

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**December 13, 2022**  
**5:00 PM**

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**A. CALL TO ORDER**

Mr. McGlennon called the meeting to order at approximately 5:10 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

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

Mr. McGlennon requested a motion to allow Ms. Sadler to participate remotely due to a medical condition that prevented her from attending in person.

A motion to allow Ms. Sadler to participate remotely was made by Ruth Larson, the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1  
Ayes: Hipple, Icenhour Jr, Larson, McGlennon  
Absent: Sadler

Mr. McGlennon welcomed Ms. Sadler to the meeting.

Ms. Sadler acknowledged her presence.

Mr. McGlennon sought a motion to amend the Agenda to add a Consent Calendar item for a Grant Award for the Guardianship Navigator Program.

A motion to Amend the Agenda as noted 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 noted if any member of the audience was present to speak on Special Use Permit (SUP) 22-0007. Branscome Resource Recovery and Aggregate Storage that the applicant had requested a deferral until the March 14, 2023, Regular Meeting. He further noted no action would be taken on that SUP at this meeting.

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Pledge Leader - Kara Connor, 5th grade student a resident of the Berkeley District DJ Montague Elementary and a resident of the

Ms. Larson gave highlights of Kara's interests and activities.

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

## **PRESENTATIONS**

### **I. Chairman's Awards**

Mr. McGlennon noted tonight's meeting allowed him as the Board Chairman to make awards to County staff and members of the public. He stated the first award was made to an individual, department, or program of the County. Mr. McGlennon requested the staff from the Housing Division of the Social Services Department and the Neighborhood Development Division of the Community Development Department step forward. He noted the many excellent County employees as well as great programs. Mr. McGlennon further noted the efforts to address affordable housing and the dedicated work from these two divisions. He cited the Neighborhood Development work, under the leadership of Mr. Vaughn Poller, in assisting Habitat for Humanity. Mr. McGlennon noted the group spearheaded the first 3-D printed, owner-occupied home construction in the world, adding that home was built in James City County. He further noted the partnership with the Housing Division, under the leadership of Mr. Keith Denny, on various state grants for home repairs, reconstruction, or replacements. Mr. McGlennon stated the Housing Division offered first-time homeowner education and other programs to assist citizens. He noted the commitment of staff members to address affordable safety and improvement of housing for residents. Mr. McGlennon recognized both divisions for their outstanding work.

Mr. Denny noted staff worked very hard and he was appreciative of Mr. McGlennon and the Board in recognizing their efforts.

Mr. McGlennon noted the difficulty in determining the individual or group within the County for the next award. He further noted Real People Educating Others or RPEO, co-founded by Mr. Reneldo Randall and Mr. P. J. Piggott. Mr. McGlennon stated RPEO's co-founders were products of Williamsburg-James City County Schools. He added the organization provided opportunities for young people through various summer camps, motivational speaking, and other programs. Mr. McGlennon noted both men inspired young people with their commitment to give back to their community and its youth. He highlighted RPEO's successful annual Backpack campaign at Lafayette High School with donations ranging from backpacks to haircuts and other services. Mr. McGlennon highlighted other programs RPEO enlisted to assist youth in peer development and other areas. He noted both men's motivational abilities coupled with their efforts to make things happen made them a strong combination.

Mr. Randall thanked Mr. Piggot, Mr. McGlennon, Mr. Hipple, and other Board members. He noted he and Mr. Piggot were children of the Williamsburg-James City County community and they wanted to serve the community. Mr. Randall thanked the many volunteers at RPEO.

Mr. Piggot thanked Mr. McGlennon and Mr. Hipple for their close work with RPEO over the past few years. He noted RPEO's recent visit to Toano Elementary School and the motivational speaking there, adding he and Mr. Randall hoped to visit other area schools as guest speakers. He reiterated his thanks to the Board.

## **E. PUBLIC COMMENT**

1. Mr. Larry Brennan, 4211 Ambassador Circle, addressed the Board regarding the James City County Marina. He noted his appreciation of the County's investment of the Marina. Mr. Brennan further noted the concern regarding the covered slips, adding the deterioration had been ongoing since the County bought the Marina and the boatowners were aware of the condition. He cited sections from the boatowners lease regarding liability and other factors. Mr. Brennan referenced a comment from the November 22, 2022, Business Meeting regarding boat occupants on board during any storms and potential danger. He noted boat protocol regarding storms and the preparations boatowners made prior to storms for safety. Mr. Brennan suggested the use of funds to remove the dock roofing and maintain the floating docks rather than demolition of the covered units. He noted removal of the roof eliminated the risk of the docks being pushed into the water during heavy snowstorms. Mr. Brennan further noted he was a current covered slip holder at the Marina and his boat was 30 feet with a 10.5-inch beam, adding the beam was the width. He stated his boat was fully operational and well maintained, but noted the reference to reconsideration of nontrailerable boats into the Marina at the November Business Meeting. Mr. Brennan clarified that a nontrailerable boat meant the boat was wider than the normal trailer size allowed on roadways. He added a special permit was required for boats with beams nine feet or wider. Mr. Brennan noted the unrealistic and unfeasible approach to continually moving boats in and out of the water for use.

Mr. McGlennon reminded Mr. Brennan of the time restrictions for public speaking. He noted Mr. Brennan could send his comments via phone or email.

2. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board to talk trash. She noted her disappointment at people's careless littering and trucks' unsecured trash. Ms. Boarman further noted the volume of trash on the backroads also. She urged everyone to place trash in containers and not on the roads. Ms. Boarman reminded everyone litter pickup cost taxpayer dollars. She noted the Clean County Commission remained active and referenced the recent Fix It Fair and Recycling Expo in November to celebrate Americans Recycling. Ms. Boarman further noted if anyone missed this year's event, then put it on the 2023 calendar to attend. She added the Spring Litter Clean-up would take place in April. Ms. Boarman noted Mr. Icenhour attended the recent Clean County Business Award presentation. She added she had supplied the Board members with cards to identify community businesses.

Mr. McGlennon thanked Ms. Boarman for all her efforts to address litter in the County.

3. Mr. Jay Everson, 6923 Chancery Lane, addressed the Board referencing the 10% raise for teachers. He noted the past two years in reference to total compensation in paychecks matched the inflation rate. Mr. Everson addressed the 7.3% wage increase this past year. He noted there was compensation that was not seen in direct pay. Mr. Everson further noted the increase in health insurance costs and the impact to paychecks was not a situation unique to just teachers. He cited statistics from the past decade which indicated that typically for every \$2 in direct pay, the Williamsburg-James City County (WJCC) School Board paid \$1 in benefits. Mr. Everson stated this year the numbers were 70% in direct pay and 30% in benefits with the 30% equaled to \$42.5 million for Fiscal Year (FY) 2023. He noted that number was up by \$2 million from FY22 with the majority coming from the increase to the Virginia Retirement System (VRS). Mr. Everson cited statistics noting the health insurance benefit was the largest driver of benefits. He noted three health insurance plans were currently available and questioned if the School Board should be reviewing more affordable option, particularly regarding high deductible plans. Mr. Everson further noted the County had made that move several years ago. He stated the largest driver was VRS, which he added was significantly underfunded therefore the increase would continue. Mr. Everson referenced funding from the County to the WJCC School System over the past few years and the downward trend. He reiterated the \$42 million of indirect benefits.

Mr. McGlennon thanked Mr. Everson.

4. Mr. John Gulick, 101 Sheffield Road, addressed the Board stating he had planned to talk about local teacher salaries, but his presentation had changed after last week's joint meeting with the School Board, the Board of Supervisors, and the Williamsburg City Council. He noted the joint meeting identified school funding, capital projects, and other points. Mr. Gulick further noted the data presented to support a new elementary school, adding he understood the Board of Supervisors was not in agreement on that point. He referenced a direct quote from a Supervisor that a \$12 million increase in salaries would not be able to be funded. Mr. Gulick noted the joint meeting was not the meeting for budget discussion as that would occur in March 2023 when community members, represented by the leadership team and School Board members, presented the operating budget. He further noted data and supporting rationale were presented at that meeting for the operating budget funding requests. Mr. Gulick referenced a Board of Supervisor comment regarding the funding burden as a state, not local, obligation. He questioned some statements made prior to a presentation. Mr. Gulick noted a third party had presented a funding overview in the state at the joint meeting which indicated WJCC teacher salary increases had underperformed in both regional and state averages since 2009. He further noted he felt the Board, in part, had not met small incremental increases in over a decade to address that point. Mr. Gulick asked why this was a state obligation according to this locality while York County, the Cities of Chesapeake, Norfolk, Newport News, and Suffolk as localities had addressed the problem. Mr. Gulick added the small municipality of West Point beat WJCC in 20 of 30 salary steps. He noted during his five-year tenure with WJCC Schools the statistics for staff and teacher turnover and questioned the ability to create a high-quality education with that turnover rate. Mr. Gulick further noted the need to address pay increases.

Mr. McGlennon thanked Mr. Gulick.

5. Ms. Alynn Parham, 634 Chelsea Place Apartments, Newport News, addressed the Board noting she was the President of the Williamsburg/James City Education Association (WJCEA). She noted she was joined by supporters wearing Red for Ed for advocacy of the WJCC 10% staff salary increase. Ms. Parham further noted the support for public education. She stated the WJCC School System was a premiere factor, yet its staff salaries were lower than neighboring school divisions. Ms. Parham added the salary gap was wider between WJCC and other school divisions due to the teacher shortage. She noted the community support shown at tonight's meeting and requested collaboration with the WJCC School Division on the upcoming operation budget to include the 10% salary increase. Ms. Parham further noted the Red for Ed bracelets which were passed out. She advocated school funding and support and indicated the bracelets symbolized the ideal that strong schools make strong communities which were pushed by strong teachers.

Mr. McGlennon thanked Ms. Parham.

6. Mr. Andrew Cason, 3205 Arran Thistle, addressed the Board noting he was the Treasurer of WJCEA. He noted he was a local product who had gone through the WJCC School System. Mr. Cason further noted advocacy for the 10% salary increase with the majority of funding received from the locality. He noted the timing was early in the operational budget process, but emphasized the need for preliminary conversation for a clear set of priorities. Mr. Cason further noted the School Board was aware of WJCEA's stand and budget expectations. He noted WJCEA wanted the Board's assurance it would do what was needed to be done regardless of the amount of state funding that became available. Mr. Cason stated WJCEA was aware of the push-pull with the state and localities. He added WJCEA would be at the General Assembly in January. Mr. Cason reiterated the need for the Board's assurance regarding the 10% raise. He noted 47% of the General Funds provided school funding. Mr. Cason further noted statistics presented at the December 2, 2022, Joint Meeting showed other counties with similar labor cost index (LCI) out fund the schools compared to WJCC.

He cited two counties with similar LCI were Fauquier (55%) and Albemarle (59%). Mr. Cason stated the need for proper funding to maintain a top school system. He added both previously mentioned LCI school systems had a significantly higher average salary as noted in the Virginia Superintendent's Report, Table 19. Mr. Cason noted these counties, along with the financial analysis from the joint meeting, proved a lack of resources was not the issue, but rather political will. He made the analogy of everyone onboard a boat demanded to plug all the holes. Mr. Cason cited special education and bus drivers were areas lacking necessary staff and questioned the sustainability of performance and quality education as trends continued. He encouraged the Board to commit to the 10% salary increase goal.

Mr. McGlennon thanked Mr. Cason.

7. Ms. Susan Hildum, 3090 Cider House Road, addressed the Board stating she was speaking on behalf of the York-James City-Williamsburg NAACP Education Committee. She noted support for the teachers' raise. Ms. Hildum further noted WJCC had a good reputation as a school district, but there was a cost to maintain the reputation. She stated the cost of attracting and retaining quality teachers required a competitive pay scale with surrounding school districts. Ms. Hildum noted the inconsistency in relation to the career span of WJCC teachers or other staff who served this district. She emphasized the need to invest in the community's future with increased funding for the school district's workforce.

Mr. McGlennon thanked Ms. Hildum.

8. Mr. Jourdan Peratsakis, 120 Balmoral, addressed the Board noting he was a second-year teacher at Warhill High School. He noted several family members were current or former teachers in the district and he and his siblings had attended local schools. Mr. Peratsakis further noted the higher cost of living in the district, while the lower wages presented challenges. He stated many of his colleagues had taken higher paying positions in New Kent County or the City of Newport News. Mr. Peratsakis noted WJCC had previously been one of the best paid area districts. He further noted Warhill High School began its current school year understaffed as it had the previous year with numerous teachers and staff leaving prior to the end of the semester. Mr. Peratsakis stated the district was struggling and recommended approval of the pay raise in an effort to retain talented teachers and staff. He noted the pay increase would better align the pay rate with teaching peers in neighboring districts, adding teachers in those districts were also requesting raises. Mr. Peratsakis further noted 10% was the least the district could provide based on the knowledge and expertise of its teachers and without that then the possibility of more teachers leaving the district increased.

Mr. McGlennon thanked Mr. Peratsakis.

9. Mr. Joel Schiff, 5169 Queen Bishop Lane, addressed the Board stating children were the most important asset with shopping centers, new roads, and other items less important. He noted the importance of ensuring the best school system in James City County. Mr. Schiff further noted teacher compensation was paramount in attracting the best teachers. He added retention of teachers was also important. Mr. Schiff noted the importance of support for public education and encouraged the Board to pay the teachers accordingly.

Mr. McGlennon thanked Mr. Schiff.

10. Ms. Laura Emery, 4635 Town Creek Drive, addressed the Board noting she was a community member who supported the 10% raise for the hardworking teachers in the district. She cited the difficulties for teachers during the COVID-19 pandemic over the past few years. Ms. Emery cited the teacher shortage in the state and nation and the impacts on both fronts. She noted the National Education Association's survey earlier in the year identified insufficient salaries/low wages as a major consideration for teachers in whether to leave the profession or

remain. Ms. Emery further noted the need to retain highly qualified teachers with the necessary resources for inside and outside the classroom. She added the area's cost of living coupled with post-pandemic costs should be reflected in teacher salaries. Ms. Emery cited statistics from personal research on teacher wages that indicated Virginia ranked as the third worst state in the nation in relation to the pay gap for teachers compared to other college-educated professionals. She noted Virginia teachers were making 33% less per that research and she stressed the importance and value of educators. Ms. Emery sought the Board's support in favor of the 10% salary increase.

Mr. McGlennon thanked Ms. Emery.

11. Mr. Marco Sardi, 4008 Governor's Square, addressed the Board noting he was a teacher at James Blair Middle School and the Vice President of WJCEA. He noted his support of the 10% raise increase for WJCC employees in the upcoming school year. Mr. Sardi stressed the dire need to remain competitive with other local districts. He noted the unsustainable pattern as indicated over the past decade with reference to pay stagnation. Mr. Sardi further noted last year's 7% increase was a cost-of-living increase and did not move his salary on the compensation scale, but his health insurance cost increased so essentially he received a slight pay cut to remain in the district. He noted the state had some allocation to address the 10% increase request, but the majority would be determined by the Board of Supervisors for the cost difference. Mr. Sardi further noted statistics on area property taxes, adding current County reserve funds were 2-3% higher. He asked for consideration of a one-time allocation of the funds to assist as a raise payment holdover until property values were reassessed for next year. Mr. Sardi noted future discussion on the property values and possible budget provisions to fund the increase. He encouraged the Board to support the 10% increase to WJCC staff. Mr. Sardi cited the attributes of the community noting he had come to WJCC from Pennsylvania at the request of a friend. He added he did not have a family to support, but if so, he would not be able to afford to live in the area in light of his current job title.

Mr. McGlennon thanked Mr. Sardi. Mr. McGlennon thanked the speakers who shared their comments during Public Comment. He noted in January 2023, a public hearing would take place for budget discussion for the next year. Mr. McGlennon further noted that marked the start of the Board's review of expenditures and revenues.

Ms. Larson spoke noting she typically refrained from commenting on Public Comment items, but she wanted to clarify a point. She noted she was the Board member referenced in earlier comments. Ms. Larson further noted her comments at the Joint Meeting were to have the Board of Supervisors work together with the School Board to review a 10% raise. She added she was not speaking for the Board, but she noted the School Division's budget was not currently available so the Board did not know its details.

Mr. McGlennon thanked Ms. Larson.

#### **F. CONSENT CALENDAR**

Mr. McGlennon noted there was one item which had been added to the meeting's agenda at the start of the evening which was the \$55,000 Grant Award from the Williamsburg Health Foundation for the Guardianship Navigator Program. He sought a motion for approval.

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

#### **G. PUBLIC HEARING(S)**

Mr. McGlennon noted Mr. Richard Krapf, Planning Commissioner, was in attendance as the Planning Commission's representative.

1. Mainland Farm Management Agreement

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

Ms. Liz Parman, Deputy County Attorney, addressed the Board with the specifics of the agreement with Renwood Farms for continued operation of Mainland Farm at 2881 Greensprings Road as a working farm. She noted the parcel was part of a perpetual conservation easement held by the Williamsburg Land Conservancy with the property's use limited to agricultural or forestal uses. Ms. Parman further noted the County's association with Renwood Farms since 2013 with the current agreement set to expire at the end of 2022. She stated staff recommended entering into a new agreement that was largely under the same terms of the current agreement with Renwood Farms paying the County \$14,725 annually. Ms. Parman noted the new agreement was a five-year term with the option of two, five-year renewal terms.

Mr. McGlennon noted Renwood Farms had done a good job at Mainland Farm. He asked Ms. Parman if there were any issues.

Ms. Parman noted none of which she was aware.

Mr. McGlennon opened the Public Hearing.

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

2. SUP-22-0019. 4090 Ironbound Road Detached Accessory Dwelling

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 citing the specifics of the SUP application. She noted the applicant lived on-site. Ms. Condon further noted staff found this proposal was both compatible with surrounding development and consistent with the 2045 Comprehensive Plan.

Mr. McGlennon welcomed Mr. Krapf, Planning Commissioner, to speak about the case.

Mr. Krapf addressed the Board noting the Planning Commission voted 7-0 in favor of the SUP at its November 2, 2022, Regular Meeting. He noted the application met the SUP criteria as well as the opportunity to provide an elderly parent with housing.

Mr. Hipple noted he normally did not support sunset clauses. He asked if that point had been discussed during the Planning Commission meeting, particularly if a time limit was considered since SUPs went with the land.

Mr. Krapf replied no, not in this specific case. He noted sunset clauses had been a concern with short-term rentals, but this application with the accessory dwelling use had raised no concerns.

Mr. Hipple noted he was not against this application, but referenced a similar application on Centreville Road where the intended family member did not inhabit the accessory dwelling which later became a tourist home. He further noted if this case became a similar situation, he wanted to be notified by staff. Mr. Hipple added homeowners may not be aware they have changed the use.

Ms. Condon noted the case would then be submitted separately as a short-term rental application.

Mr. Hipple questioned if the applicant knew that fact.

Ms. Condon noted the applicant was present and she would explain that process to him.

Mr. Hipple thanked Ms. Condon.

Mr. McGlennon opened the Public Hearing.

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

3. SUP-22-0015. 7294 & 7296 Richmond Rd. Pivot Energy Solar Project

Mr. John Risinger, Senior Planner, addressed the Board noting Mr. Buzz Becker of Pivot Energy, Inc. had applied for an SUP for the construction of a solar farm. He provided the specifics of the application.

Mr. McGlennon noted staff's recommendation that the Board consider Item No. 3 in conjunction with Item No. 4, Agricultural and Forestal District (AFD)-22-0017. He further noted Mr. Risinger would make the presentation on both Items, but separate voting would occur on the two cases.

Mr. Risinger confirmed yes.

Mr. Hipple asked for clarification if the Board was voting on the AFD withdrawal first.

Mr. McGlennon acknowledged that point with consideration for Item No. 4 first.

Mr. Hipple thanked Mr. McGlennon.

Mr. Risinger noted the property at 7296 Richmond Road was not located within an AFD, but the 7294 Richmond Road property currently was included in the Hill Pleasant Farm AFD. He further noted the owner's 42-acre withdrawal during the 2022 AFD renewal process, with an additional 10 acres requested for withdrawal after the process was closed. Mr. Risinger added the additional 10 acres was for stormwater facilities, thus Board approval was required as the request was made after the renewal process. He cited criteria for consideration regarding requests made outside of the renewal period. Mr. Risinger stated staff found this application would not cause disruption to the AFD and the use would be transitional in the Economic Opportunity (EO) District. He noted staff found this application was not caused by an unforeseen change in circumstances nor did the request serve a public purpose. Mr. Risinger further stated staff's denial was based on the request failing to meet all the Board's policy criteria for withdrawal. He stated the AFD Advisory Committee recommended approval with a 7-0 vote at its October 20, 2022, meeting. Mr. Risinger stated the Planning Commission recommended approval with a 5-2 vote at its November 2, 2022, meeting. He noted the specifics of the solar panel arrays, underground utilities, and the lease option. Mr. Risinger further noted staff had proposed conditions to mitigate impacts which included access to the



facility during construction from the existing easement along the railroad connecting to Peach Street. He stated the routes for oversized and normal sized vehicles and other factors regarding construction of the project. Mr. Risinger noted the 2045 Comprehensive Plan Land Use Map designated the property EO, but the Plan does not specifically identify solar farms as a compatible use. He further noted due to that point, staff reviewed the application as a transitional use based on the limited property lease. Mr. Risinger cited the specifics for approval, adding the Planning Commission voted in favor of the application for compliance with the 2045 Comprehensive Plan. He noted additional clarifying edits had been added to Condition No. 28 since the Board's Agenda Packet had been published. Mr. Risinger further noted these edits were for consistency with State Code. He stated if the Board approved AFD-22-0017 then staff recommended the Board approve SUP-22-0015 subject to the proposed conditions. He noted the applicant team was available for any questions.

Mr. McGlennon thanked Mr. Risinger and welcomed Mr. Krapf back for comments from the Planning Commission.

Mr. Krapf asked the Board if it was amenable to the format of the Planning Commission's report on the AFD withdrawal case followed by any questions and answers with a summary of the project.

The Board agreed.

Mr. Krapf noted the Planning Commission voted 5-2 in favor of the approval recommendation for the AFD withdrawal. He further noted disagreement with staff interpretation regarding the application meeting the four criteria as stated in the Board of Supervisors policy for noncyclical AFD withdrawals. Mr. Krapf stated two elements of concern regarding the request based on unforeseen circumstances. He noted during the application process, the applicant acknowledged a pending stormwater criteria change which could affect impervious cover with relation to solar panels. Mr. Krapf further noted this change was under discussion at the state level, but that formula had not been determined at the time of the application submittal. He referenced the original 42-acre withdrawal request followed by the additional 10-acre withdrawal request, adding the entire 52 acres would have been requested for withdrawal if the formula had been known at the initial time. Mr. Krapf noted historically that unforeseen circumstances had referenced the death of the landowner and the Planning Commission felt that definition was too narrow. He further noted one condition of the Board policy was the land be used for a public purpose. Mr. Krapf stated historically that point had referenced a fire station or school or such facility. He noted the majority of Commissioners felt the solar grid connectivity served a public purpose. Mr. Krapf further noted the dissenting voters felt this particular use would tie up this EO parcel in excess of 20 years in addition to no specific reference to the use of solar panels in the Comprehensive Plan. He referenced staff's comment on the transitional use. Mr. McGlennon asked the Board if it had any questions for Mr. Krapf.

Mr. Hipple questioned his understanding of the Planning Commission's expansion of the policy.

Mr. Krapf confirmed yes regarding the two factors of unforeseen circumstances as it was historically defined as death of the property owner and the public use aspect. He noted this allowed for more far-reaching criteria.

Mr. Hipple questioned why decisions were made with policies in place and then changes occurred. He noted reviewing criteria and discussing possible areas to broaden. Mr. Hipple further noted the review could potentially address other areas for future cases.

Ms. Sadler asked for clarification on the applicant's position regarding the state changes. She noted she had difficulty hearing that part of Mr. Krapf's presentation.

Mr. Krapf noted it was the Planning Commission's belief that the applicant's original 42-acre withdrawal as noted in September 2022 was in accordance with calculations regarding impervious cover on-site. He further noted subsequent to the September 2022 AFD withdrawal, the state refined the calculation requirements which increased the request of the additional 10 acres in relation to the solar panels and impervious cover. Mr. Krapf stated the additional acreage was necessary for drainage in compliance with the new state requirements. He noted he was not speaking for the applicant, but that was the interpretation of the majority of the Planning Commissioners at their November meeting.

Ms. Sadler questioned if anyone was aware of the state changes and how it could potentially affect the request.

Mr. Krapf noted there was discussion at the state level but at the time of the application there had been no changes to the stormwater criteria. He further noted the Planning Commission felt the state level change when made qualified as a change of circumstances.

Ms. Sadler asked if there had been any discussion initially that the applicant would increase the withdrawal request.

Mr. Krapf replied no.

Ms. Sadler thanked Mr. Krapf.

Mr. Icenhour asked Mr. Krapf if the Planning Commission discussed the AFD withdrawal first before discussing the application.

Mr. Krapf confirmed yes.

Mr. Icenhour asked if there had been any discussion around the possibility of a denial for the AFD withdrawal. He asked if there had been discussion if a denial would affect the application with the possibility of approval on a smaller acreage withdrawal size.

Mr. Krapf noted a vague recollection of some discussion on that point but was unsure if a reduction of the solar panels would have an adverse impact on the project.

Mr. McGlennon noted as there were no further questions on this point, he asked Mr. Krapf to move on to the project itself.

Mr. Krapf noted the Planning Commission's 5-2 vote to recommend the project approval. He added the Commissioners in favor supported the project as consistent with the 2045 Comprehensive Plan. Mr. Krapf noted the Commissioners also felt the application supported state and federal initiatives for reduction of greenhouse gas emissions along with decarbonization of energy production. He further noted those areas were the main points for the Commissioners' support. Mr. Krapf stated the Commissioners recommending denial stated the earlier point of potential economic opportunity acreage being delayed. He added this use had not been specifically designated as EO, but rather a transitional use.

Mr. McGlennon thanked Mr. Krapf. He asked if any Board member had questions for staff.

Ms. Sadler noted not at this time, but possibly later in the discussion.

Mr. McGlennon opened the Public Hearing.

Mr. Kinsman clarified the Public Hearing was open for both AFD-22-0017 and SUP-22-0015. He noted comments on either item could be heard during the Public Hearing.

1. Mr. Buzz Becker, 1007 Forest Hills Avenue, Unit A, Charlottesville, VA, addressed the Board noting he was from Pivot Energy, Inc. and the representative for the applicant. He noted he was present to speak on both the AFD withdrawal request and the solar project. Mr. Becker further noted his PowerPoint presentation was set up to address the AFD withdrawal and then the solar project in keeping with earlier presentations. He began the presentation with a brief overview of Pivot Energy, Inc. and highlighted the company was a certified B-Corporation in which the company was held to higher standards for environmental, social, and governance standards. Mr. Becker noted the triple bottom line philosophy of people, planet, and profit. He further noted a positive point to this project was that Pivot Energy, Inc. would be the long-term owner and operator. Mr. Becker explained Pivot Energy, Inc. would be responsible for the project through its lifetime until decommission. He continued the PowerPoint presentation with a visual representation of the withdrawal and expanded areas. Mr. Becker referenced the AFD withdrawal criteria and stated he would focus on the areas of agreement from the majority of involved stakeholders and prior to the presentation to the Board. He noted if the additional 10 acres were withdrawn then there was no threat to the AFD of being dissolved while still meeting the criteria. Mr. Becker further noted only the larger parcel was in the AFD, but as a good faith sign, the landowner was inclined to include the 10 acres in a noncyclical request for the project. He stated the Planning staff, Planning Commission, and AFD Advisory Committee agreed this proposal was a great transitional use for the EO zone. Mr. Becker noted a neighboring parcel to the south was designated EO and had been previously approved for the same use. He further noted disagreement with Criteria B which addressed the definition of public purpose. Mr. Becker cited a federal regulation's definition of public purpose in the presentation. He noted staff indicated a fire station or school was a public facility to which public purpose applied. Mr. Becker further noted Pivot Energy, Inc.'s understanding of that response meant only government-owned property could obtain an AFD withdrawal and questioned multiple uses for public purpose. He stated the infrastructure investment aspect of this project coupled with utility savings to local residents constituted a public purpose. Mr. Becker moved to Criteria A - unanticipated change in circumstance. He noted the interpretation of death of a property owner was not in the Board's AFD criteria policy, but rather added as a staff interpretation. Mr. Becker further noted the policy, implemented in 2010, has no mention of death of a property owner while citing possible other considerations. He continued the presentation highlighting the site plan from late spring 2022 was based on the Board's most recent SUP approval of a solar project as guidelines. Mr. Becker noted during this process the Department of Environmental Quality (DEQ) released a guidance memorandum on a new approach to stormwater management for solar facilities. He further noted this information was only a guidance document, adding a note within the document at that time stated projects which had already submitted interconnection requests, as in this case, would be exempt from those regulations if the regulations were finalized and implemented. Mr. Becker noted the volume of pushback on that point which included commercial real estate and not exclusively solar development. He further noted the entire square footage of the solar panel was considered impervious surface. Mr. Becker stated this information was guidance from DEQ so Pivot Energy, Inc.'s project was not designed around parameters the company felt were not applicable to the project. He highlighted the timeline of the withdrawal submission and proposed conditions from staff. Mr. Becker noted Pivot Energy, Inc. received guidance from County staff regarding the increased withdrawal acreage a month after the withdrawal deadline had passed. He further noted that was a change in circumstance that was not anticipated.

Mr. McGlennon asked if formal guidance from the state regarding this matter was currently available.

Mr. Becker confirmed no that it was not finalized.

Mr. McGlennon thanked Mr. Becker.

Mr. Hipple asked about the impervious area of the panel and the changes as the solar panels tilt and reposition.

Mr. Becker noted the tilt of the panel adjusted throughout the day so no fixed flat space was present for rain runoff. He further noted DEQ's guidance at the time of staff's conditions assumed a zero angle to the panel.

Discussion on square footage ensued.

Mr. Becker noted Ms. Meghan Hekl of Kimley-Horn, Pivot Energy, Inc.'s stormwater expert, was in attendance. He further noted the ground under the panel was essentially ground cover which was pervious surface. Mr. Becker added the question of the stormwater discharge was the issue there.

Mr. Hipple noted the analogy of a house and a yard and the impact of rain. Mr. Hipple thanked Mr. Becker.

Mr. Becker continued the presentation highlighting the site plan and the megawatt breakout for the three land parcels which equaled a total 4.75-megawatt project. He noted a 75-foot buffer on the western side with 50-foot buffers on the other sides. Mr. Becker further noted residential property on the western side. He highlighted the viewshed and the berm in the presentation, adding the berm was significant. Mr. Becker noted one proposed condition was the requirement that evergreen trees have a minimum 8-foot height at the time of planting. He added the evergreen trees comprised 50% of the buffer. Mr. Becker continued the presentation noting the benefits of this first shared solar project for James City County. He noted the economic impacts to the community and revenue for the County. Mr. Becker further noted Pivot Energy, Inc. was offering an approximately 20% discount to local Dominion Energy residential customers, predominantly low- to moderate-income customers. He continued the PowerPoint presentation highlighting economic key points such as a nine-time extended revenue source from the project and hosting of job fairs in the County for employment. Mr. Becker noted the subscriber breakdown with the average Dominion Energy customer usage in Virginia compared to the average subscribing customer resulted in approximately \$25 savings monthly. He further noted the customer had no subscription cost. Mr. Becker continued highlighting the shared solar on bill credits with utility bills. He noted subscribers would still remain Dominion Energy customers, but they would subscribe based on their average monthly use and that allocation would result in a corresponding credit on their utility bill. Mr. Becker illustrated the discount with solar credits in the presentation. He stated the average subscriber could save approximately \$306 annually.

Mr. Hipple noted power sold to Dominion Energy was at the raw rate which differed from the premium customer rate. He asked if the calculation was the raw rate or the premium rate.

Mr. Becker noted the Virginia Code had an established Virginia Utilities Corporation bill credit rate for shared solar subscribers and what would appear on customers' bills. He further noted the credit rate did not make the Dominion Energy bill zero, but significantly reduced the amount. Mr. Becker stated the offset for that significant reduction was the fee Pivot Energy, Inc. charged which was less than the credit on the bill.

Mr. Hipple asked if the savings shown in the presentation reflected the Pivot Energy, Inc. fee taken out or was the fee removed later.

Mr. Becker replied it was the net of the savings.

Mr. Hipple asked if the fee was not included.

Mr. Becker noted it was not one bill, adding Virginia had not done that yet. He further noted that point was being encouraged at the state legislative level. Mr. Becker stated the single bill was not available in Virginia.

Ms. Larson questioned how Pivot Energy, Inc. was locating customers. She asked if Dominion Energy determined the low- and moderate-income customers.

Mr. Becker noted the use of local credible groups such as local housing authorities and nonprofit groups that serve that population. He further noted the use of a community manager within his company who engaged with these entities to find people.

Ms. Larson asked the number of households that would benefit monthly.

Mr. Becker responded 535.

Ms. Larson asked if these were households within James City County.

Mr. Becker confirmed yes.

Ms. Larson referenced the job fair and asked the number of positions.

Mr. Becker noted those were mainly construction positions with approximately 30 needed.

Ms. Larson asked if the positions were needed over a limited time.

Mr. Becker confirmed yes over the three months' construction time.

Mr. McGlennon asked if the target customer group was aimed toward average users or even renters.

Mr. Becker noted the example was for baseline purposes.

Mr. McGlennon asked if the 535 was based on a percentage of the customer base.

Mr. Becker noted the solar project had two components with the larger 3.75-megawatt section capable of powering 535 homes. Mr. Becker continued the presentation noting this information was new and had been worked on with the County Attorney. He noted as of July 1, 2022, solar projects of 5 megawatts or less were newly subject to the Machinery & Tool (M&T) tax. Mr. Becker further noted the M&T tax rate was pegged to the local real estate tax rate. He highlighted the M&T revenue as well as the revenue share in the presentation. Mr. Becker stated with the M&T tax coming online as of July 1, 2022, both the M&T revenue and the revenue share could not be received in a given year. He noted this was explicitly stated in the Virginia Code so this presentation gave a breakdown of either piece over a 30-year analysis. Mr. Becker further noted in conjunction with the County Attorney regarding project conditions, the M&T revenue was the higher option for the County for the first 15 years while revenue share was better in the last 15 years. He stated the blended approach would net James City County \$305,000 over 30 years that would not be available otherwise. Mr. Becker discussed traffic access and discussion with neighboring property owners. He continued the presentation with a breakdown of the types and numbers of vehicles comprising the construction traffic in an average week. Mr. Becker noted the traffic could vary, but it was a manageable load. He further noted a condition existed which required County staff and the Virginia Department of Transportation's (VDOT) approval of the construction traffic mitigation plan before a permit can be pulled. Mr. Becker highlighted the roadway view and visibility near the CSX railroad tracks. He noted the due diligence already completed for the project

included completion of the initial phase interconnection study, secured confirmation of the wetlands delineation from the U.S. Army Corps of Engineers, Federal Aviation Administration's determination of no known critical wildlife habitats or hazard, completion of the American Land Title Association (ALTA) survey, with work on the geotechnical survey and the cultural/historical survey underway. Mr. Becker further noted Pivot Energy, Inc. wanted to come to James City County with the confidence this project could be accomplished responsibly with many benefits to the County. He continued the presentation with a timeline breakdown with a beginning of 2024 as the projected start of the first phase.

Mr. Hipple noted the property connected to Rochambeau Drive.

Mr. Becker confirmed yes.

Mr. Hipple asked why there was no entrance from Rochambeau Drive to the property.

Mr. Becker indicated there was an entrance, but it was not a viable option.

Mr. Hipple expressed concern about the railroad tracks and accessibility. He noted visibility issues at the access road to Richmond Road when he crossed over the tracks. Mr. Hipple questioned if some equipment such as a Lowboy could clear that section. He noted the 20-year time period with regard to protection of rural lands, the EO zone component impact, and safety of the road access with no cross-arms. Mr. Hipple asked if the gravel access road would be paved.

Mr. Becker noted the road would not be paved, but it would be similar to other access roads used in solar projects.

Mr. Hipple asked if it would be a gravel road.

Mr. Becker confirmed yes.

Mr. Hipple asked about the trees on-site noting an abundance of older cedars on the left side of the property that would need to be limbed. He noted another area at the end. Mr. Hipple reiterated his concern for safety and the railroad tracks. He noted his frustration regarding the 10-acre withdrawal request after the AFD process had ended. Mr. Hipple expressed concern of a project running 21 years instead of 30-40 years. He referenced the land map and a house on the property asking if the house would remain and be occupied.

Mr. Becker confirmed the property owner would occupy it.

Mr. Hipple asked if the Best Management Practices (BMPs) were the reason for changing the project area and withdrawing from the AFD.

Mr. Becker confirmed yes.

Mr. Hipple asked about the road to the north side and if it would be maintained and remain for 20-30 years.

Mr. Becker confirmed yes.

Mr. Hipple noted some technology changes regarding solar panels and switching the panels out at 15 years versus 20 years.

Mr. Becker noted when projects were financed, it was based on the life of the project and the power and revenue from the project. He added the switch would be a bad business

investment. He noted bringing on additional power required an interconnectivity study. Mr. Becker further noted that would constitute a change of the project to produce more power which would be a permit violation.

Mr. Hipple asked if the panels would stay in place.

Mr. Becker noted panels would only be changed if one became damaged.

Mr. Hipple asked about hail damage to the panels.

Mr. Becker responded the size of the hail was a factor. He noted some sizes were more impactful to the panel. Mr. Becker further noted the panels had a coating similar to windshields. He added digital monitoring allowed Pivot Energy, Inc. to monitor the panels for damage, bad wiring, and other factors and then replacement could occur.

Mr. Hipple asked if special equipment such as a crane for necessary for the replacement or could several people switch out the panel.

Mr. Becker indicated several people could do the replacement. He referenced Richmond Road and said Pivot Energy, Inc. was working with County staff on a condition that only small vehicles which can safely and easily use the road are allowed to do so. He added no big vehicles were unable to use the road. Mr. Becker noted the railroad crossing safety concern, but added VDOT and CSX were aware of the construction crew and the traffic access. He further noted conversation with the neighbors regarding the least impactful traffic access with vegetative buffer to screen the project.

Discussion ensued.

Ms. Larson had no questions for Mr. Becker, but she expressed much concern for the access. She noted she had toured the property, but felt the area was narrow particularly in relation to the number of vehicles.

Mr. McGlennon referenced the consideration of new regulations and instances where those regulations were not applicable if approval had already been granted for interconnectivity.

Mr. Becker confirmed yes for submission.

Mr. McGlennon asked if that factor was still a viable point of discussion.

Mr. Becker noted that piece was part of the implementation guidance which had been added to the original guidance. He further noted the guidance was withdrawn and revised guidance was anticipated to be forthcoming in the next few months. Mr. Becker added that point, in part, had addressed implementation with so many projects in process.

Ms. Sadler asked if Mr. Paul Holt, Director of Community Development and Planning, was available.

Mr. McGlennon confirmed Mr. Holt was available.

Ms. Sadler asked Mr. Holt if some Planning Commissioners had expressed concerns regarding the railroad crossing at the Planning Commission meeting. She asked if Mr. Holt could share any of those concerns.

Mr. Holt noted he did not remember the exact quotes, but added there were concerns about access to Rochambeau Drive and other options similar to those expressed this evening. He

further noted this property lacked fee simple access to Rochambeau Drive with a gap there and an easement. Mr. Holt stated the road was not up to current VDOT standards.

Ms. Sadler noted safety concerns at the crossing at Peach Street and the traffic issues. She echoed Mr. Hipple's comments on the access, the trains, and limited visibility crossing the railroad tracks. Ms. Sadler noted Ms. Barbara Null, Planning Commissioner, had contacted her regarding concerns in that area. Ms. Sadler asked about photographs of the crossing and questioned Mr. Holt if the photograph shown in the presentation was the Peach Street location.

Mr. Holt confirmed yes adding staff had some photos similar to those of the applicant.

Mr. McGlennon asked if the photos were the ones received in an email to the Board.

Mr. Holt confirmed yes.

Mr. Risinger referenced numbered locations in the PowerPoint presentation as orientation points.

Mr. Holt identified the street locations and images beginning with the view at 7293 Richmond Road.

Mr. Risinger noted the unpaved access over the railroad tracks had a berm with an embankment. He continued the presentation highlighting the 7381 Richmond Road entrance into Peninsula Road at Norge Hall.

Mr. Holt added this was the southernmost entrance coming from Route 199 direction. He noted the next slide showed 7414 Richmond Road which was the northern intersection of Richmond Road and Peninsula Street.

Mr. Hipple referenced the curve in the road and the difficulties tractor trailers had in that area. He noted continual repairs to the road by the property owner.

Mr. Risinger continued highlighting the back part of Peninsula Street past the curve previously mentioned. He noted several more images along Peach Street to the railroad crossing and the CSX Railroad easement. Mr. Risinger showed a final slide of the area's vegetation and the access road to 7296 Richmond Road.

Ms. Sadler thanked Mr. Risinger for the images. She noted several solar projects had been approved in the past by the Board and asked if this project was the first to involve railroad crossings.

Mr. Risinger confirmed yes.

Mr. Holt referenced the Hunt property immediately adjacent to this project had railroad tracks, but access was not taken from that direction. He noted that access was from Rochambeau Drive.

Ms. Sadler thanked Mr. Risinger and Mr. Holt.

Mr. Becker referenced the construction traffic mitigation plan and additional revisions. He noted the assumption had been traffic would be coming up Norge and down Peach Street where a stoplight was located. Mr. Becker further noted construction traffic would not deal with the turn on Peninsula Street, adding that would be a more improved traffic pattern for access to the Peach Street crossing.



Ms. Sadler asked if the railroad tracks would still need to be crossed.

Mr. Becker confirmed yes.

Mr. McGlennon asked Mr. Becker if the construction process involved approximately 13 weeks with truck traffic in and out of the site.

Mr. Becker confirmed it was approximately three months.

Mr. McGlennon asked the Board if its main concern was the railroad track crossing or other concerns for this particular access.

Mr. Hipple noted for himself the railroad crossing was a concern. He further noted access to the property and opening up the area.

Mr. McGlennon asked if there was a safety concern there.

Mr. Hipple noted crossing the railroad tracks was his main safety concern.

Ms. Sadler echoed Mr. Hipple's concern.

Mr. McGlennon noted it was not likely an armed gate would be installed at the railroad tracks. He asked if human traffic monitoring/control that may have been used previously would occur there.

Mr. Becker noted the use of scouts or human monitors out in either direction of the railroad tracks to monitor vehicles crossing the tracks. He further noted if that answer was not satisfactory to the Board, he would defer until a later date where he could provide additional information on that point. Mr. Becker stated Pivot Energy, Inc. knew this was a consideration through the traffic mitigation plan. He added that information from the traffic experts and operations would be available then with today's focus on the land use portion.

Mr. Hipple questioned Mr. Holt about the road used on the Hunt property project. He noted the road now resembled an interstate.

Mr. Holt noted a commercial access off Rochambeau Drive was also required on that project.

Mr. Hipple asked where the commercial entrance was for this project. He expressed his confusion on the access road. Mr. Hipple noted numerous unknowns with this project.

Mr. Holt noted he had no additional information at this time. He further noted the applicant had offered to postpone the request until more detailed information could be brought before the Board at a later date.

Mr. McGlennon noted there was significant interest in obtaining more information about the access concerns from the applicant. He further noted the AFD withdrawal request and how impervious cover was viewed, adding if improved stormwater treatment was a factor then he felt a governmental benefit or use was being proposed. Mr. McGlennon indicated he felt from the AFD aspect, the withdrawal request was not in violation of County policy.

Mr. Icenhour noted Mr. Becker's reference to 13 trucks weekly as the traffic number with sizes comparable to current farm equipment. He noted the use of farm equipment year-round and asked if any problems surrounding farm equipment use had arisen. Mr. Icenhour asked staff if any trains had hit combines or other farm equipment.

Mr. Holt noted he had none of the accident data with him this evening as part of the staff analysis, but if the application postponement occurred, he would get that information from the Police Department.

Mr. Icenhour noted that information would be helpful.

Mr. Hipple noted the difference in sizes between farm and construction equipment. He further noted the majority of farm equipment from the Hunt property would use an opening rather than accessing Peach Street.

Mr. McGlennon asked the Board if it wished to keep the Public Hearing open.

The Board concurred with keeping the Public Hearing open.

Mr. Kinsman asked Mr. McGlennon if the Public Hearing was remaining open for both AFD-22-0017 and SUP-22-0015.

Mr. McGlennon confirmed yes for Public Hearing Item Nos. 3 and 4. He asked if a date would be set.

Mr. Holt noted the 2023 Board calendar had not been adopted to date. He suggested the first meeting of a particular month per the County Attorney's recommendation. He noted the first meeting in February 2023 as a possibility.

Mr. Becker agreed to that date.

Mr. McGlennon noted this case would be held open until the first Regular Meeting of February.

4. AFD-22-0017. 7294 Richmond Road Hill Pleasant Farm AFD Withdrawal

Item No. 4 was deferred until the first Regular Meeting in February.

5. SUP-20-0010. Hertzler Clearing and Grading

A motion to Defer action until the first meeting in April 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. Risinger addressed the Board citing the specifics of this SUP. He noted the application was to bring the business operation use into conformance with the Zoning Ordinance. Mr. Risinger cited some historical notes regarding a complaint against the business' operations, adding to which the Zoning Director met with the owner. He noted staff discussed the findings with the owner and notified the owner an SUP would be required for conformance. Mr. Risinger further noted the owner indicated the business had been operating in the County for approximately 20 years. He stated historical notes from 2020 regarding the SUP application which the Planning Commission recommended approval, but the Board denied the application with a 5-0 vote. Mr. Risinger noted the area utilized for the business operation had increased without proper approvals or County permits. He cited the impacts to the Resource Protection Area (RPA) which included land disturbance, tree clearing, pond construction, and driveway construction on neighboring property. Mr. Risinger noted the latter two factors had impacted existing wetlands. He further noted both staff and the Stormwater and Resource Protection

(SRP) Division had reviewed this SUP and provided proposed conditions to be met. Mr. Risinger stated if the SUP were approved, a site plan would be required for the business which showed all existing improvements were in full conformance with the master plan conditions, Zoning Ordinances, and other applicable criteria. He listed the proposed conditions which included a staff inspection within six months to verify existing site conditions and within 36 months of the SUP approval date that all site plan improvements were completed and in full compliance with both its SUP and site plan. Mr. Risinger noted the Planning Commission voted 3-4 on a motion to recommend the application at its November 2, 2022, meeting. He further noted staff's recommendation to approve the application subject to the proposed conditions. He noted the applicant's representative was present.

Mr. Krapf addressed the Board noting the 4-3 vote against recommendation of the SUP's approval. Mr. Krapf noted the major concern of the Commissioners voting against the SUP was the fact the business had been continually operating for 20 years despite an SUP denial and non-compliance with Zoning Ordinances. He further noted the concern was this operation would convey a message to others to do business outside of the necessary approvals with only punitive minor measures incurred with mitigation after violation. Mr. Krapf added other irritants were complaints from neighbors regarding traffic and noise which would continue if the SUP was approved. He noted the Commissioners voting in favor felt the Planning Commission's role was not punitive, but instead to evaluate land use cases based on Zoning Ordinances, appropriate use, and compliance with the Comprehensive Plan. Mr. Krapf stated if the business met all the proposed conditions associated with this SUP then the business would be a conforming operation. He noted the majority of properties adjacent to the work site was owned by the applicant, who felt the land buffers helped mitigate the noise and traffic complaints from neighbors. Mr. Krapf further noted as a local business, the tax revenue was a benefit to the County and if it were brought into compliance then it would remain as a locally operating business. Mr. Krapf stated all the Commissioners' dismay that this business had operated for 20 years after an SUP denial in addition to a refusal for staff to investigate the site regarding the complaints.

Mr. McGlennon opened the Public Hearing.

1. Mr. Vernon Geddy, Geddy, Harris, Franck, & Hickman, LLP, 1177 Jamestown Road, addressed the Board on behalf of Mr. Steve and Ms. Mary Hertzler. Mr. Geddy noted aspects of the property, adding the Hertzlers lived on-site. He further noted the Hertzlers applied for an SUP in 2000 which the Board of Supervisors denied. Mr. Geddy stated that use permit was for more intensive use than was currently occurring on the property such as retail sales from products on the property. He noted in 2005 the Hertzlers built a home on the property which they understood with the home there then they were permitted to operate the business. Mr. Geddy further noted the Hertzlers believed that point in good faith and have operated their business since that time. He added with the exception of an instance in 2002, no one had not been denied access to the property as County inspectors were on-site for the home construction as well as staff from the County's SRP Division. Mr. Geddy highlighted equipment, employees, taxes, and other aspects of the Hertzlers' business in the PowerPoint presentation. He noted the applicant had both boundary and topographic surveys of the parcel completed by LandTech Resources, Inc. and the U.S. Army Corps of Engineers confirmed the wetlands delineation on the property as shown on the master plan. Mr. Geddy continued the presentation highlighting traffic data for the property which he noted was not sufficient to warrant a traffic impact study. He noted reasons in support of the SUP including the applicant's agreement to the proposed SUP conditions for compliance. Mr. Geddy urged the County against shutting down the small, family-owned business, allowing it to become compliant, and continue operation as an employment and revenue source.

Mr. Hertzler addressed the Board noting a different SUP had been applied for in 2000. He noted the business had not been in operation at the location for 20 years. Mr. Hertzler further

noted he began clearing land in 2002 and making road improvements. He added he had denied access to the property without a search warrant, but was legally advised against that by his then lawyer. Mr. Hertzler stated in 2003 they applied for the permit for their house with construction in 2005. He noted nothing had been done with the business on that property before that time.

Ms. Hertzler addressed the Board noting after the SUP denial, there was report of an incinerator which she noted was never on the plan. She noted a Planning person told her the SUP was unnecessary if the house was there then the business could also be there. Ms. Hertzler further noted that was the directive they followed so after the house was built, they put the business there. She stated the business was not put on the property until after the Occupancy permit was granted in 2005. Ms. Hertzler noted they had not received any letters until the one they received in 2019. She further noted they wanted to come into compliance because they were not aware.

Mr. Geddy spoke noting the Hertzlers believe in good faith what they were doing was permitted by the Ordinances. He noted if they had received a letter prior to 2019 they would have applied for a permit then. Mr. Geddy further noted the goal was to get the property into compliance with County requirements and continue operating the business. He added this would benefit the Hertzlers and the County.

Mr. Hipple asked if the Planning person was a County employee and the name of that employee.

Ms. Hertzler's response was inaudible due to her distance from the microphone.

Mr. Hipple noted he would like to get the information that person shared with Ms. Hertzler. Mr. Hipple referenced the Hertzlers noting they had not received any warnings or notifications of violation from the County. He asked Mr. Holt if there was any record.

Ms. Hertzler noted at the last meeting someone said they had a letter and conducted a drive-by. She further noted they were never aware of that point.

Mr. Hipple asked the County's response after the request to stay off the property was made.

Mr. Geddy noted that incident occurred in 2002.

Mr. Hipple noted the Hertzlers stated they were not running the business at that time so it would not have mattered as only woods would have been there.

Mr. Hertzler noted he was making driveway improvements for a future home.

Mr. McGlennon noted he had requested some information based on Mr. Hipple's questions. He further noted on March 12, 2001, staff records showed execution of a search warrant that showed the property in violation of a construction debris landfall and/or waste disposal site. Mr. McGlennon stated on March 23, 2001, a notice of violation was issued for use of the property as a construction debris landfill and/or waste disposal site. He noted those were indications for the clearing of a driveway and those violations would have been issued to the Hertzlers. Mr. McGlennon asked if the Hertzlers were suggesting those violation notices were never received.

Mr. Hertzler confirmed that was what he was suggesting.

Mr. Geddy noted the aerial view of the property in 2002.

Mr. Hertzler noted as part of the 2000 SUP, one condition was to bring in some material and run a grinder to conduct a noise test. He further noted the County allowed a stockpile to be brought in to the site.

Mr. McGlennon asked if there was any communication from the U.S. Army Corps of Engineers.

Mr. Chase Grogg, LandTech Resources, Inc., 205 Bulifants Boulevard, Suite E, stated there was a current delineation letter from the Corps of Engineers with no current violations on-site. He noted the Corps of Engineers was responsible for the wetlands and if violations had been present, notification of illegal construction would have been sent. Mr. Hipple asked if that information was current. Mr. Grogg noted the review was done in preparation for tonight's meeting. He stated a boundary survey was completed as well as a topographic survey and the delineation were done within the last year.

Mr. Hipple questioned the area without a pond and then cleared land with a pond and no violation from the past view to the current view.

Mr. Grogg noted a violation letter would be forthcoming from the Army Corps of Engineers on this site. He further noted the Army Corps of Engineers had access to old aerial views and data of the property. Mr. Grogg stated if there was a problem then it would be known.

Mr. Hipple questioned the wetland aspect.

Mr. Hertzler noted the pond was completely on his property and had never been part of the wetlands.

Mr. Hipple asked what fed the pond.

Mr. Hertzler replied just runoff and not a live stream.

Mr. Hipple asked if the pond went dry during a drought.

Mr. Hertzler replied yes, adding it has not in a while as there has been no drought.

Mr. Grogg noted the master plan's RPA features were based off anything perennial such as a stream, a spring, or such feeding the pond, but there was no RPA buffer off that pond. He further noted the RPA was taken from the wetlands on the other side, adding an RPA study was done by Mr. Matt Roth of Roth Environmental, LLC.

Discussion ensued.

Mr. Hipple noted if a tree was cut in any area then usually it affected the RPA.

Mr. Grogg concurred adding James City County was the strictest locality regarding the RPA.

Mr. Hipple referenced a note in the report regarding mitigation impacts.

Mr. Grogg noted as part of the SUP conditions there were mitigations for RPA impacts. He further noted the mulch area and the front gravel parking lot had portions which fell into the RPA buffer. Mr. Grogg stated if the SUP was approved and as part of the site plan process then any gravel or impervious material in those areas would require remitigation. He noted double mitigation would be required.

Mr. Hipple cited a personal example of compliance for a business.

Mr. Grogg noted for the SUP site plan to be compliant would require significant detail regarding stormwater requirements, landscaping buffers, and other points. He further noted bringing this SUP into compliance and making this family-run business a positive one for the County.

Mr. Hipple questioned the Hertzlers on the timeline regarding the noncompliance.

Ms. Hertzler noted no County representative had addressed them on any points. She added there was no secret they had a business, adding they pay their business license and list their respective equipment.

Mr. Hipple noted the County had records of information sent to the Hertzlers. He further noted he was struggling with the conflicting points. Mr. Hipple questioned where the middle ground was in this case.

Ms. Larson asked Mr. Grogg about the date on the letter from the Army Corps of Engineers. She asked if he had a copy with him.

Mr. Grogg responded he had it in an email. He noted he believed a copy went to the County's Environmental staff also.

Ms. Larson asked Mr. Holt if that copy had been received.

Mr. Holt's comment was inaudible.

Mr. Grogg noted the date was January 27, 2022. He read the letter's contents to the Board. He noted he would ensure staff had a copy of the letter.

Mr. McGlennon clarified the letter did not resolve other RPA issues on the property.

Mr. Grogg confirmed that was true. He noted the Army Corps of Engineers' jurisdiction only applied to the wetlands themselves. Mr. Grogg further noted the County enforced the 0-100-foot buffer.

Mr. McGlennon referenced compliance. He noted a complaint was registered on February 28, 2019 about activities on the property. Mr. McGlennon further noted violations were noted when County staff investigated the complaints. He added staff asked the Hertzlers to try to come into voluntary compliance. Mr. McGlennon noted three and a half years have passed since that request and numerous staff requests for voluntary compliance. He asked why the lengthy timeline to present a case when there have been numerous requests and the resistance to take any action after receiving notification of violations on the property.

Mr. Hertzler noted it took some time after receipt of the letter and they contacted LandTech Resources, Inc. to begin the process for a site plan. He further noted the impact of the COVID-19 pandemic slowed the process also.

Ms. Hertzler noted upon receipt of the first letter they asked the County to meet with them. She further noted discussion on the areas of noncompliance that went back and forth between the Hertzlers and County staff. Ms. Hertzler cited a personal injury and COVID also curtailed her ability to work on some of the items.

Mr. McGlennon noted COVID was not until the following year.

Ms. Hertzler noted things got backed up.

Mr. McGlennon noted staff reported difficulties getting the Hertzlers to sit down for discussion to address these issues.

Ms. Hertzler noted they were initially shocked, but they were beginning the process for compliance.

Mr. Grogg noted the process began with LandTech Resources, Inc. in mid to late 2020 with a proposal to work through the issues. He further noted this job had been on the books for a while with detailed work involved on the project.

Ms. Larson questioned if the Public Hearing was open.

Mr. McGlennon noted there was a speaker on this item.

2. Ms. Pam Woodson, 133 Racefield Drive, addressed the Board noting she was a long-time acquaintance of the Hertzlers. She noted she was on the property frequently over the years and had no issues with the property nor the trucks as traffic concerns. Ms. Woodson further noted the mulch, dirt, and logs that was being graded there were a benefit as opposed to dumping them in the local landfill. She spoke in favor of allowing the Hertzlers to continue their business operation by becoming compliant with regulations. Ms. Woodson added she had never noticed smells, noises, or other deterrents from the property.

Mr. McGlennon thanked Ms. Woodson.

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

Ms. Sadler noted she had several questions for Mr. Holt. She further noted she received two phone calls earlier in the day, but due to illness the parties were unable to attend the meeting. Ms. Sadler stated both parties were in opposition to this application based on noise and truck traffic over the years. She asked Mr. Holt how contractor businesses get in these situations and she referenced a similar case with a contractor's office on Centerville Road.

Mr. Holt noted it was a tough question, adding he was unsure there was a generic answer for application to all the cases. He further noted a general misunderstanding of some of the County's codes. Mr. Holt added several small items through misunderstanding or not questioning could gradually and incrementally allow improvements to be incorporated. He noted staff did not proactively track these situations, but historically staff had responded based on complaints. Mr. Holt further noted there were times County staff could not visit every property, commercial business, or other business types on an annual inspection basis.

Ms. Sadler asked Mr. Holt if he had slides depicting the improvements to the property over time.

Mr. Holt noted there were a few technical issues, but he was available for other questions.

Ms. Sadler questioned the business' compliancy, particularly as the property was rural land and its relation to the Comprehensive Plan. She noted her understanding that timbering was allowed on one's own land, but this case encompassed more concerns as it appeared products were brought to the property.

Mr. Holt noted that point addressed some of the history and the misunderstanding. He cited some historical points regarding the Chesapeake Bay Preservation Act and RPAs. Mr. Holt responded that timbering on one's own land was allowed, but under the Chesapeake Bay Ordinance a formal timbering plan had to be in partnership with the Department of Forestry.

He noted a BMP for stormwater was incorporated into that timbering plan. Mr. Holt further noted there was no opportunity regardless of rural lands or A-1 zoned land to clear large tracts of trees or make improvements. He added that point had been in place since the early 1990s. He noted clearing of trees on private property differed from the commercial activity of bringing cleared trees from other properties to private property. Mr. Holt added that was an entirely different use.

Ms. Sadler noticed if incremental improvements/changes had been made and the scope had increased would this affect the property as incompatible with the Comprehensive Plan as the property was rural lands.

Mr. Holt noted that point was to be evaluated and decided by the Board for its consistency with the Comprehensive Plan. He further noted a PowerPoint presentation with the timeline of the property was available starting with the 2002 aerial image. Mr. Holt stated 2002 was several years after the previous SUP was not approved by the Board of Supervisors. He progressed the presentation to a 2007 aerial view which showed additional clearing and construction of the home around 2005 per Mr. Hertzler's comments. Mr. Holt noted between 2007 and 2011 the pond appeared on the aerial map as well as more site clearing. He continued with a 2013 aerial image which showed additional refinement of the property and then moved to the 2021 aerial image which indicated more scope of activity on the property. Mr. Holt highlighted the 2021 aerial image with the County's RPA shown in blue. He noted as developments come in and actual delineation occurred, the County's Geographic Information System's layers, maps, and wetlands inventory get updated. Mr. Holt continued the presentation highlighting different areas adding he did not have any historic exhibits with him that showed the land contours prior to the land disturbance and grading. He highlighted the resulting RPA on the master plan as a result of the grading and impoundment.

Ms. Sadler asked about the stormwater pond that was created, and particularly on a business property, if the County typically required stormwater approval.

Mr. Holt confirmed yes. He noted a full site plan, stormwater management plans, erosion and sedimentation control plans, and other requirements in accordance with County plans.

Ms. Sadler asked if those requirements had been done with this property.

Mr. Holt noted no. He added the earlier reference to LandTech Resources, Inc. was after County staff reached out regarding the early 2019 complaint. Mr. Holt referenced staff's contact with the property owners to discuss alleged violations based on the aerial photos in addition to discussion on the SUP process and requirements. He noted Mr. Grogg's reference to the master plan that was developed after staff's contact in 2019, which he added had been developed over time as LandTech Resources, Inc. completed the work.

Ms. Sadler asked about the timeline for the pond.

Mr. Holt noted between 2007 and 2011.

Mr. Hipple referenced his early comment on the pond adding a pond just does not happen to appear without something going into it. He noted at some point that area had been wetlands and when the dam was built, the wetlands were cut off and no longer existed.

Discussion ensued.

Mr. Holt noted many of the SUP conditions for this case were proposed to get the best results with an after-the-fact application.



Mr. Hipple noted if this property had before the Board initially with plans for development, details on mulch pile heights, and other aspects then it would be clearer and easier to determine the course of actions. He further noted currently there were too many unknowns, but if it came back with a master plan detailing aspects of the business and property he could evaluate it. Mr. Hipple noted at this time he could not support this SUP currently with the owners saying they would fix non-complaint issues. He further noted he wanted written evidence and master plan before making a decision on this SUP.

Mr. McGlennon asked if Mr. Hipple was making a motion to defer action on this item.

Mr. Hipple noted postponement until a master plan was available that worked with the County.

Mr. Holt referenced the document in the Board's Agenda Packet which was served as an as-built survey, previously referenced by Mr. Grogg and the applicant team, and was designed as the master plan. He noted County staff had established its conditions based on that document.

Ms. Sadler reiterated the noise complaints on the property. She noted she received calls regarding noise issues and she did not see how a master plan would address that point.

Mr. McGlennon asked Mr. Hipple if his motion for deferral had a specific date.

Mr. Hipple confirmed yes.

Mr. McGlennon asked the date.

Mr. Hipple noted probably February.

Mr. Geddy noted Mr. Grogg had suggested March.

Mr. Hipple noted March or April.

Mr. Grogg asked what information was needed.

Mr. Hipple responded he wanted everything answered or his answer would be no.

Mr. Icenhour noted the number of things built on the property to which he added most required a permit, but some were built without permits. He further noted if the applicants worked with staff over the next few months to have everything documented and accessible that needed to be done then that gesture would be a major consideration for him. Mr. Icenhour stated he wanted the issues fixed in short order with definitive timelines such as six months, 12 months, and such for completion. He noted he wanted that level of confidence to fix the issues as history had proven otherwise. Mr. Icenhour further noted those points needed to be addressed in moving forward with the deferment.

Mr. McGlennon noted his agreement for specifics and timelines for addressing the issues, he was not sure that was enough and if he was in favor of supporting this application.

Ms. Sadler expressed concern that the deferment postponed this situation even longer. She asked if the Hertzlers would continue operation on-site during the deferment period.

Mr. Holt noted he would ultimately defer to the applicants regarding seasonal or operational changes they chose to make. He further noted from a County staff viewpoint, if an applicant was working toward compliance and moving through the process, staff held off taking enforcement action. Mr. Holt added staff had not specified a time to refrain from operation

until approvals were granted.

Mr. McGlennon reiterated the motion would defer action until the first meeting of April.

At approximately 8:55 p.m., Mr. McGlennon recessed the Board for a short break.

At approximately 9:04 p.m., Mr. McGlennon reconvened the Board.

## H. BOARD CONSIDERATION(S)

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

A motion to Defer 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 noted the applicant had requested a deferral until March 14, 2023.

### 2. Employee Engagement Survey Results

Ms. Stephanie Burton, Human Resources Training and Development Coordinator, addressed the Board. She highlighted the importance of employee engagement in a PowerPoint presentation. Ms. Burton noted engaged employees who enjoyed their work had more productive and meaningful results. She continued the presentation highlighting areas of highest and lowest levels of agreement. Ms. Burton noted County leadership would review the information for areas of consideration regarding workplace improvements. She further noted the areas of advancement, recruitment, and communication throughout the presentation. Ms. Burton stated the same survey had been deployed in 2018 and 2020 so some trend analysis was present. She added the deployment of the survey in 2022 ran parallel to the announcement of a targeted pay increase for some County public service positions. Ms. Burton noted some of that was reflected in the survey results. She continued the PowerPoint presentation with the participant overview. Ms. Burton noted the survey was based on six key areas: performance alignment index, leaders lead index, environmental index, diversity, equity, and inclusion index, accountability index, and my job satisfaction index. She further noted impacts from the pandemic, escalated gas prices, and increased overall costs had impacted the environmental index. Ms. Burton continued the presentation highlighting the next steps for improvement which included compensation review, promotion and advancement, recruitment, performance, and communication.

Mr. McGlennon thanked Ms. Burton for an excellent presentation.

Mr. Hipple noted the impact of COVID-19 and national thoughts was reflected in the survey. He further noted he felt the County levels shown were good considering those trends.

Ms. Larson thanked Ms. Burton. She noted the review was worthwhile and she thanked Ms. Burton and the Human Resources team for the initiatives and programs offered to employees. Ms. Larson encouraged employees to use the programs. She noted concern regarding some of the numbers shown from the survey, adding the need to focus on certain areas with the hope for a shift in those numbers. Ms. Larson expressed her appreciation to everyone who was involved in working on a positive impact.

Mr. McGlennon noted Mr. Stevens was reviewing compensation and its comparison to other local jurisdictions. He further noted the importance of letting employees know their value with

acknowledgement and tangible benefits also. He thanked Ms. Burton and noted the high response rate from the survey.

### 3. FY 2022 Annual Report

Ms. Latara Rouse, Communications Manager, addressed the Board with an overview of the County's Fiscal Year 2022 Annual Report. She noted the Annual Report highlighted County departments. Ms. Rouse further noted her PowerPoint presentation would highlight several accomplishments from different departments, adding the complete document was available on the County's website, jamescitycountyva.gov.

Ms. Larson asked Ms. Rouse what location was on the front cover of the Report.

Mr. McGlennon noted the picture was beautiful.

Ms. Larson noted the picture was Brickyard Landing.

Ms. Rouse confirmed yes.

Ms. Larson noted the property was newly acquired by the County.

Ms. Rouse continued the presentation with highlights from the Community Development Department which included adoption of the 2045 Comprehensive Plan, transportation improvement projects such as Longhill Road and the Skiffes Creek Connector, and the Natural and Cultural Assets Plan. She noted highlights from Economic Development included securing a \$700,000 grant from the Virginia Department of Housing and Community Development which established the Small Business Relief Program, establishing a glass-only recycling program in collaboration with the General Services Department and the O-I Glass Plant in Toano. Ms. Rouse further noted the Financial and Management Services Department developed plans for the use of the \$14.8 million American Rescue Plan Act (ARPA) funds and reestablished the Accident Review Committee through its Risk Management Division. She continued highlighting the Fire Department's work to develop new training procedures to improve cardiac arrest survivability and a successful demonstration of a FEMA-evaluated evacuation assembly center at Warhill High School. Ms. Rouse noted General Services completed the Facilities Master Plan and created the Litter League. She further noted Human Resources held its first in-person meetings for open enrollment, increased the minimum starting wage, and brought on 295 new hires. Ms. Rouse continued noting the Information and Resource Management Department's Web, Publications, and Records Division, relaunched websites for the County, Economic Development, and the James City Service Authority. She added the Video Division, along with General Services, replaced the production lighting in the Board Room. Ms. Rouse highlighted the Parks & Recreation Department's reopening of the James City County Marina and top honors from the Virginia Recreation and Parks Society. She noted the Police Department initiated a drone team as part of its Field Force Unit and hosted the National Night Out event for the first time at the Law Enforcement Center. Ms. Rouse further noted the Social Services Department's Housing Unit received \$2,559,000 in federal and state funding for the current Housing Assistance programs benefiting 324 households, training through the Bridges out of Poverty framework, and work of the Kinship Navigator Program. She continued with highlights from the Williamsburg Regional Library (WRL) which included receipt of the Virginia Library Association's 2021 Public Library Innovator Award for roaming Wi-Fi hot spots during the pandemic. Ms. Rouse added WRL also partnered with the Parks & Recreation Department to launch a free high-speed Wi-Fi zone in the Grove community in addition to Library Journal's honor of listing WRL as one of top public libraries in the country.

The Board thanked Ms. Rouse for the presentation.

Mr. McGlennon noted under Community Development that the Board had taken significant action to protect rural lands.

## **I. BOARD REQUESTS AND DIRECTIVES**

Mr. Icenhour noted his attendance at the Clean County Commission's award presentation to the Dermatology Center of Williamsburg on November 29. He further noted the beautiful garden at the office.

Mr. Hipple wished everyone a Merry Christmas.

Ms. Larson noted her attendance at the Williamsburg Hotel & Motel Association's annual meeting last week. She further noted the meeting was well attended and Mr. Andrew Trivette, Williamsburg City Manager, spoke on the Historic Triangle Recreation Facilities Authority and the process. Ms. Larson noted she and Mr. McGlennon attended the Williamsburg Tourism Alliance meeting. She further noted she recently spoke to a local Cub Scouts Pack, adding they had great questions about water and schools. Ms. Larson expressed her appreciation of people speaking at Board meetings. She noted she was unsure what the School Board was asking regarding budget, but she emphasized the need to work with the School Board regarding compensation. Ms. Larson further noted there were compensation issues at the County which also needed to be addressed. She addressed the sports complex which attracted tourism and generated revenue which could alleviate some pressure off the real estate tax.

Mr. Hipple noted looking at expenses across various departments and areas within the County. He further noted compensation concerns and the best approach to addressing them. Mr. Hipple noted working and talking together and the County's percentage of support to education.

Ms. Larson referenced Mr. Hipple's comment on discussion. She noted West Point Schools had a large percentage of tuition students which tremendously impacted its budget. Ms. Larson further noted York County's School Division received substantial federal funding that James City County did not receive. She stressed the importance of conversation where all parties could learn from each other. Ms. Larson congratulated Mr. McGlennon for his excellent choices for the Chairman's Awards.

Mr. McGlennon noted both groups were representative of the Board's work this past year as well as community examples of good work. He further noted he had the honor of riding on the Williamsburg Chamber of Commerce Christmas Parade float. Mr. McGlennon noted his attendance at the County's middle management team meeting at The Maine where concerns were heard and team building events took place. He further noted the recent Joint Meeting with the City of Williamsburg and the School Board. Mr. McGlennon reminded everyone that people were being called to do more. He noted in addition to teachers, County staff had understaffed offices and the awareness of the labor shortage. Mr. McGlennon further noted the need to be competitive. He stated he asked Mr. Stevens to develop a number to reflect the County's growth as staff has not grown and to show the number of employees per capita several years into the future. Mr. McGlennon referenced the Joint Meeting and reiterated working together for the accomplishment of good things. He noted joint lobbying to the General Assembly for assistance. Mr. McGlennon further noted the Skiffes Creek Connector's dedication would take place on Friday, December 16, 2022. He stated the Board's commitment to that project and Mr. Hipple's work with the Hampton Roads Transportation Accountability Committee on that project. He extended holiday wishes to

citizens.

Ms. Sadler echoed her fellow Board members' comments. She extended her appreciation of Mr. Stevens as County Administrator and staff for all the hard work.

Mr. Stevens thanked Ms. Sadler.

#### J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens thanked the Board noting it was a pleasure and he appreciated the support and guidance. He extended his thanks to staff for continuing to provide services to the community despite staffing challenges. Mr. Stevens also thanked the community for its patience and support. He noted discussion with the School Board would take place in January as the School Board was preparing its budget for that timeframe. Mr. Stevens further noted those budget numbers would be part of conversation with the City Manager and himself in early January. He added the large staff meeting Mr. McGlennon referenced earlier had started several years prior and feedback had been well received. Mr. Stevens expressed his appreciation to Mr. McGlennon and other Board members for their attendance at those meetings over the years. He extended wishes for a safe and happy holiday to everyone.

#### K. CLOSED SESSION

Mr. McGlennon noted the Agenda was slated for a Closed Session, but the appointments would be made in Open Session. He further noted there were two staff appointments for the Williamsburg/James City County Community Action Agency Board.

1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
2. Williamsburg/James City County Community Action Agency Board Appointments

A motion to Nominate Ms. April Melton and Ms. Dominique Morisset to serve on the Williamsburg/James City County Community Action Agency Board, the motion result was Passed.

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

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

Mr. Stevens noted the nominations were for five-year terms that expired on September 25, 2027.

Mr. McGlennon confirmed yes.

#### L. ADJOURNMENT

1. Adjourn until 4 pm on January 10, 2023 for the Organizational Meeting

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 9:38 p.m., Mr. McGlennon adjourned the Board of Supervisors.

  
Deputy Clerk