

BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
May 19, 2020

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:00 p.m., Tuesday, May 19, 2020, in the Board Room, York Hall, by Chairman W. Chad Green.

**REMARKS BY THE CHAIRMAN**

Chairman Green read a statement concerning the purpose and the participants of the meeting:

This meeting is called to order. It is May 19, 2020. For the record, this is a meeting of the York County Board of Supervisors, being held by electronic means without a quorum being physically assembled in one place, pursuant to an emergency ordinance adopted on April 21.

This meeting is being held remotely under the emergency "continuity of government" ordinance adopted under Code of Virginia section 15.2-1413, allowing public meetings of this Board, and of other county boards, commissions, and authorities, to meet remotely. This action was taken because of the health emergency resulting from the coronavirus pandemic, making an assembly of the board and staff and members of the public in one place unsafe because of the highly contagious nature of the coronavirus pandemic.

As with all Live Board of Supervisors meetings, this meeting is available to watch live on WYCG-TV, Cox Cable 46, Verizon FiOS CH 38 or live streaming at [yorkcounty.gov/TV](http://yorkcounty.gov/TV). Tonight's meeting follows our "regular session" format.

I am William C. "Chad" Green, Board Chair, and I am sitting in the Board Room of York Hall. Other Board members participating are Walter C. Zaremba, Sheila S. Noll, Jeffrey D. Wassmer, and Thomas G. Shepperd, Jr. Other County staff present or participating remotely are Neil A. Morgan, County Administrator; James E. Barnett, Jr., County Attorney; Heather L. Schott, Legislative Assistant, and a small number of senior County staff.

Invocation. Judy Liu, Youth Commission, gave the invocation in a pre-recorded message.

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

**PRESENTATIONS**

2020 OUTSTANDING YOUTH AWARDS

Chairman Green stated the presentations for the County's Outstanding Youth Awards for 2020 were awarded in the categories of Compassion, Community Service, Overall Achievement, and Courage. He noted that each of the following recipients had received an engraved Jefferson Cup, a bound and sealed copy of their resolution adopted by the Board of Supervisors, and a scholarship check in the amount of \$1000.

Taylor Ditto

Community Service

Jeremy Watts

Compassion

John Charles Dixon

Courage

Anna Vargas

Overall Achievement

The pre-recorded sessions were then shown for each recipient.

Chairman Green stated he had been fortunate to be on the committee who had chosen these outstanding individuals, noting it was a really tough and arduous process. He stated often times the youth are maligned in this day and age, but after reading all the outstanding applications, he wanted to assure everyone that we are in good hands for the future. He then congratulated the award recipients and also all of the youth that had been nominated.

Mrs. Noll echoed Mr. Green's comments, noting that the York County youth are fortunate to receive an exceptional education through the County which provides opportunities and challenges to help students stretch and excel. In addition, the students are privileged to have parents who encourage and support them.

Mr. Zarembo noted there are great kids all across the County.

Mr. Wassmer congratulated the Outstanding Youth recipients.

Mr. Shepperd stated that every year he is blown away by the outstanding accomplishments of the youth in York County. He stated the community comes together to help the students, and he expressed his appreciation not only to the students, but also the parents, the teachers, and principals who encourage and support them along the way.

Chairman Green congratulated the receipts of tonight's awards, adding his congratulations to all who had been nominated for these awards.

#### COVID 19 UPDATE

Mr. Mark Bellamy, Deputy County Administrator, gave an update on the COVID-19 situation in York County and the region, stating in the past ten weeks the County had gone from an emergency declaration to a Phase I reopening. He expressed his appreciation to the residents for their patience and support as the County manages their way through this crisis, stating their observance of the restrictions and execution of safe practices have made the County a safer place for all. He stated the current numbers from the Virginia Department of Health show the County's cumulative cases at 62, 9 were hospitalized, and 3 resulted in death. He noted that statewide there have been more than 30,000 cases with roughly 3,700 hospitalizations and 1,009 deaths as of May 17. He pointed out that not all localities in the Commonwealth have achieved the metrics to move forward with Phase 1. Mr. Bellamy stated that last Friday the Community Affairs' staff had released a statement as well as the County Administrator's video regarding Phase I. He then reviewed the available County amenities under Phase I, noting that for now the beach remains closed. He encouraged citizens to check the EDA's website for a list of businesses that are open with enhanced health and safety measures in place. He noted that the Economic Development Authority had formed the COVID-19 Recovery Task Force with the goal to offer resources and advice to those trying to move their businesses forward in a new environment. He then spoke of Public Work's new customer service portal that includes a new online work order and permitting software that allows for permit applications on online as well as inspection scheduling. In addition, he stated that the portal also allows residents to submit work orders for items like debris pick up and zoning issues, and then tracks their progress. The Treasurer's Office will open June 1 with enhanced safety measures in place. He stated the timing of Phase II is still undetermined at this time which will probably allow County offices to open, but might require making an appointment. Mr. Bellamy stated that the County's finances continue to be an area of focus, noting the Finance Department is actively monitoring the closing of our current fiscal year before turning its focus to Fiscal Year 2021 which starts July 1st. He said some budget corrections and adjustments should be anticipated from the state as they start to evaluate their revenue situation. Mr. Bellamy again expressed his appreciation to the citizens and the Board for their continued support during these unprecedented events.

Mr. Zaremba commented he knew everyone was aware that Governor Northam had allowed the beach at Virginia Beach to open yesterday. He then spoke of citizens' expressed frustration and cited a newspaper article and the Governor's comments.

#### **CITIZENS COMMENT PERIOD**

No comments were received.

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

Mr. Barnett updated the Board on the actions of the General Assembly as it relates to the County's Legislative Program, stating there were a number of items on which there was action either at the County's request or in conjunction with other localities. He noted budgetary information is still forthcoming on some of the items and remain uncertain until the Commonwealth has a better idea of where it stands financially due to the economic crisis caused by COVID. He said there was discussion about having the General Assembly return to Richmond in August to assess the economy to determine if further budget cuts are necessary or what portion(s) of the originally approved budget may be released. He explained there has been a long standing quest by York County and by counties statewide to achieve tax parity with cities to have the authority to levy taxes as cities do. He stated there was legislation this year which equalized taxing authority between counties and cities relative to cigarette taxes, admission taxes, and meal taxes. With regards to cigarette taxing, beginning effective July 1, 2021, cities and counties can levy the cigarette tax at a maximum rate of 40 cents per pack. In regards to admission taxes and meal taxes, he stated the extra 1% sales tax levied in the Historic Triangle area by Senate Bill 942, which was adopted in 2018, prevents James City County, York County, and Williamsburg from taking advantage of those opportunities or increasing the taxes they already have. He stated another item that had been specifically requested was the ability to control single use plastics, noting there had been legislation that would have simply allowed localities to ban them all together. However, the General Assembly decided to allow localities the ability to levy a tax of five cents per bag on disposable plastic bags provided to consumers by grocery stores, convenient stores, and drugstores. With respect to highway funding, he stated House Bill 1414 is going to raise gas taxes and similar taxes in Virginia with a 7.6 cents per gallon tax placed on gas distributors and 5 cents per gallon tax placed on gasoline consumers. He added there is also a new highway use fee on fuel-efficient vehicles and that this money will be reserved for highway use. He noted House Bill 1726 and Senate Bill 1038 also created a specific transportation fund to be used in the Hampton Roads area along with an additional regional grantors' tax, a tax on deeds and similar documents when recorded, which will be utilized and targeted towards Hampton Roads transportation projects. He stated there was no legislation specifically related to sea level rise that had been requested. However, he stated there was a provision for the widening of I-64 from Richmond to Williamsburg, stating that the Hampton Roads Transportation Accountability Commission (HRTAC) is authorized to impose and collect tolls on high occupancy lanes on the interstate after entering into an agreement with the Commonwealth Transportation Board and the Department of Transportation. He added that this agreement provides the standards for operating and determines the rates which will be contingent upon highway density and congestion levels at any given time so the toll rate may fluctuate during the day. Regarding unfunded mandates, some that might cost localities money are: posttraumatic stress disorder will become compensable under Worker's Compensation and certain cancers for firefighters are also added to Worker's Compensation. He stated the adopted minimum wage increases are delayed until May 1, 2021. The establishment of the 45 days of no excuse absentee voting may have an impact on the cost of running the electoral system. He stated that originally additional library funding had been approved, but is currently on hold and is contingent upon whether the General Assembly meets again this summer. He stated Senate Bill 942 had passed allowing any public body, not only the Board and the Planning Commission, to establish a date for an automatic continuation of a meeting which is canceled because of the weather or other emergency without having to re-advertise any public hearing. He noted this will help the Board of Zoning Appeals, the Wetlands Board, and Chesapeake Bay Board who have public hearings that need to be advertised. Mr. Barnett concluded by stating he will provide the Board with a written document summarizing the information he shared this evening and including additional legislative highlights to inform the Board how the County fared with the General Assembly this year.

Mrs. Noll asked if the admission tax meant that the County, if it so chooses to at a later time, could collect this tax for Water County USA.

Mr. Barnett stated that SB 942 states that the three localities in the Historic Triangle cannot levy any new taxes. He explained that part of the legislation for SB 942 contains an Enactment Clause that states the bill goes away if any of the three jurisdictions establish a new admission tax or increase its meal tax, etc.

Mrs. Noll then asked for further information regarding the tax on plastic bags.

Mr. Morgan stated that staff is looking into the plastic bag tax, noting at this time they are not sure of the different restrictions, conditions or the revenue that would be generated; however, he stated that a recommendation will be forthcoming.

Discussion followed on plastic bags regarding who will pay the five cent tax per bag; how the tax is collected in other states; the effect plastic bags have on the Chesapeake Bay; and alternatives the customers have by providing their own reusable bags.

Mr. Wassmer noted that one way or another, the consumer will be the one who pays the tax.

Mr. Shepperd stated there should be no surprise regarding the hot lanes as it has been well known that these lanes were going to be implemented to include tolls to fund major transportation projects to be completed by 2035. He added that all the new roads, the new bridge, and the new tunnel will always have a free option which was built into law. He stated the Federal Highway Department had required HOV lanes when the new portion of I-64 had been built noting that HOV lanes require a certain number of riders and cannot require a toll, but the hot lane does not involve user numbers and can be tolled.

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

Mr. Morgan stated the School Board passed their budget last night and he was pleased to report that it is in alignment with the County's revised budget. He noted at the last meeting the Board had inquired how COVID 19 was going to impact the School budget especially in terms of their capital budget and some of their new requirements i.e. distance learning. The Superintendent and his team have been invited to the June 2 work session to update the Supervisors on their challenges and how they met them. He noted that late last week the County had been notified by the state of our allocation of the Cares Act Funding in the amount of \$5.9 million. However, he explained that the funds come with rules and conditions, the most significant of which requires that the funds be used to cover COVID 19 expenditures from March to December. He explained that some expenditures were obvious for which we will be reimbursed via these funds; however, other areas are not as clear. He stated that Theresa Owens, Finance Director, has a team working through this situation to ensure the County optimizes the use of these funds. He stated they will provide more details later as they have a better understanding, but noted that this was good news as it could reduce the odds of more catastrophic types of financial problems. In terms of cash flow, reserves, opportunities for surpluses and other financial factors, it improves the situation. Mr. Morgan then advised that York County is under a coastal flood warning tomorrow morning and evening and the tides will be in the high/moderate category so it should not be too serious as it is a tidal event and not a rain event. Lastly, he stated that the gate at Chrisman ball field had been opened in case anyone needs to move a car there and that a variable message sign had been located in Seaford to alert citizens.

Mr. Zaremba asked if the protection plan was eligible for counties and cities.

Mr. Morgan stated it was not available for counties and cities, but only for the private sector.

Mr. Shepperd stated he had noticed that in the last month when the wind blows on garbage pickup days that trash is blown all over the neighborhoods. He asked Mr. Morgan to contact Republic to seek their assistance to prevent this from occurring and to prevent trash from going into the Bay.

Mr. Morgan stated Mr. Woodward, Director of Public Works, was watching the meeting this evening and would contact Republic tomorrow. He stated there are several things citizens can

do to help with this problem, first by not overfilling the container so that the top will close properly and secondly if citizens will put their trash in a bag that is tied, even if it drops the trash will not spill out. In conclusion, he assured the Board staff investigate the situation and see what Republic can do to help with this problem.

#### **MATTERS PRESENTED BY THE BOARD**

Mr. Wassmer stated the Williamsburg Tourism Council meeting had been held today and it had included representatives from the National Tourism Travel Association and Rita McClenny, Director of Tourism for the State of Virginia. He stated that \$2.5 billion in tourism spending had been lost in the past two months, with 80,000 tourism jobs down. He stated the Council has a pretty aggressive plan to invite people back to the area that started about a week ago, concentrating on the driving markets first, noting it is a huge area that impacts the Historic Triangle area.

Mr. Shepperd spoke of the concerns he had with businesses starting to open up while fighting the coronavirus at the same time. He stated people need to return to work, but without re-infecting themselves. He stated from his observations, he had seen a lot of businesses trying to comply with the Phase I requirements, but the patrons are not always following those guidelines. He reminded everyone there is no cure for the virus at this time. He stated from the stories he has heard about survivors of the virus that it is dreadful. He encouraged everyone to support businesses in a smart manner that will not cause the continued spread of the virus. Mr. Shepperd said it remains to be seen how this will turn out in the August to November timeframe, when the typical flu starts, but hopefully it will be minimized.

Chairman Green reminded everyone that Memorial Day is celebrated this weekend and he urged everybody to be safe, smart, and careful while enjoying the holiday. He then addressed Mr. Morgan, stating that reopening the beach had been discussed and while it remains closed for Memorial Day weekend, he knows the County is currently working on a plan to open the beach in accordance with the Governor's regulations and asked him for an update.

Mr. Morgan reiterated as the Youtube video states, the Governor's order said that beaches are closed except for socially distanced recreation. He noted as Mr. Zaremba had alluded to, the Governor had made a special arrangement with Virginia Beach. He stated the sand at Yorktown beach is only 10 and 20 yards wide, and when the virus first started the County tried to have a partially open scenario with social distancing. He explained that when the beach is open people are wall-to-wall and it is not reasonable to ask staff or the Sheriff's Office to enforce social distancing. He stated he and the National Park Superintendent have a call tomorrow with the Secretary of Natural Resources to talk about Yorktown beach and what rules might apply. He stated while everyone would love to see the beach open, as Mr. Bellamy had stated earlier, the County is in pretty good shape and it appears the spread of the virus has been stopped at least for the summer. He stated that in addition to the narrowness of the beach, another consideration is that 70 percent of the patrons at Yorktown beach are from outside the County and when you invite all those people into a small space it is risky. He stated his personal opinion and preference would be to open it normally as soon as the Governor goes to Phase II, hopefully in the next two to three weeks. However, he explained that it had been impossible to enforce the social distancing, and so his view along with that of the local Health Department was to keep the sandy part of the beach closed a little longer.

Chairman Green stated he wanted the citizens to know that the County is working as hard as possible to safely, securely, and quickly open the beach. He encouraged people to support Virginia Beach then come back to Yorktown when the beach opens.

#### **PUBLIC HEARINGS**

##### **APPLICATION NO. UP-944-20, KRISTINE M. HABETLER AND NICHOLE D. SMITH**

Mr. Timothy C. Cross, Deputy Director of Planning Development Services, gave a presentation on proposed Application No. UP-944-20 to approve a request for a Special Use Permit, pursuant to Sections 24.1-281(b), 283(b)(1), and 283(e) of the York County Zoning Ordinance, to authorize the establishment of a day care center for up to twelve (12) children as a home occupation with

non-resident employees and more than 400 square feet of floor area in an existing single-family detached home on a 2.3-acre parcel of land located at 3601 Seaford Road (Route 622).

Mr. Shepperd asked if there was a requirement to have a fence around the daycare and if there was a requirement to have a playground certification as to the surface and equipment.

Mr. Cross stated that both issues would fall under the State Department of Social Services as part of the licensing for the daycare.

Mr. Zaremba asked when this use permit would become effective if approved by the Board this evening. He also asked if this use was compatible with the current COVID 19 restrictions as the daycare could have up to 12 children at one time.

Mr. Cross stated that assuming the resolution was adopted tonight, a certified copy of the approving resolution would have to be sent to the applicant and the applicant would take it to the courthouse to be recorded before they could open the operation of the daycare. He stated before they could start operating, they also would have to get a license from the Department of Social Services.

Mrs. Noll stated that the material said the daycare was more than 25 percent of the property so the residence would no longer be the primary use of the property if that was correct. She asked Mr. Cross if he had stated that the Board had previously approved daycares that are larger than the 25 percent.

Mr. Cross stated that was correct, but he had forgotten to point out during the presentation that the amount of square footage was less than the original plan that had been submitted.

Mr. Zaremba asked if there had been any opposition to the application given the rural nature of the facility.

Mr. Cross stated no one had attended the Planning Commission meeting in opposition to the application. He noted they had an inquiry from one of the neighbors who had seen the sign and had asked what was being requested, but they did not express opposition or offer an opinion.

Mr. Zaremba stated he had noticed the applicant was renting the property and he asked if the applicant had gotten the owners' okay.

Mr. Cross stated it was a requirement to have the approval of the homeowner before processing the application.

Ms. Kristine Habetler, 311 Bay Tree Beach Road, explained why they had originally gotten the square footage wrong. She stated they had already spoken with Social Services and Mr. Cross was correct in that any playground equipment has to be approved and certified by Social Services. She explained what they will have on their playground will be similar to the Little Tykes playhouse and a sandbox as opposed to playground equipment. Ms. Habetler stated the fence is 6 feet tall with a locking mechanism on both sides, out of the reach of the children.

Mr. Green asked Ms. Habetler to address the traffic and how they would regulate the dropping off and picking up of the children.

Ms. Habetler stated the driveway as a whole is a u-shaped or horseshoe driveway and the side of the driveway that is closest to Back Creek Road will be the entrance side to allow visibility and plenty of time to turn-in and the exit leaving the property will be closer to Osborn Landing near Bay Tree Beach Road.

Mr. Green asked if there will be one way signs put up.

Ms. Habetler stated there will be signs erected.

Chairman Green then called to order a public hearing on Application No. UP-944-20 that was duly advertised as required by law. Proposed Resolution R20-50 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT  
APPLICATION TO AUTHORIZE CHILD CARE FOR UP TO TWELVE  
(12) CHILDREN AS A HOME OCCUPATION AT 3601 SEAFORD  
ROAD

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

Mr. Wassmer then moved the adoption of proposed Resolution R20-50 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT  
APPLICATION TO AUTHORIZE CHILD CARE FOR UP TO TWELVE  
(12) CHILDREN AS A HOME OCCUPATION AT 3601 SEAFORD  
ROAD

WHEREAS, Kristine M. Habetler and Nichole D. Smith have submitted Application No. UP-944-20 to request a Special Use Permit, pursuant to Sections 24.1-281(b), 283(b)(1), and 283(e) of the York County Zoning Ordinance, to authorize the establishment of a day care center for up to twelve (12) children as a home occupation with non-resident employees and more than 400 square feet of floor area in an existing single-family detached home on a 2.3-acre parcel of land located at 3601 Seaford Road (Route 622) and further identified as Assessor's Parcel No. 26-27 (GPIN V08a-1175-4516); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of May, 2020 that Application No. UP-944-20 be, and it is hereby, approved to authorize a Special Use Permit, pursuant to Sections 24.1-281(b), 283(b)(1), and 283(e) of the York County Zoning Ordinance, to authorize the establishment of a day care center for up to twelve (12) children as a home occupation with non-resident employees and more than 400 square feet of floor area in an existing single-family detached home on a 2.3-acre parcel of land located at 3601 Seaford Road (Route 622) and further identified as Assessor's Parcel No. 26-27 (GPIN V08a-1175-4516) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a day care center for up to twelve (12) children as a home occupation with non-resident employees and more than 400 square feet of floor area in an existing single-family detached home on a 2.3-acre parcel of land located at 3601 Seaford Road (Route 622) and further identified as Assessor's Parcel No. 26-27 (GPIN V08a-1175-4516).
2. An owner/operator and business license holder of the home occupation shall reside on the premises.
3. The general layout of the site and the portion of the house dedicated to child care shall be as depicted on the sketch plan received by the Planning Division on January 24, 2020 and the floor plan dated December 16, 2019, copies of which shall be kept on file in the office of the Planning Division.
4. All licenses, permits, and approvals from the Virginia Department of Social Services or other applicable regulatory agencies shall have been received prior to the establishment of the day care center in the home. Evidence of such licensure shall be provided prior to the issuance of zoning certification for the home occupation.

5. The home occupation shall be established and operated in accordance with the provisions of Sections 24.1-281 and 24.1-283 of the York County Zoning Ordinance, except as modified herein, and with the applicants' narrative description dated January 24, 2020 and signed by Kristine M. Habetler, a copy of which shall be kept on file in the office of the Planning Division.
6. The hours of operation shall be limited to 6:30 AM to 6:00 PM, Monday through Friday.
7. A maximum of two non-resident employees shall be permitted.
8. The maximum floor area of the portion of the house dedicated to the child care center shall be approximately 1,580 square feet as depicted on the referenced floor plan.
9. A minimum of three (3) off-street stacking spaces for dropping off and picking up children, where the duration of parking is ten (10) minutes or less on average, shall be provided as generally depicted on the sketch plan referenced above.
10. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of this resolution shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to issuance of a Certificate of Occupancy for the home occupation use.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On roll call the vote was:

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

APPLICATION NO. UP-945-20, MATTHEW RENO (COASTAL CUSTOM GUNS LLC)

Mr. Earl Anderson, Senior Planner, gave a presentation on proposed Application No. UP-945-20 to approve a request for a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize a firearms sales and gunsmithing business as a home occupation with on-site customer/client contact in a detached garage located at 304 Mastin Avenue (Route 1242).

Mrs. Noll asked if any comments either for or against the application had been received from any of the neighbors.

Mr. Earl Anderson stated two neighbors had attended the Planning Commission meeting and spoken in favor of the application, and one adjacent property owner, Mr. Levy, had emailed with his concerns and those concerns were included in the application package received by the Board. Mr. Anderson then summarized Mr. Levy's email stating that Mr. Levy's property is very large, and long and wooded on the front. His concern centered on other people using his property without his permission, and possible noise pollution and the possibility of accidents occurring when testing weapons. Mr. Anderson stated the applicant would not be doing those things on site.

Mr. Matthew Reno, 304 Mastin Avenue, thanked Mr. Anderson and everyone in the Planning Division for their help with this application. He stated Mr. Anderson had covered everything very well during his presentation. He thanked the Board for allowing him to pursue this business.

Chairman Green then called to order a public hearing on Application No. UP-945-20 that was duly advertised as required by law. Proposed Resolution R20-51 is entitled:

A RESOLUTION TO APPROVE AN APPLICATION TO AUTHORIZE A FIREARMS SALES AND GUNSMITHING BUSINESS AS A HOME OCCUPATION WITH ON-PREMISES CUSTOMER/CLIENT CONTACT ON PROPERTY LOCATED AT 304 MASTIN AVENUE (ROUTE 1242)

Mr. Bob James, 306 Mastin Avenue in Seaford, stated he was calling in favor of the Coastal Gun LLC application, noting he lives about 30 yards from the detached garage where Mr. Reno will be operating his business and that he has no problem with the application as he feels the rules will be followed.

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

Mrs. Noll then moved the adoption of proposed Resolution R20-51 that reads:

A RESOLUTION TO APPROVE AN APPLICATION TO AUTHORIZE A FIREARMS SALES AND GUNSMITHING BUSINESS AS A HOME OCCUPATION WITH ON-PREMISES CUSTOMER/CLIENT CONTACT ON PROPERTY LOCATED AT 304 MASTIN AVENUE (ROUTE 1242)

WHEREAS, Matthew Reno (Coastal Custom Guns LLC), has submitted Application No. UP-945-20 requesting a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize the establishment of a firearms sales and gunsmithing business as a home occupation with on-site customer/client contact in a detached garage on a 1.1-acre parcel of land located at 304 Mastin Avenue (Route 1242) and further identified as Assessor's Parcel No. 25P-10-9-33 (GPIN T08c-1723-0398); and

WHEREAS, said application has been transmitted to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of May, 2020, that Application No. UP-945-20 be, and it is hereby, to approve to authorize a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize the establishment of a firearms sales and gunsmithing business as a home occupation with on-site customer/client contact in a detached garage on a 1.1-acre parcel of land located at 304 Mastin Avenue (Route 1242) and further identified as Assessor's Parcel No. 25P-10-9-33 (GPIN T08c-1723-0398), subject to the following conditions:

1. This use permit shall authorize the establishment of a firearms sales and gunsmithing business as a home occupation with on-site customer/client contact in a detached garage on a 1.1-acre parcel of land located at 304 Mastin Avenue (Route 1242) and further identified as Assessor's Parcel No. 25P-10-9-33 (GPIN T08c-1723-0398).
2. The home occupation shall be conducted in accordance with the provisions of the York County Zoning Ordinance, Sections 24.1-281 and 24.1-283(b), except as modified herein.
3. Floor area of the home occupation shall not exceed approximately 223 square feet of garage area as depicted on the floor plan submitted by the applicant and received by the Planning Division on January 30, 2020, a copy of which shall remain on file in the office of the Planning Division.
4. No person other than individuals residing on the premises shall be engaged in the home occupation.
5. The days and hours of operation shall be limited to Tuesday through Saturday, 8:00 AM to 5:00 PM. Customer/client contact on the premises shall be by appointment only and shall be limited to no more than one customer appointment at any one time. The applicant shall keep a log book indicating appointments scheduled by date and time with such log book to be made available for review by Zoning and Code Enforcement staff upon request.

- The log need not contain customer names or details concerning the type of firearm(s) or the amount of the business transaction.
6. A minimum of four (4) off-street parking spaces shall be provided on the premises.
  7. There shall be no live firing of firearms on the premises.
  8. No ammunition or gun powder other than that for personal use shall be stored on site or made for sale.
  9. All firearms not owned by the property owner shall be locked in the gun safe when not being worked on.
  10. Prior to commencement of operation of the home occupation, the portion of the home used for the home occupation, including the customer/client entrance and parking area shall conform to minimum standards of the Virginia Uniform Statewide Building Code, subject to the approval of the Building Code Official.
  11. The home occupation shall be operated in conformance with all applicable codes and requirements of the York County Fire Prevention Code, the 2009 Virginia Statewide Fire Prevention Code, and the National Fire Protection Association.
  12. Proof of licensure from the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives for a Federal Firearms Type 01 – Dealer in Firearms Other Than Destructive Devices license shall be submitted to the Department of Fire and Life Safety prior to issuance of a Certificate of Occupancy for the home occupation use.
  13. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to issuance of a Certificate of Use and Occupancy for the home occupation.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On roll call the vote was:

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

APPLICATION NO. ZM-183-20, JOHNNY L. AND JOANNE J. HOLMES

Ms. Amy Parker, Senior Planner, gave a presentation on proposed Application No. ZM-183-20 to amend the York County Zoning Map by reclassifying a 1.3-acre parcel located at 125 Baptist Road (Route 660) and further identified as Assessor's Parcel No. 17-121 from GB (General Business) to R13 (High-density single-family residential).

Mr. Johnny Holmes, 125 Baptist Road, stated he had lived on the property for over forty years. He stated he had abandoned his original plans to have a business on the property. Moreover, he explained that after losing his main house in Hurricane Katrina, he wants to build a house in which he can live out the rest of his life.

Mr. Shepperd stated what he had seen in this application was that basically Mr. Holmes wants to build a house on the property, but he is applying for R13 zoning. He stated he had looked back at the history and this property had been residential since before 1957. He asked if Planning could shed any light on why that whole residential area in 1957 was zoned general business.

Ms. Parker stated it was originally zoned neighbor business, noting it has always been zoned commercial until 2002 when it was changed from neighborhood business to general business.

Mr. Shepperd asked why it had been changed to general business when it has so many homes in that area.

Ms. Parker stated it was her understanding that some of the residents had requested the change to general business to afford more opportunities.

Mr. Shepperd asked why the parcel was still zoned as general business instead of residential.

Ms. Parker stated that was correct and all the homes in this area are non-conforming and cannot be replaced unless a disaster occurs and even then they would have to be rebuild within four years.

Mr. Shepperd advised the other Supervisors that this is what you run into when the Comprehensive Plan does not line up, and these types of pockets are maintained when they do not fit. He noted this hit a nerve in knowing the history of this area when it had originally been designated residential in 1940. He voiced his support for the Holmes application.

Chairman Green stated that as the Board's representative on the Comprehensive Plan, the committee is working to correct similar situations.

Chairman Green then called to order a public hearing on Application No. ZM-183-20 that was duly advertised as required by law. Proposed Ordinance No. 20-9 is entitled:

AN ORDINANCE TO APPROVE AN APPLICATION TO REZONE A  
1.3-ACRE PARCEL AT 125 BAPTIST ROAD (ROUTE 660) FROM GB  
(GENERAL BUSINESS) TO R13 (HIGH-DENSITY SINGLE-FAMILY  
RESIDENTIAL)

Mr. Anderson stated there was a call-in from Mr. David Walter and he played the recording but because of the poor quality, he then summarized the call as follows: Mr. David Walter owns the property with the large two-story building and the tow truck located across from the subject parcel on Baptist Road. He operates a grandfathered car recycling operation and he wants to ensure that should the residential rezoning be granted it will in no way adversely impact the continued operation of his business.

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

Mr. Wassmer then moved the adoption of proposed Ordinance No. 20-9 that reads:

AN ORDINANCE TO APPROVE AN APPLICATION TO REZONE A  
1.3-ACRE PARCEL AT 125 BAPTIST ROAD (ROUTE 660) FROM GB  
(GENERAL BUSINESS) TO R13 (HIGH-DENSITY SINGLE-FAMILY  
RESIDENTIAL)

WHEREAS, Johnny L. and Joanne J. Holmes have submitted Application No. ZM-183-20 which requests to amend the York County Zoning Map by reclassifying a 1.3-acre parcel located at 125 Baptist Road (Route 660) and further identified as Assessor's Parcel No. 17-121 (GPIN N11a-1326-3678) from GB (General Business) to R13 (High-Density Single-Family Residential); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 19th day of May, 2020, that Application No. ZM-183-20 be, and it is hereby, approved to amend the York County Zoning Map by reclassifying a 1.3-acre parcel located at 125 Baptist Road (Route

660) and further identified as Assessor's Parcel No. 17-121 (GPIN N11a-1326-3678) from GB (General Business) to R13 (High-Density Single-Family Residential).

On roll call the vote was:

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

**CONSENT CALENDAR**

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 4, 5, 6, 7, 8, 9, 10, and 11, respectively.

On roll call the vote was:

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

Thereupon, the following minutes were approved and resolutions adopted:

**Item No. 4. APPROVAL OF MINUTES**

The minutes of the following meetings of the York County Board of Supervisors were approved:

April 21, 2020, Emergency Meeting

April 21, 2020, Regular Meeting

**Item No. 5. COMMEND THE 2019-2020 YOUTH COMMISSION MEMBERS: Resolution R20-39**

A RESOLUTION TO COMMEND THE 2019-2020 YORK COUNTY YOUTH COMMISSION AND TO EXPRESS THE APPRECIATION OF THE BOARD OF SUPERVISORS TO EACH MEMBER FOR THEIR DEDICATED SERVICE TO YORK COUNTY

WHEREAS, the Board of Supervisors established the York County Youth Commission in 1983; and

WHEREAS, the following youth,

Nicholas Gu, Chairman  
Rima Yarlagadda, Vice Chairman  
Jennifer Zhang, Secretary  
Danshi Antinoph  
Isabella Esposito  
Jay Jones  
Jennifer Lin  
Judy Liu  
Kaitlynn Lopez  
Aleah McGill  
Krupa Patel  
Jacob Rizzio  
Marcus Sander  
Julia Skinner  
Alexis Young

have served with distinction on the 2019-2020 York County Youth Commission; and

WHEREAS, the Board of Supervisors is extremely pleased with the worthwhile activities

undertaken by the Youth Commission this past year and wishes to publicly recognize the members for their accomplishments, which include:

Preparing for the year by attending training and teambuilding sessions during a two-day orientation last August, then meeting together monthly and in smaller working committees, hosting guest speakers at most of their large meetings, which included leaders from County government as well as the public and private sectors; and

Sending representatives to meetings held by the Comprehensive Plan Review Steering Committee (York2040 Committee), the Transportation Safety Committee, and the newly established Youth Subcommittee of the Historic Triangle Substance Abuse Coalition to learn more about county government, share a youth perspective on matters being discussed, and report back to inform the Youth Commission as well; and

Assisting during the annual Yorktown Day commemoration by helping the National Park Service with setup at the Monument and also greeting parade spectators and passing out programs and American flags; and

Building intergenerational bonds of goodwill with senior citizens by serving refreshments, calling bingo, handing out prizes, and helping with cleanup at the annual Valentine's Party at the Senior Center of York; and

Co-sponsoring the Annual Outstanding Youth Awards Program with the Board of Supervisors by helping to publicize the program, and providing two members to serve on the Selection Committee; and

Designing, a student survey, receiving review and approval from the School Division, and organizing teams of youth commissioners and friends in each high school for administration during lunch blocks in mid-March, when, due to the coronavirus COVID-19 pandemic, the schools were forced to close for the rest of the year, which also forced the cancellation of the Annual Town Hall Meetings in April and as well as plans for an Evening Community Meeting in late April to help inform students and parents about substance abuse and mental health issues facing our youth;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors on this the 19th day of May, 2020, that the 2019-2020 York County Youth Commission members be, and they hereby are, congratulated for their dedicated service to York County and commended for an outstanding year.

BE IT STILL FURTHER RESOLVED that the York County Board of Supervisors hereby extends its best wishes for continued success to these leaders of today and tomorrow.

Item No. 6. APPLICATION NO. UP-948-20 DIGGES COMPANY – FIRING RANGE: Resolution R20-61

A RESOLUTION TO EXTEND THE TERM OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR AN INDOOR FIRING RANGE AT 1558 PENNIMAN ROAD

WHEREAS, on June 16, 2015, through the adoption of Resolution No. R15-64, the Board of Supervisors approved Application No. UP-861-15, submitted by The Digges Company, to authorize a Special Use Permit, pursuant to Section 24.1-306 of the Zoning Ordinance (Category 9, No. 7), for the establishment of an indoor firing range on a 1.8-acre portion of an 11.9-acre parcel of land located at 1558 Penniman Road (Route 641) and further identified as Assessor's Parcel No. 11-98 (GPIN H14d-2660-1065); and

WHEREAS, on May 16, 2017, the York County Board of Supervisors approved a two-year extension of the approved Special Use Permit through the adoption of Resolution No. R17-58; and

WHEREAS, pursuant to Section 24.1-115(c)(1) of the York County Zoning Ordinance, use permits automatically expire two years after adoption if the special use has not been established; and

WHEREAS, pursuant to Section 15.2-2209.1 of the *Code of Virginia*, any Special Use Permit outstanding as of January 1, 2017 and related to new commercial development shall remain valid through July 1, 2020; and

WHEREAS, The Digges Company has submitted Application No. UP-948-20, requesting a minor modification to the above-referenced Special Use Permit, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, by authorizing a two-year extension of the deadline for establishing the special use;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of May, 2020, that Application No. UP-948-20, be, and it is hereby, approved to authorize a two-year extension of the deadline for establishing the special use approved by the Board, thus making the new expiration date July 1, 2022.

BE IT FURTHER RESOLVED that all other terms of the Special Use Permit set forth in Resolution No. R15-64 shall remain in full force and effect.

BE IT STILL FURTHER RESOLVED that in accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of this resolution shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to the issuance of any land disturbing activity or building permits for the development.

Item No. 7. APPLICATION NO. UP-949-20 DIGGES COMPANY – RECYCLING PLANT: Resolution R20-62

A RESOLUTION TO EXTEND THE TERM OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR A RECYCLING PLANT AT 1540 AND 1558 PENNIMAN ROAD

WHEREAS, on June 16, 2015, through the adoption of Resolution No. R15-64, the Board of Supervisors approved Application No. UP-862-15, submitted by The Digges Company, to authorize a Special Use Permit, pursuant to Section 24.1-306 of the Zoning Ordinance (Category 15, No. 13), for the establishment of a recycling plant on an 11-acre portion of a 21-acre tract of land located at 1540 and 1558 Penniman Road (Route 641) and further identified as Assessor's Parcel Nos. 11-95 and 11-98 (GPIN H14d-2660-1065 and H14d-2530-0680); and

WHEREAS, on May 16, 2017, the York County Board of Supervisors approved a two year extension of the approved Special Use Permit through the adoption of Resolution No. R17-59; and

WHEREAS, pursuant to Section 24.1-115(c)(1) of the York County Zoning Ordinance, use permits automatically expire two years after adoption if the special use has not been established; and

WHEREAS, pursuant to Section 15.2-2209.1 of the *Code of Virginia*, any Special Use Permit outstanding as of January 1, 2017 and related to new commercial development shall remain valid through July 1, 2020; and

WHEREAS, The Digges Company has submitted Application No. UP-949-20, requesting a minor modification to the above-referenced Special Use Permit, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, by authorizing a two-year extension of the deadline for establishing the special use;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of May, 2020, that Application No. UP-949-20, be, and it is hereby, approved to

authorize a two-year extension of the deadline for establishing the special use approved by the Board, thus making the new expiration date July 1, 2022.

BE IT FURTHER RESOLVED that all other terms of the Special Use Permit set forth in Resolution No. R15-65 shall remain in full force and effect.

BE IT STILL FURTHER RESOLVED that in accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of this resolution shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to the issuance of any land disturbing activity or building permits for the development.

Item No. 8. HOUSEHOLD CHEMICAL COLLECTION – SERVICE AGREEMENT: Resolution R20-69

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR  
TO EXECUTE A CONTRACT WITH THE VIRGINIA PENINSULAS  
PUBLIC SERVICE AUTHORITY FOR A HOUSEHOLD CHEMICAL  
COLLECTION AGREEMENT

WHEREAS, York County is a member of the Virginia Peninsulas Public Service Authority (VPPSA), having joined the Authority for the purpose of dealing with solid waste issues on a regional basis; and

WHEREAS, in November 1996, the Board of Supervisors, the York County Solid Waste Advisory Committee, and York County's citizens expressed the need for a program to effectively handle household chemicals; and

WHEREAS, VPPSA's current contract for a household chemical program expired December 5, 2019; and

WHEREAS, VPPSA has solicited for and received bids to provide a household chemical program on behalf of its member jurisdictions; and

WHEREAS, VPPSA has entered into a contract with MXI Environmental Services, LLC to provide such service; and

WHEREAS, VPPSA has submitted to this Board a proposed service agreement for a household chemical program;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of May, 2020, that the County Administrator be, and he hereby is, authorized to provide a household chemical collection program for York County citizens, such agreement to be in substantially the same form as the agreement submitted to the Board by report of the County Administrator dated April 18, 2020.

Item No. 9. MUTUAL AID AGREEMENT – DEPARTMENT OF THE NAVY: Resolution R20-48

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR  
TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN THE  
COUNTY AND THE DEPARTMENT OF THE NAVY

WHEREAS, natural and man-made emergencies occurring throughout Hampton Road localities have the potential to require that a jurisdiction seek additional fire, rescue and/or

emergency medical services beyond those immediately available within its own fire and rescue agency; and

WHEREAS, federal and local government fire, rescue and emergency medical services agencies in Hampton Roads have equipment and personnel which could be beneficial in providing mutual aid assistance to each other during such incidents; and

WHEREAS, any such request for assistance would be made under the terms of a mutual aid agreement, and would be predicated on the availability of the services requested; and

WHEREAS, such an agreement for mutual aid fire, rescue and emergency medical services would benefit York County, as well as specific federal facilities/installations;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of May, 2020, that the County Administrator is authorized to execute, review and update as necessary a mutual aid agreement for fire, rescue, and hazardous materials incident responses with the Department of the Navy with respect to the Naval Weapons Station and Cheatham Annex, in the form substantially similar to that attached to the County Administrator's memorandum of May 6, 2020.

Item No. 10. MUTUAL AID AGREEMENT – JOINT BASE LANGLEY-EUSTIS: Resolution 20-49

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN THE COUNTY AND THE 633D AIR BASE WING JOINT BASE LANGLEY-EUSTIS

WHEREAS, natural and man-made emergencies occurring throughout Hampton Road localities have the potential to require that a jurisdiction seek additional fire, rescue and/or emergency medical services beyond those immediately available within its own fire and rescue agency; and

WHEREAS, federal and local government fire, rescue and emergency medical services agencies in Hampton Roads have equipment and personnel which could be beneficial in providing mutual aid assistance to each other during such incidents; and

WHEREAS, any such request for assistance would be made under the terms of a mutual aid agreement, and would be predicated on the availability of the services requested; and

WHEREAS, such an agreement for mutual aid fire, rescue and emergency medical services would benefit York County, as well as specific federal facilities/installations;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of May, 2020, that the County Administrator is authorized to execute, review and update as necessary a mutual aid agreement for fire, rescue, and hazardous materials incident responses with 633d Air Base Wing Joint Base Langley-Eustis in the form substantially similar to that attached to the County Administrator's memorandum of May 6, 2020.

Item No. 11. EMPLOYEE OF THE QUARTER: Resolution R20-58

A RESOLUTION TO COMMEND JAMES E. RICHARDSON JR., SENIOR FIREFIGHTER, DEPARTMENT OF FIRE AND LIFE SAFETY, AS EMPLOYEE OF THE QUARTER

WHEREAS, James E. Richardson Jr., has been employed with the County since January 23, 2013, where he began as a Firefighter. He was promoted to Senior Firefighter in March of 2018; and

WHEREAS, Mr. James E. Richardson Jr. has diligently supported York County staff and citizens for over seven years, currently assigned to Fire Station 4/Yorktown on C shift; and

May 19, 2020

WHEREAS, in addition to being a Senior Firefighter, Richardson has also obtained advanced emergency medical services certification as a Paramedic. As a Senior Firefighter/Paramedic and operating out of a fire station with a unique specialty team, his position requires that he wear many hats and fulfill multiple roles at any given time; and

WHEREAS, Senior Firefighter Richardson is often relied upon to train and mentor new firefighters, as well as serve as a preceptor for recently certified advanced life support (ALS) emergency medical services (EMS) providers, helping the County's newest medics through their release to serve as fully operational ALS personnel; and

WHEREAS, Senior Firefighter Richardson also serves as a senior member of the County's Fire Life and Safety Technical Rescue Team, as well as serving as a paramedic on the York-Poquoson Sheriff's Office Emergency Response Team. In addition to his normal duties, Senior Firefighter Richardson takes on many special projects and helps to develop and teach safety courses, including the Community Emergency Response Team courses; and

WHEREAS, Senior Firefighter Richardson always gives more than is expected of his job position. As an example, he has provided constructive input and suggestions regarding firefighter recruitment initiatives. The department administration receives regular, positive feedback about Senior Firefighter Richardson's exceptional job performance and his willingness to help from the citizens and visitors of York County, as well as fellow County employees; and

WHEREAS, Senior Firefighter Richardson has been instrumental in continuous improvements to our Fire and Life Safety Department and his actions have resulted in improved critical incident response, which results in enriched services to our citizens, businesses and visitors; and

WHEREAS, Mr. James E. Richardson Jr. is highly respected throughout the County and exemplifies the highest quality of public service, setting an example for all County staff to strive towards; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this 19th day of May, 2020, that James E. Richardson, Jr. be, and is hereby congratulated upon his selection as Employee of the Quarter for the quarter ending March 31, 2020.

Meeting Adjourned. At 7:52 p.m. Chairman Green declared the meeting adjourned sine die.

  
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Neil A. Morgan  
County Administrator

  
\_\_\_\_\_  
W. Chad Green, Chairman  
York County Board of Supervisors

