A meeting of the City Council was held on May 9, 2019 at 2:00 in the Stryker Center, 412 N. Boundary Street.

1. **CALL TO ORDER**
   Mayor Paul T. Freiling called the meeting to order.

2. **ROLL CALL**
   The following members were present:
   Mayor Paul T. Freiling, Vice Mayor Douglas G. Pons, Barbara L. Ramsey, Benming Zhang and Edward Maslin. Also present were City Manager Andrew Trivette, City Attorney Christina Shelton and Clerk of Council Debi Burcham.

   Staff Attending:
   IT Director Mark Barham, Public Works Director Dan Clayton, Finance Director Barbara Dameron, Fire Chief Pat Dent, Economic Development Director Michele DeWitt, Police Chief Sean Dunn, WRHA Director Tyrone Franklin, Parks and Recreation Deputy Director Tyler Cobb (for P&R Director Robbi Hutton), and Planning Director Carolyn Murphy and Interim Human Services Director Wendy Evans. Staff in Attendance: Principal Planner Erin Burke, Commissioner of the Revenue Lara Overy, Chief Deputy Business Auditor Kevin O’Brien, Real Estate Assessor Derek Green, Communications Specialist Lee Ann Hartmann and Executive Assistant Sandi Filicko.

3. **COUNCIL MINUTES**
   A. March 14, 2019
      March 18, 2019 Budget Work Session
      April 10, 2019 Special Meeting
      Moved by Pons, seconded by Zhang, Approve minutes as submitted
      Carried 5-0-0 by a roll call vote:
      Ayes: Freiling, Pons, Ramsey, Zhang, and Maslin

4. **MATTERS OF SPECIAL PRIVILEGE**

5. **PUBLIC HEARINGS**
   Mayor Freiling noted there are four public hearings, the first three of which involve requests from the Colonial Williamsburg Foundation. He said as an employee of Colonial Williamsburg, he would not be participating in the discussion or the vote on those. Vice Mayor Pons indicated he is currently in a business negotiation with Colonial
Williamsburg; therefore, pursuant to section 2.2-31.12 at the Code of Virginia, he also would not participate or discuss or vote on matters of PCR #1904, #1907 and #1908.

A. PCR#19-004: Request of Julius Dell on behalf of the Colonial Williamsburg Foundation to amend the Comprehensive Plan designation for a new 10,089 square foot lot at 320 Scotland Street from Colonial Williamsburg Historic Area to Medium Density Single Family Detached Residential & PCR#19-005: Request of Julius Dell on behalf of the Colonial Williamsburg Foundation to rezone a new 10,089 square foot lot which is a portion of 320 and 316 Scotland Street from Colonial Williamsburg Historic Area CW to Single-Family Dwelling District RS-3

- Carolyn Murphy, Planning Director

Ms. Murphy stated this is a request by Julius Dell on behalf of the Colonial Williamsburg foundation to resubdivide two lots located at 316 and 320 Scotland Street into two lots for the construction of a single-family dwelling on proposed Lot 5 at 320 Scotland Street. The applicant is under contract to purchase the proposed Lot 5, located at 320 Scotland Street, with the Foundation retaining proposed Lot 6 located at 316 Scotland Street. Proposed Lot 5 at 320 Scotland Street requires a new subdivision amending the Comp Plan and rezoning the property from Colonial Williamsburg Historic Area to Single-Family Dwelling District RS-3 to allow the construction of a single-family dwelling on the property.

Ms. Murphy reviewed several slides outlining existing dwellings, current Comp Plan designations, current zoning and the proposed subdivided configuration. She also noted it would require a phase three archeological data recovery before construction could begin on the lot. Planning Commission held a public hearing on April 17th; the applicant and nine citizens spoke at the hearing. Planning Commission recommended the City Council by a vote of 5-1-1 to deny the request to amend the Comprehensive Plan and to rezone the new Lot 5 at 320 Scotland Street.

Mr. Zhang confirmed that any new house or construction on that property is contingent upon this rezoning. He also confirmed that the adjacent properties are currently RS-3 and rezoning this lot to RS-3 is consistent with the rest of the neighborhood. He noted there have been several archaeological studies and Planning Commission accepted the management plan that’s required for this particular area. There have been notes from members of the public, some who are experts in this field, that the suggested site had an 18th century foundation and components of Joseph Prentis’ garden. When staff was making their analysis of this rezoning request, how was that factored? Ms. Murphy said there is an archaeological map that’s adopted by the City for any rezoning request or subdivision. This property is in the archaeological zone and because of that, it requires an archaeological assessment. The applicant did a Phase One and a Phase Two, with the archaeology assessment being looked at as part of the review. The Phase One and Phase Two indicated two postholes from the 18th century and the Prentis Gardens. It also said they found some prehistoric artifacts. They found an intact brick foundation thought to represent the southern wall of the bungalow from the first half of the 20th century. Records indicate that the Colonial Williamsburg Foundation bought the 320 lot in 1972 and records indicate in 1973 that the demolition permit was issued for the house that was on
the property. That's what they believe the foundation was for. With the Prentis gardens and the two postholes, it was recommended that a Phase Three data recovery excavation be done prior to any alteration or construction. The Archaeological Review Board is in fact Planning Commission in the City. So the Archaeological Review Board looked at the Phase Three recommendation and recovery, and recommended approval of that phase of that recovery. Before any construction can be done on the site, that has to be done, and staff would get a written report on what was found on the lot. Mr. Maslin mentioned the memo indicated no need to look at traffic issues and inquired the discussion between Planning and the City Engineer to come to that conclusion. Ms. Murphy stated it's a single-family dwelling and the daily trips are ten or less a day for a single-family dwelling. Staff did not think that that was an issue for Scotland Street due to the construction of Scotland Street and the current traffic.

Mr. Maslin suggested that during construction activity, there should be some provisions from a public safety standpoint in regards to Matthew Whaley school. Ms. Murphy noted Matthew Whaley school, the comings and goings of parents and buses and those issues were taken into account but it's not typical for staff to require a traffic study for a single-family dwelling. Mr. Trivette pointed out that outside of the traffic study though, it's more of a concern of what happens when the construction vehicles are on the site and that's something that would be addressed during the permitting process. Ms. Murphy stated she does not believe there's any parking on that side of the street so the construction vehicles would have to be on the lot or get permission from the City to park on the street. Mr. Maslin inquired about the process of updating the Comp Plan. Ms. Murphy stated the Comp Plan is updated usually once every five years, which is a couple of year process to go through. The Comp Plan is the City's vision for the next five years. Mr. Maslin inquired about information from the Colonial Williamsburg in terms of what's going to happen with the other three-quarters of the land. Ms. Murphy stated there were no references to anything other than what was in the application. Mr. Maslin referenced the February 22 Planning Commission meeting, which was part of the Comp Plan review. When Colonial Williamsburg was asked in that meeting if they saw any need for changes to the Comp Plan, there was no discussion or input from the Foundation that they needed to change anything in the Comp Plan and no discussion about rethinking buffer zones even though a year earlier they were going to be selling this land. Ms. Ramsey reiterated that the property rights that Colonial Williamsburg has is that they can sell any parcel of land that they own, whether it be in the historic area or not. Zoning does not prohibit them from selling property so the zoning in this case is strictly for the usage of the property. Zoning usually regulates the type of uses, setbacks, lot sizes - those types of things and this particular area wasn't zoned Colonial Williamsburg Historic Area until 2002-2003. Ms. Ramsey speculated that if Mr. Dell is successful in having this rezoned, Mr. XYZ could also see one of these lots potentially as an opportunity for him or her to try and obtain possession and get it rezoned. Ms. Murphy stated anybody can come in and ask for a rezoning request, as each request would be looked at on its own merits and that's typically how zoning changes.
Council Member Ramsey opened the Public Hearing and invited public comment.

**Julius Dell**, acting as Colonial Williamsburg’s agent for submission and follow through, thanked Council for the opportunity to address these particular issues. He referenced comments by Mr. Maslin and Ms. Ramsey, noting it’s been brought out that future requests to rezone any of that property have to be on a case-by-case basis. He asked Council to think about what that would mean, as he and Colonial Williamsburg have worked so hard in formulating the buffer zone for this particular lot request. The horse pasture and the entrance into Colonial Williamsburg will absolutely not be changed. Whereas if in the future Colonial Williamsburg wants to re-subdivide those particular lots they will have to be rezoned. That’s not something CW is pushing but he thinks it’s important to separate what might be downstream from what is now. The properties in question were purchased by Colonial Williamsburg: Lot 316 in 1982 and Lot 320 in 1972 and at that time those lots were zone Single-Family Residential. These figures are coming from the tax records and the property records online. It was not until 2002, as was brought out in the early discussion, that two properties were rezoned to CW Historic and there was a specific reason for doing that. The specific reason was the creation of a pasture land for the Historic Breeze Program and as the buffer zone leading into the historic district from Prince George Street, Scotland Street and Nassau Street, and to some extent from North Henry. The Colonial Williamsburg proposal creates the new lot from portions of Lot 316 and 320. It requests rezoning of only that one portion of lot that is created between 316 and 320 and the RS-3 designation there. The rest of the land is going to remain CW Historic and it encompasses the pasture land, all of the land from our proposed lot back to the south is going to be retained as pasture land. Mr. Dell reviewed the slide outlining the proposed lot changes. Mr. Dell indicated he has done significant research regarding the primary objections that have been voiced. For example, people are concerned that that land is going to be developed and that it will infringe on the historic bridge pasture in green space leading to the historic area. He reiterated that is a potential opportunity in the future would have to be considered on its own merit and is not part of this proposal. There’s a concern that the approval will set a bad precedent for possible future development. again if other opportunities come available then again they’ll have to be considered on their own. Mr. Dell referenced the downtown vibrancy study that the City commissioned in January of 2018 to look at ways that could additional vibrancy could be brought down into the City. One of those was the development of houses all along the area being discussed. One of the wonderful things about our community and our city is the outstanding research and the support that is provided by the departmental staff in the City. In each instance City staff thoroughly researched each proposal and recommendations are made that take into consideration every aspect of the City’s comprehensive plan before making their recommendations to senior City officials. Emotion is removed and only facts are considered in their recommendations; this proposal is no exception. Carolyn Murphy and her entire
planning department staff have looked at every aspect of this rezoning request and made the following recommendations to the council - “Changing the Comprehensive Plan designation and a result in a rezoning of this lot will not be a detriment to the Colonial Williamsburg historic area. it will allow another historic single-family another single-family dwelling to be constructed in a downtown area and will complete the streetscape on this side of Scotland.”

Frank Schatz, P.O. Box 1006, a resident of Williamsburg for 38 years and a columnist for the Virginia Gazette addressed Council. He said he keeps his ear down to the ground and what he has heard from citizens of Williamsburg is why is Colonial Williamsburg keeping the surplus when it can be a taxpaying revenue for the City. He understands that this parcel doesn't have any practical use for Colonial Williamsburg. The Planning Committee said that if this building is put on this parcel it will be seen even to the Carter house. Hundred-year-old trees would have to be cut down to see even the land but through a small opening between the trees the cars parked on Scotland Street are visible and that is not exactly 18th century view. His feeling is this is splitting hairs and that the Dell’s should have the right to build a colonial type house, which would actually improve the view. His recommendation will be that the Council should be wise enough and give permission.

Ed Tiller, 145 Indian Springs Road, stated by profession he is a clinical psychologist and also an adjunct member of William Mary for many years. He and his wife moved here in 1979, the house they live on Indian Springs they have owned since 86. They were friends with the Dells when they lived in Indian Springs and they still remain good friends. He indicated he would talk about them, the property and about Colonial Williamsburg briefly. The property the Dell’s wish to purchase is on a street where there are many single-family homes. It's across from the school there's a piece of property beyond them that faces Colonial Williamsburg. If you go to the street behind them, there are private homes that can be seen as easily as you can on Scotland Street. Prince George, Scotland Street - you can still see the homes. Colonial Williamsburg as a foundation is about the lives and events and the foundation of our country, when people had to risk their lives in order to gain freedom from another country. The Dells carry on that tradition in a very important way. Bill was a graduate of Annapolis, a Navy pilot. They have two grandsons; one graduated from West Point and one graduated from Annapolis. They are very involved in keeping this country the way it is. Bill and Susie were good neighbors when they lived on Indian Springs and they still carry on this kind of relationship with their neighbors where they live now on Scotland Street. They’re concern in this community is reflected in helping others who are going through difficulties: medical difficulties, becoming frail, getting to places they need to go, supporting them during times of difficulty. Bill is a craftsman with a big heart who helps others fix, construct or change most anything made out of wood. Suzie is a life experienced artistic interior decorator who assists neighbors and friends to beautify their homes. They take an act of interest in this community including Colonial Williamsburg. Bill has been a volunteer for years at Colonial Williamsburg. More recently he
got a part-time job working in the big book bindery shop; he does good work. Colonial Williamsburg owns four times as much land as the City. It has been buying and selling land for 85 years including the Carter Grove Plantation that was sold several years ago. More recently the Foundation did a comprehensive review of all of this property “to ensure that it manages these properties to the highest and best use for the foundation.” When they offer property for sale they must do so after careful consideration. It isn’t perceived as a threat to maintaining its character. The property Bill and Suzy wish to purchase and build a home on will maintain that character as well as any other property adjoining Colonial Williamsburg.

**Donald Brady**, 233-D Woodmere Drive, told Council he’s lived here for 20 years and volunteered for Colonial Williamsburg for 13 years during orientation walks. He fully supports Mr. and Mrs. Dell in this endeavor.

**Donald Grosse**, 200 Indian Springs Road, thanked Council for giving him this opportunity. He and his wife have known the Dells for 25 years and they are excellent candidates to occupy this space. He would advocate of allowing them to change this into a single residency parcel. His concern is where does CW go in the future if they are now and continue to divest themselves of excess properties. If not single-family dwellings such as the Dells are proposing, then what. There’s a lot of less compatible options so he would recommend that the board seriously consider that this be re-zoned for a single-family dwelling. He thinks the Dells would be the perfect place for that to happen.

**Toby Lane**, 248 Yorkshire Drive, urged Council to deny the current request to re-zone 320 Scotland Street parcel for sale and private development for the following reasons. 1. There does not appear to be any significant benefit derived by approving this request for either the City or Colonial Williamsburg. The additional property tax revenue from the improved property seems insignificant. Likewise, sale proceeds and reduce tax burden to CW does not seem noteworthy either. 2. He’s aware that in the early 2000’s there were some expensive changes to the properties included in the Historic Area. A 2002 article he is familiar with mentioned some 120 plus acres added to the Historic Area at the request of Colonial Williamsburg for buffering and to protect sight lines as well as to include historic building sites and landscapes. He believes this particular property was one of those considered important as a part of the buffer and a sight line benefit, due to the elevation and proximity to other historic properties in the restored area. He does not see why those reasons are not as appropriate now. Has something changed and if so what was that? 3. A quick search of the city property record shows that Colonial Williamsburg Foundation owns nearly 300 parcels in the City. He believes that other CW parcels are currently for sale. Perhaps this indicates that CW has changed their philosophy on buffers and protected site lines from the approach they requested 17 or so years ago. Unless it is part of an overall plan, this rezoning request seems pointless. If there are broader or more extensive changes planned, the bigger picture should be clear before starting down a path of piecemeal change without
an overall game plan. He offered three final questions: How many other parcels are currently for sale or going to be for sale? What will the historic area look like when the when other for sale parcels are sold? And how many other zoning requests may be required?

Susan Buck, 303 Griffin Avenue, stated to Council she is an art conservator and works in the field of historic preservation at sites across the country including work at CW. She is deeply concerned that Colonial Williamsburg plans to sell a small parcel of land designated as being part of the historic area to a private buyer, if the parcel can be re-zoned as residential. The issue is not the buyers, who are clearly sympathetic and well-meaning, nor is it the quality of the proposed house. The true concern is that at a time when leading historic sites like Monticello, Mount Vernon and Drayton Hall in South Carolina are acquiring land and easements to protect their view shed and limit encroachment from development, Colonial Williamsburg in this case is regressing. Why declare a parcel designated as being part of the Historic Area and in the direct sight line of the Robert Carter House and Nassau Street as surplus? This parcel is in the designated Historic Area open space surrounding Colonial Williamsburg and it provides a green and appealing buffer for adjoining modern residential areas. It was part of the Historic Area bounds, which extended after very careful research and planning by Colonial Williamsburg in 2002. The Scotland Street property was included for extremely solid reasons, including to preserve the green unspoiled view from the Robert Carter property. If the re-zoning of this small parcel is approved for development, it would encourage Colonial Williamsburg to view other surrounding historic area open spaces, like pastures and woodlands a functional and visible visual importance, as expendable surplus property which can be readily turned into cash. This potential erosion of the boundaries of the historic area would not only degrade the experience of Williamsburg residents, it would affect the overall quality of the visitor experience, which is much promoted and touted by Colonial Williamsburg. She urges the City Council not to approve this voting request but to instead encourage Colonial Williamsburg to value its irreplaceable open spaces and consider them as important as the historic buildings contained within the boundaries of the Historic Area.

Charles Driscoll, 108 Pinepoint Road, told Council he was employed by the Colonial Williamsburg Foundation for 30 years, retired as an Administrative Officer and Vice President. During those 30 years he watched the various Presidents of the Foundation worked tirelessly to protect the Historic Area quite often buying properties to protect it. Carl Humelsine, Charles Longworth, Robert Wilburn and Colin Campbell. That history of understanding the importance of the Historic Area and its view sheds all around remains critical to the long-term viability of the Historic Area and its importance to the City of Williamsburg so I strongly recommend you do not approve this rezoning.

Kerry Carson, 308 Griffin Avenue, stated to Council he has been a resident of the town for 43 years. Most of that time he was Vice President of the Research
Division at Colonial Williamsburg. During that tenure, the preservation staff led by Ed Chapel studied those approaches to the Historic Area that were most threatened by encroaching residential development and commercial development, and proposed the additions that were made in 2020. This afternoon there have been many testimonials to the good character of these applicants and he certainly is among those who believe that they have shown great service to Colonial Williamsburg in their volunteer activities. But he stands before Council today to speak for everybody else, many of whom are here but many of them are simply fellow townspeople who believe that the comprehensive plan is the right way to direct economic and future development of the town. Carolyn Murphy explained that about every five years it is considered and adjustments are made. That's the right way to go about it; not to spot zone a property here, a property there. He asks Council to be the custodians of that special plan, that comprehensive plan, as it is a plan made together. It's important that it remains in place and remain effective and not be nibbled at piece by piece. He is a great fan of the National Park Service, particularly Jamestown Island which is in fact his favorite park. He would love to live on Jamestown Island. Indeed, he envies Bill Kelso the archaeologist who does live as the only residents on the island. He rents it from his employer. That wouldn't be good enough for Mr. Carson would want the National Park Service to sell him a piece of Jamestown Island - right along the shore where he would build a one-story house that has no staircase to be navigated in his old age and where he can look out on the James River. Now if the park service were prepared to sell to him, he trusts that everyone here would be dismayed and in the end enraged that the National Park Service should sell a piece like that from the national treasure. Only Williamsburg Historic Area is a national treasure too. That must not be forgotten. He is surprised and disappointed that his former employer has come forward with this first-ever exception to its Historic Area policy. That means that now the Council, first the Planning Commission and now the Council are our safeguard. If Colonial Williamsburg isn't going to do it then Council must. He was present at the meeting the Board of Trustees meeting in which that 2002 proposal was made and passed. One member of the board said why would CW restrict itself by adding property it already owns to the Historic Area? There was silence but it was broken by one man, a board member, a lawyer from Richmond, who said because Colonial Williamsburg needs to protect itself from itself. That moment has arrived and now since Colonial Williamsburg has backed off for the first time ever, it's up to Council to please reject this application.

Parks Wilson, 321 Scotland Street, thanked the Council Members for allowing him to comment on some of the concerns that have been voiced by a few City residents regarding the proposed re-zoning of the parcel 321 Scotland Street from historic to residential. His support for this action provides positive, workable solutions as well as an example of public complaint in another community that resulted in an unexpected and unwanted outcome. He is convinced that with the support of Council, negative resident concerns can be significantly diminished in order to provide Colonial Williamsburg Foundation the opportunity to move forward with the sale of this property. He has viewed the proposed property to
be rezoned and the adjacent areas from three vantage points in the restored area. Specifically, from the rear of the Carter house, the McKenzie shop and the Dean house. Also from the predominant 20th-century structure that can be observed as the Matthew Whaley school as well as his home at 321 Scotland Street and the porch of the home at 333 Scotland Street, which was constructed in 2016. Because of trees and other foliage, the proposed property cannot be viewed at this time of year. Although enhanced screening design, if needed, could be provided by a landscape architect. He suggests that visitors to the restored areas are totally unaware of the 21st century life just a hundred yards away. They are so involved in the historical significance, charm and activities within the City that they are quite frankly unaware of homes in Peacock Hill, or for that matter the CSX rail traffic that meanders past the palace wall or the civilian and military aircraft that regularly fly over the restored area. Some residents have commented that the sale of property could set a precedent that may result in the sale of other properties owned by the Foundation. While no one holds a crystal ball and can predict the future, it appears that with the Foundation’s published financial situation, the City must be prepared to explore all methods to raise capital both traditionally and by other means and support the Foundation in their efforts to do so. The sale of the property under consideration as well as the Foundation’s decision to sell his home to him twelve years ago certainly fit their excess property criteria. During both his military and civil service careers, he spent a number of years at the Walter Reed Army Medical Center in Washington DC. The compound was surrounded by a very vocal, politically active and affluent neighborhood that voice concerns as to building construction, parking, noise abatement, traffic, tree removal, park-like screening and a host of other issues. These issues, to some degree, continued throughout his tenure, yet the neighbors were never satisfied. That was until Congress decided that the entire 130-acre compound be closed under base realignment and closure. The hospital was consolidated with a Navy and Medical Center in Bethesda, Maryland and other activities were either relocated or abandoned. During the next ten years the campus was abandoned and became an eyesore for the neighborhood that had so actively opposed much of the facility. He used this as an example of community activism where the preferred outcome was not realized, and far less and unwanted results occurred. The Foundation needs to have the latitude to dispose of that as property as in his home and where it's needed in helping to ensure its existence. As a community there is an obligation to ensure the continued vibrancy of the downtown neighborhood and work with the Foundation as it explores creative ways to remain solvent and continue as an integral part of the City's identity. The City now has the opportunity to partner with the Foundation as a new family home is envisioned in the Peacock Hill neighborhood. In closing, the trust of the property deed will include appropriate restrictions as to the use of the home occupancy, future sale, etc., as with his home. The deed is the legal tool that will ensure compliance with both City and Foundation requirements. He also added one last comment as a result of a comment that was made earlier with regards to traffic on the street doing construction. He said that in his home they did a major renovation and a demolition of virtually entire the entire back of the house and
the traffic concerns were mitigated. The construction period was roughly six months and there were no issues concerns or otherwise presented by any of the other residents in the community.

Ed Chappell, 601 Pollard Park, indicated he has lived close to downtown Williamsburg for 36 years. He was responsible for architectural history and preservation at Colonial Williamsburg so this really was his bailiwick for 36 years, until a couple of years ago. He strongly urged Council to support the Planning Commission's emphatic finding against this Historic Area proposal. If this issue is separated from personalities, which he thinks must be done, it's an unusual and peculiar proposition. He noted all three Council Members asked obvious questions; Why this space? Why sell this open space rather than less delicate lands? Why sell open space property for private house construction? It's inconsistent with the Comprehensive Plan and the intent of the district that has origins that goes back as early as the 1920’s. What this would do would be to create a precedent for reducing the size of the Historic Area. There’s no compelling public benefit to spot zoning this visible piece of Historic Area property. Downtown housing is supported but there’s no compelling reason for developing this lot inside the present Historic Area. There are numerous lots further to the west available otherwise. I think you have correspondence from Historic Virginia which used to be called the Association for the Preservation of Virginia Antiquities, leaders of the Clemson University in Texas, A&E Preservation Programs. He knows that the staff at the National Trust of Historic Preservation opposes this and could give you that documentation. These folks have written an eloquent and perceptive letter explaining how the spots zoning would be very unfortunate for Williamsburg and frankly for Virginia and elsewhere. Most historic districts in Virginia are much later in their designation than this one. This is really the forerunner; if you start to chip away with this, why don’t you chip away with all the others. Let's continue to move forward not backward in protection of our own patrimony. As a person who contributed to the 2002 planning for the revised Historic District designation and zoning and the fellow who was essentially responsible for historic preservation in Colonial Williamsburg for 36 years, he’s happy to answer any questions.

Fredricka Teute, 511 Newport Avenue, told Council much has been said about protecting and preserving the historic district with which she agrees, however she asks Council to consider the present and prospective good of the community's fabric as a whole. There is a vested interest in maintaining the commons throughout all of this historic town and she means that broadly, to the entire town. She lives in a part that's well removed from CW and yet there are restrictions on what can be done with their properties. The commons, the green and open public spaces, are integral to Williamsburg's townscape and make it such an appealing place to visitors and residents alike. Planning commission members have done an excellent job in researching and making recommendations in accordance with the overarching vision of the City's Comprehensive Plan as many people have mentioned. She urges Council to follow their advice and vote against the pending request to re-zone the parcel on
Scotland Street. Spot zoning in this one instance only opens the door to further piecemeal selling off into private hands property deemed surplus by the Colonial Williamsburg Administration. They are focused on monetizing to the max all of their assets with little regard for the larger community of which the restored area is only a part. One of the loveliest short walks in Williamsburg is the path that dips down from the palace with a sheep pasture on the left and the Palace Gardens pond and bridge on the right. Heading up toward Nassau Street, passing through an arbor of trees opening to a vista of pasture, a grassy knoll and Matthew Whaley grammar school off to the right. She is asking Council to think about a vista different from what everyone else is talking about, which is from the restored area, but rather that path. She has seen many a parent walk his or her children to school through that sylvan glen. This experience belongs to many past and future generations of Williamsburgers. The back corner of rustic Williamsburg will irrevocably be changed if a house is built on that grassy knoll.

Gabe Koz, 306 Indian Springs Road, told Council he has been neighbors of the Dells since he came here 20 years ago. Many people in Williamsburg don’t know that Williamsburg is the custodian of the first public psychiatric hospital in the nation, in 1773. He often tells that to people and they don’t know, they’re surprised. So there’s an equal desire to maintain that part of Williamsburg which is part of its history. When he first came, he worked with Suzie Dell. He was very interested in the land. There was so much land at Eastern State, and they wanted to sell it off. Partly they did and Newtown was formed, but most of it has been preserved its wetlands. They tried with Suzie, they worked long and hard to create a botanical garden and that's got some traction but not quite as far as it needs to go. Change is coming and he thinks nobody in this room seriously is against preserving the wonderful part of Williamsburg and the wonderful part of the landscape. He thinks this will be helpful to it and not hurt it in any way. He knows the Dells will be wonderful custodians of the land.

Jeff Duncan, Vice President of Real Estate for Colonial Williamsburg, stated he was here in support of the re-zoning application for the property at 320 Scotland Street. He is in his 33rd year with Colonial Williamsburg, and more than anyone, those entrusted with the care of Colonial Williamsburg understand the importance of the Historic Area as a property to be protected for generations to come, along with the story of what transpired here 250 years ago. Therefore, they don't take lightly decisions such as the use of the property in question without much consideration. This decision has not been made as part of a larger plan associated with future development of property within the Historic Area. Rather this is a single opportunity brought to CW by the Dells, to whom they have agreed to sell the property after considering any potential future use of the property by Colonial Williamsburg and determining that placing a house on the property would not have a detrimental effect nor intrusion on Historic Area. Particularly as the property sits already on a street alongside and across from non-18th-century houses and directly facing the entry drive to Matthew Whaley school. With respect to intrusions, he knows that everyone in the room
understands the nature of the following intrusions that are evident on a daily basis. Currently allowed inside the historic district of Williamsburg: buses, delivery trucks, and cars 24 hours each day on Francis Street located inside the historic district; delivery trucks and cars 24 hours each day on Nassau Street located inside the historic district; buses, delivery trucks and cars 24 hours each day on Waller Street located inside the historic district; tour buses parked every day on Nassau Street next to the museum located inside the historic district; cars and trucks parked everyday on Nassau Street behind the Robert Carter house located inside the historic district. Also allowed inside the historic district: public restrooms, vending machines, electricity, running water, asphalt paved streets and parking lots. Currently visible from locations within the historic district of Williamsburg: buses, delivery trucks, and cars 24 hours every day on Henry Street, Scotland Street, Prince George Street, and Lafayette Street. School buses, Mathew Whaley Elementary School, Merchants Square, the Williamsburg Inn, parking lots, a museum construction site and traffic lights. Despite all of the above intrusions, Colonial Williamsburg Historic Area remains known worldwide as an escape from the modern world and a place that is expected to remain a treasure for generations to come. So please don't be swayed by suggestions from those who would have us believe a half-hidden colonial style house will ruin cloak the Colonial Capital rural landscape or that it would end Mr. Rockefellers dream to preserve the Historic Area from visual intrusions or that it would corrode the character in ambience of the Historic Area. Such intrusions already exist. The historic district is loved despite them. He urged Council to vote in favor of the re-zoning.

Mr. Zhang inquired how the Foundation arrived at this determination about this property being surplus and the decision to sell it. Mr. Duncan explained the opportunity was brought to them by the Dells. It was discussed in depth with their board and the board agreed that this particular parcel was in excess to their needs. Mr. Zhang noted that speaking terms of general preservation efforts, the whole idea is to protect historic land and green space. Obviously it was a big move in 2002 and a previous administration when the floor decided to designate 120 acres. In terms of preservation guidelines and efforts that have been delineated by federal and state historic preservation agencies throughout the country and the Commonwealth, they caution against this. Mr. Duncan stated the 2002 change for 120 acres was 17 years ago. Times change, things change and this is a request to change .8 of those 120 acres. Mr. Maslin inquired why CW did not indicate the update to the Comprehensive Plan when they met with the Planning Commission a year ago, as the application was submitted to the Planning Department before the meeting. Mr. Duncan explained they hadn't finalized discussions negotiations with the Dells on this parcel and it's possible that they would not have done anything with this parcel if market price for the property had not been reached.

Paula Koz, 306 Indian Springs Road, asked for clarification of the image being displayed. on the screen. It was her understanding that there were additional lots that had been declared surplus, all located within this square bounded by
Scotland, Nassau, Prince George and North Henry. Ms. Murphy said the letter from the Foundation was these two lots; 316 and 320 Scotland Street with the others being a part of Colonial Williamsburg.

Council Member Ramsey closed the Public Hearing.

Mr. Zhang commented that someone remarked to him recently that it's kind of crazy there is so much concern about just one house. He wanted to remind everyone that a few decades ago, there was one little pink house that was about to be razed down. This landmark eminent domain case triggered a national change in terms of land-use discussion. So even one house can spur a huge discussion about land use and that's what is presented today. Typically, it is the localities that start encroaching and invading into historically designated areas and most of the time cultural designations fight back on cities efforts to expand development. But here it is the actual property landowner of that area requesting the re-zoning. It elucidates this part of why this case is so unusual. Everything done in the downtown area must be met with strict and careful review of what is to be done. It has to fulfill some sort of compelling purpose and that speaks to the broad zoning powers of looking to public necessity, general welfare, convenience, safety and generally based on our zoning ordinance. This is about land use and it cannot be personal. There have been some comments about upholding good neighbors but if every zoning practice had to be determined based on a person's character or a person's reputation then there might be some mixed zoning results. It's important to reiterate this has to be about the land use and the future direction. There must be due deference and respect to the Planning Commission, and trust in them to look into the zoning matters and see whether it's consistent with the 2013 Comprehensive Plan which is the most recent one. Obviously it's up to Council to make that determination whether they're correct but under Chapter Five of community character it has been well-known that the City has wanted to provide “appropriate infill development into the downtown areas”. He thinks it fits under general welfare prong to promote healthy neighborhoods and that's part of why the City is doing a Neighborhood Balance Workgroup with regard to rental properties in other parts of the town. Generally when speaking about community character that also includes the neighborhoods. He feels they have spoken a lot about precedent. Every proposal, SUP, etc. must be determined on a factual case-by-case basis. There is no legally binding precedent value to what decision Council makes today. It will not deter Colonial Williamsburg Foundation necessarily from pursuing the other applications. Mr. Zhang asked Ms. Murphy about spot re-zoning or spot zoning. His concept of spot zoning is that a use is designated that is intrusive or completely unusual to that surrounding and adjacent area. As such, this is not technically spot zoning because this is conforming to the rest of the neighborhood. Ms. Murphy explained that's a correct example of spot zoning. This case is not spot zoning because in looking at the plan and the adjacent zoning, RS-3 is not only across the street but on either side of both parcels. Mr. Maslin stated the first question is whether or not to change the Comp Plan. Whether or not the applicant's a good neighbor should not be the basis for that.
Or even knowing what the use previously was. There was probably a gas station on Duke of Gloucester Street - would that be a reason to entertain that, probably not. Is the design of the house liked? Once again if not, would it be denied? What must be looked at are the merits of this request to change the Comprehensive Plan and look at the opportunities that Colonial Williamsburg has had to come to the Planning Commission and voice any input on changing the plan during the five-year look at it. Especially since half of a meeting was specifically designated for Colonial Williamsburg. Mr. Maslin indicated he was able to find the meeting minutes. One item he feels is telling is that Mr. Shawler and Mr. Klee noted the Comprehensive Plan is being updated and if any adjustments are needed, to make it easier from a policy standpoint for future projects, now is the time to make adjustments to the plan. Mr. Klee stated the plan is a policy road map for land-use and governs decision-making over the next five years. After adoption they need to know what is working well and what is not because now is the time to make changes to the plan. Mr. Duncan stated at that time they are not far enough along to know what parcels or what changes specifically would be needed for future projects. Mr. Maslin stated he thinks it's really about defending the Comprehensive Plan and that the Planning Commission made the right decision because they were standing up for the Comprehensive Plan. He agrees with their decision. Ms. Ramsey explained since she had not been in planning, she will take probably a little different approach. She sincerely appreciates the staffs' recommendation for an additional residential house to be built on that end of Scotland Street. There are pros and cons to many aspects of the request. One of those is financial and a pro on that is that it gives Colonial Williamsburg a smidgen of additional income. The con is that selling one lot is not going to make a difference to their overall financial situation. And as was commented, the landscape of the Colonial Capital should not be altered for financial gain. As stated before this is nothing personal. As everyone has commented to the character of the Dells is above reproach and the support that they've received publicly is a testament to their character. She does question whether the outpouring of support for a house to be built in this lot would have been the same if the person asking for the rezoning was someone who was new to Williamsburg and wanted to purchase the lot and had approached Colonial Williamsburg. Or if a for sale sign had gone up on that lot, whether the sentiments would have still been the same. Under property rights they've heard that the landowner does have the ability to sell their own land, but in this instance the question is usage and zoning. One thing that concerns her is that Colonial Williamsburg purposefully asked for this land to be zoned historical in a relatively short time period and now they can't really give any reason as to why this as surplus. Susan Buck commented that this section was included because of its high elevation, its character and visibility. Zoning established for preservation of open spaces is crucial to the Historic Area. When we look at zoning intent, a pro for doing this right today is to allow the Dells to fill in that street as it had previously been residential. But the house that was there goes back to the 1920's, which is well before the restoration. There have been comments that it could add to the downtown vibrancy but Ms. Ramsey stated she doesn't think one house will
significantly make a difference there. Zoning is normally looked at as a blanket, its overarching opposed to a patch on a quilt.

Selling off a portion of an Historic Area to an individual is not a compelling reason to change the zoning, lacks a compelling public purpose and sets a bad precedent. It does not support public benefit or concern with additional requests that would come forward and the question has been asked as to the buffer in other areas. Even though each zoning request is to be taken on a case-by-case basis, there is still the impression that if there is a change then it makes it easier for other individuals to use that as a test case to request this for themselves. Ms. Ramsey said she is a big proponent of green space. She knows that even with the house built, there would still be a pasture. It would just be smaller. But this is one of the things that's very important to visitors' experience and the pastures are somewhat unique to Williamsburg. Livestock is a huge attraction for kids. The pastures create an agricultural oasis frequented by visitors of all ages who delight in seeing livestock. Often it's probably the only opportunity they have to do that. It also provides a transition from an immersion in the Historic Area to a Commercial District, an easing back to the presence. It was protected for the green view shed from the Carter house. Having green space doesn't produce direct revenue but once it's gone it can't be regained. Through letters and emails received from some very astute leaders in their fields, she has a greater appreciation for the role that Colonial Williamsburg has held as a national leader in the area of historic preservation. Colonial Williamsburg has been viewed as the organization striving to overemphasize the intrusion in the modern world. Yes, there are cars and cellphones and air conditioning in the Colonial Area but also there's not a McDonald's in the Colonial Area for certain reasons. The history of Colonial Williamsburg has always been to be over-sensitive to the preservation and expand, not minimize. The City and Colonial Williamsburg has been looked at for guidance and direction. Undoing a preservation zoning could have an impact, an unintended consequence elsewhere. Someone referenced a letter from Preservation Virginia, which states the same thing. Williamsburg has been a leader in historic district preservation dating back to the 1920's What has most distinguished it is the sustained care of the whole designated landscape, being much more than a group of historic buildings and reconstructions of lost structures. Expansion of the historic districts since the 1940's has been well-planned, securing delicate vistas and wooded settings. The comprehensive plan charges the Planning Commission with responsibility to protect the character and integrity of the CW Historic Area and the current Planning Commission has upheld this charge. Ms. Ramsey stated she supports their ruling.

**Moved by Maslin, seconded by Zhang, Approve the request to amend the Comprehensive Plan and to rezone consistent with the staff recommendation.**

Defeated 1-2-0 by a roll call vote:

Ayes: Zhang
Nays: Ramsey and Maslin
Recuse: Freiling and Pons

B. PCR#19-007: Request of the Colonial Williamsburg Foundation to amend the Zoning Ordinance to allow food trucks with a special use permit in the Museum Support District MS - Erin Burke, Principal Planner

Ms. Burke addressed Council, stating the Colonial Williamsburg Foundation is proposing to amend the zoning ordinance to allow food trucks with a special use permit in the Museum Support District. The applicant notes they would like to have the option of allowing food trucks to support other food options for events they host in the Museum Support District, such as the Summer Breeze concerts. The recently adopted food truck regulations would still be applicable in Museum Support District, should this text amendment be approved. The recently adopted text amendment would allow food trucks in the MS district and was limited to the property known as the Palace Farms. This amendment would allow food trucks throughout the MS district with a Special Use Permit and all those regulations would still apply. The Planning Commission held a public hearing on April 17th and other than the applicant, one person spoke expressing concerns over the number of food trucks that would be allowed. The Planning Commission recommended City Council to approve the amendment to the zoning ordinance to allow food trucks with a Special Use Permit in the Museum Support District as outlined in Proposed Ordinance #19-009. She said is available for any questions and the applicant is present as well.

Council Member Ramsey opened the Public Hearing and invited public comment. There being no other speakers, Public Hearing was closed.

Moved by Zhang, seconded by Maslin, Approve Proposed Ordinance #19-009 to amend the Zoning Ordinance to allow food trucks in the Museum Support District with a special use permit as recommended by Planning Commission.

Carried 3-0-0 by a roll call vote:

Ayes: Ramsey, Zhang, and Maslin

Recuse: Freiling and Pons

C. PCR#19-008 Request of the Colonial Williamsburg Foundation for a special use permit to hold the Summer Breeze concerts on the Dewitt Wallace Decorative Art Museum lawn located at 326 West Francis Street in the Colonial Williamsburg Historic Area CW through 2023 and a special use permit to allow food trucks for the event on the Allee Garden which is located between the Public Hospital and the Dewitt Wallace Decorative Art Museum in the Museum Support District MS - Erin Burke, Principal Planner

Ms. Burke stated the Colonial Williamsburg Foundation is proposing to continue the Summer Breeze concerts on the lawn of the DeWitt Wallace Decorative Art Museums at 326 West Francis Street for the next 5 years, through the 2023 concert season. The applicant is proposing to run the concert for approximately 14 weeks each year and notes moving the concert series to the lawn of the Art Museums at Colonial Williamsburg in 2018 proved a smashing success. They estimated the 2018 seasonal attendance at nearly 20,000 people, with one
concert having to be canceled due to the threat of hurricane Florence. In addition to the features offered at the site last year, the applicant is introducing some changes this year. The applicant is proposing up to two food trucks along Allee Gardens, which we just discussed, between the museum and the public hospital which requires a Special Use Permit. The applicant also plans to mark a section of brick paved walkways for easier access for guests with wheelchairs or other special mobility needs as noted in the venue plan. The applicant also plans to provide permanent on-site ADA accessible restrooms by using the existing facilities inside the public hospital during concerts. The Planning Commission heard a public hearing on April 17th and other than the applicant, Jeff Duncan with Colonial Williamsburg, no one spoke. The applicant indicated that the on-site restroom facilities would be located inside the public hospital. He also stated that food trucks would likely be on site for just larger events, as this is not intended to take away from the restaurants in downtown but to supplement them when there are larger crowds. The Planning Commission recommended to City Council by a vote of 6-0, with one abstention, approval of the Williamsburg Foundation request for a Special Use Permit to hold the Summer Breeze concerts on the DeWitt Wallace Decorative Art Museums lawn located at 326 West Francis Street in the Colonial Williamsburg Historic Area through 2023. They also recommended approval of the Special Use Permit to allow for food trucks for the event, on the Allee Gardens which is located between the public hospital and the museum with the conditions recommended by staff. Ms. Burke indicated she is available for questions, as was the applicant.

Council Member Ramsey opened the Public Hearing and invited public comment. There being no other speakers, Public Hearing was closed.

**Moved by Zhang, seconded by Maslin, Approve approve the two special use permits with the seven conditions as recommended by Planning Commission.**

**Carried 3-0-0 by a roll call vote:**

**Ayes:** Ramsey, Zhang, and Maslin

**Recuse:** Freiling and Pons

D. **Consideration of Proposed Ordinance #19-10 to amend and restate Section 18-383 of Chapter 18, Article II of the Williamsburg Code to conform with Virginia Code Section 4.1-233 providing for additional categories of licensing fees that will apply to restaurants and caterers serving mixed beverages** - Christina Shelton, City Attorney

Ms. Shelton explained to Council this is a follow up to the ordinance that Council adopted last month regarding wine and beer. Staff is trying to bring the sections of the City Code applicable to the privileged license tax related to alcoholic beverages up to date. Those have not been updated for about 15 years. This ordinance adds mixed beverage caterer’s licenses, mixed beverage limited caterer’s licenses, mixed beverage special events licenses, mixed beverage club events licenses, annual mixed beverage amphitheater licenses, annual mixed beverage banquet licenses and limited mixed beverage restaurant licenses to
the City Code. All of these are currently licenses that are available from the Alcohol Board with the state. The other licenses the City Code already addresses. Ms. Shelton noted she looked up what limited means and in either case it either means limiting the types of liquors or dessert wines that are available to be served to less than 6 or the number of events per year. So a limited caterer for example could get a limited license and serve mixed beverages up to 12 times a year. Of course that's a less expensive license than the regular catering license. In any event those categories were not listed in the City Code. This ordinance puts them in the City Code so the ordinance is consistent with the state process and provides for the amounts listed in state code for local license tax. Mr. Trivette noted that on Monday at the Work Session, there was a speaker representing the Williamsburg Area Restaurant Association, questioning how this ordinance would impact their payment of fees associated with their business licenses. He confirmed with the Commissioner of the Revenue that it won't impact them at all if they're already paying the fee. They will continue to pay the same amount they've always paid.

Mayor Freiling opened the Public Hearing and invited public comment. There being no other speakers, Mayor Freiling closed the Public Hearing.

Moved by Ramsey, seconded by Zhang, Adopt Proposed Ordinance #19-10.
Carried 5-0-0 by a roll call vote:

Ayes: Freiling, Pons, Ramsey, Zhang, and Maslin

6. REPORTS
A. Monthly Financial Statement

Mr. Trivette briefly said that the Financial Report this month is consistent with what was expected. As the end of the fiscal year nears, departmental expenses will be watched very closely. On the whole everything is looking very well.

B. Monthly Departmental Operating Reports
C. City Manager Report
D. City Attorney Report

7. UNFINISHED BUSINESS
A. Consideration and adoption of Resolution #19-06 approving the FY20 Budget for the Fiscal Year Commencing July 1, 2019 - Barbara Dameron, Finance Director

In compliance with the requirements of §15.2-2503 of the Code of Virginia, Resolution #19-06 Budget Adoption Fiscal Year 2020, along with its referenced schedules, is presented for your review and subsequent approval. This budget focused on collaboration, offering many opportunities for public engagement and discussion with both internal and external partners. Starting with the
development of Goals, Initiatives, and Outcomes (GIOs) in October, the priorities that would shape this budget were established with input from the public, internal staff, and direction from City Council. Department budget requests were developed and aligned with the GIOs, and each department was consulted in making the decisions necessary to balance expenditures with financial resources. The Planning Commission held a Public Hearing on the City’s Five-Year Capital Improvement Plan and conducted a work session to review, discuss, and provide feedback to the City regarding the plan. A preview of the budget and the long-term financial outlook was presented to City Council at their February Retreat. The feedback from this session was used in finalizing the City Manager’s Proposed Budget, which was presented to Council on March 22. A formal presentation of the Proposed Budget was made at the April 8 Council Work Session and Public Hearings on the Proposed FY 20 Budget, the Proposed FY 20 Effective Real Estate Tax Levy, and the Proposed FY 20 Utility Rate and Budget were held at the April 11 Council Meeting. Feedback from both of these meetings were incorporated into the Proposed Resolution that you have before you today, as outlined in Exhibit 1.

Moved by Pons, seconded by Zhang, Approve Resolution #19-06, adopting the budgets and local tax levies for Fiscal Year 2020
Carried 5-0-0 by a roll call vote:

Ayes: Freiling, Pons, Ramsey, Zhang, and Maslin

B. Consideration and adoption of Resolution #19-08 authorizing the Williamsburg Economic Development Authority’s Participation in the Department of Housing and Community Development (DHCD) Commercial District Affiliate Program - Michele Mixner DeWitt, Economic Development Director

Creation of a Downtown Business Association (DBA) is a key recommendation in the 2018 Downtown Vibrancy Plan. The Virginia Main Street Program provides a blueprint to implement this recommendation. In its October 2018 presentation to City Council, the EDA recommended working with Merchants Square and the downtown businesses to create a DBA. Becoming a DHCD Commercial District Affiliate provides access to training and resources from the State and is one step to becoming a designated Main Street Affiliate Community. The application requires the approval of the attached resolution by City Council. This is not intended to interfere with existing downtown organizations, but perhaps provide a vehicle for the unification of purpose.

Moved by Ramsey, seconded by Zhang, Approve Resolution #19-08 as presented and recommended by staff.
Carried 5-0-0 by a roll call vote:

Ayes: Freiling, Pons, Ramsey, Zhang, and Maslin

C. Consideration and adoption of the 2019 Economic Development Plan - Michele Mixner DeWitt, Economic Development Director

Jointly with the City’s Comprehensive Plan update every five years, the City reviews and updates its Economic Development Plan. Staff worked with Creative Economic Development Consulting to develop the proposed 2019 Plan that
concentrates on which business sectors the City should recruit and what the City’s value proposition is to those sectors. The Planning Commission and the Economic Development Authority held a joint meeting during the January Comprehensive Plan update work session to review and discuss the attached draft plan and hear comments from the public. While the Planning Commission and the EDA had a detailed discussion about the plan, no one from the public made comments at the work session.

Moved by Pons, seconded by Ramsey, Approve the 2019 Economic Development Plan as presented and recommended by staff.
Carried 5-0-0 by a roll call vote:

Ayes: Freiling, Pons, Ramsey, Zhang, and Maslin

8. NEW BUSINESS
A. Consideration and approval of a new WATA Lease Agreement for the Transportation Center - Chris Shelton, City Attorney

WATA has been using the Transportation Center as a transfer location since 2005. The proposed lease combines the current two separate leases (ground space and office space) into one lease agreement. Following a review of ground lease rates and similar facility charges by an independent consultant, this proposed lease includes a gradual decrease in ground lease rate over a five (5) year period to meet market rates. The rest of the proposed lease is substantially the same as the current lease.

Moved by Ramsey, seconded by Pons, Authorize the City Manager to execute the proposed Lease Agreement with WATA, dated May 9, 2019, for use of the Transportation Center facilities.
Carried 5-0-0 by a roll call vote:

Ayes: Freiling, Pons, Ramsey, Zhang, and Maslin

B. Consideration and approval of Resolution #19-07 Recommending the Circuit Court reappoint Charles Young to the Board of Equalization - Christina Shelton, City Attorney

The Board of Equalization is a five-member citizen panel, recommended by City Council and appointed by the Circuit Court. One seat on the Board of Equalization will become vacant on June 30, 2019, and it is recommended that the Court reappoint Charles Young to the Board of Equalization for the City of Williamsburg for a three-year term, beginning on July 1, 2019, and ending on June 30, 2022.

Moved by Pons, seconded by Zhang, Approve Resolution #19-07 as presented and recommended by staff.
Carried 5-0-0 by a roll call vote:

Ayes: Freiling, Pons, Ramsey, Zhang, and Maslin

9. OPEN FORUM
Mayor Freiling opened the Open Forum portion of the meeting for comments on any topic.

Martha Hunsucker, 210 Nelson Avenue, thanked Mayor Freiling and City Council for the proclamation declaring that May 18th through 24th is National Safe Boating Week in Williamsburg, Virginia. Ms. Hunsucker read the proclamation - Whereas on average 650 people die each year in boating related accidents in the U.S., 75% of these are fatalities caused by drowning, and Whereas the majority of these accidents are caused by human error or poor judgment and not by the boat equipment or environmental factors, and Whereas a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their lifejackets, and now Therefore I Paul T. Freiling, Mayor of the City of Williamsburg do hereby proclaim May 18 through 24, 2019 as National Safe Boating Week in the City of Williamsburg, and do hereby support the goals of the Safe Boating Campaign and the beginning of the year-round effort to promote safe boating, urge all those who vote to practice safe boating habits and wearing a life jacket at all times while boating. Ms. Hunsucker pointed out that approximately 84.5% of those who drowned were not wearing life jackets. Most of the causes of these drownings were operator inattention, improper lookout, operator inexperienced, machinery failure and alcohol use. Alcohol use is often the most contributing factor in fatal boating accidents. Most of the vessels in reported accidents were open motor boats, personal watercraft and cabin motor boats. The weather was good there were no unusual circumstances except that somebody fell overboard and didn't have a life jacket on. She also pointed out that May 17th is Wear Your Life Jacket to Work day. Everyone is invited to wear their life jacket to work in order to show that modern life jackets are much more comfortable than those old fashioned ones most people remember. So there's no excuse for not wearing a life jacket when out on a boat. Ms. Hunsucker introduced the representatives of her Flotilla, Flotilla 67, which is Williamsburg's own. Flotilla commander Dave Gamble, Vice Commander Dan McKinney and Kim Holland. She also noted they are offering a Virginia Boating Safety class on the 18th at the James City County Rec Center.

Dave Gamble, 112 Sandy Point Ridge, spoke to Council in his capacity as the Commander of the Williamsburg Flotilla the local units of the United States Coast Guard Auxiliary. He provided some context as to why they were appearing before Council in uniform and the role that the proclamation has in the ongoing effort to safe boating in the area. The Coast Guard Auxiliary is an all-volunteer organization. It was formed by Congress in 1939 but when America entered World War II, the role changed significantly. Approximately 50,000 auxiliary members joined the war effort, guarding water fronts, providing coastal patrol pickets including watching for enemy submarines and rescuing survivors from ships that had been torpedoed. After the war, auxiliarists resumed their recreational boating safety duties, performing free vessel safety checks, educating the public by providing classes on boating safety to recreational boaters and engaging in patrols on lakes, rivers and coastal areas to include performing search and rescue missions for the Coast Guard. Over the years, exalting members have educated hundreds of thousands of boaters, inspected tens of thousands of boats to ensure they met Coast Guard and local safety requirements, and saved countless lives. Today the almost 25,000 men and women of the axillary have volunteered millions of unpaid hours
in these endeavors and form the civilian arm of the United States Coast Guard. They're trained to standards set by the Commandant of the Coast Guard and assist in the performance of any Coast Guard function, duty, mission or operation authorized by law other than direct military or law enforcement. Following the tragic events of 9/11, the Coast Guard engaged in many new duties to protect the waterways. The auxiliary stood up to assist the Coast Guard and provide communication watches and assisting during exercises providing patrols and other vessel exams. This enabled the Coast Guard to perform its other duties with more time. Locally the Williamsburg Flotilla has 35 members. These are your neighbors and your friends who are members of the Flotilla. They do not receive any compensation for what they do; it is strictly a volunteer activity. Among the 35 members are residents of the City and surrounding jurisdictions, including a half dozen members of the College of William and Mary. The Williamsburg flotilla is active in direct support to the Coast Guard and also in a recreational boating safety outreach. This includes the free vessel safety checks, the free voter boater safety classes and other outreach programs such as visits to school outreach to youth. The National Safe Boating Week is a national effort to reach out to boaters in advance of an active boating season which begins on Memorial Day. Trying to bring attention to the tragic loss of life that can be averted through education, getting more boaters to wear their lifejackets, to take boating safety courses and be prepared when they do ou in the water. He again thanked City Council for engaging in this outreach and becoming a partner in the effort to provide safe boating to all citizens.

There being no other speakers, Mayor Freiling closed the Open Forum.

10.  CLOSED SESSION
   A.  Pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing one personnel matter per subparagraph 1, concerning appointments to Boards and Commissions.

11.  CERTIFICATION OF CLOSED SESSION
   A.  At 4:57 p.m. Council returned to Open Session.

      WHEREAS, the City Council of the City of Williamsburg 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 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

      NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (I) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed session to which this certification resolution
applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the City Council of the City of Williamsburg.

Moved by Pons, seconded by Zhang, Certify Closed Session
Carried 5-0-0 by a roll call vote:

Ayes: Freiling, Pons, Ramsey, Zhang, and Maslin

12. **ADJOURNMENT**
   
   A. At 4:57 p.m., there being no additional business before Council, the City Council meeting of May 9, 2019 was adjourned.

   Moved by Ramsey, seconded by Zhang, Adjourn
   Carried 5-0-0 by a roll call vote:

   Ayes: Freiling, Pons, Ramsey, Zhang, and Maslin

Approved: July 11, 2019

______________________________
Paul T. Freiling, Mayor

______________________________
Debi Burcham, Clerk of Council

*The preceding minutes are a summary of the meeting and not verbatim. For a more detailed review of the meeting, you may access the digital record by visiting www.williamsburgva.gov*