

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
August 15, 2023

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:02 p.m., Tuesday, August 15, 2023, in the Board Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

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

Also in attendance were Neil A. Morgan, County Administrator; Mark L. Bellamy, Jr., Deputy County Administrator; Brian Fuller, Assistant County Administrator; Sheree Konstantinou, Assistant County Attorney; and Diane C. Ingram, Senior Administrative Coordinator/Assistant Deputy Clerk.

Invocation. Pastor Stuart Hodges, Water's Edge Church, gave the invocation.

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

**PRESENTATIONS**

**YORKTOWN WATERFRONT INITIATIVES**

Mr. Neil Morgan, County Administrator, pointed out many positive things as well as some negative things are occurring at the Yorktown waterfront. As such, he shared with the Board his perspective on the different happenings and highlighted the following points:

- Most residents would agree that the Yorktown waterfront is the central civic gathering location for all 71,000 residents.
- If we want this area to continue to be the central gathering place, continual reinvestments will need to be made to ensure that it will be preserved for future generations.
- We need to realize what waterfront tourism means to our residents relative to our local economy.
- Without the tourism economy, the County's local taxes would be substantially higher than they are currently.
- Public and private investments in tourism enhance not only the tourist experience but improve the quality of life for citizens alike.
- Prior to his arrival, the County made a \$31 million investment in the waterfront in 2005, an investment which we need to protect.
- Over the last five years, the Board has invested in additional sidewalks that now circumnavigate the Village, which is a great amenity for residents and tourists alike.
- The Dockmaster Building, to be discussed more thoroughly later in the meeting, has been in the County's Capital Improvements Plan (CIP) since 2017. The current structure does not have year-round, Americans with Disabilities Act (ADA) accessible bathrooms and the main building has evolved into the Operational Command Center for all waterfront events.
- Although some may not support the location and design of the proposed new structure, it is improbable that anyone can deny the need.
- The architect of the new Dockmaster Building also designed all of the Riverwalk Landing structures to ensure that it will be aesthetically compatible with the existing buildings in the vicinity.

- The current Riverwalk retail buildings are owned by the County but are approximately 20 years old. The Economic Development Authority (EDA) and the current restaurant tenant are working on a plan to refresh the building, giving it a more outdoor focus and combining the existing two restaurants into one facility.
- We are now also focused on the enhancement of the landward side of the waterfront, especially as it relates to pedestrian and traffic safety, and aesthetic improvements.
- The appropriate resolution to the tent situation that arose at The Pub and Larry's during COVID is now being addressed. Larry's has been notified that their permission to operate a tent has expired, and they will have to comply with their previously permitted outdoor dining, which consisted of tables with umbrellas. Both The Pub and the waterfront hotel owner are making new investments in their respective properties to include pedestrian/traffic safety and aesthetic improvements.
- The Pub owner has hired an architect and is actively working on a renovation/expansion plan for the restaurant. They plan to submit their concept drawings to the Historic Yorktown Design Committee (HYDC) for their input this fall. Since they are working in good faith with County staff, they will be allowed to continue their tent usage until this process is completed.
- An aesthetic upgrade of the Church Street stairwell is forthcoming, which will not change the basic structure but will include additional landscaping and screening.
- Princess Cruise Line approached the County approximately one year ago. Sometime thereafter, staff met with Mr. John Padgett, President of Princess Cruises, at which time we posed concerns/questions that have subsequently been expressed by concerned residents.
- Initially, the cruise line is proposing to schedule three to five one-day visits to Yorktown starting next year. The Coast Guard has allocated a specific parking offshore area for the ship in the York River from which they will tender people to the County's pier. At least half of the 70 events that currently occur on the waterfront involve more people and cars than will be involved with these experimental pilot cruises. Should these pilot cruises become a problem to the waterfront or County, they will go away, and if they are not a problem, perhaps they will continue with a more permanent arrangement.

Chairman Shepperd opened the floor for Board comments and questions.

Mr. Green stated that he understands that additional plants and vegetation will be added to the Church Street stairwell, but asked if it would be configured any differently.

In response, Mr. Morgan explained that the landscape architect suggested a different configuration; however, staff agreed that it was an unnecessary expense. He noted that Mr. Granger, who owns some of the impacted property, has agreed to the proposed landscape improvements. He also pointed out that The Pub is proposing a raised platform for outdoor dining where the tent, parking, and, dumpsters are currently located. He added that these improvements will require coordination with the County, design review and approval, as well as site and building plans. Furthermore, he stated that the County is currently in discussion with the property owner, who is prepared to make a multimillion-dollar investment in The Pub if supported by the Board.

Mr. Roane asked if the architect for The Pub is in collaboration with the architects who are designing the Riverwalk improvements.

Mr. Morgan stated that the project has not advanced that far, as it is at the preliminary civil engineering stage. However, these two designs will be integrated further along in the project.

Mr. Roane asked specifically where the dumpsters and other miscellaneous items located outside of The Pub will be relocated during the renovation/expansion project.

Mr. Morgan explained that it is possible that the three dumpsters that serve The Pub, Larry's, and the adjacent hotel may be reduced to two dumpsters; however, the relocation site of the dumpsters has not yet been decided.

Mr. Zaremba stated that the Board of Supervisors will ultimately make the decision whether to proceed or not on the aforementioned items, but meanwhile, he stressed we want the citizens' input on all of these issues.

Chairman Shepperd asked the County Administrator to explain what, if any, authority the Board has relative to whether the Princess Cruise ships visit Yorktown.

In response, Mr. Morgan explained that the only control or authority we have in this situation is relative to their use of our pier and docks. The only option the Board has is to direct him to either allow or prohibit their use of our facilities.

Chairman Shepperd stated that initially, the cruise line intended to dock its tenders at the Watermen's Museum pier. In addition, he stated that the County Attorney had advised him that should we prohibit the cruise tenders from docking at our pier, we may have to prohibit all like boats from using our docks. He pointed out that the County cannot prohibit the cruise ship from mooring in the York River, and should we stop them from docking at our pier, they will likely find another pier where they can do so. Since the cruise line tenders are much smaller than the American Cruise ships that dock there, it would be difficult for the County to say no to them.

Regarding the Dockmaster Building under consideration this evening, Mr. Zaremba asked if the Board approves this request, does that mean the Princess Cruise Line will be allowed to dock its tenders at the County pier.

Mr. Morgan stated that approval of the Dockmaster Building has nothing to do with whether the cruise line tenders dock at our pier, as this project has been in the County's CIP since 2017.

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

Mrs. Sheree Konstantinou, Assistant County Attorney, had nothing to report.

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

Mr. Morgan stated that he had no additional comments.

#### **CITIZENS' COMMENT PERIOD**

Mr. Bill Cole, 209 Amber Street, Yorktown – I am speaking opposing the operation of the Princess Cruises, and I appreciate all of the thoughtful comments that you have made already because you have pretty much covered a lot of the things I have planned to say, but I hope I will say them in somewhat a more light fashion. We have a town that is quite renowned, and we all like to share it. Our streets are narrow, with no sidewalks, but we just grin and bear it. We love our guests of every type; we make them happy, too. But our town of such renown can handle but a few. Our restrooms, small, cannot comfort all; our restaurants have no space. And when it rains, it pours, but no shelters are in place. And buses spewing smoke and grime, not now and then, but all the time. We shun the size of monster ships and toxic fumes that burn our lips. Our river is precious and beloved. Oil and trash are stressy. Coleman Bridge, so close to us – errant ship? How messy. Who thought this was a good idea. Said supervisors and staff, not me! Only Princess knows the score, so do not ask us – you will see. So, friends of York, our need is clear. Come rescue us and calm our fear. Say no to Princess Cruises, please, and send her back into the seas. I thank you for your time.

Mr. John Schuster, 1717 Ballard Street, Yorktown – First, they have taken away our Confederate monuments; now they are going to be taking away our historical land here. Also, I would like to know who is going to be paying for the people that lose their fishing for the crabs and things like that. And the money for the Pub – is it going to just be promised, or is it going to be a written agreement. What about the vendors on Saturday. Nothing was mentioned about

that. Is it going to be torn up. Are we going to be able to have vendors there on Saturday mornings or not. Is that a yes. That is about it.

Ms. Barbara Luck, 139 Smith Street, Yorktown – John Padgett did not give us the whole story yesterday. In December 2016, Princess was ordered to pay the largest ever criminal penalty for a cruise line's environmental pollution of the seas - \$40,000,000. The size of the fine was based not only on the extent of Princess's polluting but also on the deliberateness of it and its intentional cover-up. This was not mentioned yesterday, nor was the fact that Princess had then been making illegal polluting discharges since 2005 – 11 years. Frighteningly, this threat to the environment might have gone on indefinitely except for the act of a single whistleblower who came forward. Princess's actions were hardly a one-off of a few bad actors. They were the outcome of a corporate culture that values profit over environment. You think this was long ago and that Princess has since reformed its act? No. In June 2019, Princess was ordered to pay an additional \$20,000,000 after admitting to violations of probation. These more recent actions were not attributable to a lowly employee in the engine room but the senior management. And yet it continued. In January 2022, Princess pleaded guilty to a second revocation of its probation and was ordered to pay an additional \$1,000,000. Can we really believe Princess's claims about its environmental stewardship now? The shipping industry is supervised by the International Maritime Organization, which is, in fact, run by moguls of the shipping industry. In other words, it is a fox-guarding-the-hen-house situation, and the IMO's self-policing amounts to non-policing. Thus, the bar for environmental compliance is very low because environmental responsibility can be expensive. So even if Princess has improved its act, as it claims, it still has a long, long way to go.

Mr. Bob Hodson, 207 Nelson Street, Yorktown – I am here to oppose the Dockmaster Building and the Princess Cruise ships. What I find particularly disturbing is that the County refused to answer specific questions about the purpose of the Dockmaster Building requiring such a large footprint in a non-conforming style. We could not get a straight answer about the building being paid for but with our tax dollars. Is this just a coincidence. This is not the only case where the County refused to make changes to be compliant with the HYDC. It happened with the Riverwalk Restaurant also. And speaking of Riverwalk, why would a restaurant that often sits underutilized be expanded to the cost of millions in the first place. Coincidence. Could it be that there are plans to make Yorktown an international port of call for Princess Cruises. No, that cannot be. Something that important would surely be in the Comprehensive Plan. Well, the Planning Commission actually decided not to discuss it in the plan. Coincidence. Letters and e-mails from the County show that members of this Board sent a letter requesting help getting state funds for a pier at the Waterman's Museum to support the cruise. This request parrots a confidential request sent to the County from the President of Princess Cruises. It is also clear that Princess Cruise Lines wants to expand well beyond the pilot to weekly seasonal cruises. That was in e-mails, also. Since when do board members act on confidential requests from corporate entities. Where is the transparency. Coincidence. At last month's Board meeting, citizens were left with the impression that Princess Cruises was news to the Board and something to be looked into. But that does not seem to be the case. The large Dockmaster Building is to manage boats being tendered to the County's pier for the Princess pilot program. If this is news to the Board, they should be outraged that Yorktown is being made a port of call without their input and vote down this proposed Dockmaster Building. If they knew all along and were part of making these decisions without citizen input, they would vote for it. There is an online petition called Stop Princess Cruises with over 1,500 signatures. Citizens are concerned about the character-altering impact these massive cruise ships have had on other destinations. Water, air, and noise pollution. Princess Cruise Lines was twice convicted – three times, I just heard. Princess Cruise Line – their current scores for sewage treatment, water compliance, and transparency are D+, D-, and F, respectively, from the Friends of the Earth. This is a much different story than the one told by Princess at the invitation-only meeting held last night. How could we have gotten to this point without making a legitimate effort to listen to the citizens of York County on this important issue. Lastly, for months now, citizens have asked the Board to support a Code of Ethics. And for months, the calls have been unanswered. Just another coincidence, I guess. Thank you.

Mr. Steve Kennedy, 104 Penn Drive, Williamsburg – I did a little chitchat with our friends at the Planning Commission on August 9. Check out that five-minute chat. Thank you for that time and these three minutes. I title that the Symbolism over Substance – the S.O.S. Document.

Slow the roll on the 2040 Comp Plan, please. This arbitrary date of September 13 is old news – inaccurate data. Imagine if I was underwriting a York County municipal bond and I was giving you data from April 2019. Imagine if there were material changes in key management. You would have to resend and refile that prospectus before you could bring that to the public. Key management changes here: 100 percent a public servant, Mr. County Administrator, will not be here. 1/7 of your Planning Commission – not going to be here in January. 40 – 80 percent of you will not be here in January. Imagine what that is going to look like. Next, police, law enforcement – Mr. Shepperd puts out this beautiful District 5 report about crime watch. Well done, sir. I learned about shots fired in Kiln Creek. I learned about human trafficking – all kinds of amazing things. Your section in your newsletter is longer than the draft in the Comp Plan. How can that be. You are referencing data, going back to the old news theme of Crime in Virginia 2020. Has anything changed post-COVID. Has anything happened in York County in law enforcement since this was put out. By the way, York County has the lowest rate of officers to residents on the Peninsula – one to 775. Williamsburg, one for every 386 citizens. Perhaps that might be a good use of some of the government surplus – the ten, eleven, twelve million dollar surplus. We need more people like the gentleman in the back. By the way, I thought the Chief did not make it to the meeting. If my data is wrong and your minutes are inaccurate, let me know. If the Chief did not make it to the meeting, let us get him there. Let us get back to the drawing board, please. 71,000 people need him, and we need more Sheriffs, especially those of us in rural land. Economic development – 2014 reference – placemaking, one of my all-time favorites. March, 2014. I wonder where that phrase came from. It was a – the American Planning Association. Has nothing happened at the APA in the last nine years? Can we get something that is more recent, please. Finally, one of my favorites, Broadband. I thought this was laughable, especially your very light dataset. You are talking about Cox as if people are satisfied. On a scale of one to ten, ladies and gentlemen, Cox's reliability is about a -4. With a talent like Mr. Roane and Mr. Wassmer, why can we not find any efforts or solutions to help the 71,000 citizens. Maybe call Elon Musk. Elon, if you are watching, we need you. Maybe it is iridium sat phones - do not know. Conserveyorkcounty.org – check us out. We will have questions for candidates up shortly. We will see you for debates in September and October. By the way, Counselor, for your continuing, Basic Economics needs to be a mandatory course for everybody writing in the Comp Plan. Thank you. Good night.

Ms. Elizabeth Wilkins, 228 Church Street, Yorktown – I would like to give you my assessment of the Princess pep rally we were subjected to yesterday. Here is how it all went down. This was not a public forum, but an invite-only production, reception-style, with refreshments, pub tables, et cetera, held at 4:00 p.m., so unavailable to most working people. This let Princess stack the room with invited supporters and then fill in with some of us for balance. A few of the uninvited were let in the door, but that is not the same as a public meeting held in the evening that could be advertised as such. First up was the infomercial, a mostly generic Princess promo about the romantic love boat legacy, narrated by Love Boat actor Jill Whelan herself. CEO John Padgett then moved on to why Princess is perfect for Yorktown and breezily assured us that he would be taking Princess in a new, sustainable direction, glossing over the criminal environmental record that has dogged Princess for a couple of decades. Also featured was Jeff Corwin, TV personality, now “biologist-for-hire,” to trumpet the exciting new sustainability features of Princess Lines. I will discuss just one of those, although I could go on and on, and I hope I get the chance. These cruise ships use a dirty grade of oil called bunker oil or heavy fuel oil, or HFOs, which is a tarry sludge leftover from the crude oil-refining process. The emission of toxic nitrogen oxides and sulfur oxides from the burning of HFOs is an ongoing serious threat to global human and environmental health. He mentioned the fancy scrubbers that supposedly save us from those harms. Well, actually, the use of these scrubbers is now banned in many ports around the world, including the state of Connecticut, California waters, and the Port of Seattle. The problem is that they transform an air pollution problem into a water pollution problem, as the wash water is discharged onsite. They also do nothing to reduce emissions of greenhouse gases, such as CO<sub>2</sub>. Princess could use a lighter, cleaner fuel oil, but so far, have not made that choice. Like I said, I could go on, but back to the meeting. When the formal show ended, we were encouraged to visit the Princess reps, lobbyists, and York County staff in the four corners of the room to ask all of our questions. Sounds good, right? But here is the problem – the many tough questions, along with responses that I heard throughout the room, will not be heard by the public, nor were they recorded, nor were they available to the press. Shame on Princess and York County for allowing this sham to occur. We request a do-over. Thank you.

Mr. Jose Longoria, 105 Chischiak Watch, Yorktown – Good evening, Board. It is a pleasure to be here. Thank you for the three minutes. I am echoing the same as a lot of the folks in here are mentioning with regard to the Princess Cruise Lines. I am just one more voice amongst that citizenry. I am also saying that we are not against – we are not saying that it is not great to have people come to Yorktown and learn about the history. It is a beautiful place to live, to be, and it is very welcoming; however, envision that cruise ship out there, however many times it will come; three is the pilot, five, who knows, maybe down the road even more. Who knows? But it is just a monster, massive vessel that is going to be out there in this quaint-looking little village that we have all come to love and just enjoy. And I think that it is going to take away a lot of that goodness from this village. I was also part of the Historic Yorktown Design Committee, so I am very familiar with some of the drawings that Mr. Morgan has mentioned there. I would encourage the Board to please keep your thumb on the Pub, and please, if one tent comes down, bring them both down and make them come to the table with a presentable solution that is a great design for Yorktown and not just for the citizens, but for the visitors that will come in line with whatever future plans we have to make the waterfront more enjoyable for everybody. I am also here to – just my last thing that I want to say, and Bob kind of mentioned it, too – I have kind of looked for a Code of Ethics for Yorktown and our elected officials. God bless you guys, you guys have a tough job, but by the same token, it seems like we are missing that one key component part, and I wish you guys would either, one of you guys would just, one of you wonderful people, stand up and say you know what, let us just – let us have a Code of Ethics that we can at least go back to. We say the Pledge of Allegiance to the flag when we open these meetings, but by the same token, it is that little foundational Code of Ethics that will keep us vectored in the right direction. Responsible public elected officials – we need that for York County, and I will leave you with that. Thank you.

Ms. Dalila Johnson, 216 Ashton Drive, Yorktown – Good evening, members of the Board, and thank you for allowing me to speak to you tonight on behalf of the Citizens for the Code of Ethics. Ethics is defined as the moral principle that governs a person's behavior or a conducting of an activity, and unlike James City County and many other bordering counties, our current York County Board of Supervisors does not have a Code of Ethics. Many on this board may feel that it is not necessary. I would like to provide an example or a fact why York County should create and embrace a Code of Ethics. In the interest of brevity, I will begin with the following: a Code of Ethics encourages non-partisan cohesion, inclusivity rather than division in local communities at a time when partisan politics so often drives public conversation. In other words, transparency and accountability. Here are the facts: in January of this year, some members of this Board were notified and made aware of the Princess Cruise intention and ultimate arrival to our historical and well-preserved Yorktown Beach. Their massive 950-foot pollution machine with his 2,200 to 3,000 passengers landing in our small beach in batches of 100 at a time. We are told to believe that some will be bused to other surrounding areas, some will be touring our beautiful, historic Yorktown Beach, while contributing to our economy. Why was the information not disclosed at once and public forums conducted if there is nothing wrong? We need a Code of Ethics that provides the citizens of York County transparency and accountability. The truth is Princess Cruise, according to the U.S. Justice Department, was involved in deliberate vessel pollution in 2019 and 2022 and some other time – I cannot remember now. Our community has worked really hard; you all have worked very hard to keep our waterways clean, and York County – you all – have worked very hard. Mr. Neil has worked really hard to invest in the Chesapeake Bay and to see it all wash away by some chance at tourism pennies – we can do better. We should do better. Our future depends on it. I understand that York County has no regulatory authority over the ship's visit; however, York County does have a say so in who can and cannot dock at the piers. There has to be a balance. We must find it. I ask this Board to evaluate the environmental impact in our water, land, and air and to listen to his citizens. Thank you.

Mr. Larry Raithe, 114 Church Street, Yorktown – Thank you for the time to address you again. I spoke at the 18 July meeting. We only had three of you here. I am going to address the same issue that I spoke to then, and that is transparency and openness and honesty and integrity by the Board. And I would also like to emphasize to you all that you are, in fact, the key organization that holds the history of this place in your hands. Yes, there is the Park Service – maybe – but you all are the ones that own the waterfront and some of the properties, which are the things that are being changed. I was in Edenton, North Carolina three weeks ago. I do not

know if you have been there. It is a wonderful, extremely historic small town. I talked to several people, one on the Board of Supervisors, and they run an entire town – hospitals, everything else, modern town – but their history is the priority. You all need to pay more attention, in my opinion, to the history of this place, and that waterfront is part of the history. Mr. Padgett may say he knows the village, or, Mr. Morgan, you mentioned that he knows it – I am going to tell you that he does not. He knows the river; he lived here when he was younger, but he does not know the village now. He has not talked to us; none of his people have. When you are walking, looking at that waterfront, talking about the Pub, yes, those of us in the village would like to see it look nicer down there. But, what is happening is, I said at the end of the Zoom meeting, I see it coming. They are going to make it nicer, oh, so we can bring more people in. We can double the size of the Pub; we can have more people, and, quite frankly, they do not offer answers to the problems. Parking – it is too many people around. Trash. You all have got to be the ones that make the hard decisions, and sometimes, ‘no’ is not a pleasant answer. The Dockmaster Buildings, yes, we all agree we need better bathrooms; yes, I am a Navy guy, I have been to Pier Side – I think the Dockmaster needs a bigger space. You did not mention the conference room; you did not mention the offices; you did not mention storage space. On the HYDC, we said go back and relook the design, please – that is too big of a building. It looks more like a Pennsylvania Dutch farmhouse, not colonial. And basically, a year later, with the public in the room, we were told say all you want, we are going to build what we want. That is not an appropriate response by our representatives. Mr. Green is our representative, but the rest of you are the only ones that can control and keep this history. So please, make the history the priority for this area and say sometimes the hard ‘no’ answer. Thank you.

Ms. Teri Hodson, 207 Nelson Street, Yorktown – Thank you for letting me speak this evening, and thank you for being here. In 2004, the Board of Supervisors established the Yorktown Historic District and accompanying Historic Yorktown Design Guidelines. The Historic Yorktown Design Committee (HYDC) was tasked with making sure these guidelines were followed. However, the Board of Supervisors has been known to contradict these guidelines, which they themselves created. A recent example is the proposed waterfront Dockmaster Building, which, back in 2019, York County brought to the HYDC for approval. Due to its proposed massive size and non-conforming design, the committee asked the County to please make some modifications. In May of this year, the County again brought it back to HYDC for approval. Not one change had been made to the proposed structure in four years’ time. So the committee tabled their decision and again asked the County to make modifications. Many citizens were at this meeting, and they voiced the same concerns about the inappropriate design and the massive size that was out of scale with the other buildings along the waterfront. A month later, the County came back to the table with absolutely no changes and said it would be impractical to make the modifications. Well, now we know why, don’t we? Public records show that the County had already awarded a contract for Engineering Services for an amount just barely under the hundred thousand dollar, an amount that would require the Board of Supervisors approval and, therefore, public input by every taxpayer that would foot the bill for it. In addition, bids had already been requested for the demolition and construction of the Dockmaster Building, and the County has already awarded the winning bid. So the Board of Supervisors’ vote tonight on whether to support the HYDC’s recommendation is simply a formality, isn’t it? This evidently has been a done deal for a long time. The approval for the demolition and construction of the Dockmaster Building directly follows the HYDC appeal vote tonight. It’s been a consistent theme that the Board of Supervisors overrides the HYDC on appeal. Why even have an architectural review board and guidelines if you’re just going to disregard them when it suits you? In addition, recently, two members of the HYDC were told their services would no longer be needed by the Board of Supervisors because they were going in a different direction. Could it be these two members had been a bit too vocal in expressing their views that were in keeping with the guidelines but not with what the Board of Supervisors wanted? And to add insult to injury, one of the HYDC replacements is a County employee, and the other is on the Board of the Watermen’s Museum. How convenient is that in lieu of the Princess Cruise Line fiasco? So much for transparency, trust, and any true input by the citizens who voted for the current Board of Supervisors. I think we do need to consider a Code of Ethics. I’m not saying there’s anything wrong with what happened before, but I think, like other people have said, we need to consider that. And I do take offense when you say don’t listen to the hysterics – we get “hysterical” – maybe – that’s your calling it – when we don’t get information. We need information – that’s all we’ve asked all along, and to have input. Thank you very much.

**RECESS**

Chairman Shepperd called a brief recess at 7:05 p.m.; the meeting reconvened at 7:15 p.m.

**PUBLIC HEARINGS**

APPLICATION NOS. ZM-197-23 AND UP-1015-23, FLIPPING FLEA, LLC. Ordinance No. 23-11 and Resolution R23-112.

The matter was considered and **approved on a vote of 5:0.** A summary of the proceeding is below.

Mr. Timothy C. Cross, Deputy Director of Planning and Development Services, explained that this agenda item was really two applications in one. He stated the Board will first consider proposed Ordinance No. 23-11, which if approved, will rezone two parcels with a combined area of 1.6 acres, located at 6539 Mooretown Road and 6132 Old Mooretown Road from EO (Economic Opportunity) to GB (General Business). He stated that the second request for a Special Use Permit to authorize the establishment of a storage shed sales and display facility on the two parcels located at the aforementioned addresses will be considered next and is contingent upon approval of the requested rezoning. He then provided the details on each of the requests and noted that Ms. Nancy Lee, the applicant, and Mr. Vernon Getty, her legal counsel, were present to provide additional information on the requests.

Mr. Roane asked for confirmation that the offices for the storage shed business are included in the coffee shop and if the graveled area is strictly for the storage shed display. He also asked which of the two would be the primary business.

In response, Mr. Cross confirmed that the storage shed office is included in the coffee shop and that the gravel area is for a display of the sheds. He also noted that the coffee shop is the primary business.

Mr. Roane asked if there would be a provision for a crosswalk for pedestrians to walk over to the coffee shop from the WATA facility across the street.

To his knowledge, Mr. Cross stated there is no provision for a crosswalk, as the road is typically quite calm.

Chairman Shepperd asked the applicant and/or legal counsel to come forward.

Mr. Vernon Geddy, 1177 Jamestown Road, Williamsburg, and Ms. Nancy Lee, 105 Nina Circle, Williamsburg, came forward in support of the applications. Mr. Geddy explained that Ms. Lee's existing business, Sipping Flea, is located in a shopping center across from the Pottery which is currently for sale, and as such, she needs to relocate her business. He pointed out the following proposed business details:

- The proposed site has been designated for commercial development for approximately 30 years;
- The proposal is consistent with the County's Comprehensive Plan;
- The business is a low-traffic generator;
- The site will be well buffered with a 45-foot green belt along Mooretown Road and a proffered privacy fence; and
- Approval of the requests will not adversely impact surrounding properties or the County.



In conclusion, Mr. Geddy stated that he and Ms. Lee are happy to answer any questions the Board might have.

Mr. Roane asked how long it takes for a customer to enter the site, retrieve a shed, and move it off the premises. He also asked if the sheds were pre-constructed.

Ms. Lee stated that it could happen as quickly as 20 minutes and that the sheds are already constructed and sitting on-site.

Mrs. Noll and Mr. Green agreed that the proposed business is a good idea for the proposed site.

Chairman Shepperd then called to order a public hearing on proposed Ordinance No. 23-11 and Resolution R23-112 that were duly advertised as required by law and entitled:

AN ORDINANCE TO REZONE 1.6 ACRES AT 6539 MOORETOWN ROAD (ROUTE 603) AND 6132 OLD MOORETOWN ROAD (ROUTE 1408) FROM EO (ECONOMIC OPPORTUNITY) TO GB (GENERAL BUSINESS) SUBJECT TO VOLUNTARILY PROFFERED CONDITIONS

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A STORAGE SHED SALES AND DISPLAY FACILITY AT 6539 MOORETOWN ROAD AND 6132 OLD MOORETOWN ROAD

Mr. Randy Eaton, 104 Nevada Circle, Williamsburg, expressed support for the applications. He noted that he welcomes the business to the County and noted that the structures they sell are of high quality.

Mr. John Scott, 4190 Winthrop Circle, Williamsburg, commended the applicants on the excellent establishment they now run in Williamsburg and noted that the addition of this business to York County would be a win for the County. Although their proposed new location will be a longer drive for him and his wife, he stated that it is definitely worth it.

Mr. John Harry, 8404 Down Patrick Way, Williamsburg, expressed overwhelming support for the applicant's request. Furthermore, he added that this business would be a plus for any locality.

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. 23-11.

On a roll call the vote was:

Yea: (5) Zaremba, Noll, Green, Roane, Shepperd  
Nay: (0)

Mr. Roane then moved the adoption of Resolution R23-112.

On a roll call the vote was:

Yea: (5) Noll, Green, Roane, Zaremba, Shepperd  
Nay: (0)

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

Chairman Shepperd provided a brief history of the application since this item was atypical for the Board's consideration. He then pointed out the following process that will be utilized to reconsider this matter: first, he will ask for a motion to suspend the Rules of Procedure, which

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will require unanimous approval by the Board; once and if this occurs, he will ask Supervisor Green, who was on the winning side when previously considered to make a motion to reconsider the KSMA WASH VA, LLC Special Use Permit application. Once this is accomplished, he stated that he will then ask a Supervisor to make a motion to approve, Resolution R23-87, a Special Use Permit for a car wash at 6440 George Washington Memorial Highway. Prior to a vote, he will ask for Board discussion on this item, after which he will ask for a vote on the motion. Lastly, he asked the Board if they had any questions; however, hearing none he asked for a vote to suspend the Board's Rules of Procedure.

Mr. Green made a motion to suspend the rules pursuant to Rule of Procedure 3-13 in order to consider a proposed motion to reconsider the vote on Special Use Permit Application UP-1011-23, KSMA WASH VA, LLC.

On a roll call the vote was:

Yea: (5) Green, Roane, Zaremba, Noll, Shepperd  
Nay: (0)

Mr. Green made a motion, pursuant to the Board's Rule 3-12, that the Board reconsider its vote taken at the June 20, 2023 meeting denying Application UP-1011-23 by KSMA WASH VA, LLC for a Special Use Permit to authorize the establishment of a car wash at 6440 George Washington Memorial Highway.

Prior to the vote, Mr. Roane asked if there had been any changes to the application since last considered.

Chairman Shepperd stated that this question and other such questions can be answered after and if Mr. Green's motion is approved.

On a roll call the vote was:

Yea: (5) Roane, Zaremba, Noll, Green, Shepperd  
Nay: (0)

Reconsideration of this application was **approved on a vote of 5:0.** A summary of the proceeding is below.

Chairman Shepperd asked the original presenter of this application to come forward to field any questions the Board might have.

As such, Mr. Earl Anderson, Senior Planner, came to the podium.

Mr. Zaremba asked for clarification relative to the geographic setting of the proposed car wash in relation to the adjacent car wash.

Mr. Anderson, using a map, highlighted the location of the proposed car wash as well as the location of the adjacent car wash where a tunnel car wash was previously approved and will be constructed shortly.

Mr. Zaremba also asked if there would be any conflict of economy with the two adjacent car washes, if both are approved and completed.

Mr. Anderson stated that the applicant was present this evening and as such, he will defer that question to him for a response.

Mrs. Noll stated that she has no questions for Mr. Anderson since the subject application is a reuse of the property.

Mr. Tyler Rosá, an attorney with Williams Mullen Law Firm at 222 Central Park Avenue, Virginia Beach, came forward on behalf of the applicant. He reiterated the basic aspects of the application, which include: the site will be operated as a Thomas Express Car Wash, a national

car wash chain; this proposal will revitalize the old existing car wash and will provide no net increase in car washes in the County; and the applicant is willing to invest a great deal of money to bring the site into compliance with all of the County's regulations. In closing, Mr. Rosá stated that the applicant has reviewed the County's conditions and finds them acceptable.

Chairman Shepperd then had the proposed business owner come forward and asked him why he would want to place a car wash immediately adjacent to another car wash currently under construction. He also asked how much noise can be expected from this facility if approved and constructed.

Mr. Michael Barnes, 3076 Torrington Trail, Williamsburg, explained that the adjacent car wash will be using a metal track system, which greatly reduces the sizes and types of vehicles that it can accommodate. In addition, he noted the system planned for his car wash can accommodate all sizes of vehicles and do it faster. He stated that when one is immediately adjacent to one of the proposed vacuum stations, it registers 79 decibels, and then 20 feet away, it drops to 59 decibels.

Mr. Zaremba asked if any portion of the existing car wash on the adjacent site would be included in the new rehabbed facility.

Mr. Barnes responded that he is not affiliated with the adjacent business and thus cannot respond to the question.

Mr. Roane stated that he remains conflicted regarding this application, as in the past, the adjacent car wash, currently under construction, also offered an oil change and other detailing services. As such, he felt there was a sufficient difference in the facilities to approve, so he voted for the adjacent car wash. However, now, with the two facilities offering a tunnel car wash and a third car wash approximately two miles away, he has received comments from residents as to whether this is a good use of land.

Mr. Barnes stated that he understands his concern with two adjacent car washes. However, he has such confidence in the proposed facility that he is willing to pay \$1.6 million for the property and another \$6 million to build the car wash facility.

Mr. Roane asked for confirmation that in the County's stipulations, should the Board approve the request, a condition is included that will require the property owner to demolish, remove the facility, and return the site to its natural state should the business not succeed.

In response, Mr. Anderson stated that this stipulation is actually required by the County's Zoning Ordinance, and it will also apply to the adjacent car wash as well.

Mr. Zaremba stated that the economy is based on competition, and as such, he has no problem supporting the application.

Mr. William Duguay, 110 Heritage Place, property owner of the subject parcel, stated that he has been a resident and business owner in York County for many years and has participated in many community efforts and civic organizations to better the County. He further explained that his business had been struggling starting in 2008 and that COVID-19 led to its closure. He thought that his car wash business was grandfathered and there would be no issue in closing his car wash and selling the property for another car wash.

Chairman Shepperd opened the floor for Board questions/comments.

Mr. Green asked if Mr. Duguay had tried to market the property for other business uses.

In response, Mr. Duguay stated that he had three buyers prior to Mr. Barnes' offer to purchase the site, but all of the offers fell through.

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

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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 then moved the adoption of Resolution R23-87.

Chairman Shepperd opened the floor for Board discussion.

Mr. Roane stated that this evening's discussion on the application was more productive than that which was held at the June Board meeting. He also pointed out that this evening, the Board received some factual data relative to how the two car washes will be different, as well as the noise data, with the assurance that it will not have an adverse impact on the area. Lastly, he stated that the Zoning Ordinance provides the assurance that if either business fails, the property will be restored to a vacant lot.

Chairman Shepperd stated that this evening, the Board has had to revisit an application, which is the second time this has occurred during his 22-year tenure on the Board. He explained that the Board's task to ensure that every application is in compliance with the County Code and will benefit the community is a heavy responsibility, and when applications come forward, everyone associated with the application needs to be in attendance to explain the request fully and to answer questions. When this does not happen, he stated the Board can make decisions that are incomplete.

On a roll call the vote was:

Yea: (5) Zaremba, Noll, Green, Roane, Shepperd  
Nay: (0)

**UNFINISHED BUSINESS** – None.

**CONSENT CALENDAR**

The Consent Calendar was considered and **approved on a vote of 5:0**. 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.

Mr. Roane moved that the Consent Calendar be approved as submitted, Item Nos. 4, 5, and 6, respectively.

On roll call the vote was:

Yea: (5) Noll, Green, Roane, Zaremba, Shepperd  
Nay: (0)

**Item No. 4. VDOT REVENUE SHARING/TAP PROGRAM.** Resolution R23-116 and Resolution R23-117

A RESOLUTION TO AFFIRM COMMITMENT TO FUND THE LOCALITY SHARE OF REVENUE SHARING PROJECTS UNDER AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION AND TO PROVIDE SIGNATURE AUTHORITY

A RESOLUTION TO ENDORSE TWO ACTIVE TRANSPORTATION  
CONSTRUCTION PROJECTS UNDER THE FEDERAL TRANSPORTATION  
ALTERNATIVES SET-ASIDE PROGRAM

Item No. 5. CHISMAN CREEK PARK PAVING. Resolution R23-119

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE  
A CONTRACT WITH PENINSULA PAVING INC., FOR THE PAVING OF CHISMAN  
CREEK PARK

Item No. 6. PRINTING AND MAILING SERVICES FOR UTILITY BILLING, TREASURER, AND  
COMMISSIONER OF REVENUE. Resolution R23-120.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE  
CONTRACTS WITH BMS DIRECT INC., AND DATAMATX INC., FOR PRINTING  
AND MAILING SERVICES FOR UTILITY BILLING, TREASURER, AND  
COMMISSIONER REVENUE DEPARTMENTS

**NEW BUSINESS**

Item No. 7. APPLICATION NO. HYDC-232-23, DOCKMASTER APPEAL. Resolution R23-113.

The matter was considered and **tabled on a vote of 3:2.** A summary of the proceeding is below.

Mr. Morgan stated that the next three agenda items are related to the Dockmaster Building. He noted that the first one is a consideration of overriding the Historic Yorktown Design Committee's recommendation not to approve the building. The second associated item is a Zoning Ordinance requirement because the new building is proposed to be eight percent larger than the site plan of the two old buildings, which requires Board approval. The third item to be considered, if the first two items are approved, is to authorize the contract to demolish the current facility and to erect a new one. He stated that he understands that some people have different opinions about the size, scale, and design, but pointed out that the site had several practical constraints, which also led to the need for a second floor. The overriding reason for the facility is to provide the Economic and Tourism Development staff an area in which to oversee all of the events that transpire at the Yorktown waterfront on a regular basis. In addition, he noted that the building will also be the new hub for Wi-Fi and security cameras for public safety. He pointed out that some say that this project has already begun; however, it is now only on the agenda for consideration this evening. The plan is to construct the facility during the off-season and have it operational by warm weather next year. Lastly, he stated that pertinent staff are present this evening should the Board have any questions.

Chairman Shepperd asked the County Administrator to provide a brief history of this project.

Mr. Morgan stated that this project was first included in the Capital Improvements Plan in 2017 due to the associated restroom facilities, which are not winterized nor Americans with Disabilities Act (ADA) accessible. He noted that some comments regarding the project infer that the building will be massive and inappropriate aesthetically; however, he noted that it is a couple of feet lower than the Freight Shed, a couple of feet taller than the adjacent bathrooms, and has been designed in a similar style to a half dozen other buildings in the same area. The size of the new structure will be 3,600 square feet as opposed to the two current buildings, measuring a total of 1,200 to 1,400 square feet.

Chairman Shepperd opened the floor for Board comments and questions.

Mr. Zaremba apologized that his recent travel plans prevented his attendance at the previous Board meetings where this matter was discussed. However, after reviewing the sketch of the

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proposed facility, he stated that perhaps a different size and/or design of the structure might be more appropriate. He questioned why the Board is considering this request when the proposed structure is so out of character for the area.

Mr. Roane stated that it is clear that something needs to be done with the existing facilities. The need for an all year and ADA-accessible restrooms, a heightened need for increased security, and an on-site facility to accommodate the Tourism staff and ambassadors require a new updated structure, and it is cheaper and easier to go up as opposed to widening the structure. He added that the physical constraints of the property impact the architectural characteristics of the structure; however, he stated that the proposed structure would not further impact the waterfront view.

Mrs. Noll questioned why this situation had not been addressed earlier as the structure and the public facilities it will offer are in great demand.

Mr. Morgan stated that the delay was primarily the result of COVID.

Mr. Green stated that he finds the proposed structure unattractive. He asked who was responsible for the proposed design and how much effort was put forth to ensure it would fit in with the overall historic Yorktown design.

Mr. Morgan stated that Rick Moberg, who was the lead architect for all of the Riverwalk buildings, designed the structure. He explained that Mr. Moberg was instructed to design a new Dockmaster Building and a larger ADA-accessible bathroom facility to be consistent with the character of the existing structures in the area.

Mr. Green asked about the proposed cupola on the building and if it would house antennas and cameras.

Mr. Morgan stated that it was initially added to the structure for aesthetics, but staff then decided it could also be used for a technology line of sight, Wi-Fi camera connections, and other similar related uses.

Mrs. Noll then moved the adoption of Resolution R23-113.

Chairman Shepperd then clarified that to approve Resolution R23-113 is to overrule the HYDC's denial of the structure since the Board of Supervisors is the appeal authority in this matter.

Mr. Morgan pointed out that the National Park Service is the largest property owner in Yorktown, and they reject the authority of this group; however, the County always attempts to respect this process, as it is doing this evening.

Mr. Zaremba then moved to table consideration of Resolution R23-113.

A RESOLUTION APPROVING AN APPEAL BY THE COUNTY OF YORK, VIRGINIA  
OF THE DENIAL OF A CERTIFICATE OF APPROPRIATENESS BY THE HISTORIC  
YORKTOWN DESIGN COMMITTEE IN CONNECTION WITH APPLICATION NO.  
HYDC-232-23 FOR THE PROPERTY LOCATED AT 425 WATER STREET

Prior to the vote, Mr. Green asked why are the decisions of the HYDC treated any differently than those of the County Planning Commission.

Mr. Morgan stated it is handled in this manner because that is how the Board approved the structure of this committee and how their decisions are made. He further noted that the HYDC is an entity created by the Board to which the County voluntarily submits our projects to this process; it is not mandatory. Since the County is actually the applicant in this matter, we are following the process by seeking the Board's approval of our appeal in this matter.

Chairman Shepperd noted that the process of the Planning Commission's recommendation to the Board is outlined by the State Code; however, in this case, the Code does not create nor

require the Board to consider the HYDC's recommendations as they are a committee created by the Board.

Mrs. Noll stated that she does not support the table motion.

Mr. Green stated that he supports the motion to table.

Mr. Roane asked if the motion to table is approved and if it will make agenda items 8 and 9 moot for this evening.

Chairman Shepperd confirmed that it would.

Mr. Roane stated that if we table it, a different proposal will need to be brought back for consideration as the current structures are inadequate.

Chairman Shepperd responded that if tabled, the way forward would have to be determined by the Board sometime in the future. He then pointed out that when he came on the Board in 2002, the big discussion item was we would destroy the cultural aspect of the waterfront if we tore down Nick's Seafood Restaurant. However, when Hurricane Isabel hit, he stated that it destroyed this facility as well as the paralysis that gripped the County and the Board regarding this matter. Now again, he stated the Board is in a position to make a decision and keep the County moving forward. Furthermore, he noted that the Board has been dealing with this issue for four to five years, and we do not need to delay further. We need the larger Dockmaster structure and the upgraded bathrooms to take us into the future, and as such, he cannot support the motion to table.

Mr. Zaremba stated that he agrees with Mr. Roane that this matter will need to be discussed further in the near future to adjust the plan in response to the opinions of the citizens.

Chairman Shepperd and Mrs. Noll commented that this matter needs to go forward now and not be delayed another year or so.

On roll call the vote was:

Yea:	(3)	Zaremba, Green, Roane
Nay:	(2)	Noll, Shepperd

Item No. 8. APPLICATION YVA-50-23 – COUNTY OF YORK DOCKMASTER BUILDING.  
Resolution No. R23-114. **Tabled**

A RESOLUTION TO AUTHORIZE THE LOT COVERAGE EXPANSION OF THE PROPOSED REPLACEMENT OF THE EXISTING DOCKMASTER AND BATHROOM BUILDINGS WITHIN A SINGLE STRUCTURE AT 425 WATER STREET IN THE YORKTOWN VILLAGE

Item No. 9. DEMOLITION AND NEW CONSTRUCTION OF DOCKMASTER BUILDING.  
Resolution No. R23-95. **Tabled**

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH ZANDLER DEVELOPMENT COMPANY FOR THE DEMOLITION AND NEW CONSTRUCTION OF THE DOCKMASTER BUILDING

Item No. 10. ROUTE 17 WIDENING PROJECT – UTILITY RELOCATION. Resolution No. R23-115.

The matter was considered and **approved on a vote of 5:0**. A summary of the proceeding is below.

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Mr. Morgan stated that this is the fifth time the Virginia Department of Transportation (VDOT) has asked us to verify that the County is in favor of all the utilities on Route 17, as part of the widening from Wolf Trap to Goodwin Neck Roads, to be located underground. He pointed out that we have been setting funds aside for this project, which should commence in 12 to 18 months. He noted that the two main reasons for this are to make our main corridor more attractive and to protect the utilities from storm damage. However, he stated that VDOT calculates the difference between just moving the utilities back versus placing them underground with the County paying the difference.

Mrs. Noll then moved the adoption of Resolution R23-115.

A RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION TO PLACE UNDERGROUND ALL UTILITY RELOCATIONS  
RELATED TO THE ROUTE 17 WIDENING PROJECT (UPC 111787) BETWEEN  
WOLF TRAP ROAD AND DENBIGH BOULEVARD/GOODWIN NECK ROAD

Prior to the vote, Chairman Shepperd asked what the County would have to pay for the underground utility placement.

Mr. Morgan stated that the County will pay \$4,343,000.

On roll call the vote was:

Yea: (5) Roane, Zaremba, Noll, Green, Shepperd  
Nay: (0)

**MATTERS PRESENTED BY THE BOARD**

Mrs. Noll encouraged everyone to stay well hydrated when the temperature and humidity were soaring. She also commended the Economic Development and Tourism Department for the excellent video, entitled *Choose York County*, which they produced and is currently showing on Channel 46.

Mr. Green reminded everyone that schools are reopening very soon and to be cautious and drive safely, especially around the school zones.

Mr. Roane stated that he enjoyed participating in the recent opening of our new pickleball courts at Back Creek Park. He also commended Ms. Jeanne Sgroi, Acting Public Affairs Director, for so speedily creating a VDOT portal on the County website. Lastly, he stated that the Board needs to reconsider the need for a new Dockmaster facility and bathrooms in the near future. He stated that he was disappointed that the HYDC folks left tonight's meeting as their participation in moving forward with the Dockmaster structure is needed. We need to hear their specific recommendations so that we can take it back to the architect to incorporate their suggestions and keep this project moving forward.

Chairman Shepperd stated that it appears the County will have to hire an architect to make whatever changes the Board deems necessary and go through the hiring process once again.

Mr. Morgan stated that with the decisions the Board has made this evening, the County has lost the contractor to build the structure. As such, even if the Board decided two weeks from now to do something slightly different, it is likely to have to rebid the contract, which will take months. As such, it would not be possible to redesign the structure and get it bid with construction commencing during the upcoming winter season.

Mr. Roane again confirmed the necessity of the new Dockmaster Building, and he asked why we would have to contract it out before the Board decided to move forward with the project.

In response, Mr. Morgan stated that everything that has occurred relative to this matter was contingent on the Board's action so that the construction could occur over the winter months



so as not to disturb the more intense summer usage of the waterfront. If the staff had gotten the Board's concurrence on this structure first, he added, it would have taken another 90 days to get the contract, during which time we would have lost the winter construction timeframe. Moreover, he stated that this project had been on the books for many years, and the design had existed since COVID, so it appeared that the Board was in support of the project.

Mr. Zaremba expressed his disappointment in the way this matter had been handled. He also expressed the desire for the Board to move forward as quickly as possible to ensure the structure is tweaked and rebid as soon as possible.

Chairman Shepperd stated that the process used with this project is the same as what is always used. He added that had the explanation of how this has developed been heard and understood before the vote, the vote would likely have been different. He agreed that the Board could receive input from concerned citizens about the project and decide how to redesign the building pretty quickly. However, the problem will be hiring another architect to design what we are looking for and then going out to bid for a contractor, which takes time.

Mr. Morgan stated that with everything that has to occur to incorporate a new design for the structure, the earliest the Board will likely be able to reconsider a new contract on the project will be next year.

Chairman Shepperd asked how cumbersome it will be for staff to redo all of the work that is needed to redesign and rebid this project.

Mr. Morgan stated that the engineering staff has worked hard on this project, and to redesign and rebid the project will involve a great deal more work when they are already so busy.

Mr. Roane stated that the Board should not be put in a position that if they say no to a contract, the County loses money.

### **CLOSED MEETING**

At 9:03 p.m. Chairman Shepperd moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(11) of the Code of Virginia pertaining to a personnel matter involving the resignation of a specific public officer/appointee/employee.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Green, Roane, Shepperd  
Nay: (0)

Meeting Reconvened. At 7:53 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Roane moved the adoption of proposed Resolution SR-1 which reads:

#### **A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING**

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of August, 2023, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2)

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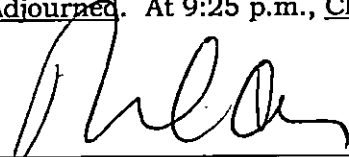
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only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

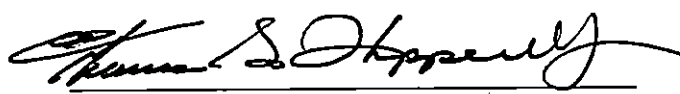
On roll call the vote was:

Yea: (5) Noll, Green, Roane, Zaremba Shepperd  
Nay: (0)

Meeting Adjourned. At 9:25 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