

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**April 12, 2016**  
**6:30 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

John J. McGlennon, Vice Chairman, Roberts District  
Ruth M. Larson, Berkeley District  
Kevin D. Onizuk, Jamestown District  
P. Sue Sadler, Stonehouse District  
Michael J. Hipple, Chairman, Powhatan District

Bryan J. Hill, County Administrator  
Adam R. Kinsman, County Attorney

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. **Pledge Leader - Fair Housing Month Contest Winners**

**E. PUBLIC COMMENT - Until 7 p.m.**

1. Ms. Rosanne Reddin, 4700 Presidents Court, spoke in lieu of Ms. Marjorie Ponziani and addressed the Board in regard to bond funding of a fourth middle school.
2. Mr. Joseph Swanenberg, 3026 The Pointe Drive, addressed the Board in regard to bond ratification.
3. Ms. Barbara Henry, 141 Devon Road, addressed the Board in regard to her opposition to the repurposing of James Blair Middle School.
4. Mr. David Jarmon, 3646 South Square, addressed the Board in regard to the role of the Board of Supervisors in managing school spending.
5. Mr. Michael Loy, 123 Lakewood Drive, addressed the Board in regard to the repurposing of James Blair Middle School.
6. Mr. Jay Everson, 103 Branscome Boulevard, addressed the Board in regard to schools in James City County, school central office and lifetime learning.
7. Ms. Bambi Walters, 5112 Shoreline Court, Lafayette Athletic Boosters representative, addressed the Board in regard to Lafayette High School athletic teams' off-site travel due to no auxiliary gym or double gym for the students.

**ADOPTED**

SEP 11 2018

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

8. Mr. W. K. Beachum, Stonehouse, addressed the Board in regard to the bond issue.

As there were no more registered speakers, Mr. Hipple closed the Public Comment.

**F. PRESENTATIONS**

1. **Fair Housing Month**

Mr. Vaughn Poller, Administrator of Housing and Community Development, gave an overview of a PowerPoint presentation as summarized in the memorandum included in the Agenda Packet. He introduced the contestants of the winning team and presented a certificate to the group.

2. **Adult Prevention Program**

Ms. Rebecca Vinroot, Interim Director, Community Services, highlighted the Adult Services Prevention Program and introduced Ms. Denise Kirschbaum, Adult Protective Services Supervisor, who gave an overview of a PowerPoint presentation that was included in the Agenda Packet. She stated that a Prevention Expo called "Got Plans" would be held on May 20, 2016 and gave a synopsis of the event along with handouts to each Board member.

**G. CONSENT CALENDAR**

A motion to Approve was made by John McGlennon and the motion result was Passed.

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

1. **Minutes Adoption - March 22, 2016, Regular Meeting**

2. **Appropriation - Clerk's Excess Fees**

3. **Dedication of Streets within the River's Bend at Uncle's Neck Subdivision**

**H. PUBLIC HEARING(S)**

1. **Berkeley A Division**

A motion to Approve was made by John McGlennon and the motion result was Passed.

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. Kinsman and Ms. Dianna Moorman, General Registrar, gave an overview of a memorandum and Ordinance included in the Agenda Packet.

Ms. Larson inquired which neighborhoods would be impacted and the new polling location.

Ms. Moorman stated that the Fire Administration building on Route 5 would be the new polling location. She commented that neighborhoods affected in Berkeley D were from a division of Berkeley A and outlined the districts that would be impacted. She briefly discussed advantages of the redistricting.

Mr. Hipple opened the Public Hearing.

As there were no registered speakers, Mr. Hipple closed the Public Hearing.

2. **AFD-09-86-01-2016. Gordon Creek Agricultural and Forestal District - 3703 Brick Bat Road Withdrawal**

A motion to Approve was made by Kevin Onizuk and the motion result was Passed.

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Ellen Cook, Planner, gave an overview of the documentation regarding this item and included in the Agenda Packet.

Mr. Chris Basic, Planning Commission Representative, stated that the Planning Commission focused on two main points. The first focal point was to differentiate between an owner being a member of a Trust versus outright ownership. The second point was the portion of the property being requested for removal. The Commission recommended approval with a vote of 7-0.

Mr. Hipple opened the Public Hearing.

1. Mr. Will Holt, Esq., Kaufman & Canoles, P.C., 4801 Courthouse Street, addressed the Board in regard to The Carol Sansone Jamison Family Trust. He gave an overview of documentation provided in the Agenda Packet and discussed legalities of this withdrawal.

Ms. Sadler inquired about the size of the total acreage.

Mr. Holt replied 57.6 acres on the parcel, with the total approximately 3,000 acres.

Ms. Sadler stated that this item was referring to approximately 1.5 acres.

Mr. Holt replied correct.

General discussion ensued regarding this application.

As there were no other registered speakers, Mr. Hipple closed the Public Hearing.

Mr. McGlennon clarified with Ms. Cook that staff recommended denial of the application on the basis that it did not meet the criteria, but the Board had the discretion to make the determination as to whether or not the request would be granted.

Ms. Cook replied that is correct. She further stated that with this particular request the Board had a wider discretion than staff in looking at circumstances of the case.

Mr. McGlennon stated that typically the reason for being part of an Agricultural and Forestal District was for a tax benefit.

Ms. Cook replied yes.

Mr. McGlennon clarified that this particular part of the parcel was not taking advantage of the tax benefit; therefore, there would not be any tax consequences.

Ms. Cook replied correct.

Mr. McGlennon stated that the purpose was consistent with the rural land objectives.

3. **SUP-0002-2016. 3703 Brick Bat Road Tourist Home**

A motion to Approve was made by Ruth Larson and the motion result was Passed.

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Ellen Cook, Planner, gave an overview of the documentation regarding this item and included in the Agenda Packet.

Mr. Basic stated that the Planning Commission recommended approval by a vote of 7-0.

Mr. Hipple opened the Public Hearing.

1. Mr. Will Holt, Esq., Kaufman & Canoles, P.C., 4801 Courthouse Street, addressed the Board in regard to this item and gave an overview of documentation provided in the Agenda Packet.

Mr. McGlennon clarified that by approving this SUP the Board would not be approving any other uses of this property beyond a private residence or as a tourist home.

Mr. Holt replied correct.

As there were no other registered speakers, Mr. Hipple closed the Public Hearing.

4. **Z-0005-2015, MP-0002-2015, HW-0002-2015. Patriot's Colony Expansion**

A motion to Approve was made by Kevin Onizuk and the motion result was Passed.

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

The Board watched a brief video regarding this item. Ms. Leanne Pollock, Senior Planner, provided an overview and stated staff recommended approval of this rezoning, Master Plan and height limitation waiver application and accept the voluntary Proffers.

Mr. Basic stated that the Planning Commission discussed three major points on

this application. He further stated that the Commission was concerned with building mass and the amount of clearing associated with it. He remarked the next point of discussion was confusion with the Commission regarding the National Park Service being supportive of the application, then simultaneously being concerned with the Phase II methodology. He further remarked that the Committee ultimately decided it was comfortable with the Proffers with the understanding that the Department of Historic Resources accepted that Phase II methodology. He noted that while the Comprehensive Plan was being worked on, data indicated a rising senior population in the County; therefore, the Committee was pleased to see that particular audience had been targeted with this plan.

Mr. Hipple opened the Public Hearing.

1. Ms. Molly Trant, Esq., Riverside Healthcare System, 701 Town Center Drive, Suite 1000, Newport News, the applicant's representative, addressed the Board in regard to Patriot's Colony Expansion. She gave an overview of documentation regarding this item and included in the Agenda Packet.

Ms. Larson inquired about the communication with the First Colony neighborhood.

Ms. Trant stated that a community meeting was held in January with the First Colony neighborhood where concerns of street views, stormwater management and traffic were discussed.

Mr. McGlennon stated that it was his understanding that the proposal did not contain any Proffers for recreational payment to the County, affordable housing or schools.

Ms. Trant replied correct.

Mr. Hipple stated that in January he went to the balloon test site and discovered that due to the tree canopy it could not be seen from the Greensprings property or nearby roads.

2. Mr. Paul Treolo, 3017 Kitchums Close, a sitting member of the Patriot's Colony Board of Directors, addressed the Board in regard to his support for this item.

As there were no other registered speakers, Mr. Hipple closed the Public Hearing.

Mr. McGlennon verified with staff that in similar cases involving Continuing Care Retirement Communities (CCRCs) there had not been the proffering of cash contributions for schools, parks or home equality.

Mr. Chris Johnson, Senior Planner, replied that there had been Proffers that had been offered in other CCRCs approved by the Board that came in the form of lump-sum cash payments for community impacts created by the proposed developments.

General discussion ensued regarding this item.

Ms. Larson acknowledged she had received an email from a First Colony resident who was opposed to this application; however, she was glad that approximately 20 residents of First Colony attended the informational community meeting and no

one was opposed to the item.

Mr. Onizuk expressed his thanks to the Patriot's Colony administration in attendance this evening and stated that they provided a valuable service to the community.

Mr. Kinsman confirmed with the Board members that the motion was for the rezoning, master plan and the height waiver.

The Board took a break at approximately 8:18 p.m.

The Board reconvened at approximately 8:25 p.m.

## **I. BOARD CONSIDERATION(S)**

### **1. Ratification of the Form of the Public Offering and Appendix-Lease Revenue Bonds**

A motion to Postpone was made by Kevin Onizuk and the motion result was Failed.

AYES: 2 NAYS: 3 ABSTAIN: 0 ABSENT: 0

Ayes: Onizuk, Sadler

Nays: McGlennon, Larson, Hipple

Ms. Sue Mellen, Director of Financial and Management Services, gave an overview of the documentation regarding this item and included in the Agenda Packet. She stated that Mr. Courtney Rogers, Davenport & Company, LLC and Mr. Christopher Kulp, Hunton & Williams, LLP, were in attendance if there were any questions.

Mr. Onizuk summarized his past views regarding the James Blair Middle School project. He remarked that there were capacity issues within the schools, agreed that more room was needed and discussed concerns with the existing project. He emphasized that his recommendation was to follow the Middle School Learning Facility Committee Report, issued May 2013, completed by the Williamsburg-James City County schools. He noted the middle school committee recommended expansion of the existing middle schools, which would be a significant savings over the James Blair project. He stated that he would be voting against this motion and may vote to postpone it until after the joint meeting with the School Board and the City of Williamsburg.

Ms. Sadler stated that there were multiple issues to be reviewed and was surprised that the Board would be voting on this issue this evening. She further stated that she was under the impression that the voting would take place after the joint meeting previously referenced and noted that would be more appropriate. She commented that options needed to be considered, citizens' voices needed to be heard and discussed issues that made this a difficult process. She asked Mr. Hill the date the wrecking ball would begin.

Mr. Hill replied that the contract needed to be authorized; however, he believed that it would be brought forward to the School Board on April 19.

Ms. Sadler continued to discuss local school situations and remarked that there was no plan for the interim. She stated her support in postponement of this issue.

Ms. Larson disagreed in regards to the amount of time this issue had been discussed. She remarked that this issue was first mentioned at a joint meeting with the Board of Supervisors when Hornsby Middle School was beginning to come online. She further remarked that James Blair was closed at the suggestion of a Board of Supervisors member and always had the intention to return. She commented that she had not heard or seen any efforts for another parcel to be purchased for a fourth middle school. She noted that she brought the subject up two different times and inquired if there was support to ask the County Administrator to go out and search for land for a fourth middle school; however, there was no support given. She stated that all Board members took the spending of money seriously and hoped that no one suggested something different in their comments. She stated she is hopeful the Board could start discussing trigger points regarding when it needed to start looking and planning for new schools. She stressed that she is not opposed to expansion and discussed this topic. She stated her support of this item.

Mr. McGlennon stated this had been a long process; whereas, the Board made a decision to move forward on James Blair. He further stated three of the current Board members were in support of the decision at that time and discussed the relevance of that plan. He addressed past year concerns raised about James Blair such as the location and additional land possibilities and noted that estimated population numbers were used in order to be fiscally responsible. He discussed previous proposals brought before the Board and the current needs within the County. He expressed his concern about the facilities at Lafayette High School and remarked that he wished the issues had been brought forward before the Capital Improvements Program process began. He stated his support of the ratification of the bonds.

Mr. Hipple concurred that this had been a long process and expressed his pride in the teamwork and respect of the Board members. He discussed the workings of the Board toward decisions and noted that the Board members had diverse viewpoints but worked well together. He stated that we, as a Board, voted on this issue and noted a lot of time and effort was taken in meeting with the County bonding agent and credited the staff and Mr. Hill's leadership for the wonderful feedback. He further stated the previous Board of Supervisors meeting was intended to get information from the School Board to the Board of Supervisors and that all Board members' questions should have been answered at that time. He clarified that the next meeting of this Board with the School Board would be to discuss budgets, future destinations, reaching goals and working as a team in an effort to move things forward.

A motion to Approve was made by John McGlennon and the motion result was Passed.

AYES: 3 NAYS: 2 ABSTAIN: 0 ABSENT: 0

Ayes: McGlennon, Larson, Hipple

Nays: Onizuk, Sadler

2. **Initiation of Consideration of Amendments to the Zoning Ordinance for Manufacture of Food and Food Products in the Planned Unit Development District**

A motion to Approve was made by Kevin Onizuk and the motion result was Passed.

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Roberta Sulouff, Planner, gave an overview of the memorandum and resolution included in the Agenda Packet.

Mr. McGlennon clarified that the process would involve the Planning Commission take this issue under consideration.

Ms. Sulouff replied correct and added that it goes to the Policy Committee, Planning Commission and the Board of Supervisors.

Mr. McGlennon inquired if it would have opportunities for public hearings.

Ms. Sulouff replied yes.

Mr. McGlennon inquired if this was addressing a concern by a current business in the community.

Mr. Hipple replied yes.

Mr. Basic stated the Planning Commission had not yet reviewed this item; therefore, there was no comment.

3. **Initiation of Consideration of Amendments to the Zoning Ordinance to Allow Mobile Food Vending Vehicles (Food Trucks) in the M-1, Limited Business/Industrial District, the M-2, General Industrial District and the Planned Unit Development-Commercial District**

A motion to Approve was made by Kevin Onizuk and the motion result was Passed.

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Ms. Sulouff gave an overview of the memorandum and resolution included in the Agenda Packet.

Mr. Onizuk stated that consideration for current brick and mortar restaurant owner concerns needed to be taken into account; however, there could be a balance and opportunities for existing restaurant partners to break out and therefore does not have to be one against another. He stated his support for this item.

Ms. Sadler inquired if this would limit future expansion and food trucks at other locations.

Ms. Sulouff replied that this is not limiting and food trucks were currently permitted for special events in all districts.

General discussion ensued regarding this item.

4. **Z-0001-2016. The Promenade at John Tyler Proffer Amendment**

A motion to Approve was made by Kevin Onizuk and the motion result was Passed.

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple



Ms. Savannah Pietrowski, Planner, gave an overview of the memorandum and resolution included in the Agenda Packet.

Mr. Basic stated that the Planning Commission approved this application with no discussion.

Mr. McGlennon stated that while he supported this Proffer amendment, he had not changed his mind in regard to the project.

**5. Z-0002-2016. The Village at Candle Station Proffer Amendment**

A motion to Approve was made by Sue Sadler and the motion result was Passed.

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

Mr. Jose Ribeiro, Planner II, gave an overview of the memorandum and resolution included in the Agenda Packet.

Mr. Basic stated that the Planning Commission recommended approval of this application with no discussion.

Mr. McGlennon stated he supported this Proffer amendment and had not changed his mind concerning the project.

**J. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon stated he attended a visitation for Mr. Emory Knight, a Parks & Recreation employee, and expressed his condolences to the family. He further stated he attended services for Senator John Miller and gave a brief biography of Senator Miller's political achievements.

Ms. Larson expressed her condolences to the family of long-time York County School Board member Mr. Page Minter as well as the families of Mr. Knight and Senator Miller. She briefly spoke about teams traveling to sport practices with multiple students riding together in vehicles.

Mr. Onizuk gave a brief outline of an upcoming Budget community meeting to be held April 13, 2016 and welcomed citizen input. He expressed kudos for the County and stated that at a recent Williamsburg Area Destination Marketing Committee meeting a local hotelier expressed his delight at working with Mr. Tom Coghill and staff. He noted several topics he would be interested in for future work sessions.

Ms. Sadler discussed the highlights of a recent Hampton Roads Military and Federal Facilities Alliance meeting she attended. She stated that she attended the Chickahominy Community Improvement Organizations (CCIO) 47th Anniversary banquet and was honored to be on the CCIO Advisory Committee. She referred to notes from Mr. Bill Truax, a citizen that sent a packet of information to the Board regarding a veteran's memorial park garden proposal. She stated her support of the proposal.

Brief discussion ensued regarding the proposal.

Mr. Hipple expressed his apologies for missing the March 22, 2016, meeting. He stated that he had attended the Planning District Commission, Transportation

Planning and Organization as well as the Hampton Roads Transportation Accountability Committee. He further stated he taught a class on Government Day that was well received and he, as well as a group of others, had traveled to New York. He remarked that he had a meeting with Mr. Mitchell Reiss, President of Colonial Williamsburg, regarding ways to connect Colonial Williamsburg into James City County, York County and the City of Williamsburg and noted Mr. Reiss would be reaching out to the other Board members as well. He gave a brief synopsis of recent meetings he had attended and thanked everyone involved. He expressed his appreciation and respect to each of his fellow Board members for their various thoughts and opinions in moving forward with happenings in the County.

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

**1. County Administrator's Report**

Mr. Hill expressed his thanks to Mr. Hipple for taking his place at a recent event due to having attended the viewing for Mr. Knight and offered the family his condolences. He noted upcoming radio interviews for April 13 - Ms. Sadler, April 20 - Mr. Hipple, April 27 - Mr. McGlennon, May 4 - Mr. Onizuk and May 11 - Ms. Larson. He further noted dates for upcoming community meetings and stated that James River Elementary School was having a "Golf and Madness" event April 15 as well as "Firemen vs Williamsburg-James City County Teachers" playing in a benefit basketball game. He further stated that the Budget Public Hearing was scheduled for April 26 with a Budget work session to be held on April 28.

**L. PUBLIC COMMENT**

Mr. Hipple opened the Public Comment.

1. Mr. Randy O'Neill, 109 Sheffield Road, addressed the Board in regard to kindergarten-12th grade student health.

As there were no other registered speakers, Mr. Hipple closed the Public Comment.

**M. CLOSED SESSION**

None.

**N. ADJOURNMENT**

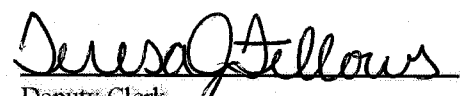
1. **Adjourn until 9 a.m., on April 22, 2016, for the Joint Meeting with the City of Williamsburg and Williamsburg-James City County Schools at the Stryker Building**

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

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

Ayes: McGlennon, Larson, Onizuk, Sadler, Hipple

At approximately 9:45 p.m., Mr. Hipple adjourned the Board of Supervisors.

  
Deputy Clerk