

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
August 19, 2014

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:02 p.m., Tuesday, August 19, 2014, in the Board Room, York Hall, by Chairman Donald E. Wiggins.

Attendance. The following members of the Board of Supervisors were present: Sheila S. Noll, Donald E. Wiggins, George S. Hrichak, and Thomas G. Shepperd, Jr.

Walter C. Zaremba was absent.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; Vivian A. Calkins-McGettigan, Deputy County Administrator; and James E. Barnett, County Attorney.

RECOGNITION OF BOY SCOUT TROOPS 200. (Not on Agenda)

At this time Chairman Wiggins recognized members of Boy Scout Troop 200, St. Luke's United Methodist Church, indicating the scouts would be leading the Pledge of Allegiance to the Flag.

Invocation. Reverend Rita Moore, First Corinthians Church, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Boy Scout Troop 200, St. Luke's United Methodist Church, led the Pledge of Allegiance

**PRESENTATIONS**

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Chairman Wiggins introduced and welcomed the following newly appointed members to Boards and Commissions and presented each with a Boards and Commissions Handbook and York County pin:

Cynthia Estes	Colonial Behavioral Health Board
Jean McFarlane	Senior Center Board
Jerry Thompson	Senior Center Board

COMMENDATION OF A FORMER MEMBER OF THE YORK COUNTY LIBRARY BOARD

Chairman Wiggins presented Mr. Charles L. Mitri with a bound and sealed certified copy of Resolution R14-85 commending him for his past services on the York County Library Board.

VDOT QUARTERLY TRANSPORTATION UPDATE

Mr. Rossie Carroll, Williamsburg Residency Administrator, provided the Board with the Residency's quarterly transportation report reviewing the maintenance accomplishments for the

quarter, noting that 427 work orders were accomplished. He then updated the Board on the other accomplishments which included ditch re-grading, ditch cleaning, paving repairs, assisting with the Fourth of July event in Yorktown, and approximately 300 pothole repairs. He noted VDOT had completed the first and second contract mowing cycle, and a third mowing cycle should be completed by September 23. He next reviewed the completed projects which included the Secondary System plant mix project and the rebuilding of some existing traffic signals. He also reviewed some of the current projects which included Lakeside Drive Phase 1 and Phase 2, and the Route 17 Widening Project. He noted the Route 17 Widening Project has progressed to Phase 1, Stage 2 and 3. He stated the upcoming I-64 Section 1 Widening Project was moving along, and they hope to have the Commonwealth Transportation Board's approval by December and the Notice to Proceed in January. Mr. Carroll noted they had also completed traffic studies at Route 606/Running Man Trail and installed route signs on Route 199 for I-64 to increase notice of the intersection on the Wal-Mart side.

Mr. Hrichak stated the Route 17 Widening Project was going well, and the transition to the new roadway had seemed to go fairly easy and kept the traffic moving. He stated he thought Lakeside was going to be done in three phases, but all the phases seemed to be blending into one.

Mr. Carroll stated the process for the full depth reclamation (FDR) was by a step-by-step process; and when the contractor had done the milling, the cement was added to the aggregate and to the milled surface which set it up to be paved. They had hoped to have all of that area paved at one time, but it had not happened that way because of the weather. There was still the section to pave that starts a little before School Lane to Caraway; once that was completed, the traffic would be on a newly paved surface which he thought would be an easier transition in and out.

Discussion followed regarding complaints about the condition of Lakeside Drive and the project.

Mr. Hrichak informed Mr. Carroll there was a section of pavement heading westbound on Hornsbyville Road just before the house at 506 where the pavement was sinking. He stated the asphalt has not been broken yet but the whole pavement was sinking.

Mr. Carroll stated VDOT would check the pavement.

Mr. Hrichak stated he had seen a lot of water being pumped out on Lakeside Drive, and he asked if there had been an issue and if Mr. Carroll knew any details regarding the water.

Mr. Carroll stated he did not have any details regarding the water, but hopefully the paving part of Lakeside would be completed by the end of the week.

Mr. Shepperd stated the Yorktown Road repaving project had been completed and everybody in that part of the County was very thankful. He then noted when on Yorktown Road heading towards Tabb High School, the road finishing on Yorktown Road has waves in it, and he had received several calls. He asked Mr. Carroll to take a look at it as this was not the usual VDOT standard finished product. He also asked Mr. Carroll to comment regarding the overpass on Route 134.

Mr. Carroll stated the mowing contractor was scheduled to start the third mowing cycle on August 25, and they will address the issue and cut back the brush and the vegetation there at that intersection. He stated there had been a comment regarding the bridge, but the bridge was healthy, not deficient, and has no weight restrictions. He stated the bridge was inspected in a 24-month range because it was in such good shape.

Mr. Shepperd stated the overpass Mr. Carroll was addressing was the flyover onto Route 134. He stated the grass had gotten high, and some of the roads had only been mowed once. Although VDOT had saved about \$20 million statewide with the cutbacks, it was making some of the roads look pretty shoddy.

Mr. Carroll stated he would take the responsibility for that area being missed, as it had been an oversight on VDOT's part. He stated the contractor should have taken care of that area before now. He also stated he had increased the County's mowing to four times a year.

Mr. Shepperd stated he would appreciate Mr. Carroll making sure that area was mowed.

Chairman Wiggins expressed his appreciation to Mr. Carroll for the report.

#### EMPLOYEE RECOGNITION PROGRAM

Chairman Wiggins congratulated the following employees for their years of service with the County, and presented them each with their service pin and certificate:

Brian P. Fuller	Community Services	30 years
Laurie E. Coleman	Community Services	20 years
Carmella J. Nealer	Community Services	20 years
Linde S. Hughes	Circuit Court	20 years

#### NATIONAL ASSOCIATION OF COUNTIES AWARDS (NACo)

The 2013 NACo Awards listed below were presented to the following York County recipients:

##### General Services

- *The Talking Yorktown Trolley:* Darren Williams, Operations Coordinator, Grounds Maintenance and Construction

##### Fire and Life Safety

- *Expanding Use of the Knox Box Rapid Entry System for Improved Customer Service:* Battalion Chief Chris Sadler, Technical Services and Special Operations Battalion

#### CITIZENS COMMENT PERIOD

Mr. Greg Cleckler, 204 Daniels Drive, addressed the Board regarding Riverwalk Townes stating he had provided a packet of photos he would be speaking about this evening. As a homeowner and President of the Riverwalk Townes Board of Directors, he spoke regarding safety issues with the trenches that had been dug in their subdivision that had not been filled in. He noted the street lights associated with the trenches did not work because the cables had not been run because the trenches were not deep enough to pass inspection. He stated he had contacted the County and had been told the lights would be working within the next week. Since that call, about 70 days had passed, and the lights still did not work, and the trench was still in various phases of being dug. He noted of the 14 lights in the subdivision only one light works.

On December 11, 2013, the Board of Directors had been elected by the homeowners, and on January 6, 2014, he had called and spoken with the office of Development and Compliance and asked for a meeting to discuss the safety and light issues. On February 12, 2014, he contacted the County again asking to meet with them regarding the street lights and the roads, and at that time he was informed that the surety bond for the street lights had been released and was told the lights should be working. He stated the lack of street lights was a safety concern of the subdivision that had been turned over to the homeowners. He noted he would be happy to meet with the Board at Riverwalk Townes. He stated the non-working street lights had been accepted by the County and he did not feel the homeowners should be expected to accept the non-working street lights.

Ms. Addie Jeanette Best, 819 Baptist Road, spoke regarding her concerns with stormwater on Baptist Road. She asked if the County or the state was responsible for the water that goes

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down the roads. She stated the ditches were never cleaned out. She asked the Supervisors if they could help her find out the name of the Head Engineer in VDOT who was responsible for the water on the road so that she could speak with him.

Ms. Shirley Charles, 202 Mastin Avenue, appeared before the Board as the Chairman of the York County Republican Committee. She stated that on August 7th the Committee had passed two resolutions regarding York County. She read the first resolution regarding political signs asking the Board of Supervisors to take immediate action to modify Chapter 24.1 of the County Code to remove all limitations, restrictions, permit requirements, and fees for political signs. Next Ms. Charles read the second resolution regarding budgetary issues, stating that out of 13 Hampton Road governments, York County had the third lowest tax rate, York County has the second lowest number of employees per 1,000 residents, and the per capita cost of government was the lowest on the Peninsula and much of Hampton Roads. In performance measure comparisons across the nation of communities of similar size, York County ranked equal or greater than the national average. York County has one of the best school systems, lowest taxes, safest communities, and best living environment in all of Hampton Roads. Ms. Charles, on behalf of the Republican Committee, presented the York County Board of Supervisors with a commendation resolution of Board's recent actions.

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

Mr. Barnett had no report at this time.

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

Mr. McReynolds had no report at this time.

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

No matters were presented at this time.

Meeting Recessed. At 7:07 p.m. Chairman Wiggins declared a short recess.

Meeting Reconvened. At 7:15 p.m. the meeting was reconvened in open session as ordered by the Chair.

#### **PUBLIC HEARINGS**

##### **APPLICATION NO. UP-846-14, CATHARINE DRESS**

Mr. Carter gave a presentation on Application No. UP-846-14 requesting approval of a Special Use Permit, pursuant to Section 24.1-306 (Category 3, No. 2) of the York County Zoning Ordinance, to authorize the establishment of a home office with customer contact in a single-family detached home on a 0.40-acre parcel located at 104 Joel Lane (Route 1673). The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval 7:0, and staff recommended approval of the application through the adoption of proposed Resolution R14-91.

Chairman Wiggins then called to order a public hearing on Application No. UP-846-14 which was duly advertised as required by law. Proposed Resolution R14-91 is entitled:

A RESOLUTION TO APPROVE AN APPLICATION TO AUTHORIZE  
A HOME OFFICE WITH ON-PREMISES CUSTOMER/CLIENT  
CONTACT ON PROPERTY LOCATED AT 104 JOEL LANE

Chairman Wiggins asked the applicant if there had been any opposition to the application request.

Ms. Catharine Dress stated there had not been any opposition to the application.

Mr. Hrichak asked if one group class every two months would be sufficient.

Ms. Dress stated she chose to limit group classes to once every two months; but if she had the need for any more than two classes, she would rent space or for larger groups she would ask the organization to use their space.

Mr. Wiggins asked Ms. Dress to explain her services.

Ms. Dress stated she was a Certified BodyTalk Practitioner, Certified Accunect Practitioner, and that she uses acupuncture principles, knowledge from quantum physics, biology, and energy practice for energy balancing to help the body to get out of the stress mode in order to help the body heal itself.

There being no one present who wished to speak regarding the subject application, Chairman Wiggins closed the public hearing.

Mrs. Noll moved the adoption of proposed Resolution R14-91 that reads:

A RESOLUTION TO APPROVE AN APPLICATION TO AUTHORIZE  
A HOME OFFICE WITH ON-PREMISES CUSTOMER/CLIENT  
CONTACT ON PROPERTY LOCATED AT 104 JOEL LANE

WHEREAS, Catharine Dress, dba Elements for Personal Healing, LLC, has submitted Application No. UP-846-14 requesting a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize the establishment of a holistic energy healthcare services office as a home occupation with on-premises customer/client contact in a single-family detached home on a 0.4-acre parcel of land located at 104 Joel Lane (Route 1673) and further identified as Assessor's Parcel No. 30-57-1-17 (GPIN S05b-4771-3975) ); and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of August, 2014, that Application No. UP-846-14 be, and it is hereby, approved to authorize a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, subject to the following conditions:

1. This use permit shall authorize the establishment of a holistic energy healthcare services office as a home occupation with customer/client contact in a single-family detached home on a 0.4-acre parcel located at 104 Joel Lane (Route 1673) and further identified as Assessor's Parcel No. 30-57-1-17 (GPIN S05b-4771-3975).
2. The home occupation shall be conducted in accordance with the provisions of the York County Zoning Ordinance, Sections 24.1-281 and 24.1-283(b), except as modified herein.

3. The floor area of the home office shall not exceed two hundred (200) square feet, and shall be designed as depicted on the floor plan submitted by the applicant and received by the Planning Division on May 27, 2014, a copy of which shall remain on file in the office of the Planning Division.
4. No person other than individuals residing on the premises shall be engaged in the home occupation.
5. The business shall be operated in accordance with the description set forth in the applicant's letter received June 24, 2014, as a part of the application submission, except as may be modified by these Special Use Permit conditions. No more than one (1) client (individual or family group) at any one time shall be served within the applicant's home, provided, however, that classes for small groups (not to exceed 6 persons) shall be permitted in compliance with all other conditions of this resolution and applicable performance standards.
6. The property's driveway shall be available and used for client parking. The applicant shall ensure that scheduling of client visits and group sessions is limited such that parking demand does not exceed four (4) vehicles at any time and shall ensure that clients do not park off the premises.
7. Appointments and group classes shall be limited to Mondays through Saturday, 9:00 AM to 8:00 PM, with no more than one group class per month.
8. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
9. Approval of this Special Use Permit shall not be construed to supersede or negate the effect and application of any private covenants that may be applicable to the proposed use/activity nor the authority of any property owner's association to enforce compliance with any applicable covenants.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of this resolution shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to issuance of a Certificate of Occupancy for the home office use.

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

On roll call the vote was:

Yea: (4) Noll, Hrichak, Shepperd, Wiggins  
 Nay: (0)

APPLICATION NO. UP-847-14, HAYDEN AND MONICA ROSS-CLUNIS

Mr. Carter gave a presentation on Application No. UP-847-14 requesting approval of a Special Use Permit, pursuant to Section 24.1-407(b)2 of the York County Zoning Ordinance, in a detached garage to be built in conjunction with an existing single-family detached home on an approximately 1.9-acre parcel of land located at 222 Landing Road (Route 627). The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval 7:0, and staff recommended approval of the application through the adoption of proposed Resolution R14-92.

Chairman Wiggins then called to order a public hearing on Application No. UP-847-14 which was duly advertised as required by law. Proposed Resolution R14-92 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT APPLICATION TO AUTHORIZE THE ESTABLISHMENT OF AN ACCESSORY APARTMENT IN A DETACHED GARAGE TO BE CONSTRUCTED AT 222 LANDING ROAD (ROUTE 627)

Mr. Hayden Ross-Cluniss, 222 Landing Road, stated the application was for a modest apartment for his mother in law.

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

Mr. Hrichak moved the adoption of proposed Resolution R14-92 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT APPLICATION TO AUTHORIZE THE ESTABLISHMENT OF AN ACCESSORY APARTMENT IN A DETACHED GARAGE TO BE CONSTRUCTED AT 222 LANDING ROAD (ROUTE 627)

WHEREAS, Hayden A. and Monica G. Ross-Clunis have submitted Application No. UP-847-14, which requests a Special Use Permit, pursuant to Section 24.1-407(b)2 of the York County Zoning Ordinance, to authorize the establishment of an accessory apartment with approximately 608 square feet of habitable space in a detached garage to be built in conjunction with an existing single-family detached home located on a parcel of land at 222 Landing Road (Route 627) and further identified as Assessor's Parcel No. 25-154 (GPIN U09a-0171-4056); and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of August, 2014, that Application No. UP-847-14 be, and it is hereby, approved to authorize a Special Use Permit, pursuant to Section 24.1-407(b)2 of the York County Zoning Ordinance, for the establishment of an accessory apartment in a detached garage to be built on a parcel located at 222 Landing Road (Route 627) and further identified as Assessor's Parcel No. 25-154 (GPIN U09a-0171-4056), subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of an accessory apartment, pursuant to Section 24.1-407(b)2 of the York County Zoning Ordinance, in a detached garage to be built in conjunction with an existing single-family detached home located on a parcel of land at 222 Landing Road (Route 627) and further identified as Assessor's Parcel No. 25-154 (GPIN U09a-0171-4056).
2. Building plans for the garage/apartment shall be submitted to and approved by the Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of any construction or land disturbing activities on the site. Said building plans shall be in substantial conformance with the sketch plan and building plan submitted by the applicants, copies of which shall be kept on file in the office of the Planning Division.

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- 3. Construction and occupancy of the accessory apartment shall be in compliance with the performance standards set forth in Section 24.1-407, *Standards for accessory apartments in conjunction with single-family detached dwellings*.
- 4. The habitable floor area of the accessory apartment unit shall not exceed approximately 608 square feet.
- 5. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the principal dwelling or by a bona fide medical/health caretaker or domestic employee of the occupant of the principal dwelling.
- 6. Prior to issuance of a Building Permit for the garage/apartment, the applicant shall record a copy of this resolution with the Clerk of the Circuit Court. A court-certified copy of the document shall be submitted to the County at the time of Building Permit application.

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

On roll call the vote was:

Yea: (4) Hrichak, Shepperd, Noll, Wiggins  
Nay: (0)

**CONSENT CALENDAR**

Mr. Shepperd moved that the Consent Calendar be approved as submitted, Item Nos. 3, 4, and 5, respectively.

On roll call the vote was:

Yea: (4) Shepperd, Noll, Hrichak, Wiggins  
Nay: (0)

Thereupon the following resolutions were adopted:

**Item No. 3. REIMBURSEMENT OF BOND PROCEEDS IN CONNECTION WITH SCHOOL PROJECTS: Resolution R14-93**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF YORK COUNTY DECLARING ITS INTENT TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS FOR SCHOOL PROJECTS

WHEREAS, the County of York, Virginia (the "County"), is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, the Board of Supervisors of the County (the "Board") expects to pay or expects that the York County School Board will pay, after the date hereof, certain expenditures (the "expenditures") in connection with the acquisition, construction, and/or equipping of capital improvements for school projects (the "projects"); and

WHEREAS, the Board has determined that any monies previously advanced no more than sixty (60) days prior to the date hereof, and those monies to be advanced on and after the date hereof to pay the expenditures, are available only for a temporary period, and it is necessary to reimburse the County or the York County School Board for the expenditures from the proceeds of one or more issues of tax-exempt bonds ("bonds");

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of August, 2014, as follows:

Section 1. The Board adopts this declaration of official intent under Treasury Regulation Section 1.150-2.

Section 2. The Board reasonably expects to reimburse advances made or to be made by the County or the York County School Board on and after that date which is no more than sixty (60) days prior to the date hereof to pay the expenditures with respect to the projects. The maximum principal amount of the bonds expected to be issued for the projects is \$22,000,000.

Section 3. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the bonds to reimburse an expenditure, no later than eighteen (18) months after the later of the date on which the expenditure is paid or the project is placed in service or abandoned, but in no event more than three (3) years after the date on which the expenditure itself is paid. The County recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain *de minimis* amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five (5) years.

Section 4. This resolution shall take effect immediately upon its passage.

Item No. 4. COMMENDATION OF RETIRING EMPLOYEE: Resolution R14-98

A RESOLUTION TO COMMEND LUANA H. BOND, HUMAN RESOURCES ADMINISTRATOR, HUMAN RESOURCES DIVISION, DEPARTMENT OF FINANCIAL AND MANAGEMENT SERVICES, ON THE OCCASION OF HER RETIREMENT FROM COUNTY SERVICE

WHEREAS, Luana H. Bond began her employment April 20, 1998, and on September 1, 2014, is retiring from her present position as Human Resources Administrator in the Human Resources Division, Department of Financial and Management Services, after 16 years of County service; and

WHEREAS, Ms. Bond was responsible for all aspects of the County's compensation and pay plans, as well as all benefits programs administered by the County, all of which were managed with a high level of efficiency, commitment, and attention to detail; and

WHEREAS, when Ms. Bond was first hired, she created a plan to review all of the County's jobs over a four year time period, and made salary and classification recommendations each year, most of which were implemented in the fall of each successive fiscal year; and

WHEREAS, Ms. Bond was instrumental in rallying the regional Intergovernmental Personnel Advisory Committee (IPAC) group to use the Technet online salary survey, working diligently to make good job matches with other members of the regional group and helping to develop parameters for the survey; and

WHEREAS, Ms. Bond brought her Certified Compensation Professional designation to the County and kept it current throughout her tenure, and earned the Certified Benefits Professional designation after being hired; and

WHEREAS, Ms. Bond attended several Consolidated Omnibus Budget Reconciliation Act (COBRA) and Section 125 workshops, allowing her to administer COBRA in-house, which gives workers and their families who lose their health benefits through job loss the right to choose to continue group health benefits provided by the County for a limited period of time; and

WHEREAS, she also researched the HIPAA Privacy Act extensively and conducted HIPAA Privacy training in-house; and

WHEREAS, Ms. Bond developed a reputation as the “expert” on the Patient Protection and Affordable Care Act with local colleagues and Third Party Administrators, allowing the County to stay up-to-date with the constantly changing requirements of this law; and

WHEREAS, Ms. Bond proposed the concept of career ladders, jobs within the same job family that perform a core of the same essential functions, but at differing skill levels, and personally assisted departments in developing them; and

WHEREAS, Ms. Bond assisted many York County employees with retirement preparation to include explaining the different options available upon retirement, ways to utilize the deferred compensation plan to their advantage upon retirement, and explained health care options available to them from the County, as well as options available once the retiree reaches Medicare age; and

WHEREAS, in addition, Ms. Bond developed an in-house training “roundtable” that has been well-received and requested by some neighboring localities; and

WHEREAS, Ms. Bond has earned the admiration and respect of the Board of Supervisors and her colleagues for her dedication, enthusiasm, professionalism, and hard work;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this 19th day of August, 2014, that the Board of Supervisors takes great pleasure in recognizing the significant achievements of Luana H. Bond, and does herewith express its sincere gratitude for the invaluable contribution she has made to York County throughout the past 16 years.

BE IT FURTHER RESOLVED that the appreciation of the employees and citizens of York County is hereby extended to Ms. Bond for her service, and the heartfelt best wishes of this Board of Supervisors are extended to Ms. Bond and her family for a long, well-deserved, and pleasurable retirement, as well as continued success in future endeavors.

Item No. 5. HORNSBYVILLE ROAD PROJECT: Resolution R14-104

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR  
TO EXECUTE A CONTRACT AND APPROPRIATE AN ADDITIONAL  
\$500,000 IN THE SEWER UTILITY FUND FOR THE  
HORNSBYVILLE ROAD SANITARY SEWER PROJECT

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$100,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, they involve the expenditure of \$100,000 or more, and comply with all applicable laws, ordinances, and regulations;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of August, 2014, that an additional \$500,000 in the Sewer Utility Fund is hereby appropriated for the Hornsbyville Road Sanitary Sewer Project; and

BE IT FURTHER RESOLVED that the County Administrator be, and hereby is, authorized to contract with Franklin Mechanical for the Hornsbyville Road Sanitary Sewer Project, as follows:

Hornsbyville Road Sanitary Sewer Project	<u>AMOUNT</u> \$1,631,115
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### **NEW BUSINESS**

#### **SPONSOR TEXT AMENDMENT TO ZONING ORDINANCE: POLITICAL SIGNS**

Mr. Carter gave a presentation on proposed Resolution R14-106 to sponsor an application to amend the Zoning Ordinance to modify the requirements pertaining to political signs to ensure consistency with Section 15.2-109 of the Code of Virginia.

Mr. Shepperd asked Mr. Carter for clarification that the disconnect between the County and the state code was that one could not treat a political sign different than a temporary sign in a commercial or civic area, so the proposal before the Board this evening was to make the County Code comply with statutory requirement of the state to allow be 40 square foot signs. He stated it would apply in commercially zoned districts and civic related signs that might be in a residential area such as a church located in a residential area.

Mr. Carter stated the sign would not be confined to church property because one of the other temporary sign opportunities was to advertise or to have a sign associated with the temporary sale of seasonal commodities which could occur in any residential district. The proposed regulation to bring this into consistency with the state law requirement was to allow up to a 40 square foot size sign in any district whether residential or commercial, one per property, because that was the opportunity available for other types of temporary signs. The political sign opportunity would be the same. In addition there would be an opportunity for a 40 square foot sign at the political headquarters office of the party or issue.

Mr. Shepperd stated Mr. Carter was drawing a distinction that was not clear to him. He stated Mr. Carter spoke about one sign at the political place headquarters, but the implication was coming across that was the only place that it would be limited within a commercial district.

Mr. Carter stated the headquarters sign would be in addition to any other signage that might be allowed on that commercial property. He explained there could be one 40 square foot sign for headquarters, one other political sign up to 40 square feet, and there could be as many 6 square foot signs as the property owner might want to have on that property.

Mr. Shepperd asked if it was correct that other properties would be allowed to have a temporary 40 square foot sign, and all the commercial properties could now do this.

Mr. Carter stated any other property whether commercial, industrial, or even residential would under this proposal would be allowed to have one 40 square foot sign.

Mr. Shepperd asked if each individual residential property regardless of zoning would be allowed to have one 40 square foot sign.

Mr. Carter stated that was correct.

Mr. Barnett noted for clarification that it was also one sign for road frontage as that was what was currently allowed for commercial temporary signs.

Mrs. Noll asked for clarification that the reason for this proposal now was that the political signs were not treated equally as the commercial signs. She stated if that was correct, she saw no reason why there should be some exceptions for a headquarters to have a sign other than

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what a regular commercial sign would be. She asked if she was wrong, otherwise it was not being treated equally.

Mr. Barnett stated the state statute says one must allow temporary signs on the same basis as any other kind of temporary sign. The Board has always allowed a temporary headquarters sign, and so he thought the idea was the assumption that the Board would keep that in the ordinance.

Mrs. Noll stated her point was that if they were all treated equally, temporary signs should all be the same. She asked why commercial should be any different than political and vice versa.

Mr. Carter stated the issue of consistency was that the political headquarters property under current regulations would be allowed to have the temporary headquarters sign; and then if there was some other business on that property, they, too, could have a 40 square foot temporary sign, meaning two temporary signs on that property under current regulations in addition to the opportunity for the normal signage on that business property.

Mrs. Noll asked if this proposal was not changing the regulations.

Mr. Carter stated the only thing that was changing was the size of the headquarters sign from 32 square feet to 40 square feet making all temporary signs consistently 40 square feet. Because of the issue of treating the political signs as other temporary signs were treated, there would need to be the opportunity for that additional political sign of 40 square feet.

Mr. Hrichak asked if there was currently a fee for temporary signs.

Mr. Carter stated there was no fee.

Chairman Wiggins asked if they had to get a permit for the signs.

Mr. Carter stated the only time there would be a fee associated with the headquarters signs would be under circumstances such as if it was a wooden sign being mounted on the side of building.

Mr. Hrichak moved the adoption of proposed Resolution R14-106 that reads:

A RESOLUTION TO SPONSOR AN APPLICATION TO AMEND ARTICLE VII, SIGNS, OF THE YORK COUNTY ZONING ORDINANCE, CHAPTER 24.1 - YORK COUNTY CODE, TO MODIFY THE REQUIREMENTS PERTAINING TO POLITICAL SIGNS TO ENSURE CONSISTENCY WITH SECTION 15.2-109 OF THE CODE OF VIRGINIA

WHEREAS, it has come to the attention of the York County Board of Supervisors that certain aspects of Article VII, Signs, of the York County Zoning Ordinance may be inconsistent with the requirements of Section 15.2-109 of the Code of Virginia; and

WHEREAS, in accordance with good zoning practice, the Board wishes consider amendments to Article VII to ensure consistency with the State Code provisions; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of August, 2014, that an amendment application be, and it hereby is, sponsored and referred to the Planning Commission to allow consideration of proposed amendments to Article VII, Signs, of the York County Zoning Ordinance (Chapter 24.1, York County Code) to read as set forth below.

BE IT FURTHER RESOLVED that the Planning Commission be, and it is hereby, directed to conclude its review of the proposed amendments and determine its recommendation

concerning approval, approval with modifications, or disapproval no later than its September 10, 2014, meeting.

Amend Article VII, Signs, to read as follows:

## **ARTICLE VII. SIGNS**

### **Sec. 24.1-701. Sign classifications.**

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*Political sign.* A temporary sign which pertains to an issue of public concern or to an issue or candidate in a pending election.

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### **Sec. 24.1-704. Temporary signs.**

The zoning administrator, upon application, may issue permits for the following temporary signs and banners. Such signs shall not count against the normal sign area allowances for the property on which located. All temporary signs and banners shall be subject to the setback and sight-triangle clearance standards applicable to permanent signs. Freestanding temporary signs and banners shall be limited to one (1) per street frontage per individual parcel; building mounted temporary banners shall be limited to one per business establishment/tenant space with its own individual exterior entrance:

- (a) Banners or other temporary signs not exceeding forty (40) square feet in area, which promote a special civic, cultural or religious event such as a fair, exposition, play, concert or meeting sponsored by a governmental, charitable, not-for-profit or religious organization. The duration of such permit shall not exceed thirty (30) days.
- (aa) Banners or other temporary signs not exceeding forty (40) square feet in area which identify and are associated with a temporary business activity involving the sale of seasonal commodities as permitted pursuant to sections 24.1.-306 and 24.1-440 of this chapter and which may be displayed for the duration of the seasonal commodities sales operation.
- (b) Banners or other temporary signs not exceeding forty (40) square feet in area, and six (6) feet in height if freestanding, when used in conjunction with the opening of a new business or an establishment going out of business in any commercial or industrial district or a legally existing nonconforming business in any other district. The duration of such permit shall not exceed sixty (60) days and only one such sign, either freestanding or building mounted, shall be permitted. "Grand-Opening" temporary signage shall be permitted only within the one-year period after the actual business opening occurs. The completion of a major interior or exterior remodeling or a change in ownership for a pre-existing business shall be deemed eligible for temporary "grand-opening" banners within the one-year period after the renovation or ownership change.
- (bb) In addition to the above, businesses may install temporary banners or signs, not exceeding forty (40) square feet in area, and six (6) feet in height if freestanding, for the following purposes:
  - (1) announcing employment opportunities (e.g., "Now Hiring" or "Help Wanted");
  - (2) announcing "Now Enrolling" in the case of a childcare or daycare center;
  - (3) announcing a sales event such as a "Clearance Sale" or "Truckload Sale", an anniversary of the business operation (e.g., "25<sup>th</sup> Year in Business"), or other business-related messages, including those that refer to a specific item, product

or brand that is offered by the business;

- (4) identifying/advertising a temporary business activity as permitted under Section 24.1-306 – Category 8 – Temporary Uses.

Such temporary signs or banners must be on the site of such business. Only one (1) building-mounted or one (1) freestanding sign shall be permitted per street frontage. Such sign may be displayed for a maximum period of 120 days in any single 12-month period. The 120-days maximum display allowance may be used as 120 consecutive days or may be broken into as many as six (6) separate time periods during the course of a 12-month period. The permit application for such sign shall specify the time period(s) during which the sign will be displayed.

In the case of a property occupied by a building or buildings with multiple tenant spaces (e.g., a strip shopping center), each business establishment/tenant space with its own individual exterior entrance shall be eligible for its own temporary building-mounted sign or banner, which shall be subject to the 120-days per 12-month period allowance. The property also shall be eligible for one (1) freestanding temporary sign or banner per street frontage, provided however that such freestanding sign may not be displayed at any time during which building-mounted signs or banners allowed by this subsection are being displayed by businesses within the center.

- (c) Temporary portable signs, not exceeding thirty-two (32) square feet in area or one (1) per parcel, which are intended to identify or display information pertaining to an establishment for which permanent free-standing signage is on order as evidenced by presentation of a copy of an executed order form for such permanent signage to the Zoning Administrator. Such permit shall expire and the portable sign shall be removed upon erection of the permanent sign or 120 days whichever shall occur first. In addition, temporary banners or sign sleeves, neither of which exceed normal sign area allowances, may be used when permanent signage is on order, as evidenced in the manner described above or when in the opinion of the zoning administrator other temporary business circumstances, such as relocation due to fire or disaster, warrant such use and the size of the temporary banner/sleeve does not exceed normally permitted sign area allowances. Such signage may be authorized for terms of up to 120 days, and may be renewed for good cause shown.
- (d) Temporary signs and banners when used to announce the grand opening and initiation of sales or leasing of lots and/or dwelling units within a newly developing residential project having at least ten (10) lots or units. The cumulative area of all such signs and banners erected for any single residential project shall not exceed forty (40) square feet. Signs and banners shall not be illuminated. The duration of such permit shall not exceed 120 days.
- (e) Temporary signs and banners when used to announce special events such as new home shows being conducted within a residential subdivision or development. The cumulative area of all such signs and banners erected for any single event shall not exceed forty (40) square feet. Signs and banners shall not be illuminated. Such signs shall not be erected more than fourteen (14) days prior to the event and shall be removed within seven (7) days following the closing of the event; provided, however, that no sign or banner shall be permitted to remain in place for any event for more than thirty (30) days between the first appearance and its removal.
- (f) With the approval of the Virginia Department of Transportation, the zoning administrator may authorize banners to be suspended above a public road right-of-way for a period not to exceed seven (7) days or the duration of the event being announced or promoted plus three (3) days, whichever shall be greater.

- ~~(g) Political headquarters signs in commercial and industrial districts which are in addition to the signs otherwise permitted on the subject property and which do not exceed thir-~~

~~ty two (32) square feet may be erected not earlier than sixty (60) days prior to the election, canvass, or primary to which such signs pertain and shall be removed within seven (7) days following the election, canvass or primary.~~

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### **Sec. 24.1-704.1. Political Signs**

Political signs shall be permitted subject to the following provisions and to the general regulations set out in Section 24.1-702, except as specifically noted, and provided further that no permits shall be required.

- (a) In commercial and industrial districts, one sign, not exceeding forty (40) square feet, may be erected/installed on property serving as a political headquarters. Such sign shall be installed no earlier than sixty (60) days prior to the election, canvass, or primary to which it pertains and shall be removed within seven (7) days following the election, canvass or primary.
- (b) Non-illuminated political signs and posters may be placed on individual properties in accordance with the following provisions and with the owner's permission:
- 1) Signs or posters not exceeding six (6) square feet each in area and not limited as to the number of such signs;
  - 2) One sign or poster not exceeding forty (40) square feet may be installed on each street frontage of any property.

Such signs shall be exempt from the normal ten-foot (10') minimum setback requirement for signs and shall be removed within seven (7) days following the election, canvass or primary to which they pertain.

### **Sec. 24.1-707. Exempt signs.**

The following signs may be erected, altered or maintained in any zoning district when in accordance with the general provisions established in section 24.1-702, except as noted, and provided further, that permits shall not be required unless specifically noted.

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~~(g) Non-illuminated political signs and posters of less than or equal to six (6) square feet in area, provided that all such signs shall be removed within seven (7) days following the election, canvass or primary. Such signs shall be exempt from the 10-foot minimum setback requirement.~~

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On roll call the vote was:

Yea:	(3)	Hrichak, Shepperd, Wiggins
Nay:	(1)	Noll

**CLOSED MEETING.** At 7:42 p.m. Mr. Shepperd moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; and Section 2.2-3711(a)(7) to consult with legal counsel on a specific legal matter requiring the provision of legal advice by counsel.

On roll call the vote was:

August 19, 2014

Yea: (4) Noll, Hrichak, Shepperd, Zaremba  
Nay: (0)

Meeting Reconvened. At 7:58 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Shepperd moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREE-  
DOM OF INFORMATION ACT REGARDING MEETING IN CLOSED  
MEETING

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

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of August, 2014, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (4) Shepperd, Noll, Hrichak, Zaremba  
Nay: (0)

Meeting Adjourned. At 8:04 p.m. Chairman Wiggins declared the meeting adjourned sine die.

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James O. McReynolds, Clerk  
York County Board of Supervisors

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Donald E. Wiggins, Chairman  
York County Board of Supervisors