

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

June 11, 2024

5:00 PM

A. CALL TO ORDER

ADOPTED

B. ROLL CALL

JUL 23 2024

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

Board of Supervisors
James City County, VA

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

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

Mr. McGlennon introduced the Pledge Leader Lillian Martyn and gave highlights of her various interests and activities.

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

I. Pledge Leader - Lillian Martyn, a 2nd grade student at James River Elementary School
Lillian led the Board and citizens in the Pledge of Allegiance.

E. PUBLIC COMMENT

Ms. Peg Boarman, 17 Settlers Lane, addressed the Board to talk trash. She spoke about uncovered loads and the importance of securing them. Ms. Boarman requested public consideration on putting recyclable items only in the recycling bins as it caused contamination. She noted Clean the Bay Day was held on June 1, 2024, adding there were 48 volunteers who collected 316 pounds of trash and debris. Ms. Boarman further noted the Clean County Commission recently completed the Good Neighbor Grant with four applicants. She stated the next sign up period would begin July 1 and run through September 15, 2024. Ms. Boarman encouraged interested participants to visit the County's website for the application. She mentioned Will Barnes Day would be held on Saturday, June 15, 2024, at the Willis G. Barnes Shelter at Veterans Park at 4 p.m. Ms. Boarman added the James City Ruritan Club would present the Jim Robertson-Will Barnes Scholarship Award. She thanked the Board for its time.

Ms. Larson noted several resources available to determine the list of acceptable recyclables. She mentioned the Virginia Peninsulas Public Service Authority (VPPSA) website as an example. Ms. Larson encouraged the public to utilize those available resources.

F. CONSENT CALENDAR

None.

G. PUBLIC HEARING(S)

Ms. Larson acknowledged Mr. Frank Polster, the Planning Commission representative, at the meeting.

1. Z-24-0002/SUP-24-0002. Bright Beginnings Pre-K Center at Clara Byrd Baker Elementary School

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. Ben Loppacker, Planner, addressed the Board noting Ms. Holly Adams of Alpha Corporation, had applied on behalf of Williamsburg-James City County (WJCC) Public Schools to rezone approximately 1.98 acres of land located at 3175 Ironbound Road from R-8, Rural Residential to PL, Public Lands. He further noted Ms. Adams had also applied for a Special Use Permit (SUP) to allow a 41,326-square-foot Pre-K Center at 3175 Ironbound Road and 3131 Ironbound Road. Mr. Loppacker remarked that staff found that the proposed conditions would mitigate impacts to surrounding properties and development. He added staff also found that the proposal was compatible with surrounding zoning and development and consistent with the 2045 Comprehensive Plan, Zoning Ordinance, and the Primary Principles for the Five Forks Area. Mr. Loppacker stated at its May 1, 2024, meeting, the Planning Commission voted 6-0 to recommend approval of the Rezoning and SUP applications to the Board of Supervisors, subject to the proposed conditions. He welcomed any questions the Board might have, adding the applicant was available as well.

Ms. Larson asked if any Board members had questions.

The Board declined.

Mr. Polster addressed the Board noting there was discussion on construction standards and drop-off traffic flow. He further noted the WJCC School System was committed to incorporating energy-efficient designs into the construction. Mr. Polster mentioned the drop-off traffic plan was presented and as an alternative there was also the possibility of staggering the hours of operation between the preschool and the elementary school. He stated on a Roll Call vote the Planning Commission voted 6-0 to recommend approval of both the Rezoning and SUP applications, adding staff found the proposal to be consistent with the 2045 Comprehensive Plan. Mr. Polster concluded his remarks and welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

The Board declined.

Ms. Larson opened the Public Hearing.

1. Ms. Holly Adams, Applicant, Alpha Corporation, 295 Bendix Road, Suite 340, Virginia Beach, VA, addressed the Board noting the project team was available for questions.

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

Ms. Larson expressed her hope that WJCC School System looked into staggered hours of operation due to the increased traffic. She emphasized the importance of a trail access agreement prior to finalization on the subject matter.

Mr. McGlennon mentioned from his understanding WJCC School System put forth consideration on potential changes to the hours of operation for elementary and high schools. He questioned the progress made on that point.

Ms. Larson replied she was uncertain.

Mr. McGlennon stated he would find out Thursday when he attends the School Liaison meeting. He asked if the architect could speak to the construction time for this project.

2. Mr. Eddie Evans, Project Architect, Ballou Justice Upton Architects, 2402 North Parham Road, Richmond, VA, addressed the Board noting there was a slight delay in relation to planning and zoning components. He mentioned the anticipated timeframe of October/November for the project bidding process and an anticipated construction time of approximately one year.

Mr. McGlennon expressed concern with the lengthy timeframe, adding he hoped for an expedited process.

Mr. Evans agreed and reiterated there were some planning and zoning concerns that were encountered; however, he anticipated some closure to those concerns soon.

Mr. McGlennon thanked Mr. Evans.

Mr. McGlennon questioned an issue with moving property into PL, Public Lands. He asked Mr. Stevens if that was correct.

Mr. Stevens confirmed that was in relation to the Rezoning application. He noted there was still an issue regarding transferring the property to the WJCC School System; however, that would be addressed at a later date.

2. Z-24-0003/SUP-24-0003. Bright Beginnings Pre-K Center at Norge Elementary School

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. Loppacker addressed the Board noting Ms. Holly Adams of Alpha Corporation, had applied on behalf of WJCC Public Schools to rezone approximately 0.23 acres located at 7311A Richmond Road from R-2, General Residential to PL, Public Lands. He further noted Ms. Adams had also applied for an SUP to allow for a 42,000-square-foot Pre-K Center at 7311 Richmond Road and 7311A Richmond Road. Mr. Loppacker stated that staff found that the proposed conditions would mitigate impacts to surrounding properties and development. He further stated that staff also found that the proposal was compatible with surrounding zoning and development and consistent with the 2045 Comprehensive Plan and Zoning Ordinance. Mr. Loppacker remarked at its May 1, 2024, meeting, the Planning Commission voted 6-0 to recommend approval of the Rezoning and SUP applications to the Board of Supervisors, subject to the proposed conditions. He welcomed any questions the Board might have, adding the applicant was available as well.

Mr. Polster addressed the Board noting he had no additional comments regarding the drop-off traffic flow. He mentioned that based on the school layout there was not as much concern in

relation to increased traffic and its impact on Richmond Road. Mr. Polster stated the Planning Commission voted 6-0 to recommend approval of the Rezoning and SUP applications to the Board of Supervisors. He welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

The Board declined.

Ms. Larson opened the Public Hearing.

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

Ms. Null asked if both Pre-K Centers would be built simultaneously.

Mr. Stevens nodded in confirmation.

Ms. Larson replied she believed so. She mentioned funds were allocated in December 2021 to the WJCC School System for the design of these Pre-K Centers. Ms. Larson expressed her excitement for these projects and looked forward to collaborating with the WJCC School System and all parties involved.

Ms. Larson advised staff would provide a joint presentation on the following Agenda Item Nos. 3-5 to include separate public hearings for each.

3. Z-24-0005. Clark Talley Residential Rezoning

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

Mr. Thomas Wysong, Principal Planner, addressed the Board noting Mr. Vaughn Poller, Neighborhood Development Administrator, had applied on behalf of James City County to rezone approximately 15.82 acres from R-2, General Residential to R-3, Residential Development with Proffers. He stated this proposal would allow for up to 47 residential dwellings consisting of 27 single-family detached units and 20 single-family attached units, resulting in a density of 3.02 acres. Mr. Wysong advised that the subject property was located within the Primary Service Area and designated for Low Density Residential on the 2045 Comprehensive Plan, adding single-family housing was a recommended use for this designation. He noted that the applicant had proffered that 100% of the proposed units would be affordable and the units would be constructed consistent with the County's Character Design Guidelines. Mr. Wysong further noted that staff found that the proposal would not negatively impact the County's character or existing facilities. He stated the applicant had requested an exception to the County's Parks & Recreation Development Guidelines as the development was considered minor and certain amenities could not be accommodated. He further stated that the Parks & Recreation Department supported the exception request. Mr. Wysong remarked that complementary to this proposal included a Lease Agreement for 6197 Old Mooretown Road. He explained the agreement was between the County, who owned the land, and the current resident of the existing home on the property. Mr. Wysong spoke about the agreement terms in further detail. He discussed the third component of this proposal which included the vacation of Catalpa Drive as the road had never been improved or brought into the Virginia Department of Transportation's (VDOT) System of Secondary Roads. Mr. Wysong indicated that the four homes adjacent to Catalpa Drive would still continue to have property access utilizing existing private easements. He added this action would allow the removal of an unnecessary right-of-way to allow for the proposed redevelopment and the construction of a state road that would be maintained by VDOT. Mr. Wysong noted that overall staff found the proposal to be consistent with the 2045 Comprehensive Plan and surrounding development. He further noted at its May

1, 2024, meeting, the Planning Commission recommended approval of this proposal by a vote of 6-0. Mr. Wysong stated staff recommended the Board of Supervisors approve the proposed rezoning, subject to the proposed proffers and approve the vacation of Catalpa Drive as well as the Lease Agreement for 6197 Old Mooretown Road. He concluded his remarks and welcomed any questions the Board might have.

Ms. Larson asked if staff was confident about finding other living arrangements for the resident.

Mr. Wysong confirmed yes, adding that was a priority prior to proceeding with the redevelopment.

Ms. Larson replied great.

Ms. Larson indicated Mr. Polster would give the Planning Commission report on the Rezoning application.

Mr. Polster addressed the Board noting the Planning Commission had discussion on the price point aspect of the single-family units. He stated that eight of the proposed units would be built by Habitat for Humanity Peninsula and Greater Williamsburg. Mr. Polster further stated the price point for those units would be between 40% and 80% of the Area Median Income (AMI). He added the remaining 39 unit price points were unknown at this time. Mr. Polster stated the Planning Commission voted 6-0 to recommend approval of the Rezoning application. He welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

Mr. McGlennon mentioned to his knowledge he thought that half of the single-family units had to be priced based on the 80% AMI or below. He looked for clarification on that point.

Mr. Polster deferred the question to Mr. Wysong.

Mr. Wysong replied the way the proffers read indicated 100% of all units shall be sold to families between 30% and 120% of AMI, adding further verbiage in the proffers indicated at least 25% of all housing units would be sold to families earning between 30% and 80% of AMI.

Mr. McGlennon replied 120% of AMI ended up being a rather expensive home.

Ms. Larson opened the Public Hearing.

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

4. Lease of 6197 Old Mooretown Road - James City County Real Estate Tax Map Parcel No. 3220100038

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.

5. An Ordinance of Vacation Regarding Catalpa Drive

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.

6. Lease Agreement with Williamsburg Area Medical Assistance Corporation

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 noting a resolution was before the Board to extend the existing lease with Olde Towne Medical and Dental Center (OTMDC) at the Human Services Building for an additional three years. He stated the terms of the underlying lease remained the same. He noted staff recommended approval of the attached resolution and welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

Ms. Larson asked Mr. Kinsman if OTMDC was aware of the consideration regarding the new possible Government Center and whether or not the County may need that space in the future.

Mr. Kinsman confirmed yes.

Ms. Larson thanked Mr. Kinsman.

Ms. Larson opened the Public Hearing.

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

7. An Ordinance to Amend and Reordain Chapter 10, Garbage and Refuse, of the Code of the County of James City, Virginia

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

Mr. Kinsman addressed the Board noting at its May 14, 2024, meeting, the Board determined that user fees associated with the optional recycling collection service provided to County residents should equal the cost charged to the County. He stated this change in policy required an amendment to the County Code. Mr. Kinsman further stated that the proposed revision would allow the County Administrator to set the user fee. He recommended approval of the attached Ordinance and welcomed any questions the Board might have.

Ms. Larson opened the Public Hearing.

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

8. An Ordinance to Amend and Reordain Chapter 8, Erosion and Sediment Control, Article I, Erosion and Sediment Control and Article II, The Virginia Stormwater Management Program

A motion to Approve 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

Ms. Toni Small, Director of Stormwater and Resource Protection Division, addressed the Board noting the Virginia Department of Environmental Quality had recently consolidated three existing regulations into a single Virginia Erosion and Stormwater Management Regulation, Chapter 875. She further noted that the State Water Control Board approved and adopted these consolidated regulations. Ms. Small advised as part of this regulatory process, every locality in Virginia that operated as a Virginia Erosion and Stormwater Management Program (VESMP) authority needed to adopt a new Ordinance establishing a combined VESMP. She noted these revisions were to incorporate the new consolidated language into the County Code as required by the state. Ms. Small further noted that staff recommended adoption of the attached Ordinance and welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

Mr. Hipple asked if this change was state mandated.

Ms. Small confirmed yes.

Mr. McGlennon asked what the significant changes to the Ordinance were.

Ms. Small replied that the County's existing Chapter 8 was broken into two articles: Article I, Erosion and Sediment Control and Article II, The Virginia Stormwater Management Program. She noted the model Ordinance merged those two articles together.

Mr. McGlennon asked if there were any significant changes to the Ordinance opposed to the Ordinance organization.

Ms. Small replied no, adding it was simply merging three existing regulations into one.

Mr. Hipple asked if this revision required a Best Management Practice be installed during the development of a house.

Ms. Small replied no, adding that was not part of the consolidated regulation or the model Ordinance. She reiterated this pertained to merging three existing regulations into one and ensuring the references were correct.

Mr. Hipple thanked Ms. Small.

Ms. Larson opened the Public Hearing.

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

H. BOARD CONSIDERATION(S)

1. Moses Lane - 2024 Community Development Block Grant Application

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

Ms. Marion Paine, Assistant Neighborhood Development Administrator, addressed the Board requesting permission from the Board to submit an application for a Community Development Block Grant (CDBG) to aid with funding for Moses Lane. She noted the intent was to make improvements to Moses Lane such as paving and stormwater and drainage improvements, along with other improvements. Ms. Paine further noted the road was currently a private road and by

making these improvements it would allow the road to be state-maintained and alleviate the burden from existing County homeowners who resided on Moses Lane. She indicated this funding would also be used to rehabilitate four low-income households on Moses Lane. Ms. Paine mentioned this grant was comparable to the application submitted last year; however, CDBG funds were very limited and unfortunately the County was not awarded funds. She noted the objective was to apply again this year to help County residents in this area.

Ms. Larson asked if any Board members had questions.

Mr. McGlennon noted he did not have a question but rather a comment. He expressed his support in applications such as this. Mr. McGlennon expressed positive remarks regarding the beneficial work conducted by the County's Housing Office to aid with various circumstances such as rehabilitation of dilapidated homes and efforts made on the affordable housing component.

Ms. Larson commended the County's Housing Office for all efforts made and the significant difference it would make for County residents. She thanked all parties involved in these efforts.

2. HW-23-0001. Ford's Village Retirement Center Height Waiver

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

Mr. Loppacker addressed the Board noting at its April 9, 2024, meeting, the Board postponed action on this application due to concerns regarding the proposed chimneys exceeding the 60-foot height limit in the R-4 Zoning District. He further noted that the applicant had revised the design of the building, with the proposed chimneys no longer exceeding 60 feet in height. Mr. Loppacker stated with the revised design, only a lightning protection system for the building would exceed the 60-foot height limit in the R-4 Zoning District. He elaborated on that point in further detail. Mr. Loppacker noted staff recommended approval of this Height Limitation Waiver, subject to the proposed conditions. Mr. Loppacker welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

The Board declined.

3. Purchase of a Portion of the Property at 215 Curry Drive

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. Paine addressed the Board noting this item was associated with the proposed Clark Subdivision to allow for future development of an access road. She further noted the property owners had agreed to sell a portion of 215 Curry Drive to James City County for the proposed right-of-way. She advised staff recommended approval of the attached resolution.

Ms. Larson asked if any Board members had questions.

The Board declined.

I. BOARD REQUESTS AND DIRECTIVES

Ms. Null noted she had no comments.

Mr. Hipple noted he had no comments.

Mr. McGlennon mentioned the prior Wednesday he and Supervisor Larson attended the GED Graduation at Lafayette High School and expressed positive remarks of the event. He stated he attended the annual Outstanding Service to Seniors Award at Williamsburg Landing where the County's CONECT Program was the recipient of the award.

Mr. Icenhour noted on Saturday, June 1, he attended a Ford's Colony Native Habitat Garden opening, adding it was a well-attended event. He further noted that on Tuesday, June 4, he and Supervisor Larson attended the Literacy for Life Ceremony, adding it was a very impressive program. Mr. Icenhour mentioned his attendance at the James City Service Authority picnic on June 6.

Ms. Larson mentioned programs such as Literacy for Life and the substantial volunteerism efforts within the community was tremendous. She extended happy belated birthday wishes to Supervisor Icenhour. Ms. Larson mentioned this was the last week of school for WJCC Public Schools, adding she hoped the students enjoyed their last week of school. She commended County staff for all efforts, adding this evening's Agenda Packet was indicative of the outstanding work being done. Ms. Larson emphasized the importance of not littering and encouraged the public to do its part in keeping the community clean. She recognized Ms. Boarman and the Clean County Commission for all the hard work that goes into keeping this community clean.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens encouraged the public to attend the Juneteenth Freedom Fest on Saturday, June 15 at Freedom Park from 1-5 p.m., adding for further information on the event to call 757-808-7062. Mr. Stevens mentioned the County's Clean Water Heritage Program noting it was a cost-sharing program for stormwater related issues. He stated grants were up to \$50,000 for repairs and up to \$6,000 for investigations of draining systems. Mr. Stevens further stated applications were due by August 1. He added for more information contact John Fuqua at 757-253-6785.

K. CLOSED SESSION

A motion to Enter a 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

At approximately 5:53 p.m., the Board entered Closed Session.

At approximately 7:04 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

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 for the joint operation of schools between the County and the City of Williamsburg.

2. 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 and regarding the Williamsburg Regional Library Board of Trustees

A motion to Appoint John Parman for a term beginning July 1, 2024, expiring June 30, 2028, to the Williamsburg Regional Library Board of Trustees 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

3. Certification of Closed Session

L. ADJOURNMENT

1. Continue until 11 am on June 12, 2024 at Freedom Park for the County's Juneteenth Celebration

- a. The next business meeting of Board of Supervisors will be held at 1 pm on June 25, 2024 in the Government Center Board Room

A motion to Continue 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 7:05 p.m., Ms. Larson issued a continuance of the Board of Supervisors meeting until 11 a.m. on June 12, 2024, at Freedom Park for the County's Juneteenth Celebration.

Teresa J. Saeed

Deputy Clerk