

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**September 14, 2021**  
**5:00 PM**

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**A. CALL TO ORDER**

Mr. Hipple called the meeting to order at 5:04 p.m. following the James City Service Authority Board of Directors meeting.

**B. ROLL CALL**

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

**ADOPTED**

**OCT 26 2021**

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

Scott A. Stevens, County Administrator  
Elizabeth Parman, Assistant County Attorney

Mr. Stevens noted the County Attorney's Office had recused itself from participation in Case No. Z-21-0013. He further noted Ms. Liz White of Sands Anderson, PC, Williamsburg, was representing the County for that case. Mr. Stevens noted Ms. White was in attendance and available for questions if needed.

Mr. Hipple noted Mr. Icenhour wished to join the meeting electronically and a motion would be sought. Mr. Hipple asked Mr. Icenhour's location for the record.

Mr. Icenhour noted Moneta, Virginia.

A motion to allow Mr. Icenhour to participate electronically was made by John McGlennon, the motion result was Passed.

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

Ayes: Hipple, Larson, McGlennon, Sadler

Absent: Icenhour, Jr

Mr. Hipple welcomed Mr. Icenhour to the meeting.

Mr. Icenhour acknowledged his presence on the call.

Mr. Hipple noted the meeting's Pledge Leaders were Owen Ellis, Daniel Richardson, Andrew Salinas, and Thomas Tate from the Arrow of Light Den from Cub Pack 103, chartered by the Williamsburg United Methodist Church in Colonial Williamsburg.

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Arrow of Light Den from Cub Scout Pack 103

## **E. PUBLIC COMMENT**

1. Mr. Mike Joseph, 6631 Rexford Lane, addressed the Board regarding the Comprehensive Plan. He noted he was following up on his comments at the Board's July 13, 2021 meeting regarding windmills and carbon sequestration. Mr. Joseph further noted removal of both items from the Comprehensive Plan as their inclusion implied action on those items. Mr. Joseph noted the Comprehensive Plan did not address specifications or limitations on windmills. He further noted environmental aspects and visual aesthetics of windmills as nuisances. Mr. Joseph noted carbon sequestration technology was still being developed and the County should be monitoring the development.

Mr. McGlennon asked if Mr. Hipple would request the speaker's name and address for the record.

2. Mr. Dan Roose, 3292 Reades Way, addressed the Board regarding several points in the Comprehensive Plan. He noted the Comprehensive Plan's purpose was to build long-term development for the County's success. Mr. Roose further noted wind farms should not be addressed at this time. He noted the lack of research regarding solar panels and referenced his earlier comments at the Board's July 13, 2021 meeting regarding the inability to recycle solar panel materials and other factors. Mr. Roose further noted the long-term economic impact of solar farms in the County and suggested more research was needed before proceeding. He noted the issue of carbon sequestration and questioned the regulation of carbon from the vast number of tourists throughout the year as the County was a tourist area. Mr. Roose further noted additional research was needed in this area also.

3. Mr. Gilbert Petrina, 4747 Yeardley Loop, addressed the Board noting his involvement with a study on the effects of renewable energy projects on military missions. He noted the training area was in Nevada and comprised three million acres. Mr. Petrina further noted a scaled comparison to James City County. He noted the use of terms such as study, analysis, and expert review in the Comprehensive Plan and the expense of those expert studies. Mr. Petrina further noted windmills and the impact of stored infrared energy from them on air traffic and safety of flight in surrounding airports and military facilities. He noted additional impacts of large wind or solar farms and the necessary infrastructure to maintain those sites. Mr. Petrina further noted affordable technologies to meet mitigation efforts and address carbon neutrality were currently unavailable to meet the state and federal guidelines. He noted more research in those efforts would require more taxpayer money. Mr. Petrina further noted fiscal responsibility and economic viability to protect the County's watersheds, rural lands, and historic character.

## **F. CONSENT CALENDAR**

None.

## **G. PUBLIC HEARING(S)**

Mr. Hipple recognized Mr. Frank Polster, the Planning Commission representative, at the meeting.

1. Z-21-0013. 1826 Jamestown Road and 259 Sandy Bay Road Rezoning (Frothy Moon Brewhouse)

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. Tori Haynes, Senior Planner, addressed the Board with the details of the rezoning application. She noted the proposed use included a small-scale brewery, taproom, and coffee shop known as Frothy Moon Brewhouse. Ms. Haynes further noted the proposed use of the existing site space and improvements to the 50-foot Community Character Corridor along Jamestown Road and consolidation of existing traffic entrances to better maintain traffic flow. She noted additional proposed improvements and proffers were indicated in the application. Ms. Haynes noted the Planning Commission approved the application by a 4-1-1 vote. She further noted staff recommended the Board's approval of the application.

Ms. Larson asked about other uses for this property in addition to the brewery. She inquired if a towing company was interested in this site, was that a viable option.

Ms. Haynes noted 1826 Jamestown Road was currently zoned B-1 and 259 Sandy Bay Road was currently zoned LB, Limited Business. She further noted staff was not aware of any existing proffers, therefore any by-right items in those respective districts within the parcels would be subject to County Ordinances. Ms. Haynes noted some special uses would require a Special Use Permit (SUP).

Ms. Larson thanked Ms. Haynes for the information.

Mr. Polster addressed the Board with a neighbor's concerns, which had been presented at the August 4, 2021, Planning Commission meeting. He noted the proposed master plan shown in the presentation highlighted a gazebo where background music would be played, adding the neighbor's concern over high decibel noise levels generated from that area. Mr. Polster further noted staff's consideration of the County's 9 p.m. Noise Ordinance, 60-foot buffer, and distances from the brewery's outdoor dwellings would help mitigate sounds from the brewery site. He noted the Planning Commission's discussion and dialogue with the applicant's representative centered on mitigation of the high decibel noise levels. Mr. Polster further noted the applicant agreed to an additional proffer to direct amplified music away from Sandy Bay Road. He noted one neighbor in the 1607 development spoke in favor of the application. Mr. Polster noted the Planning Commission's approval of the application and acceptance of the voluntary proffers subject to the redirection of amplified noise away from Sandy Bay Road by a 4-1-1 vote.

Mr. McGlennon noted the Planning Commission's discussion with the applicant and the difference between the ambient noise of the coffeehouse/brewery and a concert. He asked if that point was specified in the proffers.

Mr. Polster noted the coffeehouse and brewery were a separate location. He further noted the musical event would not be a large concert and would take place at the gazebo area he had referenced on the map. Mr. Polster stated the discussion had centered on ways to mitigate the noise from the referenced area.

Mr. Hipple opened the Public Hearing.

1. Mr. Vernon Geddy, Geddy, Harris, Franck, and Henderson, LLP, 1177 Jamestown Road, addressed the Board as the applicant's representative. He noted Mr. Conor Halfpenny and Ms. Melissa Trainham, members of the Frothy Moon team, were in attendance. Mr. Geddy further noted this proposal addressed adaptive reuse and redevelopment of the two parcels which were the former Cooke's Greenhouse and Garden Center. He noted the closure occurred in 2018 and the property had been vacant since that time. Mr. Geddy highlighted the property's buildings in a PowerPoint presentation. He noted the various uses of the facility, the property entrances, and the proffers associated with the application.

Ms. Larson noted she had spoken with Mr. Geddy and had visited the Frothy Moon site

several times. She further noted calls regarding music and traffic, adding the music concerns had been addressed. Ms. Larson noted the businesses located in that traffic corridor. She questioned the parking arrangements and shared parking during events, adding concerns regarding parking along Sandy Bay Road.

Mr. Geddy noted the owners were aware of parking concerns.

Mr. McGlennon noted concern that people would park across at the creek.

Ms. Larson noted parking concerns at the nearby park. She questioned possible signage postings.

Mr. Geddy noted the applicant would work with the County regarding No Parking signage.

Ms. Larson noted safety issues also regarding the volume of traffic.

Mr. Geddy acknowledged that point.

Mr. Hipple noted the application embraced the adaptive reuse of property within the Primary Service Area. He further noted concern regarding the consolidation of parking for the property and the use of impervious covering, in addition to future needs for parking.

Mr. Geddy concurred, noting any changes to the master plan would need the Board's approval regarding parking changes.

Mr. McGlennon noted numerous proffers were associated with this application. He asked what other uses remained.

Mr. Geddy noted several low-impact B-1 uses remained.

Mr. McGlennon asked what uses remained.

Ms. Haynes noted seven new by-right uses were available specifically to 259 Sandy Bay Road. She further noted those uses included catering and meal preparation larger than 5,000 square feet, farmers markets, food trucks, museums, parking lots as a primary use, retail food stores larger than 5,000 square feet, and small scale alcohol production.

Mr. McGlennon noted those uses were compatible with the plans for the property. He further noted future uses and Board approval to restore rights.

Ms. Haynes confirmed yes. She noted any redevelopment within the proffered uses would require a master plan amendment at minimum. Ms. Haynes further noted the need for a proffer amendment if any new redevelopment proposal was introduced.

Mr. Hipple thanked Ms. Haynes and Mr. Geddy. Mr. Hipple called the next speaker, Mr. David Tidwell, but he was not present.

2. Mr. Brad Ozmer, 204 Bergen Circle, addressed the Board noting he had family ties to one of the Sandy Bay Road properties. He noted his concerns regarding parking and asked for clarification on the limited access reference off Sandy Bay Road. Mr. Ozmer further noted he saw no vehicular traffic currently there.

Mr. Hipple and Ms. Larson noted follow-up with staff regarding No Parking postings. Mr. Hipple called the next speaker, Mr. Brandon Ozmer.

Mr. Ozmer declined to speak.

3. Ms. Gabrielle Kercado, 268 Sandy Bay Road, addressed the Board noting she was the closest neighbor to the brewery. She noted daily noise concerns and the stress of events and accompanying noise from the venue. Ms. Kercado further noted the proximity of the brewery to homes and the potentially higher percentage of people drinking and driving in the area near her home, adding safety was a major concern.

Mr. Hipple thanked Ms. Kercado for her comments. Mr. Hipple closed the Public Hearing as there were no speakers.

Ms. Sadler asked about the buffer between the brewery and the residential area.

Ms. Haynes noted there was existing vegetation at the back of the property. She further noted the standard 35-foot transitional landscape buffer would be required. Ms. Haynes noted any additional vegetation to the existing vegetation would be determined at the site plan stage. She further noted the master plan showed an average of a 60-foot buffer above the 35-foot requirement.

Mr. Hipple asked Ms. Haynes about the comment on the limited traffic access.

Ms. Haynes noted some resident concerns expressed prior to the August 4, 2021, Planning Commission meeting. She further noted concern regarding access from Sandy Bay Road, adding the master plan had always depicted entrances off Jamestown Road. Ms. Haynes noted the additional proffer which indicated no entrances from Sandy Bay Road directly.

Mr. Hipple asked about access off Sandy Bay Road being built.

Ms. Haynes noted no entrance would be built or improved at the rear of the property. She further noted that area would require vegetation if it was not already vegetated.

Mr. McGlennon asked Ms. Haynes about the efforts to avoid noise pollution and the limitations regarding the Sandy Bay Road neighbors. He asked about the limitations for both normal circumstances and occasional events.

Ms. Haynes noted the site was currently under the County's Noise Ordinance that restricted noise after 9 p.m. and which was plainly audible at 100 feet. She further noted there was no additional limitations under the Noise Ordinance. Ms. Haynes added the proffers restricted the noise amplification direction away from Sandy Bay as a filter.

Mr. McGlennon asked about noise level limitations when the site was operated as a garden center. He noted the noise from machinery, equipment, and customer vehicular traffic.

Ms. Haynes noted there were no direct daytime limitations. She further noted some noise limitation times varied within the County regarding the Noise Ordinance, but 9 p.m. was the set time in this location.

Mr. Hipple noted the lack of parking on Sandy Bay Road. He further noted the possibility of people parking on the road at a later date and complaints. Mr. Hipple noted the road was maintained by the Virginia Department of Transportation (VDOT), which would need to approve the County placing No Parking signs. Mr. Hipple asked Mr. Geddy if the applicant would work with the County for the signs to be placed.

Mr. Geddy noted if the County granted permission, then the applicant would place the signs.

Ms. Larson noted this application was an excellent use of the space. She further noted her concerns regarding parking and the music level. Ms. Larson noted the importance of the brewery owners being good neighbors and cognizant of noise to the neighboring area.

Mr. Geddy acknowledged those points, adding Mr. Halfpenny and Ms. Trainham were committed to being good neighbors.

Mr. Hipple reiterated Ms. Larson's point of redevelopment usage, adding it was a very good use of this site.

Mr. McGlennon noted the property was zoned for business. He further noted the expectation of certain business activity, but added the amount of potential proffer uses were indicative of a less intrusive nature to surrounding property owners. Mr. McGlennon noted his support of the application.

Ms. Sadler noted her support of economic development in the County and this application aligned with that support.

Ms. Larson, in a post-vote statement, requested any help that would assist the new business owners continue to be done.

2. SUP-21-0014. Busch Gardens Entertainment Event Facility

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. Terry Costello, Deputy Zoning Administrator/Senior Planner, addressed the Board noting Mr. Anthony Loubier of Vanasse Hangen Brustlin, Inc. (VHB) had applied on behalf of SeaWorld Parks & Entertainment LLC. She noted the Special Use Permit (SUP) was for construction of a 32,500-square-foot building to be used partly as an entertainment event building and as a warehouse/storage facility. Ms. Costello further noted the building specifics and zoning designation of the SUP. She noted staff's review found the application was consistent with the Zoning Ordinance, Comprehensive Plan, and adjacent development. Ms. Costello further noted the Planning Commission voted 6-0 in favor of the application at its July 7, 2021 meeting. She noted staff recommended the Board's approval of the application.

Mr. McGlennon asked about the split use of the building.

Ms. Costello noted one area would house special events.

Mr. McGlennon asked about the building's drawings and dimensions.

Ms. Costello noted the building was approximately 32,000 square feet in size, 23 feet tall, and one story. She further noted the applicant, who was present, could answer additional questions.

Mr. Polster noted the application was straightforward and the Planning Commission had no questions for the applicant. He further noted the Planning Commission voted 6-0 in favor of the application.

Mr. Hipple opened the Public Hearing.

1. Ms. Suzy Cheely, Vice President of Design and Engineering at Busch Gardens and Water

Country, addressed the Board noting the building would house special events like Howl-O-Scream, the spring Food and Wine Event, and Christmas Town.

Mr. McGlennon asked if the building would look like the renderings with exterior decorative modifications for specific events.

Ms. Cheely noted that could possibly be the case. She referenced a building in Christmas Town with a cookie edge to it and the use of technology to create that look. Ms. Cheely further noted the warehouse aspect of the building allowed for storage.

The Board thanked Ms. Cheely.

Mr. Hipple closed the Public Hearing.

3. SUP-21-0015. Crosswalk Community Church Daycare and School

A motion to Approve 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

Ms. Sadler noted, as a point of transparency, her grandchildren attended Greenwood Christian Academy. She further noted she had spoken with the County Attorney's Office and there was no conflict.

Mr. John Risinger, Planner, addressed the Board regarding the application on behalf of Crosswalk Community Church and Greenwood Christian Academy. He noted the SUP would allow for operation of a child daycare center and school, installation of two temporary classroom trailers, construction of a permanent modular building, and continued operation of a place of public assembly. Mr. Risinger further noted the zoning and past SUP details regarding school use. He noted this application would limit enrollment capacity of 200 pre-kindergarten to eighth grade students, and operation hours from 7 a.m. to 6 p.m., Monday through Friday. Mr. Risinger further noted the Planning Commission voted 6-0 to recommend approval at its August 4, 2021 meeting, adding staff recommended the Board also approve the application subject to the proposed conditions.

Mr. Polster requested a PowerPoint of the master plan to identify the concerns of the Planning Commissioners. He noted concern for the two temporary buildings (referenced as the two orange areas in the upper left side) and the buffering amount and vegetation between them and the housing development. Mr. Polster noted the Commissioners were told it was 35 feet with a permanent vinyl fence currently in place. He further noted concerns regarding the quality and durability of the modular building, adding the building was subject to all State Building Code requirements. Mr. Polster noted the SUP request for the construction of the building was prompted by an increase in enrollment over the past year, which he added was remarkable in light of the COVID-19 pandemic. Mr. Polster further noted the Planning Commission voted 6-0 in favor of the SUP.

Ms. Larson asked if any neighbors had been in contact.

Mr. Polster stated no.

Mr. Hipple opened the Public Hearing.

1. Mr. Mark Thornblom, 4608 Taber Park, addressed the Board noting he was representing Greenwood Christian Academy and the applicant. He noted he was also a member of the

Academy's School Board and serving as the liaison for the school with the church. Mr. Thornblom further noted he was joined by Ms. Tara Sagman, the pre-school lead at the Academy, Mr. Ryan Cantu of Wilmot Modular Structures, Inc., and Mr. Caleb Hurst of Draper Aden Associates. Mr. Thornblom expressed excitement at the increased enrollment at Greenwood. He noted the needs of parents coupled with the qualities of education at Greenwood have impacted the enrollment numbers, particularly in the pre-school area.

2. Mr. Cantu, 17182 Perinchief Street, addressed the Board and gave a PowerPoint presentation which highlighted other school projects Wilmot Modular Structures, Inc. had been involved with at various locations. He noted the materials and building components used in the projects and addressed aesthetics of walkways and lighting.

Mr. McGlennon asked if the classroom size at Greenwood was just under 500 square feet in size.

Mr. Cantu confirmed yes.

Mr. McGlennon asked if the PowerPoint presentation depicted a comparable room size.

Mr. Cantu confirmed yes. He noted the design was aimed for 35 students per classroom. Mr. Cantu continued the PowerPoint presentation showing the layout concept. He noted there was a 30-year plus longevity on installation elements if properly maintained. Mr. Cantu noted the building was a high performance structure designed to meet energy codes.

Mr. McGlennon asked if the building rendering was similar in size to Greenwood's building.

Mr. Cantu noted the Greenwood building would be double the size. He further noted the review at the site plan for compliance with James City County requirements.

Mr. McGlennon asked if a fire suppression system would be in the building.

Mr. Cantu confirmed no, adding the code requirements for space and use were met regarding egress and Americans with Disabilities Act requirements.

3. Mr. Alan Parrish, 105 Leon Drive, addressed the Board noting he lived behind the rear of the Crosswalk Community Church. He noted the lack of vegetation between his property and the trailer and questioned control of noise and sound. Mr. Parrish further noted the 4-foot vinyl fence on the master plan was insufficient for noise mitigation. He asked if the Board could review that point and possibly have the vinyl fence height raised.

Mr. McGlennon asked if the suggestion was to raise the vinyl fence to six feet.

Mr. Parrish confirmed yes. He noted four feet was sufficient for keeping students inside the school grounds, but six feet was better for noise.

4. Mr. Marshall Sheetz, 107 Leon Drive, addressed the Board noting he lived behind the church property and was Mr. Parrish's neighbor. He read a letter from Mr. and Mrs. Peter and Frances Derks of 110 Vaiden Drive in Indigo Park on concerns regarding the application. Mr. Sheetz noted his concerns focused on traffic at John Tyler Highway with the increase in the student number and the reduction from four to two lanes on Route 199 to Stanley Drive. He further noted the possibility of speed reduction signs with flashing lights for the school zones. Mr. Sheetz noted his concerns regarding sound mitigation and the picketed vinyl fence and potential liability issues there. He questioned the quick process for the project and correspondence to neighbors.



Ms. Larson asked Mr. Sheetz if the Greenwood Director or Mr. Mark Morrow from Crosswalk had contacted him.

Mr. Sheetz said no.

Mr. Hipple closed the Public Hearing as there were no additional speakers. Mr. Hipple asked Mr. Risinger about the height of the vinyl fence.

Mr. Risinger noted with the proposed conditions, a fence would not be required. He further noted if the applicant chose to add the taller fence for screening, staff would welcome the addition.

Mr. Hipple asked Mr. Thornblom about the possibility of the taller fence.

Mr. Thornblom noted discussion on a taller fence, six or eight feet, was ongoing. He further noted it served as both a noise and security feature. Mr. Thornblom stated Greenwood Christian Academy would be amenable to the taller fence.

Mr. Hipple questioned six feet for fencing per County Code.

Mr. Jason Purse, Assistant County Administrator, noted the six-foot requirement was not required to be inspected. He further noted there were no building requirements for six feet.

Mr. Hipple noted a 6-foot fence would address one concern.

Mr. McGlennon asked if the fence change was included as a proffer and reflected as such in the resolution.

Mr. Hipple asked if that was possible.

Mr. Paul Holt, Director of Community Development and Planning, noted this application was an SUP. He further noted on that point, the County could stipulate the conditions and the Board could amend the resolution to reflect that point.

Ms. Sadler asked Mr. Thornblom about the current total enrollment.

Mr. Thornblom responded 160 with plus or minus five students.

Ms. Sadler asked if the location for the older students would be at the shopping center across the street.

Mr. Thornblom noted with the project completion that would be the case. He further noted the new building would house 2-year-olds to 5- or 6-year-olds.

Ms. Sadler asked if the entire enrollment would be housed together.

Mr. Thornblom stated no.

Ms. Sadler asked about recess and outdoor noise.

Mr. Thornblom noted there were conditions in place and which Greenwood was in compliance. He further noted a taller, solid fence would replace the current picketed one.

Mr. Icenhour noted the temporary buildings were for one school year with a transition to the permanent building. He asked if just pre-school children would be in the temporary buildings

for the next school year and how many children would be those temporary buildings.

Mr. Thornblom noted the temporary modulars going in place for this school year will house the fifth through eighth graders. He further noted that was approximately 29 students and four teachers.

Mr. Icenhour noted 29 students for the next school year.

Mr. Thornblom confirmed yes for the 2021-2022 school year.

Mr. Icenhour asked about the permanent building and pre-kindergarten to possibly first grade housed there.

Mr. Thornblom responded it would not be any more than kindergarten.

Mr. Icenhour asked about the number of students there.

Mr. Thornblom noted the square foot formula per child equaled approximately 14-15 students per classroom, with a total maximum of 150-165. He further noted the goal was to keep classroom numbers as small as possible.

Mr. Icenhour asked about traffic projections.

Mr. Thornblom noted he was not anticipating any issues as there was ample driveway room for parental drop-off and pick-up.

Mr. Icenhour thanked him.

Ms. Sadler asked about the current enrollment number at the Kingsway campus.

Mr. Thornblom noted it was 29.

Mr. Icenhour asked Mr. Risinger about traffic concerns and if the pattern would remain similar to that of the past.

Mr. Risinger noted staff expected similar use. He further noted the conditions would continue the maximum 200 student number on the property. Mr. Risinger added the expectation was based on the age of the students as non-drivers who would require drop-off and pick-up.

Mr. Icenhour asked if there had been any issues with the traffic previously.

Mr. Risinger noted he was not aware of any.

Mr. Icenhour thanked Mr. Risinger.

Mr. Hipple asked about school zone signs, noting the Williamsburg Montessori School had signs. He noted discussion with Mr. Rossie Carroll, Virginia Department of Transportation Williamsburg Residency Administrator, on signage for reduced speed in a school zone. Mr. Hipple noted the safety aspect of the signs.

Mr. Risinger noted staff would follow-up on possibilities.

Mr. Hipple noted County staff was very good on sending correspondence and notifying residents of meetings. He apologized to any residents who had not received correspondence.

Mr. McGlennon asked if the fence would be six feet. He inquired if the fence would be wood.

Mr. Thornblom noted it would be a solid 6-foot fence, whether vinyl or wood, and not picketed.

Mr. Hipple noted staff could work with the applicant on the material.

Ms. Larson asked Mr. Holt about the residents who received notice regarding meetings.

Mr. Holt noted State Code required notice be sent to all the property owners that are directly adjacent to the property in question. He further noted the public hearing notice in the newspaper and courtesy red signs on the property also provided information.

Ms. Larson thanked Mr. Holt. She encouraged reaching out to neighbors to share information.

Mr. Icenhour noted the motion included the amendment to add the solid 6-foot fence provision to the resolution.

4. SUP-21-0013. 2631 Lake Powell 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. Tom Leininger, Senior Planner, addressed the Board regarding the application for an entire three-bedroom residential home to be used as a tourist home. He noted the specifics of the zoning district, adding the owner would live off-site on an adjacent property. Mr. Leininger further noted staff's conditions on the application included restrictions on signage and lighting. He noted the Planning Commission voted 6-0 in approval at its August 4, 2021 meeting. He further noted staff recommended the Board approve the application subject to the conditions.

Ms. Larson noted previous applications and owners off-site. She further noted the owner would be next door to the property.

Mr. Polster noted there were several factors in favor of this application which were consistent with tourist home uses in the 2035 Comprehensive Plan and the proposed 2045 Comprehensive Plan. He further noted the proximity of the owner to the rental property, the location was not within a major or minor subdivision, and properties to the south are designated rural lands on the 2035 Comprehensive Plan Land Use Map. Mr. Polster noted one Planning Commissioner had been in favor of maintaining the moratorium on tourist home rentals until adoption of the 2045 Comprehensive Plan; however, it was further noted the application seemed consistent with the proposed language. Mr. Polster stated the other Commissioners agreed and voted 6-0 in favor of the application.

Mr. Hipple opened the Public Hearing.

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

Mr. McGlennon noted he was familiar with the property and the homeowners. He further noted the adjacent wooded area. Mr. McGlennon referenced a previous application in the Lake Powell area that had an off-site owner and more residential development, adding this application looked better to him.

5. Disposition of James City County Property for the Widening of Croaker Road

A motion to Approve was made by Sue Sadler, the motion result was Passed.  
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1  
Ayes: Hipple, Larson, McGlennon, Sadler  
Absent: Icenhour Jr

Mr. Holt addressed the Board highlighting the widening project, which began in 2012. He noted the project was now fully funded and designed and has moved from engineering to right-of-way phase. Mr. Holt noted the construction phase with a two-year duration is slated to begin in Fiscal Year 2023. He further noted the details of the project which include widening, pedestrian and bicyclist facilities, enhanced landscaping, and existing overhead utilities will be moved underground. Mr. Holt noted the need for easements from James City County for the project. He further noted staff's recommendation for adoption to allow the County Administrator the authority to execute the necessary documents for the utility easements.

Mr. Hipple opened the Public Hearing.

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

At approximately 6:51 p.m., Ms. Larson left the meeting.

Mr. Icenhour lost his connection to the meeting and was absent for the vote.

**H. BOARD CONSIDERATION(S)**

1. Approval of \$85,000,000 Williamsburg Landing bond issuance

A motion to Approve was made by John McGlennon, the motion result was Passed.  
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1  
Ayes: Hipple, Larson, McGlennon, Sadler  
Absent: Icenhour Jr

Ms. Parman addressed the Board noting for the record she was the Assistant County Attorney. She noted the Economic Development Authority (EDA) had approved an \$85 million bond issuance for the Virginia Williamsburg Landing. She noted the issuance was for refinancing of existing bonds and various other improvements. Ms. Parman further noted this was not debt of either the EDA or the County, adding the Internal Revenue Code required the Board of Supervisors approve issuance of the bonds as indicated in the resolutions in the Agenda Packet. Ms. Parman noted Mr. Chris Kulp of Hunton Andrews Kurth, LLP, both the EDA and the County's outside bond counsel, had reviewed and approved all the associated documents. She further noted the applicant's attorney, Mr. T.W. Bruno, was also in attendance.

Mr. Hipple asked if Mr. Icenhour was online. He noted the connection was lost.

Mr. Icenhour lost his connection to the meeting and was absent for the vote.

At approximately 6:53 p.m., Ms. Larson returned to the meeting.

2. Appeal of Notice of Violation, 5032 River Drive

A motion to postpone until the October 12, 2021 Regular Meeting 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. Parman addressed the Board noting Mr. Gregory Bean was present on behalf of his client, Mr. Danny Patterson. She noted Mr. Bean was requesting a postponement of his appeal at the October 12, 2021, Board of Supervisors regular meeting. Ms. Parman further noted the County Attorney's Office had no objections to the request, adding the Office was working with Mr. Patterson on a settlement to address the violations on the property.

Mr. Bean of Gordon Rees Scully Mansukhani, LLP addressed the Board as Mr. Patterson's representative. He noted meeting with Ms. Parman and Mr. Mike Woolson, Section Chief of Resource Protection, on a potential agreement. He further noted putting the contractor, RA Coleman, Inc., on notice for involvement. Mr. Bean noted discussion with Mr. Patterson's neighbor, Mr. Gary McSherry, in combining for a potential settlement. He further noted there were numerous parts, thus the request for the deferral until the next meeting.

**I. CLOSED SESSION**

None.

**J. ADJOURNMENT**

1. Adjourn until 1 p.m. on September 28, 2021 for the Business Meeting

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 6:56 p.m., Mr. Hipple adjourned the Board of Supervisors.

  
Deputy Clerk