

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
County Government Center Board Room  
101 Mounts Bay Road, Williamsburg, VA 23185  
June 11, 2019  
5:00 PM

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**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**

**JUL 09 2019**

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

**C. MOMENT OF SILENCE**

Mr. Icenhour asked that everyone keep the Virginia Beach community in "minds and hearts" concerning the recent tragic events.

**D. PLEDGE OF ALLEGIANCE**

1. Pledge Leader - Mariana Gatlen, a 5th-grade student at Stonehouse Elementary and a resident of the Stonehouse District, led the Board and citizens in the Pledge of Allegiance.

Mr. Icenhour noted prior to the presentations there would be a moment of indulgence as Mr. Stevens, County Administrator, addressed several items James City County had done to assist the people of Virginia Beach after the recent tragedy.

Mr. Stevens shared that several James City County department heads had reached out to their respective counterparts in Virginia Beach to offer assistance. He highlighted ongoing assistance from Emergency Management staff member Ms. Sara Ruch, revisiting security concerns and recommendations at County facilities, and continued support to Virginia Beach during the recovery process. He noted a Resolution of Support to the City of Virginia Beach for the Board's consideration had been drafted. Mr. Stevens read the resolution.

Mr. Icenhour asked for a motion of Adoption for the resolution.

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

**E. PRESENTATIONS**

1. Eagle Scout Recognition

Mr. Icenhour recognized the young men of the community who had recently acquired the

ranking of Eagle Scout. He commented on the attributes of the ranking and acknowledged the County's support of citizens who made positive contributions within the community. Mr. Icenhour extended congratulations to the recipients and presented proclamations to each young man.

2. Historical Commission Essay Contest Awards

Mr. Dudley Parrish, Vice Chair of the Historical Commission, addressed the Board. He recognized two local high school students as the recipients of the James City County Historical Commission 2019 Student Essay Contest, Ms. Brianna McNulty and Mr. Jarel White. Mr. Parrish noted 2019 marked the 400-year anniversary of significant Virginia events, particularly in Jamestown, and the impact on history. He cited the criteria for the essay contest. Mr. Parrish stated the first place winner was Ms. McNulty of Warhill High School for her essay, "American DNA" and the second prize winner was Mr. White of Lafayette High School for his essay, "Women's Invaluable Involvement in the Establishment of Jamestown Settlement". Mr. Parrish noted the recipients were awarded certificates as well as \$300 and \$200, respectively as the winners. He expressed his appreciation for their involvement in the contest and the community.

3. New Police Officer Introduction

Police Chief Brad Rinheimer addressed the Board and introduced Officer Scott Roop.

4. Accreditation Presentation - Police Department

Sheriff Joe McLaughlin, member of the Virginia Law Enforcement Professional Standards Commission, addressed the Board. He noted accreditation was a voluntary process and detailed the time commitment to the process. Sheriff McLaughlin stated the process contained 190 standards and each accredited agency had to maintain those standards for a four-year period with an annual assessment. He complimented James City County Police Department with a 100% assessment and a perfect accreditation on this most recent review. Sheriff McLaughlin complimented the department for "walking the walk and talking the talk." He presented the accreditation certificate to Chief Rinehimer.

Chief Rinehimer thanked the Board, County Administration, County Attorney, and others for their support. He noted it was a team effort and thanked his team for its support and hard work.

**F. PUBLIC COMMENT**

1. Mr. Jack Fowler, 109 Wilderness Lane, addressed the Board regarding the Virginia Department of Transportation (VDOT) and its progress in areas previously noted. He noted there was more to be done by VDOT, particularly Route 199 and the jersey walls as well as drainage ditches. Mr. Fowler addressed taxes on gas with regard to state and federal use of those taxes and the expenditures associated with maintenance of local roads. He commented on a reduction of VDOT's workforce, the need for accountability regarding road upkeep, safety issues on flooded roadways, and other concerns.

Mr. Icenhour called for the next two speakers, Ms. Katie Reavis and Kerry Messer, but noted neither was present.

2. Mr. William Amos, 133 Roffingham's Way, addressed the Board regarding the Busch Gardens/Kingsmill issue. He noted his submission to the Board of an email and photograph regarding the ride at Busch Gardens. He further noted the attraction's height was not favorable to his property value or his neighbors. Mr. Amos stated the concern about "how high is high"

with a 600% height increase over the standard County Code allowance if this waiver was approved. He noted concerns with what other height increases would be allowed in the future and the Good Neighbor Policy.

3. Ms. Margaret Fowler, 406 River's Edge, addressed the Board regarding the Busch Gardens height waiver. She addressed the comment that Kingsmill residents "knew what they were getting when we bought there." She noted that was true when Busch Gardens put in rides and attractions below the treetop line and was open only several months out of the year. Ms. Fowler further noted that neither condition was the case currently. She stated Jamestown Island, its archaeological treasures, and the potential for world heritage status that was not evident when Busch Gardens opened the park in the 1970s. Ms. Fowler expressed similar concerns over the increased height allowances over time. She discussed the degradation of the viewshed and the power line issue. Ms. Fowler emphasized the value of the place and the historical impact of the area. She asked the Board to deny the waiver.

4. Mr. Ronald Kirkland, 1001-A Richmond Road, addressed the Board on behalf of the Williamsburg Hotel and Motel Association and in support of the Busch Gardens Height Waiver. He noted the successful partnership with County businesses and the significant financial contributions to the area.

5. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board on the three R's: reduce, reuse, and recycle. She stressed the importance of recycling and noted a handout that was available. She highlighted the upcoming recycling program the County was implementing and the proper way to recycle. She also thanked all the volunteers, Mr. and Mrs. Icenhour, and Mr. and Mrs. McGlennon for their participation at the June 1 Volunteer Appreciation Picnic. Ms. Boarman noted it was an honor to have Ms. Barbara Barnes as a guest at the picnic. She also noted the use of local businesses and their participation. Ms. Boarman thanked Mr. Robert Hodge from local Williamsburg radio station WMBG.

Ms. Sadler noted she found a plastic bottle behind her seat. She further noted she would recycle it. Ms. Sadler also thanked Ms. Boarman for all her efforts in helping keep the County clean.

6. Mr. Caleb Smith, 105 Pageland Drive, from the Honorable Congresswoman Elaine Luria's office, addressed the Board and thanked Mr. McGlennon for the invitation to speak. He introduced himself and noted the Peninsula office was open and available to assist constituents with any federal needs that ranged from passports to tax concerns and the Internal Revenue Service. Mr. Smith provided his phone number and address: 105 Professional Parkway, Yorktown, VA 23693/757-364-7634 and asked that people call for an appointment as he could be away at Board meetings and such. Mr. Smith encouraged people to contact him if they needed any assistance.

7. Mr. Neil Chalkley, 477 Neck-O-Land Road, President of the Williamsburg Hotel and Motel Association, addressed the Board in support of private investment. He encouraged the Board to vote in favor of the Busch Gardens height waiver to encourage growth in the County and the City of Williamsburg.

8. Ms. Suzy Cheely, Director for Design and Engineering for Busch Gardens and Water Country USA, addressed the Board with follow-up comments from the May 14, 2019, Board meeting. She restated the importance of bringing new guest experiences to the parks each year, positive impacts to Williamsburg and the County, as well as ensuring the right fit and maintaining a good neighbor principle as guiding fundamentals to business. She noted the 44-year bond with the community as an employer and taxpayer. Ms. Cheely noted at the Board's request that Busch Gardens' representatives had met with the Kingsmill Communities Services Association (KCSA) to follow up with sound meter readings results. She further noted Mr.

Jason Ross, Director of Noise and Vibration Engineering for the Vanasse Hangen Brustlin, Inc. (VHB) Boston office, had been contacted by Busch Gardens. Ms. Cheely said Mr. Ross then contacted local VHB staff to take sound meter readings at Kingsmill's Harrops Glen and Pierces Court to compare with the Navcon Engineering study readings. She noted Mr. Ross was able to attend the KCSA meeting and address residents' questions. She further noted Mr. Ross studied collected data from non-operating days as well as Memorial Day Sunday, which was historically one of the park's busiest operating days, and assured Busch Gardens that the resulting effects was slightly lower to its Kingsmill neighbors than those from Mach Tower and Verbolten. Ms. Cheely stated the previous engineering models were validated and conservative with no appreciable sound increase within Kingsmill with this attraction. She noted Busch Gardens appreciation to the Board for its consideration of this project.

9. Mr. Kevin Lembke, President of Busch Gardens Williamsburg and Water Country USA, addressed the Board regarding partnerships within the community. He highlighted redesigns of the attraction and finding the best compromise for all parties. He thanked the Board for its time and consideration of this waiver request.

#### **G. CONSENT CALENDAR**

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. Icenhour asked the Board if there were any items to be pulled.

Mr. McGlennon responded that he had a disclosure on Item No. 8. He noted he was an employee of the College of William & Mary and this item represented a contractual arrangement involving the college and the County. Mr. McGlennon further noted he had no direct involvement with this project as a college employee and stated he felt he would have a fair and impartial judgment on the matter.

Ms. Larson asked about an overview of Item No. 9. She noted that item could be pulled if needed for further discussion.

Mr. Icenhour noted Item No. 9 would be pulled.

1. Minutes Adoption
2. Acceptance of Funds - Virginia Forfeited Asset Sharing Program - \$757
3. Acceptance of Funds - Virginia Forfeited Asset Sharing Program - \$269
4. Grant Award - Virginia Fire Programs Fund Adjustment - \$14,402
5. Appropriation - FEMA Reimbursement - \$93,824
6. Contract Award - Freedom of Information Act Request Software Solution - \$102,328
7. Dedication of Streets in Sections 1 and 2 of the Windsor Ridge Subdivision
8. Relocation of Launchpad - The Greater Williamsburg Business Incubator

9. Memorandum of Agreement on Greater Williamsburg Partnership Transition into the Greater Williamsburg Chamber & Tourism Alliance

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. Chris Johnson, Interim Director of Economic Development, provided an overview of Item No. 9 to the Board. He noted the Memorandum of Agreement before the Board was jointly drafted by the three localities of James City County, York County, and the City of Williamsburg. He further noted these localities formed the Greater Williamsburg Partnership. Mr. Johnson stated that the Greater Williamsburg Chamber & Tourism Alliance was undergoing reorganization as a result of Senate Bill 942. He noted the reorganization had divided the group into two separate entities, a Business Council and a Tourism Council. Mr. Johnson stated the memorandum recognized the restructuring and creation of the separate councils. He noted there were no funding changes, but rather an acknowledgment of the transition and authorization for the County Administrator to sign necessary documents.

**H. PUBLIC HEARING(S)**

Mr. Icenhour noted Mr. Tim O'Connor, Planning Commission representative, was present and would be available for comments during this section of the meeting.

1. Amendment of an Easement on 2511 and 2611 Forge Road and Acceptance of Easement on 2822 Forge Road

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. Kinsman addressed the Board regarding the application from Mr. Woody Perry and Mr. Hawley Smith to amend an existing easement on 2511 and 2611 Forge Road in exchange for establishing a new easement on 2822 Forge Road. He noted he and Mr. Jason Purse, Assistant County Administrator, had set forth the details of that particular exchange as well as some easement restrictions.

Ms. Sadler asked if this was basically a "trade, in essence".

Mr. Kinsman noted the details were in the staff memorandum, but further noted acceptance would include some additional houses that were not permitted on 2511 and 2611 Forge Road in exchange for fewer houses that would normally be permitted at 2822 Forge Road and the establishment of a setback easement from Forge Road.

Mr. Icenhour opened the Public Hearing.

1. Mr. David Otey, 109 Peter Lyall, noted he represented Mr. Perry and Mr. Smith. He referenced Mr. Perry's development, Willow Pond Estates, and the adjacent property owned by Mr. Smith, which was to be extended to maintain the look of Willow Pond onto the Smith property. He noted the current easement only allowed for one house. He further noted the proposal would allow modification to the existing easement for more homes in exchange for a reduction in the number of permitted homes on the Meadows Farms property across the road.

2. Mr. Smith addressed the Board citing a love for the "farm ambience" in the Forge Road

area and an opportunity to contribute to the conservation and maintain the farm appeal of the area.

Mr. Icenhour closed the Public Hearing noting there were no more speaker cards. He then asked the Board for comments.

Mr. McGlennon noted this was a good opportunity to add to the scenic view on Forge Road. Mr. McGlennon supported the resolution and further noted criteria for the Purchase of Development Rights Program.

Mr. Hipple stated he loved Forge Road and wanted to maintain its rural and scenic look. He noted development pressure was everywhere, but this was a step forward in what the County was looking for in terms of rural character.

Ms. Sadler offered her support noting no additional tax funding was involved.

Ms. Larson noted her appreciation on the compromise across the properties and offered her support.

Mr. Icenhour was pleased at the lot reduction and preservation of the scenic buffer. He noted his support with this "win-win" situation.

2. Case No. SUP-19-0009. 4897 Longhill Road King of Glory Lutheran Church Expansion

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. Thomas Leininger, Planner, addressed the Board noting Mr. Chase Grogg of LandTech Resources had applied for a Special Use Permit (SUP) to allow for expansion at the King of Glory Lutheran Church on 4897 Longhill Road. He detailed the specifics of the expansion request including a Longhill Road widening project and VDOT's coordination with that project. Mr. Leininger stated the Planning Commission had approved this application by a 5-0 vote and staff recommended approval subject to the proposed conditions.

Mr. McGlennon asked if a traffic circle was part of the Longhill Road expansion at the Williamsburg Plantation.

Mr. Leininger confirmed yes.

Mr. McGlennon inquired if the church would utilize access onto the traffic circle.

Mr. Leininger confirmed yes and there would be two accesses.

Mr. O'Connor noted the Planning Commission's vote was straightforward.

Mr. Icenhour opened the Public Hearing.

Mr. Icenhour closed the Public Hearing noting there were no speaker cards. He then asked the Board for comments.

Ms. Larson noted the church had expanded on several occasions. She further noted a healthy growth there. Ms. Larson expressed concern over traffic, but was hopeful the Longhill Road expansion would ease any traffic issues. She supported the SUP application.

Mr. McGlennon commended the church for its community work, particularly with a community resource center as part of the expansion plan.

3. Case No. Z-19-0007/MP-18-0004. Forest Heights Proffer and Master Plan Amendments

A motion to Defer 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. Thomas Wysong, Senior Planner, addressed the Board noting Mr. Doug Harbin of Wayne Harbin Builder, Inc., on behalf of the Salvation Army, had applied for a master plan and proffer amendment to allow for additional townhomes, a mini-storage facility, and a residential dwelling unit for a caretaker on the parcel. He detailed a history of the rezoning of Forest Heights and the proffer requirements. Mr. Wysong stated the Planning Commission had approved this application by a 4-1 vote with provisions on development building elevations and redesign guidelines for the storage facility. He noted the Planning Commission also recommended the Board of Supervisors not apply the mixed use construction phasing process for this project. Mr. Wysong noted the applicant had addressed the provisions and worked with staff. He further noted staff was unable to recommend approval subject to the proposed conditions due to non-alignment with the Board adopted Mixed Use Construction Phasing Policy.

Mr. McGlennon welcomed Mr. Wysong and inquired about areas of concern. He noted the phasing policy and the commercial aspect. He asked about the timeline.

Mr. Wysong explained up to 10% of the building permits of the residential units could be issued prior to commencement of any commercial construction. He noted then a Certificate of Occupancy must be issued for at least 25% of the commercial square footage as shown on the master plan prior to the issuance of any building permits for residential units above 50% of the total proposed units as shown on the master plan. Mr. Wysong further noted that since 2011 the master plan had shown the non-residential uses located on the Salvation Army and the phasing would be effective with this development phase.

Mr. McGlennon asked if the amendment, as currently proposed, would indicate the proffer would constitute totally affordable housing within the Housing Opportunity Policy. He cited the number of units and the cost to represent the low end of the spectrum.

Mr. Wysong noted a minimum of four units within a price range of \$93,138-\$212,618 met the policy criteria. He further noted the applicant had proffered four units for that range.

Mr. McGlennon asked about the next category of the 60-80% median income, which ranged from \$212,618-\$243,260. He inquired if four units were the minimum at this level also.

Mr. Wysong noted only three units at this level were required and the applicant had proffered for those units as well.

Mr. McGlennon noted the remaining percentage ranged into the \$300,000s. He further noted the observation of that figure as affordable housing. He then addressed the question of how rentals would work as noted in the master plan.

Discussion ensued.

Mr. O'Connor addressed the Board noting the uniqueness of the master plan amendments and the number of property owners involved. He noted when the application first came before the Planning Commission, it was thought the Salvation Army would be involved. He further noted the Salvation Army had since relocated. Mr. O'Connor noted the Planning Commission's 4-1 vote, concern for maintaining the 80-20 for mixed use, and abundant retail in the Lightfoot corridor.

Mr. McGlennon asked about the Planning Commission's decision for setting aside the policy.

Mr. O'Connor noted the applicant's financing on the project addressed both a residential component as well as a commercial component with separate construction.

Mr. McGlennon questioned maintaining the consistency of County policy versus applicant convenience.

Mr. O'Connor noted the constraints of the master plan and allowing latitude to the applicant.

Mr. Icenhour opened the Public Hearing.

1. Mr. Geddy requested the Board approve the application.

2. Mr. Doug Harbin, 202 Landing Road, addressed the Board regarding his company's commitment to affordable housing and other housing projects within the County. He detailed the Forest Heights project and the opportunity to give back to the community. He addressed the strict mixed use policy and its impact on developers. Mr. Harbin noted his work with staff and various options for the development considering the 80-20 mix. He further noted the site was not suitable for retail so commercial options were not viable as that was a component of the mixed use zoning regulation. Mr. Harbin stated the plan embraces the County's vision for revitalizing a neighborhood and more affordable housing, met the intent of the mixed use zoning for the property, and had worked well with staff on the aesthetics of the storage facility. He asked the Board to approve the application noting the positives outweighed the negatives.

3. Mr. James Beavers, 232 Lakeview Drive, noted his association with Mr. Harbin and the affordable housing projects. He asked that the Board approve the application as this project would positively impact the community.

4. Mr. William Pritchard, 4005 Coronation, addressed the Board noting the attributes of the Harbins and their company. He noted his support and spoke favorably on the Forest Heights project.

5. Mr. Wayne Harbin, 4041 Coronation, addressed the Board noting "we want to give back to the community" and felt this project fell in line with the County's affordable housing needs. He noted the mixed use funding and the need to complete some residential building for the financing of the project.

6. Mr. Brad Harbin, 12401 Payne Estates Court, spoke about the storage facility on Route 60 and its appearance. He stated Mr. John Hopke of Hopke and Associates, Inc. had been involved in the design of the project.

Mr. Icenhour closed the Public Hearing and asked the Board for comments.

Mr. Hipple applauded the Harbins for their efforts and work in the community. He noted no one had spoken against the project and further noted it met with the County's vision for affordable housing. Mr. Hipple noted a reduction in local builders and financial impacts to County builders. He applauded the design and lent his support to the project.



Ms. Larson noted she had two concerns, but noted they were not with the builder. She said one concern was the mixed use and the storage facility. Ms. Larson said she did not feel the storage facility was what should go with the residential aspect and was questioning that option for the mixed use. She also expressed concern about the number of school children, citing a potentially low number.

Ms. Sadler commented this presented an affordable housing component that was greatly needed in the community and its location for accessibility. She addressed schools and future talks. She noted her support of the proposal.

Mr. McGlennon noted this was an unusual situation. He addressed policy and school attendance. He noted a need to minimize what the Board was approving and questioned if this project was intended to be a sale or a rental. He further noted if 20% of non-residential use was required, then identify what that use would be. Mr. McGlennon also requested information on identifying phasing policy implementation. He expressed concern if the project was right for this property.

Mr. Icenhour questioned staff about the balance of that community and the property owners in the mixed use. He felt there was no effective master plan for the whole community and instead was an incremental development based on what had been there from the start. He noted the mixed use had allowed for setbacks to improve the community. Mr. Icenhour expressed concerns for future owners and the commercial aspect of this property.

Mr. Paul Holt, Director of Community Development, noted this was a unique mixed use master plan and development, and not a Greenfield development. He further noted at that time, it was a County-initiated rezoning to be mixed use. He detailed property history as well as the Salvation Army property. Mr. Holt noted the size of the five long parcels and their use. He also noted no master plan component existed for those parcels, but said an action was required to establish a vision and criteria for the mixed use.

Mr. Icenhour asked if those were existing single-family homes.

Mr. Holt confirmed yes.

Mr. Icenhour asked how that impacted the overall mixed use area.

Mr. Holt noted it was an existing condition.

Mr. Wysong highlighted the 2011 rezoning master plan envisioned institutional use on the Salvation Army property. He noted the five existing residential lots and future thoughts on possibly reorganizing the property lines for future development. He noted based on the current master plan with those lots, he did not think the builder had contacted those homeowners regarding a larger "buildable envelope" there with new property lines. He detailed the acreage breakdown for the various uses.

Mr. Icenhour asked if the five lots were legally nonconforming.

Mr. Holt responded yes with regards to the mixed use.

Mr. Icenhour asked about the affordable housing policy and echoed Mr. McGlennon's concerns regarding sale versus rental. He noted questions about the affordability, soft second restrictions, and market value.

Discussion ensued.

Mr. Hipple noted this area had originally been designated mixed use to allow for roads in the Forest Heights. He questioned if this change had been good, why not keep with the change for the good of the next person looking to develop this area. He noted this seemed like the County was not following what had been asked of the public.

Mr. Holt responded "this was a zoning district that met the redevelopment needs that created opportunities and areas for improvements for the existing homeowners" in that area and infrastructure improvements. He noted this worked well with the Salvation Army's plan at that time.

Mr. Hipple expressed concern that while it had worked well at the time, the master plan followed the land and not the Salvation Army. He noted the impact with new ownership.

Discussion ensued on the 80-20 ratio, storage facility plans for the designated acreage, and open space clarification.

Mr. McGlennon noted more information was needed for the open space area as well and the four individually owned lots.

Mr. Hipple asked how those four lots were in the master plan, but not owned by the County.

Mr. Icenhour asked if the five lot owners could develop commercially on the back end by-right of their respective properties since the area was designated mixed use. He questioned if that would be a master plan amendment.

Mr. Holt indicated the use land categories and noted if the uses were consistent with the existing master plan and met the requirements associated with the land then a rezoning amendment would not be needed.

Mr. Hipple asked about egress and ingress applications for the back of those lots.

Mr. Holt addressed this regarding the traffic analysis study and the applicant's current plan to address traffic and future egress and ingress.

Discussion ensued.

Ms. Larson asked if additional storage units were placed on the property would the applicant need to come before the Board of Supervisors.

Mr. Holt noted he would research the use categories and get back to her and the Board.

Mr. Icenhour noted his concern about the inaccuracy of the school numbers, the density for mixed use, and affordable housing in relation to sales versus rentals.

Mr. Geddy addressed the zoning line for the five lots and noted those homes were legally residential designation. He added the dotted line on the back part was the institutional area. Mr. Geddy suggested more time to address some of the questions that had arisen. He noted a deferment until the next month.

Mr. McGlennon noted the deferment was an excellent idea as it allowed an opportunity to clarify some uncertainty.

Mr. Icenhour closed the Public Hearing.

At approximately 7:21 p.m., Mr. Icenhour recessed the Board for a short break.

At approximately 7:27 p.m., Mr. Icenhour reconvened the Board.

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

### **1. Case No. HW-19-0001. Busch Gardens Height Waiver 2019**

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

Ms. Roberta Sulouff, Planner, addressed the Board noting additional paper emails were before the Board members. She noted Mr. Anthony Loubier of VHB had applied for a height limitation waiver on behalf of SeaWorld Parks and Entertainment, LLC. She further noted the waiver was to permit construction of an attraction not to exceed a height of  $\pm$  355 feet above finished grade, or  $\pm$  435 feet above sea level. Ms. Sulouff detailed the Busch Gardens zoning district and the history of an additional informational meeting for Kingsmill residents and sound testing. She noted this waiver met the six criteria as determined in the County Code and referenced both the staff report and resolution for additional details.

Mr. McGlennon questioned the conditions of the height waiver and referenced Ms. Fowler's picture showing the Jamestown Island view of Busch Gardens. He asked Ms. Sulouff about the conclusion of the attraction's height not affecting historic vistas.

Ms. Sulouff referenced Criteria No. 3. She cited this attraction's visual impacts were limited by existing ones as opposed to a new attraction. She also noted several other attractions were already within the view scape of Jamestown Island.

Mr. McGlennon thanked the Board, Busch Gardens, and the citizens for the additional time and meeting to discuss this item. He noted he and Mr. Jason Purse, Assistant County Administrator, had attended the meeting. He further noted three areas of potential concern. Mr. McGlennon stated one item was noise to which Busch Gardens had conducted noise studies that indicated minimal impact to the community. He addressed the second item of visibility to neighboring communities and the nature of the attraction. Mr. McGlennon noted the details of the attraction's design in terms of lights, width and length, as well as a lattice structure. He stated citizens' concerns on the dimensions. He noted the last item regarded the visual impact from Jamestown Island and any historical impact. Mr. McGlennon also commented on Busch Gardens' sensitivity to the area while pursuing technology. He mentioned the "broader experience" that affects residents and tourists on a year-round basis. He noted that everyone needed to be mindful to closely review future changes. He asked Mr. Holt about the process when this type of information and request was presented to staff.

Mr. Holt explained the staff administrative process was the submission of a detailed site plan from the applicant and engineering team. He noted that was then followed by the building permit. At both stages staff and ultimately Mr. Holt, as Director of Community Development and Planning, have to make consistent decisions with the Board's directives. He further noted that as final engineering and structural plans were developed for County plan approval and building permit issuance, then compliance with the Board's expectations as well as legislative conditions in place at that time were considered. Mr. Holt stated if the plans were not compliant, then there was a process in the County Code for consistency determination.

Mr. Hipple asked if this was the same process that Busch Gardens and the County went through for all height limitation waivers.

Mr. Holt confirmed yes.

Mr. McGlennon noted the difference here was the attraction's height. Mr. Icenhour asked the Board for comments.

Mr. Hipple noted the secrecy surrounding the details of the new attraction. He also commented on Busch Gardens as a good partner with James City County. He acknowledged limiting certain things limits a company's growth. Mr. Hipple noted caution on limitations, but acknowledged that the County and the company held each other to high standards.

Ms. Larson thanked everyone for their input. She commented on the deluge of feedback from fans of Busch Gardens amusement parks. She thanked Busch Gardens and the residents of Kingsmill for being good citizens.

Ms. Sadler echoed similar sentiments. She thanked the citizens for their input and Busch Gardens for all that it did for the community.

Mr. McGlennon supported the height waiver and noted he represented the constituency of both Kingsmill and the area around Busch Gardens.

Mr. Icenhour noted the 60-foot limit and adherence to it. He further noted the pros and cons of consideration of buildings or attractions that were higher than 60 feet. He expressed his support for the height waiver.

2. Contract Award - Consultant Services to Update the Comprehensive Plan and Complete Several Strategic Plan Initiatives - \$722,920

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. Tammy Rosario, Principal Planner, addressed the Board regarding details of the contract award for the consultant services for the Comprehensive and Strategic Plans. She cited funding from the Planning Division's Fiscal Year 2019 and 2020 Professional Services budgets included this funding. Ms. Rosario noted the Evaluation Committee utilized criteria in the Request for Proposals and determined the EPR Team, comprised of EPR-PC, Michael Baker International, Clarion Consultants, and TichlerBise, Inc., was the most fully and highly qualified candidate. Ms. Rosario said staff recommended adoption of the contract award resolution for the four operational initiatives.

Mr. McGlennon inquired about the reevaluations of certain policies, particularly school capacity and some others.

Ms. Rosario noted the work from this Comprehensive Plan would help establish the foundation and assist in evaluation of those policies.

Ms. Larson asked about the cost from the previous time.

Ms. Rosario noted it was "apples and oranges" which reflected the scope of the plans, which was not as large as the plan update currently in review. She further noted in 2009 a major plan update for the Comprehensive Plan cost \$145,000. She stated this included other Strategic Plan updates.

Mr. Hipple asked if this included four initiatives.

Ms. Rosario confirmed yes.

Mr. Hipple noted "that's a chunk of money."

Ms. Larson questioned the consultant's accountability and accuracy and what financial protection the County had in this case.

Ms. Rosario noted consultant contracts were done with milestones to monitor the success prior to payment. She commented that process had worked well in the past. She further noted if the consultant was not proceeding in an effective way with regards to scope and milestones, then the consulting services ceased.

Ms. Larson asked about the payment and the finalization with the Purchasing Department.

Ms. Rosario noted that was pending on the Board's decision. She further noted the framework was associated with five phases and tasks and payout based on those deliverables.

Mr. Hipple asked if each of the four initiatives were equal payout. He calculated approximately \$180,000 per plan.

Ms. Rosario noted each initiative had a different cost level. She also noted this was an integrated process and harder to separate costs in some respects.

Mr. Hipple asked if this was only the consultant costs and not staff costs.

Ms. Rosario noted these were existing resources and the process used previously. She noted staff's work on current and comprehensive planning tasks, advertising budget, but also noted that staff typically counted on consultants for these technical tasks.

Mr. Hipple asked if this much money had been spent on these four initiatives in the past.

Ms. Rosario noted "we've never undertaken something of this magnitude for a Comprehensive Plan." She further noted the updating of the Comprehensive Plan would have transportation modeling included, but would also incorporate scenario planning, the cumulative impact and the fiscal impact modeling, and the integration of those elements had not been previously incorporated into the Comprehensive Plan process. She discussed implications of increasing the Primary Service Area and integration of all the different perspectives during individual land use applications as Ms. Rosario noted the anticipation of the Board's desire to have that information.

Mr. Hipple asked if this would give the Board more options during the Comprehensive Plan.

Ms. Rosario confirmed yes.

Mr. Icenhour asked if anyone had additional questions for staff.

Mr. McGlennon approved the resolution noting the large amount of money, but he also indicated the four groups involved in the consulting contract represented a wealth of knowledge. He considered this a good investment.

Ms. Larson noted that point and stated that was a large sum of money. She further noted that following the completion with Purchasing, she wanted to know what metrics were being used, assurance of things being done, and the responsible party for monitoring the consultation

phases.

Mr. Purse noted that both Mr. Holt and Ms. Rosario had requested time at various work sessions on this topic. He noted a strong citizen component as well as Board input so he emphasized regular updates would be available.

Ms. Larson noted it was not just the Board that needed regular updates, but checkups that the consultant was providing regular updates.

Mr. Purse confirmed yes that was the case.

Mr. Hipple asked if the report, after Purchasing, would benefit by providing additional tools that had not been available previously. He noted potential questions from citizens about another report and what would be done with it.

Mr. Purse confirmed yes.

Ms. Sadler questioned where in the process the costs would show.

Mr. Purse noted staff received regular updates and invoices would show the percentages spent and what benchmarks of completion were to be done at those percentage points.

Ms. Sadler asked what if they did not complete those benchmarks.

Mr. Purse noted no payment if the benchmark was not been completed. He emphasized no lump payment was made until invoices and benchmarks were in sync.

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

Ms. Sadler asked for follow-up on Mr. Jack Fowler's concerns, particularly regarding vegetative overgrowth across Verizon lines and property in the Richmond Road/Toano area.

Mr. Hipple noted he had nothing to discuss.

Ms. Larson acknowledged her appreciation for the City of Virginia Beach resolution as she extended her deepest condolences to the City. She also thanked the County for its support. Ms. Larson noted that she had visited the two open polling places in the Berkeley District. During her visit to Clara Byrd Baker Elementary School, she noted the principal was working in the hallway due to the volume of phone calls from concerned parents that the school building was open during the primary. Ms. Larson stated she then visited Matoaka Elementary School and there a James City County police officer told her that was his third school presence. She noted she received an email expressing concern for the open schools during the recent voting, which she further noted she forwarded to Mr. Stevens. Ms. Larson stated the County's Registrar had expressed concerns about the schedule. Ms. Larson noted the Presidential primary would take place in March and expressed a heightened awareness of parental concern for that time. She stated she and Ms. Sadler attended the Williamsburg Hotel and Motel Association meeting. She noted attendance at the Business Appreciation Event at the Williamsburg Winery. She further noted that event went well and was hosted by the Economic Development Authorities of James City County, York County, and the City of Williamsburg. Ms. Larson also noted she and Mr. Stevens toured the Virginia Peninsula Regional Jail. She commented on existing infrastructure that was probably part of the original jail construction and was in need of an update. She also noted her attendance at the annual Police Recognition with Mr. Hipple as the guest speaker. Ms. Larson noted graduation on Saturday and her attendance at the conference planning for Virginia Association of Counties in Richmond.

Mr. McGlennon noted the General Assembly's consideration of legislation to move the primary.

Ms. Larson also noted the change to open schools two weeks earlier, but commented March was still an issue.

Mr. McGlennon mentioned the recent passing of several contributors to the community. He noted the passing of Mr. Edward Radcliffe, 97 years old, an active member of the Grove community. He also noted a memorial service for Mr. Bill Bryant, an editor for *The Virginia Gazette* and *The Daily Press*. Mr. McGlennon cited Mr. Bryant's involvement with County issues. He extended his congratulations to Ms. Kathy Hornsby as the recipient of the College of William & Mary's 2019 Prentis Award for her community service. He also attended the Town Hall meeting hosted by the Honorable Congresswoman Elaine Luria, the Clean the Bay Day event on June 1, the General Educational Development graduation for the Williamsburg-James City County Schools with Ms. Larson, the Warhill High School Community Garden Field Day on June 8, the National Association for the Advancement of Colored People Celebration of Scholars and \$35,000 of awards to young people in the community, and a working group on proffers.

Mr. Icenhour noted his fellow Board members covered his events.

## **K. REPORTS OF THE COUNTY ADMINISTRATOR**

### **1. County Administrator's Report**

Mr. Stevens announced Ms. Sharon Day had been selected as the Director of Financial Management Services. He cited her background and County involvement. He noted she had a schedule conflict and had to leave, but she would be present at a future meeting. He also noted the upcoming Jamestown Jams on June 28. Mr. Stevens stated James City County opened an account on Nextdoor, a social network, to share information with residents. He noted a message on recycling had been sent via Nextdoor. Mr. Stevens further noted this had been a suggestion from one of the County's supervisors and he appreciated it as a resource to communicate with residents. He stated the County's Department of Social Services would be hosting two workshops: Smart Money Management Workshop on June 13, 6-8 p.m., and Home Maintenance Workshop on June 20, 6-8 p.m. at the Human Services Building. Mr. Stevens noted the workshops were free for County residents, but asked that residents call 757-259-5340 to reserve a seat.

Mr. Icenhour noted that based on earlier discussion with the County Administrator and the County Attorney, he moved to amend the Closed Session agenda to add two items. He noted those items were: 1) discussion regarding the disposition of real property or discussion in an open meeting which would adversely affect the bargaining position of the public body, specifically the portion of Jolly Pond Road that crosses the Jolly Pond Dam in accordance with Section 2.2-3711(A)(3) of the Code of Virginia; and 2) consultation with legal counsel regarding specific legal matters requiring provision of legal advice by such counsel specifically to the contract to provide curbside recycling services in accordance with Section 2.2-3711(A)(8) of the Code of Virginia.

A motion to Add Items to the Closed Session Agenda 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

## **L. CLOSED SESSION**

A motion to Enter a Closed Session was made by Michael Hipple, the motion result was Passed.

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

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

At approximately 8:21 p.m., the Board entered Closed Session.

At approximately 10 p.m., the Board re-entered Open Session.

### **1. Certification of a Closed Session**

A motion to Certify the 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

### **2. Appointments - Historical Commission**

A motion to Appoint Individuals to Boards and Commissions 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 made a motion to appoint Mr. Frank Abbott, Ms. Adrienne Carter, Mr. John Labanish, Mr. Alain Outlaw, and Mr. Stephen Phillips to the Historical Commission for terms that will expire on June 30, 2022.

### **3. Appointment - Thomas Nelson Community College Board**

A motion to Appoint Individuals to Boards and Commissions 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 made a motion to appoint Ms. Mary Ann Maimone to the Thomas Nelson Community College Board for a term that will expire on June 30, 2023.

### **4. Staff Appointment - Middle Peninsula Juvenile Commission**

A motion to Appoint Individuals to Boards and Commissions 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 made a motion to reappoint Ms. Sharon Day to a new term that will expire on June 30, 2023.

### **5. Staff Appointment - Colonial Group Home Commission**



A motion to Appoint Individuals to Boards and Commissions 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 made a motion to appoint Ms. Rebecca Vinroot to a term that will expire on June 30, 2023.

6. Staff Appointment - Williamsburg Regional Library Board of Trustees

A motion to Appoint Individuals to Boards and Commissions 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 made a motion to appoint Mr. Jason Purse to a new term that would expire on June 30, 2023.

7. Property Acquisition Discussion

A motion to Adopt the resolution 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

8. Performance Review of the County Attorney and County Administrator

A motion to Authorize a Salary Increase of 3% for the County Attorney, Adam Kinsman, effective October 1, 2019, was made by John McGlennon, the motion result was Passed.

YES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

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

M. ADJOURNMENT

1. Adjourn until 4 p.m., June 25, 2019, for the Work Session

A motion to Adjourn 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

At approximately 10:02 p.m., Mr. Icenhour adjourned the Board of Supervisors.

  
Deputy Clerk