

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
County Government Center Board Room
101 Mounts Bay Road, Williamsburg, VA 23185
December 10, 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

JAN 14 2020

Board of Supervisors
James City County, VA

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

1. Pledge Leaders - Bailey Hollenbeck, Alice Kiser, Evelyn Rajec, Anna Loiacono, and Evan Bowler, Honor Roll students at Clara Byrd Elementary School, led the Board and citizens in the Pledge of Allegiance

Mr. Icenhour noted these students were nominated by their principal, Mr. Michael Hurley, for their hard academic work and setting positive examples for others to emulate.

E. PRESENTATIONS

Prior to the presentations, Mr. Icenhour provided a summary of the Board's 2019 activity. He noted 27 Board meetings which included 12 regular, 10 work sessions, organizational, retreat, budget work session, and two joint meetings with the Williamsburg-James City County School Board. Mr. Icenhour further noted recognition of seven retirees, 32 presentations, 25 grant awards totaling \$2.8 million, 53 public hearings, and 45 work session topics. He expressed his appreciation to his colleagues and the collaborative efforts. He noted future plans included Comprehensive Plan rewrite, continued revenue options for economic development, diversification of the economy with a highlight on workforce development and affordable housing, a new elementary school, and long-term water supply at a reduced cost.

1. Chairman's Awards

Mr. Icenhour noted there were two awards for the evening. He further noted the 2019 Chairman's Award was presented to Habitat for Humanity, Peninsula and Greater Williamsburg. Mr. Icenhour read the resolution which highlighted the work of Habitat for Humanity in the community. He welcomed Ms. Janet Green, Executive Director of Habitat for Humanity, to receive the award.

Ms. Green thanked the Board and citizens.

Mr. Icenhour noted the second award was presented to staff and the Curbside Recycling Implementation Team. He further noted the combined work from various County departments to address the challenges of the recently implemented fee-based recycling program for the County as stated in the resolution. Mr. Icenhour thanked the team and noted it consisted of the following staff: Ms. Pam Dawson, Ms. Holli Haney, Ms. Patricia Smith, Ms. JoAnna Ripley, Ms. Dawn Oleksy, Mr. Jim Hill, Ms. Jenni Tomes, Mr. David Bauernschmidt, Mr. Steve Curtis, Mr. Chris Coleman, Ms. Renee Dallman, and Ms. Kim Hazelwood.

Mr. Icenhour presented each member with a certificate.

The Board thanked the team and expressed its appreciation to Mr. Icenhour for the selection of recipients.

2. Williamsburg Boat Club

Mr. Bruce Lifka, President of the Williamsburg Boat Club, addressed the Board and introduced Mr. Tom Rooks, Executive Director. Mr. Lifka noted the attributes of the area as a water venue.

Mr. Rooks noted this area was underutilized as a water community. He cited a need to develop the infrastructure and water traffic use. He noted the Club's mission and building up participation.

Mr. Lifka highlighted the Club's vision and mission in a PowerPoint presentation. He noted involvement of local schools in the rowing programs, sponsorship of events, and Chickahominy River Park (CRP) and its amenities. He further noted the Park's Master Plan and resources. Mr. Lifka added the benefits of working with the Park and the College of William & Mary (W&M).

Mr. Rooks noted the Board's approval of the 'No Wake Zone' which enhanced the rowing programs in the Park.

Mr. Lifka noted three focal points for the Club: 1) water access that offered Americans with Disabilities Act access and dock improvements; 2) relocation/re-routing traffic flow for increased safety; and 3) boat house storage capacity. He detailed each point in the PowerPoint presentation. His presentation highlighted the Club's events and cooperation with the County on CRP plans. Mr. Lifka thanked the Board for its time.

3. James City County Audit Report (including James City Service Authority Audit)

A motion to Move 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 noted the audit report included the James City Service Authority (JCSA) audit. He asked Ms. Sadler, JCSA Board of Directors Chair, to open its meeting.

At approximately 5:21 p.m., Ms. Sadler opened the Board of Directors meeting for the County audit report.

Ms. Leslie Roberts, Partner at Brown, Edwards & Company, LLP, addressed the Board on

the Fiscal Year 2019 audit. She noted overall the audit went well and thanked Ms. Sharon Day, Director of Financial and Management Services, and Ms. Cheryl Cochet, Assistant Director, for their help. Ms. Roberts highlighted the audit report in the Agenda Packet and noted it was clean. She noted governmental audit findings and federal monies, which were also clean. Ms. Roberts thanked the Board for its continued association with Brown Edwards.

Ms. Larson thanked Ms. Roberts. She also acknowledged the strong leadership under Ms. Day as the Director of the department and thanked staff.

Ms. Roberts noted she was heading to the School Board to share its audit.

The Board thanked Ms. Roberts.

Ms. Sadler resumed the Board of Directors meeting.

At approximately 5:25 p.m., Mr. Icenhour resumed the Board of Supervisors meeting.

Mr. Icenhour asked for a motion to amend the Agenda to move Item I, Board Considerations immediately following Public Comment.

F. PUBLIC COMMENT

Due to the extraordinary number of Public Comment sign-ups for the December 10 meeting, each speaker was given one minute to speak so as to allow as many speakers to be heard as possible.

Mr. Icenhour noted the speaking time as well as the timing sequence of the colored lights at the podium as a reminder to all speakers. He further noted speaker information required for public record and other points of interest pertinent to the meeting's topics. Mr. Icenhour noted each speaker had been given a number and groups of 10 speakers would line up at a time for comment.

1. Mr. Robert Koch, 13 Jan Rae Circle, addressed the Board requesting the County notify Richmond that this County supported the rights of its citizens to protect themselves in any legal manner. He requested rights not be violated or unconstitutional laws passed to affect those rights.

2. Mr. Adam Garrison, 402 London Company Way, spoke in favor of the resolution. He requested the Board's support of the resolution.

3. Ms. Christine Payne, 2689 Jockeys Neck Trail, addressed legislation about gun control. She noted Virginia's General Assembly and its laws enacted. She further noted adherence to those laws and opposed any further consideration of gun sanctuaries.

4. Mr. Bill Sizemore, 4704 Yarrow Court, expressed his opposition to the Second Amendment sanctuary measure. He noted the legal jeopardy placed on the Board and law enforcement officers for failure to carry out duly enacted laws of the state of Virginia.

5. Ms. Jennifer Tierney, 2824 Linden Lane, expressed her opposition to the Second Amendment sanctuary for the County. She cited tourism and its impact if the County was not enforcing laws of the Commonwealth. She noted the importance of tourism to the County's economy.

6. Ms. Mary Ann Moxon, 2920 Nathaniel's Run, noted well-regulated gun control, but not

unlimited. She further noted not supporting the County as a Second Amendment sanctuary.

7. Mr. Luca BenYishay-Sapalio, 3024 John Vaughan Road, addressed the Board in favor of stronger gun laws. He noted two years previously he had addressed the community on the behalf of children's safety.

8. Mr. Ariel BenYishay, 3024 John Vaughan Road, addressed the Board in favor of stronger gun laws, citing various safety issues and concerns in the community.

Mr. Icenhour noted speakers 9 and 10 were not present and continued with speakers 11-20.

11. Mr. Richard Monahan, 208 Charter House Lane, noted the division of the political landscape and changes. He encouraged the Board to vote unanimously to pass this resolution.

12. Mr. Max Blalock, 2772 Linden Lane, spoke in favor of life and against guns. He stressed the importance of safe communities.

13. Ms. Linda Rice, 2394 Ford's Road, spoke against the proposed resolution. She cited irrational fear of yet unpassed legislation and misunderstanding about the constitutionality.

14. Dr. Mark Downey, 121 Horseshoe Drive, York County, addressed the Board on behalf of his pediatric patients against the passage of the resolution.

15. Mr. Wayne Moyer, 268 Peach Street, noted he felt this resolution was a waste of funds and time. He encouraged the Board to vote against the resolution.

16. Ms. Joanna Di Scipio, 500F Ukrop Way, noted she was a W&M student. She spoke on behalf of the youth of America with the fear of mass shootings in schools. She asked the Board to vote against the resolution.

17. Mr. Will Sambrook, 300E Richmond Road, a W&M student, spoke about gun violence in society and generational concerns.

18. Mr. Les Solomon, 113 Wetherburn Lane, noted his opposition to this Amendment.

19. Ms. Anne Brennan, 159 Lakewood Drive, addressed the Board regarding the Dillon Rule status of Virginia and public safety. She asked the County not be recognized as a Second Amendment sanctuary.

20. Ms. Jordan Stofko, 313 Jamestown Road, a W&M student, noted she was originally from Connecticut and had attended Sandy Hook Elementary School. She cited proper gun regulation and the powerful impact on communities.

21. Mr. Joseph Swanenburg, 3026 The Pointe Drive, addressed the Board with points on gun legislation and the Second Amendment. He asked the Board to support this resolution.

22. Mr. Rich Wadkins, 3703 South Square, cited responsible gun safety. He noted he did not support the resolution.

23. Ms. Adrienne Carter, 100 Lauren Court, stressed common sense and harm reduction. She noted she was not in support of the resolution.

Mr. Icenhour reminded speakers to refrain from calling out Board members individually and to keep comments focused on the issues. He also noted speaker 24 was not available.

25. Ms. Pam Pouchot, 103 Kimberly Court, Yorktown, noted her opposition to the resolution.

Speaker 26 was not present.

27. Mr. Evan Nuzzo, 7600 Uncle's Neck, asked for support of the Amendment.

28. Mr. Lenny Berl, 413 Fairfax Way, spoke in support of the resolution.

29. Mr. Doug Hansen, 3416 Avery Circle, noted his opposition to the resolution that opposed enforcement of Virginia's laws.

30. Mr. Rick Timberlake, 4147 Wiffet Way, noted his support of the Second Amendment sanctuary for the County.

Speaker 31 was not present.

32. Mr. David Richards, 3405 William Hodgson, expressed concerns about constitutional rights.

33. Ms. Suzanne Stern, 128 Spring Branch, questioned clarification on the resolution.

34. Mr. Vincent D'Orazio, 6504 Yancey Court, addressed the Board about gun safety. He encouraged support of the resolution.

35. Mr. Sam McClintock, 4660 Yeardeley Loop, noted concerns about gun safety. He further noted no need for a Second Amendment sanctuary and let the laws continue as designed.

36. Mr. Andre Provoncha, 106 Links of Leith, noted his support of the resolution.

37. Mr. Greg Aldape, 118 Winter East, asked the Board to adopt the County as a Second Amendment sanctuary.

Speaker 38 was not present.

39. Mr. Miles Diamond, 7229 Church Lane, noted his support of the resolution.

40. Mr. Keith Bowman, 224 Edinburg Drive, addressed the Board about the Bill of Rights and the Constitution as "the DNA of our liberty."

41. Mr. Robert Meekins, 124 Macaulay Road, supported Second Amendment sanctuary in the County.

42. Ms. Barbara Henry, 141 Devon Road, addressed the Board about gun control and infringement of citizens' rights. She requested support of the Second Amendment sanctuary for James City County.

43. Mr. Rob Charles, 1776 Patriots Way, supported constitutional rights.

44. Mr. Colin Romanick, 7 Meadow Circle, spoke in support of the resolution.

45. Mr. Bob Lambert, 3452 Frederick Drive, noted his support of the resolution.

46. Ms. Peg Boarman, 17 Settlers Lane, complimented staff on its organization of the meeting. She noted instead of talking about the three R's of trash, she asked for adherence to laws and requested an affirmative vote on the resolution.

47. Ms. Dorothy Fischer, 102 Royal Saint Georges, discussed rights. She favored support of the resolution and the Constitution.

48. Ms. Brenda Joyner, 13 Jan Rae Circle, noted guns were not the problem, but criminals were and questioned the point of how to remove guns from them, but not law-abiding citizens.

Speaker 49 was not present.

50. Mr. Scott Wiegner, 3109 Ridge Drive, supported the Second Amendment and requested the County be a sanctuary city.

51. Mr. Ash Thumm, 230 Reflection Drive, requested adoption of the resolution to protect all rights, particularly the Second Amendment.

52. Ms. Jane Gingrich, 103 Dyke, addressed the Board on sensible gun legislation from the General Assembly.

53. Mr. Cary Franklin, Jr., 100 Windsor Lane, requested the Board adopt the resolution.

54. Mr. Riley Wiesner, 3109 Ridge Drive, addressed the Board about the infringement of constitutional rights. He requested adoption of the Second Amendment sanctuary resolution.

55. Ms. Julie Vaisvil, 3114 Cider House Road, noted safe possession of guns. She asked the Board not to adopt the resolution.

56. Ms. Debra Hill, 196 The Maine, noted her opposition to the resolution citing the impact on tourism if the County was designated a gun sanctuary.

57. Dr. Rocco Basciano, 25 Frenchmen's Key, cited statistics from the American College of Physicians. He noted specific points should be considered in the decision.

58. Mr. Tom Corbett, 3305 Mary Byrd, noted his strong support for the resolution. He further noted concern for the language proposed and felt it was against the Constitution.

Mr. Icenhour noted Speaker 26 had arrived.

26. Mr. Jeffrey Long, 112 Ewell Place, spoke in favor of passing the resolution, belief in the Constitution, and following the Second Amendment.

59. Mr. Jim Brittan, 7144 Pinebrook Road, spoke on behalf of the resolution adoption.

60. Mr. Bryan Denny, 213 West Tazewells Way, requested support of the Constitution and establish the County as a Second Amendment sanctuary.

61. Mr. Wayne Parker, 8802 Diascund Road, spoke on behalf of the resolution's support.

62. Mr. Robert Wilson, 201 Norman Davis Drive, supported the resolution. He also requested a resolution to change the Virginia Constitution Section 2 language.

63. Mr. Bill Przybysz, 6216 Sommerset Lane, The Village of Westminster, noted emotions and statistics.

64. Mr. Trevor Herrin, 2528 Campbell Close, addressed the Board regarding constitutional rights of the resolution. He requested adoption of the resolution.

65. Mr. Keith Gibbons, 1117 King William Drive, requested adoption of the resolution for James City County as a sanctuary county.

Speaker 66 was not present.

67. Mr. John Paine, 3305 Ashe View, asked for ways to bring safety to 'would be' victims of gun violence and unite the community.

68. Mr. Dewey McGee, 1109 Lafayette Street, expressed his support of the resolution and asked the Board for its support.

69. Ms. Jan Walker, 106 Lawnes Circle, spoke against the County as a sanctuary.

70. Mr. Joshua Mayes, 135 Racefield Drive, spoke on behalf of his mother, a disabled combat veteran. He noted the need to protect citizens' Second Amendment rights.

71. Ms. Sasha Pauley, 9 Darling Lane, spoke in support of guns and constitutional rights.

72. Mr. Shawn Lindfos, 3858 Staffordshire Lane, supported the resolution and natural rights.

73. Mr. Arthur Tanchak, 4908 Grand Strand Drive, addressed rights.

Speaker 74 was not present.

75. Mr. Ryan Suleski, 125 Wilson Circle, spoke in favor of the Second Amendment and the United States Constitution.

76. Mr. William Graham, 1600 River Ridge, addressed the rights of the Second Amendment.

77. Mr. Mark Collins, 100 Saint Georges Boulevard, spoke against the bill and emphasized training and education as preventative measures.

78. Mr. Randy Taylor, 7112 Church Lane, spoke in favor of the resolution and the message it will send to Richmond.

79. Mr. Bryan Scott Simperts, 5983 Centerville Road, supported the Second Amendment sanctuary.

80. Mr. Michael Pollard, 1504 Trudy Lane, spoke in favor of the Second Amendment sanctuary.

81. Mr. Kenneth Murphy, 2884 Hidden Lake Drive, noted the volume of people in attendance. He asked the Board defend the Second Amendment.

82. Mr. Donnie Martin, 7196 Canal Street, Chickahominy Haven, asked the Board to pass the Second Amendment sanctuary for the County.

83. Ms. Katie Abercrombie, 502 Westgate Circle, spoke in favor of responsible gun ownership and support of the Second Amendment sanctuary.

84. Mr. R.J. Glaser, 104 Canterbury Place, addressed values and legislation.

85. Ms. Dena Waltrip, 2884 Lake Powell Road, spoke in favor of the Second Amendment sanctuary.

86. Mr. James Gelfin, 1010 Kingsmill Way, spoke in favor of defending the Constitution.

87. Ms. Cindy Gibson, 4792 Bristol Circle, thanked the County staff for its organization of the meeting. She opposed the sanctuary and cited its impact on tourism.

88. Mr. Jim Prince, 311 Patriot Way, Yorktown, spoke in support of the Second Amendment.

Mr. Icenhour noted that concluded the list of speakers.

The audience cheered.

Mr. Icenhour extended his appreciation to everyone in the audience for the civil, orderly process during the evening. He noted Item I, Board Considerations, was moved forward and would be next.

G. CONSENT CALENDAR

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. Icenhour asked if any Board member wished to pull an item.

Ms. Larson asked to pull Item No. 1.

1. Appointment of Assistant Fire Marshal

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

Ms. Larson asked if Fire Chief Ryan Ashe was available and would make an introduction of the appointee.

Chief Ashe addressed the Board regarding a resolution for the appointment of Mr. Charles (Chuck) Satterfield to Assistant Fire Marshal. Chief Ashe introduced Mr. Satterfield and noted he had completed the necessary training as required.

Ms. Larson thanked them.

2. Adoption of the James City County Emergency Operations Plan 2019

3. Compensation Plan and Personnel Policies Agreement with Sheriff

4. Appropriation - City of Williamsburg Child Health Initiative - \$10,006

5. Contract Award - 14 In-Car Camera Systems - \$125,532

6. Grant Award - Integrated Care Training - \$10,000

7. Grant Award - Virginia Department of Environmental Quality Fiscal Year 2020 Litter Grant - \$10,998
8. Grant Award - Naloxone for Law Enforcement - \$2,025
9. Grant Award - Scattered Site Housing Rehabilitation - Community Development Block Grant - \$1,208,771
10. Scattered Site Housing Rehabilitation - Community Development Block Grant Application - Adoption of Required Housing Rehabilitation Program Design and Residential Anti-Displacement and Relocation Plan
11. Scattered Site Housing Rehabilitation - Community Development Block Grant Application - Adoption of Required Section 504 Grievance Procedure for Disability Nondiscrimination
12. Scattered Site Housing Rehabilitation - Community Development Block Grant Application - Adoption of Required Local Business and Employment Plan
13. Scattered Site Housing Rehabilitation - Community Development Block Grant Application - Adoption of Required Fair Housing Certification
14. Contract Award - Columbia Drive Restoration Project - \$174,450
15. Contract Award - Woodland Farms Phase II Stream Restoration - \$1,389,968
16. Abandonment of a Portion of Jolly Pond Road

H. PUBLIC HEARING(S)

Mr. Icenhour noted Mr. Danny Schmidt, Planning Commission's representative, was in attendance.

1. Case No. SUP-19-0019. 530 Neck-O-Land Road Tourist Home

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. Scott Whyte, Senior Landscape Planner II, addressed the Board regarding the applicant's request for a Special Use Permit (SUP) to allow for short-term rental of two tourist homes with two units each and the specifics of the application. He noted staff's approval of the SUP and recommended the Board's approval subject to the proposed conditions. Mr. Whyte noted the Planning Commission, at its November 6, 2019 meeting, voted 4-2 to deny this application.

Mr. Schmidt, Planning Commission representative, noted a 4-2 split vote at the November meeting. He further noted the split vote reflected not supporting the SUP application. He said there were no public speakers during the hearing and addressed concerns regarding no arterial or collector roads, but rather a local road. Mr. Schmidt also noted concerns from the

Commission against the application regarding affordable auxiliary housing needs and short-term rentals being inconsistent with the Comprehensive Plan. He further noted those Commissioners in favor cited the short-term rental as a tourism advantage.

The Board had no questions for Mr. Schmidt.

Mr. Icenhour opened the Public Hearing.

1. Mr. Wilson Huffman, 530 Neck-O-Land Road, the applicant, noted he was available for any questions.

2. Ms. Sharon Dennis, 100 Saint Georges Boulevard, referenced the approval of her Ironbound Road home as a short-term rental and the Board's discussion on other such properties. She noted affordable housing and referenced short-term rentals as a tourism option. She further noted renovations and the services necessary to convert properties as a viable source of employment. Ms. Dennis encouraged the Board to view this as positive and noted it could contact her with any questions.

Mr. Icenhour noted there were no additional speakers. He closed the Public Hearing.

Mr. Hipple noted the Board usually heard from surrounding neighbors of the properties being discussed who had concerns and none were present at either the Planning Commission or the Board of Supervisors meeting. He further noted the question of the affordable housing issue discussed in the Planning Commission meeting. Mr. Hipple noted boundaries of affordability and location options.

Mr. McGlennon noted he had addressed the applicants previously. He further noted concern over the location and the impact on the residential neighborhoods along Neck-O-Land Road.

Mr. McGlennon noted discussion with the applicants regarding a reduction to two units for the property rental in the SUP application. He added the reduction would affect the three-bedroom house plus apartment, and not the duplex in the rear of the property. Mr. McGlennon noted the applicants were not adverse to that option if that was the best choice. He further noted support of the application with the reduced units. Mr. McGlennon noted the applicants acknowledged if all parties agreed then the additional units could be addressed in the future.

Ms. Sadler asked if the applicants were agreeable to this and the possibility of returning later to address the additional units.

Mr. McGlennon confirmed yes, but noted it would not guarantee approval at a later date.

Mr. Huffman addressed the Board regarding a change to the business model in terms of the rental time. He noted concerns around housing and the compromise of two units with the possibility of the other two units at a later time.

Ms. Larson noted she had spoken with Ms. Huffman previously. Ms. Larson further noted her concern over the number of units then and that she still had concerns. She cited the impact to neighbors and traffic.

Mr. Icenhour noted contact with the applicants also. He further noted the aspect of the business model change with short-term rental. Mr. Icenhour noted the lack of policy on short-term rentals and emphasized the concern of a commercial aspect in a residential community. He asked the County Attorney if the SUP was permanent until additional changes were required.

Mr. Kinsman noted that was correct unless a violation of the SUP occurred.

Mr. Icenhour asked if the SUP's conditions were met, then it remained in perpetuity.

Mr. Kinsman confirmed yes and noted the SUP followed the land and not the owner.

Mr. Icenhour noted the permanence of the decision without establishing a set policy. He further noted the need to address the issue for future applications.

Mr. McGlennon acknowledged that concern. He credited the applicants for making use of the County's regulations regarding short-term rentals in the proper way. He noted the location of the tourist home on Neck-O-Land Road and not off a collector road. He moved to accept a revised resolution for two units.

Ms. Sadler asked for clarification on the resolution and property location.

Mr. Icenhour noted it was the resolution with yellow at the top and it reflected the reduction to two units.

2. Case No. Z-19-0014/MP-19-0016. The Promenade at John Tyler Highway Proffer and Master Plan Amendment

Mr. Jose Ribeiro, Senior Planner, addressed the Board noting the applicant's request for deferment until the first regular Board meeting in 2020. He noted staff was in support of the request.

Mr. Icenhour opened the Public Hearing. He noted the hearing would remain open until the January 14, 2020 Board meeting.

3. Case No. Z-19-0012/SUP-19-0020. Forest Heights Rezoning and Independent Living Facility

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

A motion to Approve the SUP 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. McGlennon noted there were two motions: the SUP and the Ordinance.

Mr. Thomas Wysong, Senior Planner, addressed the Board regarding the County's rezoning proposal of 47.1 acres in Forest Heights from Mixed Use with proffers to R-3, Residential Redevelopment and R-3, Residential Redevelopment with proffers. Mr. Wysong noted Mr. Doug Harbin of Wayne Harbin Builder, Inc. was proposing 46 townhomes and a 50-unit age-restricted, independent living facility within this district and proffered as affordable housing. He cited the details of the proposal with the revision in which the self-storage unit was replaced with an independent living facility. Mr. Wysong noted the Planning Commission's approval with modifications.

Mr. McGlennon noted the replacement of the self-storage unit with the independent living

facility, at the request of the Board, met the needs of older citizens for independent living.

Mr. Wysong confirmed yes.

Mr. Schmidt noted the Planning Commission unanimously voted in favor of the rezoning and the SUP, but noted 10 public speakers addressed concerns at the meeting. He further noted traffic issues, affordable housing needs, and other factors from the speakers as well as discussion from the Commissioners on a bus stop and a park. Mr. Schmidt noted the Commission stressed staff develop a plan for a pocket park and land development.

Mr. Icenhour thanked Mr. Schmidt and highlighted the park and land development aspects.

Mr. Icenhour opened the Public Hearing.

1. Mr. Vernon Geddy, Geddy, Harris, Franck, & Hickman, LLP, 1177 Jamestown Road, addressed the Board representing Mr. Harbin. Mr. Geddy highlighted the application in a PowerPoint presentation. He noted the change with the 50-unit affordable, senior independent living facility. Mr. Geddy further noted the stormwater attributes and other details in the presentation. He added the applicant was offering cash proffers. He encouraged the Board to approve the project.

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

Ms. Larson thanked Harbin Builder and Mr. Geddy and his team for their hard work to find a solution which served a population that needed it. She noted in the long run, this would serve well as a neighbor.

I. BOARD CONSIDERATION(S)

Mr. Icenhour addressed Ms. Sadler for comment.

Ms. Sadler thanked everyone for being there. She read aloud the resolution.

1. Reaffirming James City County's Commitment to the Constitutions of the United States and the Commonwealth of Virginia

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. Icenhour asked the Board for comments following Mr. Hipple's motion to adopt the resolution.

Mr. Hipple thanked everyone for participation, cooperation, information, and support.

Ms. Larson also extended her thanks for participation and respect. She noted patriotism and respect for both sides. She encouraged the passion she heard from speakers on this point to be directed toward Richmond, where the decision would be made. Ms. Larson noted it was not within the Board's purview to make those changes.

Ms. Sadler asked to go last with her comments.

Mr. McGlennon noted the Board's action was not to declare James City County as a

sanctuary county, but to restate what its oath of office required. He further noted changes in the County's Ordinances based on legislation from the General Assembly that were deemed necessary under oath.

Mr. Icenhour thanked everyone for the civil discourse. He also thanked his fellow Board members for the collaborative efforts. He noted citizens' concern for a lack of enforcement of measures, but he reiterated 'take those to Richmond' and the legislators. Mr. Icenhour noted he had done so himself in speaking to his legislators.

Ms. Sadler thanked the Board for working well together in sending a message to Richmond that showed support to the Constitutions of the United States and Virginia. She also thanked everyone for emails and phone calls.

At approximately 6:56 p.m., the Board of Supervisors recessed for a short break.

At approximately 7:07 p.m., the Board of Supervisors reconvened.

J. BOARD REQUESTS AND DIRECTIVES

Mr. Hipple noted he had attended plenty of transportation meetings, but he would pass that information on at the next Board meeting.

Ms. Larson noted the joint meeting with the schools recently and the topic of the new elementary school. She further noted working on that topic and asked Mr. Stevens for an update.

Mr. Stevens noted some discussion on available sites in the County as well as the City of Williamsburg, but that the School Board did not have a specific site. He further noted reviewing growth and need.

Ms. Larson asked if the City had an available parcel.

Mr. Stevens noted it had a parcel that might be acceptable.

Ms. Larson noted discussion needed to start and to not follow the same path that the middle school discussion had gone. She further noted getting answers to all the questions and making a decision to move forward. Ms. Larson noted the process of hiring a Jail Superintendent had begun and interviews would begin in January 2020. She thanked the Law Enforcement Center for hosting the School Board meeting and several other events.

Ms. Sadler thanked the law enforcement officers in attendance at the night's meeting and always. She also thanked the fire department and staff.

Mr. McGlennon noted his attendance at the League of Women Voters holiday reception. He also reiterated Ms. Larson's comments on space needs for the schools and to comprehensively review those needs. He complimented Mr. Icenhour as the moderator of the joint School Board, City of Williamsburg, and the Board of Supervisors meeting. Mr. McGlennon noted the passing of Ms. Edith Edwards, wife of former Supervisor Jack Edwards. He further noted her leadership role in the community.

Mr. Icenhour noted the need to address the school issue at a work session. He further noted two factors: availability and design site; comprehensive review of all schools, not just the elementary school. Mr. Icenhour noted he would join Mr. Hipple and Mr. Stevens at the large staff meeting and he encouraged others to switch out for other Board members to attend. He

also noted the County holiday luncheon. Mr. Icenhour stated January 2020 had several upcoming events: January 6 - Virginia Association of Counties (VACo)/Virginia Municipal League (VML) Day and Meet Your Legislators, which would need to be put onto the Board's schedule at the organizational meeting; January 13 - join the School Board for its legislative day in Richmond with possibly two Board attendees.

Each Board member wished each other and the community wishes for a wonderful holiday.

K. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens noted the kickoff event for the County's Comprehensive Plan Update, Engage 2045. He further noted additional information from County residents was requested and noted the survey was available on the website until December 18. He thanked the Board and wished everyone a safe and happy holiday.

Ms. Larson noted the Engage 2045 events and the positive feedback. She further noted a similar event in Hampton that had one central location instead of the County's multiple locations which engaged more residents and comments.

Mr. Stevens thanked Ms. Larson for the comments and noted he would share that feedback with staff.

L. CLOSED SESSION

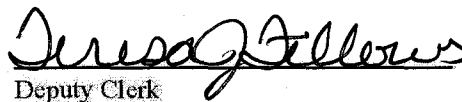
None.

M. ADJOURNMENT

1. Adjourn until 4 p.m., January 2, 2020, for the Organizational Meeting

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 7:55 p.m., Mr. Icenhour adjourned the Board of Supervisors.


Deputy Clerk