

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**March 9, 2021**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

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

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

**ADOPTED**

**MAR 23 2021**

Board of Supervisors  
James City County, VA

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

Mr. Hipple led the Board and citizens in the Pledge of Allegiance

**E. PUBLIC COMMENT**

1. Mr. Chris Henderson, 101 Keystone, addressed the Board referencing his comments at its December 2020 meeting on the importance of reopening schools. He noted it was now March 2021 with schools recently reopening on a two-day per week schedule for Kindergarten-12th grade. He further noted the upcoming joint meeting with the School Board. Mr. Henderson noted his hope that the Board of Supervisors would address citizen concerns regarding the importance of in-person learning at that meeting. He further noted school funding and air quality in educational facilities. Mr. Henderson asked the Board to discuss summer learning plans to assist children lagging educationally. He noted reopening issues also applied to local businesses and he encouraged the Board to assist in dealing with reopening. Mr. Henderson further noted the potential impact to the local community with illegal immigrants arriving from the south and possibly moving into the area. He noted the Board should develop a policy regarding immigration. Mr. Henderson further noted deferral of the Comprehensive Plan until an in-person meeting could be held. He noted he had learned from Ms. Dianna Moorman, County Registrar, that the Center for Technology and Civic Engagement provided money for James City County election supplies and had not been part of Ms. Moorman's report to the Board.

2. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board to talk about trash. She noted increased awareness and more participation to solve the problem. She further noted the County's 43rd Annual Spring Cleanup on April 17, 2021. Ms. Boarman noted the Great American Cleanup would occur March 26-27, 2021, adding the Clean County Commission welcomed participants and litter cleanup kits would be available. She further noted anyone interested should call her at 757-565-0032 or PBoarman@cox.net if interested. Ms. Boarman noted her disappointment at the amount of trash throughout the County, but added increased response to the need for litter cleanup. She further noted littering is illegal and that included

cigarette butts. Ms. Boorman noted the Stewardship Hour, hosted by the Clean County Commission, would be March 11, 2021 at 5:30 p.m. via Zoom and the topic would be Cleaning the Bay.

**F. CONSENT CALENDAR**

None.

**G. PUBLIC HEARING(S)**

Mr. Hipple acknowledged Mr. Robert Rose was the Planning Commission representative for this meeting.

1. Ordinance to Amend County Code Chapter 9, Article 1 Fire Prevention

Ms. Liz Parman, Assistant County Attorney, addressed the Board regarding revisions to the current County Fire Prevention Ordinance. She noted complexity and compliance challenges for citizens with the current County Fire Prevention rules. She further noted she and Fire Marshal Kenny Lamm had revised the Ordinance to be more user-friendly with added definitions to address types of burnings and recreational fires within the County. Ms. Parman noted rules were not significantly changed, but rather a significant reorganization.

Ms. Larson asked Fire Marshal Lamm if he would address some of the key points in the revision.

Fire Marshal Lamm noted the Prevention Policy, which had not been revised in several years, fell under four regulatory agencies: Department of Fire Programs, State Fire Prevention Code, Department of Environmental Quality, and Department of Forestry. He further noted in 2005, the Ordinance had been revised extensively due to citizen complaints. He noted current complaints had prompted more clarification on definitions such as land clearing debris and yard trash.

Mr. Hipple noted he had discussed those points with Ms. Parman. He further noted more definition was needed and referenced the 2,500-square-foot clearing requirement of the Chesapeake Bay Act as an example in establishing parameters for a burn site. He noted the burning of household trash that includes plastic and the impact to neighbors. Mr. Hipple noted less yard trash was burned anymore.

Fire Marshal Lamm confirmed that point. He noted adding stricter guidelines to the Ordinances.

Mr. Hipple noted maintaining the ability to burn certain items in the A-1 Zoning District.

Fire Marshal Lamm noted this was not a prohibitive move, but a safety precaution.

Mr. Hipple noted his two areas of concern were household trash and leaves.

Ms. Larson noted reference to permits for specific burning in the Ordinance. She asked where a citizen would go to get the permit.

Fire Marshal Lamm noted anyone could come to 5077 John Tyler Highway. He further noted the Fire Marshal's Office and Fire Administration were located there for permits and additional information. He noted additional clarification to the Prevention Policy would also be available on the website.

Mr. McGlennon thanked Fire Marshal Lamm and Ms. Parman for their work on clarifying the Ordinance for the citizens.

Mr. Hipple noted if there was no objection from the Board, he would leave the Public Hearing open until Fire Marshal Lamm and Ms. Parman returned at a later meeting with additional updates.

Ms. Larson asked if Public Hearing was open.

Mr. Hipple noted no, he had not opened it yet, but wanted to see if the Board was in agreement on deferral.

Ms. Parman recommended the May 11, 2021, Board of Supervisors meeting. Ms. Parman noted clarification on land clearing and yard debris burning within the A-1 District would also be addressed in the definition section then.

Mr. Hipple opened the Public Hearing, noting there were no speaker cards, adding it would remain open until its deferral to the May 11, 2021 Board meeting. He noted the Board's agreement on this point, though no formal vote was recorded.

2. ORD-20-0017. Consideration of Amendments to the Zoning Ordinance to Consider Contractors' Offices and Storage in Planned Unit Development District - Commercial

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. Christy Parrish, Zoning Administrator, addressed the Board with the details of the application such as minimal visual impacts in the district. She noted staff identified three Planned Unit Development - Commercial (PUD-C) areas within the County: Stonehouse, Villages at Candle Station, and a portion of Zion Baptist Church. Ms. Parrish further noted uses within the PUD District were divided into two subcategories: those in residential areas (PUD-R) and those in commercial (PUD-C). She noted currently contractor office or storage was not listed as a permitted or special permitted use in the PUD District. Ms. Parrish noted a contractor's office was not defined in the Zoning Ordinance. She further noted the discussion at the December 10, 2020, and January 14, 2021, Policy Committee meetings on adding contractor offices and storage as a use in the PUD-C District. Ms. Parrish noted the Policy Committee agreed on use by-right with performance standards to address a concern of outdoor operation element such as parking of oversized outdoor equipment, visual screening, noise, and proximity to residential areas and roadways. She further noted the performance standards regarding equipment storage, noise, light, odor, and other factors, adding a Special Use Permit (SUP) would need to be obtained if all the performance standards were not met. Ms. Parrish noted a conversation earlier in the day with Ms. Larson, which prompted further review of the PUD-C Master Plans. She further noted finding multiple rezonings of the Warhill tract had occurred and Zion Baptist Church property had been rezoned to R-8 and was not affected by this application. She further noted only two PUD-C areas were in the County. Ms. Parrish noted staff recommended approval by the Board.

Ms. Sadler noted contractors were located in the County with unscreened storage and outside operations. She questioned if this Ordinance were adopted, would those contractors be impacted.

Ms. Parrish replied no, adding any type of outside operation would not be permitted as a by-right. She noted if the business had an outdoor operation, the business would need to apply for

an SUP and get permission so staff could evaluate the use regarding surrounding areas and such and then it would move to the Board for the final decision. Ms. Parrish noted oversized vehicles were required to be parked in the back of the business. She further noted if that was not the case, then landscape screening from adjacent roadways and property lines would be required.

Ms. Larson thanked Ms. Parrish for her help. Ms. Larson noted her concern over proximity to the Norge residential area, adding the legislative process would help staff and the Board in making that decision.

Mr. Rose, Planning Commissioner, noted at its February 3, 2021 meeting, the Planning Commission voted 7-0 for approval.

Mr. Hipple opened the Public Hearing.

1. Mr. Chris Henderson, 101 Keystone, addressed the Board noting he owned and operated a small contracting business. He encouraged the Board to adopt policy that assisted small businesses within the County. He noted SUP references within the Code were not favorable to small businesses from a time or expense standpoint as those permits usually involved legal and engineering costs. Mr. Henderson noted other options besides landscape screening should be reviewed while maintaining respect for surrounding areas, particularly residential areas.

Mr. Hipple closed the Public Hearing as there were no additional speakers.

3. An Ordinance to Amend and Reordain Chapter 4, Building Regulations, of the Code of the County of James City, Virginia, by Amending Article I, Virginia Uniform Statewide Building Code, Division I, Generally, Section 4-3, Adoption; Amendments

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. Tom Coghill, Director, Building Safety and Permits, addressed the Board noting the memorandum in the Agenda Packet pertained to climatic and geographic changes.

Mr. Hipple opened the Public Hearing.

Mr. Hipple closed the Public Hearing as there were no speakers.

4. An Ordinance to Amend and Reordain Chapter 4, Building Regulations, of the Code of the County of James City, Virginia, by Amending Article II, Supplemental Regulations by Adding New Section 4-17, Performance standards for retaining walls; An Ordinance to Amend and Reordain Chapter 23, Chesapeake Bay Preservation, of the Code of the County of James City, Virginia, by Amending Section 23-10, Plan of development

A motion to Defer was made by James Icenhour Jr, the motion result was Passed.

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

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

Mr. Paul Holt, Director, Community Development and Planning, addressed the Board regarding the retaining wall proposed changes. He noted the Code Amendment in the Agenda Packet, which was based on previous discussion with the Board, applied to all bulkheads, sea walls, and retaining walls three feet or more in height. Mr. Holt further noted the additional

requirements. He noted staff recommended the Board adopt the Ordinances.

Ms. Larson noted she had received several phone calls regarding this point. She further noted concern about easements and potential burden on homeowners. Ms. Larson noted the possibility of a mechanism for modification or exception as this was potentially less cumbersome for a commercial operation than a homeowner. She further noted looking at a project where addressing the retaining wall concerns created spacing issues as tree removal would be necessary. Ms. Larson noted in accomplishing one thing, another issue could be created. She further noted feedback had been received that public input from builders and such had not been considered on this point.

Mr. Holt noted he had received emails. He further noted the trade-off regarding retaining walls with wall extensions into developable land. Mr. Holt noted communication on the exception process as well as additional discussion with area professionals. He further noted if the Ordinance was deferred, discussion could be set up to review options.

Mr. Hipple opened the Public Hearing.

1. Mr. Joe Hertzler, 605 College Terrace, addressed the Board noting he hoped the Board would not proceed on the Ordinance as it was currently being presented. He further noted the impact to a number of projects as well as damage. Mr. Hertzler noted a deferment would allow for professional input. He presented a visual aid to show retaining wall work he was doing at Monarch Woods under both the existing and proposed Ordinance and the space requirements. Mr. Hertzler noted further discussion was warranted as safety and aesthetics were both issues and establishment of varying criteria regarding the wall use, direction, and such. He further noted retaining walls were expensive so design plans were careful developed.

2. Mr. Michael Matthews, 104 Southpoint Drive, addressed the Board noting he was the President and Chief Executive Officer of The Structures Group which has its corporate offices in James City County. He expressed concerns about the Ordinance and noted collaboration with the design community and County staff was needed. Mr. Matthews noted the Code existed and deficiencies with the walls occurred when the Code was not followed with proper permitting and inspection. He further noted Virginia's State-wide Building Code was adopted based on two national codes which addressed residential and commercial. Mr. Matthews addressed several other points, noting zoning coordination was necessary, but performance specifications were not the answer. He noted he was in favor of a working session comprised of design professionals and those who build the walls to discuss these points. Mr. Matthews noted the impact of property use and revenue stream with the proposed Ordinance.

3. Mr. Chris Basic, 4067 Longview Landing, addressed the Board echoing comments from the previous speakers on this Ordinance. He noted his concerns were specific to the residential aspect. He further noted easements and surveying expenses. Mr. Basic noted the five-foot height criteria and its impact to property. He further noted additional professional design input was needed for the Ordinance. Mr. Basic noted the need for requests in modifications for the Ordinance as a whole and specifically for residential.

Mr. Hipple closed the Public Hearing as there were no additional speakers. He noted getting professional input and talking with staff. He further noted he and Mr. Icenhour could join the discussion before pursuing the Ordinance further.

Mr. Icenhour noted he had originated this discussion on the retaining walls and felt a deferment was the best option. He further noted Mr. Holt had indicated a two-month timeline for discussion.

Mr. Icenhour noted the Ordinance would be addressed at the May 11, 2021 meeting. He

further noted initially he had been called to a residential area by its homeowners association, adding the association was responsible for a 50-foot wall. Mr. Icenhour noted the wall had been built to allow for a building that otherwise would not have been allowed there. He further noted safety issues and failure regarding the wall, adding other communities had similar issues with high walls. Mr. Icenhour noted he welcomed input to make the situation better, but constituent safety and well-being was paramount and the issue needed to be addressed. He further noted his appreciation of the comments and looked forward to working with the design professionals.

Ms. Sadler noted she had also received constituent calls on this issue and the safety aspect. She further noted seeking well-balanced solutions.

5. Williamsburg Indoor Sports Complex/757 Swim, Inc. Leases

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 noted her daughter was an athlete from the 757 inception. She further noted she had no current financial connection to the group and would not have any issues in her decision-making on this matter.

Mr. Kinsman addressed the Board noting the Williamsburg Indoor Sports Complex (WISC) had entered a ground lease in 1999 with the County to establish the first WISC building. He noted a 2016 lease amendment to add two acres for the WISC to construct the new pool building. Mr. Kinsman noted the County had recently received a request from the WISC and the 757 Swim group to amend the deal to allow the WISC and the pool building to be separated. He further noted an amendment to the existing lease and creating a new lease for the 757 would be required. Mr. Kinsman noted the pool requirements were removed from the existing WISC lease and inserted into a new lease for the 757 Swim group. He further noted Board approval was necessary, adding if the Board was in favor then adoption of the resolution would be required. He noted the specifics of the lease agreement.

Mr. McGlennon asked about changes in cost-sharing of the parking lot.

Mr. Kinsman noted he would defer to Mr. John Carnifax, Director, Parks and Recreation.

Mr. Carnifax noted the use of the parking lot, adding predominantly the use was from people using the fields around the WISC building. He further noted the 70-30 split was now used as opposed to the previously used 50-50 split.

Mr. McGlennon asked about the end of the 20-year lease.

Mr. Kinsman noted at that time, the building and the equipment would belong to the County.

Ms. Larson asked if an extension could be added at the end of the 20-year lease.

Mr. Kinsman confirmed yes and if so, it would be brought before the Board again at that point.

Mr. Hipple opened the Public Hearing.

1. Mr. James McCormick, 38 Brookshire Road, addressed the Board in support of the resolution. He noted he was the Treasurer of 757 Swim, Inc. as well as the Warhill High

School Head Swimming Coach. Mr. McCormick further noted 757 Swim was in a strong financial and organizational position to make this a successful responsibility. He noted this endeavor could make the WISC a successful aquatic hub for student athletes and the community.

2. Ms. Shannon Hartig, 4016 Shadow Lane, addressed the Board noting she was the President of the Board for 757 Swim, Inc. She noted the facility would support competitive swimming. Ms. Hartig further noted the importance of educating citizens on learning to swim and the fitness aspect with rehabilitation use for physical therapy.

Mr. Hipple closed the Public Hearing as there were no additional speakers.

Ms. Larson noted 757 Swim Head Coach Morgan Cordle was in attendance and thanked her.

Mr. Kinsman asked that clarification on the amended resolution be noted.

Ms. Larson noted her motion was for adoption of the amended resolution for the 20-year period.

#### **H. CLOSED SESSION**

None.

#### **BOARD REQUESTS AND DIRECTIVES**

Mr. McGlennon noted the passing of Ms. Mary Schilling, former Associate Vice President at the College of William and Mary, who ran the Career Services Division. He further noted she was active in the community as well as a former President of the League of Women Voters. Mr. McGlennon extended his condolences to her family.

Ms. Larson noted a new magazine, James River Living, which featured the Ranger Family who live in Greensprings West. She further noted the family owns the Prescription Shoppe, which provides a great service to the community. Ms. Larson encouraged citizens to visit the County's government page to hear the live podcast on tourism that featured Ms. Vicki Cimino, Chief Executive Officer of the Williamsburg Tourism Council, Ms. Sharon Day, Director of Financial Management and Services for James City County, and Mr. Christopher Johnson, Director of Economic Development for James City County. Ms. Larson also noted the Stewardship Hour Program Ms. Boarman had referenced and encouraged everyone to participate as it was about the Chesapeake Bay. Ms. Larson acknowledged the passing of Ms. Hazel Mann, a Berkeley District resident and former realtor, and extended her condolences to her family. Ms. Larson noted watching the Honorable Governor Ralph Northam's conference and the strides being made on the vaccination process, adding that was encouraging news. She further noted recognition of County staff and its partnership with the City of Williamsburg and York County. Ms. Larson noted the difficulty and isolation of the elderly population, particularly in nursing homes, during the pandemic. She further noted the impact on families overall. She noted wedding venues and the impacts there also. Ms. Larson further noted the continuation of vaccinations and updated Centers for Disease Control guidelines. Ms. Larson thanked 757 Swim, Inc. for its community involvement as well as the high school component.

Mr. Icenhour echoed Ms. Larson's comments on the Prescription Shoppe and its owners. Mr. Icenhour noted he, Mr. Kinsman, and several others visited Monticello Woods on March 1, 2021 to address long-standing drainage problems. He further noted the County still held the

bond on the drainage work, which was moving slowly. Mr. Icenhour noted some liability issues that are now being repaired.

Ms. Sadler thanked Mr. Stevens for his ongoing efforts regarding vaccinations in the County. She noted her thanks to staff also for information and assistance when constituents had questions. She further noted her attendance at a recent Ruritan meeting with the local Club President Peg Boarman.

**I. ADJOURNMENT**

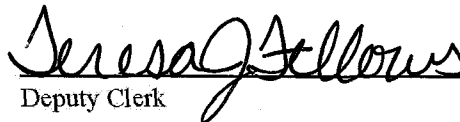
1. Adjourn until 9 a.m. on March 12, 2021 for the Joint Meeting with the WJCC School Board and Williamsburg City Council to be held via Zoom

A motion to Adjourn 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 6:44 p.m., Mr. Hipple adjourned the Board of Supervisors.

  
Deputy Clerk