

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185

March 12, 2024

5:00 PM

A. CALL TO ORDER

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

B. ROLL CALL

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

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

Ms. Larson sought a motion to amend the Agenda to add a Closed Session item pertaining to a contract discussion.

A motion to Amend the Agenda 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

Ms. Larson noted the Pledge Leader would be introduced by Supervisor Null.

Ms. Null introduced the Pledge Leader Penny DaSilva and gave highlights of her various interests and activities.

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

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

Ms. Larson expressed her desire to make a statement regarding the consideration of potential termination of the joint operation of the Williamsburg-James City County (WJCC) Public Schools. She mentioned the City of Williamsburg held its Williamsburg City Council Work Session on Monday, March 11, 2024, adding its consultant presented a feasibility study on the possible creation of a City of Williamsburg Independent School Division. Ms. Larson stated the City of Williamsburg had approximately 1,100 students and James City County had approximately 10,000+ students within the WJCC School System. She further stated there were a total of 16 schools, three of which were located in the City of Williamsburg. Ms. Larson advised the City of Williamsburg would hold a public meeting on March 26 at James Blair

ADOPTED

APR 23 2024

Board of Supervisors
James City County, VA

Middle School from 5:30-7:30 p.m. She encouraged the public to attend for discussion purposes. She extended thanks to City of Williamsburg Mayor Douglas Pons, City of Williamsburg Vice Mayor Pat Dent, Williamsburg City Council, and the City of Williamsburg Manager Andrew Trivette, for their open communication during this process. Ms. Larson mentioned the consultant team was led by Dr. Jeffrey Smith and Dr. Michael Thornton who were both award-winning former Superintendents and both former Assistant Superintendents for WJCC Public Schools. She emphasized the importance of student achievement for all students within the community in addition to essential personnel to aid in the future operation of the school system whether it be joint and/or independent. Ms. Larson expressed her hope that the WJCC School Board would be open to having an open discussion at a future Board meeting regarding the findings of the feasibility study and achievement numbers. She spoke to that point in further detail.

E. PUBLIC COMMENT

1. Mr. Jad Mabeb, Land Development Manager for Luck Stone Corporation, 515 Stone Mill Drive, Manakin-Sabot, VA, addressed the Board to discuss the proffer amendment application request. He stated the site served as a rail distribution yard to support eastern Virginia. Mr. Mabeb provided a brief overview of the business and its history on the PowerPoint presentation. He mentioned Luck Stone had the desire to amend Existing Proffer Nos. 3 and 6 to remove the requirement to dedicate the access road for public use in accordance with the standards published by the Virginia Department of Transportation (VDOT) for similar Industrial Access Roads, and the requirement for a 50-foot minimum right-of-way width. Mr. Mabeb mentioned VDOT and County staff visited on-site and were in support of the proffer amendment. Mr. Mabeb concluded the presentation.

2. Mr. Luke Bessingpas, 102 Riverview Plantation Drive, addressed the Board noting he was present to address speed concerns within the neighborhood he just recently moved into. He requested the Board's consideration on potential signage implementation.

Mr. Stevens noted recent discussion with the Police Department on enforcement activities and some signage implementation to try and reduce vehicle speeds. He thanked Mr. Bessingpas for addressing his concerns.

F. CONSENT CALENDAR

Ms. Larson asked if any Board member wished to pull an item. As there were no requests, Ms. Larson sought a motion on the Consent Calendar.

1. Amend Board Calendar to Add the Community Budget Meetings

A motion to Approve was made by Barbara Null, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

2. Contract Award - \$130,000 - Fitness Court

A motion to Approve was made by Barbara Null, the motion result was Passed.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

Ms. Larson asked Mr. Stevens where citizens could access the schedule for the Community Budget Meetings.

Mr. Stevens remarked he intended on addressing that later on in the meeting; however, the information was available on the County's website, Real Estate Assessments division page, and via news media.

Ms. Larson thanked Mr. Stevens.

Ms. Larson mentioned Mr. Adam Kinsman, County Attorney, would give a joint presentation for both Public Hearing Item Nos. 1 and 2.

G. PUBLIC HEARING(S)

1. An Ordinance to vacate a portion of that certain subdivision plat entitled "PLAT OF: DIVISION OF: J. W. MOORE, ESTATE" and more particularly described as the vocation of the 50-foot right-of-way known as Moore Drive

A motion to Approve 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

Mr. Kinsman addressed the Board stating before the Board was an Ordinance seeking vacation of a public right-of-way and a resolution establishing an ingress/egress easement along Moore Drive. He advised the right-of-way for Moore Drive was dedicated by a plat recorded in the Clerk's Office for the Circuit Court of the County of James City on May 29, 1973. Mr. Kinsman indicated Moore Drive had never been improved. He noted there were only two homes along Moore Drive which utilized a private road to access Route 60 as shown on the PowerPoint presentation. He further noted a new house was being constructed and the builder had installed a gravel access path along Moore Drive pursuant to a license agreement with the County. Mr. Kinsman commented staff estimated the improvement of Moore Drive necessary to bring it into VDOT's System of Secondary Roads would require several million dollars and would only serve a maximum of 10 houses. He added staff recommended the Board vacate the right-of-way and grant the adjacent parcels an ingress/egress easement to eliminate future demand on the County to improve Moore Drive while allowing property owners full access of their parcels. Mr. Kinsman recommended adoption of the Ordinance and resolution. He welcomed any questions the Board might have.

Ms. Larson opened the Public Hearing.

Ms. Larson closed the Public Hearing as there were no speakers.

2. A resolution to grant an access easement along the area designated as a 50-foot right-of-way known as Moore Drive on that certain subdivision plat entitled "PLAT OF: DIVISION OF: J. W. MOORE, ESTATE" recorded in the Clerk's Office for the Circuit Court of the County of James City on May 29, 1973 in Plat Book 30, Page 60

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

Ms. Larson opened the Public Hearing.

Ms. Larson closed the Public Hearing as there were no speakers.

H. BOARD CONSIDERATION(S)

1. Z-23-0010. Luck Stone Toano Proffer Amendment

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

Ms. Suzanne Yeats, Planner, addressed the Board noting Ms. Kimberly Shepherd of Troutman Pepper, LLP, on behalf of Luck Stone Corporation, had applied to amend the existing proffers for two parcels located at 7734 Richmond Road and 3920 Cokes Lane. She cited the specifics of the application included in the Agenda Packet. Ms. Yeats noted the current proffers were adopted on May 11, 1994, to approve a conditional rezoning of properties. She stated the current internal industrial driveway was not constructed to VDOT standards, nor did it meet the requirements necessary for VDOT to accept the road into the public system. Ms. Yeats further stated that the proposed proffer amendment would remove the requirement to dedicate the Industrial Access Road for public use and the requirement for a 50-foot minimum right-of-way width. She noted staff found the condition of the existing industrial road was not suitable for public access or use. In addition, staff also found that the proposed proffer amendment would not negatively impact surrounding property owners. Ms. Yeats further noted staff recommended approval of the amended proffers to the Board of Supervisors. She welcomed any questions the Board might have, adding the applicant was available as well.

Mr. Icenhour inquired about a particular parcel and asked if it was a part of the amendment.

Ms. Yeats replied no.

Mr. Icenhour asked if the parcel was owned by Luck Stone Corporation.

Ms. Yeats confirmed yes.

Ms. Larson thanked Ms. Yeats.

Mr. Haldeman addressed the Board noting at its February 7, 2024, meeting, the Planning Commission had no discussion and/or concerns regarding the application. He noted the Planning Commission voted 7-0 to recommend approval of the proffer amendment to the Board of Supervisors.

Ms. Larson thanked Mr. Haldeman.

Mr. Hipple expressed positive remarks of Luck Stone Corporation.

I. BOARD REQUESTS AND DIRECTIVES

Mr. Hipple stated he would prefer a policy only on the utility-scale solar facility applications excluding the Ordinance. He spoke to that point in further detail.

Mr. McGlennon mentioned he had previously inquired on future discussion and information on data centers. He requested a report of the current status of that request. Mr. McGlennon stated he attended the School Liaison meeting last week and expressed the importance of attentiveness and careful deliberation regarding the subject matter. He elaborated on that point in further detail.

Mr. Icenhour agreed to Mr. Hipple's point regarding the utility-scale solar facility applications. He expressed a policy would be more beneficial for a multitude of reasons. Mr. Icenhour suggested County staff provide a draft policy packet for each individual Board member for Board evaluation. He spoke to that point in further detail. He noted his request last meeting to postpone applications related to stormwater due to special stormwater criteria; however, he was advised by County staff that there were a number of cases already in process. Mr. Icenhour further noted his willingness to accommodate those cases and that he would collaborate with

Stormwater Resource and Protection Division Watershed Planners to address some of the special stormwater criteria concerns. He echoed Mr. McGlennon's point in relation to the WJCC Public Schools situation. Mr. Icenhour mentioned he would not be able to physically attend the Board's April 23, 2024, Business Meeting; however, he could participate remotely if the Board concurred.

Ms. Larson advised for public notification purposes that the feasibility study on the possible creation of a City of Williamsburg Independent School Division was available on the City of Williamsburg's website in addition to the Williamsburg City Council Work Session for March 11, 2024.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens mentioned real estate reassessments had been mailed out and had generated an abundance of calls to the Real Estate Assessments Office. He reassured the community that the Real Estate Assessments division was returning calls with a slight delay. Mr. Stevens explained there was an opportunity to appeal the reassessment with the County's Real Estate Assessments division if desired. He indicated the County real estate assessments increased by an average of 21%; however, some may be lower and/or higher. Mr. Stevens advised these increases were consistent with recent real estate reassessments for York County and New Kent County. He stated the County's proposed budget was scheduled for an anticipated release date of March 29, 2024. Mr. Stevens indicated the County would hold five Community Budget Meetings including the following dates: April 3 at 6 p.m. at Legacy Hall in New Town, April 4 at 6 p.m. at the James City County Recreation Center, April 8 at 6 p.m. at Toano Middle School, April 10 at 6 p.m. at Lois S. Hornsby Middle School, and April 4 at 4 p.m. at the James City County Government Center. He encouraged the public to attend and noted the meetings would consist of the same presentations and the Supervisor of that particular district would be in attendance along with others. Mr. Stevens indicated there was also a Budget Public Hearing at the Board's April 9, 2024, Regular Meeting, for additional public discussion. He noted at the current tax rate the additional revenue generated from the recent real estate assessments equated to approximately \$21 million; however, he explained that additional revenue was much needed for WJCC Public Schools personnel and County staff, adding there would be further discussion on that point. He reiterated any resident not in agreement with the recent real estate assessment could file an appeal with the County's Real Estate Assessments division through March 30, 2024. Mr. Stevens added there was also an opportunity to file an appeal with the Board of Equalization through April 30, 2024. He provided the Real Estate Assessments division's contact information was 757-253-6650.

K. CLOSED SESSION

1. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel; specifically, the New Town Section 7 and 8 Proffers, pursuant to Section 2.2-3711(A)(8) of the Code of Virginia

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 5:39 p.m., the Board entered Closed Session.

At approximately 7:01 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: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon, Null

L. ADJOURNMENT

1. Adjourn until 8:30 am on March 15, 2024, for the Joint Meeting with Williamsburg City Council and WJCC School Board, to be held at the Stryker Center, 412 N Boundary St, Williamsburg, VA.

A motion to Adjourn 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

At approximately 7:02 p.m., Ms. Larson adjourned the Board of Supervisors.

Teresa J. Saeed

Deputy Clerk