

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
May 14, 2019
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

Michael J. Hipple, Vice Chairman, Powhatan District
Ruth M. Larson, Berkeley District
P. Sue Sadler, Stonehouse District
John J. McGlennon, Roberts District
James O. Icenhour, Jr., Chairman, Jamestown District

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

ADOPTED

FEB 11 2020

Board of Supervisors
James City County, VA

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leader - Graydon Hassan, a 5th-grade student at D.J. Montague Elementary School and a resident of the Jamestown District, led the Board and citizens in the Pledge of Allegiance

E. PRESENTATIONS

1. Social Services Department Retirement Recognition - Mr. Gregory L. Walker, Family Services Assistant

Ms. Rebecca Vinroot, Director of Social Services, referenced many commendable qualities Mr. Walker utilized during his 34 years of service with James City County. She stated Mr. Walker had done important work providing support and guidance to fathers who wanted to improve their parenting skills and stay connected to their children. She further stated he possessed personality characteristics of being engaging, versatile, supportive, flexible, and positive as well as having empathy for others, a sense of humor, sense of fashion, vocal abilities, and genuinely listened to others when they spoke. She mentioned Mr. Walker exemplified the County values of collaboration by never hesitating to assist with all tasks while promoting an amazing upbeat attitude. She noted Mr. Walker had great customer service skills as he portrayed respect, patience, and dignity with the County's most vulnerable residents.

Mr. Icenhour presented Mr. Walker with a Certificate of Service and Appreciation in recognition of 34 years of dedicated service with James City County.

Mr. Walker expressed his gratitude to God as well as Ms. Vinroot, fellow co-workers, friends, and family.

The Board members and audience gave Mr. Walker a standing ovation.

2. Safe Boating Week Proclamation

Mr. Icenhour presented a proclamation to three representatives from Williamsburg Flotilla 67 U.S. Coast Guard Auxiliary. He read the content to fellow Board members as well as the audience and shook each representative's hand.

3. Adult Abuse Prevention Month Proclamation

Mr. Icenhour read the proclamation and recognized May 2019 as Adult Abuse Prevention Month in James City County and called this observance to the attention of County citizens.

4. Foster Care Month Proclamation

Mr. Icenhour read the proclamation and recognized May 2019 as Foster Care Month in James City County. He called this observance to the attention of residents to recognize and show appreciation of foster care families for all that they do to ensure a safe place for foster children to thrive.

5. Williamsburg Area Arts Commission Annual Update

Ms. Susan Branch Smith, Chair, Williamsburg Area Arts Commission, introduced Commissioners in the audience of which four reside in the City of Williamsburg; four reside in James City County, and one who resides in York County. She explained each Commissioner established a relationship with assigned local art organizations and attended performances as well as events after which they reported back to the Commission. She gave a synopsis of the past year's events and remarked it had been a challenging year for the Commission. She discussed the protocol and procedures as well as correlating with the tourism fund. She expressed her thanks to the Board for its continued support of the Williamsburg Area Arts Commission as well as the Commissioners for their hard work and dedication.

Mr. McGlennon thanked Ms. Smith for the presentation and the work of the Commission. He applauded the development of web archives regarding the function of the Commission in past years, as well as considering new ways of participating in the funding of the arts. He inquired if the Commission received support from staff in any of the jurisdictions.

Ms. Smith replied yes, it had a liaison from the City of Williamsburg; however, there had been some crossover. She stated in the past year there had been approximately five months of work supported by the City of Williamsburg.

Mr. McGlennon inquired regarding where the Commission website was hosted.

Ms. Smith replied with the City of Williamsburg under the Boards and Commissions of the City Council.

The Board expressed its gratitude to the Commission for its work.

F. PUBLIC COMMENT

1. Mr. Jack Fowler, 109 Wilderness Lane, addressed the Board in regard to the progression of problems and curb appeal with area roads and the Virginia Department of Transportation (VDOT). Mr. Fowler commended Mr. Larry Richardson and his crew on their work regarding Croaker Road. He briefly discussed items he acknowledged at the Board of

Supervisors meeting last month.

2. Ms. Peg Boarman, Clean County Commission Chair, 17 Settlers Lane, addressed the Board in regard to Reducing, Reusing, and Recycling. She briefly discussed the 41st Annual Spring Cleanup held on April 13. She expressed her thanks to Mr. Hipple and his son Ben for coming out in the rain to encourage everyone who participated. She noted on May 4 the Commission joined with the Hampton Roads group "Team Up 2 Clean Up". She stated manufacture's needed to be encouraged to reduce their packaging and use more recyclable material. She further stated the Commission recently attended the Virginia Recycling Association Convention. She invited the Board to attend a picnic to celebrate James City County volunteers June 1 from 4-8 p.m. at Veterans Park in the Will Barnes Shelter. She noted for more information or to RSVP call 565-0032 or 259-5375.

3. Ms. Emma Zahren-Newman, Clean County Commission Co-Chair, 1203 London Company Way, addressed the Board in regard to the James City County Clean County Commission. She briefly discussed creative solutions to reducing trash in everyday life and reflected back on efforts the Commission was currently accomplishing. She noted the Commission was making sure it was reorganizing, re-evaluating, and doing things as efficiently as possible in an effort to match the County goals. She briefly discussed details of the upcoming picnic to be held on June 1 and the Committee's creative solutions toward recycling.

G. CONSENT CALENDAR

1. 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, Sadler

2. Resolution Designating May as Building Safety Month

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, Sadler

3. Diascund Reservoir Park Cooperation Agreement

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, Sadler

4. Chesapeake Bay Restoration Fund Grant

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, Sadler

5. Contract Award - James City County Recreation Center Multi-Purpose Fields Irrigation

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, Sadler

6. Contract Award - Public Safety Physicals

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, Sadler

7. Contract Award - Storm Drain System Repairs

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, Sadler

8. Contract Awards - Annual HVAC Support Services

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, Sadler

H. PUBLIC HEARING(S)

Mr. Icenhour recognized Mr. Danny Schmidt, Planning Commission Vice Chair, in the audience.

1. Case No. Z-19-0002. 8231 Richmond Road Rezoning

A motion to Postpone until the June 11, 2019, Board of Supervisors meeting was made by John McGlennon, the motion result was Passed.
AYES: 4 NAYS:1 ABSTAIN: 0 ABSENT: 0
Ayes: Hipple, Icenhour Jr, Larson, McGlennon
Nays: Sadler

Mr. Tom Leininger, Planner, gave an overview of a staff report and resolution included in the Agenda Packet.

Mr. Icenhour asked his fellow Board members if they had any questions for staff.

Mr. Hipple inquired if this was a family-owned business.

Mr. Leininger replied yes.

Mr. Schmidt gave a brief synopsis of the April 3, 2019, Planning Commission meeting. He stated the Planning Commission supported the rezoning by a vote of 5-4 with none against.

Mr. Icenhour asked his fellow Board members if they had any questions for staff.

As the Board members had no questions, Mr. Icenhour opened the Public Hearing.

1. Mr. Forrest Harris, 105 Friars Court, Applicant, addressed the Board and stated this had been a family business for the past 27 years and looked forward to bringing good jobs to the County.

Mr. Hipple expressed his thanks to Mr. Harris for going through the process and welcomed him to James City County.

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

2. Case No. HW-19-0001. Busch Gardens Height Limitation Waiver 2019

Ms. Roberta Sulouff, Senior Planner, gave an overview of a staff report and resolution included in the Agenda Packet.

Mr. Icenhour asked his fellow Board members if they had any questions for staff.

Mr. McGlennon referenced the presentation and report Ms. Sulouff had prepared and noted there had not been much in terms of public comment at that time, but since then there had been some significant comments.

Ms. Sulouff replied yes, at the time she prepared the report there was no public feedback; however, recently correspondence had been received and forwarded to the Board.

Mr. Icenhour asked his fellow Board members if they had any questions for staff.

As the Board members had no questions, Mr. Icenhour opened the Public Hearing.

1. Mr. Kevin Lembke, President of Busch Gardens Williamsburg and Water Country USA, 4051 Longview Landing, addressed the Board in regard to Busch Gardens. He stated Busch Gardens is a critical business in James City County, which drives significant tax revenue as well as being a large employer. He further stated continued development is very important in an ever-increasing competitive business nature and new attractions are critical to that function. He further commented Busch Gardens continues to try to be a great community partner and remarked that for 29 years in a row Busch Gardens has been considered the world's most beautiful theme park. He noted his desire to continue a collaborative approach, which was critical regarding this decision. He further noted multiple options were considered in these decisions, as well as awareness of a long history with the neighboring community. He stated in order to continue its track of growth, tax revenue, and continued employment, the support of the Board was needed in moving forward.

2. Ms. Suzy Cheely, Senior Leader for Design and Engineering for Busch Gardens Williamsburg and Water Country USA, gave an overview of photos included in the Agenda Packet. She discussed three balloon tests that were completed in 2017 and noted these tests were held at various locations inside and outside the park. She briefly discussed results of a sound study completed by Navcon Engineering. She referenced Kingsmill Community Services Association (KCSA), a neighborhood community organization in the Kingsmill on the James subdivision. She noted a meeting with approximately 11 residents was held on May 6 in order to provide information regarding this height waiver request. She commented the park and marketing leaders had selected this world class attraction in an effort to bring visitors to Busch Gardens as well as local restaurants, hotels, and other businesses in James City County.

3. Mr. Andrew Lloyd-Williams, 120 Captaine Graves, spoke as a member of the Board of Directors of the KCSA and a representative of Kingsmill residents who reside in the Wareham's Pond Road area and whom as a group would be most affected by noise from the proposed new attraction. He addressed a few deficiencies in the application and stated at short notice Busch Gardens representatives provided an opportunity to give a presentation to Kingsmill residents regarding the proposed new attraction, thus only 11 residents showed up for the meeting. He further stated that request referred to the application for a height waiver; however, it did not mention the height requested and provided no details for the proposed attraction. He expressed gratitude to Mr. McGlennon for attending the meeting. He remarked the Busch Gardens representative showed various photographs from Attachment No. 3 of the Board's materials, but provided very little information regarding the nature of the structure beyond what could be determined from the photographs. He further remarked that presently the nature of the proposed attraction was still not defined; therefore, the worst must be assumed. He commented that on August 8, 2017, the Board of Supervisors approved a

similar application for Busch Gardens regarding a project named Madrid, which had a height waiver of 315 feet. He further commented the application did not include photographs from within Kingsmill; whereas, the tallest point of that structure would be visible and referenced comments in the staff report regarding the proposed attraction at that time and noted Madrid had not yet been built. He briefly discussed a footprint shown by new documents filed with the James City County Planning Department on February 5, 2019. He discussed Busch Gardens had still not publically released any information on what type of ride the 315-foot Madrid would be; however, the new documents showed it would be very big. Mr. Lloyd-Williams noted this was in addition to a new screaming swing ride that opened May 3, 2019, named Finnegan's Flyer. He referenced the current application as well as staff report and discussed Attachment No. 3 regarding sight lines. He further referenced the use of the term "Kingsmill Resort and Subdivision" and commented it revealed a lack of understanding about the Kingsmill community, which was much larger than the Kingsmill Resort. He stated his calculations indicated the tallest point of this proposed structure would only be 1,440 feet from the Wareham's Pond Recreation Center. He stated he prepared an enhanced location map from "your materials" along with the James City County aerial map from 2017 and emailed it to all of the Supervisors. He further stated the map he prepared was similar to the current location map, but included all of Kingsmill and had circular bands showing various distances from the location of the tallest point of the proposed structure. He explained from that map at least 20 homes could be seen which were located less than 2,000 feet from the approximate location of the tallest point of the proposed structure. He discussed issues of noise and referenced a comment by staff in the staff report, which they found to be unacceptably trite. He noted that in 2014 a limited noise study regarding the effect of noise from Busch Gardens on the Kingsmill community was conducted by Navcon Engineering and a copy of the report was provided to the James City County Planning Division and stamped as received on May 30, 2014. He further noted it would be essential for a proper study to be performed on the effect of this proposed new attraction on homes in the vicinity of Wareham's Pond Road as well as other locations within Kingsmill. He provided suggestions of various tests; whereas, local residents would be provided sufficient advanced notice in an effort to enable them to observe both visually and audibly. He briefly discussed that the need for Busch Gardens to innovate was recognized and quoted Section 15-20 of James City County Ordinances regarding the effects of public noise on health, welfare, peace, safety, and the quality of life. He discussed other theme park rides and commented Busch Gardens was doing very well in competing with the world's scariest rides. In conclusion, it was suggested Busch Gardens seek other ways to innovate without building taller and taller structures, and asked that the Board of Supervisors deny this request for a height waiver at least until the Madrid project was fully operational and a comprehensive study had been conducted of the possible worst effects of noise from this attraction on nearby Kingsmill residents.

The audience applauded.

4. Mr. John Hudson, 120 John Bratton, addressed the Board in regard to Busch Gardens Height Limitation Waiver 2019. He stated he was a Kingsmill resident and currently served as Vice President of the Kingsmill Homeowners Board of Directors. He further stated this evening he was the official spokesperson for the Kingsmill Board of Directors. He referenced a letter the Kingsmill Homeowners Board of Directors sent to Mr. McGlennon through its legal counsel that requested the Board of Supervisors table any final decision on granting the height restriction on the waiver and allow the Kingsmill residents time to better understand the proposal. He further stated Kingsmill was the community most impacted by this proposal. He remarked the amount of time that was provided to communicate this proposal across the large and complex Kingsmill community was not sufficient. He suggested more time was required for residents in order to obtain a fair and full airing of the proposal. He further remarked the Kingsmill Board of Directors wanted to allow time for Busch Gardens to provide it with sufficient information, whereas, the impact of the project on the Kingsmill community could be fully assessed. He requested the Board of Supervisors table any decision on this proposal and

pick it up again at a future meeting.

5. Ms. Margaret Fowler, 406 Rivers Edge, addressed the Board in regard to Busch Gardens and stated she was not present as a Kingsmill resident; however, she endorsed everything Mr. Williams previously stated regarding Case No. HW-19-0001, Busch Gardens Height Limitation Waiver 2019. She returned before the Board this evening to reflect back seven years ago when she raised her hand in opposition to the Surry-Skiffes Creek transmission line project across the James River which had "consumed her life since that time." She briefly discussed recently in the news it was mentioned the United States Appeals Court in the District of Columbia ruled that in fact the United States Army Corps of Engineers and Dominion Energy did not do their job adequately in capturing all of the impacts from that project. She discussed pleas to try and stop the towers from being built and the fact that roller coasters could be seen above tree tops as could the Mach Tower. She referenced six criteria staff had prepared and remarked No. 3 stated, "such structure will not impair the enjoyment of historic attractions in areas of significant historic interest" and briefly discussed this comment noting that she could not disagree more. She noted the Mach Tower and other rides were viewable from the river proper, the end of Jamestown Island, and Black Point. She commented viewshed experts from the Argon National Laboratory were being retained to do an evaluation of the newly built towers. She further commented there was precedence for that project to be torn down. She stressed the County should remember that for some citizens there was a corporate memory of a long seven-year battle that got us to this point today. In closing, she stated everything the Board did impacted other projects at hand, most of all the Surry-Skiffes Creek project and asked the Board to deny this request.

The audience applauded.

6. Mr. Steven Ralph, 104 Winster Fax, addressed the Board in regard to Case No. HW-19-0001, Busch Gardens Height Limitation Waiver 2019. Mr. Ralph read a quote from the Federal Aviation Administration (FAA), Advisory Circular 70-7460-1L, "Federal Law requires that the FAA determine whether a structure that is proposed to be built or altered 200 feet above ground level, or higher, or near an airport, does not pose a hazard to the airspace." He stated the information he received regarding this hearing had no mention about the FAA ever being contacted to find out if this did violate airspace. The next point he mentioned was light pollution and noted that anything above 200 feet was going to have lights due to it being a vertical obstruction. He noted he did not know what the structure would look like; however, anything over 200 feet could have red or white lights and potentially flash 24 hours a day. He commented in order to make an informed decision, information regarding what this structure would look like was necessary and then Kingsmill residents could see what they were going to be looking at 24 hours a day.

The audience applauded.

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

Mr. McGlennon stated he felt it was important for the Board to explain to anyone who may not be aware, that height waivers were different than some other land use decisions the Board had to make due to the fact that they come straight to the Board of Supervisors and do not go to the Planning Commission. He noted concerns were expressed and all Board members received a copy of the letter from the KCSA asking for an opportunity for more time to think about and get more information regarding this case. He remarked he would like to start by asking a few more questions of Ms. Cheely or others from the Busch Gardens team, in an effort to clarify a couple of points brought up this evening. He inquired about the location of the high point on the attraction listed on the map, and noted it sounded as if it was indicated it was not exactly as shown on the map the Board had in its packet.

Ms. Cheely responded it was per the location in the Board's packet and explained the location that Ms. Sulouff had presented showed it closer to Kingsmill.

Mr. McGlennon inquired if Ms. Cheely would repeat what the distances were to the Carter's Grove Country Road and the nearest residence.

Ms. Cheely replied approximately 1,000 feet from Carter's Grove Country Road and per other applications with the Mach Tower and the Verbolten, those were approximately the same distance.

Mr. McGlennon inquired about the distance between the nearest resident in Kingsmill.

Ms. Cheely responded 17,050 feet.

Mr. McGlennon inquired if Ms. Cheely could provide more information regarding a sound study previously referenced, which included sounds of human voices on an attraction of a similar nature.

Ms. Cheely replied yes and explained this was the same firm that provided the sound study used for Verbolten and Mach Tower, which took into account the mechanics, machinery, and ride vehicles, as well as human screams. She noted Navcon Engineering were experts in their field and cited the maximum sound that would be heard in Kingsmill would be approximately 54 decibels and Harrops Glen and Pierces Court were locations previously used in other studies. She stated the entire study could not be shared as this type of business depended on keeping the attraction a secret as long as possible; however, information was provided to Navcon Engineering.

Mr. McGlennon inquired if the results of the study could be shared.

Ms. Cheely replied she could read the last sheet of her report that stated, "the maximum predicted noise levels in the Kingsmill community range from 42-54 decibels" and remarked this could be compared to a home HVAC unit sitting outside which would be 85-90 decibels.

Mr. McGlennon inquired about the status of a height waiver approved a few years ago for the Madrid project.

Ms. Cheely replied the Madrid project never came to fruition and stated there was a request for a different project with 180 feet being its tallest height. She further stated because the 315-foot height waiver was approved there was no need to reapply. She commented the building permit and site plan approvals were currently in place for that project.

Mr. McGlennon noted an issue was raised regarding whether the FAA had been contacted in relation to this project.

Ms. Cheely responded they would be applying for approval from the FAA; however, certain things had to happen before other things could happen.

Mr. McGlennon inquired about the number of current attractions that would need to have an FAA mandated light on top of its structure.

Ms. Cheely replied Mach Tower had lights at the top and it was likely this one would as well.

Mr. McGlennon asked if she could describe the light.

Ms. Cheely responded the light on top of Mach Tower was blinking and the colors were white

during the day and red at night.

Mr. McGlennon stated otherwise the County regulations would not permit uplighting beyond 60 feet of a building.

Ms. Cheely replied correct, there were no plans regarding uplighting beyond 60 feet.

Mr. McGlennon asked for the indulgence of the Board, at the appropriate point, to ask that there be a deferral of the decision on this case until the June meeting. He stated a deferral would provide an opportunity for residents to have a chance to pursue questions they might have in an effort to better understand what was being proposed and allow the Board to fully understand the reaction of the residents and the impact of the proposal on the destination. He pointed out that since Mr. Icenhour closed the Public Hearing on this item, there would be an opportunity for citizens to comment during the Public Comment section if the Board agreed to defer consideration to the June meeting.

Mr. Hipple expressed his appreciation to Busch Gardens for the work it did for the community. He stated a few of the comments made this evening sounded like the residents of Kingsmill were not provided enough advance warning of a meeting and noted it was nothing that was required, but Busch Gardens does this in an effort to be a good neighbor. He asked if there were any differences in the procedure that was made in meeting with Kingsmill residents compared to past meetings.

Ms. Cheely replied the sound study was in the process of being finalized when the President of the KCSA was contacted to schedule the meeting. She stated there were other meetings already scheduled and the earliest available was May 6.

Mr. Hipple stated due to the KCSA scheduling issues, it could not be held as early as anticipated.

Ms. Cheely replied correct. She stated they spoke with the President of KCSA and wanted to make certain the sound study was complete by the meeting date in an effort to share the results with the Kingsmill residents. She further stated it was important to let the residents know Busch Gardens was looking at trying to keep effects, visual impacts, and sound impacts to a minimum to the neighborhood.

Mr. Hipple confirmed that out of 2,800 residents in Kingsmill only 11 attended the meeting.

Ms. Cheely responded she believed that was correct.

Mr. Hipple stated there were a few comments made this evening and he wanted to give Ms. Cheely a chance to respond. He briefly discussed the use of secrecy in this type of business regarding proposed rides and remarked some residents might not understand that concept. He noted this project had a finish date of 2020.

Ms. Cheely commented the earliest this project would be complete was 2021. She stated she did understand the confusion regarding the Madrid and emphasized there would not be two attractions over 300 feet, there would only be this one proposed attraction. She remarked it would be minimal, as it was tall and thin and more of a lattice type construction versus anything solid. She further remarked the color could be blue, silver, or whatever color choice the County decided it preferred. She emphasized Busch Gardens sincerely tried to be a good neighbor and understood its proximity to Kingsmill. She stated both Busch Gardens and Kingsmill were under construction back in the early 1970s and the park opened in 1975. She further stated it was not until the late 1980s that the Jefferson Hundred neighborhood and areas around Wareham's Pond Road began getting closer to the park. She noted Busch

Gardens had consistently expanded and increased its rides and attractions to keep guests coming into the area and would like to continue to work collaboratively with Kingsmill.

Ms. Larson expressed her thanks to Ms. Cheely for attending the meeting and recently speaking with her on the telephone. She inquired if there was usually a lot of feedback in the summer from Kingsmill residents regarding noise and lighting.

Ms. Cheely replied yes and stated comments received were usually in regard to the occasional train whistle as well as fireworks. She noted the fireworks lasted approximately five to 10 minutes and were not displayed every evening.

Ms. Sadler expressed her thanks to Ms. Cheely for meeting with the Board. She remarked she had read an email that stated sound tests were performed at 2:00 a.m. and inquired if she could confirm the time.

Ms. Cheely responded no, that was misinformation. She explained the sound study was performed with data and explained that process.

Ms. Sadler asked for clarity that Busch Gardens was not required to hold community meetings.

Ms. Cheely replied no; however, that was an effort to try and be a good neighbor with the Kingsmill community.

Ms. Sadler inquired if the original location was moved further out to mitigate sound.

Ms. Cheely replied correct, as well as mitigating visual impact. She discussed balloon studies performed and efforts made for the location to be further away from Kingsmill.

Ms. Sadler inquired if that aided in the sound mitigation.

Ms. Cheely replied yes.

Ms. Sadler referenced the business practice of limited knowledge and visualization regarding a proposed attraction.

Ms. Cheely responded that was correct, and stated everything could not be kept secret; however, the closer a project was to finishing up, the more information there was to share. She further stated at this stage of the process Busch Gardens tried to "keep the cards close to the vest" for competitive reasons, which was really required in this type of business.

Mr. Icenhour stated Ms. Cheely indicated the Madrid ride, which was originally approved for 315 feet, was not going to be built.

Ms. Cheely responded correct.

Mr. Icenhour commented since that attraction was not going to be built was it possible to share information regarding the width of that particular ride.

Ms. Cheely replied it would have been taller than the 2020 ride.

Mr. Icenhour inquired if there was a wider visual range intended for that attraction.

Ms. Cheely replied yes.

Mr. Icenhour referenced the height of 355 feet and stated the attraction had been moved over to a point of lower elevated land. He clarified the 355 feet was from the base of the attraction to the top; therefore, it was not just absolute above sea level it was above the ground level at that point.

Ms. Cheely responded correct.

Mr. Icenhour referenced the sound study and how it could be rather academic. He commented after many years around jet engines he knew that to be true. He inquired if an actual sound study reading had been performed, either in the park or in any of the surrounding communities, as opposed to engineering projections of what sound might be, but instead an actual physical sound study. He suggested such a study could be held on an evening when people were riding a roller coaster. He noted questions of interest would be: what does it sound like and what are the decibel levels over in the community and in the park. He stated he would be interested in knowing this information as it would possibly be more meaningful than an engineering study might project.

Ms. Cheely replied recently discussion had ensued regarding such a study to be used as a comparison.

Mr. Icenhour stated the results would be beneficial for everyone. He remarked his neighborhood was located five or six miles from CSX tracks and there were nights when he could hear a train passing and noted it was a matter of how sounds carry. He further stated if Busch Gardens could endeavor to do such a study it would be helpful to see the results.

Mr. Icenhour asked his fellow Board members if there were any other questions.

Ms. Sadler referenced a conversation earlier in the day with Mr. Paul Holt, Director of Community Development and Planning, and wanted to confirm Busch Gardens and Kingsmill opened in the early 1970s around the same timeframe.

Mr. Holt replied yes. He stated Ms. Cheely mentioned earlier in this discussion that some areas of the park were opened in advance of the sections that were closest to the park.

Ms. Sadler reiterated it progressed in stages.

Mr. Holt replied correct.

Ms. Sadler inquired if it was fair to say some of the areas in Kingsmill were later in the developmental phase of Kingsmill.

Mr. Holt replied correct.

Ms. Sadler inquired if to his knowledge Mr. Holt knew whether the County and Busch Gardens had followed the process to make sure this was following the correct protocol.

Mr. Holt responded correct.

Ms. Sadler asked Mr. Holt to confirm SeaWorld Parks and Entertainment, LLC, was the No. 1 Employer in James City County.

Mr. Holt replied he was able to pull the information from the County's CAFR for June 30, 2018, which showed Busch Gardens Williamsburg was the principal employer in the County, and SeaWorld Parks and Entertainment, LLC, was listed as the No. 2 principal property taxpayer in the County.

Mr. Hipple stated he was not much for deferrals and postponements, but there were times it was necessary and asked Mr. McGlennon if his motion would be deferred to the next work session.

Mr. McGlennon replied his concern would be that the work session was scheduled for the following week and therefore would not allow a lot of time for things such as a sound study to be completed. He stated he would be referencing the June 11, 2019 meeting.

General discussion ensued regarding this process.

Mr. Hipple reiterated the Kingsmill community had 2,800 residents and only 11 attended the May 6 meeting regarding the proposed new attraction and commented "now we are changing what we are doing, but I will work with the Board on whatever it needs to do." He stated Busch was a great corporate citizen and gave kudos for all the work it had done for the community. He discussed vegetation at Busch Gardens and gave notability for the 29 years holding the Beautification Award. He mentioned the roads in front of Busch Gardens and noted it took care of them as well as kept that area clean and safe. Mr. Hipple noted Busch Gardens had always been a great corporate donor for anything the County asked. He remarked many people moved here after Busch Gardens was established and knew what they were moving into and noted it also needed to be looked at from that perspective. He commented he was glad to see a noise study would be done and was interested in seeing the results. He further stated he did not want to delay the process any longer than necessary.

Ms. Larson expressed her gratitude to everyone who attended this meeting to speak about their concerns and expressed her thanks to Busch Gardens for all it does for the James City County community. She stated she was excited Busch Gardens was always looking to invest more in new attractions and explained this helped tourism that in turn helped everyone. She addressed Mr. McGlennon and commented it was his district and she would support his motion to come back on June 11 and revisit this item. She briefly reflected on conversations she recently had with a few Kingsmill residents she knew regarding this issue.

Mr. McGlennon stated it was important to recognize Busch Gardens was one of the County's most important corporate citizens with great attractions that bring many people to the area. He stressed it was critically important to that enterprise to continue refreshing its product which they were providing to the public. He stated the County had a premier community that made a wonderful neighborhood for many people and everyone would take their own perspective on this issue. He further stated before he suggested the idea of delaying the final determination, he asked Busch Gardens if this was a critical time in terms of its needs and the response was it would not interfere with its timeline for getting things done. He commented it was important for everyone to have an opportunity to get a sense of what was involved, and briefly discussed Kingsmill and Busch Gardens had each grown and the Board needed to make a well-informed decision regarding this matter.

Ms. Sadler discussed Busch Gardens was a tremendous driver for tourism in the locality and she would not support the deferral proposal as Busch Gardens was a good community asset that helped keep tax rates low. She further stated it was an individual's choice to live where he/she chose to live. Ms. Sadler expressed her appreciation to Mr. McGlennon regarding his motion, but felt in the best interest of the County's No. 1 business she would support Busch Gardens being able to move forward with this proposal.

Mr. Hipple asked Mr. McGlennon if the motion could be a postponement and not a deferral.

General discussion ensued regarding a motion of postponement until the Board of Supervisors June 11, 2019 meeting.

3. Proposed Fiscal Year 2020-2025 Secondary Six-Year Plan

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, Sadler

Mr. Tom Leninger, Planner, gave an overview of a memorandum and resolution included in the Agenda Packet.

Mr. Icenhour opened the Public Hearing.

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

I. BOARD CONSIDERATION(S)

1. An Ordinance to Enact a User Fee for Curbside Recycling Collection Service

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, Sadler

Ms. Grace Boone, General Services Director, gave an overview of the memorandum and Ordinance included in the Agenda Packet.

Mr. Icenhour asked his fellow Board members if they had any questions.

As there were no questions, Mr. Icenhour looked to the Board for a motion.

Ms. Larson expressed her appreciation to Ms. Boone, staff, and other localities for the hard work regarding this Curbside Recycling Collection Service User Fee.

2. Fiscal Year 2020 Budget Adoption

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

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

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

Ms. Sharon Day, Financial and Management Services Interim Director, gave an overview of the memorandum and Resolution of Appropriation included in the Agenda Packet.

Mr. Icenhour asked his fellow Board members if they had any questions.

Mr. McGlennon stated he did not have any questions, but instead expressed his gratitude to Ms. Day, Mr. Stevens, and the Executive Leadership Team for the excellent job of putting together the budget and briefly discussed challenges involved in the process.

Ms. Larson mirrored Mr. McGlennon's sentiments. She remarked that she had spoken with citizens regarding recycling as well as continued conversations about Senate Bill (SB) 942. Ms. Larson commented SB 942 monies had helped tremendously this year and felt it was a good process. She expressed appreciation for the hard work of everyone involved.

Ms. Sadler stated she had been opposed to SB 942 in the past and was still opposed. She further stated it had been her hope to reduce the tax rate for citizens; however, after speaking

with some of her colleagues she noted there was not a consensus for a reduction. She briefly reiterated that discussions held during the recent work session regarded the Liaison Committee discussing issues of Future Think Accuracies, especially for areas like Colonial Heritage and other age-restricted communities as well as the potential for facilities for Bright Beginnings. She commented she was happy to increase and maintain the County emergency services and public safety. In conclusion, Ms. Sadler stated she was still opposed to SB 942; however, because we need a budget she would be supporting it this year.

3. Case No. C-18-0118. 4704 Lady Slipper Path, Fence

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

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

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

Mr. Kinsman gave an overview of the staff report and resolution included in the Agenda Packet.

Mr. Icenhour asked his fellow Board members if they had any questions.

Mr. Hipple inquired who owned the land.

Mr. Kinsman replied individual citizens owned their property; however, the County had a scenic easement that encumbered the property landowners already own.

General discussion ensued regarding the topic of scenic easements.

4. Requesting the Commonwealth Prioritize the Next Segment of Interstate 64 Widening - Lightfoot to Bottoms Bridge

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, Sadler

Mr. Stevens gave an overview of the memorandum and resolution included in the Agenda Packet.

Mr. Hipple stated the Commissioner's thought process was to start from Bottoms Bridge and come back to James City County. Mr. Hipple's thought process was "to continue the path being done out of James City County and up through New Kent County." He noted there were approximately 8.3 miles left to finish in James City County to get out of the County and all the bridges were wide enough; therefore, it was just road and shoulder work. He remarked it would not be as expensive compared to previous projects the County had taken on with the Hampton Roads Transportation Accountability Committee (HRTAC). He further remarked he was trying to get the entire HRTAC, Transportation Planning and Organization, Planning District Commission behind this project and get jurisdictions to say "yes, we want to continue in the direction we started" even though presently it was going from Interstate 295 to Bottoms Bridge with a five-mile stretch. He commented a second stretch would hopefully start in an effort to get out of James City County and move up through New Kent County and noted if the monies were to dry up, he did not want a bottleneck situation just past Lightfoot.

Ms. Larson stated she did not know how all of this was going to work, as she was not on the Board when all of this was happening. Her understanding was New Kent County had an opportunity to contribute and chose not to and asked if that was correct.

Mr. Hipple replied that was correct.

Ms. Larson inquired if New Kent County had changed its mind.

Mr. Hipple responded New Kent County was presently looking at what it needed to do regarding this issue.

General discussion ensued in relation to this issue.

Mr. Hipple stated currently there were 200 single-mile lanes of transportation projects in Hampton Roads. He noted huge amounts of transportation projects had moved through the Hampton Roads area. He referenced the signing of the Hampton Roads Bridge Tunnel with the Governor, Commissioner, and Secretary of Transportation in attendance. He further noted that was \$3.6 billion and was the largest transportation project in the United States. He expressed his enthusiasm and pointed out "it was happening in Hampton Roads and James City County was a big part of helping get there."

Ms. Larson thanked Mr. Hipple for the information and hoped other counties realized the importance of helping finance this important project.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Hipple stated the Spring Fish Fry was held May 11 at the Volunteer Fire Department and remarked the event was sold out even though it was raining. He inquired if Mr. Stevens would ask Mr. Rossie Carroll, VDOT Residency Administrator, if he would look into putting a light at Route 60 and Forge Road. He referenced a recent accident which occurred at that location and wished everyone well. He stated he and Mr. Icenhour attended an event at Ford's Colony on May 9 and spoke about happenings in the County. He noted that May 1, he spoke to students at D.J. Montague Elementary School regarding healthy food and where it comes from. He noted the Board met with Mr. Doug Powell, General Manager, James City Service Authority (JCSA), and reviewed future water needs. He remarked April 13 was Trash Day and invited everyone interested to join the Clean County Commission. He briefly discussed the April 25 signing of \$3.6 billion for the Hampton Roads Bridge Tunnel project and commented by the end of 2025 there would be an eight-lane tunnel in Hampton Roads. He expressed kudos to the Governor, General Assembly and Senate members, communities, VDOT, Commissioner of VDOT, and Secretary of Transportation for everyone's involvement in the tunnel project.

Ms. Larson reminded citizens that on Wednesdays between 5-5:30 p.m. WMBG radio station spotlighted Board members and expressed her appreciation for this opportunity. She stated she recently attended the Tourism Kickoff at Busch Gardens and received a bag with several brochures that listed activities available in the Greater Williamsburg Area. She mentioned to Mr. Stevens it would be good if the new Tourism Director for the Tourism Council could attend a Board of Supervisors meeting in the future. She remarked she attended a ribbon cutting ceremony for Celli's Chocolate Chips, a new cookie and coffee shop that recently opened on Route 5 and commented the cookies were delicious. She reminded the Board of her desire to begin a subcommittee, which would regard advocacy work at the state level for school funding. She recently met with Mr. Andrew Trivette, Manager of the City of Williamsburg, Ms. Barbara Ramsey, City of Williamsburg Council Member, and Ms. Kyra Cook, Williamsburg-James City County School Board Member and noted Mr. Trivette would be reaching out to Mr. Stevens in the near future. She thanked Mr. Stevens for the employee retirement spotlights, as she appreciated the opportunity to hear contributions employees made toward the success of James City County. She referenced naming in the County as well as suggested creating a guideline of how to go about naming a building and briefly discussed this

issue.

Ms. Sadler stated she recently attended a Hampton Roads Military and Federal Facilities Alliance meeting with Ms. Robin Bledsoe, Chair of the Economic Development Authority (EDA), Mr. Chris Johnson, Economic Development Interim Director, and Mr. Stevens and would be updating the Board when there was more information available. She noted she attended the Project Discovery banquet honoring several local students and commented it was always one of her favorite yearly events to attend. Ms. Sadler referenced the accident at Route 60 and Forge Road that Mr. Hipple previously mentioned and noted she received a message from a citizen who had seen Chief Rinehimer out in the rain assisting with the accident. She thanked Chief Rinehimer for helping with that situation. She expressed her gratitude for the opportunity to speak on radio station WMBG, in addition to expressing her thanks to JCSA employees who recently handled a matter in her neighborhood. She noted she attended the Small Business Awards and gave a shout-out to all of the local businesses honored in conjunction with expressing her gratitude to everyone for their contributions to the community.

Mr. McGlennon stated he and Mr. Stevens had the opportunity to participate in a ribbon cutting at Busch Gardens for Finnegan's Flyer as well as rode on the attraction. He further stated he attended the Teacher of the Year Recognition for the Superintendents Advisory Council. He noted the practice of recognizing Teachers of the Year from various elementary, middle, and high schools, as well as a Teacher of the Year recognition for the school system as a whole. He acknowledged the Williamsburg-James City County schools recognized a Rookie of the Year in each of its schools. He noted he and Mr. Stevens attended a Virginia Association of Counties meeting. He informed his fellow Board members they would be receiving a survey link being conducted by the Virginia Coalition of High Growth Communities in regard to proffers and impact fees. He noted the results would be sent to the 40 fastest growing communities in the state and presented to the Housing Commission. He remarked the Housing Commission would be meeting this summer regarding legislation relating to proffers and impact fees. He further remarked the Coalition was having a workshop on the same topic which would be held on June 14 in the Spotsylvania Courthouse. He stated he recently made a trip to the Treasurer's Office and paid his taxes. He cited this experience provided him an opportunity to think about what citizens receive at the local level for their tax dollars. He recognized that the County had a first class school system, great public services, great security from public safety officers, wonderful parks and recreation facilities, a strong business community, and the professional staff that could deal with almost any issue or problem citizens brought to them.

Ms. Larson referenced the Ironman Triathlon event and stated it was incredible with over 2,000 participants. She expressed her gratitude to staff, volunteers, first responders, and anyone involved with the event. She discussed the possibility of future triathlons held in the community.

Mr. Icenhour commended the Police Department for the Shred-A-Thon held on May 4. He stated that on May 4 he attended the 10th Anniversary of the Parker View Senior Apartments, a retirement community located in Ironbound Village, and appreciated the opportunity to participate in the event. He further stated recently he and Mr. Hipple attended a Town Hall meeting in Ford's Colony and he would like to speak with staff regarding a list of items derived from the gathering. He explained the value of Town Hall meetings was for the community to have the opportunity to share concerns that perhaps the Board of Supervisors may not have been aware. He noted he had begun taking tours of the various County schools and on May 10, he took a tour of Blayton Elementary School. Mr. Icenhour mentioned the upcoming Board of Supervisors Retreat and survey and noted Mr. Stevens would provide information on those topics.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens stated he would like to welcome the Pure Silk Championship Ladies Professional Golf Association (LPGA) event to be held in James City County on May 20-26. He further stated this event would host some of the LPGA top players and encouraged members of the community to enjoy the amazing talents to be held in James City County. He mentioned the Jamestown Jams, featuring Trademark, concert series was returning May 31, with the first of four concerts to be held at the Jamestown Beach Event Park. He noted this was free live music and the theme for May was Motown Night. He further noted gates would open at 5:30 p.m. and the concert would begin at 6 p.m. He referenced the upcoming Board of Supervisors Retreat to be held on May 31 and noted it would have discussion regarding Board interactions as well as exercises provided in an effort to get to know one another. Mr. Stevens stated he would provide a six-month summary of where he had been and what he had seen, in an effort to address areas where the Board wanted his attention, in terms of being in the community, with staff, or other parts of the region. He stated there would be a survey at a high level regarding economic development priorities sometime in the fall, in an effort to see where the Board and EDA members were together as well as apart and to make certain the Board, EDA, and staff were traveling in the right direction in terms of economic development. He noted if there were other topics in terms of forward thinking that required discussion after the Retreat, we would be happy to discuss those items at a future date.

L. CLOSED 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, Sadler

At approximately 7:30 p.m., the Board entered Closed Session.

At approximately 7:43 p.m., the Board re-entered Open Session.

1. Certification of a Closed Session

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, Sadler

2. Economic Development Authority Appointments

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, Sadler

Mr. McGlennon stated he moved that Mr. Jeffrey (Jeff) Scott be appointed to the Economic Development Authority for a term to expire on August 1, 2019, with a full four-year term to follow. He further stated he moved that Mr. Vincent (Vince) Campana, III, be appointed for a term to expire on July 31, 2020, with a full four-year term to follow.

M. ADJOURNMENT

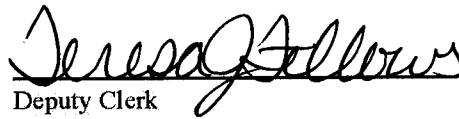
1. Adjourn until 4 p.m. on May 21, 2019, for the Work Session

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, Sadler

At approximately 7:44 p.m., Mr. Icenhour adjourned the Board of Supervisors.


Deputy Clerk