

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
BUSINESS MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
February 27, 2024
1:00 PM

A. CALL TO ORDER

ADOPTED

B. ROLL CALL

Barbara E. Null, Stonehouse District
Michael J. Hipple, Powhatan District
John J. McGlennon, Roberts District
James O. Icenhour, Vice Chair, Jamestown District
Ruth M. Larson, Chair, Berkeley District

MAR 26 2024

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

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

C. PRESENTATION(S)

1. Clean County Commission Annual Report

Ms. Peg Boarman, Chair of the Clean County Commission, addressed the Board with the Commission's Annual Report. She began the PowerPoint presentation with an introduction of the Clean County Commission's members. Ms. Boarman added Powhatan District still needed a representative as well as a second Commissioner for Roberts District. She highlighted the Great American Cleanup, which occurred in March 2023, in the PowerPoint. Ms. Boarman provided statistics for the event which included the number of volunteers, volunteer hours, and other data. She expressed appreciation for the volunteers and their work. Ms. Boarman continued the PowerPoint highlighting the 45th Annual County-wide Litter Cleanup which was held April 2023 and the Arbor Day Plant-A-Tree Ceremony at Freedom Park. She noted another event held was the Clean the Bay Day in June 2023. Ms. Boarman stated the Clean County Commission also participated in educational events such as the Fido Fest, the Family Fun Fest, and the Harvest Fest. She noted one highlight of the year centered on the Repair Fair and Recycling Expo. Ms. Boarman provided details on the event, adding it was well received by the community. She noted the Clean County Commission partnered with the Water Wise Garden and Human Services Center on programming. Ms. Boarman added the Clean County Commission also partnered with the Pollinator Garden at Veterans Park and the James City Lions Club. She noted the Volunteer Appreciation Will Barnes Day Picnic, held annually in June, in recognition of his legacy to the County. Ms. Boarman provided additional information on the event. She addressed the Good Neighbor Grants program and its beautification projects in the community. Ms. Boarman continued the presentation providing details on the Virginia Peninsula Clean Business Forum Awards. She noted the forum was sponsored by James City County, the Cities of Hampton and Newport News, and York County. Ms. Boarman noted several Stonehouse District businesses had been recognized previously. She encouraged businesses active in environmentally-friendly practices with adopted green initiatives from the

other districts to submit applications. Ms. Boarman thanked all the volunteers, adding 922 volunteer hours at 256 events had been logged. She provided information for community involvement with the Clean County Commission. Ms. Boarman announced Ms. Rachel West as the new Chair for the Clean County Commission in the upcoming year. Ms. Boarman noted she would be stepping down, adding it had been a difficult decision. She continued the presentation highlighting upcoming events. Ms. Boarman shared a video of Clean County Commission members and various events that had been attended. She noted Ms. West was unable to attend the meeting but wanted to share her thoughts via the video.

Ms. Larson asked if the Board had any questions for Ms. Boarman.

Ms. Boarman noted she would be back to still talk trash to the Board.

Mr. Hipple stated he had a question, adding he was very appreciative of all of Ms. Boarman's hard work over the years. He referenced the presentation highlighting the total volunteer hours, adding if those hours were paid then that information could be incorporated to show citizens the savings generated by the work of the Clean County Commission and its efforts. Mr. Hipple noted the savings to the community with the volunteer hours and not paid staff to pick up trash.

Ms. Boarman responded she had done that once previously but would work on incorporating that information into future presentations.

Mr. Hipple thanked Ms. Boarman.

Mr. McGlennon noted he had no questions, but he congratulated Ms. Boarman on her leadership during her tenure. He referenced the annual award in Ms. Boarman's name that was given in recognition of volunteers in the community. Mr. McGlennon commended the Clean County Commission for its work at many events and throughout the area.

Ms. Boarman thanked Mr. McGlennon. She commended Ms. Andrea Case and Ms. Regina Jackson as County staff members who assisted with the many events.

Mr. Icenhour extended his appreciation to Ms. Boarman. He noted the significance of the Will Barnes Picnic.

Ms. Boarman noted Board member attendance at the picnic and other events was greatly appreciated.

Ms. Larson asked when Ms. West would begin as the Chair of the Clean County Commission.

Ms. Boarman responded at the March 7, 2024, Clean County Commission meeting.

Ms. Larson asked Ms. Boarman how long she had been the Clean County Commission's Chair.

Ms. Boarman responded she had co-chaired with Mr. Barnes from 2010-2016. She added she moved into the Chair position in 2016. She cited some historical points of her time as originally it was a committee and then later became a commission in 1981. Ms. Boarman noted she had volunteered since 1979.

Ms. Larson noted that was tremendous and she extended her thanks to the Clean County Commission members. She expressed her appreciation of Ms. Boarman's educational and informative updates to address litter in the County. Ms. Larson noted Ms. Boarman's influence on her regarding personal attention to trash in the County. She thanked Ms. Boarman for her education and influence and the longevity of her volunteering commitment.

Ms. Boarman noted trash was a continual problem. She thanked the Board members for their

kind words.

Ms. Larson thanked Ms. Boarman.

2. VDOT Quarterly Update

Mr. Rossie Carroll, Virginia Department of Transportation (VDOT) Williamsburg Residency Administrator, addressed the Board noting his quarterly update covered the last quarter of 2023. He noted 442 of 510 maintenance work orders were completed, adding that was an 87% completion rate. Mr. Carroll stated some highlights included Norge Lane drop-in repair off Route 60, sinkhole and pipe repair at Nature's Way, Mount Laurel Road ditch repair, Route 60 pipe repairs, ditching in Brookhaven and several other locations, and tree and shrub clearing on Jamestown Road near the County-side of the Jamestown-Scotland Ferry. Mr. Carroll noted current project highlights included hit guardrail repairs. He added 95 of 97 identified hit repairs were completed. He further noted improvements to the Richmond Road bicycle path and sidewalk improvements with a projected completion date of the end of October 2024. Mr. Carroll stated the bridge project over Diascund Creek, adding many people referenced that area as the Hicks Island area, was ahead of schedule. He noted the pipe replacement on Route 60 between Route 30 and the New Kent County line prior to the unbonded concrete project for that area. Mr. Carroll addressed the completed projects in the closeout process. He noted upcoming projects included the Longhill Road Shared Use Path, Croaker Lane four-lane widening, Pocahontas Trail Reconstruction Phase One, a new hydraulic system on the Jamestown side of the Jamestown-Scotland Ferry pier, asphalt work, and others. Mr. Carroll referenced the PM5V, plant mix schedule, for various James City County roads this summer. He added the PM5V schedule was approximately double lane paving and cost as last year in the County. Mr. Carroll stated the Interstate 64 four-to-six lane widening project from the New Kent County line back to James City County was included in upcoming projects. He added the estimated completion date for that project was fall 2027. Mr. Carroll continued the update for County safety projects and provided details. He noted 2025 projects included work at Route 5, Greensprings Road, and the Centerville Road junction, as well as Old Stage Road and Route 30 across from School House Lane. Mr. Carroll stated those projects were currently in the Secondary Six-Year Plan and collaboration between County and VDOT staff would occur regarding project funding. He provided additional details on the projects. Mr. Carroll noted several traffic studies had occurred and he detailed the locations and results.

Ms. Larson thanked Mr. Carroll and asked the Board if there were any questions.

Mr. Icenhour asked for an update on Airport Road and Old Mooretown Road. He noted implementation of a potential traffic circle rather than a traffic light.

Mr. Carroll noted VDOT was currently in the pre-scoping phase of that intersection. He stated that project was funded through VDOT's SMART SCALE program, but it would not go to construction in the next year or two.

Mr. Icenhour noted it would be several more years before construction.

Mr. Carroll confirmed yes.

Mr. Icenhour stated it was fully funded.

Mr. Carroll confirmed yes, adding it was in the Secondary Six-Year Plan.

Mr. Icenhour thanked Mr. Carroll.

Mr. Hipple referenced the new curb on Route 60 in Toano near the former McKown's Store. He

noted the left turning issue at that location but stated the curb at Church Lane allowed for more turning access. Mr. Hipple asked Mr. Carroll to check the McKown's Store area. He thanked Mr. Carroll and VDOT for the Route 60 project, adding residents in that area of the County were pleased with the road raising project.

Mr. Carroll noted that much work had been done along Route 60.

Mr. Hipple agreed and noted it was very helpful.

Discussion ensued.

Mr. Hipple referenced the sound barriers coming down Route 60 near Rochambeau Drive. He noted he had received citizen concerns regarding the sound barriers.

Inaudible comments.

Mr. Carroll noted the contractor was also required to complete a sound study as part of the design-build project. He further noted those results could potentially impact the sound barrier locations.

Mr. Hipple asked if the design-build team would hold a public hearing to gather public input.

Mr. Carroll noted a public hearing was typically held initially. He added that once design began if issues arose that pertained to a certain area, then a meeting would be held with those communities. Mr. Carroll noted he would review that design-build to see if another public hearing would be available.

Mr. Hipple thanked Mr. Carroll. Mr. Hipple noted the two traffic lights near the Williamsburg Pottery. He further noted one was unnecessary and questioned if traffic lights were ever removed.

Mr. Carroll responded not generally, adding removal could be done.

Mr. Hipple asked if the traffic light could be repurposed to another location.

Mr. Carroll said no to relocation. He noted he was unsure who would pay for it. Mr. Carroll stated that traffic light was included as part of the development and agreement from the development would be needed. He noted future plans and development for that area were also factors. Mr. Carroll favored a blinking light status but added a large number of U-turns off Route 199 in that area. He noted the blinking light would eliminate the U-turn phase.

Discussion ensued.

Mr. Hipple asked if VDOT could review the first light coming out of Lightfoot to become a blinking light. He noted the second light could then be an actual working traffic light.

Mr. Carroll noted a need for the light at that location but that he would work with the County.

Mr. Icenhour stated as part of the need assessment there should be a study to identify the number of times traffic cones have that entrance to the Williamsburg Pottery blocked off. He noted approximately 90% of the time he traveled that way, traffic was blocked off from entering or exiting at that traffic light. Mr. Icenhour stated the owner had placed the barricade there so it was not a useful entrance or exit.

Mr. Carroll noted VDOT was the owner/operator. He stated after the development was built, then VDOT maintained the traffic light. He added the entrance from Lightfoot, though currently

coned off, was the entrance for access behind the Williamsburg Pottery. Mr. Carroll noted he was unsure of long-range plans for that area.

Ms. Null addressed the left turn heading north or west and the property there. She noted the property was under contract for an assisted living facility and the commercial use would have access with that traffic light. She cited some specifics to the road and the property.

Mr. Carroll suggested the flashing yellow and red sequence for the traffic light.

Ms. Null concurred that option was great.

Mr. McGlennon asked if the Gate House Farms issue off Neck-O-Land Road had been resolved. He added it focused on the intersection between Gate House Boulevard and Neck-O-Land Road.

Mr. Carroll asked if Mr. McGlennon was referencing the drainage test.

Mr. McGlennon confirmed yes.

Mr. Carroll replied he was unsure but he would look into that issue.

Mr. McGlennon asked Mr. Carroll to contact him regarding a final resolution. He added he was pleased with the Pocahontas Trail Phase One plans. Mr. McGlennon noted the start date for those plans was approximately two years out.

Mr. Carroll confirmed the May date was the award date.

Mr. McGlennon questioned the timeline and relaying information to citizens. He noted citizens were hoping for another public meeting for updates. Mr. McGlennon questioned if any property acquisition would be involved prior to advertisement or related matters.

Mr. Carroll noted he would get back with Mr. McGlennon on those points.

Mr. McGlennon thanked Mr. Carroll.

Ms. Larson asked about some trees closely bordering Route 5. She noted due to beaver damage there was concern the trees would fall into the road, adding she thought that area was VDOT property.

Mr. Carroll noted that was VDOT property and VDOT was aware of the issue.

Ms. Larson stated she had received concerns from several people. She requested an update on the bicycle path cleanup schedule. Ms. Larson added the County was checking pond levelers near Route 5 due to beaver activity.

Mr. Carroll noted the ongoing struggle with that point.

Ms. Larson thanked Mr. Carroll.

Mr. Carroll thanked the Board.

D. CONSENT CALENDAR

Ms. Larson asked if any Board member wished to pull any item(s).

1. Board Appropriation - Chesapeake Bay Mitigation Fund - 4113 South Riverside Drive - \$21,125

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, Null

2. Compensation Plan and Personnel Policies Agreement with Clerk

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, Null

3. Contract Award - \$123,750 - Replacement Emergency Medical Services Supervisor Vehicle

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, Null

4. Dedication of the Streets in Phase 2 of the Landfall at Jamestown Subdivision

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, Null

5. Grant Award - \$1,500 - LOVE Sign

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, Null

6. Minutes Adoption

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, Null

The Minutes Approved for Adoption included the following meetings:

- o December 1, 2023, James City County Board of Supervisors Joint Meeting with Williamsburg City Council and Williamsburg-James City County School Board
- o January 9, 2024, Regular Meeting
- o January 23, 2024, Business Meeting

Ms. Larson noted she wanted to draw attention to two items. She stated the first was the dedication of the streets in Phase 2 of the Landfall at Jamestown subdivision. Ms. Larson noted the subdivision was in Mr. McGlennon's district but had previously been in the Berkeley District for many years. She inquired if these roads were the last ones for dedication. Ms. Larson noted Ms. Toni Small, Director of Stormwater and Resource Protection Division, acknowledged yes with a head nod. Ms. Larson thanked Ms. Small for the confirmation. Ms. Larson then asked Ms. Elizabeth O'Connor, Clerk of the Circuit Court, if she would come forward for an introduction. She noted Ms. O'Connor had served as the Acting Clerk when Ms. Mona Foley, former Clerk of the Circuit Court, retired prior to Ms. O'Connor's election in November 2023. Ms. Larson stated Item No. 2 regarding the Compensation Plan and Personnel Policies Agreement was for the Clerk of the Circuit Court.

Ms. O'Connor confirmed yes.

Ms. Larson inquired if all the necessary parties had worked with Ms. O'Connor to establish the compensation plan and personnel policies.

Ms. O'Connor confirmed yes, adding Mr. Kinsman and Mr. Brad Rinehimer, Assistant County Administrator, had been very helpful. She thanked the Board for its review and support of the materials.

Ms. Larson thanked Ms. O'Connor for the opportunity to introduce her.

Ms. O'Connor thanked Ms. Larson.

E. BOARD DISCUSSIONS

Ms. Larson asked if Mr. Stevens would address Item No. 1.

Mr. Stevens noted he would introduce Mr. Dayle Gallagher, Director of Real Estate Assessments Division, to address the reassessment process. He stated Mr. Gallagher had a short presentation followed by any questions from the Board.

1. Real Estate Assessments

Mr. Gallagher addressed the Board stating one responsibility of the Real Estate Assessments Division was to determine fair market value. He began the PowerPoint presentation identifying fair market value. Mr. Gallagher detailed the components of a mass appraisal. He noted the analysis began with recent sales and provided criteria used. He stated the goal was to ensure the database contained sufficient information for verification of an arm's-length sale transaction and that the sale price reflected the market value of the real property. Mr. Gallagher noted many steps were taken by real estate assessors when sales occurred. He highlighted the number of residential sales used over the past two years, adding James City County performed biennial reassessments. Mr. Gallagher noted all sales were required to be submitted to the state. He added that disqualified sales were coded with an explanation as to the reason and the analysis was based on the remaining sales.

Mr. McGlennon referenced the biennial total of 2,488 and asked if that number was representative of approximately 7.5% of residential properties in the County as turnover in the past two years.

Mr. Gallagher responded possibly. He continued the presentation highlighting the preliminary results of the reassessment based on property classes. Mr. Gallagher noted the property classes were agricultural, commercial, residential, and multifamily. He further noted the residential results were based on valuation not revenue, adding the overall County residential increased 21%. Mr. Gallagher used four County neighborhoods as examples for the changes in median sales price and median assessed value. He cited factors that drove the market were location and price range. Mr. Gallagher displayed an example of the reassessment impact for years 2023 and 2024 using the median value at the \$0.83 tax rate.

Mr. Icenhour asked if the median value for a home in the County was \$411,000.

Mr. Gallagher replied that it was now. He continued the presentation displaying the reassessment notice postcard and the breakdown for the property.

Mr. Icenhour questioned the mail date for the postcards.

Mr. Gallagher noted the postcards would be mailed on February 29, 2024. He stated upon receipt of the postcard, homeowners would question the increase. Mr. Gallagher addressed options available to homeowners which included appealing the reassessment to the Board of Equalization (BOE).

Ms. Vickie Hogg Nase, a real estate broker for 43 years and an appraiser for 21 years, addressed the Board. She noted she had served on the BOE since 2014. Ms. Nase stated assessments were mailed to homeowners in February. She detailed the steps of the assessment process if a homeowner had questions. Ms. Nase noted the appraiser reviewed square footage, number of bedrooms, number of bathrooms, fireplaces, and other features that impacted the appraisal. She further noted if the homeowner was still dissatisfied with the review, then the homeowner received the BOE forms for completion within 30 days. She noted those forms were required to be returned to the Real Estate Assessor's Office by April 30. Ms. Nase explained that the appraiser from the Assessor's Office requested the homeowner select three properties within the homeowner's neighborhood to use as the basis for the assessment number. She added questions usually involved why the assessment number was lower. Ms. Nase stated homeowners were aware of neighboring home prices when sold but were unaware of the components of an assessment. She cited the specific details as mandated by federal law for assessments. Ms. Nase noted the homeowner(s) present their specific data and the assessors present their data. She addressed homeowners understanding the assessment process. Ms. Nase also addressed commercial property assessments. She noted the next step after the Assessor's Office and the BOE was court. Ms. Nase referenced her research was based on the Williamsburg Multiple Listing Service (WMLS) which was statistically updated monthly. She noted supply was low with a high demand and that pattern had led since the COVID-19 pandemic. Ms. Nase cited statistics for a variety of multiple listings since January 2024, adding the median home price in the County was \$587,500 with 29 days on the market. She noted in January 2023, the price was \$400,950 with 19 days on the market, adding that was a major difference. Ms. Nase stated these numbers reflected the median value and included condominiums, townhouses, and other specific criteria. She referenced statistics from one day and the bidding wars on property. Ms. Nase provided insight and past experience with sales, adding buyers were very savvy as 98% of homes were sold on the internet prior to actually being present on the property. She noted the use of Realtor.com and principles applied to listings on that site.

Mr. Gallagher continued the presentation highlighting some important dates. He noted the dates included the reassessment notice mailings, proposed budget release, community meetings with Supervisors, public hearing, and the Board meetings for the budget followed by its adoption.

Mr. McGlennon noted the average value price of a home. He asked about the average median sale price of a home and the difference between the two prices.

Ms. Nase noted the difference was vast.

Mr. Gallagher noted assessors used the number from sales and Ms. Nase was using WMLS numbers.

Mr. McGlennon asked if Mr. Gallagher was looking at all homes while Ms. Nase was looking at actual sales within the specified time period. Mr. McGlennon noted homes that were being reassessed versus home prices for those properties on the market. He further noted Mr. Gallagher's numbers were reflective of the County's housing stock.

Mr. Gallagher and Ms. Nase confirmed that point.

Mr. Hipple noted the reassessments were not based on the selling price.

Discussion ensued.

Ms. Sharon McCarthy, Director of Financial and Management Services, addressed the Board noting she worked closely with Mr. Gallagher. She noted the assessments were done every two years with Ms. Nase's numbers were based on the January data of each year. Ms. McCarthy stated the home values continued to escalate. She noted the values were based County-wide over the 2,500 sales which equated to approximately 7.5% of total taxable parcels over a two-year period. Ms. McCarthy stated median sales meant half of the sales were below that number while the other half were above it, adding mean represented the average.

Mr. Hipple noted the assessments were based on market values from two years prior and not current market values.

Ms. McCarthy noted calendar year 2022 and calendar year 2023.

Discussion ensued.

Mr. Gallagher noted the County podcast on the Real Estate Assessments process that was currently on the County website. He noted a sales statistic for 2022 that reflected sales were at 100% or more due to the market rise in 2023. Mr. Gallagher stated the impact on current reassessment values.

Mr. Hipple suggested citizens listen to the podcast. He stated it was very informative about the reassessment process.

Ms. Larson thanked Mr. Gallagher, Ms. Nase, and Ms. McCarthy. She noted if the Board members had additional questions, they could ask them at the Retreat though reassessments were not a topic. Ms. Larson stated Mr. Stevens would be available and other questions could be forwarded to Mr. Gallagher.

2. Financial Update, FY2024 Second Quarter

Ms. Cheryl Holland, Budget Manager, addressed the Board noting she would provide updates for Fiscal Year 2024 second quarter, which ended December 31, 2023. She stated the presentation would only focus on the General Fund and not covering the Capital Improvements Program, American Rescue Plan Act, or other grant funding. She highlighted the County's General Fund revenues in the PowerPoint presentation with a comparison to the prior year. Ms. Holland noted the General Property Taxes category was the largest revenue source at two-thirds of total revenue. She added the category included real estate and personal property taxes. Ms. Holland noted General Property Taxes reflected an increase primarily related to personal property with new vehicle purchases and a higher retention level of value for older vehicles. She added the other revenue types did not have the same billing or collection frequency as General Property Taxes. Ms. Holland provided details on the other categories depicted in the PowerPoint presentation. She continued with a breakdown of the General Fund Spending categories. Ms. Holland noted the Actual data reflected both expenditures and encumbrances. She continued the presentation with a departmental breakdown of the percentage of the budget use. Ms. Holland stated that departments with expenses over 50% reflected that not all expenses were incurred evenly during the year. She added the Information Technology Department had the majority of its contracts, licensing, and other factors due at the beginning of the year. Ms. Holland noted the Contribution & Transfers category reflected funding to outside services which typically occurred at the beginning of the fiscal year.

Ms. Larson thanked Ms. Holland for the update.

3. ORD-22-0001. Amendments for Scenic Roadway Protection
Comprehensive Plan Amendment: Community Character Corridor and Short-Term
Rental Development Standards Revision

Mr. Thomas Wysong, Principal Planner, addressed the Board regarding the specifics of this case. He noted the Board had requested more time for consideration regarding the proposed setback impact on existing structures along affected roadways and additional discussion on short-term rental standards. Mr. Wysong addressed the proposed amendments to the Zoning Ordinance regarding certain scenic roadways. He provided details regarding setbacks and highlighted the Forge Road Corridor in a PowerPoint presentation. Mr. Wysong noted only Forge Road would be affected if the Comprehensive Plan amendment were approved. He addressed the creation of the Overlay District regarding setback standards, adding in the absence of an Overlay District with varying setback standards was advised against by the County Attorney's Office. Mr. Wysong added that advice was based on uniformity of zoning regulations for each class or kind of building and use throughout each district and must treat similarly situated property similarly. He noted a limited Comprehensive Plan amendment regarding the Community Character Corridor (CCC) and revisions to the County's CCC Table designations list for a portion of Old Stage Road located outside of the Primary Service Area which would no longer be classified as a CCC. Mr. Wysong further noted that the proposed setback requirements would then only apply to Forge Road. He continued stating the second issue addressed the recommendation for removal of development standards for short-term rentals regarding the property owner continuing to live and reside on the property during the rental. Mr. Wysong noted the following standards, based on the Comprehensive Plan as adopted on October 26, 2021, would still be retained regarding short-term rentals: located on lands designated Rural Lands, Neighborhood Commercial, Community Commercial, Mixed Use, or Economic Opportunity; located on the edge or corner of an existing platted subdivision, rather than internal to it; and located on a major road. Mr. Wysong stated staff looked forward to the Board's feedback and guidance. He added a map was created to represent the affected lots by the setback concept.

Ms. Larson thanked Mr. Wysong. She looked to the Board for discussion.

Mr. Hipple noted he was fine with the removal of Old Stage Road. He added he was in favor of protecting Forge Road. He noted existing structures and application regarding new structures. Mr. Hipple discussed this point in detail adding the County needed to work with property owners who had limited amounts of land. He noted he was concerned for houses built on the roadside and losing the current look of the Forge Road corridor. Mr. Hipple added he did not want Forge Road crowded like other roads in the County. He noted his original proposal was to protect the existing corridor, protect the existing structures, and limit the proximity of new structures to the road. Mr. Hipple stated a compromise for corridor preservation and landowner rights was needed.

Ms. Null stated her agreement.

Mr. Icenhour addressed nonconformity and setbacks. He noted the use of the Overlay District and the ability to target particular areas for designation without arbitrary setbacks. Mr. Icenhour questioned staff if an Overlay District was created would Old Stage Road need to be removed from the CCC designation. He stated if Old Stage Road remained a CCC with an Overlay District then that designation would only apply to the areas identified for protection.

Mr. Hipple stated he wanted to focus on Forge Road first. He noted any knowledge learned in the process could later be applied to other areas.

Mr. Icenhour noted Overlay Districts could be applied to additional CCCs. He questioned the need then to remove Old Stage Road from the CCC designation if the Overlay District addressed concerns.

Mr. Hipple agreed.

Mr. Icenhour questioned staff on the timeline, workload, and other factors regarding these points.

Mr. Paul Holt, Director of Community Development, addressed the Board noting the public hearing on this item had been formally postponed until the Board's April 9, 2024, Regular Meeting. He noted one option was an indefinite postponement while staff worked on the Board's input. Mr. Holt stated the public hearing could be readvertised at a later date. He noted obtaining Board consensus on particular properties without reconsidering the varied setbacks was another factor. Mr. Holt stated he would review the timeline with staff and get that schedule to the Board.

Mr. Hipple cited the various criteria for the Overlay District and the setbacks while still protecting and preserving the land. He noted the Board would work on finding a happy medium that was beneficial to citizens.

The Board thanked Mr. Holt.

Mr. Holt noted at the April 9, 2024, Regular Meeting, this item would be on the Agenda but that it be deferred indefinitely pending Board consideration. He further noted that status would apply to both the Ordinance amendment and the Comprehensive Plan amendment. Mr. Holt stated at the time for those items to be presented, a public hearing would be readvertised.

Ms. Larson and Mr. Hipple thanked Mr. Holt.

Ms. Larson thanked Mr. Wysong.

F. BOARD CONSIDERATION(S)

None.

G. BOARD REQUESTS AND DIRECTIVES

Ms. Null noted she had no comments.

Mr. Hipple noted he had one, but he thought it would be discussed at the Board's upcoming Retreat. He stated a review of the \$0.83 per \$100 tax rate particularly in light of increased revenue.

Mr. McGlennon noted he would pass.

Mr. Icenhour noted on February 16, he and Mr. Hipple spoke to Ford's Colony newcomers. He stated the event was well attended with many good questions and answers. Mr. Icenhour added that opportunity was an enjoyable way to meet the public. He stated the Hampton Roads Workforce Council (HRWC) met on February 21, adding its annual budget was approximately \$38 million currently. Mr. Icenhour noted a major driver was the United States Navy contracts dealing with maritime trades. He added the HRWC Board was very productive in getting many things done for the region. Mr. Icenhour noted he had spoken with his fellow Board members and staff regarding upcoming changes to the County Code regarding stormwater management and erosion and sediment control. He further noted the state had issued a new model Ordinance to be effective July 1, 2024. Mr. Icenhour stated during the Board's consideration of these changes, opportunities for consideration of other amendments of interest to the County would be available. He noted the areas of special stormwater criteria and implementation of County

watershed management plans. Mr. Icenhour stated earlier watershed management plans had been based on rainfall and were very outdated. He noted the numbers were higher based on climate changes, adding many facilities were undersized and not performing well which would significantly impact future development. Mr. Icenhour indicated with upcoming changes that the Board had directed staff to draft a resolution to not schedule items for legislative consideration until after adoption of the changes. He noted additionally that staff was to inform applicants of the Board's expectation that forthcoming applications incorporate these changes. Mr. Icenhour asked his fellow Board members for support in requesting staff present at the March 26, 2024, Business Meeting, a resolution stating new legislative applications be postponed for Board consideration until the adoption of new Stormwater Ordinances with staff informing applicants of the anticipated changes. Mr. Icenhour noted these changes would significantly affect Eastern State properties around New Town, Chanco's Grant, and the White Hall development. He further noted these changes would ensure the proper size stormwater facilities were in place for these developments.

Mr. Hipple asked about the date.

Mr. Icenhour noted the resolution would be presented at the March 12, 2024, Regular Meeting. He further noted year-end for the study.

Discussion ensued.

Ms. Larson noted recent plans for a family whale watching trip in Virginia Beach. She further noted the event was cancelled due to high winds, so she and her family attended the Virginia Aquarium & Marine Science Center. Ms. Larson stated the Aquarium was very busy and lots of educational activities were available. She noted Hampton Roads Sanitation District was on-site doing a Sustainable Water Initiative for Tomorrow (SWIFT) presentation. Ms. Larson further noted the City of Virginia Beach's Department of Parks & Recreation was also there with numerous educational and informational games and exhibits. She provided details on the various presentations. Ms. Larson stated the opening of the sports complex would present a wonderful opportunity for regional education of local points of interest and programs like those for the Chesapeake Bay and area waterways.

H. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens noted he would defer on his report due to the Closed Session Agenda.

I. CLOSED SESSION

A motion to Enter a Closed Session was made by Michael Hipple, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

At approximately 2:50 p.m., the Board of Supervisors entered a Closed Session.

At approximately 4:32 p.m., the Board re-entered Open Session.

A motion to Certify the Board only spoke about those matters indicated that it would speak about in Closed Session was made by John McGlennon, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

1. Discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure, pursuant to Section 2.2-3711(A)(19) of the Code of Virginia
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 for the joint operation of schools between the County and the City of Williamsburg.
3. 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 motion for the following Appointments was made by James Icenhour, the motion result was Passed.

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

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

- a. Board of Zoning Appeals Appointment

Mr. Icenhour noted Mr. Andrew Franck was recommended for an appointment to the Circuit Court Judge for a five-year term that expires on March 31, 2029.

- b. Wetlands Board and Chesapeake Bay Board

Mr. Icenhour noted appointment of Mr. Mark McElroy as an alternate for a term that should begin March 1, 2024, and expire December 31, 2030.

- c. Historical Commission Appointment

Mr. Icenhour noted appointment of Mr. William Fox to a term that will expire June 30, 2026.

- d. Agricultural and Forestal District Advisory Committee Appointment

Mr. Icenhour noted appointment of Mr. Will McElfresh with no expiration date listed.

4. Certification of Closed Session

J. ADJOURNMENT

1. Adjourn until 8 am on March 2, 2024 for the Board Retreat

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

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

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

At approximately 4:33 p.m., Ms. Larson adjourned the Board of Supervisors.

Teresa J. Saeed

Deputy Clerk