

**MINUTES**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**COUNTY GOVERNMENT CENTER BOARD ROOM**  
**101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185**  
**November 13, 2024**  
**5:00 PM**

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**A. CALL TO ORDER**

Ms. Larson called the meeting to order at approximately 5:10 p.m.

**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

Ms. Larson noted the Pledge Leader would be introduced by Supervisor Icenhour.

Mr. Icenhour introduced the Pledge Leader Charlie West and gave highlights of his various interests and activities.

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

1. Pledge Leader - Charlie West, a 3rd grade student at JBB Elementary School and a resident of the Jamestown District

Charlie led the Board and citizens in the Pledge of Allegiance.

**E. PUBLIC COMMENT**

1. Mr. Chris Henderson, 101 Keystone, addressed the Board to recognize the historic events of the recent election and the United States President-elect Donald Trump, in addition he recognized the Honorable Matt Gaetz as his designee for the Attorney General's Office. He congratulated Ms. Dianna Moorman, Director of Elections and General Registrar, and all of the volunteers who participated in the election. He requested Board consideration on Board meetings being held at later times to allow the public more opportunity to attend. Mr. Henderson encouraged Board consideration on a design charette regarding the new proposed County Government Center. He expressed his belief that more effective ideas would be achieved by an open process to ensure County values, standards, and history were incorporated into the design and construction of the new facility. Mr. Henderson spoke to that point in further detail. He touched on attractive interest rates to ensure lower operational costs for the new

**ADOPTED**

**DEC 10 2024**

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

proposed County Government Center. Mr. Henderson recommended further evaluation of the Williamsburg-James City County Schools (WJCC) joint operation and recommended the County conduct its own feasibility study to better understand the costs and beneficial components of having a shared system. He expressed concern with traffic at the Route 199 and Jamestown Road intersection and highlighted various suggestions to alleviate some of that traffic. Mr. Henderson requested Board consideration on a Department of Government Efficiency for James City County. He thanked the Board for its time.

Ms. Larson stated for record purposes that the County did have an open process for the new proposed Government Center design.

**F. CONSENT CALENDAR**

1. Authorization for Leave Payout

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

**G. PUBLIC HEARING(S)**

Ms. Larson acknowledged Mr. Jack Haldeman, the Planning Commission representative, at the meeting.

1. Lease of Real Property - 2054 Jamestown Road Lease Agreement with Hampton Marine Services Corporation

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

Mr. Alister Perkinson, Parks Administrator, addressed the Board noting the County currently leased a part of the James City County Marina to Hampton Marine Services Corporation for the operation of a boat repair business. He further noted the proposed lease before the Board would initiate a three-year lease. Mr. Perkinson advised if adopted, Hampton Marine Services Corporation would pay the County \$513.75 per month, adding each year the rent payment would increase by 3%. He indicated over the course of the lease the County would collect \$18,965 in rent payments. He concluded his remarks and welcomed any questions the Board might have.

Ms. Larson indicated there was no Planning Commission report on this item.

Ms. Larson opened the Public Hearing.

1. Mr. Chris Henderson, 101 Keystone, addressed the Board questioning the low dollar amount for the rental fee and the benefits it had to County taxpayers. He expressed his belief that the current dollar amount did not represent market value of the location and encouraged the Board to revisit and establish a more appropriate agreement.

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

2. SUP-24-0022. 4871 Longhill Road, Williamsburg Montessori School

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. Terry Costello, Senior Planner, addressed the Board noting Ms. Sandy Andrews of Williamsburg Montessori School had applied for a Special Use Permit (SUP) to allow for a school within an existing place of public assembly at 4871 Longhill Road. She indicated the property was currently the site of Wellspring United Methodist Church. Ms. Costello cited the specifics of the SUP application included in the staff report in the Agenda Packet. She advised the current size of the church was approximately 7,647 square feet, adding the site had a mixture of paved and gravel parking spaces for a total of 105 parking spaces. Ms. Costello noted the entrance to the site was paved and led to the side driveway that would be utilized as a drop-off and pick-up point. She further noted most parents would utilize this feature and some students would be bussed from the school's main campus on Longhill Road. Ms. Costello stated that the school would have a maximum of 25 schoolchildren, grades 7 and 8. She further stated that there would be two full-time teachers and two part-time teachers. Ms. Costello mentioned the hours of operation would be from 7:30 a.m.-4:30 p.m., Monday through Friday. She indicated the school year began the last week of August and ended mid-June. Ms. Costello noted all physical activities would take place off-site, adding there may be occasional classroom and/or lunchtime activity outside. She further noted during the summer months, the school may operate a summer program with the hours of 8 a.m.-5 p.m. Ms. Costello stated staff found that the proposed use would not negatively impact surrounding properties or development, nor would it negatively impact the Level of Service for roads or other public services. She further stated staff found the proposal consistent with the Comprehensive Plan and Zoning Ordinance. Ms. Costello noted staff recommended approval of the application, subject to the proposed conditions. She stated at its October 2, 2024, meeting, the Planning Commission recommended approval by a vote of 5-0. Ms. Costello concluded her remarks and 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.

Mr. Haldeman, Planning Commission representative, addressed the Board noting the Commission voted 5-0 to recommend approval of the application. He mentioned a question was raised regarding changes in the footprint of the building and advised there were no proposed changes. Mr. Haldeman stated the Planning Commission received written correspondence from a surrounding neighbor expressing concern regarding additional traffic. He indicated there were no public speakers. Mr. Haldeman noted there was discussion regarding SUP Condition No. 6 which indicated if the facility closed for a year, then the SUP would void. He further noted that language was revised to reflect two years regarding closure. Mr. Haldeman concluded his remarks.

Ms. Larson opened the Public Hearing.

1. Mr. Chris Henderson, 101 Keystone, addressed the Board noting he was in support of the application and expressed positive remarks of the organization. He mentioned his concern with additional traffic. Mr. Henderson recommended a new campus to integrate all facilities and programs for a long-term solution.

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

3. SUP-24-0010. 724 Arlington Island Road Tourist Home

A motion to Deny was made by John McGlennon, the motion result was Passed.

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

Ayes: Icenhour Jr, Larson, McGlennon, Null

Abstain: Hipple

Mr. Josh Crump, Principal Planner, addressed the Board noting Mr. Cory Pignone had applied for an SUP to allow for a tourist home rental of a one-bedroom, single-family home located at 724 Arlington Island Road. He cited the specifics of the SUP application included in the staff report in the Agenda Packet. Mr. Crump noted if granted, the SUP would limit the occupancy per rental to a maximum of two occupants and restrict parking to only two vehicles on the property and prohibit commercial vehicles. He further noted County staff had worked with the applicant to obtain all proper permits, licensing, and inspections to ensure full compliance with all applicable regulations. Mr. Crump stated staff found that the proposal was not fully consistent with the Comprehensive Plan recommendations for short-term rentals, therefore, staff could not recommend approval of the application. He further stated at its August 7, 2024, Planning Commission meeting, the motion to recommend approval failed, with the Planning Commission voting 3-3. Mr. Crump 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.

Mr. Haldeman addressed the Board noting the Planning Commission voted 3-3, consequently no recommendation from the Commission. He noted a neighbor expressed concern regarding additional traffic and a pier easement related issue. Mr. Haldeman highlighted various reasons for recommendation and denial of this application. He concluded his remarks and welcomed any questions the Board might have.

Mr. Icenhour asked if he could elaborate on the pier easement issue. He expressed his concern as the subject property had water access to the right and the neighbor's water access was to the left.

Mr. Haldeman replied that during the Planning Commission meeting the neighbor claimed he had a pier at the property adjacent to the tourist home and the subject property had a pier easement. He noted he was uncertain of where the pier was precisely located, adding the neighbor had no concern with the applicant using the pier; however, he did not want renters to have access.

Mr. Hipple clarified that it was a boat landing on the property and indicated when the parcels were subdivided the property owners were given a boat landing easement. He mentioned the property owner's concern was in relation to liability and legality concerns if an injury and/or incident were to occur on his property.

Mr. Icenhour asked if Mr. Hipple could identify the boat landing area on the map displayed on the PowerPoint presentation.

Mr. Hipple pointed out and explained that the boat landing was on a different creek, specifically Diascund Creek, and was not in close proximity to the tourist home. He elaborated on that point in greater detail.

Ms. Null asked where the property owners resided.

Mr. Haldeman replied the property owners lived in Richmond.

Mr. Hipple stated he would abstain from the vote as he owned the other Airbnb property in this area.

Ms. Null asked if the applicant had been operating this tourist home as an Airbnb illegally.

Mr. Haldeman replied correct.

Ms. Null asked how long.

Mr. Haldeman replied since late 2023. He explained the applicant started the SUP process; however, he withdrew the initial application and continued the illegal rental operation. He advised the applicant also did not obtain approval from the state and/or the Chesapeake Bay Board for the pier currently being constructed on the property. Mr. Haldeman indicated both the SUP and Chesapeake Bay Board applications were currently ongoing.

Ms. Larson opened the Public Hearing.

1. Mr. Cory Pignone, Applicant, 724 Arlington Island Road, addressed the Board to provide an overview of his application request. He indicated he had one other Airbnb property in Richmond, adding he had been in operation for one year. Mr. Pignone touched on his Airbnb host status, co-host, current ratings, and response rate. He displayed a map of the property on the PowerPoint presentation. Mr. Pignone stated the residence was a one-bedroom, single-family home located on nine acres. He further stated the maximum occupancy for the property was two occupants. Mr. Pignone mentioned the rental property was desirable for its beautiful scenic waterfront location. He indicated he purchased the property in 2022 with the intent to revitalize it. Mr. Pignone explained he hired a licensed contractor to construct the pier and was unaware that the contractor did not obtain the necessary permits until during the SUP process in July when he asked County staff if his contractor obtained the required permits. He added that issue had since been rectified. Mr. Pignone displayed a series of photos on the PowerPoint presentation indicative of the home improvements made since purchase. He addressed the raised concerns regarding the application and indicated guests would not have access to the private boat ramp, if approved. Mr. Pignone stated he listed the property on Airbnb on July 30, 2024, noting he applied for an SUP in fall of 2023, adding based on conversations with County staff it was recommended to postpone the SUP process until the home improvements had been completed. He explained that he was unaware of the complexity of this unfamiliar process and took full accountability; however, he asked for the Board's consideration to support this venture. Mr. Pignone highlighted the beneficial factors of supporting the application and welcomed any questions the Board might have.

Mr. McGlennon asked if the property was currently being offered on the Airbnb website.

Mr. Pignone replied no, adding once he received written correspondence from County staff about the lack of permit to operate a short-term rental he stated he paid the permit fee the next day on May 14, 2024.

Mr. McGlennon asked Mr. Pignone if he was aware in 2023 that he needed a permit.

Mr. Pignone replied yes, adding he applied for the SUP in the fall of 2023 then pulled the SUP application based on discussions with County staff to postpone the process until the home improvements were made. He noted he was unaware he would have to reapply for a new SUP by postponing the initial application. Mr. Pignone stated he delisted the property on July 16, 2024, and had not been operating the short-term rental since that date.

Mr. McGlennon asked about the timeframe it was posted on Airbnb.

Mr. Pignone replied from January 30 through July 16.

Mr. McGlennon stated he seen the advertisement and noted it had been advertised for seven people with the idea that the bedroom had bunk beds that were available in addition to sleeper sofas in the living room.

Mr. Pignone explained once he was notified by County staff that there was a two person limit

he took the advertisement down and removed the bunk beds.

Mr. McGlennon asked if Richmond had a permit process for short-term rentals.

Mr. Pignone replied to his knowledge the process recently changed and so his team was also going through the short-term rental process there.

Mr. McGlennon asked if he and his co-host both resided in Richmond.

Mr. Pignone confirmed yes.

Mr. McGlennon asked if there was a team member who resided locally.

Mr. Pignone replied a couple of the cleaners were local; however, he noted he was only approximately 45 minutes away and had no issue addressing an emergency in a prompt manner.

Mr. McGlennon thanked Mr. Pignone.

Mr. Icenhour asked Mr. Pignone if the pier permit been applied for or granted.

Mr. Pignone replied the permit had been granted, adding he spoke to Mr. Tom Coghill, Director of Building Safety and Permits, who confirmed it had been finalized and granted.

Mr. Icenhour thanked Mr. Pignone.

Ms. Larson mentioned based on a Google search the City of Richmond required a short-term rental application effective July 1, 2020. She asked if he was currently operating the Airbnb property in Richmond without a permit.

Mr. Pignone confirmed yes.

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

Mr. Icenhour asked Mr. Crump if there was an SUP condition to clarify no private boat ramp access.

Mr. Crump replied it was not currently in the SUP conditions and he recommended consulting with the County Attorney to determine if that language could be incorporated.

Mr. Icenhour mentioned quiet hour policies and no specifics on that point for validity purposes regarding enforcement.

Ms. Larson advised staff would provide a joint presentation on the following Agenda Item Nos. 4 and 5 to include separate public hearings for each.

4. AFD-24-0003. 9812 Old Stage Road Barnes Swamp AFD Withdrawal

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. Morgan Risinger, Senior Planner, addressed the Board noting Mr. Stephen Romeo of Vanasse Hangen Brustlin, Inc., had applied on behalf of Mr. David Nice for an SUP to operate an event venue and tourist home located at 9812 and 9908 Old Stage Road. She cited the specifics of the SUP application included in the staff report in the Agenda Packet. Ms. Risinger stated the property located at 9812 Old Stage Road was currently enrolled in the Barnes Swamp

Agricultural and Forestal District (AFD) and the project area must be withdrawn from the AFD to allow the operation of these specially permitted uses. She further stated the request to withdraw the property from the AFD was submitted in May 2024, which was outside of the renewal period per the adopted Board of Supervisors' policy governing withdrawal of property from AFDs. Ms. Risinger noted staff found that this proposal was not caused by an unforeseen change in circumstances and the request would not serve a public purpose. She further noted the AFD Advisory Committee recommended approval of this withdrawal request by a vote of 8-1 and the Planning Commission recommended approval by a vote of 5-0. Ms. Risinger advised due to all criteria not being met in the Board's policy, staff could not support this request and recommended denial of the withdrawal request to the Board of Supervisors. She indicated that the event venue would include hosting weddings and corporate functions with an anticipated frequency of one event per day and no more than three events per week. Ms. Risinger further stated the venue would utilize an existing renovated barn as well as outdoor areas including a performance stage, flexible open space, an orchard, a farm pond with a pedestrian bridge, a repurposed grain silo, a dedicated location for food trucks, and attendee parking. She highlighted the criteria for Section 24-48 of the County's Zoning Ordinance and the particular performance standards that were not met in the application. Ms. Risinger mentioned the applicant recently amended the SUP application to revise the maximum number of attendees from 360 to 250 in addition to additional landscaping along Fire Tower Road. She addressed revisions to SUP Condition Nos. 5 and 6 displayed on the PowerPoint presentation. Ms. Risinger noted with a maximum of 250 attendees the proposed event venue was anticipated to generate approximately 63 peak hour trips to the site and 65 peak hour trips from the site. She further noted the applicant proposed to widen Fire Tower Road to 24 feet to accommodate two-way traffic to and/from the entrance of the event venue. Ms. Risinger stated the application also included a request to operate the existing single-family dwelling as a tourist home. She further stated that the property took access from Old Stage Road and provided parking sufficient for four vehicles. Ms. Risinger indicated the three-bedroom, single-family dwelling had a maximum occupancy of six occupants. She noted the proposed tourist home did not fully meet the short-term rental recommendations; however, staff found that the location would be appropriate for a tourist home and its unique situation of being included within the master planning of the event venue served to mitigate potential impacts. Ms. Risinger further noted the Planning Commission recommended approval of this application by a vote of 5-0. She stated staff found the proposal compatible with surrounding zoning and development and consistent with the Comprehensive Plan and Zoning Ordinance. Ms. Risinger further stated staff recommended approval of the application, subject to the proposed conditions. She welcomed any questions the Board might have, adding the applicant team was available as well.

Mr. McGlennon asked if the SUP was required due to not meeting the eligibility criteria.

Ms. Risinger confirmed yes.

Mr. McGlennon asked about the maximum number of events that could occur.

Ms. Risinger replied the performance standards did not address that aspect, adding staff based it on roadway impacts and things of that nature. She noted in this case staff did not deem the need to implement a condition on that point.

Mr. Hipple asked if this site could be utilized without an SUP.

Ms. Risinger replied it could potentially move forward as a by-right proposal; however, that would require the site entrance to move to Old Stage Road, additional landscaping, and the Director of Planning's determination on acceptable prime soil.

Mr. Hipple questioned the SUP route if a by-right option was available. He noted the SUP process allowed more input opportunity and further evaluation.

Mr. McGlennon expressed his appreciation to the applicant for going through the SUP process. He mentioned his desire to better understand the Board's role regarding this application and the ability to address concerns.

Mr. Haldeman addressed the Board noting the Planning Commission recommended approval of this application by a vote of 5-0. He further noted the application supported farm economy and was considered fiscally positive to the County. Mr. Haldeman mentioned the Commissioners were favorably impressed by the construction and the positive effect it had on the neighborhood. He stated the Planning Commission supported the site entrance on Fire Tower Road opposed to Old Stage Road for safety reasons. Mr. Haldeman noted the Planning Commission's only concern was with the AFD withdrawal request due to the timeline in which it was submitted; however, the requested acreage if removed from the AFD was minimal for the project area and favored the preexisting buildings currently on-site. He stated there was one public speaker, which was a nearby neighbor who had concerns with increased traffic on Fire Tower Road and headlights trespassing through her home late at night. He mentioned there was an SUP condition to mitigate hours of operation for the event venue to address that particular issue. He reiterated the Planning Commission's recommendation for approval on both the withdrawal request and the SUP application and concluded his remarks.

Ms. Larson opened the Public Hearing.

1. Mr. Ed Canane, 117 Alwoodley, addressed the Board noting he was in opposition of this withdrawal request. He noted County staff and the staff reports concluded that the withdrawal request and SUP application did not fully meet all criteria outlined in the Board's policy and the Zoning Ordinance performance standards. Mr. Canane touched on unauthorized activity while the property remained in the AFD. He requested comprehensive Board consideration on this application and reasoning for the determination whether granted or denied. Mr. Canane elaborated on his point in further detail and thanked the Board for its time.

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

5. SUP-24-0021. Niceland Farm Event Venue and Tourist Home

A motion to Approve was made by Michael Hipple, the motion result was Passed.

AYES: 3 NAYS: 2 ABSTAIN: 0 ABSENT: 0

Ayes: Hipple, Icenhour Jr, Null

Nays: McGlennon, Larson

Ms. Larson opened the Public Hearing.

1. Mr. Brandon Nice, 4700 Fenton Mill Road, addressed the Board noting he was in full support of this application. Mr. Nice mentioned his family history had generations of farmers and understood the value and blessings of owning land. He advised the land was actively farmed and that it was his family's belief and desire to share the blessing of land with others while protecting the County's core values. Mr. Nice expressed that he felt this application fully aligned with the County's Comprehensive Plan and its mission to preserve rural lands. He noted when the property first became available it was dilapidated with substantial debris and overgrowth of vegetation. Mr. Nice stated it was his father's vision, Mr. David Nice, the applicant, to restore the property and make it a place of light and community. He mentioned his father served as a volunteer firefighter at Station 1 for over 40 years. He elaborated on his point in further detail.

Ms. Larson indicated Mr. Nice's time to speak had concluded.

Mr. Nice replied he had 15 minutes collectively as a group spokesperson.



Ms. Larson asked who he was speaking for.

Mr. Nice replied on behalf of the applicant.

Ms. Larson apologized as she was not aware of the collective 15-minute allowance.

Mr. Nice expressed his belief that this project would increase surrounding property values and would be beneficial for many generations to come. He thanked the Board for its time.

Ms. Larson stated there was eight minutes remaining for additional discussion amongst the applicant team if desired.

2. Mr. David Nice, Applicant, 4571 Ware Creek Road, addressed the Board noting his family owned this property for approximately five years. He stated he had been working on this project for approximately three to four years. Mr. David Nice further stated he spoke with Mr. Coghill prior to the process beginning to verify if a permit was required to restore the existing barn on the property and he was advised by Mr. Coghill that he was exempt due to the property being an active operational farm. He mentioned once he was ready to acquire a business license he reached out to Ms. Christy Parrish, Zoning Administrator, and she explained the by-right uses for the property and suggested going through the SUP process. Mr. David Nice elaborated on that point in further detail. He empathized with the surrounding neighbors in proximity to the farm and advised he would do everything in his power to mitigate the lights, noise, and things of that nature. Mr. David Nice concluded his remarks.

3. Mr. Stephen Romeo, Applicant's Agent, 115 Tides Run, Yorktown, VA, addressed the Board stating Mr. David Nice was a true craftsman. He displayed a series of before and after photos of the barn on the PowerPoint presentation. Mr. Romeo noted agritourism was a by-right use based on the County's Zoning Ordinance. Mr. Romeo spoke in support of the application.

4. Ms. Cherri Spellmeyer, 10104 Fire Tower Road, addressed the Board requesting the volume be turned up as she was hearing impaired as were other members of the audience. She noted she was part of a community affected by this application, adding many members of her community were unaware of the application until the Planning Commission voted in favor of the application. Ms. Spellmeyer stated on August 8, 2017, the Board of Supervisors approved revisions to the Zoning Ordinance to allow event facilities in A-1 and R-8 Zoning Districts and performance standards were implemented. She cited Section 24-48(b) of the Zoning Ordinance. Ms. Spellmeyer mentioned her neighbors had requested a discussion with the applicant to address some concerns regarding the proposal, adding while some changes were made not all raised concerns were addressed adequately. She advised written correspondence was provided to the Board and the applicant outlining SUP conditions that would resolve the raised concerns while supporting the proposed event venue. She touched on the performance standards and the specific standards that were not met. Ms. Spellmeyer elaborated on her point in greater detail. She thanked the Board for its time.

5. Ms. Sharon Seltzer, 9804 Fire Tower Road, addressed the Board noting she resided directly across from the proposed event venue. She stated she resided at this property for seven years with her family. Ms. Seltzer mentioned her concerns of potential traffic, safety, lighting, and noise. She noted she attended the Planning Commission meeting; however, she felt her concerns were disregarded. Ms. Seltzer further noted a few days later on October 5, 2024, a wedding was held at the proposed event venue, adding the noise was egregious. She advised she contacted the non-emergency line for assistance and was informed a deputy would come out; however, the music ended at 10 p.m. so she canceled the call. Ms. Seltzer mentioned the deputy spoke with her via telephone but was uncertain of an appropriate decibel. She expressed her concerns with future events held at this proposed event venue without acceptable parameters in place. Ms. Seltzer cited James City County Code Section 15.20 - Noise regulations. She raised concern regarding the impacts to livestock. Ms. Seltzer stated she had reached out to the neighbor who

abutted the main wedding venue to gather input on her experience and was advised that the developer worked with her to minimize the impacts and provided her with a schedule of events and had no concerns. She further stated she and her neighbors had a list of conditions to be implemented, if approved. Ms. Seltzer elaborated on those condition requests. She noted she had met with the applicant regarding the raised concerns noting he was in agreement with some of the proposed conditions. She further noted she was not in opposition of the proposed event venue; however, she expressed her desire to protect the integrity of the neighborhood and continue to enjoy the peace and tranquility of the area. She requested the additional proposed conditions be incorporated into the SUP. Ms. Seltzer asked all attendees who supported the proposed conditions to raise their hands and concluded her remarks.

6. Mr. Josh Thibeault, 10070 Fire Tower Road, addressed the Board noting support of the proposed event venue; however, his concerns were primarily with the noise and traffic. He stated his property was located approximately one mile away from the proposed event venue. Mr. Thibeault further stated he and his wife were on their front porch and heard the music from the wedding at approximately 9:30 p.m. on October 5. He mentioned he owned livestock and many of his neighbors did as well, and expressed concerns of excessive noise and the impacts it had on livestock. Mr. Thibeault spoke about the generated traffic this venue would cause to Fire Tower Road noting there was only one way in and out. He stated currently there were 17 residences, two active farms, and Dream Catchers - a therapeutic riding center, adding the road currently experienced heavy traffic congestion at times. He requested Board consideration on no music played after 9 p.m. and no exceptions to utilize Fire Tower Road. Mr. Thibeault asked all attendees who supported his concerns to raise their hands and thanked the Board for its time.

7. Mr. Ed Canane, 117 Alwoodley, addressed the Board noting the prime soils that existed on this property and the impacts once that prime farmland was eliminated.

8. Mr. Dwight Godwin, 9980 Fire Tower Road, addressed the Board noting he was in support of the proposed event venue as were his fellow neighbors; however, there were some concerns as it affected people's daily lives. Mr. Godwin mentioned concerns such as noise and traffic. He noted before the Board was a list of proposed conditions requested to be incorporated into the SUP, if approved. Mr. Godwin remarked that some efforts had been made such as reducing the number of attendees and additional vegetative buffers to mitigate impacts. He reiterated support of the proposed event venue but would not allow it to infringe on people's rights. Mr. Godwin expressed his hope that an agreement could be reached and thanked the Board for its time. He requested all attendees who supported his concerns to raise their hands.

9. Mr. Rodney McNew, 9910 Fire Tower Road, addressed the Board noting he was the third house down in proximity to the event venue barn. He mentioned his appreciation to the Nice family who invested and restored the farm. Mr. McNew expressed his belief that property values would increase in the area. He noted he was at home the night of the wedding; however, he had experienced no concerns with noise. Mr. McNew stated he was in full support of this application.

10. Mr. Elliott Schwenkert, 9545 Diascund Reservoir Road, addressed the Board noting he was a pastor at The Living Room. He mentioned his congregation formed at this event venue barn during the COVID-19 pandemic. Mr. Schwenkert expressed positive remarks of Mr. David Nice and his family. He was in support of this application.

11. Ms. Nancy Williams, Executive Director of Dream Catchers, 10120 Fire Tower Road, addressed the Board noting the support of this proposed event venue while maintaining the existing character of the property. She stated from a community standpoint the Nice family had been considerate of their neighbors and maintained the property in a manner to ensure the safety of all around. Ms. Williams mentioned during storms that required cleanup the Nice family would be one of the first to take action. She noted Dream Catchers was approximately three-quarters of a mile away from the proposed event venue and thus far did not experience any

noise related concerns. Ms. Williams expressed her primary concern was with traffic, adding she was pleased with the additional SUP conditions. She reiterated her support for this application.

12. Mr. Gary Massie, 8644 Merry Oaks Lane, addressed the Board noting his robust support of this application. He noted he visited the property a couple weeks ago and expressed high remarks of the quality workmanship. Mr. Massie encouraged others to visit the property, adding the vision, commitment, and dedication to this project and James City County was remarkable. He referenced the Comprehensive Plan and protecting rural lands. Mr. Massie encouraged the Board to vote in support of this application.

13. Mr. Donald Hazelwood, 9808 Fire Tower Road, addressed the Board noting he resided across the street from the proposed event venue. He spoke about the history of this property and the dilapidated conditions of the existing structures that once were. Mr. Hazelwood stated Fire Tower Road used to be a dangerous road with trees overhanging and overgrown vegetation eliminating vision of sight. He further stated Mr. David Nice had cleared all the debris on Fire Tower Road and made it safe. Mr. Hazelwood spoke highly of Mr. David Nice and his work. He mentioned he had experienced no issues with noise. Mr. Hazelwood thanked the Board for its time.

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

At approximately 7:36 p.m., the Board recessed for a short break.

At approximately 7:44 p.m., the Board reconvened.

Mr. Hipple mentioned he spoke with the nearby residents who had raised concerns regarding noise and traffic. He understood constituent concern regarding the narrow road, adding the road would be widened to an extent to help alleviate some of that. Mr. Hipple touched on preserving rural lands within James City County, adding he felt that this project mirrored exactly that. He touched on history with the Nice family noting that Mirror Lakes subdivision used to be a farm. Mr. Hipple expressed his belief that if the Nice family had not purchased this property, most likely the property would have turned into another subdivision and elaborated on that point in further detail. He spoke on County Code Section 15.20 - Noise regulations, noting the 9 p.m. noise cutoff was specifically for subdivisions due to proximity factors. He touched on the compromise aspect of the situation. Mr. Hipple explained for safety purposes the entrance to and from the site was better suited for Fire Tower Road opposed to Old Stage Road and discussed that point in greater detail. Mr. Hipple expressed his passion to preserve rural lands and his support for this application.

Ms. Null mentioned she had also met with the group of constituents who had raised concerns and appreciated their input. She indicated that she visited the proposed event venue and spoke highly of the craftsmanship. Ms. Null expressed her belief that this was an appropriate use for the property opposed to a new subdivision and/or solar farm. She highlighted the compromise aspect and noted her support for the application.

Mr. McGlennon expressed positive remarks of Mr. David Nice and his craftsmanship, commitment to the community, and quality of the objective. He touched on the raised concerns addressed noting it was clear that the community was supportive of the proposed event venue. Mr. McGlennon noted the County Code and regulations were in place to protect the community as a whole and elaborated on that point in further detail. He expressed his desire for the site entrance to be on Old Stage Road for ingress/egress purposes and for enhanced noise conditions to mitigate noise intrusion to surrounding properties. Mr. McGlennon pointed out that the SUP ran with the land not the property owner. He requested reevaluation on the access road and the noise impact components.

Mr. Icenhour touched on the Board's policy for governing the withdrawals of property from AFDs and the eligibility criteria. He mentioned all criteria was met excluding the request caused by a change in circumstances. Mr. Icenhour questioned if that was a reasonable reason for denial. He highlighted Mr. David Nice's good faith efforts to go through the SUP process opposed to the by-right process. Mr. Icenhour touched on the compromise and good neighbor aspects of the situation. He expressed his desire to look further into the road concerns; however, he spoke about the advantages of the by-right process and the lack of limitations to that point. Mr. Icenhour stated he appreciated all efforts in relation to SUP conditions. He thanked Mr. David Nice for the educational tour followed by discussion with some of the constituents who had concerns regarding the application. Mr. Icenhour reiterated the SUP and by-right processes for this case, adding he felt the SUP process was more beneficial from a community standpoint.

Ms. Larson echoed Mr. Icenhour's points. She questioned the property rights aspect of all involved. Ms. Larson mentioned if the Board voted to deny the SUP then it could be approved by-right. She requested Mr. Paul Holt, Director of Community Development, come to the podium and address what could happen if approved by-right.

Mr. Holt addressed the Board indicating if the site entrance were to move to Old Stage Road, the applicant would need to work with the Planning Director for an exception request regarding the prime soils. He advised if the AFD withdrawal request did not pass this evening, the applicant could withdraw the property in two years as a matter of right.

Ms. Larson asked if the by-right process allowed up to 300 attendees for the proposed event venue.

Mr. Holt confirmed yes.

Mr. Icenhour asked if the by-right process had limitations on the number of events held daily.

Mr. Holt replied no, adding nor was there any limitations regarding the noise component.

Mr. Hipple asked if the applicant chose to remove the entire property out of the AFD during renewal time could that impact the Barnes Swamp AFD.

Mr. Holt confirmed yes.

Ms. Larson asked the County Attorney if the SUP could run with the proposed event venue opposed to the land.

Mr. Kinsman replied no.

Ms. Larson asked if the Board had further discussion on this item.

Mr. McGlennon expressed his desire to defer action on this application to allow for additional communication between the applicant and surrounding neighbors for mutual agreement purposes and to establish finalized SUP conditions.

Mr. Hipple replied he was not in favor of deferring action on this application. He mentioned the applicant could decide to go through the by-right process instead and there would be little to no limitations. Mr. Hipple reiterated his point of compromise.

Ms. Larson asked if Mr. David Nice could speak to additional accommodations for the surrounding neighbors who raised concerns.

Mr. David Nice addressed the Board and audience noting this process was all new to him and that he tried to be a good neighbor.

Ms. Larson indicated he needed to speak before the Board, not the audience.

Mr. David Nice replied he preferred to speak to the audience.

Ms. Larson asked if he was willing to have additional dialogue with the surrounding constituents and come back before the Board.

Mr. David Nice explained that this process had been very challenging. He noted he was not willing to defer the application as he felt he had been a good neighbor and did his best to mitigate the various concerns raised.

Mr. McGlennon asked if Mr. David Nice would consider an SUP condition cutoff time of 10 p.m.

Mr. David Nice declined to answer the question.

Mr. McGlennon expressed his concern with future intent for the property as the SUP ran with the land.

Mr. Hipple stated the application needed to be decided on in current time.

At approximately 8:26 p.m., the Board recessed for a short break.

At approximately 8:29 p.m., the Board reconvened.

Technical issues were experienced as the Board reconvened resulting in limited audio-visual recording of Board Consideration(s) Item No. 1.

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

### **1. 2025 Legislative Agenda**

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

Mr. Kinsman addressed the Board to discuss the 2025 Legislative Agenda. Due to technical difficulties a vast majority of the discussion was unable to be recorded. Please refer to the 2025 Legislative Program included in the Board's Agenda Packet for specific details.

Ms. Larson requested a priority addition be included in the Legislative Program pertaining to James City County's support of Virginia Association of Counties (VACo) support of legislative action. She cited the requested verbiage to be incorporated, adding she would forward the language to Mr. Kinsman to make it easier.

Mr. McGlennon stated the County already had language on education funding. He asked if this new verbiage would replace the existing language.

Ms. Larson confirmed yes.

## **I. BOARD REQUESTS AND DIRECTIVES**

Mr. Hipple noted he had no comments.

Mr. McGlennon recognized Chair Larson as the elected VACo President for 2024-2025 and extended congratulations.

The Board applauded.

Ms. Null mentioned her recent graduation - Class of 2024 of the Virginia Certified County Supervisors' Program during VACo's 90th Annual Conference.

The Board applauded.

Mr. Icenhour mentioned the Commemoration of the 250th Anniversary of the Committee of Observation. He advised the commemoration would be held at Freedom Park on Sunday, November 24 at 11 a.m. Mr. Icenhour noted the Home for the Holidays Program was underway and encouraged donations.

Ms. Larson stated she was honored to represent James City County and the region as the VACo President. She thanked her fellow Board members for their support. Ms. Larson indicated the Board would not go into Closed Session. She advised for public notification purposes that when the Board of Supervisors adjourned the Board of Directors meeting would resume.

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

Mr. Stevens stated the Repair Fair & Recycling Expo would be held on Saturday, November 16 from 9 a.m.-1 p.m. at Lafayette High School. He further stated Leaf Collection Services would begin the first week of December, adding additional information was available on the County's website. Mr. Stevens highlighted the County's AAA bond rating was reaffirmed by all credit rating agencies last week. He thanked the Board for its fiscally responsible oversight and Ms. Sharon McCarthy, Director of Financial and Management Services, and her staff for all efforts. Mr. Stevens expressed positive remarks of the County's solid financial standing. He spoke about the Interstate 64 Gap Segment C Widening noting the Virginia Department of Transportation had indicated the County portion was ready for construction. He advised it would be widened from four to six lanes, adding the segment would run from Mile Marker 224 to approximately 1.15 miles west of Route 199. Mr. Stevens anticipated work to be completed by 2027. He recognized a recently retired County Police Officer Nancy Nolker who passed away last week. Mr. Stevens asked the public to keep her family and the County's Police Department in thought and prayer during this time.

Mr. Icenhour asked Mr. Stevens if there was a limitation on the number of bags regarding the leaf collection.

Mr. Stevens noted leaves must be in clear bags 40 gallons or less; however, he did not believe there was a limitation on the number of bags.

Mr. Icenhour asked if there were limitations on the neighborhoods served.

Mr. Stevens replied no, adding collection date information was available on the County's website.

Mr. Icenhour thanked Mr. Stevens.

Mr. Hipple expressed his desire to extend condolences on the recent passing of a retired County Firefighter, Melvin "Mel" Bryant Jr.

Ms. Larson mentioned for public notification purposes that the Board's next Regular Meeting and Business Meeting would be held on December 10, 2024.

The Closed Session portion of the meeting was not held as mentioned by Ms. Larson.

**K. CLOSED SESSION**

1. 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.
  
2. Certification of Closed Session

**L. ADJOURNMENT**

1. Adjourn until 2 pm on December 10, 2024 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, Null

At approximately 8:40 p.m., Ms. Larson adjourned the Board of Supervisors.

*Teresa J. Saeed*

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Deputy Clerk