

Citizens for Responsible Spotswood Development Newsletter – June 30, 2023



Kiss the Green Course Goodbye?

Our recent Freedom of Information Act (FOIA) request of the City generated some sobering behind-the-scenes snapshots. Over the past few weeks, I have reviewed about ten thousand documents. This newsletter focuses on documents revealing that Colonial Williamsburg is considering developing not just the Spotswood Golf Course, but the Green Course and its surrounding parcels (contrary to what a CW official told me when I asked, point blank, a few months ago). Additionally, we uncovered documents showing how Colonial Williamsburg and Frye have used our City Manager to gain direct access to City Council members; those are discussed as well.

I have done my best to summarize the documents below. All quotes are taken verbatim with typos and grammatical mistakes as is. The documents referenced in this newsletter can be found [HERE](#) on our website.

Green Course

On May 23, 2022, City Manager Andrew Trivette indicated in an e-mail update to City Council that he was facilitating a meeting between himself, David Kranbuehl, and Cliff Fleet (Colonial Williamsburg Foundation's President and CEO), "so that Cliff can answer David's questions and provide better clarity on the motivation for CW and the developer" concerning the Spotswood development. There is no indication as to why David Kranbuehl was chosen by our City Manager to meet with Cliff Fleet, nor is there any indication that he was acting in any official capacity for the City.

On June 14, 2022, Andrew Trivette e-mailed Cliff Fleet to provide him background information on David Kranbuehl prior to their scheduled June 17, 2022, meeting. Trivette's e-mail includes Kranbuehl's comments directed to Fleet. It's not clear whether

the June 17 meeting occurred as Trivette noted he was not feeling well. The document trail runs cold until November 28, 2022.

On November 28, 2022, Kranbuehl sent a "Thank You" e-mail to Fleet and copied Trivette. In this e-mail, Kranbuehl reported the discussions he had with Fleet during his lunch meeting the Monday prior, November 21, 2022. One point of discussion concerned the Cushman Wakefield CW land use report.

Concerning the report, Kranbuehl memorialized a part of his discussion with Fleet as follows, "Regarding the Spotswood land you described a focus on housing of modest size on modest size lots and **a longer range proposal to develop a Landings type senior living area on the front nine of the green course. And finally that the back nine of the green course and the rather hilly land on S. England St. as one moves toward 199 would be developed for housing as the land allowed.**" (Emphasis added.) "Landings" is presumably a reference to Williamsburg Landing, a senior living facility off Lake Powell Road in Williamsburg that offers independent living, assisted living, nursing care, and memory care.

The next time David Kranbuehl's name appears in the documents is on April 25, 2023, when he e-mailed Trivette and Planning and Compliance Director Tevya Griffin. At the outset, he stated, "Having talked to both of you, as well as with Paul Freiling, and reading the Virginia Gazette, it is clear that there is a group of residents who are very concerned about density and traffic."

Kranbuehl suggested, "we need to provide some data on existing areas within the city. Propose that for each area we include the density of houses and a distribution of the lot sizes and average lot size. Areas that might be relevant our Braxton court, Matoaca court up to the onset of commercial property, and the neighborhood founded by Newport, Tyler, South, England, and the Spotswood project, adjacent to the Spotswood project. You may want to add other neighborhoods, such as the counselors way project and its density of occupied properties."

Kranbuehl went on, "regarding traffic, I think it's important to have Aaron [I believe this refers to Aaron Small, our city engineer] estimate a possible path beginning with branching off the entrance to the green golf course perhaps close to the Golf Club parking lot and then proceeding to cross the green golf course between the 7th and 8th hole or the 6th and the 7th hole to Quarterpath Rd. A road crossing the middle of a golf course is extremely normal. . . . Going forward it is clear such a connection will be needed and having it be a visible future project is important to the discussion. Issues of how it is funded between the CW and the city, and the builder of future development is to be determined."

On May 22, 2023, Kranbuehl e-mailed Fleet and Trivette with a copy to Tevya Griffin, stating that "[b]ased on multiple conversations with each of you and with Tevya as well as with Paul Freiling, the Spotswood residential housing project is uniquely important for both the future of the city and for CW." In this e-mail, Kranbuehl offered his concerns

and advice to Fleet and Trivette on how to deal with the Spotswood project. He suggested a road through the Green Course to Quarterpath Road, calculating density using other neighborhoods, and using a planned unit development. He followed with another e-mail to Fleet and Trivette on May 23, 2023, suggesting buffer zones on the east and south side of the property and using those zones as part of the density calculation.

Back-channel Communications Between CW/Frye and the City

On June 17, 2021, our City Manager e-mailed Cliff Fleet to let him know there was an online "Save the Spotswood Petition." My question for Mr. Trivette is why did you do this? Is this part of your job description to look out for Cliff Fleet and CW?

On February 3, 2022, Selena Phelps, Executive Assistant to the Colonial Williamsburg Foundation Board e-mailed Andrew Trivette. The subject line is "Meeting with Cliff Fleet-Spotswood Development." Ms. Phelps wrote, "On behalf of Cliff Fleet, I am working to schedule a meeting to include representatives from Frye Properties (developer for Spotswood property) and members of City Council. Would you be able to help with coordinating City Council or please point me in the right direction?"

Side note on City Council meetings: *It is not legal for more than two city council members to meet at one time, otherwise they are viewed as having an official meeting requiring public notice and the right of public attendance. So, if council members want to avoid the public meeting requirements, they make sure never to have more than two council members present at any meetings with third parties such as Frye, Cliff Fleet, etc.*

On February 16, 2022, Ms. Phelps followed up with Trivette, apparently having received no reply to her February 3, 2022 e-mail. On February 16, 2023, Trivette replied, confirming with Phelps that he will get some individual meetings set up with City Council.

On February 17, 2022, City Manager Trivette e-mailed City Council members to invite them to meet one-on-one with the Spotswood developer.

On February 17, 2022, Council member Barbara Ramsey accepted the invitation, saying "Sandi, I would like to meet with the developer."

On February 17, 2022, Vice Mayor Pat Dent responded to Trivette and his assistant Sandi Filicko regarding the invitation to meet the developer saying, "I prefer not to meet one on one with the perspective developer of the Spotswood project. I feel a meeting may create an environment where the developer makes assumptions about my support or lack of support for the project. I will evaluate the project during the normal process."

On March 15, 2022, Pat Dent received a *second* e-mail from Trivette’s assistant inviting him to meet with Frye. Again, the Vice Mayor declined, stating “I am not interested in meeting with the developer, I will evaluate the project through the normal process.”

On March 15, 2022, Mayor Doug Pons e-mailed his acceptance of the invitation to meet with Frye Properties, stating “Hi Sandi, I’m available on March 30.”

On March 15, 2022, Council member Caleb Rogers accepted the invitation to meet with Frye Properties, stating “I am available from 10 AM to 12 PM on the first.”

It is unclear from the documents produced in response to our FOIA request whether Council member Ted Maslin accepted the invitation. What is interesting, however, is the e-mail chain between Maslin and Dent on March 7, 2022. Maslin e-mailed Dent with the subject line “Re: 2+2 Followup” and asked whether Dent would meet with the Spotswood developer. Dent reiterated his position that one-on-one meetings with the developer are not appropriate. When pressed on this by Maslin as to whether staff could meet with them, Dent responded, “I’m not certain there is an appropriate path for those discussions.”

So, who was at the meeting (or meetings) and what was discussed? Well, we don’t know for sure because we the citizens were not invited to these private meetings, but it appears that several people attended, including Cliff Fleet and City Council member Barbara Ramsey. In an e-mail dated March 30, 2022, Ramsey wrote to Fleet, “Thanks to you and all those who spent their day making presentations on the proposed Spotswood conversion. Drew and I continued the conversation and his perspective was helpful. I have a few observations I’d like to share which may be beneficial for future presentations and messaging. Please let me know if there is time to talk in the next day or so....”

Cliff Fleet responded to Ramsey’s e-mail the evening of March 30, 2022, seeking a phone call with Ramsey at 11 the following day.

Concluding Thoughts

When I first read these e-mails, I was stunned. It took me a few days to process the depth of all the underlying issues here. At the end of the day, I feel betrayed by our own City government and the Colonial Williamsburg Foundation. In terms of good governance, we can do better than this. As for a partnership with CW, the trust for me is broken.

If a development is sound, it should be able to stand on its own merits. When City officials become brokers and lobbyists for developers and special interests, then we are no longer watching democracy at work. Thank you, Vice Mayor Pat Dent, for not caving to Colonial Williamsburg’s lobbying efforts supported by our City Manager and some of your colleagues. You give us hope.

Mayors come and go. CEOs come and go. Voters, however, remain and remember. Far from dividing our town, as David Kranbuehl suggested in an e-mail to Cliff Fleet, the proposed Spotswood development has brought our community together. Our FOIA request yielded *hundreds* of e-mails from citizens to City government voicing their objections to the Spotswood development, while only 3 letters in support of the project were produced.

When I was a young boy, my grandmother Mimi told me that it doesn't matter so much what you do when everyone is watching; the real test is what you do when no one is looking. I hope this newsletter has shed some light on what is going on down at City Hall when no one is looking.

Fraser Hudgins