

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**June 14, 2016**  
**6:30 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

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

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

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. **Pledge Leader - Isabella DeFilippo, a 2nd grade student at Stonehouse Elementary and a resident of the Stonehouse District**

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

1. Mr. Ed Oyer, 139 Indian Circle, addressed the Board with recognition of our military groups.

Mr. Hipple presented Mr. Oyer with a framed signed print and recognition from the Board. He also thanked the Board for recognition of his service with mention of his plaque.

2. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board about the Jamestown Bridge in regards to the Virginia Department of Transportation (VDOT).

3. Ms. Peg Boarman, 17 Settlers Lane, paid tribute to deceased Co-Chair of Clean County Commission, Will Barnes.

**F. PRESENTATIONS**

Mr. Hipple presented Ms. Barbara Barnes with a proclamation for Mr. Willis George Barnes, who served in the U.S. Air Force, and was active in local community commission for two decades. He extended the Board's heartfelt condolences to the entire Barnes family. He proclaimed June 14 as Will Barnes

**ADOPTED**

SEP 11 2018

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

Day in James City County.

Mr. Hipple made an amendment to the Order. Items I, J and K were addressed prior to the 7 p.m. start of the regular meeting.

**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

Mr. Hipple recognized that Mr. Chris Basic, Planning Commission, was in attendance.

1. **Minutes Adoption - May 24, 2016 Regular Meeting**
2. **Appointment of Zoning Administrator and Acting Zoning Administrator**
3. **Appointment to the Williamsburg Regional Library Board of Trustees**
4. **Dedication of Streets in Phase II of the Ironbound Square Subdivision - Jamestown District**

**H. PUBLIC HEARING(S)**

1. **Building Code Reference Changes**

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. Ben Ader, summer law clerk in the County Attorney's Office, stated the Ordinance with minor revisions with the County Code that referenced the Virginia Uniform Statewide Building Code as it referenced had an incorrect section that was regularly updated. He noted he would answer any questions the Board had on these changes. He recommended adoption of the Ordinances.

As there were no questions for staff, Mr. Hipple opened the Public Hearing.

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

2. **SUP-0004-2015, Hankins Resource Recovery Facility - Stonehouse 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. Ellen Cook, Planner, noted that Mr. Vernon Geddy, of Geddy, Harris, Franck and Hickman, on behalf of Mr. Howard Hankins, had applied for a Special Use

Permit (SUP) to allow the operation of a resource recovery facility on approximately 100 acres near the Croaker Road interchange. She stated this SUP would bring the existing operation into conformance with the Zoning Ordinance. Staff found the proposal to be consistent with the comprehensive plan, the Zoning Ordinance and surrounding development.

Mr. Chris Basic, June Planning Commission representative, addressed the Board. He noted the Planning Commission's 7-0 approval on the application.

As there were no questions for staff, Mr. Hipple opened the Public Hearing.

1. Mr. Vernon Geddy, 1177 Jamestown Road, addressed the Board as representative of Mr. Howard Hankins and welcomed any questions.

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

3. **SUP-0003-2016, Two Drummers Smokehouse SUP Amendment/SUP-0004-2016, Extra Mile Landscapes - Stonehouse 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

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. Vernon Geddy of Geddy, Harris, Franckand Hickman, had applied for two SUPs. Staff's video presentation noted the first application was for the Two Drummers Smokehouse, which would amend an existing SUP to allow expansion of the building. The second application was for the adjacent Extra Mile Landscapes Contractors office, which would bring the existing use into conformance with the Zoning Ordinance and also allow expansion of the operation. The presentation noted the applications are presented together, but are to be considered individually by the Board of Supervisors. Staff recommended the Board approve each of these applications subject to the conditions listed in the respective resolutions.

Mr. Basic, Planning Commission, noted Staff approval by a vote 6-0 with one abstention.

Mr. McGlennon asked if there had been any complaints at the Planning Commission meeting.

Mr. Basic replied none that he recalled.

Mr. Hipple opened the Public Hearing.

1. Mr. Geddy noted that this application was a success story involving two small local businesses that were thriving. He complimented staff on its video presentation. He noted numerous benefits from this application.

Mr. Hipple closed the Public Hearing.

Ms. Sadler endorsed this application.

Mr. McGlennon also noted that this application endorsed growth along Route 60.

Ms. Larson, concurring with Mr. McGlennon, noted that expansion such as requested by this application was a wonderful thing for James City County.

Mr. Hipple noted these two businesses are expanding and that was good news for the County.

The Board noted that a second motion of the additional SUP would be done at the same time.

**4. SUP-0009-2015, 100 Lake Drive Rental of Rooms - Berkeley District**

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

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

Ayes: McGlennon, Larson, Sadler, Hipple

Abstain: Onizuk

Mr. Onizuk requested recusion from the discussion and vote on the Lake Drive application due to personal connections to the applicants.

Staff video noted Bruce and Kathryn Williamson had applied for an SUP to allow for the rental of up to three rooms in their owner-occupied four-bedroom home in Lakewood Subdivision. The property, located inside the primary service area at 100 Lake Drive, was zoned R-1, Limited Residential and designated low-density residential by the 2035 Comprehensive Plan. The rental of rooms to a maximum of three rooms was specially permitted use in the R-1 Zoning District.

Discussion ensued regarding Item No. 4. Mr. Hipple opened the Public Hearing.

1. Ms. Alexa Provost, 132 King Henry Way, addressed the Board in regards to Item No. 4.
2. Mr. Jason Parkhouse, 2903 Francis Chapman West, spoke on behalf of Mr. and Mrs. Williamson and the valuable use of community resources they represented with the AirBnB use of their property.
3. Mr. Ron Kirkland, 286 Ogden Street, West Point, Executive Director of the Williamsburg Hotel and Motel Association, addressed the Board regarding taxation and regulatory mandates from any potential lodging establishment for fairness to all parties.
4. Mr. Roger W. Smith, 102 Lake Drive, Professor Emeritus of Government, The College of William & Mary, a resident of Lakewood, spoke regarding his neighbor at 100 Lake Drive.
5. Ms. Kathy Exton, 111 Ware Road, a lifelong resident of Lakewood, noted the R-1 zoning had been a key point to the Lakewood community and its security to its residents.

She stated this was subject to change with the request to rent the rooms as stated earlier.

6. Ms. Beth Singley Hull, 116 Lake Drive, emphasized the R-1 zoning and its restrictions on properties under that zoning.
7. Mr. James Bradley, 104 Malvern Circle, addressed the Board stating the proposed SUP was contrary to the neighborhood.
8. Mr. Joseph Swanenburg, 3026 The Pointe Drive, cautioned the Board on a decision about homeowners association covenants and restrictions contrary to County Code regarding this SUP and creating a precedent and making a mistake.
9. Mr. James Oliver, 104 Lake Drive, stated he did not want devaluation of his property with commercial activity in the R-1 zoning of his neighborhood.
10. Ms. Jennifer Bradley, 104 Malvern Circle, noted additional cars at 100 Lake Drive had created traffic concerns.
11. Mr. Dorsey Smith, 105 Lake Drive, addressed the Board in regards to the zoning and maintenance of what constitutes the character of a residential neighborhood.
12. Mr. Bob Singley, 1821 Woods Gate Lane, Bena, VA, addressed the Board regarding Item No. 4.
13. Mr. Vinson Sutlive, 122 Ware Road, addressed concerns regarding a business license and oppositions regarding conflicting comments from some of the attendants of the April 30 meeting with Lakewood residents and the Williamsons.
14. Bruce and Kathryn Williamson appeared before the Board in regards to Item No. 4.

Mr. Hipple closed the Public Hearing.

Mr. Onizuk had recused himself from discussion earlier.

Discussion ensued on this matter.

Mr. Hipple expressed gratitude for all involved in this process. He noted the promotion of business and hospitality in conjunction with the balance on the neighborhood impact. He questioned the AirBnB influence in relation to the community and noted he is "pro business", but stressed how this process works within neighborhoods. Mr. Hipple stated the Board and Planning Commission need to "go back to the drawing board" to re-evaluate current Ordinances and policies.

5. **Z-0004-2016/MP-0001-2016, New Town Proffer and Master Plan Amendment - Jamestown District**

A motion to Postpone 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

Staff video stated Mr. Gregory Davis, of Kaufman & Canoles, had applied on behalf of New Town Associates, LLC to amend the adopted Master Plan and Proffer for New Town Sections 2 and 4, 3 and 6, and 7 and 8. These sections are zoned MU, Mixed Use with Proffers, as well as designated mixed use with the 2035 Comprehensive Plan. Based on Staff's finding that the proposed amendments were compatible with the 2035 Comprehensive Plan, the Zoning Ordinance and surrounding development and recommended the Board of Supervisors approve these applications and accept the voluntary Proffers included in this Agenda Packet.

Mr. Onizuk referenced Mr. Holt's emails regarding New Town Trail questions.

Mr. Holt commented the Planning Commission had received information on downed trees and trail conditions. Mr. Holt noted he had met with residents and checked the trails. He also stated that some concerned citizens complained about the different and varying materials used on the trails with some trails looking incomplete. He explained some that were viewed in the field were not in final approval. Two plan review approvals were in place with the New Town project with one from the County as part of the site plan process. He also noted there is a more detailed process that takes place with the Design Review Board. He stated there are some trails, due to rough mulch, that are incomplete and have not received County sign-off and approval.

Ms. Sulouff, Planner, spoke to these concerns citing representatives from Engineering and Resource Protection Division (ERP). ERP had walked the trails and given clarification on Resource Protection Area (RPA) compliance as well as positioning of debris within the RPA. It was noted this was not construction debris, but natural debris from storm-damaged trees and such and their position(s) did not conflict with the RPA.

General discussion ensued regarding definition of playgrounds, Parks and Recreation approval and process, bus stops and shelters and Williamsburg Area Transport Authority, as well as specifications for trails in relation to Proffers and homeowners' associations.

Mr. Greg Davis, Kaufman & Canoles, 4801 Courthouse Street, spoke on behalf of his client, Mr. Larry Salzman. He noted Mr. Salzman, President of New Town Associates and Mr. Larry Grimes of AES, Project Manager, were present. He cited the success of the New Town Project and noted the Agenda Packet included "clean-up projects" which identified proffered items needing revision based on current situations.

Mr. Hipple noted that Public Hearing was still open.

1. Ms. Mary Cheston, 5178 Rollison Drive, noted the history of the community regarding these proffer amendments. She asked the Board to focus on the future of New Town and fairness in policies.
2. Mr. Brian Urban, 5203 Rollison Drive, addressed the Board as a representative for "the little people" and the playground. He noted it is not a usable playground and

expressed input on its design.

3. Mr. Richard Cheston, 5178 Rollison Drive, addressed the Board in regards to the connection to Discovery Park Boulevard and Rollison Drive.
4. Mr. James Carey, 5195 Rollison Drive, spoke regarding the trails and their composition, particularly the newest section.
5. Ms. Laura Urban, 5203 Rollison Drive, emphasized new urbanism and its relationship to the New Town Proffer.
6. Mr. Joseph Swanenburg, 3026 The Pointe Drive, stated the original plan of New Town had certainly changed as well as ownership. Mr. Hipple closed the Public Hearing.

Discussion ensued on this matter.

A motion to postpone until the June 28 meeting with June 21 being the deadline for decision was made by Mr. Onizuk.

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

##### **1. Z-0005-2016, The Promenade at John Tyler Proffer Amendment - Community Character Corridor Buffer - Jamestown 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. Ellen Cook, Principal Planner, noted the December 9, 2014 approval for the Proffer, stating Mr. Gary Warriner of Francesa Homes, requested amending the narrative description in regard to a 5.5 foot berm placement in the northern portion of the buffer. She stated that additional verbage be included to address inspection of the southern portion per proffer compliance.

Mr. McGlennon noted that while he would support this amendment, he still did not support the original proposal.

#### **J. BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon cited several Community events he had attended over the past several weeks. He also noted Will Barnes' commitment to the County. He addressed the Comprehensive Plan packet referenced as the 2035 Comprehensive Plan rather than the year the plan was adopted as done in the past. He noted that reverting to the previous format would be less confusing.

Ms. Larson noted the Hampton Roads Transportation Accountability Commission's Forum was very informative regarding traffic concerns in that area. She noted another forum is slated for next year. She highlighted events she had attended.

Mr. Onizuk stated he and Mr. Hipple met with Ford's Colony residents on a broad range of subjects at a Town Hall meeting. He addressed the tourism and diligence of highlighting the history of the County. He noted the Williamsburg Area

Destination Marketing Committee (Wedmac) had revamped the website, but was still pursuing other options for the booking engine. He met with the new General Manager of Anheuser-Busch regarding their new changes to support the community, residents and tourists citing economic partnership. He mentioned an agenda change at the last meeting with a proposed agenda for this meeting. Due to time constraints, he noted that discussion on that change will take place at another time.

Ms. Sadler stated she had attended the GED ceremony and extended her congratulations to all the graduates. She stated her appreciation for the support of the Manus Family Fundraiser, stating the enormous response from the community.

Mr. Hipple reiterated the Ford's Colony Town Hall meeting and extended a welcome to other communities to contact Board members for a similar venue. He stated he would be attending JRTAG and Planning Commission meeting to discuss transportation needs in the area. He attended Mayor Haulman's retirement party and wished him well, thanking him for his service. He noted J.B. Blayton Elementary School will have its first graduating class involving the students who have started kindergarten through fifth grade.

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

**1. County Administrator's Report**

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. Hill requested a motion and vote to Amend the Board's meeting calendar to cancel the June 28 Work Session and to move the start time of the July 26 Work Session to 1:30 p.m. so that the Board may meet with Clarion for a Strategic Plan discussion and then have the Joint Work Session with the Planning Commission beginning at 4 p.m. followed by the regular Board meeting.

He expressed his sincere appreciation to Mr. Austin Bogues, Virginia Gazette Reporter, who moved to Asbury Park, N.J. He noted the Communications Team will be presenting at the next Board meeting. He noted the Fourth Friday series started. He cited he attended four ceremonies.

**L. PUBLIC COMMENT**

**M. CLOSED SESSION**

**N. ADJOURNMENT**

**1. Adjourn until 6:30 p.m., on June 28, 2016 for the Regular Meeting**

A motion to Adjourn 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

At approximately 10:55 p.m., Mr. Hipple adjourned the Board.

  
Deputy Clerk