

MINUTES
JAMES CITY COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185

July 9, 2024

5:00 PM

A. CALL TO ORDER

Ms. Larson called the meeting to order at approximately 5:05 p.m. following the James City Service Authority Board of Directors Regular Meeting.

B. ROLL CALL

Barbara E. Null, Stonehouse District
Michael J. Hipple, Powhatan District
John J. McGlennon, Roberts District
James O. Icenhour, Jr., Vice Chair, Jamestown District
Ruth M. Larson, Chair, Berkeley District

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

ADOPTED

SEP 24 2024

Board of Supervisors
James City County, VA

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE

E. PUBLIC COMMENT

1. Mr. Max Pfannebecker, 5103 Melanies Way, addressed the Board noting he was a County resident for the past seven years and operator of Triangle Skateboard Alliance, a local nonprofit organization. He recognized Mr. Jimmy Thomas, Triangle Skateboard Alliance Board member. Mr. Pfannebecker mentioned he was in attendance to support the new proposed Government Center near the James City County Recreation Center. He highlighted details of the organization and its mission to build and improve skate parks in the local area and to create a culture of service in the skateboarding community. Mr. Pfannebecker mentioned participation in County park cleanups, food drives, school supply drives, as well as partnerships with other nonprofit organizations such as Faith Recovery, Christian Skaters International Ministry, Inverse Ministries, and more. He highlighted various local community and state awards received over the years. Mr. Pfannebecker touched on the organization's partnership with James City County Parks & Recreation Department and the variety of services provided within the community. He advised Triangle Skateboard Alliance was now offering youth and adult kayak programs at the recently renovated James City County Marina and spoke to that point in further detail. He reiterated his exuberant support of the new proposed Government Center. Mr. Pfannebecker hoped that the County would continue its ongoing support for the organization's mission and skateboarding culture.

Ms. Larson thanked Mr. Pfannebecker for his public service to the community.

2. Ms. Peg Boarman, 17 Settlers Lane, addressed the Board to talk trash. She noted she had recently attended a Law Enforcement Forum which included participation of James City County, York County, Cities of Williamsburg and Poquoson Police Departments, and the Virginia State Police. She remarked during the forum she inquired who was responsible for cleaning debris after car accidents. Ms. Boarman stated she was told it was the tow truck driver's responsibility; however, she questioned situations where a towing service was not called. She mentioned she had observed quite a bit of debris left over from car accidents. Ms. Boarman requested Board consideration on that point. She thanked the Board and County residents for all efforts to keep the community clean. Ms. Board concluded her remarks and thanked the Board for its time.

Ms. Larson thanked Ms. Boarman.

3. Mr. Chris Henderson, 101 Keystone, addressed the Board noting the reason for his attendance was based on the Closed Session Item No. 2 regarding the contract for the joint operation of schools between the County and the City of Williamsburg. He first commended Ms. Boarman for her dedication and public service to James City County over the decades. Mr. Henderson mentioned after reviewing the County's feasibility study for a potential separate PK-12 School Division he was inclined to support the separation for various reasons. He stated this would allow the County to control and direct its own school system without regard to the needs and wants of the City of Williamsburg. He touched on the differences in relation to student academic performance between jurisdictions and elaborated on that point in further detail. Mr. Henderson noted there had been discussion regarding possible consideration of converting Lafayette High School into a middle school and potentially building a new high school, adding he favored that consideration. He spoke to that point in greater detail. Mr. Henderson discussed the analysis conducted regarding the return on investment and savings in relation to the new proposed Government Center. He expressed his disbelief that the current Government Center campus did not have significant value to the commercial real estate market. He mentioned the analysis factored in land and building value; however, he believed there was only land value minus demolition cost. Mr. Henderson expressed his skepticism regarding savings on operational costs as the County continued to expand its footprint operational costs would increase based on gross square footage occupied by the County. He touched on the County's Public-Private Education Facilities and Infrastructure Act (PPEA) process and recommended more transparency to allow for additional opportunities for the design and construction components. Mr. Henderson thanked the Board for its time.

4. Ms. Linda Rice, 2394 Forge Road, addressed the Board expressing her thanks to the Board for the road and stormwater improvements in Toano. She mentioned the need for a traffic light at the intersection of Forge Road and Richmond Road. She requested a traffic study be conducted to determine the necessary improvements. Ms. Rice thanked the Board.

5. Mr. Kenneth Fletcher, 7146 Little Creek Dam Road, addressed the Board noting he had applied for a Special Use Permit (SUP) to allow for the short-term rental of one bedroom in a four-bedroom single-family home. He mentioned his application was first presented at the Board's May 15, 2024, Regular Meeting. Mr. Fletcher noted at the Board's request the application had been deferred to today's meeting. He further noted he would provide a brief summary of the application. Mr. Fletcher advised he only planned to rent one bedroom to a maximum of two people a few days a month. He indicated he worked from home and his wife was a stay-at-home mother so there were no issues in relation to an owner on-site. Mr. Fletcher stated he and his family resided on four acres and were at least 400 feet from the nearest neighbor, adding it was unlikely to impact any of the surrounding neighbors. He encouraged the Board to support the application.

F. CONSENT CALENDAR

None.

G. PUBLIC HEARING(S)

Ms. Larson acknowledged Mr. Stephen Rodgers, the Planning Commission representative, at the meeting.

1. An ordinance to amend Appendix A – Fee Schedule for Development Related Permits

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, Null

Ms. Toni Small, Director of Stormwater and Resource Protection Division, addressed the Board noting she was before the Board to present an Ordinance to amend and reordain the Code of James City County by amending the Appendix A - Fee Schedule for Development Related Permits. She mentioned this was simply a housekeeping measure that would only address formatting changes to align the Code references to the new Chapter 8 for the Stormwater Resource and Protection Division fees. Ms. Small advised it corrected sections and numbering references, adding there were no changes to the fees associated with this Ordinance amendment. She noted staff recommended approval of the attached resolution.

Ms. Larson asked if any Board members had questions.

The Board declined.

Ms. Larson opened the Public Hearing.

Ms. Larson closed the Public Hearing as there were no speakers.

2. AFD-24-0001. 2394 Forge Road, Mill Creek AFD Addition

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, Null

Ms. Roberta Sulouff, Planner I, addressed the Board noting Ms. Linda Rice had applied to enroll approximately 16.81 acres of land located at 2394 Forge Road into the Mill Creek Agricultural and Forestal District (AFD). She cited the specifics of the application included in the staff report in the Agenda Packet. Ms. Sulouff advised a portion of the land was currently pastured for horse grazing and the remaining property was forested. She stated the subject parcel was within one mile of the core parcels in the Mill Creek AFD and contiguous with other parcels currently in the District. She noted at its April 18, 2024, AFD Advisory Committee meeting, the Committee voted 4-3 to recommend approval of this request. Ms. Sulouff further noted at its June 5, 2024, meeting, the Planning Commission voted 6-0 to recommend approval of this request to the Board of Supervisors. She remarked that staff found the proposed addition met all state and local requirements for inclusion in the Mill Creek AFD. Ms. Sulouff noted staff recommended approval of this application. She welcomed any questions the Board might have, adding the applicant was available as well.

Ms. Larson asked if any Board members had questions.

Mr. Icenhour asked the reasoning for the three AFD Advisory Committee members who voted against the application.

Ms. Sulouff replied the AFD Advisory Committee members had a discussion in relation to the Land Use Taxation Program and whether or not the applicant would take advantage of that

program. She noted that was a separate program and was not relevant to consideration on the subject matter.

Mr. Icenhour thanked Ms. Sulouff.

Mr. Rodgers addressed the Board noting the application was desirable due to being adjacent to other properties and other various beneficial factors. He indicated there were no public comments against the application. He advised the Planning Commission voted 6-0 to recommend approval to the Board of Supervisors.

Ms. Larson opened the Public Hearing.

1. Ms. Linda Rice, Applicant, 2394 Forge Road, addressed the Board requesting approval for her property to be included in the Mill Creek AFD. She emphasized the importance of protecting the rural lands and the historic nature of Forge Road. Ms. Rice encouraged the Board to approve this application.

Ms. Larson closed the Public Hearing as there were no additional speakers.

3. AFD-24-0002. 10135 Fire Tower Road, Barnes Swamp AFD Addition

A motion to Approve was made by Barbara Null, the motion result was Passed.

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

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

Ms. Tess Lynch, Planner II, addressed the Board noting Ms. Nancy Bradshaw had applied to enroll approximately 50.14 acres of land located at 10135 Fire Tower Road into the Barnes Swamp AFD. She cited the specifics of the application included in the staff report in the Agenda Packet. Ms. Lynch stated the parcel was located within one mile of the core parcels in the Barnes Swamp AFD and directly adjacent to other parcels within the District. She further stated at its April 18, 2024, meeting, the AFD Advisory Committee voted to recommend approval of the application by a vote of 6-2-0 with Mr. Richard Bradshaw and Ms. Null abstaining. She noted at its June 5, 2024, meeting, the Planning Commission voted to recommend approval of the application by a vote of 6-0. She further noted staff found that the proposed addition met all state and local requirements for inclusion in the Barnes Swamp AFD and that the Planning Commission recommended approval of this application to the Board of Supervisors. Ms. Lynch welcomed any questions the Board might have.

Ms. Larson asked if any Board members had questions.

The Board declined.

Mr. Rodgers addressed the Board noting the beneficial factors of this application such as the property being directly adjacent to other parcels, allowing wildlife connectivity, preservation of rural lands, and more. He indicated there were no public comments against the application. Mr. Rodgers advised at its June 5, 2024, meeting, the Planning Commission voted 6-0 to recommend approval of this application to the Board of Supervisors. He welcomed any questions the Board might have.

Ms. Larson opened the Public Hearing.

Ms. Larson closed the Public Hearing as there were no speakers.

4. SUP-24-0009. Lovett 64 Commerce Center (Formerly Hazelwood Farms - The Enterprise Center) SUP Amendment

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, Null

Ms. Lynch addressed the Board noting Mr. Ben Swift of Lovett Industrial had submitted a request to amend the existing SUP condition as it applied to Building 6. She stated this would change the parking layout to place the employee parking lot between the building and Leisure Road and the loading docks and semi-trailer parking to be interior to the industrial development. Ms. Lynch further stated this amendment would not increase the approved square footage or change the use on-site. She advised the subject property was located at 275 Old Stage Road and cited specifics of the application included in the staff report in the Agenda Packet. Ms. Lynch noted staff found the proposal to be compatible with surrounding zoning and development and recommended use within the Comprehensive Plan. She further noted that staff found that the proposed use was not fully consistent with the County's Character Design Guidelines. Ms. Lynch stated to address the inconsistency staff proposed an additional condition to ensure the design protected the neighboring properties and character of the area by increasing the evergreen requirement for trees and shrubs mixture to 50% in the landscape buffer to shield the view of vehicles from Leisure Road. She further stated at its June 5, 2024, meeting, the Planning Commission voted 6-0 to recommend approval of this application to the Board of Supervisors. She welcomed any questions the Board might have, adding the applicant was available as well.

Mr. Rodgers addressed the Board noting the Planning Commission favored the amendment as it was beneficial for screening purposes, noise, and other factors. He indicated there were public comments in support of the amendment. Mr. Rodgers stated at its June 5, 2024, meeting, the Planning Commission voted 6-0 to recommend approval to the Board of Supervisors.

Ms. Larson asked if any Board members had questions.

The Board declined.

Ms. Larson opened the Public Hearing.

1. Mr. Ben Swift, Applicant, 923 15th Street NW, Suite 500, Washington DC, addressed the Board noting based on industrial building layout standards and safety requirements this was the ideal design and more appealing and beneficial to surrounding neighbors and the public. He concluded his remarks and welcomed any questions the Board might have.

Ms. Larson thanked Mr. Swift.

2. Mr. Chris Henderson, 101 Keystone, addressed the Board noting his support for this application. He remarked that this development allowed an opportunity for the County to take advantage of potential high-bay warehouse, distribution, and manufacturing market opportunities. Mr. Henderson encouraged the Board to consider site lines to Interstate 64 for competitive purposes. He elaborated on that point in greater detail.

Ms. Larson closed the Public Hearing as there were no additional speakers.

H. BOARD CONSIDERATION(S)

1. SUP-24-0001. 7146 Little Creek Dam Road Rental of Rooms

A motion to Approve was made by Micheal Hipple, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 0

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

Ms. Terry Costello, Senior Planner, addressed the Board noting at its May 14, 2024, Regular Meeting, the Board of Supervisors postponed action on this item until today's meeting. She further noted that due to new legislation enacted by the Virginia General Assembly, SUPs may now include a period of validity. Ms. Costello stated that staff had replaced SUP Condition No. 7 that required a compliance review and added the condition with a validity date of December 31, 2027. She explained that this condition required the applicant(s) to amend the existing SUP prior to December 31, 2027, if the applicant(s) wished to continue the use. Ms. Costello noted that staff found the proposed use would not negatively impact surrounding property or development. She further noted that the proposal would not impact Level of Service for roads and other public services. Ms. Costello stated staff found the location to be appropriate for this use; however, the proposal was not fully consistent with the Comprehensive Plan recommendations for short-term rentals. She remarked staff could not recommend approval of this application. She welcomed any questions the Board might have, adding the applicant was available as well.

Ms. Larson asked if any Board members had questions.

The Board declined.

I. BOARD REQUESTS AND DIRECTIVES

Ms. Null noted she had no comments.

Mr. Hipple noted he had no comments.

Mr. McGlennon mentioned he attended the 3rd Annual Journey to Racial Healing Ceremony. He added it was a very inspiring and moving event. Mr. McGlennon noted he and Supervisor Icenhour traveled to Culpeper and attended the Virginia Coalition of the High Growth Communities meeting held at the Old House Vineyards. He further noted two speakers were unable to attend last minute; however, the speakers would make the presentations available via Zoom. Mr. McGlennon highlighted the topics to be discussed and welcomed all Board members to participate. He mentioned he received several Kingsmill resident concerns regarding cell towers and the proximity to nearby residents. Mr. McGlennon noted the County had a policy in relation to the placement of new cell towers; however, the residents questioned whether that same standard should apply for placement of new residences in terms of distance. He requested County staff to look into the subject matter. He elaborated on his specific requests on the subject matter in further detail.

Mr. Icenhour remarked Mr. Pfannebecker had invited him to attend a Triangle Skateboard Alliance youth camp, adding it was very impressive to watch the kids. He noted James City County held its first Commemoration of the 250th Anniversary of the James City County Resolves at Freedom Park. He discussed the history and details of this event in further detail. Mr. Icenhour stated he attended a ribbon cutting ceremony for Edmarc, a family-centered home health and hospice organization for children with life-threatening illnesses. He indicated families were never billed for any support received. Mr. Icenhour expressed positive remarks of this organization and mentioned he had never witnessed such a well-attended ribbon cutting ceremony during his tenure on the Board.

Ms. Larson agreed with Mr. Icenhour that Edmarc was a really impressive organization. She recognized Mr. Edward Harris, the new CEO of Visit Williamsburg, adding he had his first Williamsburg Tourism Council meeting today at Busch Gardens. She requested Mr. Stevens coordinate an opportunity for Mr. Harris to come before the Board for a meet-and-greet opportunity and community engagement purposes. Ms. Larson requested a member of the County's Fire Department to discuss storm safety at the Board's next meeting. She mentioned

she attended a July 4th Parade in First Colony and expressed positive remarks of the event. Ms. Larson advised that the Colonial K9 Classic would be held from September 13-15 at the Jamestown Beach Event Park. She discussed the upcoming event in further detail and encouraged the public to attend. Ms. Larson stated she and Supervisor Null as well as Mr. Brad Rinehimer, Assistant County Administrator, and Ms. Sharon McCarthy, Director of Financial and Management Services, would attend the National Association of Counties (NACo) Conference.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Stevens mentioned the heat and summer was here and reminded the public to look after one another. He stressed the importance of calling 911 if a child and/or pet was in a vehicle by themselves. Mr. Stevens encouraged folks to stay safe and hydrated. He welcomed anyone in need of a source of cooling to visit the James City County Recreation Center. Mr. Stevens mentioned a future discussion would be had on storm safety and reminded the community of hurricane season and to be prepared.

K. CLOSED SESSION

A motion to Enter a Closed Session was made by John McGlennon, the motion result was Passed.

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

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

At approximately 5:53 p.m., the Board entered Closed Session.

At approximately 6:45 p.m., the Board re-entered Open Session.

A motion to Certify the Board only spoke about those items indicated that it would speak about in Closed Session was made by John McGlennon, the motion result was Passed.

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

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

1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia

a. Appointment - Colonial Community Criminal Justice Board

A motion to Appoint the Honorable Judge Matt Danielson to fill the balance of a vacated term expiring October 24, 2026, to the Colonial Community Criminal Justice Board was made by James Icenhour, the motion result was Passed.

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

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

b. Appointments - Colonial Behavioral Health Board of Directors

A motion to Reappoint Fire Chief Ryan Ashe and Donyale Wells for new terms to expire on June 30, 2027, to the Colonial Behavioral Health Board was made by James Icenhour, the motion result was Passed.

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

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

c. Appointments - Williamsburg Area Arts Commission

A motion to Appoint Nicholas Vrettos and Melody Matheny for terms to expire on June 30, 2027, to the Williamsburg Area Arts Commission was made by James Icenhour, the motion

result was Passed.

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

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

d. Appointments - Social Services Advisory Board

A motion to Reappoint Chris Howard and Camica Credle for new terms to expire on June 30, 2028, to the Social Services Advisory Board was made by James Icenhour, the motion result was Passed.

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

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

2. Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia and pertaining to the contract for the joint operation of schools between the County and the City of Williamsburg.

3. Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia and pertaining to the contract between the County, York County, and the City of Williamsburg for the joint operation of the Williamsburg Regional Library System.

4. Certification of Closed Session

L. ADJOURNMENT

1. Adjourn until 1 pm on July 23, 2024 for the Business Meeting

A motion to Adjourn was made by Barbara Null, the motion result was Passed.

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

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

At approximately 6:46 p.m., Ms. Larson adjourned the Board of Supervisors.

Teresa J. Saeed

Deputy Clerk