



Committee of the Whole

Legislature USVI

March 16, 2026 · 1.2 hours · gov

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- 0:00:00 We'll be right back. Thank you. [2 such phrases repeated 44 times · standby audio before the proceeding, transcribed by the recogniser as speech]
- 0:22:00 We'll be right back. Thank you. We'll be right back. We'll be right back. Thank you.
- 0:24:30 We'll be right back. Thank you. [2 such phrases repeated 27 times · standby audio before the proceeding, transcribed by the recogniser as speech]
- 0:38:00 Thank you. Thank you. Thank you. Thank you. Thank you. Thank you.
- 0:41:00 Good morning, colleagues. Good morning to our central staff employees who do exceptional work behind the scenes to allow this institution to work on behalf of the people. Good morning, testifiers, and a special good morning to the people of the U.S. Virgin Islands. The Committee of the Whole meeting for Monday, March 16, 2026, in the Fritz E. Lowe's Legislative Conference Room on beautiful St. Croix, is hereby called to order. I am Senator Milton E. Potter as President of the 36th Legislature of the Virgin Islands.
- 0:42:05 I serve as Chairman of the Committee of the Whole. Just for the edification of the listening and viewing audience, there are no votes taken in the Committee of the Whole. Instead, we will receive public testimony on five rezoning bills across three blocks affecting properties on both St. Thomas and St. Croix. The committee will hear from the Department of Planning and Natural Resources, the Department of Health, and several private stakeholders regarding proposed land use changes spanning agricultural, residential, business, and public designations. Madam Clerk, can we please have a roll call?
- 0:43:00 Senator Marvin A. Blyton. Senator Biden? Present. Senator Angel L. Bolquez, Jr. Senator Bolquez, Jr. absent. Senator Dwayne M. DeGraff? Here. Senator DeGraff? Present. Senator Ray Fonseca? I'm here. Senator Fonseca? Present. Senator Novell E. Francis, Jr. I'm here. Senator francis jr present senator alma francis heiliger senator francis heiliger

absent senator hubert l frederick senator frederick present senator kenneth l gittins senator gittins present senator maurice c james senator james absent senator franklin d johnson Senator Johnson, absent. Senator Carla J. Joseph, present. Senator Clifford A. Joseph Sr. Senator Joseph Sr., present. Senator Avery L. Lewis, present. Senator Milton E. Potter, Senator Potter? Senator Potter? Here.

0:44:23 Senator Potter? Present. Senator Kurt A? VLA? Senator VLA? Absent. Mr. President, we have 10 present, 5 absent. Thank you very much, Madam Clerk. We do have a quorum, and we are therefore prepared to proceed. Madam Clerk, are there any pieces of correspondence to be read into the record at this time? You may proceed.

0:44:57 Letter dated March 15, 2026, addressed to the Honorable Senate President, Milton E. Potter, Chairman of the Committee of the Whole. Dear Senate President, Milton E. Potter, please be advised that I will be unable to attend today's Monday, March 16, 2026, Committee of the Whole Hearing, scheduled for 10 a.m. at the Fritz E. Lawitz Legislative Conference Room, St. Croix. I apologize for my absence and any resulting inconvenience it may cause. In the interim, I kindly request that my office be provided with copies of all circulating documents distributed. Thank you for your consideration and understanding. Sincerely, Senator Franklin D. Johnson. letter dated march 16th 2026 addressed to the honorable milton e potter chairperson of the committee committee of the whole their chairman potter i regret to inform you that i will be unable to attend today's committee of the whole meeting scheduled for march 16th 2026 due to a prior commitment that i was unable to reschedule i apologize for any inconvenience this may cause please forward any relevant information to my office. Thank you for your understanding. Sincerely, Senator Kurt Vila, letter dated March 16th, 2026, addressed to the Honorable Milton E. Potter, Senate President.

0:46:19 Dear Senate Potter, I write to inform you that I will be unable to attend the Committee of the Whole meeting scheduled for Monday, March 16th, 2026, as I am currently off-island. Please have my absence recorded as excused. Respectfully submitted, Senator Maurice C. James, Esquire. Thank you very much, Madam Clerk. Please record Senator Franklin Johnson, Senator Maurice James, and Senator Kurt Ville, all as excused. And please record a colleague, Senator Boquez, as present.

0:46:57 Senator Angel Boquez, Jr., as present. as well as Senator Hubert L. Frederick, as present. Can we have a new tally, please? Mr. Chair, we have 11 present, one absent, three excused. Thank you. Madam Clerk, can you please read today's agenda into the record? um consideration of floor agenda reads as follows block one bill number 36-267 an act rezoning parcel number 19-2-111 estate smith bay numbers one two and three east end quarter st thomas from a dash one agricultural zone to r-3 residential medium density the The invited testifiers are the Honorable John-Pierre Oriel, Commissioner of the Virgin Islands Department of Planning and Natural Resources, Miss Lea Laplace Matthew, Territorial Planner of the Virgin Islands Department of Planning and Natural Resources, Mr. Selwyn Gumbs, and Mrs. Asia Clendenin Gumbs, Bill number 36-269, an act granting a zoning use variance to plot numbers 24B And 24D, Estate Body Slob, King Quarter, St. Croix, to allow for a bus and passenger terminal. Invited testifiers are the Honorable John Pierre Oriel, Commissioner of the Virgin Islands Department of Planning and Natural Resources, Miss Leah Laplace Matthew, Territorial Planner of the Virgin Islands Department of Planning and Natural Resources, and the Honorable Derek Gabriel, Commissioner of the Virgin Islands Department of Public Works. Block number two reads Bill number 36-270, an act rezoning plot numbers 11-F, sorry, and 11-G, Estate Penitentiary Land, Company Quarter, St. Croix, from R-3, Residential Medium Density, to P, Public. The invited testifiers are the Honorable John Pierre Oriel, Commissioner of the Virgin Islands Department of Planning and Natural Resources, Ms. Leah Laplace Matthew, Territorial Planner of the Virgin Islands Department of Planning and Natural Resources, the Honorable Husta Encarnacion, Commissioner of the Virgin Islands Department of Health, Bill number 36-271 and Act Rezoning Plot Numbers 31-B, 32-B, 34-CA, 34-CAA, and 34-CB Strand Street, Christianstead Town, St. Croix from R-3 Residential Medium Density to B-2 Business Secondary Slash Neighborhood. Invited testifiers are the Honorable John Pierre Oriel, Commissioner of the Virgin Islands Department of Planning and Natural Resources, Ms. Lea Laplace, Matthew, Territorial Planner, Virgin Islands Department of Planning and Natural Resources, and John Woods, AIA NCARB. Block 3 reads Bill No. 36-200, an act rezoning a portion of the remainder of estate Beeston Hill, south portion, matricular No. 6A, Company Quarters St. Croix from R-1, residential low density to B-2,

0:50:32 business secondary slash neighborhood. The invited testifiers are the Honorable John Pierre Oriel, Commissioner of the Virgin Islands Department of Planning and Natural Resources, Ms. Laia Laplace Matthew, Territorial Planner of Virgin Islands Department of Planning and Natural Resources, Ms. Alicia Barnes, Principal of Rittenhouse Consulting, LLC, Mr. Ada Misbe, Mr. Olasi Davis, resident, and Mr. David Doward, MD, resident. This concludes the reading of the agenda.

0:51:05 Thank you very much, Madam Clark. As a reminder, ladies and gentlemen, we will not be taking any votes today. We do, however, intend to vote on the leases vetted during this meeting at Wednesday's official legislative session. Before we

proceed with today's testimony, I would like to ask everyone in the room to please silence your cell phones to avoid any unnecessary interruptions. Mr. Fires, again, welcome you this morning, and I ask each of you to put your names and position on the record. This will also serve as our mic check.

- 0:51:43 So we'll start from my right here on St. Croix, and then we'll go to St. Thomas after we finish over here. Good morning, everyone. My name is Harold Farquhar. I'm the acting district engineer for St. Croix, Department of Public Works. Welcome. Good morning. Carol Overson-McGregor, Deputy Commissioner of Transportation, Department of Public Works. Good morning. Good morning.
- 0:52:12 On behalf of Commissioner Oriel, my name is Leah Laplace-Matthew, Territorial Planner with DPNR. And joining me are our Planning Technicians on St. Croix. We have Gail Pagan and on St. Thomas, Keshoi Samuel. Good morning. Good morning. Gail Pagan, a Planning Technician of DPNR. Welcome. St. Thomas? Hello. My mic now? Yes. Good morning. Keisha Samuel, planning technician, DPNR.
- 0:52:45 Pleasant good morning. Aisha Clendenin, Gumbs, homeowner. Good morning. Selwyn Gumbs, homeowner. Thank you very much. Welcome testifiers. We'll now proceed to our testimony today. I think we should begin with territorial planner, Ms. Laplace. Matthew, you may proceed. Good morning, Senate President Potter, members of the 36th legislature, legislative staff, and the viewing and listening public of the Virgin Islands. Again, my name is Leah Laplace-Matthew, and we will be presenting the department's recommendation reports on the five bills mentioned in the agenda. The first report, I'll ask our planning technician, Kishoy Samuel, to please read it into the record.
- 0:53:37 Good day, Senate President Milton E. Potter, members of the 36th Legislature, Legislative Staff, and members of the public. My name is Kishoy Samuel, and I am the Planning Technician within the Division of Comprehensive and Coastal Zone Planning, CCZP, within the Department of Planning and Natural Resources. I am here to present the department's recommendation on zoning map amendment application number CCZP-0095-25. This application was submitted by Selwyn and Asia Clendenning Gums seeking to amend the zoning designation of parcel number 19-2-11 Estate Smith Bay, numbers 1, 2, and 3, East End Quarters, St. Thomas, from A1 Agriculture Zone to R3 Residential Medium Density. The purpose of the request is to design two apartments within the existing bottom floor footprint of a two-story building, resulting in a total of three residential units within the structure. At present, the property is a two-story, two-family dwelling with a three-bedroom unit on the upper floor and a two-bedroom unit on the bottom floor.
- 0:55:08 It is proposed that the bottom floor be converted into two rental units, a one-bedroom unit, and a two-bedroom unit. Conversion into the rental units would require minimum work as an existing laundry slash storage room will be transformed into a kitchen. The applicants estimate the work can be completed in approximately two weeks. DPNR has conducted an exhaustive review of the application, including analyzing adjacent land use, zone trends, pass, approval, infrastructure, capacity, and public input. The surrounding area includes a diverse mixture of zoning designations A1, A2, R1, R2, R3, B2, B3, and C commercial, with two rezoning granted historically in this section of Estates Midway. The department notes the following key findings. Water needs are met by three existing cisterns, totaling 33,000 gallons. Sewage is handled by an existing private 2,250 gallon dewell septic system.
- 0:56:27 sufficient capacity is provided for the proposed three dwelling units configuration the property has adequate space for 10 plus parking space says exceeding the three spaces required by code for the proposed dwelling unit the structure function as a four dwelling unit billing for 30 years indicating prior capacity for multi-family use the site fully complies with archery development provisions the proposed density of nine persons maximum is well below the 28 person density allowed by the r3 zone no environmental or community impacts are identified at the dpnr's cczp public hearing held december 29 2025 no opposition or concerns were expressed regarding the proposal and no post-hiring comments were received the request is consistent with the 2024 comprehensive land and water use plan which identifies the severe territory-wide shortage of diverse and affordable housing option as one of the most pressing challenges facing virgin islands residents the camp plan emphasizes the need for additional housing types that surveil lower income middle income young adults families and seniors need that the applicant's proposal helps address on a small but meaningful scale after evaluating applicants request the surrounding area zoning trends the past non-conforming multi-family use the site infrastructure capacity and ability to fully comply with the r3 zoning no objections from the neighbors and the territory's broader housing needs that the dp and r findings the rezoning request to be appropriate reasonable and supportive of community housing goals the department of planning and natural resources recommends approval of the zoning map and amendment request from r1 agriculture zone to r3 residential medium density pursuant to title 29 virgin virgin islands code chapter 3 section 238 the report of the Planning Office regarding this proposal, including the
- 0:58:53 detailed reasons for our recommendation is incorporated into the record submitted prior to the Committee of the Whole Hearing. We respectfully request that the PowerPoint presentation for CCZP 0095-25 now be displayed. Thank you very much. Ramita, are we prepared to project the PowerPoint? Good morning. I will be Leanna Plass-Matthew. I will be

presenting the PowerPoint.

- 0:59:30 So in this picture, it's the current site condition, which is a two-story, two-family dwelling. Next slide. We have a map geo-areal view showing the property within a subdivision of similar single-family, two-family, and some multi-family homes. Next slide. We have the official zoning map, number STZ9, indicating the property's location, the original zoning A1.
- 1:00:06 Next slide. And this is a conceptual of the conversion on the lower floor, the two units that are proposed, a two-bedroom, and then the second unit will be a one-bedroom conversion of a laundry room into a kitchen to get that second unit. That concludes the presentation. Thank you very much, Ms. LaPlaz. Matthew, do we have any other testifiers on this issue? No?
- 1:00:37 Okay, we will now move to bill number 36-0267. Yeah, that's Ms. Clendenin and Ms. Clendenin-Gums and St. Croix, and St. Thomas. You may proceed. Good morning, Senate President Milton Potter, esteemed members of the 36th Legislature, Ms. Lila Laplace, Matthew, and Mr. Samuel of the Department of Planning and Natural Resources, legislative staff, and all viewing and listening. My name is Asha Clendenin-Gums, and I'm here today with my husband, Selwyn Gums. We are the recent proud owners of parcel number 19-2-111, Estates Smith Bay, numbers 1, 2, and 3, East and Quarter, St. Thomas, seeking your support for our rezoning application to amend the official zone map from Aviculture 1 to R3, medium density. Before we purchased the property, the home operated for almost 30 years as a two-story, four-unit dwelling, demonstrating its long-standing use as a multi-unit residence while zoned Agriculture 1. We respectfully request a zoning amendment from A1 to R3 to allow the property to be used in compliance with the Virgin Islands zoning regulations permitting three dwelling units within the existing structure.
- 1:02:26 The surrounding area already reflects a mix of zoning designations, AfroCulture, R1, 2, 3, B2, B3, and Commercial. Given this context, the requested R3 designation is consistent with both the current landscape and the area's ongoing development. This small-scale residential use would also support sustainable long-term housing while maintaining the property's existing appearance and compatibility with the neighborhood. It is for these reasons we concur with the recommendation of DPNR, and we respectfully request favorable consideration and approval at the appropriate time. We believe this rezoning aligns with responsible land use planning and will not negatively impact surrounding properties. Thank you, Senators, for this opportunity and your time. We are happy to answer any questions that you may have.
- 1:03:28 Thank you very much, Ms. Clendenin-Gums. Ms. Laplace, Matthews, the property is currently zone A1 agriculture, right? Has any agricultural use ever been conducted on this parcel? No, Senator. Why has it taken this long for it to be rezoning, since I think it was a multi-family unit for like 30 plus years? Thank you for that question, Senator.
- 1:04:00 So this subdivision actually has a very interesting history. So in 1991, Act No. 5698 was passed where a variance was afforded to that subdivision where it was still zoned A1, but they were allowed to develop as R2. Some property owners, however, did do multifamily units and have found over the years that they needed to come into compliance with the two dwelling units allowed. Thank you for your response, Ms. Laplace-Matthews. Colleagues, we're going to go to a... I'm sorry, I'm sorry. I'm rushing the day.
- 1:04:42 We're going to now move to the next bill on the agenda, under bill number 36-0269. Ms. Laplace-Matthews, you again have the floor. Thank you. This application number CCZP-0094-25, I will ask Planning Technician Kishoy Samuel to read the department's testimony into the record. Good day, Senate President Milton E. Potter, members of the 36th Legislative Staff and members of the public. My name is Kishoy Samuel, Planning Technician within the Division of Comprehensive and Coastal Zone Planning, CCZP, within the Department of Planning and Natural Resources. I am here to present the Department's Recommendation of Zoning Map Amendment Application Number CCZP0094-25. This application submitted by the Government of the Virgin Islands Department of Public Works seeking a use variance for the P Public Zoning designation of Platz Number 24B and 24D Estate Body Slab King Quarter St. Croix.
- 1:05:59 site has operated as a bus terminal for over 30 years. The use variant aims to allow continued operation of the non-conforming bus terminal. The surrounding land uses of the parcels, including business use to the north Lorraine chicken shack and east Villa Lorraine shopping center, a vegetable and fish market to the south and undeveloped land to the east and west. the department notes the following key findings the proposed infrastructure of the site includes public water system to meet water needs and on-site sewage treatment plant to handle waste water and a backup generator that no additional dpnr division reviews are required at the dpnr CCZP public hearing held November 25th, 2025. Project representative Kenneth Surrent testified that the existing 400 square foot terminal building will be demolished and replaced with a new 2100 square foot facility. The new building will accommodate three employees, 50 transit passengers and 30 plus parking spaces for cars and buses construction is anticipated to be completed within 12 months no opposition or concerns were expressed and no post hearing comments were received although the site has been used as a

bus terminal for more than 30 years this use is not listed in the table of permitted use for the p public zoning district when the zoning code was adapted in 1972 the bus terminal use was permitted in the c commercial and i2 light industry zoning districts therefore this use variance request is needed to bring an existing

1:07:54 government operation into zoning compliance on government-owned land. The department finances no conflicts with surrounding land uses. Additionally, this project will enhance public service delivery by upgrading outdated facilities that support essential transit operations. The Department of Planning and Natural Resources recommends approval of the request use variants to allow for businesses passengers terminal pursue pursuant to title 29 virgin islands code chapter 3 sections 2 3a the report of the planning office regarding this proposal proposal including the reasons for our recommendation is incorporated incorporated into the record submitted prior to this committee of the whole hearing we respectfully request that that the PowerPoint presentation for CCZP0094-25 now be displayed. Leah Laplace-Matthew presenting the PowerPoint. So the first photo is the current site condition, which is the current bus terminal to be demolished. Next photo.

1:09:14 If you could back up. Okay, so this photo is the map geo aerial view of the properties you'll see to the North Lorraine chicken shack, to the East Villa Lorraine shopping center, and to the South the vegetable and fish markets. Next photo. So the official zoning map indicates in the property's location where it's within the and it borders the B2 Business Secondary Neighborhood Zone.

1:09:51 And the final photo, it came out of order.

People named in this transcript

SUSPECTED, and a finding aid only. Names were matched by machine against the spellings used across all 426 of our transcripts, and the title is the one used in the room. Being named here is NOT evidence that a person attended or spoke · only that the name was said. Speech recognition mishears names, so a spelling may be wrong even where no alternative is offered.

6x	Senator Milton E. Potter heard in this transcript as: Potter
5x	Senator Angel L. Bolques, Jr. heard in this transcript as: Angel Boquez Jr., Angel L. Bolques Jr., Angel L. Bolquez Jr., Bolquez Jr., Boquez
4x	Senator Franklin D. Johnson heard in this transcript as: Franklin Johnson, Johnson
3x	Senator Carla Joseph the surname alone also matches: Clifford Joseph; Karla J. Joseph heard in this transcript as: Carla J. Joseph, Joseph Sr
3x	Senator Dwayne DeGraff heard in this transcript as: DeGraff, Dwayne M. DeGraff
3x	Senator Kurt VLA heard in this transcript as: Kurt Vila, VLA
3x	Senator Marise C. James heard in this transcript as: Maurice C. James, Maurice James
3x	Senator Ray Fonseca heard in this transcript as: Fonseca
2x	Senator Avery Lewis heard in this transcript as: Avery L. Lewis
2x	Senator Clifford Joseph heard in this transcript as: Clifford A. Joseph Sr
2x	Senator Hubert Frederick heard in this transcript as: Hubert L. Frederick
2x	Commissioner Jean-Pierre Oriel heard in this transcript as: Oriel
2x	Senator Kurt Vialet heard in this transcript as: Kurt Ville

2x **Senator Marvin Blyden**
heard in this transcript as: Marvin A. Blyton

2x **Senator Novelle Francis**
heard in this transcript as: Novell E. Francis Jr.

Bills and acts referred to

Matched by number against our own acts corpus. The number is what the recognition heard, so it may be wrong; where it resolved, the title is the one the Legislature gave the act.

Referred to but not found in our acts corpus: Bill 36-0267, Bill 36-0269, Bill 36-0270, Bill 36-0271, Bill 36-0200, Act 5698