

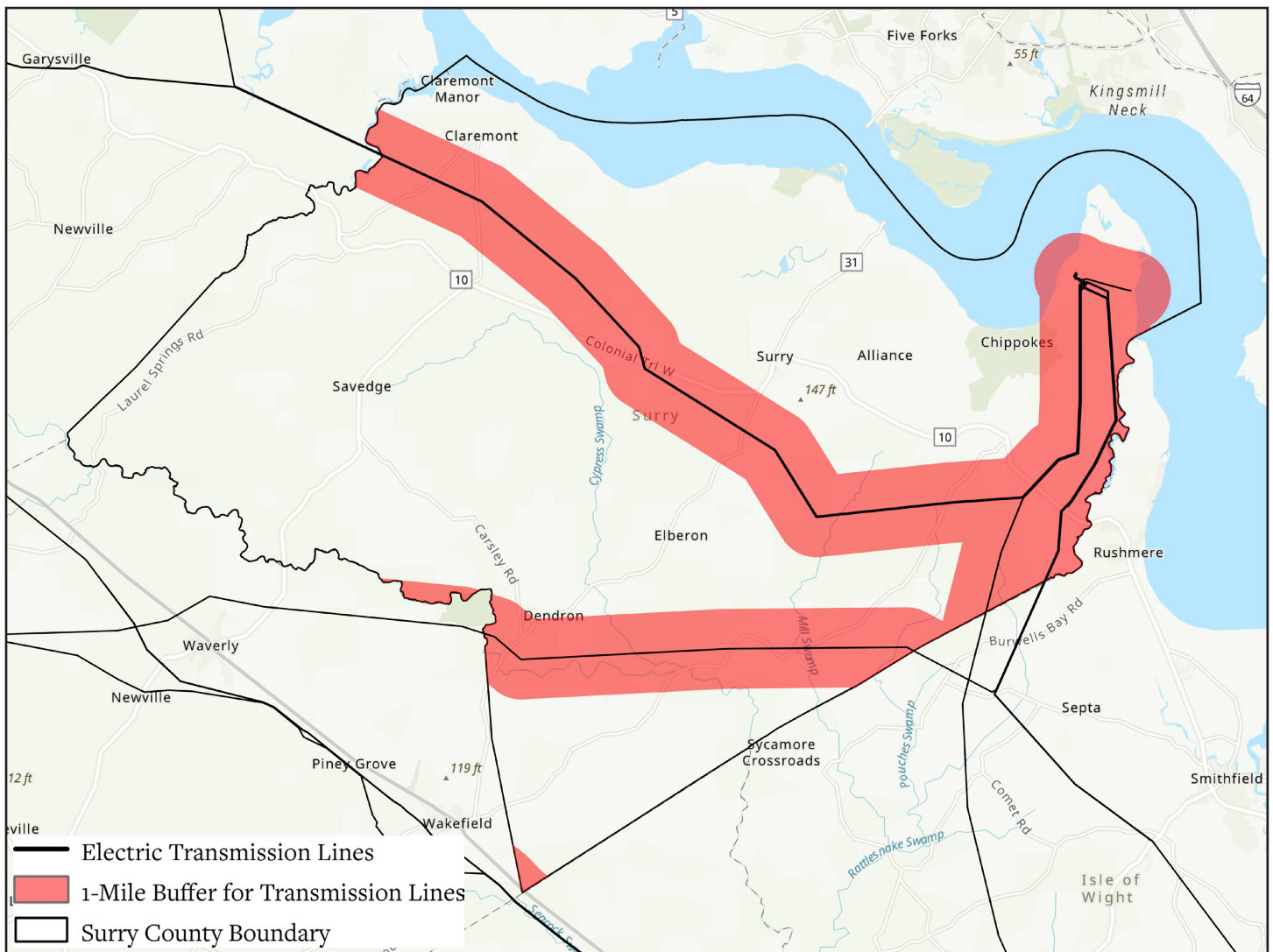
- Surry County makes up 198,051 acres in total (as calculated in GIS). When removing areas that are water or wetlands, the County has 152,780 acres of developable land.
- At the inception of this Comprehensive Plan amendment process, three utility-scale solar projects have been built or approved for construction in Surry County, totaling 8,260 acres, or 5.41% of developable land.
- The Dominion Nuclear Plant takes up 1,003 acres, or 0.66% of developable land.



Proximity to High-Voltage Transmission Lines

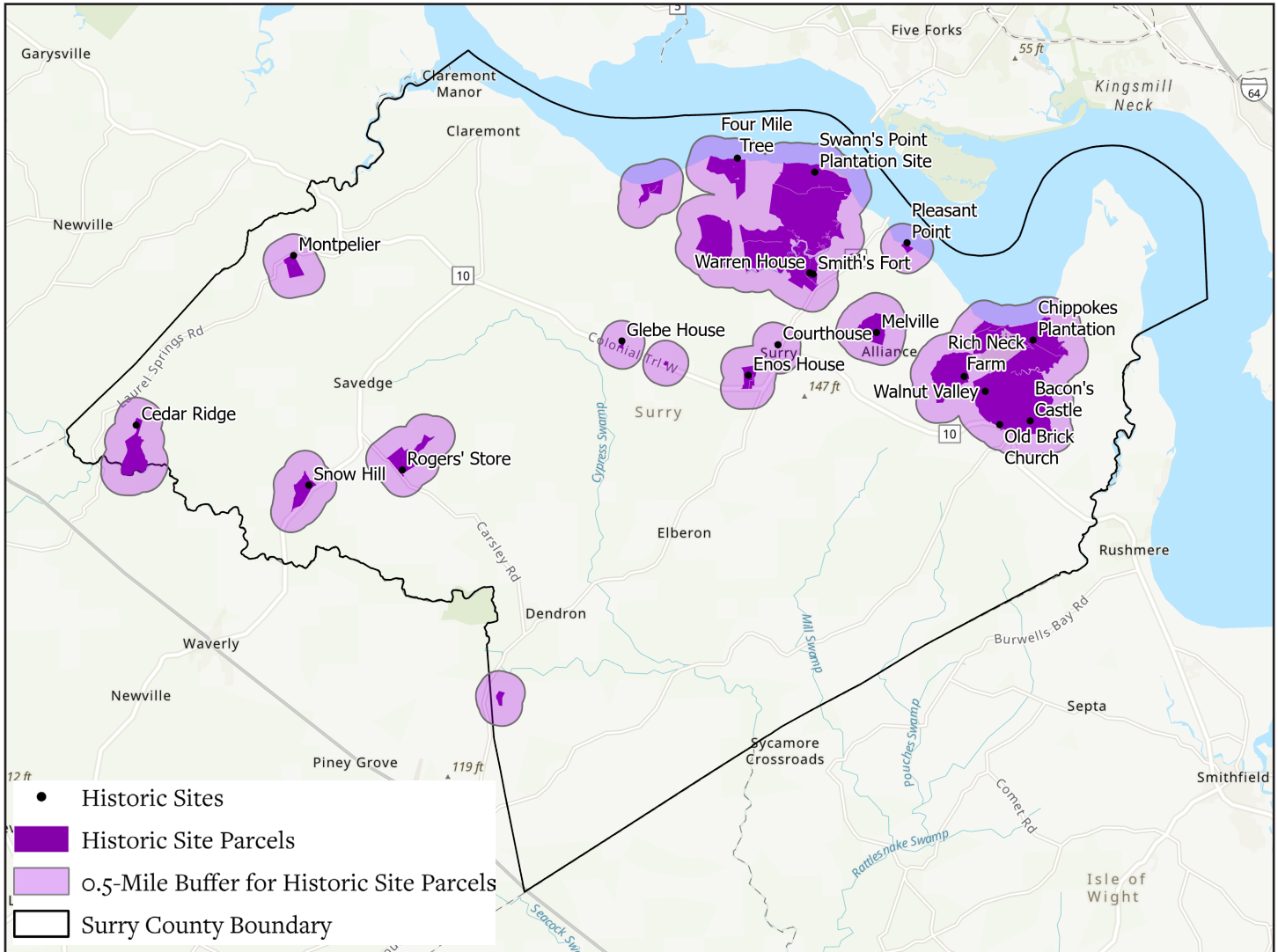
Utility-scale energy facilities are able to send electricity to other areas and/or receive electricity from other areas efficiently using high-voltage transmission lines. Building new transmission line infrastructure can cause significant disruption to the land, ecosystems, and people near the construction area. To minimize these disruptions, new utility-scale energy facilities should be located as close to existing transmission lines as possible.

As stated in Strategy 3 of this amendment, new utility-scale energy facilities should be sited such that the centroid of energy-generating or energy storage equipment is within 1 mile of existing high-voltage electrical transmission lines. The map below shows existing transmission lines with 1-mile buffers for visualization.



Historic Properties

Another key concern over energy projects in Surry County is the potential impacts to historic properties, particularly views from, of, and on the way to these sites. To gain perspective on the impacts existing and proposed energy projects have on these lands, historic properties identified by the National Register of Historic Places, the Virginia Landmarks Register, and the Surry County Local Historic Overlay District are mapped below. For the purpose of visualization, historic properties are shown with buffers of 0.5-miles and 1-mile beyond the property lines.



Precedent Policies

Language and policies for this amendment were informed by precedents set by other localities in the Commonwealth of Virginia. These precedents include acreage limits on the amount of land dedicated to energy projects in a locality, maximum distances from electric transmission lines, project size limitations, and guidelines for the preservation of agricultural land and wildlife corridors. Through the amendment process, these precedents were assessed for applicability in Surry County and modified to be appropriate for the local context, as informed by public engagement and consultations with the Planning Commission.

Definitions

Community-scale energy facility: An energy generation or energy storage facility with a rated capacity greater than 1 MWac (megawatts alternating current) and no greater than 5 MWac. Community-energy facilities do not require connections to high voltage transmission lines. Community-scale energy facilities include “shared solar” facilities, as defined in § 56-594.3 of the Code of Virginia.

Developable land: Land in Surry County where large-scale development may be feasible. Developable land excludes waterways and wetlands within the County boundaries.

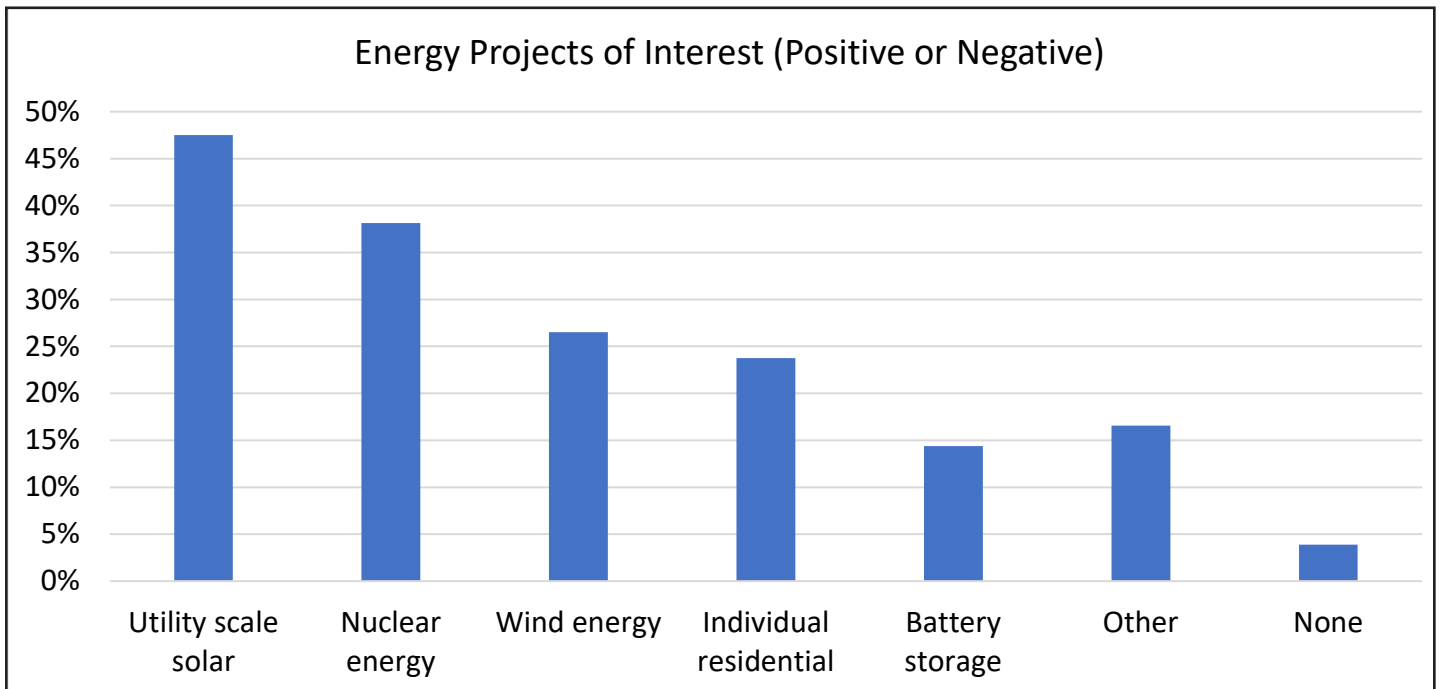
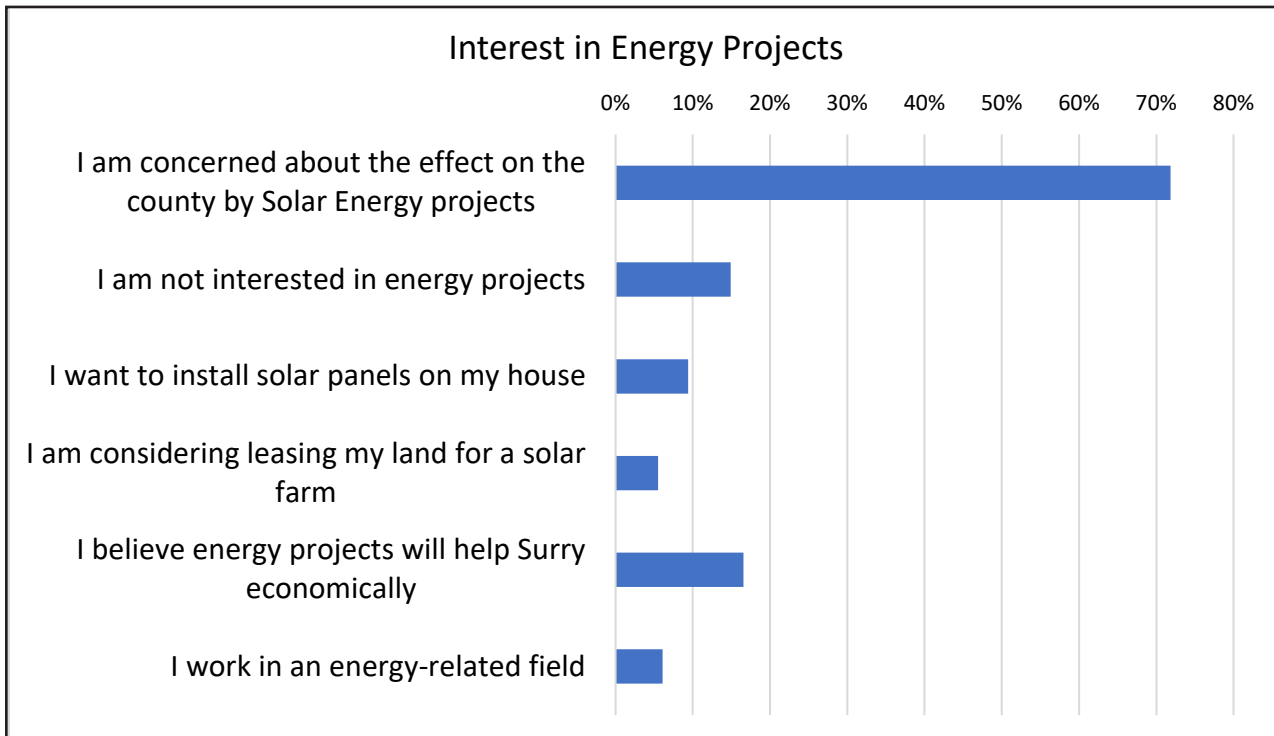
Distributed energy facility: An energy generation or energy storage facility with a rated capacity less than 1 MWac. Distributed energy facilities are used to meet energy demands on-site and include rooftop and ground-mounted photovoltaic arrays on residential, commercial, and institutional properties.

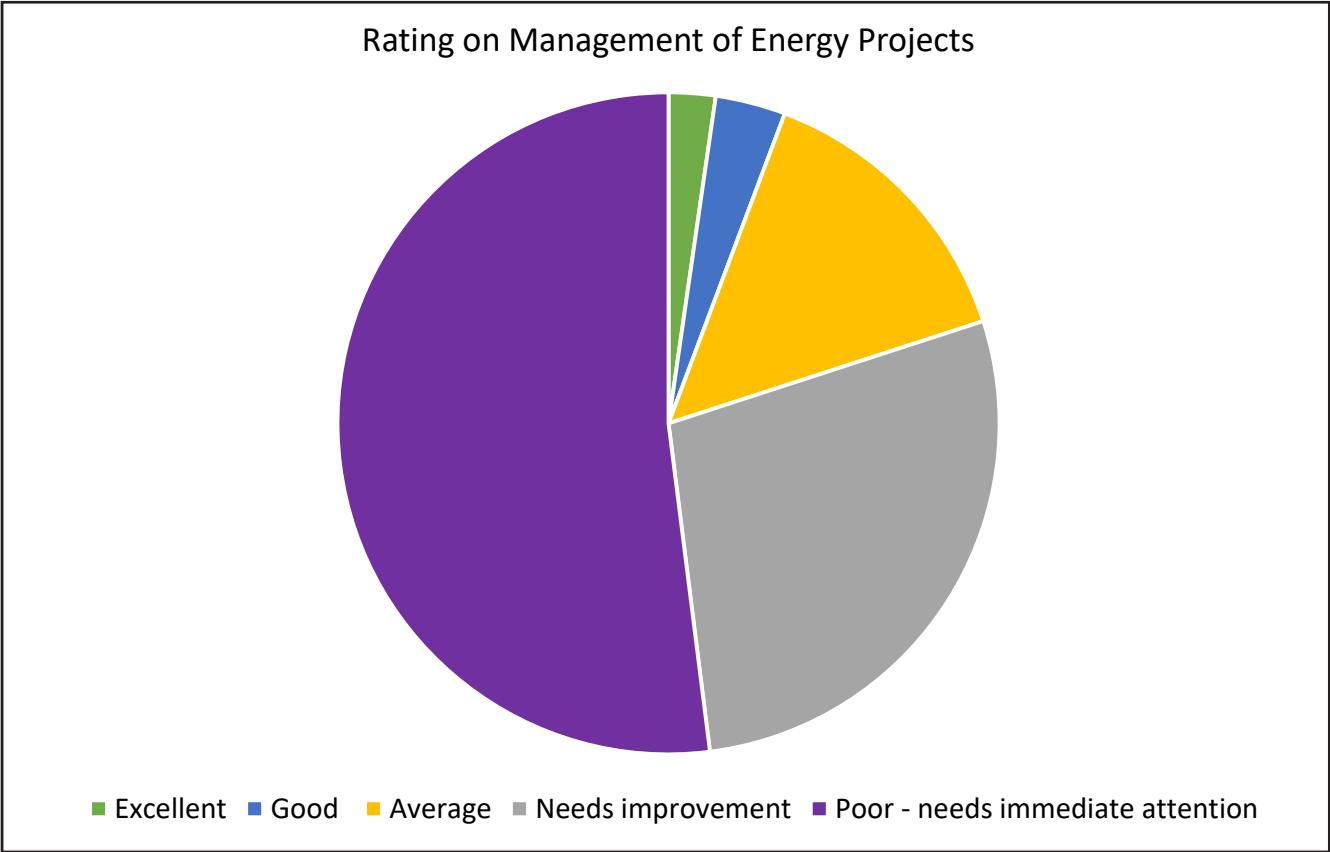
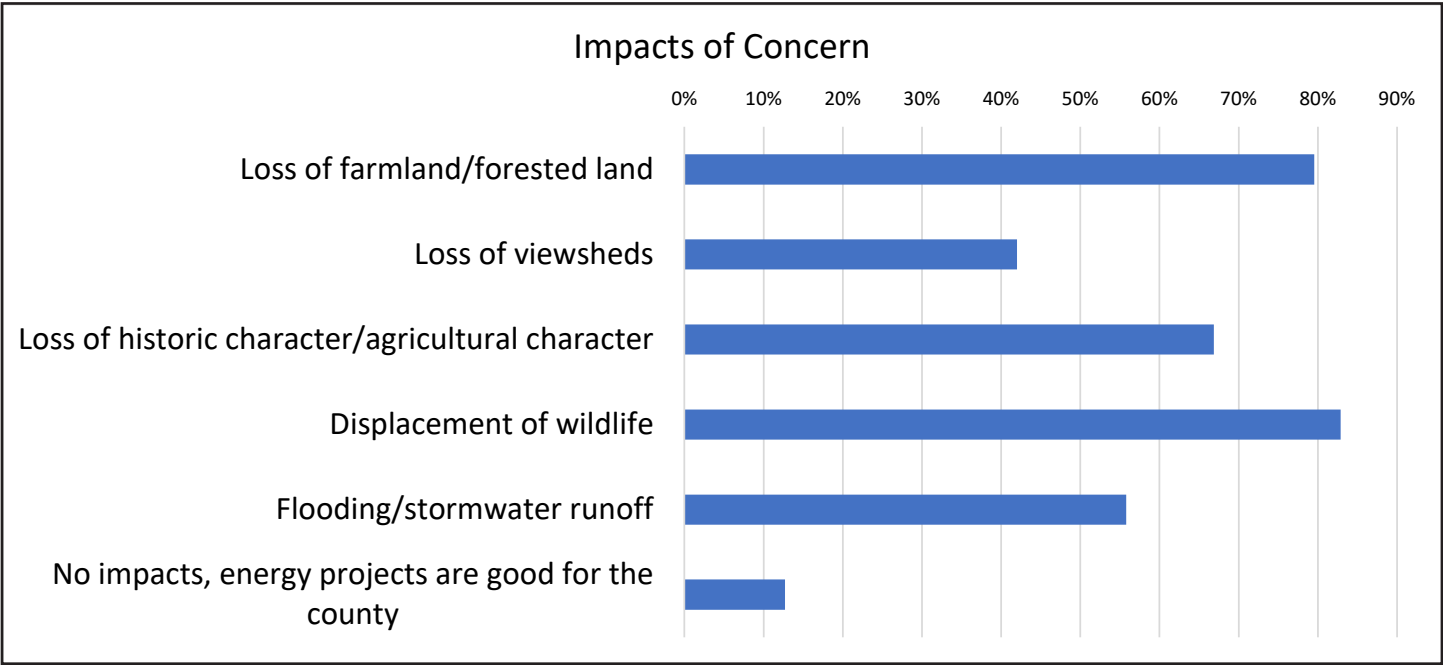
Historic site: A structure identified on the National Register of Historic Places, the Virginia Landmarks Register, or the Surry County Local Historic Overlay District, including the entirety of the parcel(s) on which the structure is located.

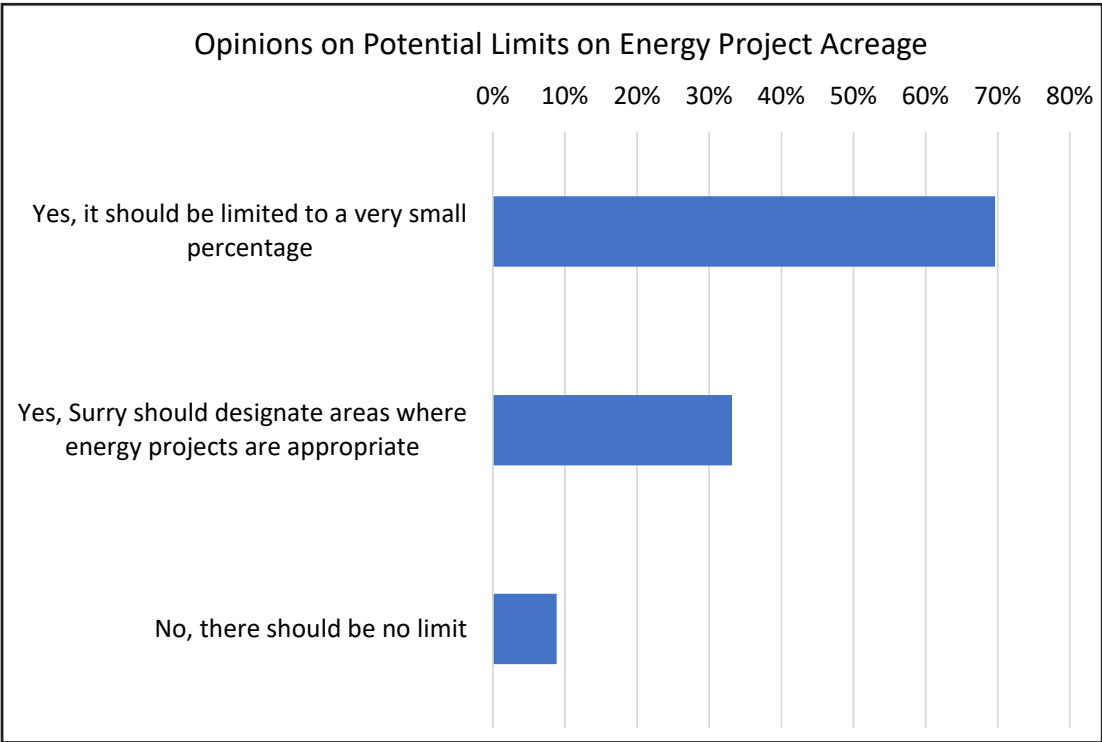
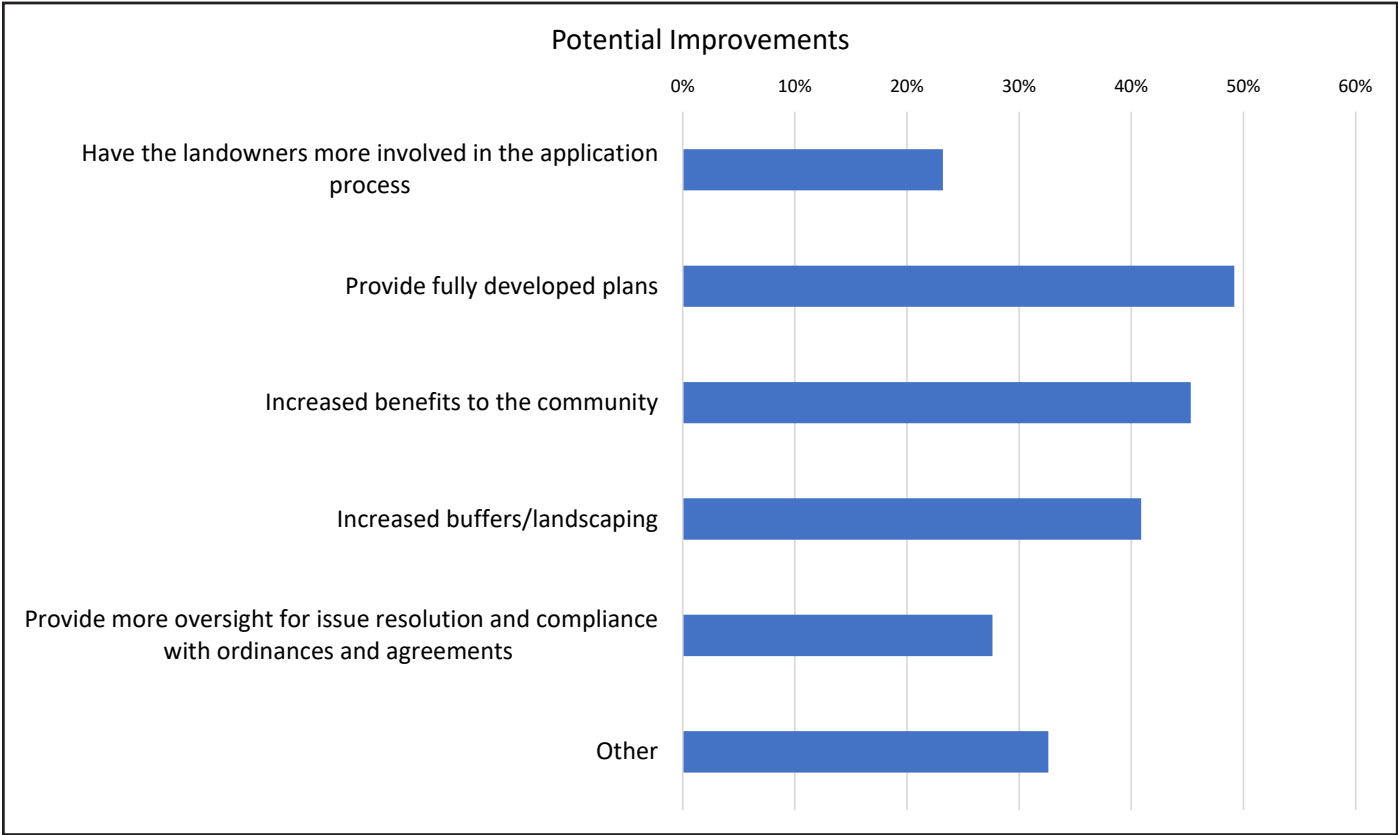
Project site: The entirety of the parcels on which an energy facility will be installed.

Utility-scale energy facility: An energy generation or energy storage facility with a rated capacity greater than 5 MWac.

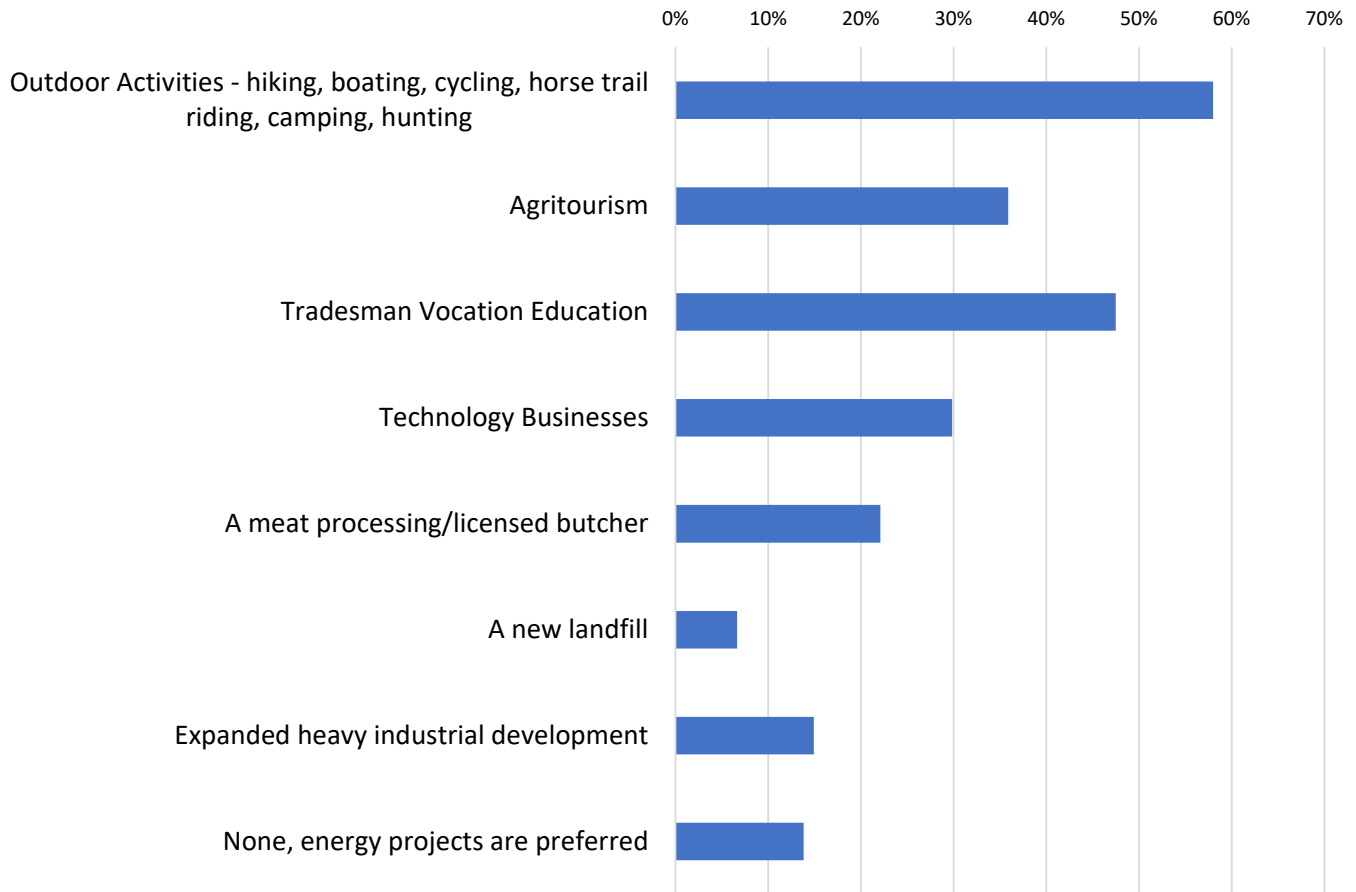
Survey Results



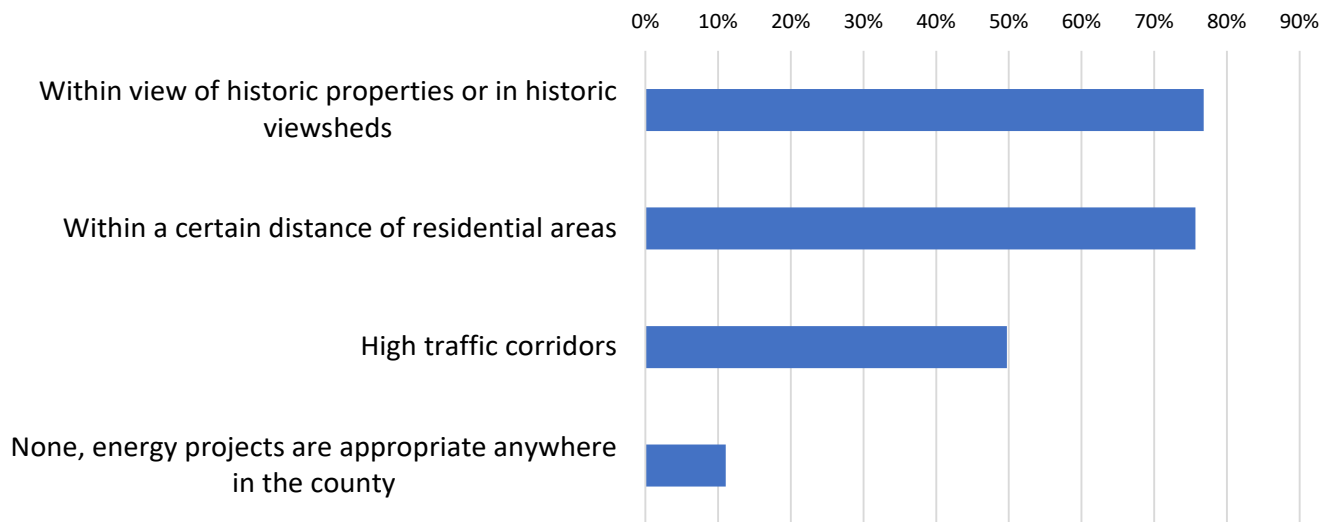




Preferred Economic Development (Instead of Energy Projects)



Areas Inappropriate for Energy Projects



Highlighted “other” responses from the survey:

Several questions on the survey allowed respondents to provide open ended responses under the “other” selection. Some of these responses are listed below. Full survey responses are available upon request.

2. What type of energy projects interest you most (whether your interest be positive or negative)?

- Energy related projects in residential neighborhoods
- Negative on solar or pig manure plans
- I would rather see businesses brought to the county versus energy projects. We can not even get a grocery store in town after money has been given for it
- Taking over our country Atmosphere and the effect the panels have on the grounds when they're broken how they're disposed of and how all the traffic is tearing our roads up
- I am against the Aling RNG methane line and conditioning facility project. It is going to destroy a peaceful community. Along with endangered wildlife and habitat.
- Methane
- Biofuels
- Undecided. Wouldn't want one next to me but think landowners should be able to do what they want. Maybe require setbacks?
- We already have nuclear and solar energy projects in Surry County. We do not need to add more of these types of projects.
- The amount of solar fields having negative impact on others moving into County

3. What impacts are most concerning about energy projects?

- Dangerous truck traffic, destroyed roads
- I am more interested in seeing solar use “already forested” plots of land no new deforesting.
- Increased radiation, removing farmland
- That the past projects have not positively impacted the community.
- Pollutants from the material that makes up the solar panels once they are no longer in use.
- The current runoff from one project has destroyed a place I used to fish for fun. Now the water is brown and cloudy in the stream and swamp.
- Noise, air and water pollution. Destruction of endangered animal habitats
- Negative impact on tourism and population growth

5. What could be done to improve energy projects?

- Consider and have regard for environmental effect, from toxicity of panels to existing means of controlling undergrowth. Force developers to fix roads. Don't consume our once-beautiful county with deforestation that's not beneficial to the citizens.
- Place a limit on allowable projects.
- Limit the number of sites
- Take the solar farms down so we can have our farmland and hunting properties back. Leave it up to the home owner if they want solar installed on THEIR PROPERTY
- This is for #6 surry county should not be able to limit the percentage of owners land they want to have solar installed on. That's too much over stepping in small government.
- Tax credits by local government
- Consider the current way of life of surry residents and how these projects affect our way of life. Vast majority of current residents of surry county including myself think these proposed projects are negatively affecting the land and wildlife
- Install solar farms in transmission line right of way. Leave the farm land alone.
- Get the opinion on the potential project from the people that will be affected by it before the planning Commission pass it through.
- Stop stripping away the character of our county by planting solar panels everywhere. Nobody lives here or moved here to stare at this destruction of nature. If one appears by me, I'm about to be at every meeting, ready to chat.

RESOLUTION

ONE-TIME REAL ESTATE TAX CREDIT

WHEREAS, at its meeting on May 14, 2024, the Board of Supervisors of James City County, Virginia (the “Board”), adopted the Fiscal Year (FY) 2025 Budget Appropriation Resolution (the “Resolution”); and

WHEREAS, paragraphs 20 through 22 of the Resolution found *inter alia* that a surplus of real property tax revenues existed in the County’s fiscal year ending on June 30, 2023 (the “Surplus”) and directed that a portion of the Surplus be returned to the taxpayers; and

WHEREAS, paragraph 23 of the Resolution directed the County Administrator to confer with certain parties and return to the Board with a resolution setting forth the process by which a one-time tax credit would be implemented; and

WHEREAS, following discussions with staff from Financial and Management Services and the County Treasurer, the County Administrator has determined how the one-time tax credit may be applied.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, that the one-time credit be approved as part of the FY 2025 Budget Appropriation Resolution adopted on May 14, 2024, shall be implemented as follows:

1. A credit of \$0.05/\$100 of value will be applied to all real estate tax assessed in FY 2025 as invoices are generated;
2. The credit is to be divided evenly between the first and second installments for FY 2025;
3. The credit is to be applied to balances after any post tax exemptions or land use adjustments; and
4. Invoices for FY 2025 real estate taxes will include the specific credit amount for the parcel in question with a short explanation.

Ruth M. Larson
Chair, Board of Supervisors

ATTEST:

Teresa J. Saeed
Deputy Clerk to the Board

NULL
HIPPLE
MCGLENNON
ICENHOUR
LARSON

VOTES

AYE NAY ABSTAIN ABSENT

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Adopted by the Board of Supervisors of James City County, Virginia, this 24th day of September, 2024.

RealEstTxCr-res