

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
September 12, 2023
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

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

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

Mr. Hipple noted Ms. Sadler would not be present for the meeting due to an emergency family matter.

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Scotlyn Dietrich, a 5th grade student at Stonehouse Elementary School

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

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

E. PRESENTATIONS

1. Proclamations - 2022 and 2023 Principal of the Year

Mr. McGlennon cited the Proclamation for Dr. Daniel Miani, Ed.D., Principal of Lafayette High School (LHS). He highlighted various achievements throughout his educational career and participation on several committees and programs. Mr. McGlennon stated Dr. Miani was named the 2022 Outstanding High School Principal of Virginia. He congratulated Dr. Miani and thanked him for his outstanding work.

The Board and audience applauded.

ADOPTED

OCT 24 2023

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

Dr. Miani thanked the Board and citizens. He stated it was an honor to have served the Williamsburg-James City County (WJCC) community and students of LHS.

The Board and audience applauded.

Mr. McGlennon presented the proclamation to Dr. Miani.

Ms. Larson cited the Proclamation for Mr. Howard Townsend, IV, Principal of Jamestown High School (JHS). She highlighted various achievements throughout his educational career and participation on several boards and committees. Ms. Larson stated Mr. Townsend was named the 2023 Outstanding High School Principal of Virginia. She congratulated Mr. Townsend and added it was a remarkable honor to have two of WJCC School Division Principals named as the 2022 and 2023 Principal of the Year.

Ms. Larson presented the proclamation to Mr. Townsend.

The Board and audience applauded.

Mr. Townsend thanked the Board and citizens. He remarked this community was very special to him as his education career started here. He mentioned he attended the College of William & Mary and led him to a career teaching, coaching, and becoming the Principal at JHS. He expressed his honor in serving this community and receiving this award.

The Board and audience applauded.

2. Proclamation - September 2023 as National Service Dog Month in James City County

Mr. Icenhour welcomed Ms. Leslie Haley, Canine Companions, to the podium.

Mr. Icenhour noted before him was a proclamation declaring September 2023 as National Service Dog Month and proceeded to read the proclamation.

Mr. Icenhour presented the proclamation to Ms. Haley.

The Board and audience applauded.

3. Proclamation - Constitution Week

Mr. Hipple cited the Constitution Week Proclamation. He noted the commemoration of Constitution Week ran annually from September 17-23.

The Board and audience applauded.

F. PUBLIC COMMENT

1. Mr. Reed Johnson, 4733 Williamsburg Glade, was not in attendance.

2. Mr. Jay Everson, 6423 Chancery Lane, addressed the Board regarding Utility-Scale Solar Facilities and considerations on permitted designations for these facilities such as Public Lands, A-1, General Agricultural, outside the Primary Service Area (PSA), and inside the PSA under 20 acres. He questioned the rural ambiance with industrial use within the A-1 District. Mr. Everson expressed his concern and lack of support for the solar facilities.

3. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board to talk trash. She mentioned the County's upcoming Harvest Festival on September 23 at the Chickahominy Riverfront Park. Ms. Boarman noted the Clean County Commission (CCC) would be participating in the event

and encouraged the Board and citizens to attend. She further noted the Quarterly Clean Business Awards would be conducted at Legacy Hall on September 20, 2023, at 8:30 a.m. and welcomed the Board to attend if possible. Ms. Boarman mentioned a CCC cleanup in the Grove area would be conducted on September 30, 2023, at 11 a.m. She spoke about the third annual Repair Fair & Recycling Expo which would be held on November 18, 2023, at Warhill High School from 9 a.m.-1 p.m. Ms. Boarman noted CCC public participation allowed education opportunities on trash, litter prevention, recycling, etc. and encouraged the public to do its part in keeping the community clean. She indicated the Good Neighbor Grant was coming to an end on September 15, 2023. She stated if any County neighborhood had not yet applied and desired to there was still time to do so, adding the application was available on the County website. Ms. Boarman further noted CCC was seeking additional Commissioners and encouraged the public to apply via the County website.

4. Ms. Kelly Kale, 427 Hempstead Road, addressed the Board regarding the permitted use of golf carts in Windsor Forest. She cited the Federal Motor Vehicle Safety Standards. Ms. Kale noted a conflict with state and local laws. Ms. Kale expressed her concern of safety for all vehicles within the neighborhood. She mentioned she had sent additional questions to Mr. Kinsman and Assistant Police Chief, Anthony Dallman, regarding the feasibility study conducted and what that entailed. Ms. Kale highlighted several points of concern such as lack of stop signs within the neighborhood, blind spots, curvy and hilly roads, lack of adherence to the posted speed limit of 25 mph, lack of sidewalks for pedestrians, etc. She reiterated her concern of safety regarding the permitted use of golf carts.

5. Ms. Jennifer Bickham Mendez, 308 Buford Road, addressed the Board regarding the termination of the joint operation of schools for the City of Williamsburg and the County of James City. She expressed her disappointment at the action taken. Ms. Bickham Mendez noted this community was united and referenced the two WJCC Principals acknowledged as Principal of the Year for 2022 and 2023. She further noted this course of action had caused a substantial amount of uncertainty and diverted the attention away from the primary objective of providing exceptional education to WJCC schoolchildren. Ms. Bickham Mendez expressed her dissatisfaction with the lack of public outreach opportunity and evaluation prior to this determination. She encouraged the Board to keep the focus on the best interests of the WJCC students and the constituents within the community.

6. Ms. Jacqueline Williams, 99 Kestrel Court, addressed the Board noting she was present to speak on behalf of The Village Initiative regarding the infrastructure in the areas deemed non-transportation zones. She mentioned she had walked some of the school routes and expressed safety concerns with some routes such as lack of proper sidewalks, crossing guards, etc. She encouraged the Board to help support proper infrastructure for the non-transportation zones within the WJCC community. She thanked the Board for its time.

7. Ms. Molly Robinson, 28 Kirkland Court, addressed the Board noting she was also present to speak on behalf of The Village Initiative regarding safety concerns in the non-transportation zones. She mentioned elementary-aged students were required to walk to school along busy roads. Ms. Robinson stated she understood the challenges WJCC School Division faced regarding staffing shortages; however, it was not an excuse to endanger elementary-aged students. She encouraged the Board to collaborate with the appropriate parties to resolve this issue.

Mr. Hipple closed Public Comment as there were no additional speakers.

G. CONSENT CALENDAR

I. Line of Duty Act Amendment Resolution

A motion to Approve 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

2. Contract Award - \$667,656 - Chickahominy Riverfront Park RV Storage Lot

A motion to Approve 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

3. Initiation of Consideration of Amendment to the Comprehensive Plan to Revise the Community Character Corridor Designation Category and to Remove a Recommendation that Short-Term Rentals be Operated in a Manner Where the Owner Resides on the Property During the Rental

A motion to Approve 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. Hipple advised that the Board of Supervisors would recess to allow the James City County Board of Directors to start its meeting as there were a number of Public Comment speakers for timing purposes.

A motion to Recess the Board of Supervisors 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

At approximately 5:40 p.m., the Board recessed.

At approximately 6:02 p.m., the Board reconvened.

Mr. Hipple noted Mr. Rich Krapf was the Planning Commission representative in attendance.

H. PUBLIC HEARING(S)

1. SUP-22-0021. 8401 Hicks Island Road Tourist Home

Mr. Hipple noted the applicant had withdrawn the application request. He asked Mr. Paul Holt, Director of Community Development, to confirm the status of the application.

Mr. Holt addressed the Board to confirm that the applicant had withdrawn the request in its entirety, adding should the applicant request to pursue the application at a later date the applicant would be required to refile the application.

2. SUP-23-0011. Stonehouse Water and Sewer Improvement

A motion to Approve 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. Thomas Wysong, Senior Planner, addressed the Board noting Mr. Jeff Huentelman of Land Planning Solutions, had applied for a Special Use Permit (SUP) on behalf of the property owner to extend an off-site water main and sewer force main north from Rochambeau Drive, traversing beneath Interstate 64 (I-64), and west along Mount Laurel Road to serve the Stonehouse Development. He cited the specifics of the SUP application included in the staff report in the Agenda Packet. Mr. Wysong noted staff had included an SUP condition for the proposal prohibiting any connections from these proposed mains to any property outside the PSA. He further noted staff found the proposal to be consistent with surrounding development and consistent with the 2045 Comprehensive Plan and Zoning Ordinance. Mr. Wysong added staff recommended approval of this application, subject to the proposed conditions. He welcomed any questions the Board might have.

Mr. Hipple asked if any Board members had questions.

Mr. Icenhour referenced the map displayed on the PowerPoint presentation and asked if the red outlined area was for the Stonehouse Tract 9 Commercial part of the Planned Unit Development.

Mr. Wysong confirmed.

Mr. Icenhour asked if it transits through there and into the public right-of-way and would then be servicing the residential portion near Six Mount Zion Road.

Mr. Wysong replied correct.

Mr. Hipple thanked Mr. Wysong.

Mr. Krapf addressed the Board noting at the July 5, 2023, Planning Commission meeting, the Commission voted 7-0 to recommend approval and to find the proposal consistent with the 2045 Comprehensive Plan. He concluded his report and welcomed any questions the Board might have.

Mr. Hipple asked if any Board members had questions.

Mr. Hipple opened the Public Hearing.

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

3. SUP-23-0014. 7649 Cypress Drive Rental of Rooms

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

Mr. Ben Loppacker, Planner, addressed the Board noting Ms. Sharon Elliot applied for an SUP to allow for a short-term rental of one bedroom within the existing three-bedroom single-family house. He cited the specifics of the SUP application included in the staff report in the Agenda Packet. Mr. Loppacker stated the property was located outside the PSA and served by private well and septic. He mentioned if the SUP were granted, short-term rentals would be allowed throughout the year. Mr. Loppacker noted no changes in the footprint of the single-family home were proposed. He touched on favorable factors which included adequate off-street parking, the applicant provided assurance that the proper licenses and inspections would be obtained, and the proposed use would not negatively impact surrounding properties and/or development, Level of Service for roads, and other public services. Mr. Loppacker stated at the Planning

Commission's July 5, 2023, meeting, the Commission voted 6-1 to recommend approval of this application to the Board of Supervisors, subject to the proposed conditions. He noted staff finds the proposal not fully consistent with the 2045 Comprehensive Plan recommendations for short-term rentals; therefore, staff was unable to recommend approval of this application. Mr. Loppacker further noted if the Board approved the application, staff had included proposed conditions. He welcomed any questions the Board might have, adding the applicant was also available.

Mr. Krapf addressed the Board noting the Planning Commission's approval of this application with a 6-1 vote. He noted one Commissioner addressed concern in relation to short-term rentals limiting the availability of affordable and workforce housing markets. He added long-term rentals and/or selling the property would allow affordable/workforce housing opportunities. Mr. Krapf discussed other points in further detail.

Mr. Hipple asked if any Board members had questions.

Mr. Hipple opened the Public Hearing.

1. Ms. Sharon Elliott, 7649 Cypress Drive, addressed the Board noting she was the applicant of the SUP. She stated this property had been in her husband's family for 30 years and she had lived there for 13 of those years. Ms. Elliott explained her mother was 90 years old and legally blind and diagnosed with dementia. She noted for these reasons she decided to retire early to be a caretaker to her mother. Ms. Elliott further noted the challenges of finding part-time jobs with flexibility to allow the continuation of her caretaking role. She indicated she had decided to pursue the short-term rental opportunity due to flexibility and financial need. Ms. Elliott remarked she was unaware that an SUP was required for a short-term rental. She noted from May-November 2022 she had rented the one-bedroom space within her home. Ms. Elliott further noted she had spoken with her adjacent neighbors to inform them of her rental plan which they were in support of. She explained in detail her rental standards and procedures regarding the short-term rental. Ms. Elliott stated in December 2022 she received written correspondence from the County's Zoning Administrator that she was in violation of the County's Zoning Ordinance. She noted she took this matter very seriously and contacted Supervisor Hipple and he directed her to the County's Planning staff. She further noted while she did not live on a major road as recommended by the 2045 Comprehensive Plan, impacts anticipated were minimal. Ms. Elliott thanked Mr. Krapf and Mr. Loppacker for their assistance during the process. She thanked the Board for its consideration.

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

Mr. Hipple expressed his support for this application. He mentioned Ms. Elliott's compliance since being made aware of the violation. Mr. Hipple indicated there had been no complaints regarding the rental from surrounding neighbors. He expressed his belief that the rental of one-bedroom would not impact the affordable/workforce housing availability.

Mr. McGlennon expressed his sensitivity regarding short-term rentals and affordable housing competition. He expressed his belief that in this particular instance with the minimal impacts and circumstances he was in support of this application despite not being fully consistent with the 2045 Comprehensive Plan.

Ms. Larson commended Ms. Elliott for her caretaking role. She agreed with Ms. Elliott's point of the challenges of finding flexible part-time work. Ms. Larson expressed her support for this application due to the circumstances.

4. SUP-23-0018. Grove Christian Outreach Center Special Use Permit Amendment

A motion to Approve was made by John McGlennon, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Hipple, Icenhour Jr, Larson, McGlennon
Absent: Sadler

Mr. Ben Loppacker, Planner, addressed the Board noting Ms. Katie Patrick, applied for an SUP to amend an SUP to allow the existing Outreach Center to operate as the primary use on the property due to the growth of the Outreach Center. He cited the specifics of the SUP application included in the staff report in the Agenda Packet. Mr. Loppacker noted staff found that the proposed conditions would mitigate impacts to surrounding properties and development in addition to being consistent with the County's Zoning Ordinance and 2045 Comprehensive Plan. He stated at the Planning Commission's August 23, 2023, meeting, the Commission voted 6-0 to recommend approval of this application to the Board of Supervisors., subject to the proposed conditions. Mr. Loppacker welcomed any questions the Board might have, adding the applicant was in attendance.

Mr. Hipple asked if any Board members had questions.

Mr. Hipple thanked Mr. Loppacker.

Mr. Krapf noted there was no Planning Commission discussion on this item. He stated the Planning Commission voted 6-0 to recommend approval of this application.

Mr. Hipple asked if any Board members had questions.

Mr. Hipple opened the Public Hearing.

1. Ms. Katie Patrick, 8800 Pocahontas Trail, addressed the Board noting she did not wish to comment at this time.

2. Mr. Max Hlavin, Attorney for Grove Christian Outreach Center, addressed the Board noting there was no formal presentation, adding he filled out a speaker card in case there were questions from the Board.

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

Mr. McGlennon expressed positive remarks for both the Grove Christian Outreach Center and the Grove Christian Community Church.

Ms. Larson noted the Board received a letter of support from the Virginia Peninsula Foodbank regarding the tremendous impacts the Grove Christian Outreach Center had made to the community. She extended her thanks to the organization.

5. SUP-23-0019. 213 Southpoint Drive Detached Accessory Apartment

A motion to Approve was made by John McGlennon, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Hipple, Icenhour Jr, Larson, McGlennon
Absent: Sadler

Ms. Terry Costello, Senior Planner, addressed the Board noting Mr. Jason Buckley, Promark Custom Homes, had applied for an SUP to build a detached garage to include a 399-square-foot accessory apartment for the parents of the property owner. She cited the specifics of the SUP application included in the staff report in the Agenda Packet. Ms. Costello noted detached accessory apartments were a specially permitted use in the R-1, Limited Residential Zoning District, in accordance with Section 24-32(b) of the Zoning Ordinance. She further noted staff

had reviewed the proposed design and all County requirements had been met. Ms. Costello commented staff found the proposal to be consistent with surrounding development and consistent with the 2045 Comprehensive Plan and Zoning Ordinance. She noted staff recommended approval of the application to the Board of Supervisors, subject to the proposed conditions. Ms. Costello further noted at the Planning Commission's August 2, 2023, meeting, the Commission voted 6-0 to recommend approval. She welcomed any questions the Board might have, adding the applicant was available as well.

Ms. Larson asked if the occupancy of this apartment was immediate family.

Ms. Costello confirmed.

Ms. Larson thanked Ms. Costello.

Mr. McGlennon asked if there was any concern expressed throughout the application process.

Ms. Costello replied no.

Mr. Krapf addressed the Board noting there was no Planning Commission discussion and/or concern. He added the Planning Commission voted 6-0 to recommend approval of the application.

Mr. Hipple opened the Public Hearing.

1. Mr. Jason Buckley, Applicant, 115 John Bratton, addressed the Board noting he did not wish comment.

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

6. Ordinance to Permit Use of Golf Carts on Public Highways in Windsor Forest

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

Assistant Police Chief, Anthony Dallman, addressed the Board noting this item was previously discussed at the Board's July 11, 2023, meeting. He confirmed there were some unanswered questions in relation to this application. Assistant Police Chief Dallman stated Mr. Reed Hunt, the President of the Windsor Forest Homeowners Association (HOA), had applied on behalf of the homeowners in the community requesting Board approval for authorization of golf cart use. He further noted the HOA had agreed to pay for all necessary signage, including a sign on Devon Road at Wetherburn Lane stating "no golf carts past this point". Assistant Police Chief Dallman further noted the HOA had indicated its intention to educate its members on the laws pertaining to operating golf carts on state-maintained roads. He highlighted the necessary requirements as follows: 1) driver of the golf cart is required to have a valid driver's license in their possession; 2) display of a slow-moving vehicle emblem; 3) headlights/taillights, if operated after sunset; and 4) required insurance coverage. Assistant Police Chief Dallman remarked after careful consideration of Windsor Forest's request and the results of a traffic study conducted by the Police Department, staff believed that the golf carts may be safely accommodated along the public highways in Windsor Forest. He noted staff recommended adoption of the attached Ordinance designating certain roads in Windsor Forest for golf cart use. Assistant Police Chief Dallman welcomed any questions the Board might have.

Ms. Larson mentioned there had been a number of neighborhoods within the County authorized for golf cart use. She asked if there had been any issues and/or concerns regarding golf carts.

Assistant Police Chief Dallman replied there had been 17 calls total over the past year regarding any involvement of golf carts.

Ms. Larson asked if that could pertain to golf courses as well.

Assistant Police Chief Dallman replied sure. He noted three calls were pertaining to golf cart crashes. Assistant Police Chief Dallman explained one incident was at a campground, another at a golf course, and one was in a neighborhood; however, it was not on a public highway. He mentioned a few of the other calls pertained to larcenies, and information pertaining to the subject matter. Assistant Police Chief Dallman added there was one call regarding golf carts blocking the road during a community gathering in a neighborhood.

Ms. Larson thanked Assistant Police Chief Dallman.

Mr. Icenhour asked the number of neighborhoods approved for golf cart usage.

Assistant Police Chief Dallman replied he believed five or six.

Mr. Icenhour noted it seemed the calls for service in relation to this use were not substantial. He reiterated the requirements of golf cart usage for clarification purposes. Mr. Icenhour asked if individuals without a valid driver's license were not permitted to operate the golf cart.

Assistant Police Chief Dallman confirmed.

Mr. Icenhour asked Mr. Kinsman if he could speak to the issue of motor vehicles federal versus state and local. He noted from his understanding when approving these requests, the Board retained the ability to revoke the approval if there were issues. He asked if Mr. Kinsman could speak to those points.

Mr. Kinsman replied the Board could rescind the Ordinance. He stated the County Code and the Ordinances adopted were in compliance with the Code of Virginia. Mr. Kinsman could not speak to the federal aspect.

Mr. Icenhour thanked Mr. Kinsman.

Mr. Hipple asked about Ms. Kale's email and if there was a response to her email.

Assistant Police Chief Dallman replied Mr. Kinsman received the same email and he responded to her email on behalf of the County.

Mr. Hipple requested the response to her email be resent for verification purposes. He recommended contact with Mr. Rossie Carroll, Residency Administrator for the Virginia Department of Transportation (VDOT), regarding the lack of stop signs within the neighborhood.

Mr. Hipple opened the Public Hearing.

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

I. BOARD CONSIDERATION(S)

I. Utility Scale Solar Farm Applications

Mr. Jose Ribeiro, Senior Planner/Landscape Planner, addressed the Board noting at its July 25, 2023, Board of Supervisors' meeting, The Berkley Group was present to discuss the preliminary scope of work and options for standards and processes for the review of Utility-Scale Solar Farm applications. He further noted Board members had provided feedback and The Berkley Group had proceeded to develop materials based on this feedback. Mr. Ribeiro indicated the purpose of today's presentation was to present the Board with draft solar policy language and a draft Ordinance template that addressed various scales of solar facilities.

Mr. Michael Zehner, Director of Planning and Community Development of The Berkley Group, addressed the Board acknowledging his colleague in attendance, Mr. Linds Edwards, Planner. He noted he would touch on the draft Board Utility-Scale Solar Facilities Policy and the Ordinance template. Mr. Zehner highlighted the various criteria regarding Utility-Scale Solar Facilities displayed on the PowerPoint presentation. He moved on to discuss the regulatory recommendations for the Ordinance template which included the following: 1) Terms and definitions; 2) Zoning districts; 3) Process; 4) SUP factors to be considered; 5) Application requirements; 6) Minimum development standards; and 7) Construction, operational, and decommissioning requirements. Mr. Zehner displayed several maps on the PowerPoint presentation for visual purposes of the one- and two-mile buffers between existing solar projects within the County. He spoke about that point in further detail. Mr. Zehner displayed an additional map to include transmission lines with a two-mile buffer between existing solar projects within the County.

Mr. Hipple stated that the Racefield Solar project was outside of the transmission area, adding he believed that project was designed to be in James City County and through parts of New Kent County as well.

Mr. Zehner asked if it connected to a transmission line in New Kent County.

Mr. Hipple confirmed.

Mr. Zehner replied it does happen. He cited the verbiage in the draft policy regarding transmission line corridor proximity requirements. Mr. Zehner explained these policies would help provide a checklist for these applications. He indicated the policies could be modified based on the County's preference.

Mr. McGlennon asked if it was a Utility-Scale Solar project.

Mr. Zehner replied the various solar facilities were all considered a Utility-Scale Solar project under The Berkley Group template definition.

Mr. Icenhour expressed his belief that the Racefield Solar Facility had a transmission line across the back of the property, adding it may not be a major transmission line.

Mr. Hipple stated he thought there was a line that ran the houses back there, but he did not believe it was a transmission line.

Mr. Icenhour replied there was a transmission line at the back of the property.

Mr. McGlennon mentioned the Racefield Solar Facility was considered a small Utility-Scale facility and was only feasible in a couple of instances.

Mr. Zehner replied he could investigate the specifics of that connection. He noted a distribution line of a certain size might be present which may have accommodated that facility.

Mr. Hipple mentioned if that current verbiage was in place it would not allow this particular case to pass.

Mr. Zehner replied if the verbiage was in black and white yes.

Mr. Hipple replied staff could not recommend approval based on that verbiage. He noted staff limitations and recommended some flexibility in the verbiage.

Mr. Zehner replied based on the Board's preference that could be accommodated. He displayed another map on the PowerPoint presentation highlighting areas to be considered prime farmland, farmland of statewide importance, or not prime farmland. Mr. Zehner recommended that applicants provide a map similar to the one displayed as part of the application process to better visualize the area of the proposed project and the relationship of the project to that in terms of the area being disturbed. He discussed proposed projects of 20 acres or less would be minimal; proposed projects of 20-50 acres would require proposed conditions to mitigate impacts; and proposed projects of 50+ acres while discouraged would need a higher level of evaluation.

Mr. Icenhour expressed his concern with government regulations on landowner property and utilization of the land. He used the Hunt Farm as an example of prime agricultural land which had been farmed for generations, adding the landowner had decided to no longer farm the land; however, desired to utilize the land in an alternative way. Mr. Icenhour noted he understood the significance of preserving rural lands. He reiterated his concern.

Ms. Larson asked if there were conditions that could be implemented or other viable options for County landowners who no longer desired to farm.

Mr. Holt noted this was a first step in attempting to find appropriate language. He noted if the Board chose to use the language only as information in the staff report opposed to favorable and/or unfavorable factors that could be accommodated. Mr. Holt mentioned if there was particular verbiage that the Board wished to remove that could be done as well. He explained those points in further detail.

Ms. Larson expressed her belief that most of these solar project applications would be located in prime farmland. She asked if there was a cumulative count regarding the percentage of prime farmland available for measuring purposes.

Mr. Holt replied based on the way that the proposed policy and regulations were set up it was not a cumulative count but more so what existed on the parcel in terms of acreage. He expressed the challenges of a cumulative count regarding 50+ acres.

Ms. Larson replied some localities utilized the cumulative count for measuring purposes to determine the cut-off of approving applications.

Mr. Holt expressed time constraints and lack of resources to develop that kind of component. He made positive remarks regarding the consultant and its work to mimic and mirror the County's approach and methodology based on the existing solar applications that had gone through the process. Mr. Holt expressed his belief that the draft solar policy language and Ordinance template would establish additional guidance for better evaluation of these applications. He noted if the Board desired to implement the cumulative count staff could do so; however, it would require additional time.

Mr. Hipple suggested a process similar to the SMART Scale VDOT Program to better evaluate the pros and cons, the beneficial factors to the landowner(s), priority, etc.

Mr. Holt recommended utilization of these draft documents to establish a foundation for the desired directive. He spoke about that point in further detail.

Discussion ensued.

Mr. McGlennon expressed the challenges of identifying the objective regarding some of these policies. He discussed that point in further detail.

Mr. Icenhour highlighted the vital importance of adequate screening and buffering of these solar facilities. He expressed he favored the close proximity of transmission lines, positive economic return, etc. Mr. Icenhour remarked buffers, setbacks, screening, etc. should be specified in the Ordinance opposed to the Board policy. He recommended flexibility and interpretation regarding the language for consideration purposes. Mr. Icenhour explained his point in further detail.

Ms. Larson thanked the consultant for the thorough decommissioning language.

Mr. Holt highlighted Board feedback.

Discussion ensued.

Mr. Holt asked if the Board preferred to modify the language and draft it based on Board feedback and initiate a public hearing or would the Board rather review another version of the drafted language at a future meeting.

The Board preferred to review another version of the drafted language at a future meeting.

Mr. Holt anticipated a two-month timeframe to make the necessary modifications based on Board feedback.

Mr. Icenhour expressed his willingness to collaborate with Planning staff to assist in the process.

Mr. Holt stated that would be a terrific opportunity and thanked Mr. Icenhour.

2. Hazelwood Property - Hampton Roads Sanitation District Sanitary Sewer Service Area Expansion Request

A motion to Approve 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. Doug Powell, General Manager of James City Service Authority (JCSA), provided a brief overview of the memorandum and resolution included in the Board's Agenda Packet. He stated if the Board adopted the resolution it would then require consideration from Hampton Roads Sanitation District (HRSD). Mr. Powell noted staff recommended approval.

Mr. Icenhour asked if this expansion was for the sole purpose of covering the property in its entirety.

Mr. Powell replied correct.

Mr. Icenhour asked about the next steps after HRSD's consideration of this matter. He questioned if the applicant would then submit an application to extend the sewer line.

Mr. Powell confirmed.

Mr. Icenhour asked if the application would go before the Board and HRSD or just the Board.

Mr. Powell replied to his knowledge it would go before the Board only.

Mr. Icenhour asked if the application would also go before JCSA.

Mr. Powell replied correct.

Mr. McGlennon asked for clarification regarding the next item. He asked if that was also being discussed in Closed Session.

Mr. Hipple replied yes.

Mr. McGlennon stated he had originally preferred to discuss Item No. 3 in Open Session; however, he expressed his belief based on recent developments there should be discussion regarding the resolution and contract prior to taking public action on this item.

Mr. Hipple advised discussion on Item No. 3 would be forthcoming once the Board had an opportunity to discuss it in Closed Session.

3. Resolution Concerning the Restated Contract for the Joint Operation of Schools

J. BOARD REQUESTS AND DIRECTIVES

Mr. McGlennon remarked August was a busy month for him, adding he would pass on discussion of his attended events. Mr. McGlennon mentioned the recent decisions within the WJCC School Division to implement non-transportation zones had generated significant concern amongst parents. He noted he visited James River Elementary School earlier this afternoon during the school's dismissal. Mr. McGlennon indicated approximately 200 students were affected by this determination. He stated that was more than twice as many as any other school within the WJCC School Division. Mr. McGlennon expressed his concerns about various factors based on this decision. He recommended this be addressed at an upcoming meeting with the School Liaison.

Mr. Hipple echoed Mr. McGlennon's comment regarding the non-transportation zones. He expressed his concern with Centerville Road and children's safety. He noted various factors such as inclement weather, the location and safety of those school routes, etc. Mr. Hipple agreed with Mr. McGlennon's point of having these concerns addressed to the WJCC School Board.

Ms. Larson remarked after knowledge of the School Board's decision she contacted Mr. Stevens to address the subject matter and the concerns she anticipated as the outcome of this decision. She expressed her concern that the School Board made this decision without collaborative efforts with the County to try and rectify these issues. Ms. Larson highlighted possible opportunities if collaboration efforts were made. She noted this decision was based on the lack of school bus drivers, adding she encouraged the public to apply if desired. Ms. Larson commented that she, Supervisor McGlennon, the Honorable Senator Monty Mason, the Honorable Delegate Amanda Batten, and Sheriff David Hardin attended the Elected Officials Day at the Virginia Peninsula Foodbank. She highlighted the substantial support the community received from this organization and encouraged public donation if possible. Ms. Larson stated on behalf of the Board she welcomed Virginia Recreation and Park Society to James City County at its Annual Conference held on Sunday, September 10, 2023, for 500+ attendees. She recognized the attendance of Mr. Stevens and Assistant Police Chief Monique Myers at the conference. Ms. Larson remarked to Mr. Stevens that she had an HOA President contact her with interest in bringing back the Community Conversations that used to be conducted at the James City County Recreation Center prior to the COVID-19 pandemic. She requested Mr.

Kinsman provide her data regarding neighborhoods with golf cart permitted use and their policies and procedures for evaluation purposes. Ms. Larson expressed her desire for this legislative season to look at agritourism opportunities. She also requested contact be made with the Dam Safety Committee to determine if there were alternative opportunities for low-risk dams. Ms. Larson mentioned she had an eight-year-old constituent in her district by the name of Langdon who needed a liver and a kidney transplant. She highlighted the various requirements for donor eligibility and encouraged eligible individuals to visit his Facebook page: Langdon's ARPKD Journey or reach out to her via email, adding her email address could be accessed on the County website. Ms. Larson mentioned the Patriots Triathlon and thanked the volunteers, 757swim, and Ms. Margaret Keithley for their efforts.

Mr. Icenhour noted he attended two ribbon cutting ceremonies: 1) Planet Fitness in New Town; 2) The Prescription Shoppe - opened its second location in Courthouse Green. He stated the United States Small Business Administration (SBA) came to Williamsburg for its 70th Anniversary and the Celebration of Black Business Month. Mr. Icenhour mentioned the organization nationally recognized Mr. Lawrence and Ms. Ti'Juana Gholsons' longest-running business, FanMat (Family Matters) Services, LLC.

Mr. Hipple noted he desired to pass on discussion.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens mentioned the Fall Series of New Town Tunes would be forthcoming starting on Wednesday, September 13, 2023, and highlighted additional dates to include the following: September 20, 2023, September 27, 2023, and October 4, 2023. He noted the concerts would be held in New Town on Sullivan Square. Mr. Stevens further noted gates open at 5 p.m. and the concert starts at approximately 5:30 p.m., adding these concerts were on a weather-permitted basis. He spoke about the Virginia Recreation and Park Society Annual Conference that was held in the County from Saturday, September 9-12, 2023. He recognized the Parks & Recreation Department staff for an outstanding job of planning and carrying out the event. Mr. Stevens noted he attended the Awards Banquet yesterday evening and the Parks & Recreation Department received six statewide awards. He highlighted the awards received included the following: 1) Most Creative Marketing Strategy; 2) Distinguished Private Sector Service Award; 3) Best New Special Event; 4) Snapshot Moment; 5) Best New Diversity Equity and Inclusion Initiative; and 6) Best Health and Wellness Initiative. Mr. Stevens mentioned the most prestigious award received by individuals was the James C. Stutts Fellows Award, which James City County had been awarded for two consecutive years. He noted last year Ms. Arlana Fauntleroy, Assistant Director of Parks & Recreation Department, received the award and this year Mr. John Carnifax, Director of Parks & Recreation Department. Mr. Stevens further noted these awards exemplified the quality County staff serving the community. He reiterated his thanks to Parks & Recreation Department staff for all their efforts.

L. CLOSED SESSION

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

At approximately 7:35 p.m., the Board entered Closed Session.

At approximately 8:40 p.m., the Board re-entered Open Session.

A motion to Certify the Board only spoke about those items indicated that it would speak about in Closed Session was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

1. Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia and pertaining to the contract between the County, the City of Williamsburg, and WJCC Schools.

A motion to Approve the Contract Award for School Consultant for \$120,000 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

A motion to Approve the Amended Restated Contract for the Joint Operation of Schools City of Williamsburg and James City County was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

2. Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia and pertaining to the contract between the York County, James City County, the City of Williamsburg, and the Williamsburg Regional Library.
3. Consideration of the disposition of publicly held property located at 3100 John Tyler Highway, where discussion in an open meeting would adversely affect the bargaining position of the public body, pursuant to Section 2.23711(A)(3) of the Code of Virginia
4. 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

a. Reappointment - Virginia Peninsula Community College Board

A motion to Reappoint Mr. Joseph Fuentes to the Virginia Peninsula Community College Board 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

b. Appointments - Colonial Community Criminal Justice Board

A motion to Appoint Mr. Mark Jamison and Mr. Brandon Waltrip to the Colonial Community Criminal Justice Board for terms that expire on February 28, 2025, was made by James Icenhour, the motion result was Passed.

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

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

c. Williamsburg Regional Library Board of Trustees Discussion

Ms. Larson requested Mr. Stevens provide the Board information regarding the Property Tax Exemption adjustment. She elaborated on the reasoning for the request.

Mr. Stevens replied sure, adding he spoke to the Commissioner of the Revenue to discuss the addressed points made and anticipated a discussion on those points at the Board's October 24, 2023, Business Meeting, if the Board approved.

The Board approved.

M. ADJOURNMENT

1. Adjourn until 1 pm on September 26, 2023 for the Business Meeting

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

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

Ayes: Hipple, Icenhour Jr, Larson, McGlennon

Absent: Sadler

At approximately 8:44 p.m., Mr. Hipple adjourned the Board of Supervisors.

Teresa J. Saad

Deputy Clerk