

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

A. CALL TO ORDER

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

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

Mr. McGlennon mentioned it was Election Day, adding he took the opportunity to vote earlier today. Mr. McGlennon expressed his positive experience at the polling precinct. Mr. McGlennon indicated polling precincts were open until 7 p.m., adding accommodations would be made for individuals in line despite the 7 p.m. deadline. Mr. McGlennon explained the Commonwealth of Virginia now authorized Election Day registration and the ability to cast a provisional ballot. Mr. McGlennon expressed his condolences to Ms. Dianna Moorman, the County's Director of Elections and General Registrar, who experienced a significant medical issue recently. Mr. McGlennon extended wishes to Ms. Moorman on a quick recovery.

ADOPTED
JAN 24 2023
Board of Supervisors
James City County, VA

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

- I. Pledge Leader - Fletcher Grizzle, a 4th grade student at J. Blaine Blayton Elementary School and a resident of the Jamestown District

Mr. Icenhour gave highlights of Fletcher's interests and activities.

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

E. PUBLIC COMMENT

- I. Mr. Bob Tubbs, 4040 Colonial Crescent, noted he was present to discuss an opportunity to augment the voting process by creating a pet election. Mr. Tubbs mentioned collaborative

efforts with United Way of the Virginia Peninsula (UWVP) and PetSmart. Mr. Tubbs discussed PetSmart's annual Holiday Stuffed Animal Program. Mr. Tubbs explained the purchase of a plush toy from PetSmart's Chance & Friends Holiday Philanthropic Collection would permit those funds to go to PetSmart Charities to assist with grant opportunities for animal shelters and rescues nationwide. Mr. Tubbs mentioned the plush toys were donated to charities in the community such as House of Mercy, FISH, Inc., the Salvation Army, The Arc of Greater Williamsburg, etc. Mr. Tubbs introduced Ms. Nicole Martello, PetSmart Williamsburg Store Manager, and Ms. Charvalla West, UWVP Chief Organization Officer and Director of Community Impact, who were in attendance.

2. Ms. Nicole Martello, 8406 Addison Terrace, addressed the Board to elaborate further on the PetSmart's annual Holiday Stuffed Animal Program. Ms. Martello mentioned since 2018, the PetSmart Williamsburg location alone had collected approximately 12,000 plush toys to be donated to the local community. Ms. Martello noted UWVP aided in the distribution of the plush toys to local children. Ms. Martello explained for each PetSmart's Chance & Friends Holiday Philanthropic Collection purchase, \$1 was donated to the PetSmart Charities.

3. Ms. Charvalla West, 701 Madison Road, addressed the Board noting UWVP worked to bring the community together. Ms. West remarked the annual Holiday Stuffed Animal Program allowed joy and happiness to those less fortunate. Ms. West took a moment to thank PetSmart shoppers for donations, Mr. Tubbs for his volunteering efforts to ensure the plush toys were going to community organizations which served children, adults with disabilities, and the elderly, and Ms. Martello for her leadership at PetSmart to make this feasible. Ms. West turned the presentation back over to Mr. Tubbs.

Mr. Tubbs provided an information packet to the Board pertaining to the pet election. He stated a plush toy would be assigned to each district in the County with requested assistance from the County Administrator to take part in the process. Mr. Tubbs requested the Board members to manage campaigns for each of the six plush toys. Mr. Tubbs stated donation stations and polling places would be set up throughout the County. He added current locations included the Law Enforcement Center, Fire Administration Building, and the James City County Recreation Center. Mr. Tubbs discussed various documents included in the information packet he provided to the Board members. Mr. Tubbs recognized several community organization beneficiaries. Mr. Tubbs touched on various components such as a QR code for donation purposes, campaign updates on the Facebook page created, and a hashtag (#JCCPetElection) for monitoring progress purposes. Mr. Tubbs remarked the goal was to encourage donations and make it community-based. Mr. Tubbs mentioned Busch Gardens offered a couple hundred Christmas Town tickets to the PetSmart employees for their efforts with the program. Mr. Tubbs began passing out the plush toys to the Board members. Mr. Tubbs encouraged the Board to assist with helping drive the charitable initiative. Mr. Tubbs concluded the presentation and welcomed any questions the Board might have.

Mr. McGlennon thanked Mr. Tubbs, UWVP, and PetSmart for all efforts with this program. Mr. McGlennon mentioned Mr. Tubbs' dedication to animal rescue and adoption efforts.

Mr. Icenhour stated Mr. Tubbs was the reason he owned two Black Labrador Retrievers.

4. Ms. Alynn Parham, 634 Chelsea Place, Newport News, addressed the Board noting she was a Williamsburg-James City County Schools (WJCC) Social Studies teacher and President of the Williamsburg-James City Education Association (WJCEA). Ms. Parham indicated WJCEA represented educators, students, and educator support professionals. Ms. Parham mentioned an upcoming future joint meeting with the WJCC School Board, Williamsburg City Council, and the Board of Supervisors. The meeting would hold discussion on areas of need which would be reflected within the WJCC School Division budget proposal. Ms. Parham stated the WJCEA Executive Board would continue to advocate and highlight the

areas of need which would impact various factors of the WJCC School Division. Ms. Parham thanked the Board for its leadership in WJCC.

Mr. McGlennon thanked Ms. Parham.

F. CONSENT CALENDAR

Mr. McGlennon asked if any Board member wished to pull this item from the Consent Calendar for discussion or to make a motion to approve the Consent Calendar.

1. Grant Award - State Rental Assistance Program

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

G. PUBLIC HEARING(S)

1. SUP-22-0007. Branscome Resource Recovery and Aggregate Storage

A motion to Defer the Consideration of this Item until the December 13, 2022, Regular Meeting, 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. McGlennon welcomed Ms. Terry Costello, Senior Planner, to the podium. He recognized Mr. Jack Haldeman, Planning Commission representative, in attendance.

Ms. Costello addressed the Board noting Mr. Julian Lipscomb had applied on behalf of Branscome Inc. for a Special Use Permit (SUP) for a resource recovery and aggregate storage facility. Ms. Costello stated the parcel was located at 750 Blow Flats Road, zoned M-2, General Industrial, and designated General Industry on the 2045 Comprehensive Plan Land Use Map. Ms. Costello indicated there was an active borrow pit on the property, which was subject to conditions of a previously approved SUP. Ms. Costello added concrete and other materials were also being brought to the site, crushed, and then utilized at the Branscome Asphalt Plant or sold on-site to other contractors. Ms. Costello noted the resource recovery and aggregate storage facility was a specially permitted use in this M-2 Zoning District, adding the applicant had requested an SUP to operate this portion of the business in compliance with the Zoning Ordinance. Ms. Costello further noted staff found that the width of Blow Flats Road did not meet the Virginia Department of Transportation (VDOT) standards for a two-lane road and was insufficient for truck traffic. Ms. Costello remarked the intersection of Blow Flats Road and Pocahontas Trail also did not meet current VDOT standards regarding the angle of the turn. Ms. Costello mentioned due to the road conditions, safety hazards, increased truck traffic, and other factors, staff recommended denial of this application. Ms. Costello stated at its October 5, 2022, meeting, the Planning Commission recommended approval of this application, subject to the proposed conditions by a vote of 5-0. Ms. Costello welcomed any questions the Board might have; in addition, the applicant was also available for questions.

Mr. McGlennon asked if this SUP should have been acquired in 2005 when the process initially began.

Ms. Costello confirmed yes.

Mr. McGlennon asked how the discrepancy was detected.

Ms. Costello replied as part of the previously approved SUP for the borrow pit County staff performed annual inspections every January. She mentioned at the time of the inspection staff noticed piles of concrete and other materials; however, staff was unaware that those materials were being used for a separate use, as concrete and other materials were permitted for the borrow pit component. Ms. Costello stated the applicant explained that the concrete and other material was for a separate use and desired to expand that particular use, which was when staff informed the applicant he would need to apply for a separate SUP.

Mr. McGlennon asked what the hours of operation were for the existing SUP.

Ms. Costello replied the existing SUP permitted business operation during daylight hours only as there was currently no lighting on-site.

Mr. McGlennon asked if there was any limitation on the amount of truck traffic which could be generated for either uses.

Ms. Costello replied staff did not put a limitation on it as it would be difficult to monitor and enforce.

Mr. McGlennon requested further insight on the Blow Flats Road and Pocahontas Trail intersection and if there were any similar instances in the past with heavy construction incident concerns.

Ms. Costello replied the intersection was approximately a 45-degree angle and current VDOT standards required it to be greater than 75 degrees. Ms. Costello mentioned staff had verified with the James City County Police Department and to date there were no recorded accidents.

Ms. Larson asked if County staff had conducted an annual inspection in January of 2022.

Ms. Costello confirmed for the borrow pit.

Ms. Larson asked if there was any prior speculation of other business-related endeavors on-site.

Ms. Costello reiterated that for the annual inspection of the borrow pit it allowed concrete and other material for borrow pit operation purposes; however, there was no apparent evidence of crushing of materials or material deliveries to validate an alternative use.

Ms. Larson question if the applicant was aware of the additional SUP requirement for other uses.

Ms. Costello replied the existing SUP was strictly for borrow pit operations only.

Mr. McGlennon asked if the business was adhering to the permitted daylight hours operation

Ms. Costello stated to date there had been no complaints. She added she had a conversation with the applicant and was informed there were deliveries of material made between the hours of 9 p.m.-5 a.m. Ms. Costello explained that Branscome Inc. had contracts with VDOT for interstate work and VDOT would only permit contractors to work within the hours of 9 p.m.-5 a.m.

Mr. McGlennon asked if Blow Flats Road included residents, he expressed as he understood

there was a small mobile home park off the private road.

Ms. Costello confirmed yes, adding there were approximately 11 residents within the mobile home park.

Mr. Hipple expressed he felt the applicant was very forthcoming with the information he provided to County staff.

Ms. Costello stated in January 2022 the applicant requested to expand the use, so when County staff spoke to him it became apparent the use was not for borrow pit purposes and that was when staff made him aware of the County requirements.

Mr. Hipple mentioned the uncertainty aspect between both the applicant and the County until recently.

Mr. McGlennon welcomed Mr. Haldeman to the podium.

Mr. Haldeman addressed the Board noting as Ms. Costello had previously mentioned the Planning Commission recommended approval of this application by a unanimous vote. Mr. Haldeman highlighted key factors to the Planning Commission's decision to approve the application which included adequate proposed conditions for mitigating potential impacts, the application was consistent with the 2045 Comprehensive Plan and Zoning Ordinance, borrow pit operations would diminish within 18-24-month timeframe which would reduce the amount of truck traffic, recycling asphalt and cement was considered eco-friendly. Mr. Haldeman mentioned the dilemma aspect of this application as the road did not meet current VDOT standards; however, it was ranked too low on the County's improvement priority list to make the necessary improvements. Mr. Haldeman welcomed any questions the Board might have.

Mr. McGlennon asked if the Planning Commission was aware of the material deliveries and the truck traffic in the overnight hours.

Mr. Haldeman replied no.

Mr. McGlennon opened the Public Hearing.

1. Mr. Vernon Geddy, 1177 Jamestown Road, addressed the Board noting Branscome Inc. was a very well-known local business as it had served the community for over 60 years to date. Mr. Geddy introduced Mr. Lipscomb, the applicant. Mr. Geddy highlighted the various beneficial factors of this application. Mr. Geddy informed the Board the company was unaware of the separate use requirement, reminding the Board of its compliance record.

2. Mr. Julian Lipscomb, 432 McLaws Circle, addressed the Board to provide a history overview of the site and the existing SUP. Mr. Lipscomb informed the Board the site had been used for mining purposes since the early 1970s and in 2005 concrete demolition began for aggregate base material. Mr. Lipscomb stated in 2010 Branscome Inc. was required to move its asphalt millings from the Lee Hall Asphalt Plant due to being stored under transmission lines and relocated to its current location at 750 Blow Flats Road. Mr. Lipscomb mentioned the various materials on-site which included concrete rubble, asphalt, and millings. Mr. Lipscomb stated he applied for an SUP for both an aggregate storage facility and a resource recovery facility as there were two different operations. Mr. Lipscomb mentioned in 2012 he applied for an SUP to add a tent covering to the property for mineral filler storage purposes as it was required for VDOT interstate operations. Mr. Lipscomb remarked that in 2017 Branscome Inc. added a scale on-site to monitor truck weight. Mr. Lipscomb pointed out the business' ongoing County compliance. Mr. Lipscomb mentioned the current location was ideal for the operation as it was situated on a 281-acre parcel, zoned M-2, General Industrial, with no

residents nearby or noise complaints.

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

Mr. McGlennon mentioned he had spoken with residents on Blow Flats Road and the concerns they had regarding the amount of truck traffic, delivery times, and the safety aspect at Blow Flats Road and Pocahontas Trail intersection. Mr. McGlennon expressed his concern of supporting this application if it were to negatively impact nearby residents. Mr. McGlennon recommended reviewing alternative measures prior to acting on this item.

Ms. Sadler suggested an alternative entrance access and requested written validation regarding delivery time parameters prior to acting on this item.

Mr. Hipple stated the organization had operated at this location for 17 years with no complaints of disturbances until recently. Mr. Hipple noted the application was consistent with the 2045 Comprehensive Plan. Mr. Hipple expressed he felt the main issue with this application was related to the road conditions and safety concerns. Mr. Hipple pointed out as the borrow pit operations diminish the amount of truck traffic would decrease. Mr. Hipple recommended collaborative efforts between community organizations, Economic Development Authority (EDA), and VDOT to determine a solution for future road improvement purposes. Mr. Hipple expressed positive remarks about the organization and its service to the County.

Mr. McGlennon reiterated his points regarding the application and wanted to clarify for public notification purposes he did not request to deny this application but requested an opportunity to investigate if an alternative access was feasible to appease addressed concerns prior to acting on this item.

Ms. Sadler asked if there would be modifications made to the application.

Mr. McGlennon stated he wanted to find out if there was enough momentum to potentially extend Green Mount Parkway.

Mr. Icenhour mentioned after reviewing the Board's Agenda Packet for this evening he noticed several different applications for Blow Flats Road. Mr. Icenhour stated the issue was with the current road conditions opposed to each individual application. Mr. Icenhour pointed out that Branscome Inc. was willing to eliminate nighttime truck traffic if necessary. Mr. Icenhour expressed his uncertainty with a short-term solution to this issue; however, he was willing to support the deferral. Mr. Icenhour expressed the importance of finding a solution to bring Blow Flats Road to current VDOT standards. Mr. Icenhour touched on the future development component and the need for a permanent solution for this road. Mr. Icenhour stated he was inclined to support this application.

Ms. Larson suggested an education opportunity for County staff to avoid future occurrences similar to this instance. Ms. Larson stated she supported the deferral. Ms. Larson expressed the importance of being cognizant and respectful of nearby residents.

Mr. McGlennon encouraged feedback from the applicant team.

Mr. Geddy stated the applicant team was willing to accommodate a deferral. Mr. Geddy suggested making a limitation to the SUP deadline.

Mr. McGlennon asked Mr. Kinsman if this request could be honored.

Mr. Kinsman stated sunset clauses were used for temporary uses only, which a borrow pit was considered a temporary use. Mr. Kinsman mentioned he supported the sunset clause for

this instance.

Ms. Sadler asked how that would work.

Mr. Hipple explained that the organization would operate for a certain amount of time and then the Board would reevaluate. He added collaborative efforts would continue to determine the necessary solution for Blow Flats Road. Mr. Hipple asked Mr. Lipscomb if the applicant team was willing to support this process.

Mr. Lipscomb confirmed yes, reiterating Branscome Inc. was willing to eliminate the material deliveries at nighttime. Mr. Lipscomb recommended collaborative efforts with the Walmart Distribution Center as there were beneficial factors for its organization as well. Mr. Lipscomb stated Walmart Distribution Center had to assist with an easement access to the site. Mr. Lipscomb mentioned if there was an access point from the property to Green Mount Parkway it would eliminate traffic behind the Walmart Distribution Center.

Mr. McGlennon recommended a month deferral on this item and then come back before the Board to determine if a limited approval for this SUP would be granted.

2. Disposition of County-Owned Property Located at 6145 and 6151 Old Mooretown Road and 130 Clark Lane

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

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

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

Mr. Vaughn Poller, Neighborhood Development Administrator, addressed the Board noting the County desired to dispose of three residual properties in the Powhatan District including 6145 and 6151 Old Mooretown Road, and 130 Clark Lane. Mr. Poller mentioned the County took possession of 6145 Old Mooretown Road and 130 Clark Lane as part of establishing the 50-foot-wide public right-of-way for Clark Lane and 6151 Old Mooretown was acquired as part of the same redevelopment project. Mr. Poller indicated Habitat for Humanity Peninsula (H4H) was pursuing ownership of the property located at 100 Clark Lane, which was situated between the County-owned parcels. He stated in partnership there was the potential to create up to nine new buildable lots. Mr. Poller added if H4H was successful in the purchase of 100 Clark Lane, the County would partner with H4H, as proposed in the Memorandum of Understanding, to re-subdivide the properties to create the nine new lots. Mr. Poller mentioned the created lots would be developed as single-family homes which were priced for those within the income guidelines as defined in the County's Workforce and Affordable Housing. Mr. Poller indicated the County parcels would not be sold to H4H; however, two of the newly created lots would be retained by the County for development and H4H would develop the remaining seven. Mr. Poller noted the County had been awarded grant funding with no local match required to assist with necessary costs. Mr. Poller welcomed any questions the Board might have.

Mr. McGlennon thanked Mr. Poller.

Mr. McGlennon opened the Public Hearing.

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

Mr. Icenhour commended staff for their effort on this item.

3. SUP-22-0010. 9201 and 9225 Pocahontas Trail - The Grease Outlet

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

Ms. Suzanne Yeats, Planner, addressed the Board noting Mr. Chip Haskell and Mr. Boyd Andrews of GreaseOutlet of Virginia, LLC, had applied for an SUP to permit the use of a grease waste collection, treatment, and transfer station on the properties. Ms. Yeats stated the parcels were located at 9201 and 9225 Pocahontas Trail, zoned M-2, General Industrial, designated General Industry on the 2045 Comprehensive Plan Land Use Map, and located within the Primary Service Area. The facility would include an industrial dome structure, four storage receiving tanks, processing equipment, and an office building. Ms. Yeats advised the GreaseOutlet received mixed waste collected by waste haulers from food service entities. She explained at the facility the waste was screened to separate trash, which was then diverted to a landfill, and the remaining grease waste was then separated into a solid byproduct and liquid. Ms. Yeats indicated the liquids were pre-treated and routed into the sanitary sewer collection system that connected to the Hampton Roads Sanitation District (HRSD) treatment plant. Ms. Yeats added the solid byproduct was transferred to a landfill or third-party composters. Ms. Yeats mentioned if approved, the property would be accessed by a narrow, substandard local road. She added the intersection of Blow Flats Road and Pocahontas Trail was also substandard which may not be suitable for the increase in truck traffic associated with the development. Ms. Yeats stated at its October 5, 2022, meeting, the Planning Commission voted 5-0 to recommend approval of this application to the Board of Supervisors, subject to the proposed conditions. Ms. Yeats stated staff recommended denial of this application to the Board. Ms. Yeats welcomed any questions the Board might have, adding the applicant was in attendance as well.

Ms. Sadler asked how many truck trips would be generated per day.

Ms. Yeats replied at peak hours a total of six trips per day.

Ms. Sadler asked if there were any nighttime truck trips.

Ms. Yeats replied no, hours of operation were from 5 a.m.-5 p.m.

Mr. McGlennon opened the Public Hearing.

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

Mr. Hipple asked about odor associated with the operation.

Ms. Yeats confirmed yes. She added staff had included SUP Condition No. 14 which required a fully enclosed building and the installation of an industrial odor control system to mitigate any odor concerns.

Mr. McGlennon requested further detail on the proposed modifications to Blows Flats Road.

Ms. Yeats replied SUP Condition No. 9 would improve the shoulder of Blow Flats Road to a width of four feet from the existing edge of roadway in the areas where the property fronted on Blow Flats Road.

Mr. Haldeman addressed the Board noting the road improvements were a beneficial aspect of this application. Mr. Haldeman reiterated that the Planning Commission voted 5-0 to recommend approval of this application. Mr. Haldeman noted the Commission favored the

entrance design for visibility purposes. Mr. Haldeman further noted this development would generate lower costs to local businesses and other beneficial factors. Mr. Haldeman welcomed any questions the Board might have.

Mr. McGlennon opened the Public Hearing.

1. Mr. Boyd Andrews, 2859 Cravey Trail, Atlanta, GA, addressed the Board noting he was one of the co-owners of GreaseOutlet and that he would be providing a PowerPoint presentation to the Board. Mr. Andrews recognized Mr. Joe VanSchaick, General Manager of GreaseOutlet, in attendance. Mr. Boyd thanked Planning staff for its guidance during this SUP process. Mr. Andrews mentioned the pre-existing facility in Raleigh, North Carolina, and the objective was to create a replica of that facility within the County. Mr. Andrews mentioned to date there were zero complaints of odor, the organization received clean inspection reports from all County and state officials, and a solid reputation within the industry. Mr. Andrews discussed grease traps which were plumbing devices that captured and retained fats, oils, grease, and food particles to prevent clogs from entering the sewer system. Mr. Andrews noted any business that had a commercial kitchen had grease traps present and were regulated by the Sewer System Authority and the state. Mr. Andrews further noted the sink, dishwasher, and floor drain flowed through an underground plumbing device. Mr. Andrews stated there were two flows out of the grease trap, one was a continuous flow which connected to the HRSD treatment plant and the other was periodic flows where the trap was serviced. Mr. Andrew explained waste hauler technicians used vacuum trucks to extract and haul grease trap waste to a licensed disposal facility. Mr. Andrews mentioned currently in the local area the materials were taken to an HRSD facility for pretreatment. Mr. Andrew discussed an alternative approach to this process allowing the vacuum trucks to deliver the grease trap waste to the GreaseOutlet for pretreatment, then discharge the pretreated water to the HRSD sewer system, and then the solids would be transported to a composter. Mr. Andrews mentioned collaborations with McGill Environmental Systems who was a composter with facilities located in Raleigh, North Carolina and Waverly, Virginia. Mr. Andrews displayed a timeline of events on the PowerPoint presentation. Mr. Andrews highlighted various details about the site. Mr. Andrews noted material deliveries would reflect HRSD delivery operations. Mr. Andrews further noted approximately five deliveries per day would be made to the site. Mr. Andrews displayed data regarding traffic counts for Blow Flats Road on the PowerPoint presentation. Mr. Andrews highlighted various beneficial aspects of this application for Board consideration. Mr. Andrews concluded the presentation and welcomed any questions the Board might have.

Mr. Icenhour asked if approved would GreaseOutlet take over all deliveries and pretreatment operations for HRSD.

Mr. Andrews replied he was uncertain; however, he believed the deliveries made to the Williamsburg facility would be transported to the site. Mr. Andrews mentioned the anticipated net benefit for HRSD as GreaseOutlet would become a rate payer, in addition to taking over various operations and costs.

Mr. McGlennon asked about the sizes of the trucks.

Mr. Andrews stated there would be two different types of vehicles, one being the vacuum truck which carried approximately 3,500 gallons and was approximately 33 feet long and the other vehicle would be a truck and a trailer which was approximately 43-45 feet long.

Mr. McGlennon inquired about any other traffic generated from the site.

Mr. Andrews noted the data reflected in the PowerPoint presentation only included commercial traffic generated. He further noted there were five employees which would be

added to the traffic counts.

2. Mr. Kade Lamon, 1608 Manufacture Drive, addressed the Board noting he was not in support of this application due to traffic related concerns. Mr. Lamon suggested the Board deny the application. Mr. Lamon requested the Board to not permit the proposed left turn at a blind corner. Mr. Lamon remarked the proposed road improvements were not adequate to mitigate the current road hazard. Mr. Lamon recommended the applicant consider moving the property entrance further to the west as it may be a more viable solution. Mr. Lamon requested the Board to consider having a traffic study conducted for Blow Flats Road. Mr. Lamon expressed his desire for the applicant to find a better access point for the property.

3. Mr. Tom Waltz, 134 Andrews Crossing, Yorktown, addressed the Board noting he was the commercial real estate broker who represented the owners and the sale of the subject property. Mr. Waltz requested the Board's support of this application as it was beneficial to the community and local businesses, in addition to the eco-friendly component. Mr. Waltz noted his support for this application.

Mr. McGlennon closed the Public Hearing.

Mr. McGlennon asked if there was an opportunity to address an alternative entrance for the property for safety purposes.

Ms. Yeats replied she had a conversation with Mr. Lamon yesterday, adding he was referencing an entry from Pocahontas Trail to the subject property not Blow Flats Road to the subject property. She added prior discussion with VDOT determined the potential entrance would be too close to the intersection of Blow Flats Road and Pocahontas Trail.

Mr. McGlennon thanked Ms. Yeats.

Mr. Hipple mentioned his support for GreaseOutlet; however, he expressed his concern with deferring the prior application due to the road concerns, but potentially approving this application. Mr. Hipple stated the road concerns was a County issue and it was vital to address and rectify, adding future development would continue.

Ms. Sadler stated the traffic generated from this application compared to the last was minimal. Ms. Sadler expressed her support for all businesses and all potential businesses in the County. Ms. Sadler touched on the benefits this organization would bring to the community, adding she was in support of this application.

Mr. McGlennon stated he was in support of this application due to the beneficial aspect of this application, in addition to the significant differences between considered applications for Blow Flats Road. Mr. McGlennon expressed the importance of determining a long-term and cost-effective solution for this issue, in addition to consideration of if the solution were to benefit other surrounding properties. Mr. McGlennon noted for public notification purposes Branscome Inc. would continue its operation during the deferral period.

H. BOARD CONSIDERATION(S)

1. SUP-22-0016. 141 Blow Flats Rd. Battery Storage

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

Ms. Paxton Condon, Senior Planner, addressed the Board noting after the deferral at the Board of Supervisors October 11, 2022, Regular Meeting, staff had additional meetings with the applicant and his design team. Ms. Condon recognized the following personnel involved in the meeting: Planning staff, the Building Official, Fire Chief, Fire Marshal, and Mr. Todd Cannon, Hazardous Materials Officer of Virginia Department of Emergency Management (VDEM), in addition to a separate meeting held with the James City County Police Department. Ms. Condon noted staff had included three additional SUP Conditions to ensure enhanced protections. Ms. Condon discussed the additional conditions: 1) Condition No. 7: Fire Safety Measures which required additional safety measures to be incorporated into the design of the facility and must meet the 2018 Virginia Statewide Fire Prevention Code; 2) Condition No. 8: Hazard Mitigation Analysis required a Failure Modes and Effects Analysis be completed prior to site plan approval, in addition to being reviewed and approved by the Fire Official; and 3) Condition No. 11: Commissioning Report required and approved by the Fire Official prior to the final Certificate of Occupancy for the site. Ms. Condon noted staff proposed amendment to Condition No. 17 increased the number of months from 48 to 60 for the implementation timeline of the SUP. Ms. Condon welcomed any questions the Board might have, adding Lieutenant Hicklin and the applicant were in attendance. Ms. Condon turned the presentation over to Fire Chief Ashe.

Chief Ashe addressed the Board elaborating on Ms. Condon's overview. Chief Ashe stated there was not a standard Function Behavioral Assessment standard adopted; however, there was a draft included in the 2018 Virginia Statewide Fire Prevention Code. Chief Ashe mentioned there were several conditions included for this particular use which were included in the amendments for this SUP. Chief Ashe highlighted key components such as early detection systems, access to the site, emergency preparedness, and the appropriate resources/measures to contain and mitigate hazards. Chief Ashe advised there were smoke and heat detectors, in addition to gas detection on-site. Chief Ashe indicated any detection would trip the system, shut it down, and disconnect it from the grid. Chief Ashe stated there was also a fire suppression system, in addition to prevent thermal runaway from occurring the system had a water pipe system connected to each row of batteries, to which the Fire Department would have access.

Mr. McGlennon thanked Chief Ashe for the informative details and enhanced SUP conditions.

Mr. Icenhour asked if there were similar battery storage facilities in Virginia and what was the safety record on those facilities.

Chief Ashe replied to his knowledge there were a number of Pilot programs in various locations such as Hanover, New Kent, Loudon County, and Powhatan. Chief Ashe informed the Board the vast majority were associated with solar farms for tax credit purposes.

Mr. Icenhour asked how effective the water pipe system was and if there was a usage history or if it was a new technology.

Chief Ashe mentioned Mr. Cannon with VDEM had recently conducted a training for hazardous materials teams across the state in relation to lithium-ion batteries and the hazards associated. Chief Ashe stated the recommendations were cooling and submerging, in this instance flooding the lithium-ion storage and charging cabinet. Chief Ashe explained the chemical system in place breaks the chemical reaction to stop the fire; however, it did not offer a cooling component. Chief Ashe noted the importance of the Fire Department having access to flood the cabinets as the cooling ultimately stopped the thermal runaway. Chief Ashe stated there were a series of cabinets in each row that contained fireproofing agents in containers to prevent further spread from one bank to the next, adding the separation of rows allowed isolation if a thermal runaway were to occur. Chief Ashe indicated the best extinguishing agent for lithium-ion batteries was water.

Mr. McGlennon thanked Chief Ashe and staff for all efforts on this matter.

2. Grant Award – Virginia Association of Planning District Commissions - Virginia Housing Grant Award - \$300,000

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. Holt addressed the Board noting this item corresponded with the Public Hearing Item No. 1: Disposition of County-Owned Property Located at 6145 and 6151 Old Mooretown Road and 130 Clark Lane. Mr. Holt explained there was an 8-inch water line and an 8-inch sewer line which would not allow for development of the proposed lots in its current location. Mr. Holt noted Mr. Poller's efforts in obtaining a grant award from the Hampton Roads Planning District Commission (HRPDC) in the amount of \$300,000 to assist in the relocation of the water and sewer mains and support the development costs associated with nine new lots. Mr. Holt noted staff recommended approval, adding no local match was required.

Mr. Icenhour asked specifically where the water mains would be relocated.

Mr. Holt replied staff would work with James City Service Authority (JCSA) to establish the confirmed location.

Mr. Icenhour asked if these funds were sufficient to relocate the water and sewer mains.

Mr. Holt confirmed yes, adding discussions with JCSA helped establish the estimate.

Mr. Icenhour thanked Mr. Holt.

Mr. McGlennon remarked this was a great opportunity. Mr. McGlennon commended Mr. Poller and his staff for seeking these types of opportunities as there was a significant need for affordable housing within the County.

3. 2023 Legislative Agenda

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 regarding the 2023 Legislative Agenda. Mr. Kinsman asked if the Board preferred discussion on new items for public notifications purposes.

Mr. McGlennon replied sure.

Mr. Kinsman noted four new items which included: Item No. 5 Grocery Tax, which the County encouraged the General Assembly to ensure any reduction in the grocery tax would include permanent replacement funding for local governments and school divisions; Item No. 6 Short-Term Rentals, which the County encouraged the General Assembly reject any attempt to usurp local zoning control of short-term housing rentals; Item No. 7: Virginia Retirement System (VRS), which the County recommended the General Assembly amend the VRS regulations to allow retired Police Officers and School Resource Officers to return from

retirement without affecting their VRS status; and Item No. 8: Colonial Behavioral Health Expansion, which the County encouraged the General Assembly to approve the Colonial Behavioral Health's request for funding to expand a building on its Merrimac campus to provide for crisis service operations. Mr. Kinsman mentioned there was one minor modification to the legislative programs in which the County also endorsed the HRPDC and the Hampton Roads Transportation Planning Organization. Mr. Kinsman welcomed any questions the Board might have. Mr. Kinsman recommended the Board adopt the resolution. Mr. Kinsman noted due to scheduling conflicts during the holidays the legislators would not be in attendance for the Board's next meeting; however, he would send written communication to the legislators on the Board's status on these items and request support.

Mr. McGlennon mentioned the County's position regarding short-term rentals, adding another jurisdiction felt the County's stance on short-term rentals was very restrictive. Mr. McGlennon commended Mr. Kinsman's efforts last year on highlighting a large number of residential units in the County to be short-term rentals via by-right, in addition to the County's record for approval rate of SUPs. Mr. McGlennon expressed his concern with misinformation.

Mr. Kinsman agreed.

Ms. Larson thanked Mr. Kinsman for his efforts on the legislative program. Ms. Larson expressed the importance of the County's presence in Richmond during the General Assembly. Ms. Larson reiterated her thanks to Mr. Kinsman for all efforts.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Icenhour stated he attended the Williamsburg Regional Library (WRL) meeting, adding it was well attended with lots of citizen engagement. He added he believed some constituents had a misconception of the current status in the process. Mr. Icenhour stated the City of Williamsburg was committed to renovating the WRL; however, the question was if a third library was the viable solution. Mr. Icenhour expressed the importance of engaging with constituents to ensure reliable information. Mr. Icenhour thanked Mr. McGlennon for written correspondence on behalf of the Board to Ms. Kimberly Laska, Executive Director of Heritage Humane Society, for her leadership over the last 10 years. Mr. Icenhour mentioned its significant role and service to the community.

Ms. Larson mentioned her inability to attend the library meeting; however, she expressed her gratitude to Mr. Icenhour for his attendance. Ms. Larson encouraged citizens to visit the James City County Library as the renovations completed on the library were phenomenal and touched on the kid-friendly component. Ms. Larson highlighted the importance of marketing County attractions. Ms. Larson expressed her frustration with the lack of bus stop shelters and benches regarding the Williamsburg Area Transit Authority (WATA) operations. Ms. Larson mentioned WATA did not permit the bus stop shelters and/or benches at bus stop locations due to potential relocation; however, the bus stop locations had not relocated in the past seven years. Ms. Larson expressed her desire to partner with community businesses to assist with this issue.

Ms. Sadler expressed her gratitude to the veterans within the community and nationwide. She mentioned her grandson's school, Providence Classical School, was hosting a Veteran's Day ceremony at 9 a.m. and welcomed the public to join her.

Mr. McGlennon stated he attended the 5th Anniversary of Billsburg Brewery, noting Ms. Larson's attendance as well. Mr. McGlennon mentioned it was a good turnout and he was thrilled to see a successful business thriving in that location.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens mentioned he had one item to address which was to thank veterans nationwide. He stated the National Association of Counties and Virginia Association of Counties supported the Operation Green Light for Veterans and encouraged jurisdictions to participate to recognize and honor veterans. Mr. Stevens noted the Williamsburg/James City County General District Court would be lit up green in the evening to show the County's support for veterans from November 7-13, 2022.

Mr. Icenhour stated on Friday, November 11 at 10 a.m. there would be two Veteran's Day ceremonies. Mr. Icenhour mentioned the Combined Veterans Organization Committee of the Greater Williamsburg was hosting a Veteran's Day ceremony, which would take place at the Veterans Tribute Tower located along Discovery Park Boulevard. Mr. Icenhour added Colonial Williamsburg and the Sons of the American Revolutionary War were also hosting a Veteran's Day ceremony at 10 a.m. in front of the Governor's Palace, in addition to the Veterans March at 3 p.m. Mr. Icenhour welcomed the public to participate.

K. CLOSED SESSION

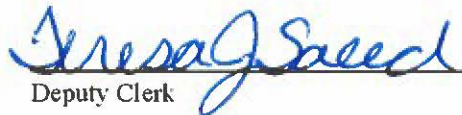
None.

L. ADJOURNMENT

1. Adjourn until 1 pm on November 22, 2022 for the Business Meeting

A motion to Adjourn 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 7:09 p.m., Mr. McGlennon adjourned the Board of Supervisors.


Deputy Clerk