

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
October 12, 2021
5:00 PM

A. CALL TO ORDER

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

ADOPTED

DEC 14 2021

Board of Supervisors
James City County, VA

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Henry Clark, a 5th-grade student at Matoaka Elementary School and a resident of the Jamestown District, led the Board and citizens in the Pledge of Allegiance

E. PUBLIC COMMENT

1. Ms. Norma Nowack addressed the Board noting she lives in Colonial Heritage and has resided in the County for four years. She further noted she had previously contacted Ms. Sadler as well as Mr. Rossie Carroll and Mr. Ken Shannon with the Virginia Department of Transportation (VDOT) Ms. Nowack expressed her concerns regarding the grass median located on Centerville Road which approaches Richmond Road. Ms. Nowack noted this particular area had been somewhat neglected, adding VDOT managed it and was cutting the grass three to four times a year. Ms. Nowack further noted she had noticed the growth was at least two feet tall. Ms. Nowack mentioned concerns of road debris along the sides as well. Ms. Nowack stated when she spoke to Mr. Carroll he advised her that they mainly managed rural areas, adding Mr. Shannon advised her this particular area was not a high impact area. Ms. Nowack expressed her gratitude to the County for the road work that had been completed on Centerville Road which included resurfaced roads, new traffic light at the intersection of News Road, a retaining wall, new curbs, and landscaping. Ms. Nowack noted she hoped in a highly developed area with many businesses, the grounds maintenance would be better. Ms. Nowack further noted her aspiration of the County taking over the maintenance from VDOT to ensure proper maintenance. Ms. Nowack stated she had spoken to Mr. Jody Dellenbach, Store Manager of Harris Teeter, Mr. Sean Cronin, BB&T Bank Cluster Leader, Mr. Mark Kramer, Manager of Thomas Nelson Community College Plant Services, Ms. Valerie Matthews, Zion Baptist Church Minister, and Mr. Carroll, adding they were all in agreement the situation somewhat impacts their businesses. Ms. Nowack remarked she hoped

the Board would consider looking into this matter.

2. Ms. Donnie Hines, Executive Director of Community of Faith Mission, addressed the Board providing an update on the Emergency Shelter program. Ms. Hines noted the organization was the only emergency winter shelter in the Greater Williamsburg area. Ms. Hines further noted a copy of the schedule had been provided to the Board. Ms. Hines pointed out on the schedule there were particular times that directed contact for details, adding there were some churches currently without authorization to allow missions to participate on-site. Ms. Hines noted those times would be held at a hotel they had contracted with due to lack of alternative space. Ms. Hines further noted the program will run from November 14, 2021-March 20, 2022. Ms. Hines mentioned the volunteers, the local faith communities, businesses, and individuals throughout the County who had supported the cause. Ms. Hines stated the nightly capacity would be 25 individuals per night. Ms. Hines noted she had met with several community agencies including James City County Department of Housing and the United Way of the Virginia Peninsula, and the data collected for those at imminent risk, which are defined as an individual on the verge of losing nighttime residence, was at a record high. Ms. Hines further noted the challenges of the local agencies serving those who were already experiencing homelessness and managing the demand of those at imminent risk with limited resources. Ms. Hines mentioned the COVID-19 pandemic and other events had created a ripple effect throughout the housing system and required more resources than what were available. Ms. Hines commented the nightly capacity of 25 individuals, most likely would not be enough, adding she anticipated most nights would be at full capacity. Ms. Hines noted Community of Faith Mission and partners were aware of the demand for a year-round emergency shelter as well as affordable housing. Ms. Hines expressed gratitude to the Board in regards to the support, engagement, and leadership in trying to find a solution to these challenges, adding if there were any questions the Board had she would be happy to answer them.

Mr. Hipple thanked Ms. Hines and expressed his gratitude for all of her hard work. Mr. Hipple requested another report once the cold weather arrived.

Ms. Hines noted she would do that and asked if November would be a good time.

Mr. Hipple replied mid-November or around Thanksgiving would be agreeable.

Ms. Hines stated the shelter would be opening November 14.

Mr. Hipple expressed his appreciation.

Ms. Hines thanked Mr. Hipple.

F. CONSENT CALENDAR

None.

G. PUBLIC HEARING(S)

1. Cable Franchise Agreement, Shenandoah Cable Television, LLC

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

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

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

Mr. Kinsman addressed the Board with a proposed franchise agreement with Shenandoah Cable Television, LLC. Mr. Kinsman noted the Board's desire to have cable competition in James City County. Mr. Kinsman further noted the proposed franchise practically mirrored the Cox franchise, which was looked at a few months prior, adding he would not get into the individual details as it was the same in all aspects of the materials. Mr. Kinsman mentioned representatives from Shentel were present and wanted to address the Board. Mr. Kinsman recommended adoption of the resolution and Mr. Kinsman added he was available to answer any questions.

Ms. Larson noted she was experiencing technical difficulties accessing the information.

Mr. Kinsman stated Ms. Larson could trust him on that point.

Ms. Larson commented Mr. Kinsman had her trust, which was the only reason she was willing to proceed.

Mr. Hipple opened the Public Hearing.

Mr. Stuart French, Government and Community Affairs Specialist at Shentel, addressed the Board noting Mr. Chris Kyle, the Vice President of Shentel, was present. Mr. French noted he would share a PowerPoint presentation with the Board, adding he had discussed the details with Mr. Patrick Page, Director of Information Resources Management Department. Mr. French noted Shentel was a 119-year-old company based out of Shenandoah Valley. Mr. French further noted Shentel specialized in telecommunications including broadband, cable television, and fiber optics. Mr. French mentioned the main focus of the organization was customer service, adding the product and services offered were a priority as well. Mr. French highlighted statistics to project the organization was well capitalized. Mr. French pointed out the coverage map and all of the locations Shentel currently serviced. Mr. French mentioned Shentel was expanding to the southeastern portion of Virginia, adding a similar franchise was approved with the City of Williamsburg, and discussions were being made with the County, as well as York County. Mr. French noted Shentel currently had over 7,000 miles of fiber optic already in the ground and in the air, and was continuing to expand. Mr. French further noted the details and benefits of full fiber optic to the home. Mr. French touched on a \$10 million capital investment in the market, competitive services, and a positive economic development impact. Mr. French pointed out the timeline of the step-by-step process to finalization. Mr. French highlighted the current rates which customers would pay for services, adding prices were uniform across the board. Mr. French noted the organization was currently contract free, so if a customer signed up and next month they decide to go back to an existing provider, there would not be any termination fees included. Mr. French further noted while Shentel offered full fiber optic to the home there were also bundle and individual options for services as well, which included internet, television, and phone. Mr. French stated he was available for any questions.

Ms. Larson inquired on the history of prices increasing after a year.

Mr. French replied no that these were the full prices excluding taxes.

Ms. Larson inquired on an initial area to be developed.

Mr. Icenhour replied he had the same question.

Mr. French replied yes; it was in the agreement. Mr. French noted there were two subdivisions that he worked with Mr. Page to identify, which included Windsor Forest and Kingwood subdivisions. Mr. French further noted those subdivisions were the priority areas, but not necessarily the first to be built, but relatively close to the beginning of the project.

Mr. Icenhour inquired on the expansion timeline throughout other areas of the County.

Mr. French replied ideally from the date the franchise was agreed and signed there would be a timeline of 18 to 24 months prior to construction due to Make-Ready, engineering, and other factors that would need to take place. Mr. French noted in worst case scenario, it would take two and a half to three years to complete the entire market build-out.

Mr. Icenhour inquired if that referenced most of the developed area of the County and not just the two subdivisions.

Mr. French replied correct.

Mr. Icenhour commended the organization for its customer service. Mr. Icenhour noted he was a Shentel customer when he lived in the western part of Virginia, adding he was very pleased with the service provided.

Mr. Hipple explained the challenges of lack of competition and alternative options in the area. Mr. Hipple noted he was aware Mr. Page, Mr. Kinsman, and staff had been working diligently to find a solution. Mr. Hipple further noted it would be great for the County citizens, as it would provide an alternative option and the anticipation of better customer service.

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

2. Resolution to Authorize the Initiation of Condemnation Proceedings for the Clara Byrd Baker Elementary Safe Routes to School Project

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. Kinsman addressed the Board to ask permission to initiate condemnation proceedings to acquire a sidewalk easement on the property located at 3109 Ironbound Road. Mr. Kinsman noted the County was locally administering the Clara Byrd Baker Elementary Safe Routes to School Project, which would improve the corridor from John Tyler Highway along Ironbound Road to Clara Byrd Baker Elementary School. Mr. Kinsman further noted in 2017 the Board approved the project and in 2018 the Board appropriated approximately \$362,000 for the project. Mr. Kinsman stated all of the necessary easements along the road had been obtained excluding one at 3109 Ironbound Road. Mr. Kinsman mentioned the property was owned by three individuals, two of whom resided locally and the other individual resided in Richmond, Virginia. Mr. Kinsman noted the two local owners provided informal approval, but not the Richmond owner. Mr. Kinsman further noted several methods of communication had been attempted in order to make contact with the owner in Richmond, but to date no agreement had been made. Mr. Kinsman expressed his concern if the project did not move forward now, the opportunity to pursue the project may no longer be there. Mr. Kinsman explained that was the reason he was asking the Board's permission to initiate condemnation, adding he would continue working with the owners. Mr. Kinsman recommended approval of the resolution. Mr. Kinsman noted he was available to answer any questions.

Mr. Hipple opened the Public Hearing.

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

H. BOARD CONSIDERATION(S)

1. Appeal of Notice of Violation, 5032 River Drive

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

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

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

Mr. Kinsman addressed the Board advising he believed the parties involved were working on a resolution to this matter and had requested a 90-day deferment. Mr. Kinsman noted there were a number of different parties involved, in addition to a number of attorneys as well. Mr. Kinsman further noted the County Attorney's Office and Environmental Resource Protection staff were in agreeance to the 90-day deferment. Mr. Kinsman recommended the Board approve a motion to postpone until January 11, 2022, Board of Supervisors meeting.

Ms. Larson inquired if a resolution would be brought back to the Board on the final outcome. Ms. Larson asked what was the process.

Mr. Kinsman replied to his knowledge typically appeals do not come before the Board. Mr. Kinsman commented if the parties involved agree with the penalty suggested from the County, then it would not come back to the Board except in an approval stance. Mr. Kinsman remarked on what he believed had been suggested was a monetary penalty and remediation of the site. Mr. Kinsman noted he thought the potential challenges were with the remediation of the site, adding all parties involved were trying to determine who would be responsible in doing that. Mr. Kinsman further noted once the outcome had been determined, it would then be brought to the Board for approval.

Ms. Larson noted the seriousness of this violation.

Mr. Kinsman confirmed. Mr. Kinsman expressed his belief of the number of individuals who were involved in this case was because of the remediation aspect of the violation, adding the significant costs associated with the remediation.

I. CLOSED SESSION

Mr. Hipple suggested the Board handle the two appointments scheduled for Closed Session in Open 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
2. Williamsburg Regional Library Board Appointment
3. Peninsula Agency on Aging Appointment

A motion to Re-appoint Ms. Nicole Trifone to the Williamsburg Regional Library Board for a four-year term that would extend to September 30, 2025 and appointment of Ms. Barbara Watson to the Peninsula Agency on Aging for a three-year term that would extend to September 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

J. ADJOURNMENT

1. Adjourn until 1 p.m. on October 26, 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 5:24 p.m., Mr. Hipple adjourned the Board of Supervisors.


Deputy Clerk