

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
July 13, 2021
5:00 PM

A. CALL TO ORDER

Mr. Hipple called the meeting to order at 5:06 p.m. following the James City Service Authority Board of Directors meeting.

B. ROLL CALL

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

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

Mr. Hipple noted Mr. McGlennon would introduce the meeting's Pledge Leader.

Mr. McGlennon noted Callani Williams, a resident of the Roberts District, would lead the audience. He further noted she was a rising third-grader at James River Elementary School with interests in music, singing, and gymnastics. Mr. McGlennon noted Callani's favorite subject was reading.

ADOPTED

SEP 28 2021

Board of Supervisors
James City County, VA

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Callani Williams, a resident of the Roberts District

E. PUBLIC COMMENT

Mr. Hipple noted Mr. Will Harcum was not present so he would proceed to the next speaker.

1. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board to talk about trash. She thanked Mr. Icenhour and Mr. McGlennon for their attendance at the Clean County picnic last month. Ms. Boarman noted it was grass mowing season and the trash impact. She further noted the need to make people aware of trash in James City County and trash cleanup was everyone's responsibility. Ms. Boarman noted pride in James City County and continuing trash cleanup efforts. She further noted talking trash with friends, relatives, neighbors, and others to make the County litter-free.

2. Mr. Jay Everson, 6923 Chancery Lane, addressed the Board noting its upcoming discussion with the City of Williamsburg on the Williamsburg-James City County (WJCC) Schools contract. He noted the County/City ratio of students and representatives. Mr. Everson further noted three elected members from James City County on the WJCC School Board while the other two members are appointed. He noted the three elected County members

would need to be in agreement for items to pass. Mr. Everson further noted another consideration would be the three elected members would have to approve any financial matters. He noted if the majority of the money was from the County, then the County should have more say in future school spending decisions.

F. CONSENT CALENDAR

None.

G. PUBLIC HEARING(S)

Mr. Hipple recognized Mr. Robert Ross, the Planning Commission representative, at the meeting.

1. Ordinance to Amend County Code Chapter 10, Garbage and Refuse

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

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

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

Ms. Christy Parrish, Zoning Administrator, addressed the Board noting revision of County Code regulations regarding maintenance of real property in the County. She noted Chapter 10 addressed property maintenance regarding specific garbage, trash, and other waste matter concerns. Ms. Parrish noted the 2021 Special Session of the General Assembly adoption of Virginia Code amendments which authorized localities by Ordinance to require property owners to maintain their property free from clutter accumulation, except on land zoned for or in active farming operation. Ms. Parrish noted the County Code amendment provided clarified language. She further noted staff operated on a complaint basis with property owners in violation having at least 10 days to rectify the situation. Ms. Parrish noted any expense the County incurred when abating a violation was billed to the property owner and liens were filed. She further noted staff had received one citizen comment addressing concern over the Virginia Code definition of clutter as too broad and not well defined. Ms. Parrish noted staff recommended adoption of the revision.

Ms. Larson noted the comment and inquired if the County could go beyond what the state had mandated. She further noted if so, and asked if it would be enforceable.

Ms. Parrish noted she did not believe so which was the reason the revision modeled the wording adopted by the General Assembly. She further noted the language reinforced what zoning staff would review anyway on a complaint basis. Ms. Parrish noted the Ordinance language was more specific.

Ms. Larson noted additional questions and concerns may arise from the Ordinance change. She asked Ms. Parrish if staff was prepared for those points, particularly removal.

Ms. Parrish noted she thought there would be few complaints. She further noted the statistics regarding complaints over the past few years. Ms. Parrish noted additional clarity with the Ordinance when citations were given.

Mr. McGlennon noted the lack of enforcement tools in the past and the benefit of this Ordinance amendment. He asked if this amendment would address junkyards.

Ms. Parrish noted possibly not with junkyards as that was more of a zoning code issue. She further noted some junkyards may fall under a "grandfather" provision. Ms. Parrish noted junkyard had a specific definition and would be evaluated on a case-by-case basis, adding the

land use criteria could also be a factor.

Mr. McGlennon noted the difficulty in defining clutter. He further noted anticipation of cases where clutter would be considered art.

Ms. Parrish noted some concerns might arise, adding staff tries to make realistic judgement calls on those situations. She further noted consultation with the County Attorney's Office to ensure enforcement of a County Ordinance rather than a Zoning Ordinance. Ms. Parrish noted if property was in question, she would work with the County Attorney and County Administration for direction.

Mr. McGlennon thanked Ms. Parrish for all the work.

Ms. Sadler noted the number of small businesses like flea markets and antique shops with items in the front area. She asked if this amendment would apply to those businesses.

Ms. Parrish replied no.

Mr. Hipple opened the Public Hearing.

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

2. SUP-21-0004. 1303 Jamestown Road, Unit 117, Williamsburg Wood Works at Colony Square

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

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

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

Mr. Tom Leininger, Senior Planner, addressed the Board citing the specifics of the Special Use Permit (SUP) application for Williamsburg Wood Works. He noted the applicant was Mr. Patrick Russell, the business' only employee, and that he was in attendance. Mr. Leininger further noted Mr. Russell had submitted a code analysis, in accordance with the Virginia Uniform Statewide Building Codes and National Fire Protection Association Codes. He noted the Planning Commission voted 7-0 to recommend approval of the SUP request. Mr. Leininger further noted staff recommended the Board of Supervisors approve the SUP application.

Mr. Rose, Planning Commissioner, noted the Planning Commission unanimously approved this application. He further noted the Planning Commission was fully supportive of this use for the space.

Mr. Hipple opened the Public Hearing.

1. Ms. Janet Green, Chief Executive Officer of Habitat for Humanity, 3300 Ocean Shore Avenue, addressed the Board in support of Williamsburg Wood Works. She noted the Habitat for Humanity ReStore had been located at Colony Square for 10 years. Ms. Green further noted the organization was very pleased Williamsburg Wood Works was interested in renting space at Colony Square, in addition to the other great tenants currently there.

Mr. Hipple closed the Public Hearing.

Ms. Larson noted receipt of three calls in support of this application.

3. Non-exclusive Cable Television Franchise Agreement with Cox Communications

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

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

Ayes: Hipple, Larson, McGlennon, Sadler

Abstain: Icenhour Jr

Mr. Kinsman addressed the Board regarding the proposed renewal of the 2011 Cox Television Franchise Agreement. He noted some specific points, adding while a franchise existed, it does not grant a monopoly and other providers are welcome in the County. Mr. Kinsman noted a letter of invitation to other vendors had gone out and a copy of that letter was provided to the Board members. He further noted no positive response had been received to date, but the County continued to reach out to the providers. Mr. Kinsman noted the County could not legally address the provision of broadband internet service including reliability, availability, or cost. He further noted the franchise only legally addressed the provision of television service in the County. Mr. Kinsman noted the cost for the service could not be addressed either. He further noted this agreement had few changes since 2011, adding the changes were similar to those around the Commonwealth of Virginia. Mr. Kinsman noted Cox Communications would continue to provide free television in County buildings, including the James City County Recreation Center in addition to HD programming on the Public, Educational and Government (PEG) Channels 46, 47, and 48. Mr. Kinsman noted recommendation for the Board to adopt the resolution which allowed the County Administrator to extend the agreement with Cox Communications for an additional 10 years. He further noted Mr. Barrett Stork, Cox Communications, 1341 Crossways Boulevard, was in attendance.

Ms. Larson asked Mr. Kinsman for an explanation on why the monopoly was not granted.

Mr. Kinman noted federal and state laws applied to this case. He further noted certain provisions were not allowed, adding cost regulations and others as examples. Mr. Kinsman noted the County had contacted Cox Communications with resident questions and cost-saving measures had been mentioned.

Mr. Icenhour noted the number of constituent calls received on this matter. He further noted his frustration over the situation and the inability to change it due to state legislature. Mr. Icenhour noted concern over the point addressing the quality of the operator service as reasonable regarding the community needs. He further noted he did not feel that was the case, adding in early July he experienced cable outages of several hours across two days. Mr. Icenhour noted this happened to residents of both the County and the City of Williamsburg. He further noted he felt the service was unreliable for the price, adding he understood constituents' frustration but the Board could not do anything. Mr. Icenhour noted the lack of competition for Cox Communications, adding he welcomed other providers.

Mr. Kinsman noted if citizens had complaints, there was a location on the County website where complaints could be registered. He further noted those comments and complaints are monitored regularly.

Ms. Larson noted constituent frustrations also and reaching out to Cox Communications. She further noted her request to have Mr. Kinsman explain the situation in more depth.

Mr. Kinsman noted any complaints could be logged on the JCC TV/Cox Communications page, which then were sent to Mr. Stork with Cox Communications.

Ms. Sadler noted other providers had been invited to the County, but the response had been

there was no interest in investing in the infrastructure. She asked if this point was valid.

Mr. Kinsman noted that was a common response as the infrastructure was very costly. He further noted many providers are awaiting the implementation of 5G.

Mr. Hipple invited Mr. Stork to the podium. He noted Mr. Stork's responsiveness of questions and concerns, but he noted the ongoing issues with Cox Communications over the years. Mr. Hipple asked why Cox Communications had not addressed these issues and improved service. He noted the frustrations as the company was the only provider in the County and could be addressing these issues and moving forward as a solution to the problems in a timely manner. Mr. Hipple thanked Mr. Stork for his involvement using the federal funding to increase the internet service to County students. He asked what other ways could some of the issues the County was experiencing be resolved.

Mr. Stork noted contacting Cox Communications as Mr. Kinsman had said. He further noted Cox Communications' investment as alternative competition increases with technology such as satellite and other venues. Mr. Stork noted ongoing programs to enhance services, adding the Honorable Governor Ralph Northam was increasing the funding in the Virginia Telecommunications Initiative Fund.

Mr. Hipple noted the goal was to have 5G technology across James City County. He asked what contact information should citizens use.

Mr. Stork noted the first step was to call the Care Center, which logged the issue in the Cox Communications system. He further noted additional steps included using the Cox Communications app and contacting the County. Mr. Stork noted the County can hold the company accountable.

Ms. Sadler noted the frustration, adding Mr. Stork was very responsive to concerns she had brought to his attention.

Mr. McGlennon noted several concerns with one being the absence of Richmond television, particularly in the western part of the County. He further noted the timeline for burying underground wires and potential damage during that extended time with the wires laying on the ground. Mr. McGlennon noted concern over pricing and the rate issue, adding a better rate should be available to all customers rather than customers calling to request it. He further noted the lack of information on his own bill and ensuring customers are receiving fair and equitable treatment.

Mr. Stork noted the question about the Richmond stations had arisen numerous times. He further noted James City County was not in the Richmond Designated Market Area (DMA), adding the County was in the Norfolk-Newport News DMA. Mr. Stork noted localities receive specific stations that are in respective DMAs. He further noted Cox Communications was a rebroadcast business essentially and stations sold to vendors that did not support certain rebroadcast programs affected what was viewed. Mr. Stork noted that had occurred previously in the County with the loss of the Richmond coverage, adding the rebroadcasts were available online and could be streamed as an alternative. He further noted if wires were on the ground, contact Cox Communications. Mr. Stork noted other reasons for downed wires could be lack of markings, inaccessibility to property, and other issues that delayed the wires being buried underground in a timely manner. He further noted contacting the County so Cox Communications would have a traceable record of the report. Mr. Stork noted promotional opportunities which were available to customers when questioning cost. He further noted the company was addressing ways to simplify bills as well as the process to assist customers with services. Mr. Stork noted the broadcast vendors that Cox Communications worked with for content increase their service costs which sometimes get

passed to customers.

Ms. Sadler asked about the process to get additional channels added that were currently unavailable.

Mr. Stork noted customers can call Cox Communications. He further noted those requests were tracked so those channels could become part of rebroadcast negotiations.

Ms. Larson noted Cox Communications was in markets with competition.

Mr. Stork confirmed yes.

Ms. Larson asked about pricing data in those markets compared to the County which did not have competition.

Mr. Stork confirmed regional competition was reviewed regularly. He noted competitive pricing in neighboring localities.

Mr. Icenhour noted many of his senior constituents commented on the price, particularly for those on fixed incomes. He further noted the question of a senior rate for fixed income individuals had been raised. Mr. Icenhour asked if that was an option Cox Communications had considered.

Mr. Stork noted he was unsure of that point currently, but added it had been considered in the past. He further noted the use of promotional discounts rather than basing the discount on fixed income or age, adding Cox Communications sought to assist customers. Mr. Stork noted contact from some of Mr. Icenhour's constituents and working to assist them in finding better resolution for both service and budget.

Ms. Larson asked about a program through the school system.

Mr. Stork confirmed yes, adding there was an internet service called Connect 2Compete Program. He noted the details of the program.

Mr. Hipple opened the Public Hearing.

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

4. An Ordinance Authorizing the Lower Chickahominy Watershed Collaborative Memorandum of Understanding, a Joint Exercise of Powers Agreement

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Nays: Sadler

Ms. Tammy Rosario, Assistant Director of Community Development, addressed the Board regarding the details of the Lower Chickahominy Watershed (LCW) project, adding it was a five-year collaborative study which began in 2016. She noted James City County had been an active participant during that time. Ms. Rosario further noted Ms. Sarah Stewart, Planning Manager for PlanRVA, was in attendance and would provide additional project details.

Ms. Stewart addressed the Board noting PlanRVA, formerly the Richmond Regional Planning District Commission (PDC), was similar to the Hampton Roads PDC. She identified the many

partners and stakeholders involved with the project in a PowerPoint presentation, adding it was a cooperative project that focused on collaboration and communication. Ms. Stewart noted the history of the study as well as some of the LCW participants which included the three localities (James City County, New Kent County, and Charles City County), the three sovereign tribes (Chickahominy, Chickahominy Indians Eastern Division, and Pamunkey), multiple state agencies, universities, and nonprofit organizations. She further noted the study was funded by the Virginia Coastal Zone Management (VCZM) Program, adding the VCZM Program was funded through the National Oceanic and Atmospheric Administration (NOAA). Ms. Stewart continued the PowerPoint presentation identifying each year's highlights with Year One focused on data gathering, Year Two on economic findings, Year Three on focus groups and interviews, Year Four local government/tribe workshop and ecotourism, and Year Five on the LCW collaborative and ecotourism infrastructure plan. Ms. Stewart noted a Memorandum of Understanding (MOU) was created for the LCW Collaborative with the MOU signatories of the three localities, three tribes, and the two PDCs working together. She further noted the opportunities for interested organizations and groups to sign on as supporting cooperative partners. Ms. Stewart continued the PowerPoint presentation noting the different goals of the MOU agreement.

Ms. Larson noted the Collaborative would hold meetings, but asked who would represent the County at those meetings.

Ms. Stewart noted Ms. Rosario had been identified as a Project Officer, adding additional details would be forthcoming. She further noted Ms. Rosario and Mr. Stevens were on the contact list. Ms. Stewart noted the development of subgroups later, adding she envisioned locality staff as participants. She further noted Board representatives were welcome.

Mr. Hipple asked Ms. Stewart about the funding mechanism for the Collaborative.

Ms. Stewart noted the VCSM Program funding with the intent of future grants designated to fund staff time in addition to some HRPDC funding assistance.

Mr. Hipple noted the County's system for protecting the waterways that was currently in use. He further noted zoning provisions also protected the waterways, particularly regarding construction. Mr. Hipple asked if the MOU was another layer of governmental monitoring.

Ms. Stewart noted no, adding that question had been asked initially. She further noted governmental regulatory monitoring was not the desired goal.

Mr. Hipple asked what the specific goal was.

Ms. Stewart noted the goal was to better facilitate communication among the tribes and the localities' staff. She further noted the goal also identified opportunities for coordinated projects.

Mr. Hipple asked what safeguards prevented one locality from dominating the group and coordinating projects different from the rest of the group.

Ms. Stewart noted that was not a work or function of the Collaborative.

Mr. Hipple noted how the group can expand and need leadership and then additional levels of the program. He further noted he had observed the layering point in other groups and organizations.

Ms. Stewart noted that was a valid point. She further noted incorporating that point into the Collaborative structure. Ms. Stewart noted that was not the current nor future intent of the

project.

Mr. Hipple asked if this was a no cost project per locality.

Ms. Stewart confirmed yes.

Mr. Hipple noted the exception was staff time.

Ms. Stewart confirmed, adding that point was specifically written in the MOU.

Discussion ensued.

Ms. Sadler noted the Ordinance's title, Joint Exercise of Power, and asked what powers would be exercised.

Mr. Kinsman noted it referenced the section of the State Code that addressed localities meeting and exercising an agreement, such as the Collaborative. He further noted a section within the MOU that allows a signatory to terminate it within 30 days with no penalty to the signatory. Mr. Kinsman noted the language also specifically addressed no financial responsibility on any of the signatory localities.

Mr. Hipple noted that was the usual way when programs started. He further noted years later, changes were implemented on those programs and costs were incurred. Mr. Hipple noted that pattern had been seen in the County several times in the past.

Mr. Kinsman noted confirmation of the Virginia Code for the wording Joint Exercise of Powers by political subdivisions.

Ms. Sadler thanked Mr. Kinsman. She asked about involvement of property owners impacted by the program.

Ms. Stewart noted the property owners would be welcome.

Ms. Sadler asked what assurance those owners had that governmental control would not occur in their easements. She noted the potential opening for more government control over participating property owners.

Ms. Stewart noted whatever was within those owners' easements would remain. She further noted the Collaborative would not affect those areas.

Ms. Sadler asked if the Board approved this MOU, would reports be sent. She also asked if the County exceeded the 30-day termination timeline, was there a penalty.

Mr. Hipple noted it was not within the first 30 days. He further noted the opt out option was still available.

Mr. McGlennon noted no group was relinquishing authority with the creation of the Collaborative, but rather creating communication among the affected groups in guiding individual decisions on points such as land use, recreational opportunities, and other factors.

Ms. Stewart confirmed yes.

Mr. Hipple opened the Public Hearing.

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

5. Consideration of the James City County Comprehensive Plan, Our County, Our Shared Future: James City County 2045 Comprehensive Plan

Mr. Hipple noted a Williamsburg-James City County School Board meeting was also taking place at the same time as this Board meeting. He further noted some attendees who were unable to attend the Board of Supervisors meeting should send emails to their Supervisors with thoughts and ideas. Mr. Hipple noted tonight's meeting was to hear citizen comments, adding no Board decision would be made tonight. He further noted the time allocations for groups and individuals for public comments.

Ms. Ellen Cook, Principal Planner, addressed the Board noting the 2045 Comprehensive Plan reflected County citizen contributions, community organizations, and other stakeholders. She noted the work of the Community Participation Team (CPT), the Planning Commission Working Group (PCWG), and County staff also. Ms. Cook further noted the CPT's work had spanned two years under the leadership of Ms. Ginny Wertman, adding appreciation to everyone involved in the process. Ms. Cook noted the PCWG had actively participated over the past two years with public engagement efforts. She further noted the details and timeline of the PCWG meetings, along with those of the Planning Commission and the Board of Supervisors. Ms. Cook noted the Planning Commission's recommended amendments of the Comprehensive Plan and Future Land Use Map in a PowerPoint presentation. She further noted the amendments included: inclusion of the Mooretown Road Extended back into the Transportation Chapter and Future Land Use Map; revision of the rural lands designation description rural cluster provisions; revision of Goals, Strategies, and Actions 3.7.1 of the Environment Chapter which pertained to carbon sequestration; and designation of the parcels subject to Land Use (LU) application LU-20-0017 as Neighborhood Commercial.

Mr. Rose, Planning Commissioner, addressed the Board noting the involvement of the CPT and PCWG with the Planning Commission on the two-year development of the Comprehensive Plan. He noted the Planning Commission's vote on June 24, 2021, to recommend approval of the Plan to the Board of Supervisors with several amendment considerations. Mr. Rose further noted consideration of several points regarding the Mooretown Road Extension, projected road implications, traffic impact in the County, and other factors. He noted the Planning Commission unanimously voted to recommend the change to rural lands language and allow language flexibility on density in A-1 zoning to allow for higher density housing in clusters. Mr. Rose further noted the Commission's unanimous approval to change the language regarding carbon sequestration and specific factors pertinent to it. He noted the Commission voted to recommend maintenance of commercial designation to the LU-20-0017 application and discussion on points pertinent to that case.

Mr. Hipple opened the Public Hearing.

1. Ms. Linda Rice, 2394 Forge Road, addressed the Board noting she was the President of the Friends of Forge Road Group from Toano, adding a list of the group's concerns had been emailed to the Board. She noted appreciation to the PCWG, Planning staff, and the Board for the detailed work and attention to the Comprehensive Plan. Ms. Rice further noted the importance of rural land preservation and the balance with landowner rights. She noted reinstatement of the Purchase of Development Rights (PDR) program as a key factor in the preservation. Ms. Rice further noted a dedicated staff member who assisted with funding for PDR grants and other programs. She noted options available to landowners and reinstating the Rural Economic Development Committee. Ms. Rice referenced the Meadows property on one side of Forge Road with the Hall property on the other side and the changes there. She noted reviewing areas of increased buffering along the road.

2. Ms. Nancy Kruse, 3026 Forge Road, addressed the Board noting her concerns on the Comprehensive Plan's rural land policies. She noted her opposition to the density change from one unit per three acres to one unit per 20 acres for rural lands in addition to the new 400-foot setback on Community Character Corridors. Ms. Kruse further noted these policies were detrimental to landowners. She noted constraints regarding land preservation and funding, adding the lack of direct communication on the policy to the landowners was unfair and not transparent. Ms. Kruse further noted the issues regarding compensation, the PDR program, rural land preservation with land development within the Primary Service Area. She noted the PDR program could not be implemented prior to the adoption of the 2045 Comprehensive Plan, adding large lot zoning would increase housing prices in the County. Mr. Kruse further noted the burden on landowners and working class citizens for the cost of rural land preservation.

3. Ms. Mary Aadahl, 2724 Forge Road, addressed the Board in opposition to the change from one house per three-acre density to one house per 20-acre density with regard to the rural lands policy. She noted her opposition to the 400-foot corridor and the impact to the road front on her property. Ms. Aadahl further noted her family's commitment to the land preservation in the County since pre-Civil War days. She noted these policies were in contrast to preservation as lands were destroyed with these proposed changes. Ms. Aadahl noted concerns regarding the Comprehensive Plan intent for the land and buffering due to the corridor policy. She further noted the need for the PDR program.

4. Mr. Richard Durst, 4195 New Town Avenue, addressed the Board regarding the C-1 and C-2 parcels of the Eastern State property. He noted he was the President of the New Town Residential Association (NTRA). Mr. Durst further noted two recent Town Hall meetings for its residents in which a presentation from ABBA, the development company, was made regarding the land use designation change on the C-1 and C-2 parcels. He noted the change was Mixed Use-New Town. Mr. Durst further noted the second Town Hall meeting was organized by Supervisor Icenhour to hear resident concerns, which included maintaining the current land use designation. He noted concerns included infrastructure limitations and increased traffic congestion. Mr. Durst noted the development company never consulted with the NTRA regarding the addition of Mixed Use to the designation, adding NTRA members were concerned of the impact to local amenities and traffic if the designation was changed. He further noted the Association's request to remove New Town from the Mixed Use designation being considered until further discussion.

5. Mr. Mark Newcomb, 4412 Olive Drive, addressed the Board on behalf of New Town residents, adding the change to C-1 and C-2 were not opposed by the group. He noted how the development progressed was a concern to the residents and potential impacts to the community, particularly in reference to traffic impacts on Olive Drive. Mr. Newcomb noted his group's concern focused on road access. He further noted the increased buffer to 150 feet between the C-1/C-2 development to the most northern section of New Town, which was consistent with the buffer on the western side. Mr. Newcomb noted NTRA members were not consulted regarding the planning option for development. He further noted the need for a contractual commitment from ABBA regarding future development in accordance with the Board's direction. Mr. Newcomb expressed his appreciation to Mr. Icenhour for facilitating the member meeting to hear comments and concerns.

Mr. Hipple noted Mr. Icenhour had shared those comments and concerns with his fellow Board members on an individual basis.

Ms. Larson requested clarification on the last speaker's representation of a group or individual.

Mr. Hipple confirmed Mr. Newcomb spoke on behalf of a group.

Ms. Larson thanked Mr. Hipple for the clarification.

6. Ms. Virginia Stuart Dopp, 5182 Rollison Drive, addressed the Board noting Mr. Durst and Mr. Newcomb had addressed many of her concerns. She noted her concerns with traffic if the development occurred, adding the developer had indicated no access from Olive Drive and Rollison Drive would be used at this time. Ms. Dopp further noted the County and the Virginia Department of Transportation (VDOT) would be evaluating a traffic analysis along Discovery Park Boulevard, adding special attention to pedestrian traffic and others in the walking community. She noted the request that no access be extended into Parcel A or C on Discovery Park Boulevard. Ms. Dopp thanked Mr. Icenhour for his work as well as ABBA in working with the residents.

7. Ms. Nora Abbott, 8444 Ashington Way, addressed the Board in opposition to the change of the rural lands policy from one unit per three-acre density to one unit per 20-acre density. She noted the economic hardship to families such as hers and others.

8. Mr. Robert Hornsby, 2 Kensington Court, addressed the Board about the rural land policy. He noted the change in the minimum lot size in the A-1, Agricultural Zone, from three to 20 acres would drive land prices up significantly. Mr. Hornsby further noted numerous laws and regulations were in place which effectively reduced A-1 density such as private well limitations on lots, septic issues, Chesapeake Bay issues, and other limiting factors. He noted a particular 56-acre parcel, zoned A-1 on Forge Road, and the subdivision limitations subdivision of lots. Mr. Hornsby addressed the current by-right subdivision of nine lots at approximately \$150,000 per lots of five to six acres each, adding under the lot size change, only two 28-acre lots would be available for sale at an estimated price of \$350,000-400,000 per property. He noted the 400-foot buffer setback and the impact to driveways plus the maintenance as additional factors. Mr. Hornsby questioned the change from three to 20, adding five acres might be an option. He noted the impacts to the Comprehensive Plan with land use changes and requested no adoption of the Plan until smaller A-1 lots were determined.

9. Ms. Doreen Pacella, 4755 Regents Park, addressed the Board regarding her concerns over land use policies in the proposed 2045 Comprehensive Plan. She noted her main objection was the one house per 20 acres reduced density in rural lands. Ms. Pacella further noted the current one house per three acres had served the County well in the past in its efforts to preserve rural lands. She noted the impact to housing prices in the County with the 20-acre implementation. Ms. Pacella further noted the working population's salaries were not aligned with the housing cost increase, adding the Domino effect will occur in the housing market with the strict density restrictions in the rural lands. She noted the need for available and affordable housing within the County.

10. Mr. Robert Lund, 111 Swinley Forest, addressed the Board noting he was speaking as a resident and as one of two directors elected from James City County to represent the County at the Colonial Soil and Conservation District. He noted his appreciation of the draft Comprehensive Plan and his request for general support of it. Mr. Lund further noted a specific point that was intended to protect recreational use by residents and visiting tourists of County waterways for fishing and swimming, as specifically noted in Environment 1.20, to explore Zoning Ordinance amendments to include recommendations from the Colonial Soil and Conservation District pertaining to equine and other animal stocking rights. He noted seven horses per acre was too much for the small land area, adding guidance for quality pasture was one horse per acre. Mr. Lund noted James City County was one locality which allowed so many horses per acre, adding pasture degradation and soil erosion issues in addition to environmental concerns due to the daily production of 50 pounds of manure per horse. He further noted the stress on land of only one acre, potential contamination to streams that feed into the Chesapeake Bay, and other detrimental factors to the land and environment.

Mr. Lund thanked Mr. Douglas Hall, Co-Director of the Colonial Soil and Conservation District, Mr. James Wallace, District Manager, and Ms. Robyn Woolsey, Urban Conservationist, for their assistance on this recommendation.

11. Mr. Will Harcum, 108 Arena Street, addressed the Board noting he was a long-time County resident who had worked the land for his father and other area produce farmers. He noted his concerns with the Comprehensive Plan regarding the 400-foot setback and 20-acre lot size, adding his concerns echoed those of others. Mr. Harcum further noted area farmers have relied on the ability to sell small lots as necessary in the past, adding the 400 feet eliminated that possibility. He noted the 400-foot setback equaled to one acre per 100-foot section. Mr. Harcum further noted a negative point to the change would reduce available land in the land use program. He noted an earlier move with a 350-foot setback which was denied due to tremendous negative response, adding this change appeared similar except for fewer farm owners impacted and less public response. Mr. Harcum noted the disappearance of rural land in the County and the need for support of its preservation.

12. Mr. Gregory Innocent, 4297 Casey Boulevard, addressed the Board regarding the lack of infrastructure. He noted New Town currently lacked the necessary infrastructure for the connection the developer envisioned for the project. Mr. Innocent further noted the traffic issues and the impact to Discovery Park and Casey Boulevards. He noted he was not confident of VDOT's abilities in resolving that area. Mr. Innocent further noted the lack of transparency regarding New Town. He noted this development will not be the only one of this kind and how it is handled will be paramount going forward.

13. Mr. Tom Shaia, 5301 S. Bay Hill Court, addressed the Board noting he represented the property owners at 4568 Ware Creek regarding Land Use (LU) 20-0005. He further noted sending correspondence to the Board members. Mr. Shaia noted points addressed earlier in the evening looked at pieces of the Comprehensive Plan, adding the name Comprehensive Plan meant looking at it completely. Mr. Shaia noted reviewing all the points, which included change in lot size, reduction of the Primary Service Area (PSA), and the impact to New Town, would be costly to review each case over the lifespan of the Comprehensive Plan. He further noted the lot size increase and the PSA reduction created fewer places for people to build, which usually was higher density areas to retain property and housing values. Mr. Shaia noted his client opposed the changes to the Comprehensive Plan.

14. Mr. Jay Epstein, 32 Whittakers Mill, addressed the Board noting he had been active with affordable developments in the Norge and Grove areas. He noted his involvement with the Walton Farm development. Mr. Epstein further noted energy efficiency for the solar development. He noted a request to have the Marston property included in the PSA. Mr. Epstein further noted partnership with the Sierra Club and the Solar Alliance Groups to address layering trees, rather than removal, for developments. He noted the impacts of carbon footprints and decarbonization moving forward with the Solara Woods development, which he planned to build to create a zero carbon community. Mr. Epstein highlighted the Solara Woods development in a PowerPoint presentation and its energy standards. He noted the areas inside and outside of the Resource Protection Area (RPA) and their respective acreage for dedication to the development's septic system. Mr. Epstein continued the PowerPoint presentation highlighting the creation of a conservancy easement to preserve the trees and create a carbon credit, adding Solara Woods could become Virginia's first zero carbon community. Mr. Epstein noted additional points in the presentation highlighting legislative actions taken in 2020 to promote solar use and development.

At approximately 7:26 p.m., the Board recessed for a break.

At approximately 7:36 p.m., the Board reconvened.

15. Mr. Mike Ware, 9024 Bar Harbor Lane, addressed the Board noting he had been partners with Mr. Epstein for 30 years. He noted the Marston property was a by-right property. Mr. Ware noted the use of solar and Mr. Epstein's work in orchestrating solar legislation and partnership with Dominion Energy. Mr. Ware continued the PowerPoint presentation noting the water-sewer connection within the PSA was also beneficial to residents on Bush Springs Road as their septic systems aged out. He noted the creation of the conservation easement which maintained the trees, reduced carbon, and moved the concept into the future, adding there were obstacles and variables to consider. Mr. Ware further noted the County's need to place stipulations on land changes and the PSA. He noted the Comprehensive Plan's objective to support alternative energy production, carbon sequestration approaches, and the state's commitment to achieve 100% carbon-free power by 2045. Mr. Ware further noted the County's objectives and the impact of Solara Woods toward achieving those goals for Board consideration.

16. Ms. Claudia Cotton, 2117 Smith Avenue, addressed the Board noting she was appearing on behalf of the Coastal Virginia Building Industry Association which represents homebuilding in Hampton Roads. She noted the importance of reviewing the Comprehensive Plan's policy recommendations for residential land use, particularly in the new construction area. Ms. Cotton further noted statistical information on the lack of supplies for the housing market and the challenges facing the residential housing construction, which included regulatory burdens, skilled labor shortages, land and lot access, and other factors. She noted regulations imposed by all levels of government accounted for approximately 24% of a new single-family home cost. Ms. Cotton further noted the Comprehensive Plan acknowledged the need for more affordable housing, but added the policy for increased lot size in rural land use areas was contradictory. She noted the positive impacts of new residential construction to the County's economy included jobs, suppliers, real estate agents, and other groups, adding new homeowners also pay local taxes and participate in the local economy. Ms. Cotton asked if the Comprehensive Plan accounted for the economic loss to land owners with the proposed rural land use change and other factors. She noted the Association asked consideration of other options rather than the lot size change.

17. Mr. Jay Everson, 6923 Chancery Lane, addressed the Board regarding the Mooretown Road Extension. He noted discussion from the Planning Commission and the 2013 traffic study done in that area, adding several more studies had been done since then which indicating additional future traffic. Mr. Everson further noted the Mooretown Road Extension would be advantageous to traffic heading east if a hurricane prompted the reverse traffic pattern from Interstate 64. He noted other traffic areas such as Route 60 in the eastern part of the County and the addition of the Skiffes Creek connector, which was noted in the Comprehensive Plan in conjunction with the Greenmont Parkway, as routes to alleviate traffic congestion. Mr. Everson further noted no objections or concerns had been raised nor negative votes by people living in the northern end of the County. He noted concern that where someone lives determines whether traffic improvements are supported that benefit all County residents. Mr. Everson further noted ENV 3.1.17 in the Environmental Chapter of the Comprehensive Plan addressed the watershed and rain, adding that last line which referenced rain be removed from the wording.

18. Mr. Mike Joseph, 6631 Rexford Lane, addressed the Board regarding the Comprehensive Plan's reference to windmills in residential areas. He noted removal of the wording. Mr. Joseph further noted windmills were made from thermoset plastics which are not recyclable, adding the negative environmental aspect of windmills when removed or destroyed. He noted other factors included the various metals needed for production, the financial aspect of commercial use, and the residential aspects such as the limited use of a 400-watt residential windmill, unit height, and cost. Mr. Joseph further noted decreased economics with the rate of return on windmills in addition to the visual pollution they created.

19. Ms. Patrice Sadler, 5000 New Point Road, Ste. 3101, Executive Director of the Historic Land Conservancy, addressed the Board. She noted in the Conservancy's 30-year tenure over 13,555 acres had been protected. She further noted a shared partnership with James City County over the three decades on collaborative projects such as Mainland Farm. Ms. Sadler noted the Conservancy had received a letter from staff regarding two parcels, accepted as a donation by the Conservancy, were part of the Croaker Exchange PSA adjustment, and were being considered for a zoning change. She further noted the rezoning designation options with a request to allow the agriculture to continue. Ms. Sadler noted the County's Strategic Plan Goal 4 of Protected Community Character and an Enhanced Built Environment was aligned with the Conservancy's mission. She further noted the rural lands designation was the best alignment for the County as the landowner and its citizens and the importance of agriculture in the food chain. Ms. Sadler noted a farming lease on the property would assist the nonprofit Conservancy as a possible revenue source. Ms. Sadler noted public support of farmland as a balance to abundant development as voiced during public hearings and planning workshops for the Comprehensive Plan. She further noted future land use options should not be more restrictive than the allowances of a land trust. Ms. Sadler noted the Conservancy's 2015 accreditation and the specifics of the accreditation requirement, which alleviated the need for rezoning of the Mixed Use parcels for development. She further noted the concept of the parcels for recreational use was reasonable, but York River State Park was in close proximity and already had recreational amenities in place. Ms. Sadler requested the Board retain the same rural lands designation which the Conservancy currently held.

20. Mr. John Sawyer, 200 Bendix Road, addressed the Board noting he represented the landowner at 7607 Richmond Road. He noted the case, LU-20-0013, with regard to the proposed Comprehensive Plan. Mr. Sawyer further noted the specifics of the case which addressed changing the moderate density to low density, adding the request was reviewed by Planning and denied. He noted the property was in the PSA and consistent with planning and development uses, in addition to buffering. Mr. Sawyer noted the encompassing Comprehensive Plan with LU-20-0013 being just one part of it and the inconsistency of altering that one part from what the Plan designated. He further noted the density change was not necessary.

21. Mr. Bob Mandrioli, 3432 Westham Lane, addressed the Board regarding energy generation with solar and wind farms or windmills for residential areas. He noted he had lived in Europe and the use of such farms and windmills was not uncommon. Mr. Mandrioli further noted he was not addressing energy efficiency or production levels, but how the farms and windmills would be constructed, low maintenance costs, ease of operation, and other factors. He noted these factors were not the end result, adding they fell short of the mark. Mr. Mandrioli further noted the inability to recycle windmills that are used on wind farms. He noted the materials were not eco-friendly and more studies were needed before implementation of these farms or windmills in the County's residential areas. Mr. Mandrioli further noted many County residents lived in areas with homeowner associations which protected aspects of residential areas such as the aesthetics and security, adding the height of some windmills exceeded 20 feet.

Mr. Hipple noted the next scheduled speaker, Ms. Susan Mulnix, had left.

22. Mr. Daniel Roose, 3292 Reades Way, addressed the Board to discuss alternative energy and concerns regarding windmills and their locations. He noted the inability to recycle the units and broken windmills with leaked gear oil creating environmental hazards. Mr. Roose further noted additional research needed to be conducted on solar panels, adding the factors of panel longevity, metal toxicity, and other aspects. He noted concerns regarding carbon sequestration. Mr. Roose further noted no inclusion of the solar farms and windmills in the Comprehensive Plan, adding they could be added later after more research was conducted.

23. Mr. Miles Diamond, 7229 Church Lane, addressed the Board noting the words in the Comprehensive Plan mattered and impacted future actions. He noted removal of several environmental points which had been addressed by previous speakers, adding more research and study were needed. Mr. Diamond further noted retaining those points suggested action and he questioned if there was staff expertise to conduct the necessary research or pay large sums of money to consultants for it. He noted carbon neutrality, carbon sequestration, and rising sea levels were studies the state should conduct as they had the funding and expertise. Mr. Diamond noted caution regarding a commitment to wording as well as funding that is not in the County budget, adding the unknown technological aspect.

24. Mr. Vernon Geddy, Geddy, Harris, Franck, and Henderson, LLP, 1177 Jamestown Road, addressed the Board as the representative for ABBA Development. He noted ABBA was the contract purchaser of Parcel C of the Eastern State property. Mr. Geddy further noted this application was unique due to the contract purchaser and not the landowner, adding the landowner was the Commonwealth of Virginia in this case. He noted the state deemed the land to be surplus, thus it was for sale. Mr. Geddy further noted the federal, state, and county land designation for the property on the current Comprehensive Plan and specifics to this application. He noted earlier discussion on relieving pressure on rural lands and this application offered the relief opportunity for that point and traffic congestion. Mr. Geddy further noted this application was more of a conceptual plan without the detailed traffic studies, fiscal impact studies, and other factors that detail the exact impacts of a proposed development. He noted feedback from the public meetings included no vehicular access through the Charlotte Park neighborhood if ABBA moved forward on the potential development. Mr. Geddy addressed the 50-foot buffer on the New Town side of the property with a 100-foot buffer on the state side for ABBA for a total 150-foot buffer. He noted an understanding that ABBA would need to reach an agreement with the NTRA, adding ABBA envisioned Parcel C as either a part of New Town or as a standalone development. Mr. Geddy further noted Parcel C would not be part of the greater Eastern State Parcel A and B development with no road connection access. He noted the existing designation for the property in the Comprehensive Plan was correct and encouraged retaining it. Mr. Geddy suggested the description in the Comprehensive Plan read Eastern State Parcel C and remove any reference to New Town that are currently premature.

25. Mr. James Brittain, 7144 Pinebrook Road, addressed the Board noting problems in the County could be addressed with an expansion of the PSA. He noted development on Centerville Road with water and sewer utilities on one side of the road, but the other side has septic systems or community wells. Mr. Brittain further noted personal windmills should not be in the Comprehensive Plan with possible consideration of a commercial windmill on a large tract of land or winery with a minimum of 30 acres. He noted the removal of carbon sequestration wording from the Plan, adding removal of carbon sequestration utility facilities also be removed. Mr. Brittain further noted reinstating the Mooretown Road Extension back into the Plan. He noted solar farms are not permanent with a life cycle of 15 to 20 years. Mr. Brittain noted within the last 30 days, several properties on Forge Road were on the market for sale, adding those owners wanted to cash out before land use changes could impact the values. He further noted the Board should hold the Comprehensive Plan decision until more public input could be heard.

Mr. Hipple called the next speaker, Mr. Tim Kinkead. He noted Mr. Kinkead was not present.

26. Mr. Matthew Bittner, 4951 Settlers Market Boulevard, addressed the Board noting he was a New Town resident who shared similar concerns expressed earlier in the meeting. He noted the Stormwater Pollution Prevention Program and questioned its enforcement accountability with regards to increased development in New Town, particularly the Eastern State property. Mr. Bittner further noted this issue could possibly need to be addressed in other areas of the County where development has increased. He noted the importance of

greenspace preservation, adding he has observed some developers are not adhering to protection and cleanup of certain areas. Mr. Bittner further noted silt protection fences, gutter buddies, and other wetland protection and silt barrier devices remain with no cleanup or removal or along the treelines. He noted speaking with a County Stormwater representative regarding the stormwater issues, adding the representative did not feel empowered to address the construction zone cleanup issues. Mr. Bittner further noted if the issues are not being addressed with stormwater protection now, then an even larger area would be a challenge to provide wetlands protection. He noted prior to additional development occurring, the Stormwater Pollution Prevention Program needs to ensure developers are adhering to policies and are held accountable.

27. Mr. Chris Woodfin, 98 Meadowcrest Trail, addressed the Board requesting the Mooretown Road Extension be included in the Comprehensive Plan. He noted traffic impacts and congestion on Richmond Road. Mr. Woodfin further noted citizens needed more time to review the Comprehensive Plan and provide additional feedback.

Mr. Hipple closed the Public Hearing as there were no additional speakers. He noted any citizen with feedback or comments should send those emails to the Board. Mr. Hipple further noted no action would be taken on Item No. 5 tonight, adding additional work sessions for further review would take place on the Comprehensive Plan.

H. BOARD CONSIDERATION(S)

Mr. McGlennon noted the Comprehensive Plan process, while the current one would extend to 2045, was reviewed every five years. He further noted the Plan was continually reviewed.

Mr. Hipple noted the process of reviewing every five years allowed for adjustments.

Mr. McGlennon noted at the Board's June 22, 2021, Business Meeting, contract amendments were approved for the County Administrator and the County Attorney. He further noted the opportunity to recognize both individuals, particularly in the challenging past year. Mr. McGlennon noted the Board recognized their excellent service and commitment, adding the Board recognized those points in compensation and public acknowledgment of appreciation.

Mr. Hipple noted the County Administrator also received a contract extension.

Mr. Stevens thanked the Board.

Mr. Kinsman thanked the Board.

I. CLOSED SESSION

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

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

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

At approximately 8:40 p.m., the Board entered Closed Session.

At approximately 9:03 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, Sadler

1. Discussion or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; in particular, 3 parcels of real property along Ironbound Road pursuant to Section 2.2-3711(A)(3) of the Code of Virginia
2. Discussion or consideration of the disposition of real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; in particular, real property located in Green Mount Industrial Park pursuant to Section 2.2-3711(A)(3) of the Code of Virginia
3. 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
4. Appointment - Economic Development Authority
5. Appointments - Stormwater Program Advisory Commission
6. Appointments - Williamsburg Area Arts Commission

A motion to Appoint Mr. Nicholas Vrettos and Ms. Georgianna Avioli to the Williamsburg Area Arts Commission for three-year terms that would extend to June 30, 2024 was made by John McGlennon, the motion result was Passed.

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

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

7. Appointment - Williamsburg Regional Library Board of Directors

A motion to Re-appoint Ms. Jean Stettler to the Williamsburg Regional Library Board for a four-year term that would extend to June 30, 2025 was made by John McGlennon, the motion result was Passed.

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

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

Mr. Icenhour noted an Agenda item named Board Discussion, rather than Board Requests and Directives or Board Considerations, be included. He further noted that would allow individual Board Supervisors the opportunity to discuss items. Mr. Icenhour noted Board Discussion would be included for each meeting Agendas, adding it allowed for constituents to know what their respective Board members were doing.

Mr. Hipple noted the thought of separating the Board Requests and Directives and Board Considerations to different meetings had been a time consideration. He further noted the Board could change the format, adding the City of Portsmouth had its Board members video their items in advance which were shown at the end of the Board meeting video. Mr. Hipple noted he had discussed that option with Mr. Stevens and asked his fellow Board members to think about it.

Mr. Stevens noted that item would be on the July 27, 2021 agenda. He further noted he would follow the Board's lead on it. Mr. Stevens noted there were no August meetings, but it could be incorporated for the September 14, 2021 meeting.

Mr. Hipple noted the Agenda item would be discussed at the July 27, 2021 meeting.

The Board concurred on that point.

J. ADJOURNMENT

1. Adjourn until 1 p.m. on July 27, 2021 for the Business Meeting

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

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

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

At approximately 9:07 p.m., Mr. Hipple adjourned the Board of Supervisors.


Deputy Clerk