

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
June 20, 2023

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:01 p.m., Tuesday, June 20, 2023, in the Board Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

Attendance. The following members of the Board of Supervisors were present: Sheila S. Noll, W. Chad Green, G. Stephen Roane, Jr., and Thomas G. Shepperd, Jr.

Absent. Walter C. Zaremba

Also in attendance were Mark L. Bellamy, Jr., Deputy County Administrator; Brian Fuller, Assistant County Administrator; Richard E. Hill, Jr., County Attorney; and Diane C. Ingram, Senior Administrative Coordinator/Assistant Deputy Clerk.

Invocation. Pastor Cliff Bowen, Coastal Church, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Shepperd led the Pledge of Allegiance.

**PRESENTATIONS**

**EMPLOYEE SERVICE RECOGNITIONS**

Mr. Mark Bellamy recognized the following employees who have achieved significant milestones from January 2023 through June 2023:

**20 Years of Service**

- Timothy G. Warthan, Utilities Operation Superintendent, Department of Public Works
- Laura M. Byser, Chief Deputy Clerk, York-Poquoson Circuit Court
- Elaine A. Abrahamson, Library Assistant, York County Public Library

**25 Years of Service**

- Mark E. Fahnert, Deputy Sheriff, York-Poquoson Sheriff's Office
- Michael Campbell, Fire Lieutenant, Department of Fire and Life Safety
- David J. Robinson, Master Electrician, Department of Public Works

**30 Years of Service**

- Samuel L. Keffer, IV, Grounds Maintenance Supervisor, Department of Public Works

**35 Years of Service**

- Terrie A. Meador, Real Estate Specialist, Real Estate Assessment

Chairman Shepperd, on behalf of the Board, offered these employees their heartfelt gratitude for their dedication, loyalty, and years of service to the County.

**CITIZENS' COMMENT PERIOD**

Mr. Doug Holroyd, 103 Marina Point, Williamsburg - Let us talk about Personal Property Tax. (He then distributed a handout to the Board of Supervisors). We now have the numbers in from the first half of this year and the second half of last year, for the total Fiscal Year 2023. He then referenced the handout that shows the workshop numbers back from January and there

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was a question mark in the 23 projected column. As you can see on the next page, we had \$13,436,550 of assigned cost in December, but that was before the \$3.5 million rebate, so the total was just a fraction under \$10 million collected. We have a total of \$11,798,616 in June invoices, so that total is now \$21,735,167 and that is almost \$3.8 million above the projected budget, so that is surplus, and we have a significant surplus on Personal Property Tax. I spoke to you every month in here from January through May about needing to reduce either the assessed value or the Personal Property Tax rate down to \$3.20, but we did not do that, and now we have a tax surplus issue, and it is only going to get worse as we go into the second half of this year. That number will climb and we will be in the order of \$9 million of over collection on Personal Property Tax this year. We have a problem, and we either give a credit as we did last year or we come up with some other way to give money back to the citizens. This is not fair to be collecting this much excess cash from the citizens for the value of their cars. I liked Mr. Roane's idea. Do we drop the \$25.00 decal or certificate tax? You have got enough money in the budget now to wipe that out. Give it back. President Reagan said, Mr. Gorbachev, tear down this wall. Well, I am saying, Mr. Shepperd, give back that tax. Thank you.

Ms. Lea Gryk, 224 Church Street - I grew up in the County and I moved back here 29 years ago. Seen a lot of changes to the County in the waterfront district. I opposed the proposed plan for the Princess Cruise Ship coming in, or any cruise line of that size; it is in the necessary pier infrastructure. It is not keeping with the spirit and the harmony of this special place in our American history. The current cruise line, the American Cruise Line that cruises the Chesapeake Bay is large enough for our small port, large enough for our infrastructure, buses, restaurants, and shops. There are buses currently for the American Cruise Line that line up on Water Street in the travel lanes on the crest of the hill to pick up and discharge passengers, making it hard to get around. Usually, they are here early in the mornings, which is not generally a problem, but in the afternoons, when they let the people out, Water Street is congested. I can only imagine what will happen when you bring the big Princess Cruise Line in. Until recently, I have not seen many walking tours from the American Cruise Line, passengers along Water Street or Main Street. It just seems now that they have started a walking tour. They do not eat in our restaurants; they do not bring packages back from Williamsburg. There are no shopping bags in tow when they go back on their buses or on their boat, so they are not doing much shopping or eating, and I do not know what benefit they have to the County in regards to bringing in such a big cruise ship like the Princess line. Generally speaking, people are interested in historical destinations, they are older. They are not collecting stuff to bring home with them. So I do not see a lot of shopping in our little town or Williamsburg from this new cruise line. The article I read from the president of the cruise line said that they were bringing 14,000 people possibly to Yorktown in five port of calls. If they had all the ships full, we cannot handle it. Even half ships, we cannot handle. I do not think they are in keeping with the nature of our little historic town. I do not think they belong. I am about out of time. Thank you.

Ms. Judith Campbell, 110 Benjamins Court - Thank you for the opportunity to speak tonight. I come here on behalf of the group that I am part of, the Concerned Citizens for York County, to urge you to adopt a Code of Ethics for the Board of Supervisors. You all are our leaders. We look to your guidance as you adopt something as worthy as a Code of Ethics. It trickles down and permeates through the community. We need that. We need that for our schools. We need that for our citizens. We need that for our law enforcement, and so you, as our leaders, need to show the way. So we have prepared a draft. Many other counties, similar to ours, have Codes of Ethics, and I just urge you to take action on that, and that is all I have. Do you have any questions? Thank you.

Mr. Alan Kennedy, 116 Stegg Street, Williamsburg - I appreciate you hearing me tonight. I live in Burgesses Quarters, which is in the northern part of the upper end of York County off Bypass Road in Williamsburg, and I have spoken with some of you and some of the staff of this County, as have many of my neighbors. More and more of my neighbors have grown involved in this issue of a developer that has not lived up to their obligations. The developer, which has an alphabet soup of LLCs, was over deadline in 2019. They have since begun extensions every year from 2019 until now, and three months ago, we, our community, banded together to raise the consciousness to the Board, to our County officials, to the management company that has been protecting the developers and shielding them from any penalties for not completing our development on time. There has been a lot of progress and I want to thank the County officials, as well as administrators, including Richard Sutton, who personally came out and walked the grounds, and Mr. Holroyd walked our development as well and saw how much progress there

needs to be made. We still have not finished sidewalks. They just paved the streets. This is more than four years after the original deadline. We are still waiting. They just cleared a pile of debris and sharp rods and a downed electrical pole that sat on the ground until we reached out to you. The developers did not listen. The management company did not care. The bank does not care. So we are relying on you to hold them to their surety bonds, to hold them to their obligations. We ask you not to release their money because that is what they care about until they have met every single one of the requirements that was in Mr. Sutton's inspection report and to make sure that the neighbors who are in this community, many of whom have young children, like myself, are protected. Finally, we look forward to the future when we can control our own HOA once it is turned over to us and we can push for things like sidewalks on the way to Waller Mill Elementary School, which is where we are zoned. I would love to see sidewalks go to Waller Mill Elementary School and other great things that we can do in our community. Thank you.

Ms. Teri Hodson, 207 Nelson Street - I am here about the cruise ships also. We did not hear anything about them until January, February of this year, when an article came out in the paper. We were kind of blindsided by it. You know, as citizens, we do not expect to have our hands into every little thing, but this is huge for our area. If the picture that I showed you, someone did a rendition of what the ship will be like into scale with the bridge, and it is almost comical. It seems crazy big coming in at 964 feet long and a 100 feet wide. It is roughly the length of 2.7 football fields and as wide as two tractor trailers. This is not me making this up, this is from their site. Okay and the same height as a 16 story building, that is huge. That is a big thing in our small village of Yorktown. I am all for tourism and community and I live right here in the Village, it is not my village, it is our community. We serve everyone in York County. We serve the visitors that come and grace our presence and we want to be good hosts and we want them to be good guests, but this is a lot to ask. I came in by the skin of my pants here, so I am just going to read something that I wrote on a post. We just heard about this, there was no input allowed. The cruise line would rather pay fines than fix problems. This particular cruise line pays more money than any other cruise line in fines because of polluting and breaking rules. That is a fact, and the scale of these cruise ships on the Yorktown waterfront will be enormous, and the negative impact will be huge. I live in Historic Yorktown and I am all for improving tourism in the area, but this is too much. The current cruise ships that come to port here are big enough; let us improve on that situation. The ships will be 10 times that size and do not get me started on the detrimental effects these enormous cruise ships will have on the historically significant area of the waterfront where ships were scuttled by Cornwallis during the Revolutionary War, and being right in front of the Waterman's Museum, there goes that beautiful and peaceful view. Someone is making a whole lot of money, but the environment, this historically significant area, and the visitors and guests will pay the price. This is so sad. I really appreciate your service, but I really wish you would really think hard about this because it is not going to be great. Thank you.

As there were no other speakers, Chairman Shepperd closed the Citizen Comment portion of the meeting.

#### **COUNTY ATTORNEY REPORTS AND REQUESTS**

Mr. Richard E. Hill, County Attorney, had no report.

#### **COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. Mark Bellamy, Deputy County Administrator, stated he had the following three items to share with the Board:

- o July 4th Celebration – schedule of events
  - 8:00 a.m. - 8K/5K Run/Walk
  - 9:00 a.m. - Patriotic Parade on Main Street
  - 10:00 a.m. - 5:00 pm - Trolleys Run
  - 4:00 p.m. - Parking starts on the Battlefield
  - 9:15 p.m. - Fireworks
- o Pickleball Update
  - Renovations have begun at Back Creek Park, converting some of the tennis courts in order to create six pickleball courts

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- Parks and Recreation Department will be scheduling adult and youth lessons
- o Household Chemical Collection, July 8th, at 105 Service Drive
  - Waste Management website has details of the program
  - Free shredding will be offered with up to five boxes of material

Mr. Roane expressed appreciation for the National Park Service’s collaboration and partnership with the County relative to allowing parking on the Battlefield for the July 4th celebration.

Mr. Green stated that he wanted to address a couple of the speakers’ concerns expressed during the Citizens’ Comment period. He then asked Mr. Bellamy to report back to the Board on the following issues:

- o Personal Property Tax Surplus
- o Progress report on Burgesses Quarters
- o Update on the cruise ship docking at Yorktown

**MATTERS PRESENTED BY THE BOARD**

Mrs. Noll had nothing to report.

Mr. Roane had nothing to report.

Mr. Green encouraged the public to attend and participate in the upcoming July 4th Celebration to be held in Yorktown where our independence was won. Starting with the parade at 9:00 a.m., he encouraged citizens and visitors alike to partake in the festivities throughout the day; and enjoy the fireworks at 9:15 pm.

Chairman Shepperd thanked the staff for the Juneteenth Celebration held at the McReynolds Athletic Center. He stated that this important commemorative event was quite successful. He encouraged citizens to be mindful of hurricanes and also reminded them to be cognizant of the fact that the Governor of the Commonwealth cannot declare an emergency and evacuation until the storm is in Florida. He warned citizens to be ready and if they are looking for a generator to secure one now. In addition, he urged all residents to ascertain their flood zone if they have not already done so, and if flood insurance is needed, to acquire it as quickly as possible.

**CONSENT CALENDAR**

The Consent Calendar was considered and **approved on a vote of 4:0.** A summary of actions taken is below.

Chairman Shepperd asked if a Board member would like to pull, ask for clarification or offer comments on any of the consent items. Since there were none, he called for a motion.

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 6 and 7, respectively.

On roll call the vote was:

Yea: (4) Noll, Green, Roane, Shepperd  
 Nay: (0)

**Item No. 6. CHILD DEVELOPMENT RESOURCES, INC., SUPPORT AGREEMENT: Resolution R23-81.**

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A SUPPORT AGREEMENT WITH CHILD DEVELOPMENT RESOURCES, INC., A NONPROFIT VIRGINIA CORPORATION, PROVIDING \$75,000 ANNUAL FUNDING DURING THE FISCAL YEAR 2024 FOR THE OPERATION OF EARLY CHILDHOOD CARE AND DEVELOPMENT SERVICES IN THE GRIFFIN-YEATES LEARNING CENTER LOCATED ON GOVERNMENT ROAD

**Item No. 7. REQUEST FOR REFUND OF BUSINESS LICENSE TAXES – L.V.W. Resolution R23-91.**

A RESOLUTION TO AUTHORIZE A TAX REFUND TO L.V.W. FOR THE TAX YEAR 2021

**RECESS**

Chairman Shepperd called a brief recess at 6:33 p.m.; the meeting reconvened at 7:00 p.m.

**PUBLIC HEARINGS**

APPLICATION NOS. ZM-196-23 AND UP-1004-23, CARSON GROUP, LLC. Ordinance No. 23-10 and Resolution R23-85.

The matter was considered and both applications **approved on a vote of 4:0.** A summary of the proceeding is below.

Mr. Earl Anderson, Senior Planner, gave a presentation on Application Nos. ZM-196-23 and UP-1004-23, Carson Group, LLC, to amend the York County Zoning Map by reclassifying a 1.4-acre parcel located at 111 Faulkner Road from R20 (Medium Density Single-Family Residential) to GB conditional (General Business) and to approve a Special Use Permit to authorize the establishment of a recreational vehicle sales and display use without bodywork and painting at 6903 and 6909 George Washington Memorial Highway and 111 Faulkner Road. In conclusion, Mr. Anderson stated that the Planning Commission considered these applications on May 10, 2023, and subsequent to conducting a public hearing, at which four citizens expressed concerns about the existing and proposed buffer, the applications were recommended for approval on a 6:0 vote.

Chairman Shepperd questioned the history of the property with Dodd RV regarding parking their excess trailers on a nearby property, to which the County agreed as long as they adhere to the County requirements such as pavement, landscaping, and buffers. He noted that it had been approximately three years since this agreement occurred, and now this application is actually a natural progression in order for this property to align with the County Code.

Mr. Anderson replied that he was correct.

Mr. Green remarked that Chairman Shepperd had asked the questions he had, but pointed out that there has been storage of RVs on the property. He then questioned if a plan was put in place several years ago that the Board approved.

Mr. Anderson responded that the reason the RVs are on the property is because a private road at one time traversed this property, thereby providing access to Country Lane, where several residents live. As such, instead of people driving through the middle of the parcel, the applicant built a road on the backside of the property and closed the Route 17 access. The applicant then needed to move some of the RVs off the property; however, COVID hit, and he submitted his site plan, which is still under review. Mr. Anderson continued by stating that Dodd RV then submitted their site plan in an effort to consolidate all the properties, so that is where they are currently in the process. He added that should this application be approved, the applicant will change the site plan to encompass all of the properties.

Mr. Green stated that this looks like a much more complete and comprehensive plan.

Mr. Anderson replied that the previous plan was a Special Use Permit that was approved and included the buffer, the building, and things of that nature. He noted that this application incorporates that one parcel that was sitting in the back during the Special Use Permit and will clean up the situation between the three subject properties.

Mr. Roane questioned if the property is going to be mainly used for storage or will it also be used for repair and customization work.

Mr. Anderson stated that the property would only be used for the display of recreational vehicles for sale. He added that all other maintenance work and repairs would take place on the other side of Faulkner Road at the existing location. He explained that the first floor of the

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proposed building will be for the display of RVs and the second floor for offices. However, he deferred these questions to the applicant in attendance, who can be more specific.

Mr. Roane questioned if a PA (public address) system would be used on the property and if any noise pollution would occur on site as the property sits adjacent to residential areas.

Mr. Anderson replied that most businesses no longer use PA Systems due to the common practice of contacting salesmen and other employees via cell phone or text. However, again, he deferred the question to the applicant for greater clarification.

Mr. Roane complimented the applicant on the widening of the buffer zone between the property and the residential area, providing a cushion between residents' homes and the business area. He then asked for more details regarding the vegetative buffer.

In response, Mr. Anderson pointed out that the buffer will include a mixture of evergreens and other trees, plus a fence.

Chairman Shepperd questioned the referenced buffer zone and whether it will be a type 30, type 50 or so forth.

Mr. Anderson explained that the buffer is usually in feet, likely 35 feet and they would still have to meet a certain number of landscape credits within that area.

Mrs. Noll asked what type of fencing will be installed.

Mr. Anderson responded that a condition for an opaque wooden fence had been added to the approval conditions.

Attorney Mike Ware, 4000 George Washington Memorial Highway, representing the applicant, thanked the Planning Department for the presentation. He explained that there had been a lot of delays because the applicant wants the business to have a positive impact on the community. He added that appropriately addressing the Country Road issue, providing the required easements and the onset of COVID further delayed the project's progress. He explained that a retention pond will also be located between the residential and commercial areas creating an even larger buffer. He confirmed that a PA system will not be used and the existing house on the property will be used only for storage. In addition, he pointed out that the new structure will be for sales and display of specialty accessories; however, all of the maintenance/repair work that will generate noise will remain exactly where it is currently located. Mr. Ware noted the applicant's one concern that is the wood fence since they tend to degrade and deteriorate rapidly. Instead, he stated that the applicant would prefer to install an opaque vinyl fence that is more attractive and durable. In conclusion, he stated that both Mr. Dodd and the gentlemen handling the site work are present to also answer any questions the Board might have.

Chairman Shepperd opened the floor to the Board members for comments and questions on the application; however, there were none. He then asked staff if there would be any problem striking the word wooden from the conditions in the approval resolution, thereby making the Resolution R23-85R.

Mr. Anderson stated that the proposed resolution can be revised accordingly, but sought the County Attorney's, Mr. Richard Hill, guidance regarding any necessary revisions impacting proposed Ordinance No. O23-10.

In response, Mr. Hill stated that approval of Resolution R23-85R will also require removal of the word wooden from the proffered conditions as set forth in the proffer statement referenced in proposed Ordinance No. O23-10.

Chairman Shepperd then called to order a public hearing on proposed Ordinance No. 23-10 and Resolution R23-85 that were duly advertised as required by law and are entitled:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING A 1.4-ACRE PARCEL OF LAND LOCATED AT 111 FAULKNER

ROAD (ROUTE 1231) FROM R20 (MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL) TO GB CONDITIONAL (GENERAL BUSINESS)

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A RECREATIONAL VEHICLE SALES AND DISPLAY USE WITHOUT BODYWORK AND PAINTING AT 6903 AND 6909 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17) AND 111 FAULKNER ROAD (ROUTE1231)

There being no one who wished to speak concerning the subject application, Chairman Shepperd closed the public hearing.

Mr. Green then moved the adoption of Ordinance No. 23-10.

Chairman Shepperd opened the floor for Board discussion; however, hearing none, he asked for a vote.

On a roll call the vote was:

Yea: (4) Green, Roane, Noll, Shepperd  
Nay: (0)

Mrs. Noll then moved the adoption of Resolution R23-85(R).

Chairman Shepperd opened the floor for Board discussion, but again hearing none, he asked for the vote.

On a roll call the vote was:

Yea: (4) Roane, Noll, Green, Shepperd  
Nay: (0)

Subsequent to the vote, Mr. Hill sought and received confirmation that both approvals included removing the word wooden from both R23-85(R) and the proffer statement referenced in Ordinance No. O23-10.

APPLICATION NO. UP-1011-23, KSMA WASH VA, LLC. Resolution R23-87.

The matter was considered and **denied on a vote of 2:2.** A summary of the proceeding is below.

Mr. Earl Anderson, Senior Planner, gave a presentation on Application No. UP-1011-23, KSMA WASH VA, LLC to authorize the establishment of a car wash facility on a 1.3-acre parcel of land (GPIN R07d-3517-2273) located at 6440 George Washington Memorial Highway (Route 17). He noted that the subject property is zoned GB (General Business) and designated GB in the Comprehensive Plan. He stated that the Planning Commission considered this application on May 10, 2023, and subsequent to conducting a public hearing, at which the applicant's representative and the property owner spoke, the application was recommended for approval on a 5:1 vote.

Upon conclusion of the presentation, Chairman Shepperd opened the floor for Board questions and comments.

Mr. Green expressed concern over the number of car wash facilities on Route 17 and asked about the status of the car wash also located on Route 17 which Board approved a short time ago. He also asked if the car wash application before the Board this evening is approved, the County could actually have two car washes immediately adjacent to one another.

Mr. Anderson stated that the referenced car wash facility is going through the site plan approval process and should now be in the final review. He also noted that progress on the project should be visible shortly. Also, he confirmed that approval of this application would result in two adjacent car washes located on Route 17.

Mr. Roane asked if the car wash approved two years ago included vacuum stations.

Mr. Anderson responded that it did include vacuum stations; however, appropriate required screening would make them invisible from Route 17.

Mr. Roane expressed concern that the car wash, soon to be constructed, and this application if approved, would mean two identical car washes adjacent to one another producing noise pollution that could negatively impact adjacent businesses. He also asked why a Special Use Permit is required this evening since a previous car wash had occupied the same parcel.

Mr. Anderson explained that a Special Use Permit is being required because the current owners plan to demolish the existing building on the site.

Chairman Shepperd pointed out the irony of this situation since the requirement of Special Use Permits was established to help prevent redundancy of services/businesses. However, he also noted that since both parcels have contained car washes for many years, it would seem unfair to deny this application. He then called the applicant or applicant's representative to the podium in support of the request.

Mr. Tyler Rosá, 222 Central Park Avenue, Suite 1700, Virginia Beach, the applicant's legal representative, thanked staff for their hard work on the application and for the Planning Commission's recommendation of approval. He explained that the site will be operated as Tommy's Car Wash, a national car wash developer with over 40 years of experience. Regarding market saturation, he explained that this is really a revitalization of an existing car wash that will not produce a net increase in car washes in the County. In addition, he pointed out that the proposed use will bring the property into compliance with the current landscaping, design and development standards including the Route 17 overlay requirements. He noted that the car wash will utilize very efficient technologies and use less water than traditional car washes while accommodating all sizes and shapes of vehicles. The extensive market and demographic analyses performed by the national developer, he stated, substantiates that this area will indeed support two car washes. However, he also explained that should the market change, the applicant will remove the improved facility and grade the site. Mr. Rosá added that the car wash will not violate any applicable noise regulations and the vacuum stations will not be visible from Route 17. In closing, he stated that the applicant has reviewed all of the conditions included in the proposed approval resolution and finds them acceptable.

Mr. Green asked Mr. Rosá to elaborate on the statement he made that the proposed car wash will accommodate traditional, non-traditional, and sports vehicles.

In response, Mr. Rosá explained that they use a true conveyor belt system that is wider and flatter than the normal system, so it allows for greater movement with respect to the different size and height of vehicles.

Chairman Shepperd asked that he explain the applicant's business model in relation to it being located immediately adjacent to another car wash.

Mr. Rosá stated that he is not privy to the demographic analysis and the reports that were generated prior to the application; however, he knows that the franchisee vets their prospective car wash sites extensively before moving forward to establish them. He added that the two adjacent car wash sites have existed successfully historically and with the growth in the County's population, they should continue to be successful.

Chairman Shepperd then called to order a public hearing on proposed Resolution R23-87 that was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A CAR WASH AT 6440 GEORGE WASHINGTON MEMORIAL HIGHWAY

There being no one who wished to speak concerning the subject application, Chairman Shepperd closed the public hearing.



Mrs. Noll stated that she does not like the idea of two car washes back-to-back; however, since they have operated successfully in the past, she will have to support the applicant's request.

Mr. Green stated that since both of the car washes will be very similar, this valuable property could be used for something of greater value to the citizens, and as such, he stated that he could not support the request.

Mr. Roane stated that he has received negative feedback from citizens relative to the number of car washes that have been approved on Route 17. As such, he indicated that he would have difficulty supporting this application.

Mr. Shepperd also questioned the validity of having two basically identical car washes adjacent on Route 17; however, he expressed concern that if it is not approved, the subject parcel could become an eyesore. He stressed that he is more interested in the revitalization of this parcel than he is in two adjacent car wash facilities.

Mr. Roane then moved the adoption of Resolution R23-87.

Chairman Shepperd opened the floor for Board discussion.

On a roll call the vote was:

Yea:	(2)	Noll, Shepperd
Nay:	(2)	Green, Roane

DRAFT ZONING ORDINANCE TEXT AMENDMENTS - SHORT-TERM RENTAL HOMES.  
Ordinance No. 23-8.

The Board held a Public Hearing on this item and **deferred final consideration to a future meeting**. A summary of the proceeding is below.

Mr. Timothy C. Cross, Deputy Director of Planning and Development Services, gave a presentation on the Draft Zoning Ordinance Text Amendments – Short-Term Rental (STR) Homes which, if approved, would amend the Zoning Ordinance provisions applicable to short-term rentals (STRs). He pointed out that the amendments included in the proposed ordinance are relatively modest because most of the Planning Commissioners indicated they are not in favor of any major changes. He identified that the most significant change is to require tourist home use permits and STR approvals to run with the property owner rather than with the property. Lastly, he stated that the proposed amendments would stipulate that all STR approvals automatically expire when the property is transferred to a new owner. He reminded the Board that in 2019 they directed the Planning Commission to come up with some guidelines/standards for short-term rentals. Following a lengthy Planning Commission work session, a series of amendments were presented and unanimously adopted by the Board in 2020. He explained that the proposal being considered this evening was not initiated by the Board, but rather by staff after a series of meetings with Mr. Morgan and three residents of Queens Lake who were proposing stricter standards. Then in July 2021, the individuals seeking stricter stipulations presented their ideas to the Planning Commission, explaining the rationale behind their suggestions. Moreover, at this same meeting, Mr. Cross stated that the current STR operators were asked to attend to present their ideas as well in order that the Planning Commission could obtain all perspectives. Then the Planning Commission held meetings to discuss the matter, which culminated in a public hearing and vote at its December 14, 2022 meeting on the proposed amendments, which were supported by a majority of the Commission. In conclusion, he stated that the amendments are modest since each STR requires a Special Use Permit that is evaluated on the basis of its individual merits. He also noted that the proposed amendments make it clear that living in the home or adjacent to the STR home is preferable; however, it does allow the Board to authorize alternate situations. Lastly, he stated that the Planning Commission, at its December 14, 2022 meeting, subsequent to a public hearing at which eight persons spoke, recommended approval of the proposed amendments by a vote of four to two.

Mr. Green asked if there are any areas where the Zoning Ordinance prohibits the establishment of short-term rentals.

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Mr. Cross responded that they are prohibited in the General Industrial and Commercial Zoning Districts. However, he stated that he is uncertain whether they are prohibited in the R7 District (Manufactured Homes within a Manufactured Home Subdivision) in the County.

Mrs. Noll noted that sometimes this matter falls under the purview of the applicable Homeowners Association.

Mr. Roane asked for the distinction between the owner of the property and the word provider as identified in the amended language.

Mr. Cross stated that this language applies only to bed and breakfasts where the onsite manager need not be the actual owner.

Mr. Roane also expressed some confusion over the change in verbiage as it relates to the words proprietor and provider.

In response, Mr. Cross explained that this issue had also been a concern of the Planning Commission and they tried to make this more consistent throughout the amendments, unfortunately overlooking one instance.

Mr. Roane listed several of the amendments with which he concurs; however, he did express concern over the lack of standards and expectations when a responsible party is designated for an STR property should the Board deem that the owner does not need to be onsite. He suggested that specific timeframes be designated in which the responsible party addresses any issues that arise with the STR and the distribution of the responsible party's contact information to the STR's adjacent property owners. He favored the owner of the property residing in close proximity to the STR and stressed that our main objective must be to protect our residents and our neighborhoods.

Relative to STRs, Chairman Shepperd asked how the County will ensure the peace and harmony of our residents.

Mr. Cross stated that the Board's case-by-case consideration of each STR application is to ensure that the residential areas are protected.

Chairman Shepperd asked the County Attorney, Richard Hill, to explain how specific they can make the STR requirements without infringing on citizens' property rights.

Mr. Hill, in response, stated that the risk of placing numerical limits on STRs is that the courts can make a determination that your decision in this matter was based on economics and not end-use consideration.

Mr. Green asked if the proposed amendment document could benefit from more public hearings and/or consideration by the Planning Commission.

Mr. Cross responded that the Planning Commission has already thoroughly discussed and reviewed all amendment options.

Mr. Green asked what the rationale is behind the owner or manager of the property being onsite when the renters light and extinguish fire pits.

Mr. Cross stated that the concern articulated by Fire and Life Safety is that a renter versus the owner would be less likely to know if there is a burn ban in place and less familiar with the restrictions on open burning.

Chairman Shepperd then called to order a public hearing on proposed Ordinance No. 23-8 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 24.1-409, STANDARDS FOR BOARDING HOUSES, TOURIST HOME AND BED AND BREAKFAST ESTABLISHMENTS, OF THE YORK COUNTY ZONING ORDINANCE

Mr. Richard Howell, 104 Horseshoe Drive, Williamsburg – First, thank you to the staff for the hard work. We have tried to partner and help as much as we could as citizens to give our input, and I appreciate many of the things that were brought forward. I will say, though, that there are a number of things that we still have some concerns with. One of the terms that is used and thrown around is arbitrary. That was one of your concerns as Board members, and you were concerned about, you know, we need something to help us in our deliberations. We need some things to kind of hang our hat on. We need guidelines or standards. The whole term arbitrary talks to the fact that it is based on a random choice or personal whim; if you will. It is unrestrained and autocratic in the use of authority choices made without a specific criterion or restraint. So the whole idea was to have a starting point. If you do not have a number or some criterion that you established that says this is our standard, we have the right to deviate as a Board, but in general, this is what we accept. If you do not have that, then the decision, by its nature, can be arbitrary. So our hope was to get some of these things, as Mr. Roane has said, a little more tightened up to give you something more substantial to hang your hat on. Now, as a citizen group, we offered any number of opportunities, solutions, none of which we dreamed up. Alright, we went out and did a lot of research around the country, not just here in Virginia, to try to bring ideas that would be helpful. Some were captured and we appreciate that. But some, like the density to try to at least get our hands around it, either doing it by district or doing it by type of residential zoning where you establish in an RR you can only have this and you know it has been done like that in other parts of the country. Those were some ideas that were brought forward, but not taken. We had some concerns about, as Mr. Roane highlighted, some of the terminology used. Promptly respond, how do you define that? If you do not put something around it, then any decision then becomes suspect to arbitrariness. Just the whole idea that the owner is the responsible party is there to be for them to be personally available to deal with the problems before they become the neighbor's problems. So if they are not personally involved, if they do not respond personally, it in de fact becomes the neighbor's problem. There are a whole lot of other things that were in here we did not have time to get to and I will provide you some notes, but talking about the bed and breakfast, some things just obviously left out of this. They do not talk to trash; they talk to tents; they talk to events. One per day, no more than two in a seven-day period, and then they talk 48 hours for tear down for each. By fact, you are going to end up with tents that are there all the time because that 48 hours is going to run into the next event for the setup and the teardown. Same with the latrines, et cetera. I am over my time, but lots of thought, good thoughts. Thank you very much.

Mr. Tom Chamberlain, 270 Barlow Road, Williamsburg – This is a good document. There is a lot of thought that has gone into it, but it is not complete. And I look at, I went online this afternoon and I looked at available Airbnbs. So I just searched the midweek in July, or week in the middle of July, Airbnbs what is availability. And Kings Creek Plantation alone had 28 units available for that week, and what has happened is timeshares used to be, we would buy a week and you would own that week and timeshare, and that worked out well for a while. And then the costs of maintenance went up, and out came the timeshare cancellation industry. I owned a timeshare in Williamsburg for \$3,500. I forced the owner, the developer, to take that timeshare back and no longer own it, so the developer now is stuck with all of these timeshares, and there are thousands and thousands of them that are being returned. It has become a big business, and so the only way they have got to generate revenue is they rent them, and they rent them on Airbnb, and they are renting them by the tons. And every single timeshare unit around here is now becoming a quasi-hotel through Airbnb, and that concerns me that the thinking is still that these are timeshares that are owned by individuals, not the property developers that own them. So I would ask that we either send this back to the Planning Commission or ask for a different assignment, let us start looking at what is happening with these timeshares because they are competing with people who have legitimate Airbnbs. They are competing with the hotels, and whether they are collecting taxes or not, who knows? Because there is no special use permit for all those Airbnbs that are out there. And again, I looked at one week in July, one location, 28 units available. That is all I got. Thank you.

Ms. Katherine Dana DeJager, 108 Horseshoe Drive, Williamsburg – First of all I would like to thank the Board of Supervisors for all the engagement over the last few years on this topic. I would also like to thank the staff for all of their time and engagement. And as a member of the Preserve Queens Lake Community Team, we are out to, our goal is to preserve the identity of the community. And we also want to balance the opportunity of homeowners to use their

property for income and we absolutely do, we have a lot of small businesses in our community and we support that. And as Mr. Cross mentioned, what we are talking about, STRs is recall a commercial enterprise. Did I get that quote right? I hope I got it right. And the Board of Supervisors has had a lot of contentious applications over the last years. If you recall, there have been dozens of homeowners that come up to protest specific applications and that really generated this drive to amend the County Code to make it clearer. But the problem with the proposed Zoning Ordinance amendments that have come up tonight is that they do not do anything to mitigate the concerns of the community. In fact, they remove a lot of the protections that you all have, that already existed. For example, the homeowner living nearby. I am sorry, it removes the requirement of the homeowner to live nearby. Because now you can be an absentee owner, you can have someone assigned and that is not a specific name. If an LLC is granted the STR just like what happened in Yorktown, you can sell that LLC and it does not matter whether it runs with the land or the owner because that is now a commercial property that can be sold on and on and it will be forever commercial. And it is, you cannot do anything about it because you have already granted them the STR. So the number of these protections have been taken away with this new ordinance that you are voting on tonight. So instead of providing community protections, this ordinance, these new amendments take away some of the protections we had. Instead of providing guidelines for the Board of Supervisors, it removes what poultry guidelines we had. Instead of reducing community anxiety of commercialization, it removes what protections exist. And the bottom line is these new ordinances allow corporations to buy up the properties, rent them out as whole houses, and they are left with the neighbors to deal with the compliance to all of the noise and the trash and things like that. So I urge you to vote this down. It is not ready, it is not clear. It is vague. How in the world do you apply it? Thank you.

Ms. Christie L. Van Cleave, 301 Ballard Street & 1304 Dandy Loop Road – Hi, good evening. I am Christie Van Cleave. My husband and I own, we live at 1304 Dandy Loop Road and we own 301 Ballard Street, where we operate Yorktown Cottages. We are here in the District. It is a little different than the residential areas, but I wanted to comment on a couple of discussion points that came up tonight. We are here because we want to see what is going on with short-term rentals. Obviously, it impacts us. I am a little surprised that there are not more people in the community here. I mean, there is representation from a neighborhood and then I do not know who else is in the audience, but there does not, there seems to be a lot of emotion around these STRs, but I do not see a lot of people showing up and expressing a lot of opposition to them. I would like to comment that Mr. Cross has engaged us and the other STR owners, quite extensively over the past couple of years. We have had an opportunity to comment on ideas through email that obviously have culminated into this recommendation. I do not have any particular problems with the recommendations, but just wanted to mention a couple things. We want to make sure that we preserve our grandfathered right. I saw that on there. That is always going to be important to us for estate planning of our business. We have children and also our particular property is not exactly viewed by the banks as either a residential or a commercial property. It is a really odd piece of property, so Fannie Mae does not like it for terms of comps and things like that. So having it doing something very productive that is sellable if we ever, you know I am always looking for the backup plan. Like if the bottom fell out, could I sell this? Is it marketable because I recall that when Nancy Thomas sold it to us, it had been on the market for quite some time. It is a difficult property to sell. So with regard to prompt responses, I just wanted to mention that for us we have a network of contractors that we utilize for a number of things and if there is a response requirement, we may not be the right people to show up, you know, so we have another property. It is a long-term rental, but it had a, you know, a huge limb fall down from an oak tree. It needs to be removed. If we show up, it is not particularly helpful, but we have someone show up. So designating a specific person is not necessarily always the right answer, because that specific person, if my mother was taking care of the property, that would not be the right person, right, to answer some of these issues. Also wanted to, I just wanted to mention, too, that as far as prompt responses, you know when you call the doctor and they say if this an emergency, call 911, it is the same here, right? So if I am stuck at the bridge, I live here in York County, but I cross the bridge, so if I am stuck at the bridge and I cannot get to the property, I just have to have a backup plan and if it is an emergency, they to dial 911 and we have that posted in there. When the Fire Marshal does the review, it gave us recommendations on what to post for emergency response - how to escape the property in case of fire. 911 is an important number to have, and it does not, it is not always appropriate for the owner to show up. Okay, thank you very much.

Mr. Alan Kennedy, 116 Stegg Street, Williamsburg (Burgesses Quarters) – We are a homeowners association (HOA) that does not control our HOA because the developer has not done their job. I think I went over that earlier. It is an unusual situation. We hope you will prevent it in the future. But what it means is that right now, we are in the position of having no effective anarchy from an HOA standpoint because the management company is doing nothing. And so we had a situation with short-term rentals recently. I think my neighbor Victoria emailed you about it, where her next-door neighbor was renting it out for parties on weekends through Airbnb and other sites and there were parties apparently, and the police were called, and they could not reach whoever owned that home. These are townhouses. They share walls, if you are in that four or five-house segment. So we share walls with our neighbors and we are concerned when there are parties. So my question for you is to think about it. I think most of the changes are very thoughtful. To think about, you know, at three in the morning when there is a wild and crazy party next door on the other side of the wall, and you are trying to put the baby to bed or put the baby back to sleep, what are you going to, how do we protect our neighbors from those kinds of situations? I can tell you I used to live in Denver. The way they did it was by requiring the residence to be the primary residence of the owner. I think that is what Mr. Hill was referring to by places out west. That Denver has very strict rules on short-term rentals to prevent those kinds of situations because at least if it is if I can go, if at least then we can talk to the person, then maybe we can get somewhere. And that is how we resolve things in our neighborhood, by talking to our neighbors. But if it is an LLC or if it is someone who lives out of state, we are not going to be able to do that. So just wanted to bring that to your attention. Thank you.

Mr. Doug Holroyd, 103 Marina Point, Williamsburg – I just want to raise one point that I did not hear mentioned tonight, and that is many of our neighborhoods where we are seeing short-term rentals purchased or requested are in what I would describe as affordable housing areas, at some of our most low-cost housing left in the County. It is the starter homes for a lot of our youth, a lot of people who just otherwise could not get anything else. And we are seeing more and more of them snapped up. You will see an application come forth in a month or so where the gentleman owns six or seven properties, all in the Penniman area, all in the York Terrace area. We are just seeing all of that short-term, low-cost housing disappear. That is an issue. Thank you.

Ms. Diane Howell, 104 Horseshoe Drive, Williamsburg – Mr. Shepperd and members of the Board, thank you for the opportunity to speak before you. I have stood here many times. When I listen to all the comments tonight, I just want to remind you that in 2019 I started the greatest civics lesson in my life by getting involved in this issue because I did want to preserve neighborhood integrity. I think a lot of people think I have Queens Lake on my forehead. It is not about Queens Lake, it is about this County. We came to Mr. Morgan and the staff to ask what needs to happen. How can we help to take away the neighborhood contentiousness of this? If the only way that these are going to be resolved, because we do not have specifics, is to have an army of people come in here. It is hard on neighborhoods. I asked you to consider that this is hard stuff. I respect that. It has been hard in my life, but is going to take some courage to set some specific standards that do have some meat in them and I ask you to think about that. I appreciate the time. I am grateful for supporters. I am grateful for the staff. I am grateful for the Van Cleaves and for our operations that are running without issue. We have said all along, grandfather those. I am bothered by the ordinance proposal to remove the owner from the bed and breakfast. If we have one that is out of compliance, if we have a problem, I would consider it at this point, grandfathered. Leave the ordinance alone. I went through the ordinance and made a lot of notes where I felt there were issues or concerns, or they just raised questions. I will not have time to go through all of those, but just in terms of a responsible person within a prompt response time being available, those terms bother me. In terms of the responsible person, what are the requirements or conditions for someone to designate about their age, how close they are to the address? Mr. Shepperd, you had a remarkable question here recently on one, when you asked the responsible person if there was a legal contract. I mean, do they understand the responsibility that they are taking on when they agree to do this? It is our preferred standard that the owner be there or next door. I find the ordinance has a number of places where the terminology is a little confusing. My husband pointed out a lot of things, or he actually discovered a lot of things related to the events in regard to permanent restroom facilities, portable ones, and tents being up just based by the timeline that is there. So without belaboring it, and my time is up, I do not feel like this is

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ready. It is a work in progress, and so I respectfully ask that you would give it more time. Thank you.

There being no one else who wished to speak concerning the subject application, Chairman Shepperd closed the public hearing.

Mrs. Noll then moved the adoption of Ordinance No. 23-8.

Chairman Shepperd opened the floor for Board discussion.

Mr. Green stated that the proposed amendments are a good start, but it is not quite ready for Board consideration. He added that he would like to see the ordinance sent back to the Planning Commission to address some of the concerns expressed this evening and then brought back to the Board for action.

Mrs. Noll stated that she appreciates all of the hard work by everyone on the proposed ordinance and believes that what has been presented is indeed their best effort. She pointed out that in the future, the guidelines/standards will have to be tweaked as concerns/situations arise; however, she stated that we now need to move forward.

Mr. Roane stated that he believes the proposed ordinance still needs work to tighten up the verbiage, not only on the conditions; but on the County's expectations to ensure both the Board and the applicants and any designated overseer understand what is expected of them. In addition, the STR property owner understands their financial responsibility as well. He concurred with Mrs. Noll that even after the successful completion and adoption of the ordinance, future amendments will be required as situations change. However, he stated that we have not yet achieved an ordinance that we can sign off on.

Chairman Shepperd stated that he felt as if no progress has been made on appropriately considering and handling STR applications, and as such, he bases his approval or denial on whether the adjacent property owners support or oppose the request. He stated that he likes the concept of having some measurable means to either approve or deny the STRs, a real basis for our decisions. He expressed appreciation for the public who offered such excellent ideas for STR guidelines/standards. He also voiced concern over denying the neighbors the ability and opportunity to offer their input on these applications. He stated that additional consideration needs to occur, which should include some parameters with measurable standards for STR density, how many, how close, and the rationale behind it. He then asked the Board members how they would like to improve the ordinance, that is, what would they add and what, if anything, they would delete.

Mr. Roane stated that he would like to see some of the best practices that he had shared with the group added to the ordinance. He stated that the ordinance should stipulate that the STR is for occupancy only and not for a party, family reunion, or low-budget film. Also, he noted that the expectations for the property owner or designated responsible party need to be clearly identified so that there are no surprises. Also, he stated that it needs to stipulate that the designated responsible party is able to handle all possible scenarios.

Mrs. Noll pointed out that these are questions the Board needs to ask the applicant when considering their request and does not necessarily need to be spelled out in black and white.

Mr. Roane stated that some of these issues should be settled prior to the Board's consideration so that they do not have to repeat a litany of questions.

Chairman Shepperd pointed out that if the Board decides to request further examination/consideration, it will require a great deal of additional work by staff and citizens, so we must provide them with clear guidance.

Mr. Green stated that he believed the Board was on the right track and that he had recently received some excellent input from citizens on the ordinance. Based upon this fact, he stated that he did not want to vote on this matter tonight, but wants the ordinance to be massaged further before a vote. We are moving forward on the process, he added, but the document is not ready for a vote. He suggested sending it back to the Planning Commission to hold another

public hearing on the matter, tightening up the ordinance’s language and bringing it back to the Board.

Chairman Shepperd stated that we need to include in the ordinance some very specific guidelines, but to keep in mind what works for Queens Lake may not work in other districts. There is not one size fits all and he stressed the need to hear from adjacent property owners each time a STR application comes forward. He then asked the County Attorney for guidance regarding how to properly handle this application in light of all the Board’s comments.

Mr. Hill recommended continuing consideration of this application to a future, unspecified date, which would not require that you advertise and hold another public hearing, but simply return it as an Old Business item.

Mr. Roane stressed the importance of the Board participating in any future discussions in order to tweak the ordinance appropriately.

Chairman Shepperd suggested that the Board members think about what they would like to see in the proposed ordinance and at the next work session, to specify what we want staff and the Planning Commission to address. He added that perhaps the Board should consider one or two items in the ordinance at a time in a public session until the entire ordinance was fully vetted and appropriately amended.

Mr. Hill reminded the Board that they needed to dispose of the current motion before moving forward with the agenda.

Mrs. Noll withdrew her motion.

Chairman Shepperd stated that the ordinance needs to be worked on by all parties, and public comments/input are encouraged.

**ESTABLISH SALARIES FOR MEMBERS OF THE YORK COUNTY BOARD OF SUPERVISORS.**  
Ordinance No. 23-5.

The matter was considered and **approved on a vote of 3:1**. A summary of the proceeding is below.

Mr. Richard Hill provided a presentation on establishing the salaries of members of the York County Board of Supervisors, effective July 1, 2023.

Chairman Shepperd then called to order a public hearing on proposed Ordinance No. 23-5 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO ESTABLISH THE SALARIES OF MEMBERS OF THE YORK COUNTY BOARD OF SUPERVISORS AT THE SUM OF \$9,000.00 PER ANNUM, PLUS AN ADDITIONAL SALARY OF \$1,800.00 FOR THE BOARD CHAIRMAN AND AN ADDITIONAL SUM OF \$1,200.00 FOR THE BOARD VICE-CHAIRMAN, EFFECTIVE JULY 1, 2023

There being no one who wished to speak concerning the subject application, Chairman Shepperd closed the public hearing.

Mr. Green then moved the adoption of Ordinance No. 23-5.

Chairman Shepperd opened the floor for Board discussion and, hearing none, called for the vote.

On a roll call the vote was:

Yea: (3) Green, Roane, Shepperd  
Nay: (1) Noll

**UNFINISHED BUSINESS** – None.

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**NEW BUSINESS**

Item No. 8. CISCO ENTERPRISE AGREEMENT FOR INFORMATION TECHNOLOGY:  
Resolution R23-90.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH EPLUS TECHNOLOGY, INC., FOR THE EXECUTION OF A FIVE-YEAR CISCO ENTERPRISE AGREEMENT FOR THE PURCHASE OF TECHNOLOGY, SECURITY, AND DEVICES FOR INFORMATION TECHNOLOGY

Mr. Timothy Wyatt, Director of Information Technology, stated that the Board is considering the five-year agreement proposal with Cisco Enterprise for the purchase of technology, security, and devices for Information Technology. He noted that authorization of the agreement locks the County into the current pricing, which will save us money since technology is steadily increasing in cost. Also, he pointed out that if the agreement is executed in July, we will receive a Cisco DNA appliance, which helps with automation and predictive monitoring and essentially saves staff time and the County money as our network grows.

Mr. Roane asked for additional information regarding the support agreement and the restoration of the SLA to ensure the County gets fast coverage should we have an outage.

Mr. Wyatt explained that we have and will continue to receive top-notch support 24-7, 365. He noted that we also receive professional services from Cisco and ePLUS, including a one-hour response time should we experience a 1, 2, 3, or 4 severity-level episode.

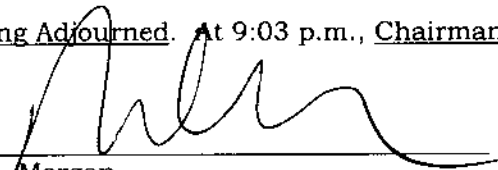
Mr. Roane then moved the adoption of Resolution R23-90.

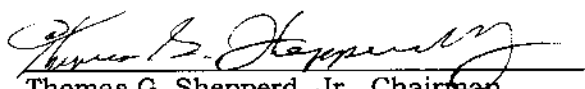
On roll call the vote was:

Yea: (4) Roane, Noll, Green, Shepperd  
Nay: (0)

**CLOSED MEETING** - None.

Meeting Adjourned. At 9:03 p.m., Chairman Shepperd declared the meeting adjourned sine die.

  
\_\_\_\_\_  
Neil A. Morgan  
County Administrator

  
\_\_\_\_\_  
Thomas G. Shepperd, Jr., Chairman  
York County Board of Supervisors