

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
August 17, 2010

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:01 p.m., Tuesday, August 17, 2010, in the Board Room, York Hall, by Chairman Donald E. Wiggins.

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

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Reverend Aaron West, Seaford Baptist Church, gave the invocation.

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

## **PRESENTATIONS**

### **EMPLOYEE RECOGNITION PROGRAM**

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

Michael B. Gardner	General Services	30 years
William J. Robinson	Environmental & Development Services	30 years
Billy M. Strickland, Sr.	Environmental & Development Services	30 years
Andrew T. Barden	Fire & Life Safety	20 years

### **HISTORIC TRIANGLE COLLABORATIVE**

Mr. Sandy Wanner, Chairman of the Historic Triangle Collaborative, made a presentation on current activities of the Historic Triangle Collaborative. He stated the Collaborative's mission was to think regionally and work collaboratively to achieve sustainable economic vitality and to improve the quality of life for citizens. He then reviewed the outline that had been provided to the Board earlier in the evening, highlighting the five key areas of coordination, the economy, comprehensive planning, tourism, and advocacy. He then spoke of the need to maximize information opportunities and focus on tourism and economic diversification. Mr. Wanner thanked York County for its sustained membership in the Collaborative.

### **CITIZENS COMMENT PERIOD**

Mr. Alvin Garrison, Executive Director, Williamsburg Hotel and Motel Association, addressed the Board in support of the Greater Williamsburg Tourist Information Center. He spoke of the decline in the market shares for hotel and motel rooms, stating in the past three years the market was down around 21 percent. He explained the Association had elected to fund the Center to help boost tourism and to help educate people about the Historic Triangle area. He stated that since the presentation at July 20th meeting, the Virginia Peninsula Chamber of Commerce and the Williamsburg Restaurant Association had also endorsed the Center. In order for the Center to be in full operation, it still needed the approval of the Commonwealth of Virginia. Mr. Garrison reiterated the Center was not asking for any community tax money, but the chance to bring more tourists into the area to boost the economy.

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Mr. Scott Hart, 135 Shepperd Drive, addressed the Board as a business owner and also as a board member of the Williamsburg Hotel and Motel Association, to endorse the Greater Williamsburg Tourist Information Center. He indicated the Center would be good for his business, York County, and the entire Historic Triangle area to let people know of all the different attractions in the area and how they could be accommodated.

Ms. Priscilla Caldwell, Operations Director, Greater Williamsburg Tourist Information Center, addressed the Board requesting its official support for the Center. She indicated the Board's support would have a great impact on the state and help the Center to receive its certification. She noted that certification was needed before highway signs could be installed to help direct customers to the Center. Ms. Caldwell stated the Center was hopeful the signs would bring tourists into the Historic Triangle and improve the ailing economy of the tourism industry.

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

Mr. Barnett had no report at this time.

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

Mr. McReynolds reminded the Board of its Regular Meetings scheduled for September 7 and September 21. He then noted the Regular Meetings in October would be on the second and fourth Tuesday, October 12 and October 26, respectively, and there would be only one meeting in November on November 16.

Mr. Zaremba asked Mr. McReynolds if the County or the Governor's office had received any information regarding the recent \$26 billion jobs bill signed by President Obama to preserve teacher positions.

Mr. McReynolds stated the Governor's office, the Department of Education, VACo, VML, and others were working to gather the information as quickly as possible; but he had nothing specific to report at this time.

Mrs. Noll stated the Board had provided an additional \$650,000 funding for the schools in the current budget. She wondered if the School Board were to receive a windfall, would it give any money back to the County to cover the cuts that were made to the County. She commented this type of thing often happened with the schools budget, and she felt the Board really needed to look at it.

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

Mrs. Noll spoke regarding the closing of the Western Refinery and the Joint Forces Command Center and the impact these closings would have on our area. She stated the area would see job losses from both of these closings, and she commented on how heavily this region's economy depends on the military. She felt that regardless of these closures, the County would be fine since the small businesses were the backbone of the County's economy. She felt York County was fortunate to have been so conservative over the years, but she wondered where it would go from here.

Mr. Zaremba spoke of his recent road trip to Chicago and the well maintained interstate highways he had traveled in other states. He stated that before this trip, he had had not fully recognized the Hampton Roads transportation problem to be as significant as it was, and he expressed his frustration with the state or federal delegates and the inability to obtain funding to improve the transportation problems plaguing this region. Mr. Zaremba stated he felt it was time to start putting pressure on his delegate, state senator, congressman, and federal senator to start improving the interstate highway system, and he hoped the rest of the Board felt the same way.

Mrs. Noll echoed Mr. Zaremba's comments on the Hampton Roads transportation issues. She stated the Northern Virginia delegates and senators speak with one voice but our local delegates often say the problem in Hampton Roads is the inability to make decisions as a region and they blame the local governments for not working together. She asked the citizens to con-

tact their local delegates and senators and express their concerns with transportation problems.

Chairman Wiggins asked if the Board remembered the transportation referendum and how it had failed because citizens did not want any more taxes to build roads. He stated if citizens wanted improvements to transportation, they must be willing to pay for it by higher taxes.

Mr. Zaremba stated it did not take a referendum to approve projects for highway development, but it did take strong leadership at the General Assembly level and at the federal level to get the job done. He stated the General Assembly did not want to be responsible or accountable for this issue, so it put the problem on the back of the citizens by holding a referendum.

Mr. Shepperd stated that as a representative of the Hampton Roads District Planning Commission, the whole region was actually starting to wake up to the fact that it has to be a unified region. He then explained the specifics on how transportation projects were funded and how there was a problem with how the funding was not being distributed smartly within the state. Until the state sees there is a problem with transportation in this area, there would be no new roads. He further explained how the impact of JFCOM's closing affected the entire area, and the decision to close JFCOM appeared to be a quick action that raised the question of what was really going to happen. Mr. Shepperd then reminded the citizens in District 5 of the town meeting he will host on September 14 at 7:00 p.m. at Tabb Elementary School.

Meeting Recessed. At 7:01 p.m., Chairman Wiggins declared a short recess.

Meeting Reconvened. At 7:10 p.m., the meeting was reconvened in open session by order of the Chair.

## **PUBLIC HEARINGS**

### **SOIL STOCKPILING**

Mr. Carter made a presentation on proposed Ordinance No. 10-18 to amend Chapter 24.1 - Zoning, York County Code, to establish a listing in the Table of Land Uses (section 24.1-306) for soil stockpiling and to establish a new Section (24.1-490.1) to set forth performance standards for soil stockpiling operations.

Mr. Shepperd stated it was his understanding that a development site generally obtained a permit to stockpile soil. He asked how and when the rest of the debris was handled.

Mr. Carter stated that a number of times the remaining debris was piled to later burn or grind and haul off the site, and that type of debris could be on a site for several months while the developer was accumulating it for a total site clearing. On a longer term basis, sometimes the topsoil is stripped from a site and is stockpiled on a corner of the site and left for the final stages of the development when the area is seeded.

Mr. Shepperd asked how the ordinance would address the issue where an owner would take the soil from a site that was being developed and stockpile it on another piece of property he might own.

Discussion followed on how the administrative or special use permitting requirements would come into play if it were permissible to transport soil to another site not associated with the development, exempt activities, the need for multiple permits, and land disturbing permits.

Mrs. Noll stated it had been discovered that Newport News, James City County, and Williamsburg prohibit stockpiling. She asked if a York County property owner could bring soil from another jurisdiction and put it on their property in the County.

Mr. Carter stated the way the ordinance was currently structured, there would be no restriction on the origin of the material.

Mr. Zaremba asked Mr. Carter to give an example of exempt stockpiling that was currently in the County.

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Mr. Carter stated there was still a soil stockpile on the Marquis site that was allowed as part of the development. The Hampton Inn on Bypass Road also has a grassed-over pile of soil that was part of the development process. He stated the Hampton Inn has an approved site plan for the parcel where the stockpile is sitting, so they will eventually use the stockpile.

Mr. Zaremba asked if there were timelines on the exempt stockpiles.

Mr. Carter stated there was no specific time frame, but there was a requirement that the stockpile be stabilized within a certain period of time to meet the erosion and sediment control requirements.

Mr. Zaremba asked if there were any stockpiles in the County that would have fallen into the non-exempt category that would have required a permit had the permitting process been in place.

Mr. Carter stated there was an active stockpile still underway on a parcel of land across from the Tabb Library where an old house was demolished. Another stockpile is bordered by Theater Road, Route 134, and the Ashe Industrial Park, and there had also been a stockpile where the Coventry Apartments were now. Mr. Carter stated these sites would have required a permit and were the reason that the amendment has been discussed in the first place.

Mr. Zaremba stated that of the four jurisdictions the staff looked at, three prohibited stockpiling entirely and Hampton required a special use permit. He asked what was behind the rationale for York County to adopt an ordinance that would allow stockpiling.

Mr. Carter stated the Board had heard from at least one speaker during a previous hearing that there was a cost savings involved in not having to haul the material out of the County when it might be used later. He indicated he thought this was what had prompted the sponsorship of the code amendment, and it was thought that if this type of activity was properly controlled and properly buffered, it could continue as an independent type of activity. Mr. Carter stated the discussion group and the Planning Commission had spent time talking about how this could be allowed without creating the negative aesthetic impact some of the existing sites had.

Mr. Zaremba asked if the ordinance would have a time period in which the dirt had to be removed.

Mr. Carter stated there was nothing specific in the performance standards as they were drafted; however, for those falling under the special use permit process, the Board could set a time condition to require the material to be moved or leveled with a certain period of time.

Discussion followed regarding the landscaping provisions, setback areas, and establishing a condition to require the removal of stockpiled material after a designated time period.

Chairman Wiggins then called to order a public hearing on Ordinance No. 10-18 duly advertised as required by law. Proposed Ordinance No. 10-18 is entitled:

AN ORDINANCE TO APPROVE AMENDMENTS TO VARIOUS SECTIONS OF CHAPTER 24.1 - ZONING - OF THE YORK COUNTY CODE

Mr. Dick Ashe addressed the Board asking them to look at soil stockpiling as a natural resource of the County. He stated there was no place on the Peninsula where this type of material could be purchased. He explained that during excavation there was a lot of material that had to be cut out that could be reused on other projects. He then spoke of the major cost to transport the material out of the County and later to haul it back in. He also asked the Board to consider the road damage caused by the big haulers. Mr. Ashe asked the Board to look at the big picture, stating all the regulations were killing the small businesses.

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

Mr. Zaremba stated it was clear that in any commercial or residential development, the developer has the opportunity to stockpile soil for the duration of development and perhaps even

beyond. He stated he was still a little confused about soil stockpiling as it pertained to the upper part of the County, as there was a lot of zoning that was not residential or commercial. He asked if the land that was not zoned as residential or commercial would be land where the stockpiling could occur regardless of the major thoroughfares and surroundings.

Mr. Carter stated that property located in commercial or industrial district would have a set back requirement, as well as a set back requirement from any exiting residents surrounding the site. Other than that, the administrative permit process would allow the activity to occur.

Mrs. Noll asked if only the landowner could use the property for stockpiling or if the land could be leased to someone.

Mr. Carter stated that any land activity would require the signature of the property owner, submission of the site plan, and the submission of a special use or administrative permit application; but, theoretically, the property owner could lease the land to someone else.

Mrs. Noll asked if the property owner would be responsible for the stockpiling permit.

Mr. Carter stated that the land owner is ultimately responsible for anything that falls under the zoning ordinance. He noted there were some performance requirements to guarantee performance with the conditions of the permit, and those would be with the actual operator; but the property owner would still remain responsible as well.

Mr. Shepperd stated the Board could have literally said no stockpiling as several cities had done, but it wanted to provide some balance of permitting stockpiling in a reasonable manner balancing it with the aesthetics. He then spoke of the three stockpiles that were very visible in his and Mrs. Noll's district that had precipitated a lot of complaints from the citizens in his district. He stated he felt if the opportunity presented itself to a developer or anyone else to stockpile dirt on their property, they should be allowed to do so. He felt what the Board was asking for in this permitting process was just simply to take the soil, meet the standards criteria, and get it out of view so that there was no negative impact on the surrounding property. Mr. Shepperd stated he felt the flexibility was sufficient to address both issues.

Mr. Zaremba stated he did not see the balance with respect to the developers' interest and the citizens' interest. He stated he could see a developer who was developing a residential or commercial project in the County having the right and the necessity to stockpile dirt during the development period, and maybe even a good bit of time after; but he was looking for the balance for an individual or developer to create other stockpiles throughout the County. He thought hypothetically the Board was entering a period of economic growth where dirt was at a premium, and anyone who owned a large piece of property in York County could start creating stockpiles to sell to developers. He stated he felt there was too much lack of flexibility with respect to controlling the things that were categorized as exempt stockpiles, and stockpiling could be done wherever someone wanted as long as it was not in a commercial or residential zones. He asked if time limits could be placed to limit the stockpiles that would otherwise be exempted based on the ordinance.

Mr. Carter explained the exempt situations would be someone who wanted to place soil on their property covering no more than 2,500 square feet, at a height no greater than 8 feet, and at a setback at least as would be required for the principal building on the site. He stated this could occur with no permit whatsoever and would not need a land disturbing permit because it was 2,500 square feet or less.

Mrs. Noll stated she felt all instances needed permits.

Discussion followed regarding whether or not all stockpiling would be allowed by permit.

Chairman Wiggins reminded the Board that this was one of the issues that had been put before a committee of citizens, and this was what the committee had recommended. The issue then went to the Planning Commission, and what was before the Board at this time was the Planning Commission's recommendation. In answering Mr. Zaremba's example, Mr. Wiggins stated no one was going to make a living off of soil that was 2,500 square feet and 8 feet tall.

Mr. Zaremba stated the issue was the indiscriminate stockpiling of dirt that was 2,500 square feet and 8 feet tall throughout the County. The proposed ordinance does not provide any con-

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trol other than to the areas that were being developed as residential or commercial. He expressed his support for the aspect of the ordinance that requires an administrative or special use permit when the developer was making something positive for the County.

Mrs. Noll asked Mr. Zaremba if he would like to modify the ordinance in some way.

Mr. Zaremba stated he was not prepared to say what his modifications would be at this time. He stated Mrs. Noll had mentioned the possibility of wanting an administrative or special use permit throughout the County, but he felt that was overly repressive. He then spoke of the balance between the developing community and the citizens, noting that the upper County had a number of residential subdivisions with a lot of open land between them. He felt the citizens in his district would be very upset if all of a sudden there was a growth of dirt mounds on that open land. He stated he might be more approving if there was a period of time after which the mounds would have to disappear.

Mr. McReynolds stated it was his understanding that anything larger than those that were by right would require a special use permit; and as a condition of that special use permit, the Board could establish any condition they would like, including the placement of a time limit on how long the stockpile could be stored on the property.

Further discussion ensued on how restrictive the proposed ordinance should be.

Mr. Shepperd noted there were obviously more points that needed to be considered.

Mr. Hrichak commended the focus group and the Planning Commission for their efforts in bringing this proposal before the Board. He agreed with Mr. Shepperd and Mrs. Noll that there should be some time limits available. He questioned how the time limits would be enforced if they did not go through any type of application process.

Mr. Carter stated the time limit would be enforced in the same way as the 2,500 square foot limit and the 8 foot high limit as a part of the zoning ordinance. If there were a violation that went beyond the time period, it would be cited.

Mr. Shepperd stated there were points the Board had not worked through and he felt the ordinance should be tabled at this time.

Mr. Zaremba then moved to table proposed Ordinance No. 10-18.

On roll call the vote was:

Yea:	(5)	Zaremba, Noll, Hrichak, Shepperd, Wiggins
Nay:	(0)	

#### EROSION AND SEDIMENT CONTROL PENALTIES

Mr. Barnett made a presentation on proposed Ordinance No. 10-16 to amend York County Code Section 10-27 regarding penalties for violation of the Erosion and Sediment Control ordinance, to bring it into conformance with changes made by the 2010 General Assembly, and to increase the total maximum civil penalty for a series of violations from \$3,000 to \$10,000.

Chairman Wiggins then called to order a public hearing on Ordinance No. 10-16 duly advertised as required by law. Proposed Ordinance No. 10-16 is entitled:

AN ORDINANCE TO AMEND YORK COUNTY CODE SECTION 10-27 REGARDING PENALTIES FOR VIOLATION OF EROSION AND SEDIMENT CONTROL ORDINANCE, TO BRING IT INTO CONFORMANCE WITH CHANGES MADE BY THE 2010 GENERAL ASSEMBLY, AND INCREASING THE TOTAL MAXIMUM CIVIL PENALTY FOR A SERIES OF VIOLATIONS FROM \$3,000 TO \$10,000

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

Mrs. Noll then moved the adoption of proposed Ordinance No. 10-16 that reads:

AN ORDINANCE TO AMEND YORK COUNTY CODE SECTION 10-27 REGARDING PENALTIES FOR VIOLATION OF EROSION AND SEDIMENT CONTROL ORDINANCE, TO BRING IT INTO CONFORMANCE WITH CHANGES MADE BY THE 2010 GENERAL ASSEMBLY, AND INCREASING THE TOTAL MAXIMUM CIVIL PENALTY FOR A SERIES OF VIOLATIONS FROM \$3,000 TO \$10,000

BE IT ORDAINED by the York County Board of Supervisors, this 17<sup>th</sup> day of August, 2010, that section 10-27, York County Code, be and it is hereby amended to read and provide as follows:

**Sec. 10-27. Penalties, injunctions and other legal actions.**

- (a) Any person who violates any provision of this chapter shall, upon a finding of the district court of the county, be assessed a civil penalty. The civil penalty for any one violation shall be not less than \$100.00, nor more than \$1,000. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$10,000, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan or an approved agreement in lieu of a plan for any site shall not result in civil penalties which exceed a total of \$10,000.
- (b) The county administrator, or the owner of property which has sustained damage or which is in imminent danger of being damaged, may apply to the circuit court of the county to enjoin a violation or a threatened violation of this ordinance, without the necessity of showing that an adequate remedy at law does not exist. However, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the ordinance, and the county administrator, that a violation of the ordinance has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the ordinance nor the county administrator has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.
- (c) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000 for each violation. A civil action for such violation or failure may be brought by the county.

Any civil penalties assessed by a court shall be paid into the treasury of the county, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

- (d) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this chapter, the county may provide for the payment of civil charges for violations in specific sums, not to exceed \$2,000. The county administrator shall establish a schedule enumerating the violations and the associated civil charges. Such civil charges shall be instead of any appropriate civil penalty.
- (e) The County Attorney shall, upon request, take legal action to enforce the provisions of this ordinance.
- (f) Compliance with the provisions of this ordinance shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.
- (g) Nothing herein shall prevent the County Administrator from or be a prerequisite to the County Administrator taking any other action allowed by law or equity to remedy non-compliance with this Chapter.

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On roll call the vote was:

Yea: (5) Noll, Hrichak, Shepperd, Zaremba, Wiggins  
Nay: (0)

STATE LEVY ON BUILDING PERMITS

Mr. Barnett made a presentation on proposed Ordinance No. 10-17 to amend section 7.1-8 of the York County Code to provide that the state levy on building permits shall be as set out in the Uniform Statewide Building Code in effect at the time of the permit's issuance.

Chairman Wiggins then called to order a public hearing on Ordinance No. 10-17 duly advertised as required by law. Proposed Ordinance No. 10-17 was entitled:

AN ORDINANCE TO AMEND SECTION 7.1-8 OF THE YORK COUNTY CODE TO PROVIDE THAT THE STATE LEVY ON BUILDING PERMITS SHALL BE AS SET OUT IN THE UNIFORM STATEWIDE BUILDING CODE IN EFFECT AT THE TIME OF THE PERMIT'S ISSUANCE

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

Mr. Hrichak then moved the adoption of proposed Ordinance No. 10-17 that reads:

AN ORDINANCE TO AMEND SECTION 7.1-8 OF THE YORK COUNTY CODE TO PROVIDE THAT THE STATE LEVY ON BUILDING PERMITS SHALL BE AS SET OUT IN THE UNIFORM STATEWIDE BUILDING CODE IN EFFECT AT THE TIME OF THE PERMIT'S ISSUANCE

BE IT ORDAINED by the York County Board of Supervisors this the 17<sup>th</sup> day of August, 2010, that Section 7.1-8 of the York County Code be amended as follows:

**Sec. 7.1-8 Types of permits and fees.**

\* \* \*

(g) State Levy.

In addition to the fees prescribed in sections 7.1-8 (a through f), an additional fee equal to the state levy on building permits as set out in the USBC effective as of the date of issuance of the permit shall be collected.

\* \* \*

On roll call the vote was:

Yea: (5) Hrichak, Shepperd, Zaremba, Noll, Wiggins  
Nay: (0)

SEWER REVENUE BONDS

Mr. McReynolds made a presentation on proposed Resolution R10-123 to authorize the issuance and sale of sewer system revenue bonds.

Mr. Zaremba asked Mr. McReynolds to explain the reason for the increase from \$13 to \$18 million.

Mr. McReynolds stated it was originally planned to issue two or three series of bonds; but given the current low interest rates and the interest subsidy from the Build America Bonds, staff felt it would be better to go ahead and borrow the full amount at this time.

Mr. Zaremba asked what the interest rate would be for the County.

Mr. McReynolds stated it was presently somewhere less than 4 percent, but it would be reduced further with the credit the County would receive from the federal government.

Mr. Zaremba asked if the bonds would go into the market as municipal bonds.

Mr. McReynolds stated they would be revenue bonds.

Chairman Wiggins then called to order a public hearing on Resolution R10-123 duly advertised as required by law. Proposed Resolution R10-123 is entitled:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF YORK, VIRGINIA, TO AUTHORIZE THE ISSUANCE  
AND SALE OF SEWER SYSTEM REVENUE BONDS

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

Mrs. Noll then moved the adoption of proposed Resolution R10-123 that reads:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF YORK, VIRGINIA, TO AUTHORIZE THE ISSUANCE  
AND SALE OF SEWER SYSTEM REVENUE BONDS

WHEREAS, the Board of Supervisors of the County of York, Virginia (the "County") has determined that it is necessary or desirable to undertake certain expansion of and improvements to the County's sewer system (the "Project"); and

WHEREAS, the Board of Supervisors of the County proposes to finance all or a portion of the costs of the Project with the issuance of its sewer system revenue bonds (the "Bonds"), a portion of which in the maximum amount of \$13,000,000 was previously authorized by resolutions adopted by the Board of Supervisors on December 1, 2009 and January 19, 2010; and

WHEREAS, the Board of Supervisors of the County has determined to sell the Bonds pursuant to the following documents, forms of which are on file with the County Administrator: (i) the Master Indenture of Trust, dated as of December 1, 1999 (the "Master Indenture") between the County and U.S. Bank National Association, as successor trustee (the "Trustee"); (ii) the Third Supplemental Indenture of Trust between the County and the Trustee (the "Third Supplemental Indenture") to which the form of the Bonds is attached as an exhibit; (iii) the Bond Purchase Agreement (the "Bond Purchase Agreement"), between the County and Morgan Keegan & Company, Inc., as underwriter (the "Underwriter"); and (iv) the County's Continuing Disclosure Agreement (the "Continuing Disclosure Agreement"); and

WHEREAS, the Master Indenture, the Third Supplemental Indenture, the Bond Purchase Agreement and the Continuing Disclosure Agreement will be referred to herein as the "Financing Documents;" and

WHEREAS, the Board of Supervisors has previously approved the transfer of one-half of the meals taxes actually collected to the Water and Sewer Extension and Stormwater Maintenance Funds and the Board of Supervisors proposes to agree, subject to annual appropriation, to transfer a portion of such meals tax revenues to the Revenue Fund created under the Master Indenture, as amended by the Third Supplemental Indenture as set forth herein; and

WHEREAS, public hearings as required under Section 15.2-2606 of the Code of Virginia of 1950, as amended (the "Virginia Code"), have been held on January 19, 2010 and August 17, 2010 on the issuance of the Bonds;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of York, Virginia, this 17th day of August, 2010, as follows:

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**1. Authorization of Bonds and Use of Proceeds.** The Board of Supervisors hereby determines that it is advisable to contract a debt and to issue and sell the Bonds in one or more series in an aggregate principal amount not to exceed \$18,000,000. The issuance and sale of the Bonds is hereby authorized upon the terms set forth herein and upon such other terms as may be determined in the manner set forth herein. The proceeds from the issuance and sale of the Bonds shall be used, along with other available money, if any, to pay the costs of the Project, provide for the required funding of the debt service reserve fund, and to pay costs of issuing the Bonds.

**2. Financing Documents.** The Bonds shall be issued pursuant to the Master Indenture and the Third Supplemental Indenture. The Financing Documents are approved in substantially the forms on file with the County Administrator with such changes, insertions and deletions as may be approved by the County Administrator, the Director of Financial and Management Services, or the Chairman of the Board of Supervisors, such approval to be evidenced conclusively by the execution and delivery of the Financing Documents. The County Administrator, the Director of Financial and Management Services, and the Chairman of the Board of Supervisors, or any of them, are authorized to execute on behalf of the County and, if required, the Clerk of the Board of Supervisors is authorized to affix and attest the seal of the County to the Financing Documents.

**3. Pledge of Revenues.** The Bonds shall be limited obligations of the County and principal of, premium, if any, and interest on the Bonds shall be payable solely from the revenues derived by the County from its sewer system, as set forth in the Bonds, the Master Indenture and the Third Supplemental Indenture and from other funds that have been or may be pledged for such purpose under the terms and conditions of the Master Indenture and the Third Supplemental Indenture. Nothing in this resolution, the Bonds, the Master Indenture or the Third Supplemental Indenture shall be deemed to pledge the full faith and credit of the County to the payment of the Bonds.

**4. Details of and Sale of Bonds.** The Bonds shall be issued in one or more series upon the terms established pursuant to this resolution, the Master Indenture and the Third Supplemental Indenture. The Bonds shall be issued in fully registered form, shall be dated the date of their issuance, shall bear interest payable semi-annually at the rates established as set forth below, shall be in the denominations of \$5,000 each or whole multiples thereof and shall be numbered from R-1 upwards consecutively.

The Board of Supervisors authorizes the sale of the Bonds to the Underwriter. The County Administrator, the Director of Financial and Management Services, and the Chairman of the Board of Supervisors, or any of them, are authorized and directed to determine and approve the final details of the Bonds, including, without limitation, the principal amount of each series of Bonds, if the Bonds are issued in more than one series, including the principal amount of any Bonds to be issued as Build America Bonds, the aggregate principal amount of the Bonds, the optional and mandatory redemption provisions and sale price of the Bonds, provided that (i) the true interest cost of the Bonds shall not exceed 6.5% (taking into account any original issue discount or premium and taking into account the anticipated direct credit payments from the United States if any Bonds are issued as Build America Bonds); (ii) the Bonds shall have a final maturity no later than approximately 30 years from their date; and (iii) the sale price of the Bonds, excluding any original issue discount, shall not be less than 99% of par. The approval of such officer shall be evidenced conclusively by the execution and delivery of the Bond Purchase Agreement.

**5. Execution and Delivery of the Bonds.** The Chairman of the Board of Supervisors is hereby authorized and directed to execute the Bonds by manual or facsimile signature, the County's seal to be affixed thereto or a facsimile thereof printed thereon and attested by the manual or facsimile signature of the Clerk of the Board of Supervisors, to deliver the Bonds to the Trustee, as Paying Agent, for authentication, and to cause the Bonds so executed and authenticated to be delivered to or for the account of the Underwriter upon payment of the purchase price therefore as provided in the Bond Purchase Agreement.

**6. Disclosure Documents.** The County Administrator, the Director of Financial and Management Services and such officers and agents of the County as either of them may designate, are hereby authorized and directed to prepare, execute and deliver, as appropriate, a preliminary official statement, a final official statement, and such other disclosure documents

as may be necessary to expedite the sale of the Bonds. Such preliminary official statement, final official statement, and such other disclosure documents shall be published in such publications and distributed in such manner, including by electronic distribution, and at such times as the County Administrator, the Director of Financial and Management Services or such officers or agents of the County as either of them may designate, shall determine. The County Administrator and the Director of Financial and Management Services, or either of them, are authorized and directed to deem the Preliminary Official Statement "final" for purposes of Securities and Exchange Commission Rule 15(c)2-12 and to execute and deliver the final Official Statement in substantially the form of the Preliminary Official Statement, with such changes, insertions or omissions as the executing officer may approve.

**7. Further Actions.** The County Administrator, the Chairman of the Board of Supervisors, the Director of Financial and Management Services and such officers and agents of the County as any of them may designate, are authorized and directed to take such further action as they deem necessary or appropriate regarding the issuance and sale of the Bonds, including without limitation the preparation, execution and delivery of instruments, agreements and documents related to the issuance and sale of the Bonds. All actions previously taken by such officers and agents in connection with the issuance and sale of the Bonds are hereby ratified and confirmed.

**8. Designation for Bank Qualification.** The Board of Supervisors authorizes the County Administrator or the County Administrator's designee to designate all or a portion of the Bonds as "qualified tax-exempt obligations" eligible for the exception from the disallowance of the deduction of interest by financial institutions allocable to the cost of carrying tax-exempt obligations in accordance with the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). The County and any of its "subordinate entities" do not reasonably anticipate issuing more than \$30,000,000 in tax-exempt obligations during calendar year 2010, and during such calendar year the County will not designate more than \$30,000,000 of qualified tax-exempt obligations pursuant to such Section 265(b)(3).

**9. Build America Bonds Authorized.** The Board of Supervisors authorizes the County Administrator, the Director of Financial and Management Services and the Chairman of the Board of Supervisors to enter into a negotiated sale for all or a portion of the Bonds as Build America Bonds (Direct Payment) under Section 54AA(g) of the Code, if the sale of such Bonds as Build America Bonds is determined to be in the best interest of the County as determined by the County Administrator, and to irrevocably elect to apply Section 54AA(g) of the Code or any successor provision to such Bonds.

**10. Meals Tax Transfer.** The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations of not less than 25% of the meals tax actually collected by the County and agrees to transfer such portion of the meals tax actually collected each month by the County to the Revenue Fund created under the Master Indenture, as amended by the Third Supplemental Indenture (the "Meals Tax Transfer"). The County Administrator is authorized and directed to include in the County's budget each year an appropriation of the Meals Tax Transfer. The Meals Tax Transfer is subject to annual appropriation by the Board of Supervisors. Nothing in this paragraph shall be deemed to create a debt of the County or a binding commitment of the Board of Supervisors beyond the current fiscal year; however, it is the intent of the Board of Supervisors to make annual appropriations of the Meals Tax Transfer.

**11. Filing of Resolution.** The appropriate officers or agents of the County are authorized and directed to file or cause to be filed a certified copy of this Resolution with the Circuit Court of the County of York, Virginia pursuant to Sections 15.2-2607 and 15.2-2627 of the Virginia Code.

**12. Effective Date.** This Resolution shall take effect immediately.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Hrichak, Wiggins  
Nay: (0)

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**CONSENT CALENDAR**

Mr. Shepperd asked that Item Nos. 11 and 12 be removed from the Consent Calendar.

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

On roll call the vote was:

Yea: (5) Zaremba, Noll, Hrichak, Shepperd, Wiggins  
Nay: (0)

Thereupon, the following minutes and resolutions were adopted:

Item No. 5. APPROVAL OF MINUTES

The minutes of the July 17, 2010, meeting of the York County Board of Supervisors were approved.

Item No. 6. COLONIAL SERVICES BOARD PERFORMANCE CONTRACT: Resolution R10-117

A RESOLUTION TO AUTHORIZE EXECUTION OF THE ANNUAL PERFORMANCE CONTRACT FOR THE COMMUNITY SERVICES BOARD FOR THE DELIVERY OF BEHAVIORAL HEALTH SERVICES

WHEREAS, Section 37.2-501 of the Code of Virginia, 1950 as amended, requires each locality to establish, singly or in combination, a community services board for the provision of mental health, mental retardation, and substance abuse services to its residents; and

WHEREAS, pursuant to this statutory provision, the County of York has established a regional Community Services Board, "Colonial Behavioral Health" (CBH) in conjunction with James City County and the Cities of Williamsburg and Poquoson; and

WHEREAS, Section 37.1-198 requires local governments to review and act on the Annual Performance Contract with the Community Services Board and to make appropriate appointments to that Board; and

WHEREAS, the Board of Supervisors has reviewed the proposed Performance Contract and found it to be acceptable provided that certain expectations and conditions will also be met during the terms of the agreement; and

WHEREAS, it is the expectation of the York County Board of Supervisors that the Community Services Boards are the appropriate system for delivery of publicly funded services for children and adolescents and further, that the Board opposes the creation of any duplicative mental health system through the Office of Comprehensive Services or other such entities; and

WHEREAS, the Board of Supervisors has previously asked CBH to assure that children and adolescents are properly included in the priority populations served by the agency and is pleased by the progress and accomplishments that have been achieved and is confident that CBH will continue in this regard and that such service will not be at an additional cost to York, but will be within the allocation made by the County to CBH for FY2011; and

WHEREAS, it is also the expectation of the Board of Supervisors that during the period of this contract, County staff and staff of CBH will continue to work together to assure that the Board's intent regarding appropriate levels of services are properly reflected in delivery and implementation of programs;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of August, 2010, that execution of the proposed FY2011 Annual Performance Contract is approved and that the County Administrator be, and he is hereby, authorized to execute

agreements and to take all actions necessary to assure that services are delivered to the citizens of York County and that the conditions and expectations of the Board of Supervisors are met.

Item No. 7. HEAD START PROGRAM: Resolution R10-110

A RESOLUTION TO ESTABLISH AND MAINTAIN A FORMAL STRUCTURE FOR PROGRAM GOVERNANCE, FOR THE OVERSIGHT OF QUALITY SERVICES FOR THE YORK COUNTY HEAD START CHILDREN AND FAMILIES AND MAKING DECISIONS RELATED TO PROGRAM DESIGN AND IMPLEMENTATION

WHEREAS, the County of York values and has a long-standing commitment to early childhood developmental programs, which includes the operations of a federally funded Head Start Program; and

WHEREAS, the Board of Supervisors, as the governing body for the Head Start Program has legal and fiscal responsibilities for administering and overseeing the York County Head Start Program to include the safeguarding of Federal funds; and

WHEREAS, the Board of Supervisors assumes and delegates responsibilities of administering and overseeing the Head Start Program ensuring compliance with local, State, and Federal laws and regulations; adopting practices that assure active, independent and informed governance of the Head Start agency, including fully participating in the development, planning, and evaluation of the Head Start Programs as implemented by the Children and Family Services Division of Community Services; and

WHEREAS, the Board of Supervisors has legal responsibility for reviewing all applications for funding and amendments to application for funding;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 17th day of August, 2010, that it has reviewed and approved as implemented by the Children and Family Services Division of Community Services criteria for the recruitment, selection, and enrollment of children; reviewing all applications for funding and amendments to applications; all major policies to include the annual self-assessment and financial audit; and procedures for how members of the Policy Council are selected.

BE IT FURTHER RESOLVED that the Board of Supervisors has approved financial management, accounting and reporting policies, and compliance with laws and regulations related to financial statements to include all major financial expenditures of the Head Start Program and the annual operating budget.

BE IT STILL FURTEHR RESOLVED that the Board of Supervisors hereby delegates the responsibilities of administering and overseeing the Head Start Program to the Children and Family Services Division of the Department of Community Services.

Item No. 8. EMPLOYEE OF THE QUARTER: Resolution R10-120

A RESOLUTION TO COMMEND WILLIAM J. ROBINSON, CONSTRUCTION/MAINTENANCE WORKER II IN THE DEPARTMENT OF ENVIRONMENTAL & DEVELOPMENT SERVICES AS EMPLOYEE OF THE QUARTER

WHEREAS, William J. Robinson has been employed with the County since July, 1980; and

WHEREAS, due to Mr. Robinson's knowledge of drainageways and proficient use of tools and equipment, he was assigned to the Yellow Team drainage maintenance crew in 2005 and is responsible for maintaining over 32 miles of drainage systems; and

WHEREAS, Mr. Robinson's job entails accomplishing the critical tasks of reducing the mosquito population and preventing flooding and property damage to homes and businesses

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throughout his area of responsibility by safely cutting vegetation and removing several tons of leaves and storm debris each year; and

WHEREAS, since 2005 Mr. Robinson's team has accomplished the remarkable task of cleaning more than 1000 miles of drainageways and removing 111 tons of debris, distributing 2,417 mosquito dunks, completing 60 service requests, and reducing service calls from 27 in 2006 to 2 in 2009; and

WHEREAS, Mr. Robinson was instrumental in identifying and documenting more than 145 "chokepoints" in the County thereby drastically reducing the number of property flooding /damage occurrences and recording all pertinent drainage information in a computerized database in order to develop monthly, quarterly and annual reports; and

WHEREAS, Mr. Robinson's positive, can-do attitude has made a significant impact in the varied accomplishments of his team and division, providing excellent customer service for nearly 30 years;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 17th day of August, 2010, that William J. Robinson, Construction/Maintenance Worker II, be and he is hereby congratulated upon his selection as Employee of the Quarter for the quarter ending June 30, 2010.

Item No. 9. MUTUAL AID AGREEMENT: Resolution R10-121

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE AN UPDATED MUTUAL AID AGREEMENT FOR FIREFIGHTING AND EMS ASSISTANCE BETWEEN YORK COUNTY AND NAVY REGION MID-ATLANTIC

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

WHEREAS, intergovernmental coordination is essential in managing these emergencies; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of August, 2010, that the County Administrator be, and he is hereby, authorized for and on behalf of York County to execute an updated mutual aid agreement for firefighting and EMS assistance between the County and Navy Region Mid-Atlantic substantially similar in form to the draft agreement attached to the County Administrator's memorandum of August 5, 2010, as approved as to form by the County Attorney.

Item No. 10. VIRGINIA PENINSULA REGIONAL JAIL AGREEMENT: Resolution R10-118

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A FLEET SERVICES AGREEMENT WITH THE VIRGINIA PENINSULA REGIONAL JAIL AUTHORITY

WHEREAS, York County and the Peninsula Regional Jail Authority wish to renew their Fleet Services Agreement whereby the County provides fuel and maintenance services for vehicles of the Authority; and

WHEREAS the Virginia Peninsula Regional Jail Authority has approved the proposed Fleet Services Agreement;

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of August, 2010, that the County Administrator be, and he is hereby, authorized to execute the Fleet Services Agreement with the Virginia Peninsula Regional Jail Authority, without further action by this Board, subject to approval as to form by the County Attorney.

Item No. 11. MEMORANDUM OF UNDERSTANDING: Resolution R10-122, and Item No. 12. PURCHASE AUTHORIZATION: Resolution R10-124 (Removed from Consent Calendar)

Mr. Shepperd addressed Item No. 11, asking Chief Kopczynski if it was correct that the Memorandum of Understanding was basically the request of the Naval Weapons Station to use Charles Brown Park in an emergency situation.

Fire Chief Stephen P. Kopczynski stated that was correct, noting there might be some circumstances where the Navy also would have the need to set up some off-base operations based on the security of the base.

Mr. Shepperd asked if the agreement included the entire park area or just the Community Center Building.

Chief Kopczynski stated it was predominately the building and the parking around the building.

Mr. Shepperd asked if there were any stipulations regarding damage in the Memorandum of Understanding.

Chief Kopczynski stated there was a provision in the Memorandum of Understanding that stated the Navy would restore the Charles Brown Community Center to its condition when it was provided and would be responsible for any cost and/or repair for any damage.

Mr. Shepperd addressed Item No. 12, asking why the County was purchasing engineering services.

Mr. Brian Woodward, Chief of Utilities, explained that part of the Regional Consent Order required many tasks to be done on an annual basis, and the Utilities Division did not have the staff in-house to complete all the tasks to meet the required schedule. He explained it was more economical in the short-term to procure professional services to assist staff through this process.

Discussion followed on the service requirements of the annual engineering services agreement.

Mr. McReynolds stated staff had determined it would take more than \$400,000 to add the amount of staff it would take to handle the consent order requirements. He explained the County was pooling resources by procuring this as a regional bid with the work being done by a central firm working for all the jurisdictions as opposed to the County having to hire full-time staff.

Mr. Shepperd then moved the adoption of proposed Resolution R10-122 that reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR USE OF CHARLES BROWN PARK COMMUNITY CENTER DURING EMERGENCIES AFFECTING THE YORKTOWN NAVAL WEAPONS STATION AND/OR CHEATHAM ANNEX BETWEEN YORK COUNTY AND THE UNITED STATES NAVY-NAVAL WEAPONS STATION YORKTOWN/CHEATHAM ANNEX

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WHEREAS, natural and man-made emergencies affecting the Yorktown Naval Weapons Station/Cheatham Annex have the potential to require that the installation conduct certain functions such as a "Joint Information Center" for media interaction and/or as a "Family Assistance Center" off of the installation; and

WHEREAS, the County and the Yorktown Naval Weapons Station/Cheatham Annex have had long history of cooperation and support during emergencies; and

WHEREAS, coordination of such activities is important between the County and the Yorktown Naval Weapons Station/Cheatham Annex; and

WHEREAS, the use of Charles Brown Park Community Center, as necessary, for this purpose is considered mutually beneficial to both parties; and

WHEREAS, any such request for use of the facility would be made under the terms of a "Memorandum of Understanding" and associated procedures, and would be predicated on the availability of the facility and the County's ability to accommodate the request; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of August, 2010, that the County Administrator be, and he is hereby, authorized for and on behalf of York County to execute and update when necessary and as appropriate a "Memorandum of Understanding" for use of Charles Brown Park Community Center between the County and the United States Navy-Naval Weapons Station Yorktown/Cheatham Annex, in substantially the same form as the draft agreement attached to the County Administrator's memorandum of August 3, 2010, as approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Hrichak, Shepperd, Wiggins  
Nay: (0)

Mr. Shepperd then moved the adoption of proposed Resolutions R10-124 that reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ACQUIRE PROFESSIONAL ENGINEERING SERVICES

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 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 \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of August, 2010, that the County Administrator be, and he is hereby, authorized to execute procurement arrangements for the following:

	<u>AMOUNT</u>
Sewer Consent Order Services (not-to-exceed)	\$400,000

On roll call the vote was:

Yea: (5) Zaremba, Noll, Hrichak, Shepperd, Wiggins  
Nay: (0)

**CLOSED MEETING.** At 8:28 p.m. Mr. Hrichak 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.

On roll call the vote was:

Yea: (5) Noll, Hrichak, Shepperd, Zaremba, Wiggins  
 Nay: (0)

Meeting Reconvened. At 9:02 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 17th day of August, 2010, 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: (5) Hrichak, Shepperd, Zaremba, Noll, Wiggins  
 Nay: (0)

APPOINTMENT TO THE BOARD OF BUILDING CODE APPEALS

Mr. Wiggins moved adoption of proposed Resolution R10-125 that reads:

A RESOLUTION TO APPOINT A NEW MEMBER TO THE YORK COUNTY BOARD OF BUILDING CODE APPEALS

WHEREAS, Mr. Jacob M. Adkins has resigned from the York County Board of Building Code Appeals; and

WHEREAS, Mr. Adkins' term does not expire until June 30, 2011; and

WHEREAS, Mr. Adkins filled the position of licensed professional engineer on the Board of Building Code Appeals;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of August, 2010 that James E. Wirkner be, and he is hereby, appointed to the York County Board of Building Code Appeals to fill the unexpired term of Mr. Jacob M. Adkins, such term to begin immediately and expire June 30, 2011.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Hrichak, Wiggins  
 Nay: (0)

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REAPPOINTMENT TO THE BOARD OF BUILDING CODE APPEALS

Mr. Zaremba moved adoption of proposed Resolution R10-126 that reads:

A RESOLUTION TO REAPPOINT A MEMBER TO THE YORK COUNTY BOARD OF BUILDING CODE APPEALS

WHEREAS, the term of Mr. James C. Ealey on the York County board of Building Code Appeals expired on June 30, 2010; and

WHEREAS, Mr. Ealey wishes to be considered for reappointment;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of August, 2010, that James C. Ealey be, and he is hereby, reappointed to the York County Board of Building Code Appeals for a term of three years each, such term to begin July 1, 2010, and expire June 30, 2013.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Hrichak, Shepperd, Wiggins  
Nay: (0)

APPOINTMENT TO THE YORK COUNTY ARTS COMMISSION

Mr. Hrichak the moved adoption of Resolution R10-132 that reads:

A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY ARTS COMMISSION

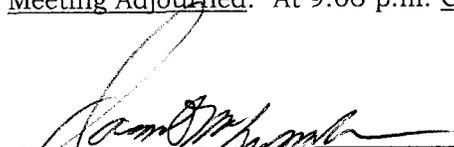
WHEREAS, the term of Mr. P. Gregory McCarthy as a member of the York County Arts Commission expired on July 31, 2010, creating a vacancy on the Commission;

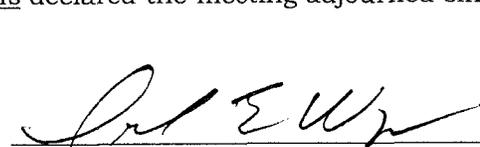
NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day August, 2010, that Debora F. Sasin be, and she is hereby, appointed to the York County Arts Commission for a term of three years, such terms to begin immediately and end July 31, 2013.

On roll call the vote was:

Yea: (5) Noll, Hrichak, Shepperd, Zaremba, Wiggins  
Nay: (0)

Meeting Adjourned. At 9:06 p.m. Chairman Wiggins declared the meeting adjourned sine die.

  
James O. McReynolds, Clerk  
York County Board of Supervisors

  
Donald E. Wiggins, Chairman  
York County Board of Supervisors