

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
March 8, 2022
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

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

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

ADOPTED

APR 26 2022

**Board of Supervisors
James City County, VA**

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Giavanna "Gigi" Gravgaard, a 5th grade student at Matthew Whaley Elementary School, led the Board and citizens in the Pledge of Allegiance

E. PUBLIC COMMENT

None.

F. CONSENT CALENDAR

None.

G. PUBLIC HEARING(S)

1. Ordinance to Amend County Code Ch. 2, Article II. Magisterial District, Election Districts and Election Precincts

A motion to Approve the Ordinance 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. McGlennon informed the Board that Ms. Liz Parman, Deputy County Attorney, would be

addressing the Board with the staff presentation. Mr. McGlennon stated as of March 1, 2022, Ms. Parman had become the Deputy County Attorney, adding she was the fourth individual to hold this position, in addition to being the first woman appointed as Deputy Attorney.

The Board and audience members applauded.

Ms. Parman thanked Mr. McGlennon. Ms. Parman recognized Ms. Kim Hazelwood, GIS Supervisor, for the maps she created as it was a pertinent part of the redistricting process. In addition, Ms. Parman recognized Mr. Jason Purse, Assistant County Administrator, who was also very helpful during this process. Ms. Parman stated the County was required to redistrict every 10 years following the release of the decennial census population data. Ms. Parman indicated the Board endorsed a new district level map for the County on its September 28, 2021, meeting. Ms. Parman stated the Virginia Supreme Court established voting districts for the Virginia General Assembly and U.S. Congress on December 28, 2021, which allowed staff to establish proposed precincts in the previously endorsed district level maps, adding this was displayed on the PowerPoint presentation. Ms. Parman stated before the Board was a final Ordinance and map for the Board's approval. Ms. Parman indicated in this map the County retains its five election districts, adding there was an uneven increase in population across the County, which required staff to move approximately 3,400 individuals across districts. Ms. Parman remarked that was approximately 4% of the population. Ms. Parman referred to 2011 redistricting for comparison purposes, adding over 20,000 individuals were moved across districts, which was approximately 33% of the population. Ms. Parman mentioned the new proposed Ordinance would eliminate one precinct in the Roberts District to include 875 voters, which would establish a total of 18 precincts in the County. Ms. Parman stated Berkley, Powhatan, and Roberts Districts would be amended to account for new voters, Roberts A District would remain unchanged, precincts in the Stonehouse District were amended to account for a larger than permitted precinct in Stonehouse B District, adding where voters were shifted to accommodate, two precincts in the Jamestown District were amended to put voters closer to a new polling place, adding Jamestown C and D to remain unchanged. Ms. Parman stated per Virginia State Code required no split precincts or precincts with over 5,000 registered voters, adding the requirement was met. Ms. Parman advised the Ordinance would establish a new satellite office for early voting located at 4095 Courthouse Green, adding it would also be the new location for the Office of Elections. Ms. Parman recognized Ms. Dianna Moorman, Director of Elections present in the boardroom. Ms. Parman indicated 4095 Courthouse Green would also be a polling place on Election Day. Ms. Parman noted staff recommended the Board of Supervisors adopt the new map and Ordinance, and once adopted it would then be sent to the Attorney General's Office for certification. Ms. Parman welcomed any questions the Board might have.

Mr. McGlennon thanked Ms. Parman for the presentation.

Mr. Icenhour commended staff for the hard work conducted.

Ms. Parman replied thank you.

Mr. McGlennon stated that the Roberts District would be losing one precinct through the combination of what is currently Roberts Districts B and C, adding those districts would currently utilize the polling location initially used for Robert District C. Mr. McGlennon stated the polling location that was in place for Roberts District B and the new precinct which would include the combination Roberts Districts B and C are equidistant. Mr. McGlennon commented this should not cause inconvenience, adding it would allow for a more efficient utilization of staff resources and the volunteers who assist on Election Day.

Ms. Larson requested to ensure once the certification was completed by the Attorney General's Office that notification to voters was conducted. Ms. Larson was aware voters

would receive a voter's card. Ms. Larson asked if there was a number of voters in the Berkeley District who would be required to move precincts.

Ms. Parman confirmed yes, some voters would be shifted to another polling location.

Ms. Larson recommended Ms. Moorman address the Board to confirm the type of notification voters would receive. Ms. Larson asked Ms. Parman if that would be possible.

Ms. Parman replied yes certainly.

Ms. Moorman addressed the Board to confirm voter cards would be sent out as the form of notification, adding the first mailer would be done in conjunction with other localities across the state, which had also been changed with Congressional District. Ms. Moorman indicated the County had changed from two Congressional Districts to one. Ms. Moorman advised voter cards would be sent out to all County voters due to the number of shifts made, adding the voter cards would go out in the form of a postcard opposed to the long voter's strip envelope used in the past. Ms. Moorman stated once the initial mailing was conducted, the long voter's strip envelope would be utilized again. Ms. Moorman stated that a significant media campaign would be conducted for changing the Vote Center, General Registrar's Office, and the precincts. Ms. Moorman remarked the goal was to run a multifaceted campaign.

Ms. Larson indicated Fire Administration Building had opened when Congressional District 2 was added.

Ms. Moorman replied yes, in 2016.

Ms. Larson asked if that Congressional District would be no longer.

Ms. Moorman stated correct, adding the County only had one Congressional District.

Ms. Larson replied ok.

Ms. Moorman stated it would help eliminate a lot of confusion, adding the Fire Administration Building would remain a polling place, which was one of the precincts not affected by any changes. Ms. Moorman indicated Berkeley D would be the smallest precinct in the County now that Roberts District B and C had merged.

Ms. Larson replied alright, thank you.

Ms. Moorman commented since the County now had the Vote Center, the turnout was not significant for the polling place on Election Days now.

Mr. McGlennon asked if the early voting location was available to any voter in the County. Ms. Moorman replied yes, correct.

Ms. Moorman stated No-excuse early voting, if there was a primary, which currently was unknown; however, that information would be obtained in April. Ms. Moorman added if there were a primary, voting would begin May 6, for that primary of June 21. Ms. Moorman indicated Williamsburg-James City County Schools would be closed that day if a primary was determined. Ms. Moorman reported a new change in which primaries would be moved to the third Tuesday in June, adding then the County would begin voting again in September for the November General.

Ms. Sadler stated to her knowledge her district would no longer be at Stonehouse, it moved to Hickory Neck, adding her understanding was that precinct moved to Toano Middle School.

Ms. Sadler asked Ms. Moorman if that information was correct.

Ms. Moorman confirmed yes, that was correct. Ms. Moorman explained Hickory Neck was great in the past; however, the population was growing and no longer had the parking facility, adding it was not inside the precinct lines.

Ms. Sadler requested some signage at Hickory Neck to notify voters of the change in polling location.

Ms. Moorman replied yes, signage would be implemented.

Ms. Sadler stated thank you.

Ms. Moorman replied this was her second redistricting she had gone through. Adding that each of the polling places, in addition to the areas that would no longer have an election would have signage posted. Ms. Moorman explained signage would notify voters of the new precinct based on street which residence resides.

Ms. Sadler asked if the signage would be out near the road visible for individuals to avoid turning into the premises.

Ms. Moorman confirmed yes, adding it would be an A-frame sign in addition to multiple stake signs.

Ms. Sadler replied good, thank you.

Mr. McGlennon thanked Ms. Moorman.

Mr. McGlennon opened the Public Hearing.

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

2. Ordinance to Amend Transient Lodging Tax

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, Sadler

Mr. McGlennon welcomed Mr. Bradshaw.

Mr. Richard Bradshaw, Commissioner of the Revenue, addressed the Board advising an Ordinance change was initiated due to state changes. Mr. Bradshaw explained the state had mandated online booking agencies would be responsible for collecting and remitting local transient occupancy taxes, adding this was not the case prior to the state legislation. Mr. Bradshaw stated previously it was the responsibility of each individual business to remit its own local transient occupancy tax. Mr. Bradshaw indicated the County would be required to manage registration and audit the returns from the online booking agencies. Mr. Bradshaw advised Airbnb was excluded from this requirement. Mr. Bradshaw mentioned the Ordinance before the Board was to reflect the changes which were made at the state level.

Ms. Sadler asked if this was considered a housekeeping item.

Mr. Bradshaw replied in a manner of speaking yes.

Ms. Sadler replied thank you.

Mr. Hipple asked instead of the businessowners collecting and forwarding the local transient occupancy taxes it would now require the online booking agencies to do so, correct. Mr. Bradshaw responded basically; however, the businessowners would still be required to file as not all reservations would come through the online booking agencies. Mr. Hipple expressed this may be more beneficial, for instance, some businessowners may not be aware of the local tax requirements and were not forwarding payment; however, if this was to go through a third party, it would allow payment which was not received prior.

Mr. Bradshaw mentioned to his knowledge there was an amendment which was implemented this year in relation to the state Ordinance, which would require the online booking agencies to inform of the particular locality the local transient occupancy tax was being collected which Mr. Bradshaw expressed the beneficial aspect as it would be easier regarding enforcement at the local level. Mr. Bradshaw reiterated Airbnb was excluded.

Mr. Hipple stated he has an Airbnb, adding at the end of the year he received a statement of total earnings for the Airbnb. Mr. Hipple noted he followed all County guidelines, adding he received a booklet from the County. Mr. Hipple expressed it was easy to fill out and complete.

Mr. Bradshaw stated the County tried to do that across the board, adding new Airbnb participants still received a year's worth of vouchers; however, it was not in the booklet form.

Mr. Hipple replied right, adding he received the vouchers; however, the booklet impressed him. Mr. Hipple stated good job on the booklets. Mr. Hipple reiterated the concerns of some potential businessowners who may be unaware of the taxes required to be collected and forwarded.

Mr. Bradshaw reiterated the online booking agencies would be collecting the local transient lodging tax for the businessowner, but it would provide information as to where the local tax was allocated. Mr. Bradshaw explained business license was involved in addition to zoning regulation requirements.

Mr. Hipple replied thank you.

Ms. Larson asked if for instance, if an individual makes a reservation on booking.com, the local tax was then collected, adding booking.com was required to forward the local transient occupancy taxes to the County, correct.

Mr. Bradshaw confirmed yes; however, the businessowner of the property would still be required to ensure the local transient occupancy tax was paid.

Ms. Larson asked how that would work.

Ms. Sadler commented the County would audit it.

Mr. Bradshaw stated the County requested on state level that the online booking agencies provide information as to which locality the local tax would be collected for, adding the original state legislation which passed a year and a half ago did not include that provision. Mr. Bradshaw commented this would allow the County to locate the local transient occupancy tax funds.

Ms. Larson expressed her concern of relying on the third party online booking agent to forward the local transient occupancy tax.

Mr. Bradshaw reiterated in addition to the online booking agent collecting the tax the businessowner of the property would still be required to file and provide documentation that the online booking agent collected and remitted for the confirmed nights reserved. Mr. Bradshaw stated there may be rooms which were not covered under the online booking agent format.

Ms. Larson asked if an individual paid for one night, the rest of the stay would be the businessowner's responsibility to collect the local transient occupancy tax.

Mr. Bradshaw stated he was unsure of each individual format.

Ms. Larson replied very interesting.

Mr. Hipple mentioned the concern previously was while one businessowner may be following the County guidelines, there may be another businessowner who was not. Mr. Hipple advised this would allow the County to detect the confirmed reservation in addition to the taxes collected.

Ms. Larson expressed her disbelief that this process would work, adding she referenced the inability to collect and remit online local taxes.

Ms. Sadler mentioned it was a zip code dilemma.

Mr. Hipple stated this was a start.

Mr. Bradshaw reported Amazon was not required to report the locations where deliveries were being made; however, in this case the online booking agents would be required to report to the County the third party for which was collection and remittance was done. Mr. Bradshaw added the County would then be able to track and ensure a local license had been secured.

Ms. Larson replied alright, thank you.

Mr. McGlennon opened the Public Hearing.

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

3. Z-21-0012 and MP-21-0003. Proffer and Master Plan Amendment for the Continuing Care Retirement Facility at Ford's Colony (Ford's Village)

A motion to Defer the consideration of this case until April 12, 2022, was made by James Icenhour, the motion result was Passed.

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

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

Mr. McGlennon stated there would not be an applicant or staff presentation on the item this evening, adding the applicant had requested a deferral until April 12, 2022.

4. SUP-21-0026. Living Word Church of God

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

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

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

Mr. McGlennon recognized Mr. John Risinger, Planner.

Mr. Risinger addressed the Board noting the specifics of the application. Mr. Risinger mentioned a previous site plan was approved for the church in 1996 and an amendment to the site plan was approved in 2000. Mr. Risinger stated the initial construction included the church building currently on-site; however, the associated permits expired prior to completion of the interior renovations and other site improvements. Mr. Risinger advised a new site plan and building permit were required to complete the necessary improvements, adding in 2017 the A-1 Zoning District was amended to require a Special Use Permit (SUP) for places of assembly. Mr. Risinger stated the rehabilitation to the existing church would be completed prior to occupancy, adding the church would seat up to 150 people. Mr. Risinger noted site improvements would include 30 parking spaces. Mr. Risinger stated at the Planning Commission's February 2, 2022, Regular meeting, the Planning Commission voted 5-0 to recommend approval of this SUP to the Board of Supervisors, subject to the proposed conditions. Mr. Risinger remarked staff found the SUP to be compatible with surrounding development, consistent with the 2045 Comprehensive Plan, and Zoning Ordinance. Mr. Risinger welcomed any questions the Board might have, adding the applicant was present as well.

Mr. McGlennon recognized Mr. Tim O'Connor, Chair of the Planning Commission.

Mr. O'Connor addressed the Board noting the members of the Planning Commission were in favor of the application as the rehabilitation would increase the aesthetics of the property, adding stormwater improvements were also included in the proposal, which was a positive component. Mr. O'Connor stated he was happy to answer any questions the Board might have.

Mr. McGlennon thanked Mr. O'Connor.

Mr. McGlennon opened the Public Hearing.

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

Mr. McGlennon noted Items Nos. 5 and 6 would be subject to a combined presentation.

5. AFD-21-0003. 360 Racefield Drive Barnes Swamp Withdrawal

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

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

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

Mr. McGlennon recognized Mr. Tom Leininger, Principal Planner.

Mr. Leininger addressed the Board noting Mr. Brendan Grajowski, Hexagon Energy, LLC, had applied for an SUP to construct a solar farm in addition to an Agricultural and Forest District (AFD) Withdrawal request to remove 26 acres from the 65.26-acre parcel located in the Barnes Swamp AFD. Mr. Leininger stated the proposed solar farm would consist of ground-mounted arrays on a single-axis solar tracker in addition to a 50-foot vegetated buffer closest to Racefield Drive. Mr. Leininger stated the 2045 Comprehensive Plan designated the property as Rural Lands, adding the 2045 Comprehensive Plan did not specifically identify solar power or utilities in Rural Lands. Mr. Leininger discussed specifics which were not compatible with the 2045 Comprehensive Plan. Mr. Leininger advised the Planning

Commission voted 4-1 to find this proposal consistent with the 2045 Comprehensive Plan, adding the AFD Withdrawal request was reviewed by staff which resulted in only met one of the four criteria listed in the Board adopted policy governing the withdrawals of property from AFDs. Mr. Leininger cited the four criteria. Mr. Leininger stated at the AFD Advisory Committee meeting on January 27, 2022, where the Committee voted 5-0 with one member abstaining to recommend denial of the withdrawal request to the Planning Commission and the Board of Supervisors, adding on February 2, 2022, the Planning Commission voted 3-2 to recommend denial of the withdrawal request to the Board of Supervisors. Mr. Leininger mentioned based on the evaluation of criteria in the Board adopted policy governing the withdrawals of property in the AFDs, staff recommended denial of the AFD Withdrawal request to the Board of Supervisors. Mr. Leininger stated at the February 2, 2022, Planning Commission meeting, the Planning Commission voted 4-1 to recommend approval of the SUP to the Board of Supervisors. Mr. Leininger noted staff finds this proposal inconsistent with the 2045 Comprehensive Plan and recommended denial to the Board of Supervisors, adding if the Board chose to approve the SUP there were proposed conditions to mitigate potential impacts of the development. Mr. Leininger advised if the Board denied the AFD Withdrawal request, but approved the SUP request the included resolution specifies that no site plan would be approved until the area was withdrawn from the Barnes Swamp AFD. Mr. Leininger informed the Board the landowner could remove the property later this year during the renewal period for the District. Mr. Leininger welcomed any questions the Board might have, adding the applicant was also present.

Mr. Hipple asked when the renewal period was.

Mr. Leininger stated he believed it was sometime in September.

Ms. Sadler commented it would be up for renewal anyway.

Mr. Leininger confirmed yes.

Mr. Hipple mentioned there were a couple of Board statements to include reasons for withdrawal which included: 1) could the landowner anticipate utilizing the land for solar farm purposes to allow revenue to the landowner in addition to the County; and 2) it would not cause damage or disrupt the existing District. Mr. Hipple stated from what he heard it would not disrupt the district.

Mr. Leininger stated correct.

Mr. Hipple expressed his perspective might be different if the renewal period was not coming up soon; however, he felt there was no significant impact.

Mr. Icenhour asked if there was a withdrawal prior to termination was the landowner required to pay the back taxes from the last approval in 2018.

Mr. Leininger deferred the question to Mr. Bradshaw.

Mr. Bradshaw stated AFDs and land use while similar were two different entities. Mr. Bradshaw indicated a change in land use would require a rollback of the land use evaluations for the current year and preceding five years, adding the rollback would bring the taxes paid on the property that had the change in land use up to market value for those periods in addition to simple interest at a 10% annual rate calculated on a monthly basis.

Mr. Icenhour asked Mr. Bradshaw if he knew the calculation on that.

Mr. Bradshaw replied no.

Mr. McGlennon asked Mr. O'Connor to the podium.

Mr. O'Connor expressed vast majority of the Planning Commission members did not feel this application was of significance to withdrawal from the Barnes Swamp AFD early and for future considerations of withdrawals from the AFDs. Mr. O'Connor stated it was an interesting discussion as staff felt the solar farm was in accordance with the 2045 Comprehensive Plan as it was a way to use the rural lands without developing it for residential lots in addition the applicant addressed the traffic flow concerns on Racefield Drive. Mr. O'Connor stated four of the Planning Commission members agreed this was a good use of the land as solar farms typically had a 20–25-year lifespan, so it was not permanent like other types of development. Mr. O'Connor welcomed any questions the Board might have.

Mr. McGlennon thanked Mr. O'Connor.

Mr. McGlennon opened the Public Hearing.

1. Mr. Brendan Grajowski, Development Manager of Hexagon Energy, LLC, addressed the Board to discuss the proposed Racefield Solar Project. Mr. Grajowski recognized his colleague Mr. Scott Foster with Gentry Locke law firm. Mr. Grajowski presented a PowerPoint presentation to the Board and provided an overview of topics to be discussed. Mr. Grajowski briefly touched on the project specifics. Mr. Grajowski displayed the most recent submitted master plan on the PowerPoint presentation. Mr. Grajowski briefly touched on the comprehensive plan conformance, adding while the Planning Commission determined the project was not consistent with the County's 2045 Comprehensive Plan; however, it was pertinent to note that within one of the covenants of the AFD itself this pursuant use was in accordance with the Comprehensive Plan. Mr. Grajowski expressed his belief that solar was an anticipated use in the rural lands, adding Mr. Foster would discuss that further.

2. Mr. Scott Foster, Associate Attorney at Gentry Locke, highlighted specifics in the 2045 Comprehensive Plan for compliance and intent purposes on the PowerPoint presentation.

Mr. Grajowski discussed the small-scale benefits of the project. Mr. Grajowski received a request from Ms. Sadler to look into the traffic impacts during the construction period. Mr. Grajowski confirmed the construction phase of approximately three to four months after, adding he would circle back to this topic momentarily. Mr. Grajowski discussed the community engagement approaches conducted for the project. Mr. Grajowski listed the Project Improvements on the PowerPoint presentation. Mr. Grajowski touched on the traffic impact concerns, reiterating the construction phase of three to four months indicating there would be a ramp-up and down period during the middle of the construction of approximately a month each. Mr. Grajowski stated construction peak periods would equate to approximately one delivery per day for the equipment. Mr. Grajowski stated the worker vehicles would be regular pedestrian vehicles, adding on-site parking would be conducted. Mr. Grajowski advised a permit bond was in place for any potential traffic related impact damage concerns. Mr. Grajowski remarked Ms. Sadler had requested paneling to be sourced domestically, which would be accommodated. Mr. Grajowski discussed and displayed the vegetative screening on the PowerPoint presentation, which would screen all sides of the property. Mr. Grajowski spoke about the cons of the east side of Racefield Drive, adding the road was very windy and narrow. Mr. Grajowski displayed a proposed mitigation route, adding Condition Nos. 8 and 9 would still need Virginia Department of Transportation (VDOT) and County approval in addition to the permit bond to confirm this route would be the finalized route. Mr. Grajowski stated Kimley-Horn and Associates Inc., traffic consultant, confirmed this proposed mitigation route was route-appropriate, adding the intersections and roads could handle the level of traffic. Mr. Grajowski advised in the event of the project being approved there would be two additional traffic studies conducted for final validation purposes. Mr.

Grajowski highlighted various factors of the AFD Withdrawal on the PowerPoint presentation. Mr. Grajowski displayed the anticipated project timeline if the Board of Supervisors were to approve the application. Mr. Grajowski stated the property would remain farmed beyond the AFD term expiration, adding the SUP process was just the beginning of obtaining full County approval. Mr. Grajowski welcomed any questions the Board might have.

Mr. McGlennon thanked Mr. Grajowski for presenting under the time constraints.

Ms. Sadler asked if the farming would continue until all aspects of the application were approved.

Mr. Grajowski confirmed yes.

Ms. Larson stated she had visited the property. Ms. Larson expressed her concern with the type of vegetation, specifically a deer resistant vegetation. Ms. Larson stated the displayed visuals on the PowerPoint presentation looked good, however, the vegetation could be compromised.

Mr. Grajowski replied absolutely, adding a Landscape Management Plan (LMP) would be implemented with County approval.

Ms. Larson reiterated the concerns.

Mr. Grajowski stated it would be addressed to determine if it could be accommodated in the LMP.

Ms. Larson responded thank you.

Mr. McGlennon asked if there were any additional questions for staff.

Ms. Larson requested if an approval was made on this application, she would request staff provide a follow-up on the vegetation screenage concern.

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

Mr. Icenhour stated he visited the property as well. Mr. Icenhour commended the applicant and staff for the thorough work conducted on this. Mr. Icenhour stated he understood the hesitancy aspect to both the AFD Committee and the Planning Commission as there were certain guidelines which had to be thoroughly evaluated. Mr. Icenhour addressed the AFD withdrawal aspect of the application advising if it was removed from the AFD to commence construction, the property would continue to be farmed through the expiration of the AFD in addition construction would not occur until after the expiration of the AFD, adding this would allow for the planning aspect of the project to be completed. Mr. Icenhour stated this was considered 35-year conservation easement, adding it would not be divided into residential lots. Mr. Icenhour added at the end of the period there was a concise plan and bond on how the land would be restored. Mr. Icenhour remarked he felt this was a good alternative use to generate revenue for individuals who own rural lands. Mr. Icenhour expressed he was in favor of both the AFD early withdrawal and the project.

Mr. Hipple expressed his support for the solar farm project, adding it was a good alternative to preserve the rural lands. Mr. Hipple stated he and Ms. Sadler visited the property, adding the discussion to support materials sourced domestically. Mr. Hipple commended the applicant for accommodating the request to source domestically in addition to the community outreach for input on the project.

Ms. Sadler remarked in terms of removal from the AFD the property would be removed anyhow for specific reasons. Ms. Sadler expressed she felt this use of the property would protect the property from being developed, adding which was the County's goal to preserve the rural lands. Ms. Sadler noted positive feedback from local residents of the Racefield Drive area for the County guidelines in place. Ms. Sadler commended staff for all projects which come before the Board, adding the County guidelines were there to protect everyone. Ms. Sadler expressed she felt this project was low impact to the surrounding area. Ms. Sadler thanked Mr. Grajowski addressing the traffic related concerns, the community outreach, and for meeting with the Board. Ms. Sadler stated she did not see an issue removing the property out of the AFD early since it would be used for a specific purpose, adding this would allow the applicant to begin the planning process for the project. Ms. Sadler remarked for those reasons she was in support of the AFD withdrawal and the project.

Mr. McGlennon stated he visited the property with the applicant to better understand the circumstances. Mr. McGlennon stated it was important to acknowledge staff performed their duty very well in accordance with the County's AFD Withdrawal policies; however, it was up to the Board to contemplate the decision based on other considerations. Mr. McGlennon remarked the significant aspect in this case was the project would be utilized and not for intensive development. Mr. McGlennon added the beneficial aspect to property owners of rural lands. Mr. McGlennon expressed he felt this type of project would not be replicated in other parts of the County or region. Mr. McGlennon stated he was in favor of supporting the AFD early withdrawal in addition to the SUP.

6. SUP-21-0022. 360 Racefield Drive Solar Farm

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, Sadler

H. BOARD CONSIDERATION(S)

1. S-21-0069. 2188 Lake Powell Road, Perkinson Family Subdivision

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. McGlennon recognized Mr. Paul Holt, Director of Community Development.

Mr. Holt addressed the Board advising Mr. Alister Perkinson had submitted a Family subdivision application on behalf of his father, Mr. Roderick Perkinson, to create a 3.8-acre lot within an existing parcel located at 2188 Lake Powell Road. Mr. Holt stated the property was approximately 28 acres, zoned R-8, Rural Residential, and located within the Gospel Spreading Church AFD. Mr. Holt cited the Gospel Spreading Church AFD Ordinance. Mr. Holt indicated if approved the new 3.8-acre parcel lot would remain within the Gospel Spreading Church AFD, adding staff found no proposed changes to the AFD nor any anticipated negative impacts on surrounding property. Mr. Holt noted staff recommends the Board authorize one single-family residential parcel of approximately 3.8 acres in size for a Family subdivision within the Gospel Spreading Church AFD. Mr. Holt further noted this application was not required to be reviewed by the Planning Commission. Mr. Holt stated at the January 27, 2022, AFD Advisory Committee meeting, the AFD Advisory Committee recommended approval of this request by a vote of 6-0. Mr. Holt welcomed any questions the Board might have, adding the Perkinson family was present as well.

Mr. McGlennon thanked Mr. Holt.

2. Initiation of Consideration of Amendments to the Zoning Ordinance and Subdivision Ordinance to Establish Lot Sizes in the R-8 and A-1 Zoning Districts that are Consistent with the Stated Rural Lands Designation Description and Development Standards of the 2045 Comprehensive Plan

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, Sadler

Mr. McGlennon recognized Mr. Holt.

Mr. Holt addressed the Board noting in accordance with prior discussions staff had prepared an Initiating Resolution which was provided in the Board's Agenda Packet to consider potential amendments to the Zoning Ordinance and Subdivision Ordinance to revise the R-8 and A-1 Zoning Districts, adding this would set lot sizes to be consistent with the Rural Lands designation description and development standards. Mr. Holt stated the purpose of such amendments would be to implement Goal, Strategy, and Action Land Use Nos. 6.2 and 6.2.1 to allow for consistency with the stated descriptions. Mr. Holt mentioned staff recommends approval, adding he welcomed any questions the Board might have.

Mr. McGlennon thanked Mr. Holt.

3. 2022 Motor Vehicle Assessment

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. McGlennon recognized Mr. Bradshaw.

Mr. Bradshaw addressed the Board thanking the Board for adding this item to the Board's Agenda this evening as it was imperative to act on this matter. Mr. Bradshaw stated since 1995 the County had used average loan value according to the NADA pricing guide as the general assessment method for motor vehicles within the County, adding this method did not cover all motor vehicles as there were other methods utilized as well; however, this was the primary method. Mr. Bradshaw discussed individual motor vehicle values, adding as the motor vehicle ages a decline in value of 7%-10% annually. Mr. Bradshaw reported 2022 motor vehicle guides indicated an increase in value of between 10%-55% on virtually all motor vehicles newer than 2003. Mr. Bradshaw explained generally there was typically two or three models of motor vehicles which would increase in value during a course of a year; however, this was not the case. Mr. Bradshaw indicated a resolution was provided in the Board's Agenda Packet which would allow an assessment ratio of 75% of the NADA pricing guide values to alleviate the impact of these unprecedented increases. Mr. Bradshaw explained the resolution would be effective for calendar year 2022 only, adding if the values do not reset by 2023, another resolution would need to come before the Board. Mr. Bradshaw welcomed any questions the Board might have.

Mr. Icenhour asked if by using the 75% assessment ratio on NADA values, would the County's net value remain relatively close.

Mr. Bradshaw confirmed yes.

Mr. Icenhour asked if this figure would keep the County in the normal net value range.

Mr. Bradshaw replied it would neutralize the increase in the personal property book value.

Mr. Icenhour asked if these were specific motor vehicles which increased drastically.

Mr. Bradshaw responded no; it was all motor vehicles across the board. Mr. Bradshaw stated his Ford Focus increased by 48%, adding even with the 75% assessment ration on NADA values he would have an increase of 10% or more on his personal property taxes in aspect to the motor vehicle.

Mr. Icenhour discussed the math aspect of the increased percentages in assessed values for motor vehicles. Mr. Icenhour stated approximately around the 35% range would be the breakeven area, adding individuals who had a higher percentage in assessed value would pay more and vice versa.

Mr. Bradshaw remarked essentially, adding the 75% assessment ratio was found to neutralize the increase in the personal property book value aspect.

Mr. Icenhour expressed he felt it was necessary to do for County citizens.

Mr. Hipple wanted to ensure the public was understanding of the circumstances, as there was no intent to increase County personal property taxes on motor vehicles due to the supply and demand issue with motor vehicles in addition to the unprecedented increase in values. Mr. Hipple explained this 75% assessment ratio would keep personal property taxes at a normal range opposed to drastically fluctuating annual taxes.

Mr. Bradshaw reiterated it would neutralize the increase in the personal property book value. Mr. Bradshaw explained in this case the purpose was to reduce the assessed values, so County citizens would pay less tax opposed to if the assessment method was not modified.

Mr. Hipple replied correct, adding the taxes may increase slightly; however, not to the extent it had in the past.

Discussion ensued.

Mr. McGlennon expressed caution as a certain percentage would be covered through state funding.

Mr. Bradshaw explained the state gives the County a fixed dollar amount.

Mr. McGlennon replied right, adding that becomes a smaller percentage of the total.

Mr. Bradshaw replied correct, adding last year's percentage was 39% on personal use motor vehicles advising state money funded that; however, if the adjustment was not implemented, the County would most likely be down to 20%. Mr. Bradshaw explained with the adjustment made, the state percentage should stay between 35%-39% range.

Mr. McGlennon expressed the flexibility benefit within this particular tax as it was not anticipated for this increased cost to continue.

Mr. Bradshaw remarked he personally felt the values would drastically decrease at some

point. Mr. Bradshaw stated whether it was to happen in the fall of this year or the spring of next year, adding if it happened in the spring of next year this process would reoccur for the calendar year 2023, but if it happened within the fall of this year business would resume as normal.

Mr. McGlennon asked for public notification purposes this would affect next year's personal property tax.

Mr. Bradshaw stated no, this would affect personal property tax for 2022, specifically the one due in June and December of this year.

Mr. McGlennon replied ok.

Mr. Bradshaw reiterated personal property taxes on a calendar year, specifically for calendar year 2022.

Mr. McGlennon asked if County citizens would notice the adjustment in the June 2022 statement.

Mr. Bradshaw confirmed yes. Mr. Bradshaw welcomed any individuals who were interested in what the taxes would reflect without the recent adjustment made could come by his office.

I. BOARD REQUESTS AND DIRECTIVES

A motion to Direct Staff to Expedite the Impervious Cover and Hydrology Updates on the Powhatan Creek and Gordon Creek Watershed Management Plans and Provide This Information to the Board as Soon as Possible was made by Michael Hipple, the motion result was Passed.

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

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

Mr. Icenhour noted he had a few items he had been collaborating with staff to address which would require motions. Mr. Icenhour stated the County's watershed management plans were the tools the County used to manage growth, so that the County could maintain the health and viability of the County's streams, adding the watershed health is the direct function of impervious cover. Mr. Icenhour remarked according to the County's watershed management plans streams begin degrading at 10% impervious cover and once 25% impervious cover is exceeded the streams become essentially stormwater conduits that could no longer support a diverse stream community. Mr. Icenhour mentioned Powhatan Creek watershed, adding it was the first watershed to execute a watershed management plan. Mr. Icenhour added the watershed covered the majority of his District. Mr. Icenhour stated an update was completed in 2008 which indicated challenges of streams being severely impacted, adding there had not been an update since. Mr. Icenhour advised the two sub watersheds which were projected to exceed 25% impervious cover were located in his District predominantly. Mr. Icenhour expressed concern of the ability to properly assess land use evaluations coming before the Board if updated data was not available in the watershed management plans. Mr. Icenhour requested a motion for record purposes, adding staff had advised this was in progress in relation to the Powhatan Creek watershed. Mr. Icenhour requested this matter be expedited if possible, adding if additional resources needed to be implemented, he felt that should be accommodated.

Mr. Hipple asked about the timeframe on this matter.

Mr. Holt replied at this time he did not have an answer to share with the Board, adding he would need to circle back around with the Stormwater Resource Protection staff. Mr. Holt mentioned as the Board was aware those items were significant cost items which were accounted for in the budget and was mostly consultant driven. Mr. Holt noted various components which could impact the timeframe.

Mr. Icenhour requested an update at his earliest convenience.

Mr. Holt replied sure.

Mr. Icenhour requested a candid assessment to determine what was needed to proceed. Mr. Icenhour expressed urgency on this matter.

Mr. McGlennon commented on the alert aspect of the information presented in addition to further consideration for potential future cases which may come before the Board in relation to the watersheds.

Mr. Hipple asked Mr. McGlennon if postponement of potential future cases which pertained to the mentioned watersheds would be a considered until a study was completed.

Mr. McGlennon stated it was a good point to consider; however, he felt not all future cases would be affected by the watershed concerns. Mr. McGlennon remarked it was one alternative for the Board to take into account.

Ms. Larson presumed there were some filed cases in process. Ms. Larson asked confirmation from Mr. Holt.

Mr. Holt replied correct.

Mr. McGlennon remarked if the case was already filed, he did not believe there was a way to abort the process.

Mr. Icenhour remarked to his knowledge in prior years filed cases must proceed; however, the acceptance of new cases was postponed.

Ms. Larson stated she would like a timeline prior to deciding.

Mr. Hipple agreed. Mr. Hipple expressed concerns of development impacts to County watersheds, adding reoccurring rehabilitation to the watersheds was conducted at substantial costs.

Mr. Kinsman stated there were restrictions in the Virginia Code as to the timeline for the Board to consider an application which had been filed. Mr. Kinsman recommended to ascertain the timeline first.

Mr. Hipple agreed.

Mr. Kinsman explained the way the Board calendar's items did not necessarily require a resolution. Mr. Kinsman indicated the County Administrator and the Board Chair calendar the Board's items, adding once timeline was determined it could be addressed as to how those items were calendared.

Mr. Hipple requested the Board to receive the pertinent information needed in addition to notification to future applicants of the circumstances prior to committing funds.

Mr. McGlennon recommended notification to future applicants for cases specifically impacting the addressed watersheds.

A motion to Direct Staff to Prepare an Initiating Resolution to Amend the Zoning Ordinance in a Manner that Eliminates Credit for Any Portion of the Undevelopable Part of a Parcel in Calculating Residential Density and to Require Such Density Calculation to be Based Only on the Developable Portion of the Parcel was made by Michael Hipple, the motion result was Passed.

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

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

Mr. Icenhour noted he had a few additional items he wanted to discuss. Mr. Icenhour spoke about Land Use Density, adding approximately 35% of the County's land was undevelopable due to wetlands, steep slopes, and Resource Protection Area buffers. Mr. Icenhour explained as the County gets closer to buildout the increased percentage of parcels would include undevelopable land. Mr. Icenhour advised the County's current Subdivision Ordinance allowed a developer to use a portion of a parcels undevelopable land in calculating density. Mr. Icenhour referred to two instances of impacts on behalf of this policy. Mr. Icenhour expressed the County should be limiting the development in environmentally sensitive areas; however, the Subdivision Ordinance does the exact opposite by incentivizing higher density in such areas.

Ms. Larson asked if this was the only opportunity for discussion on the matter.

Mr. Icenhour stated this was simply to request an Initiating Resolution, adding there would be further discussion at a future Board session.

Ms. Larson replied ok.

Mr. Icenhour remarked this was to initiate the process.

Mr. Hipple reiterated his concern of notification to future applicants who might be impacted by the circumstances prior to committing funds in addition to a potential postponement on future applications until the revisions were completed.

Mr. Icenhour mentioned he had two remaining items to discuss briefly. Mr. Icenhour stated March 29 is National Vietnam War Veteran's Day and a celebration would take place at Veteran's Park at 1 p.m. on Tuesday, March 29. Mr. Icenhour welcomed the public to attend. Mr. Icenhour advised the ceremony is cosponsored by the Vietnam Veteran's of America Chapter 957, the County, and the Virginia Department of Veteran Services. Mr. Icenhour recognized Mr. Stevens and County staff for their efforts. Mr. Icenhour indicated the guest speaker for the event was a Ford's Colony resident Lieutenant General Paul Van Riper of the U.S. Marine Corps. Mr. Icenhour explained the event honors all veterans who served on active duty in Armed Forces from November 1, 1955-May 15, 1975. Mr. Icenhour advised public notice would be given. Mr. Icenhour requested veterans who wanted a certificate from the Honorable Congressman Rob Wittman's Office to sign-up in advance; however, it was not mandated. Mr. Icenhour indicated lapel pins would be distributed to those who served. Mr. Icenhour moved on to discuss the last item advising he received an email from the New Town Residential Association (NTRA) Board of Directors about traffic related concerns on Casey Boulevard, adding he wanted to thank NTRA Board for addressing the concerns. Mr. Icenhour mentioned the traffic related concerns included safety concerns at school bus stops, parking, obstructed sight lines, and speeding. Mr. Icenhour stated the VDOT was currently conducting a traffic study on the road and once completed some follow-up work would occur.

Mr. Hipple mentioned the County roadways appeared much cleaner with efforts of hiring the

extra help. Mr. Hipple asked the public to please not litter, adding he felt it was important to keep the community appealing and clean.

Ms. Larson agreed, adding she appreciated the efforts as well. Ms. Larson remarked she received communication from tourists visiting the County who complained of the trash concerns. Ms. Larson stated the School Liaison meeting was not held last week, so it had been rescheduled to March 23 at 8 a.m. Ms. Larson mentioned the Board of Supervisors Joint Meeting with Williamsburg-James City County Schools, which would be held on Friday, March 11, in addition to the Board of Supervisors Retreat on Saturday, March 12. Ms. Larson stated the Tourism Council Meeting was being held on Tuesday, March 22, 1 p.m. at The Maine of Williamsburg, adding it was an open meeting and welcomed the public to participate. Ms. Larson noted she attended the Iwo Jima event at the Carrot Tree. Ms. Larson recognized today was International Women's Day, adding she requested refrainment of any derogatory verbiage.

Ms. Sadler stated she attended the James City Clean County Commission presentation with Ms. Peg Boarman, Chair of the Clean County Commission, at the Homestead Garden Center.

Mr. McGlennon stated he attended the Iwo Jima event at the Carrot Tree as well, adding it was very informative. Mr. McGlennon noted he received an email from Dominion Energy to remind individuals of Consumer Fraud Awareness Week. Mr. McGlennon stated he wanted to take a moment to reflect on the democratic freedom available to U.S. citizens as the circumstances unfold in Ukraine.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens mentioned the County reassesses property value every two years, adding this was a reassessment year. Mr. Stevens stated notices were mailed in late February to over 29,000 property owners whose assessments changed during the County review. Mr. Stevens noted the intent was for the assessment value to reflect the market values for real estate within the community. Mr. Stevens reported an 8% increase overall in values in the County; however, the changes varied by location. Mr. Stevens noted some property values increased significantly for individual property owners. Mr. Stevens encouraged County residents if there were any questions and/or concerns regarding the property assessments conducted to reach out to the Real Estate Assessments Division at 757-253-6650 prior to the end of March.

Mr. McGlennon stated he would not be in attendance for the Joint Meeting on March 11, 2022, due to a prior meeting he was already committed to that day.

K. CLOSED SESSION

A motion to Enter a Close Session was made by Michael Hipple, the motion result was Passed.

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

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

At approximately 6:47 p.m., the Board entered Closed Session.

At approximately 7:00 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 Ruth Larson, the motion result was Passed.

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

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

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. Board of Zoning Appeals Appointment
3. Williamsburg/James City County Community Action Agency Board Replacement

A motion to Appoint Ms. Tijuana Gholson to the Community Action Agency Board to serve the remainder of Mr. Mañ Hlavin's term, which is set to expire on September 25, 2022, was made by James Icenhour, the motion result was Passed.

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

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

4. Social Services Advisory Board Appointments

L. ADJOURNMENT

1. Adjourn until 9 am on March 11, 2022 for the Joint Meeting at the James City County Recreation Center

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

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

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

At approximately 7:01 p.m., Mr. McGlennon adjourned the Board of Supervisors.


Deputy Clerk