

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
August 20, 2013

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 20, 2013, in the Board Room, York Hall, by Chairman Walter C. Zaremba.

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

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

Invocation. Mr. Wiggins gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Mrs. Noll led the Pledge of Allegiance

PRESENTATIONS

NATIONAL ASSOCIATION OF COUNTIES (NACo)

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

General Services

- *Go Web and Go Wireless:* Danny Warthan, Facilities Maintenance Manager

Fire and Life Safety

- *Mobilizing Training to Meet a Need :* Battalion Chief Chris Sadler, Technical Services and Special Operations Battalion

VDOT QUARTERLY TRANSPORTATION UPDATE

Mr. Rossie Carroll, Williamsburg Residency Administrator, addressed the Board and introduced Mr. Ken Shannon, Assistant Residency Administrator, and Mr. Thomas Druhot, Construction Engineer, for the Route 17 widening project.

Mr. Shannon provided the Board with the Residency's quarterly transportation report reviewing the maintenance accomplishments for the quarter, noting that 406 work orders were accomplished. He then updated the Board on the other accomplishments which included slope mowing, pothole repairs, routine asphalt cleaning, and drainage work. He noted VDOT had completed the third mowing cycle and that a fourth mowing cycle was programmed for later this year. Mr. Shannon noted there were 120 pending requests for ditch cleaning.

Mr. Shepperd stated the Board had been getting a lot of positive feedback on the work VDOT had been doing, particularly on Hampton Highway and in the neighborhoods, and he wanted to pass that information along. He stated he had received a call from the homeowners association requesting ditch repairs for the whole neighborhood of Meadowlake Farms, and he had passed the information along to Mr. Carter to submit to Mr. Carroll. He asked how VDOT responded to requests for ditch repairs.

Mr. Shannon stated that when the work orders for ditch repair were received, many times they

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were collected together so they could cover the whole neighborhood at one time. He stated he would check with the Seaford area headquarters for an update on Meadowlake Farms and get back with Mr. Shepperd.

Mr. Shepperd stated he had seen ditch restructuring and reshaping on the major roads, but he had not seen anything significant within the neighborhoods. Over the years he had gotten quite a few inputs concerning ditches that were literally higher than the culverts, leaving the water no place to go. Mr. Shepperd stated he thought that increased the mosquito population because the water was being held down in the culverts.

Mr. Wiggins spoke of the problem with the flooding on Cook Road, stating he knew there was an upcoming project that was going to rectify the problem, but stated the people were suffering now. He asked if VDOT could see if there was anything that could be done to relieve some of the flooding until the project started.

Mr. Shannon stated the residency would look at the problem.

Mr. Druhot gave a detailed presentation on the Route 17 George Washington Highway widening project, stating the contract for the construction had been separated into three phases, with a completion date of December 31, 2016. Phase 1 was scheduled for August 2013 to February 2015 and ended near the bowling alley. Phase 2 was scheduled for February 2015 to December 2015 and ended at Washington Square. Phase 3 was scheduled for December 2015 to December 2016 and ended at Wolf Trap Road. Mr. Druhot then reviewed the three stages of each phase and addressed where there would be temporary pavements, traffic shifts, temporary median construction, and traffic control barrels. He stated the speed limit on Route 17 had been lowered to 35 miles per hour because of the complexity of the construction and some areas with significant drop-offs. He then reviewed the Communications Plan that has been put in place to give regular updates to stakeholders. He stated that anytime there was an update, there would be a public release to television and radio stations, as well as newspapers and social media when possible. He also stated that all project updates would be posted on the VDOT webpage, and project updates will distributed monthly and on as-needed basis to subscribers by subscribing at hamptonroadspublicinfo@VDOT.virginia.gov.

Mr. Hrichak stated signage for the Lakeside detour had been an issue, and noted there could be indications on Route 17 before getting to Lakeside that the road was closed so that the detour signs could be followed.

Mr. Druhot stated he would check with the inspectors to make sure those signs were up before the closure happened.

Mr. Hrichak stated there was a lot of concern about runoff from the Route 17 project getting into the river south of the reservoir, and he asked what E.V. Williams was required to do to keep that from happening and how VDOT would make sure that it did not happen.

Mr. Druhot stated there were standard erosion and siltation control notes on the plans to protect the environment. He stated there are wetlands that were addressed by the permits so there will be regular inspections and weekly inspection of the silt fence plus additional inspections after every rain event.

Mr. Shepperd stated residents were equating the utility movement to the road construction, and one big concern was the impact on businesses in that area when some of the trucks had actually been blocking the entrances of some of the businesses. He stated he would like to hear specifically the times for night operations under the agreement.

Mr. Druhot stated he did not have the specific times at this time.

Mr. Shepperd spoke of the need for people traveling on Route 17 at night to know there were going to be workers on the road with a lot of lights, so they were going to need to slow down because nighttime construction was more dangerous than daytime construction. He stated he would like to get those hours of operations out to the public so they will know what to expect when traveling on Route 17.

Mr. Wiggins stated that a few years back York County had entered into an agreement with the City of Newport News whereby Newport News was supposed to put a road between Fort Eustis and Denbigh Boulevards that would have taken a lot of traffic off Route 17. He asked if there had been any news about that road.

Mr. Carroll stated that project was not in the six year plan. He expressed his hope for a good three years on Route 17 during the construction. He stated VDOT would try to make sure that everyone was aware of what was going on Route 17 to keep everyone safe and business traffic flowing.

Chairman Zaremba thanked VDOT for the detailed professional presentation, stating it looked like it was trying to cover all bases to keep the public informed of the changes that will be ongoing for a very lengthy period of time. He also thanked VDOT for the incredible repaving of roads in the upper part of the County.

CITIZENS COMMENT PERIOD

Mr. William Roberts, 222 W. Queens Drive, appeared before the Board asking York County to intervene with the National Park Service to remove an eyesore that had been created in a very prominent spot in their community of the Queens Lake Subdivision. He noted each Board member had been given a picture of the eyesore which was a pile of brush, limbs, and trees that had been placed there by the Park Service. He stated until recently there had been a small path that led from the East Queens Drive/Lakeshead Drive intersection over to the Parkway that had been used by bikers, joggers, and walkers until it had recently been closed up without any notice to the community association. He noted he had been shocked when he had seen this pile of debris in the neighborhood which was at one of the most visible and traveled intersections in the community. He stated when he had called Superintendent Dan Smith and asked him what was happening, Mr. Smith advised him that a person or persons had attempted to widen that path to what he called a 20-foot right-of-way. He stated Mr. Smith intended to leave the trees there and said if the residents did not like it, perhaps a chain-link fence would be necessary at some point. Mr. Roberts stated he felt Mr. Smith was punishing an entire community for the actions of a few individuals.

Ms. Judy McCormack, 102 Sheriffs Place, stated she was a volunteer with Queens Lake Community Association and responsible for beautification and maintenance in the common areas. She stated the excessive pile of tree debris purposely placed by the Park Service at Lakeshead Drive and the Colonial Parkway was very visible at the intersection of East Queens Drive. She stated a number of the residents complained about the unsightliness of it and asked her to contact the Park Service. She stated when she spoke with Mr. Dan Smith, he indicated the residents of Queens Lake had been cutting and widening the pathway, so he had put the trees there to keep people from using the pathway. She noted that when she had asked him if he was going to improve the look of the debris, he had said no and the beautification group would not like a chain-link fence. She stated on June 6 she had sent an email to the Park Service Headquarters in Washington and they had acknowledged her email, but she had heard nothing since. She noted the Park Service path had been used by bikers and joggers for almost 30 years, and it offered a safer alternative to widening Lakeshead Drive. She stated the community was aware of its very special location adjacent to the Parkway, and the residents take very seriously their responsibility of preserving the natural resources that surrounds them. Ms. McCormack felt the tree debris was an embarrassment to Queens Lake, to York County, and to the Park Service. She asked York County to appeal to the Park Service to clean up the debris.

Mr. Peter Forney, 125 Horseshoe Drive, reiterated the comments of previous speakers, adding that New Quarter Park was a big asset to the County, and it had been an attraction to a lot of people who would use the path cycling down the Parkway to get to New Quarter Park. He stated now people would have to go down Lakeshead Drive which was a very narrow road at 40 miles per hour to access the park, and he felt it was more dangerous. He asked for the County's support to try and fix this problem.

Ms. Meredith Forney, 125 Horseshoe Drive, spoke of natural beauty of York County, the neighborhood, and the woods close to the Parkway. She expressed disappointment at the huge pile of rotting debris at the head of the neighborhood. She stated she had company from out of

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town the past week, and it was embarrassing and needed to be addressed. She asked the County to take a look at this safety issue.

Ms. Marie Homer, 108 Will Scarlet Lane, President of Queens Lake Community Association, asked for the Board's help to resolve the issue of the debris and dead trees adjacent to the Queens Lake property. She stated the trees were deposited by the Park Service in an effort to stop pedestrian traffic at the intersection of Lakeshead Drive and E. Queens Drive to the Colonial Parkway. She noted the unofficial access had been there for more 30 years, but overnight the Park Service dumped dead trees on the land closing the access. While it has a right to control its land, it did so in a way that was detrimental to the entire community. She asked that York County intervene with the National Park Service to remove the eyesore.

Mrs. Pam Pouchot, 103 Kimberly Court, stated she was appalled at the lack of compassion for the group home application in the Lackey area. She urged to Board to approve the application for the group homes in Lackey.

Mr. Dan Smith, Superintendent of the Colonial National Historical Park, stated he remembered the telephone conversations with the previous speakers, and he agreed to meet with their associations at a May, June, July, or August meeting, but he had never been contacted to follow up with that. He stated he had placed the debris because there were a bunch of trees down, and it was a convenient place to put it. Someone cleared the path and had taken the debris that was there and stacked it aside to reopen the path, which was an illegal trail to the Parkway. Mr. Smith stated he had gotten clearance from the State Historic Preservation Office to install a six-foot chain-link fence which might be installed next month or it might have to wait until the next fiscal year in October. He stated he had to take this action to stop the illegal trespassing. He stated this was a resource and safety issue, and it would be taken care of in the next few months. He stated there would no longer be an access through that point once the chain-link fence was installed. Mr. Smith stated this was a Federal issue and not a County issue, and he would follow up with the Board as soon as he had the fence in place.

COUNTY ATTORNEY REPORTS AND REQUESTS

Ms. Economou, Assistant County Attorney, had no report to give at this time.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the citizens of the upcoming Virginia Symphony concert to be held on August 31st at the Yorktown waterfront. He then reminded the Board and the citizens of the next two regular meetings to be held on September 3 and 17.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll stated she had attended the VACo Summer Meeting last week; and as a member of the Transportation Committee, she had received a briefing from Jason Powell, the Legislative Fiscal Analyst for the State Finance Committee. She noted she would have Mr. McReynolds provide the Board members a copy of the briefing if they were interested. She stated Mr. Shepherd had raised a point about part of the bill that had been passed that gave \$500 million to the Commonwealth Transportation Board right off the top to designate where they wished the money to be spent prior to the money coming to the localities. She stated that was an issue that had been addressed at the Transportation meeting as part of its legislative agenda, and it would be requesting that all the money come back to localities.

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

Meeting Reconvened. At 7:09 p.m. the meeting was reconvened in open session as ordered by the Chair.

PUBLIC HEARINGS**APPLICATION NO. UP-827-13, ROBERT J. WILLIAMS**

Mr. Carter gave a presentation on Application No. UP-827-13 requesting a use permit to operate a firearms repair business as a home occupation with on-site customer/client contact in a single-family detached home located at 220 Bolivar Drive.

Mr. Robert Williams, 220 Bolivar Drive, the applicant, addressed the Board regarding his background and his interest in firearms and the restoration and preservation of firearms. He stated he would not be buying or selling firearms or ammunition. He stated the economy had affected his existing metal-working business, and he was looking for a way to supplement his income.

Mr. Wiggins stated he was impressed that Mr. Williams' neighbors were very much in favor of his application.

Chairman Zaremba then called to order a public hearing on Application No. UP-827-13 which was duly advertised as required by law. Proposed Resolution R13-90 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A FIREARMS REPAIR SHOP AS A HOME OCCUPATION WITH ON-PREMISES CUSTOMER/CLIENT CONTACT ON PROPERTY LOCATED AT 220 BOLIVAR DRIVE

Mr. Robert Shaw, 221 and 223 Bolivar Drive, spoke in support of Mr. Williams' application and asked the Board to approve the application.

Mr. Robby Richardson, 216 Bolivar Drive, spoke of Mr. Williams' care and concern for his neighbors and community. He asked the Board to support the application.

Mr. Roland Franklin, 307 Bolivar Drive, appeared in support of the application, stating Mr. Williams was a very responsible neighbor.

Mr. Williams E. Rew, 222 Bolivar Drive, stated Mr. Williams was the Good Samaritan of the neighborhood. He noted the machine shop business had never caused any problems for the neighborhood, and he did not anticipate any great change with a firearms repair business. He asked the Board to approve the application.

Ms. Michele McArdle, 213 Bolivar Drive, spoke in support of the application. She stated she had never observed any work extending beyond the normal business hours. Mr. Williams was very friendly and personable and was always there to help his neighbors. She stated Mr. Williams had a proven track record, and she supported his request for the application.

Mr. Robert Askew, 212 Bolivar Drive, appeared before the Board in support of the application.

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

Mrs. Noll moved the adoption of proposed Resolution R13-90 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A FIREARMS REPAIR SHOP AS A HOME OCCUPATION WITH ON-PREMISES CUSTOMER/CLIENT CONTACT ON PROPERTY LOCATED AT 220 BOLIVAR DRIVE

WHEREAS, Robert J. Williams, Jr., has submitted Application No. UP-827-13 requesting a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize a firearms repair business with on-premises customer contact as a home occupation in a single-family detached home located at 220 Bolivar Drive (Route 1252) and further identified as Assessor's Parcel No. 24G-3-15 (GPIN R09c-1609-2059); and

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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 20th day of August, 2013, that Application No. UP-827-13 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, to authorize a firearms repair business with on-premises customer contact as a home occupation in a single-family detached home located at 220 Bolivar Drive (Route 1252) and further identified as Assessor's Parcel No. 24G-3-15 (GPIN R09c-1609-2059), subject to the following conditions:

1. This use permit shall authorize a firearms repair business with on-premises customer contact as a home occupation in a single-family detached home located at 220 Bolivar Drive (Route 1252) and further identified as Assessor's Parcel No. 24G-3-15 (GPIN R09c-1609-2059).
2. The home occupation shall be conducted in accordance with the provisions of the York County Zoning Ordinance, Sections 24.1-281 and 24.1-283(b), except as modified herein.
3. Floor area of the home occupation shall not exceed two-hundred sixty (260) square feet, and shall be designed as depicted on the floor plan submitted by the applicant and received by the Planning Division on June 1, 2013, 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. Off-street parking spaces, in accordance with all applicable Zoning Ordinance standards and limitations, shall be provided on the premises (i.e., off-street) to accommodate customers/clients. These spaces shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
6. The days and hours of operation shall be by appointment only, and shall be limited to Monday through Friday, 9:00 AM to 6:00 PM, and Saturday from 9:00 AM to 1:00 PM. Customer/client contact on the premises shall be limited to no more than one customer appointment at any one time, and not more than four (4) appointments per day. The applicant's appointment book/log shall be made available for review by Zoning and Code Enforcement staff upon request.
7. There shall be no live firing of firearms on the premises.
8. Prior to commencement of the home business use, the portion of the home used for the home business as well as customer/client entrance and parking areas shall conform to minimum standards of the Virginia Uniform Statewide Building Code, subject to the approval of the Building Code Official.
9. The home occupation shall be operated in conformance with all applicable codes and requirements of the York County Fire Prevention Code, the 2009 Virginia Statewide Fire Prevention Code, and the National Fire Protection Association.
10. The home occupation shall be operated in conformance with York County Code Section 16-19, Unnecessary or Excessive Noise.

11. Proof of licensure from the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives for a Federal Firearms Type 01 – Dealer in Firearms Other Than Destructive Devices license shall be submitted to the Department of Fire and Life Safety prior to issuance of a Certificate of Occupancy for the home occupation use.
12. 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 Compliance and Occupancy for the home occupation use.

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

On roll call the vote was:

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

UTILITY EASEMENT FOR MOORE'S CREEK SEWER PROJECT (Continued from July 16)

Mr. McReynolds gave a presentation on proposed Resolution R13-89 to enter upon and take a certain permanent utility easement in connection with the Moore's Creek Sewer Project on property owned by Jerry K. and Christina M. Patterson located at 1909 Yorktown Road. He noted staff had continued to work with the Pattersons, and some additional items had been agreed to.

Mr. John Hudgins, Director of Environmental and Development Services, stated that Mr. Brian Woodward, Chief of Utilities, had met with Mr. Patterson, and they had walked the property. Mr. Patterson had questioned why the County had even asked him for the easement, and it was explained that there were two vacant parcels south of Mr. Patterson's property. As is the case with all the extension utility projects and water projects, the County tries to minimize land acquisition costs, so it tries to route the sewers in the public right-of-way and road right-of-ways. Occasionally, he stated, the County has to deviate from that process and secure easements to serve certain properties. One of the County's policies was to try and cover all areas within the service area of the extension project, whether the property was vacant or developed. He said the County could negotiate and reduce the width of the easement on Mr. Patterson's property or run pipe when the parcels south of Mr. Patterson were developed. Mr. Hudgins noted the Board could also disapprove the easement, and it could be done later; or if Mr. Patterson were to purchase the vacant parcels, the easement would not be needed and could be abandoned. He stated this had never been done before on a utility extension project, but the County could get reimbursed for the easement from the property owners.

Mr. McReynolds stated it was his understanding that Mr. Patterson had actually agreed to those terms if he were to acquire the property, and the County would give him back the easement free and clear.

Mr. Hudgins stated that was correct, and there was an email trail between Mr. Woodward and Mr. Patterson to that effect.

Mr. McReynolds stated the Board could approve this action with those conditions as part of the resolution.

Mr. Shepperd stated he wanted to clarify a few points for the other Board members as this was different than what had been done in the past. He stated he could not recall a time when a utility request had come before the Board and been turned down. He stated the County policy for a sewer system was to provide connection to every piece of property. Staff had worked with Mr. Patterson during the time between this action being tabled and now, and it was back before the Board to make some adjustments tonight. He noted Mr. Patterson was in attendance and would speak this evening, and he had been more than willing to work with staff. He stated if Mr. Patterson were to buy the vacant parcels, then the question was why the County should

spend money on an easement when there was a very high probability that this land would never be developed since it was very close to water. Mr. Shepperd stated that presented the question of why the County should spend money on it so Mr. Hudgins had stated the Board could turn it down and then later come back and take action to acquire the easement. He noted there was one potential problem with doing that, because if it was turned down and that property was not purchased by Mr. Patterson, what would happen then was that a future property owner who decided to build a house on that property would not have to connect to the sewer system. The problem with that was it defeated the purpose of why the County puts the sewer systems in and around the waterways because it was part of the cleanup of the Chesapeake Bay Protection Act. He then recommended that the County actually purchase this property with the stipulations that Mr. McReynolds had presented. He stated Mr. Hudgins needed to make sure all the stipulations before the Board were captured in the resolution along with the technical aspects of going from a 20-foot easement to 10-foot easement. He noted he wanted to stipulate that the resale back to the County, if that were to occur, would be at the same price.

Mr. Hudgins stated that after he had spoken with Mr. Shepperd today, Mr. Woodward had brought up that any time the County abandoned or sold an easement back, the action would have to come back before the Board.

Discussion followed regarding the size of the easement and how the price was established.

Chairman Zaremba then called to order a public hearing on proposed Resolution R13-89, which was duly advertised as required by law and is entitled:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON
AND TAKE A CERTAIN PERMANENT UTILITY EASEMENT IN
CONNECTION WITH THE MOORE'S CREEK SEWER PROJECT
ON PROPERTY OWNED BY JERRY K. PATTERSON AND CHRIS-
TINA M. PATTERSON LOCATED AT 1909 YORKTOWN ROAD
(GPIN U04D-2986-1580)

Mr. Jerry Patterson, 116 Galaxy Way, stated he and Mr. Woodward spent almost an hour walking the property and talking about all the options, so he now understands why the County required the easement. He stated he and Mr. Woodward came to a verbal consensus that a 10-foot easement would suffice. He stated he was waiting for the easement acquisition paperwork from Mr. Mike August on the proposed easement, but he had not yet seen it. He stated if he were able to purchase that piece of land, it would not be right for him to retain it, and there would be no reason for him not to sell it back and give the money back. Since they were now talking about a narrower strip of land, he felt the proposal would be amicable to everybody.

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

Mr. Shepperd moved the adoption of proposed Resolution R13-89(R) that reads:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON
AND TAKE A CERTAIN PERMANENT UTILITY EASEMENT IN
CONNECTION WITH THE MOORE'S CREEK SEWER PROJECT
ON PROPERTY OWNED BY JERRY K. PATTERSON AND CHRIS-
TINA M. PATTERSON LOCATED AT 1909 YORKTOWN ROAD
(GPIN U04D-2986-1580)

WHEREAS, it is necessary to obtain certain easements in connection with the Moore's Creek sewer project; and

WHEREAS, for various reasons, the County is not able to obtain from the owners of such property clear title to the interests in real estate necessary, or no agreement has been reached as to the consideration to be paid for the said interest; and

WHEREAS, plats of the interests in real property to be acquired have been prepared by the York County Department of Environmental & Development Services and valuations of such

interests have been prepared by County staff; and

WHEREAS, § 15.2-1905 (C), Code of Virginia, authorizes the Board to adopt a resolution following a public hearing on the matter declaring its intent to enter and take specified properties, rights-of-way or easements for such purposes as constructing, installing, expanding, maintaining, or repairing sewer facilities.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of August, 2013, that the Board finds that it is necessary for the protection and preservation of the public health, safety and welfare, and for the timely completion of the Moore's Creek sewer project, for the County, its officers, employees and agents to enter upon and take the interests in real property described below prior to the initiation of condemnation proceedings.

BE IT FURTHER RESOLVED that the interests to be taken, and the compensation and damages, if any, offered by the County is the following, which interests are more particularly described on the plat attached to the memorandum of the County Administrator dated August 8, 2013, and incorporated herein by this reference:

GPIN: U04d-2986-1580

A permanent utility easement as shown on a plat entitled "PLAT OF EASEMENT, PROPERTY OF JERRY K. PATTERSON, 1909 YORKTOWN ROAD, TO: COUNTY OF YORK, PROJECT: MOORE'S CREEK SEWER PROJECT," dated January 31, 2013, and amended on August 20, 2013, made by the York County Department of Environmental & Development Services and designated as "Proposed 10' York County Utility Easement." Estimated Value: To be negotiated.

BE IT FURTHER RESOLVED that the Chairman of the Board of Supervisors and the County Treasurer are hereby authorized and directed, for and on behalf of the County, to execute a certificate of deposit to be recorded in the Office of the Clerk of the Circuit Court for York County, certifying that an amount to be negotiated as the estimated fair value, and damages if any, of the interest to be taken, will be paid the owners in accordance with the provisions of State law and upon order of the Court.

BE IT FURTHER RESOLVED that the County Attorney be, and he is hereby, authorized, if necessary and appropriate, at any time following the date of this Resolution, to institute condemnation proceedings in the name of the County of York to acquire title to the interests in the property described above, including, if necessary, any other easements or restrictions that may affect the easement sought to be acquired, and to do all things necessary as a prerequisite thereto.

On roll call the vote was:

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

UTILITY EASEMENT FOR HUBBARD LANE-WALLER MILL WATER PIPELINE PROJECT

Mr. Barnett gave a presentation on proposed Resolution R13-77 to enter upon and take certain permanent utility easements and temporary construction easements in connection with the Hubbard Lane-Waller Mill Water Pipeline Project.

Mr. Hrichak asked if he had interpreted correctly that the water easement would be going within the 200-foot power easement and would not affect the homeowners' homes.

Mr. McReynolds stated he believed that was correct.

Mr. Hudgins stated that was correct, and all six easements were within the Dominion Power easements.

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Chairman Zaremba then called to order a public hearing on proposed Resolution R13-77, which was duly advertised as required by law and is entitled:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON
AND TAKE CERTAIN PERMANENT UTILITY EASEMENTS AND
TEMPORARY CONSTRUCTION EASEMENTS IN CONNECTION
WITH THE HUBBARD LANE-WALLER MILL WATER PIPELINE
PROJECT

Mr. Lawrence Meyers, 101 Erin Leigh Court, stated he did not have any problem with the waterline, but he did have a problem with the reimbursement amount of his property. He stated he had only received 25 percent of the property value, and the internet showed that 50 percent was the norm for this type of easement. He stated the letter he received from the County Attorney stated he was being offered 50 percent but that was not correct. He gave photos to the Board to show them what it was like to live on the easement and what happens to property when there was an easement. He stated it was in his backyard, and it was not York County's utility right-of-way. He stated he was a yard nut; and although the ground would be returned to a form that was useful, it would not be returned to its original condition. He noted it was going to take him approximately two more years to return the ground to its previous condition. Mr. Meyers stated he was looking to get a little more money from the County so once the easement was complete he could restore the condition of his yard.

Mr. Shepperd asked Mr. Meyers if he could tell the Board the difference between what he was asking and what the County was offering.

Mr. Meyers stated his last offer was \$1366 but his original offer was \$773 and that was 25 percent. He stated he had the worksheet from Mr. Woodward in which he had said the property was valued at \$1.20 per square foot but he had reduced it to 60 cents per square foot and then reduced it another 30 percent which brought it to 25 percent of the value.

Mr. Shepperd asked if he had been given any reason for the reduction.

Mr. Meyers stated Mr. Woodward had said the reduction was because there was already an existing easement.

Mr. Shepperd asked if Dominion Power had paid him for its easement.

Mr. Meyers stated he had never gotten a penny. He noted he has the power, two water lines, and a gas line, and he had never received any money for the easements.

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

Mr. Shepperd stated the issue had been brought up and how could the Board work this so the Mr. Meyers got the 50 percent.

Mrs. Noll asked how critical it was that action be taken on this item this evening.

Mr. McReynolds stated the property could be condemned tonight and that would just give the County the right to take the property but they would not be approving a price one way or the other. He stated negotiations with the property owner could continue; and if the County and Mr. Meyers could not come to terms, then there was a way to settle the matter through the court system.

Mr. Hudgins stated Mr. Meyers had summarized correctly the initial 25 percent offer which was the beginning of the negotiation process. He stated they had offered the 25 percent because there was already an existing easement. He stated Newport News Waterworks was doing the construction on the pipeline, and he thought they would return the ground to its present condition. Mr. Hudgins stated anytime sewer was installed, whether through an easement or not, the property was replanted and returned to its original condition.

Chairman Zaremba stated he and others on the Board had seen how various others have left

the condition of property.

Mrs. Noll reiterated that Mr. McReynolds had said the process was not finished, and the Board could move forward with this action and then the negotiations on property value could continue.

Mr. Shepperd stated he wanted this to be resolved because it was only a difference of \$700 and it would be ridiculous for this to end up in court. He stated staff needed to come back with an offer that was closer to 50 percent.

Mr. Shepperd moved the adoption of proposed Resolution R13-77 that reads:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON
AND TAKE CERTAIN PERMANENT UTILITY EASEMENTS AND
TEMPORARY CONSTRUCTION EASEMENTS IN CONNECTION
WITH THE HUBBARD LANE-WALLER MILL WATER PIPELINE
PROJECT

WHEREAS, it is necessary to obtain certain easements in connection with the Hubbard Lane-Waller Mill water pipeline project; and

WHEREAS, for various reasons, the County is not able to obtain from the owners of such property clear title to the interests in real estate necessary, or no agreement has been reached as to the consideration to be paid for the said interest; and

WHEREAS, plats of the interests in real property to be acquired have been prepared by AES Consulting Engineers and valuations of such interests have been prepared by County staff; and

WHEREAS, § 15.2-1905 (C), Code of Virginia, authorizes the Board to adopt a resolution following a public hearing on the matter declaring its intent to enter and take specified properties, rights-of-way or easements for such purposes as constructing, installing, expanding, maintaining, or repairing water and sewer facilities.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of August, 2013, that the Board finds that it is necessary for the protection and preservation of the public health, safety and welfare, and for the timely completion of the Hubbard Lane-Waller Mill water pipeline project, for the County, its officers, employees and agents to enter upon and take the interests in real property described below prior to the initiation of condemnation proceedings.

BE IT FURTHER RESOLVED that the interests to be taken, and the compensation and damages, if any, offered by the County are the following, which interests are more particularly described on the plats attached to the memorandum of the County Administrator dated July 23, 2013, and incorporated herein by this reference:

GPIN: F14b-3890-4885

A permanent utility easement and temporary construction easements as shown on a plat entitled "PLAT SHOWING 10' PERMANENT WATER PIPELINE EASEMENT AND 7.5' TEMPORARY CONSTRUCTION EASEMENTS ACROSS THE PROPERTY OF GARY L. SCHEITL TO BE CONVEYED TO COUNTY OF YORK, VIRGINIA," dated October 5, 2012, made by AES Consulting Engineers and designated as "10' Permanent Water Pipeline Easement Hereby Conveyed to the County of York Area=1,158 S.F.±/0.027 Ac.±," "7.5' Temporary Construction Easement Area=884 S.F.±/0.020 Ac.±" and "7.5' Temporary Construction Easement Area=854 S.F.±/0.019 Ac.±." Estimated Total Value: \$346.00.

GPIN: F14b-3953-4690

A permanent utility easement and temporary construction easements as shown on a plat entitled "PLAT SHOWING 10' PERMANENT WATER PIPELINE EASE-

MENT AND 7.5' TEMPORARY CONSTRUCTION EASEMENTS ACROSS THE PROPERTY OF RUSSELL A. WINCHESKI, ETUX TO BE CONVEYED TO COUNTY OF YORK, VIRGINIA," dated October 5, 2012, made by AES Consulting Engineers and designated as "10' Permanent Water Pipeline Easement Hereby Conveyed to the County of York Area=2,185 S.F.±/0.050 Ac.±," "7.5' Temporary Construction Easement Area=1,621 S.F.±/0.037 Ac.±," and "7.5' Temporary Construction Easement Area=1,656 S.F.±/0.038 Ac.±." Estimated Total Value: \$731.00.

GPIN: F14b-4554-4203

A permanent utility easement and temporary construction easements as shown on a plat entitled "PLAT SHOWING 10' PERMANENT WATER PIPELINE EASEMENT AND 7.5' TEMPORARY CONSTRUCTION EASEMENTS ACROSS THE PROPERTY OF LAWRENCE T. MEYERS, ETUX TO BE CONVEYED TO COUNTY OF YORK, VIRGINIA," dated October 5, 2012, made by AES Consulting Engineers and designated as "10' Permanent Water Pipeline Easement Hereby Dedicated to the County of York Area=1,981 S.F.±/0.045 Ac.±," "7.5' Temporary Construction Easement Area=1,469 S.F.±/0.034 Ac.±," and "7.5' Temporary Construction Easement Area=1,505 S.F.±/0.034 Ac.±." Estimated Total Value: \$773.00.

GPIN: F14b-3889-4786

A permanent utility easement and temporary construction easements as shown on a plat entitled "PLAT SHOWING 10' PERMANENT WATER PIPELINE EASEMENT AND 7.5' TEMPORARY CONSTRUCTION EASEMENTS ACROSS THE PROPERTY OF RICHARD P. FERGUSON TO BE CONVEYED TO COUNTY OF YORK, VIRGINIA," dated October 5, 2012, made by AES Consulting Engineers and designated as "10' Permanent Water Pipeline Easement Hereby Conveyed to the County of York Area=1,198 S.F.±/0.028 Ac.±," "7.5' Temporary Construction Easement Area=899 S.F.±/0.021 Ac.±," and "7.5' Temporary Construction Easement Area=899 S.F.±/0.021 Ac.±." Estimated Total Value: \$541.00.

GPIN: F14b-4278-4386

A permanent utility easement and temporary construction easements as shown on a plat entitled "PLAT SHOWING 10' PERMANENT WATER PIPELINE EASEMENT AND 7.5' TEMPORARY CONSTRUCTION EASEMENTS ACROSS THE PROPERTY OF MORRIS L. RANDALL, SR. TO BE CONVEYED TO COUNTY OF YORK, VIRGINIA," dated October 5, 2012, made by AES Consulting Engineers and designated as "10' Permanent Water Pipeline Easement Hereby Conveyed to the County of York Area=1,810 S.F.±/0.042 Ac.±," "7.5' Temporary Construction Easement Area=1,337 S.F.±/0.031 Ac.±," and "7.5' Temporary Construction Easement Area=1,379 S.F.±/0.032 Ac.±." Estimated Total Value: \$882.00.

GPIN: F14B-4164-4480

A permanent utility easement and temporary construction easements as shown on a plat entitled "PLAT SHOWING 10' PERMANENT WATER PIPELINE EASEMENT AND 7.5' TEMPORARY CONSTRUCTION EASEMENTS ACROSS THE PROPERTY OF BRADFORD P. NELSON, ETUX TO BE CONVEYED TO COUNTY OF YORK, VIRGINIA," dated October 5, 2012, made by AES Consulting Engineers and designated as "10' Permanent Water Pipeline Easement Hereby Dedicated to the County of York Area=1,644 S.F.±/0.038 Ac.±," "7.5' Temporary Construction Easement Area=1,214 S.F.±/0.028 Ac.±," and "7.5' Temporary Construction Easement Area=1,644 S.F.±/0.038 Ac.±." Estimated Total Value: \$866.00.

BE IT FURTHER RESOLVED that the Chairman of the Board of Supervisors and the County Treasurer are hereby authorized and directed, for and on behalf of the County, to execute certificates of deposit to be recorded in the Office of the Clerk of the Circuit Court for York County, certifying the amounts set forth above as the estimated fair value, and damages if any, of the interests to be taken, will be paid the owners in accordance with the provisions of State law and upon order of the Court.

BE IT STILL FURTHER RESOLVED that the County Attorney be, and he is hereby, authorized, if necessary and appropriate, at any time following the date of this Resolution, to institute condemnation proceedings in the name of the County of York to acquire title to the interests in the property described above, including, if necessary, any other easements or restrictions that may affect the easements sought to be acquired, and to do all things necessary as a prerequisite thereto.

On roll call the vote was:

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

YORK COUNTY COMPREHENSIVE PLAN REVIEW: CHARTING THE COURSE TO 2035

Mr. Timothy Cross, Principal Planner, gave a presentation on the draft updated Comprehensive Plan – Charting the Course to 2035. The State Code requires that localities have a Comprehensive Plan and that, once adopted, it be reviewed every 5 years to determine if amendments were necessary. He stated this was the third update to the Comprehensive Plan that was originally adopted in 1991. The Comprehensive Plan was a policy document made up of seven elements. He noted that Land Use was the centerpiece of the process, and he discussed the project timeline that began in February of 2012 with four joint community forums. He stated attendance at the public meetings was not large, and most residents seemed relatively satisfied with York County the way it was. There was very little support for raising the targeted 80,000 maximum build-out population, yet there was strong support for policies to promote moderately priced housing, but not for increasing residential densities in order to achieve it. There was also support for higher densities to attract businesses in the upper County. Mr. Cross then reviewed the highlights of the Plan, stating the staff updated all demographic information and growth projections and supplemented information on shoreline Best Management Practices and stormwater management. He also noted there was continued emphasis on a quality school system, and an implementation timeframe recommendation was added to each implementation strategy. He stated the major policy changes were in land use designations, and he reviewed the proposed changes to the following areas:

- Lightfoot
 - Newman Road/Fenton Mill Road Intersection—Extend existing Mixed Use Overlay designation in the Skimino area on the east side of I-64 across Newman Road to encompass two parcels totaling 15 acres located in the northeast quadrant of the intersection of Newman Road and Fenton Mill Road.
 - Lightfoot Road—Extend the Mixed Use Overlay designation to the entire area between Lightfoot Road and Route 199, shifting the southern boundary of the designation from Lightfoot Road to Route 199.
 - Old Mooretown Road—Designate a strip of 15 parcels along Old Mooretown Road immediately south of Route 199, most of which are occupied by single-family detached homes, as Economic Opportunity.
- Bypass Road Corridor
 - Colonial Williamsburg Foundation Property—Designate from Medium Density Residential and Economic Opportunity to Conservation the conservation easements established by the Colonial Williamsburg Foundation along Route 132 and Queen Creek. Of the 52 remaining acres along Bypass Road, designate 32 acres as General Business, and designate the remaining 20 acres to the rear as Medium Density Residential.
 - Hotel 1776 Property—Change designation from General Business to Multi-Family Residential in recognition of the recent zoning change.

- The Reserve at Williamsburg—Designate the 67-acre project as Multi-Family Residential.
- I-64/Route 199 Interchange
 - Egger Tract, 251-acre parcel—Retain Mixed Used Overlay designation and extend to encompass the Anheuser-Busch property on the north and south sides of Penniman Road and the Marquis property on the south side of Marquis Center Parkway. The underlying Economic Opportunity land use designation in this area would not change.
- Lackey
 - Newport News Waterworks Property—Designate Waterworks properties located in Lackey, currently designated High Density Residential, Medium Density Residential, and General Business to Conservation to be consistent with rest of the Waterworks property.
- Route 17/Fort Eustis Boulevard
 - Nelson’s Grant, Yorktown Crescent, and Commonwealth Green—Establish a new Mixed Use designation to be applied only to those areas that have been specifically approved by the Board of Supervisors for mixed-use development.
 - Pickett Property—Designate as Multi-Family Residential in recognition of approved use of 24 acres on the north side of the CSX rail spur, west of Route 17 for construction of an independent/assisted living senior housing apartment complex.
- Denbigh Boulevard
 - Former Colony Pines of York Property—Remove the Mixed Use Overlay designation from this area and change the underlying High Density Residential designation to Conservation.
- Airport Vicinity
 - Peninsula Airport Commission Property—Designate 125 acres at the end of PAC’s longer runway from Conservation to Limited Industrial to recognize the potential future runway extension.
 - Oriana Road Parcels—Designate from Low Density Residential to Limited Industrial four privately owned parcels of land on the south side of Oriana Road, also to recognize the potential future runway extension.
- Seaford
 - Nature Conservancy Property—Designate 600 acres of land donated by BP Amoco to The Nature Conservancy as Conservation.
 - Intersection of Goodwin Neck Road and Seaford Road—Modify boundaries of Limited Industrial designation to encompass four parcels along Goodwin Neck Road totaling 17 acres.

Mr. Cross then reviewed the County’s acreage by land use designation and its vacant land by land use designation. The State Code requires that after the public hearing, the Board has to act on the plan within 90 days of the Planning Commission’s recommending resolution. He stated no action was expected this evening to give the Board time to consider the comments of the public hearing. He noted the regular work session was scheduled on September 3 for further discussion and possible adoption of the Comprehensive Plan. He stated in the event the Board does not approve the Plan on September 3, a meeting would have to be scheduled no later than September 10 for approval since that was the 90th day since the Board had received

the Planning Commission's recommendations.

Chairman Zarembo called to order a public hearing on the Comprehensive Plan—Charting the Course to 2035 which was duly advertised as required by law.

Captain Lowell Crow, Commanding Officer of the Naval Weapons Station, stated the Navy's concerns regarding the Comprehensive Plan proposed by the Planning Commission were three-fold. First, the amendment to expand the mixed-use overlay over the Egger and Busch properties would increase the potential for encroachment upon the installation operations. He noted while the change would not guarantee incompatible development of property in the vicinity of the installation, particularly in the area of Jones Pond, it would be one step closer to the approval of mixed-use zoning and ultimately the approval of specific mixed-use development. The Navy did not recommend the residential development in the areas of Jones Pond near the special operations training area, which was essential to today's defense strategy. He stated it was of mutual benefit to recognize this now before actions were taken by the County to make it more difficult to prevent compatible development later on. Secondly, he pointed out that this was not only the Navy's problem to solve, but it was also its hope and desire that the quality of life for County residents and the operational sustainability of the Naval Weapons Station Yorktown were shared concerns toward partnering and working together to achieve. He stated the answer was not for the Navy to purchase the property, thereby increasing the percentage of tax exempt property in York County. He stated the Navy's policy was to acquire the minimum real estate necessary to accomplish its mission, and it was not necessary to expand the installation footprint. As a major land holder and employer in the community, the Navy was requesting that the County implement land use controls that were compatible with the military operations onboard the installation, not simply for the benefit of the Navy, but also for the economic and overall welfare of York County. The Navy would continue exploring and pursuing the purchase of a restrictive easement on the property in conjunction with a willing partner who would purchase the title to the property to achieve their own desire to limit development and perhaps to conserve historical and natural resources. Thirdly, the legislation recently enacted by the General Assembly required the coordination between local planners, the Commanding Officers, and the consideration of military impact. He stated the Board of Supervisors, as well as the Planning Commission, recognizes the Comprehensive Plan, the military's significant role in the local and regional economy, and the need to collaborate and work in partnership to ensure the continued viability of the Navy's military installations and encourage only those land uses that were compatible with the Naval Weapons Station Yorktown. He hoped the Board would act accordingly and only approve the mixed-use overlay in the area of the Marquis Shopping Center.

Mr. Drew Robbins, Deputy Public Works Officer for Naval Weapons Station Yorktown, stated he had just found out that the Naval Weapons Station had been successful in obtaining Readiness & Environmental Protection Initiative (REPI) funding for this year. He noted that it was five year money, so it had money that was good for purchasing restricted easements on this property. He noted the likelihood of funding in the out years was also very good for a regional priority. He stated the money could be used for the Jones Pond area concern or for any of the other area concerns at Yorktown. He stated they would like to use this money with partners to promote compatible development, which was the reason Congress had set this money aside. The Civil War Trust and the Williamsburg Land Conservancy were partners with the Navy, and they would welcome the County in the partnership for economic development. Mr. Robbins stated that removing the mixed-use overlay for the Egger Tract would promote compatible development in this area, and they were asking the Board to revert to what was called Option D in the Comprehensive Plan.

Mr. Carson O. Hudson, Jr., P.O. Box 1182, Williamsburg, spoke regarding the possible mixed-use overlay of the Egger and Busch property. He stated as a professional historian, an educator, and a war veteran, it boggled his mind that anyone would consider doing anything with that piece of property other than preserving it. He stated the County has a section of the Battle of Williamsburg that was one of the most historically significant pieces of property on the entire Virginia Peninsula. He spoke of the many activities that had taken place on the battlefield, the historic value of the land, and the American soldiers whose lives were extinguished on the property. He noted he felt a monument should be erected on the property.

Mr. P. Daniel Smith, Superintendent of the Colonial National Historical Park, spoke regarding the significance of the Colonial Parkway, noting it was one of only 25 roads in the country that

was considered an All-American Road. The Parkway was also on the National Register of Historical Places. He stated the reason that Colonial had not purchased this piece of property was that he currently did not have the funds to acquire the land. He stated the current zoning on the property would require a 300-foot buffer between the Egger Property and the Parkway that totaled about 33 acres that would not be developed. From the Park Service's point of view, he stated Alternative C that deals with the Egger property adjacent to the Parkway was the only way to go. He stated the Park Service would not grant any type of access in that area, and the possibility of the multi-use overlay would bring on issues of drainage and access problems. Mr. Smith stated he felt for the integrity of the Parkway, the Board should follow their professional planning staff's recommendation and go with Alternative C, which would not allow the mixed-use overlay on this property.

Mr. Bobby J. Edwards, 102 Heath Place, addressed the Board as Historian of the Third North Carolina Calvary and the commander of the Lee-Jackson Camp No. 1. He stated the Egger-Busch tract was historic property, and retail development in this area would come and go and have a life cycle, but the history of the men he had spoken of would never have a life cycle.

Mr. Drew Gruber, 423 E. Duke of Gloucester Street, appeared on behalf of the Williamsburg Battlefield Trust, a local organization whose mission included advocacy, education, and preservation of local battlefield landscapes. He stated the Egger-Busch tracts were parcels that are green fields and do not have the infrastructure to support development. He urged the Supervisors to look at local brown fields, areas like Presidents' Park and around the Marquis complex where the infrastructure already exists and where these development rights could be transferred. He stated this would protect the rights and values of the Egger and Busch properties and would also maintain economic development in a sustainable and responsible way. He stated the American Battlefields Protection Program had denoted this area as eligible for the National Register of Historic Places and within the core of battlefield boundaries. He stated those two distinctions made these properties eligible for federal Land and Water Conservation grants. He noted the Williamsburg Battlefield Trust opposes the mixed-use overlay on the parcels and advocated for the addition of the parcels to the York County Historic resources. He urged the Board and the Planning Commission to work with the property owners and the regional and national organizations that have shown their interest and have the ability to see the site preserved. He stated it was a site which cannot be replaced, and it cannot be restored. He stated the Board had all the abilities to create a codified plan that would bring together all three goals that had been discussed this evening.

Mr. Robert Dickler, 102 Galleon Court, stated while he and his wife supported economic development to maintain the viability of this community, they also supported preserving the County's history and heritage. He stated they felt the only choice with the Egger-Busch tract was to preserve the history. He stated he and his wife were eternally grateful to the generations before who have preserved the history, and it was their hope that future generations would continue to preserve these historic sites so that people could learn from the past.

Mr. Matt Egger, 8505 Horseshoe Lane, Potomac, Maryland, stated the Navy had asked the County to extinguish the mixed-use overlay designation on his family's property, and he was present tonight to ask the Board to leave it in place. He stated the Navy wanted a 2,500 foot wooded buffer that would envelope more than half of his acreage, and it also wanted to downzone his property to industrial use. He stated he was very sympathetic with the historic preservationists who come forward tonight, and he would be happy to work with them; but they want the Board to extinguish all of his development rights with a preservation easement over his entire property. Mr. Egger then spoke of the federally funded program that gave the military statutory authority to partner with state and local government, charitable organizations, and others to purchase protective buffers around the military's installations. He noted that since the program's inauguration eight or ten years ago, it had been enormously successful. The military has acquired rights to about 265,000 acres at the cost of about 50 cents on the dollar. He stated this type of transaction would be ideal for his property, and the Civil War Trust had agreed to partner with the Navy to purchase his property. It was his understanding from the Civil War Trust last fall that the Navy had agreed to put up the value of a protective easement. He said this collaboration would be a win-win situation for everyone. He stated the only fly in the ointment arose in April when Captain Crow had asked the Planning Commission to extinguish his mixed-use overlay, and the only practical consequence of that would be to devalue his property. He stated he was asking only that his property be valued at its fair mar-

ket value and its designation is economic opportunity with a mixed-use overlay. He stated he was not particularly keen on selling his property to the Navy at a discount occasioned by the extinguishment of his mixed-use overlay designation.

Ms. Sonja Ingram, Virginia Field Representative for Preservation Virginia, addressed the Board on behalf of Preservation Virginia and voiced its concerns about the proposed mixed-use zoning for the Egger and Busch tracts and the negative impacts that it could have on the area's historic resources, including the Williamsburg battlefield. She stated these two parcels have a rich history that spanned the 1700, 1800, and 1900 centuries and they also fall within the core battlefield boundaries as identified by the American Battlefield Protection Program. As a Virginia statewide historic preservation organization, Preservation Virginia has worked to protect Virginia's irreplaceable historic places for almost 125 years. Preservation Virginia has heavily invested in programs at Historic Jamestown, urged alternatives to be perused to protect the view of the Colonial Parkway, and now was urging the Board to carefully consider impacts to the Williamsburg Battlefield. Ms. Ingram stated the battlefield was an important part of the Historic Triangle, a unique asset to Virginia and the nation that should be protected in its entirety for the continued economic and cultural vitality of the region.

Mr. Chis Mollenkamp, 113 Winsome Haven Drive, stated he felt there should always be an attempt to allow private property owners their property rights as that was one of the foundational decisions made by the country's forefathers in starting this nation. The Egger property was unique in that it was not only historically significant, but it was also wetlands. He thought there was an opportunity to work collaboratively to create an environment where the property owner got the value for their property, those who are seeking to preserve the history were able to do that, and those other entities, such as the Navy and the Park Service, were able to have that property utilized in a manner that supported their goals. He encouraged the Board to try to do whatever it could to fulfill that goal. He stated if construction were allowed on those properties, it would be impossible to go back and undo; so there was only one shot to preserve those things, and it would be a waste to lose something this significant especially in York County.

Mr. Robert Rojas, 6280 Old Mooretown Road, asked the Board to change the property zoning in his area that is low residential and economic opportunity to allow apartments and condos to be built on the property. He stated five years ago in 2008 his property was under contract to build office space, but the builder could not finalize the agreement because he could not guarantee 90 percent of capacity of the office space. He stated there was a lot of empty office space in that area that cannot be filled because of the economy. He asked the Board to see if they could allow that type of zoning in the area because his realtor had said if the property zoning was designated for apartments, condos, or senior living, it would sell fast.

Mr. Jeff Aronowitz, 208 Queens Crossing, stated the Egger-Bush property had incredible historical significance, but more importantly it was an opportunity for the community to show they value that historical significance. He stated he was very impressed with the willingness of the property owner and other organizations to work together to come to some kind of conclusion that would preserve this property.

Mr. Bill Miller, 108 Davids Way, stated he was civil engineer, and his entire career has been spent in commercial construction. While reviewing the environmental criteria outlined in the plan, he concluded that development of these properties was fraught with major challenges. Any development of these vacant properties would require new water service, sanitary sewer, force mains, pump stations, natural gas, and electric power services. The stormwater management would necessitate extraordinary design considerations in order to comply with criteria established by the Chesapeake Bay Act. Today Redoubt 11 still stands like a silent sentinel overlooking the fields where so many brave Americans baptized these lands with their blood. He asked the Board to overrule the mixed-use overlay and allow the unique opportunity to preserve this hallowed ground.

Ms. Lois Winter, 1907 Old York-Hampton Highway, stated this was such a unique area because it represents 400 years of the county's history. She spoke of the huge responsibility to try and balance the rights of the property owners with historical preservation. She then spoke of a letter she had sent the Board urging it to allow time for more investigation into alternative solutions before making any decisions regarding the Egger-Busch tracts. Ms. Winter stated a

careful, thorough review could insure that the past does not get destroyed for the future.

Mr. Stephen Romeo, 115 Tide's Run, urged the Board to support the mixed-use overlays that the staff was proposing before them this evening. He believed each of the surrounding properties was distressed in some certain way economically.

Mr. Mike Pullen, 3471 Sleepy Hole Road, Suffolk, representing the Virginia Division, Sons of Confederate Veterans, stated the Sons of Confederate Veterans represents the State's history, and it is the citizens' duty to make sure that history passes over to future generations. Instead of having a mixed-use overlay on this land, he felt there should be a memorial. He noted there were upwards of up to 300 bodies that lay in the hallowed ground, and those men deserve a way to be honored. Mr. Pullen stated he hoped everyone could come together to find a good solution to this problem.

Mr. Ken Parsons, 217 Sherwood Forest, Sons of Confederate Veterans, stated the Sons is an international honor society of descendants of confederate veterans just like the men previously mentioned who died in front of Redoubt 11 on the Egger tract. He thought there was a better use of this historical site, and the Board heard many suggestions tonight. These sites are delineated as hallowed grounds and were eligible for the National Register of Historic Places and the American Battlefield Protection Program. He noted the Board had an impressive list of organizations that had an interest in working with the property owners and the County to craft a fiscally sustainable plan to save the national historic site while at the same time preserving the property owners' land values and rights. Mr. Parsons stated the Board's leadership in exploring those avenues would be what it would take to make this property more valuable to the County and the nation.

Mr. Dennis Cotner, 127 Wilson Circle, Williamsburg, stated he had studied Civil War history for about 50 years and he hoped the Board would not look upon the historical importance of the lands in America with any cavalier attitude. He stated it was everyone's duty to see that all historic sites with significance were preserved for all time. He urged the Board to make the right decision by saving this land from any development that would be repetitive of anything and everything that was already there. He stated everyone owes it those soldiers, as well as future generations, not to lose the physical reminders of history. We certainly would not dream of allowing development within the sites of the trenches of Yorktown. Mr. Cotner stated there was enough land to develop that was not historically sensitive.

Mr. Mark Perreault, 950 Hanover Avenue, Norfolk, President of Citizens for a Fort Monroe National Park, spoke of how after seven years of work at Fort Monroe there was now a 324-acre national park there that will preserve the heart of that property forever. He thought the Battle of Williamsburg was the largest battle in Southeastern Virginia and was of national significance. He stated it was a privilege for the community to have the Egger and Busch tracts still within its borders. He hoped the County would affirmatively make its policy to preserve that land and take every reasonable step to partner with the Civil War Trust, the landowners, the Williamsburg Battlefield Trust, and others to make that happen. He urged to Board to preserve as much of the Egger-Busch tract as was possible so that in the future Williamsburg would not be a lost battlefield but would be a place where America comes to discover its history and its heritage.

Mr. Jerome Brisco, 514 Back Creek Road, addressed the Board regarding a very small tract of land that his family owned, and he thought it was proposed for that land to be rezoned residential. He stated there were five families living on that land, and it was almost impossible to get anything done back there with the current industrial zoning. He stated if it was zoned residential once again, the homeowners could make the improvements to the homes that are needed. He noted some of those homes were built in 1927 and needed to be improved, and residential zoning would help that. He then spoke of the issue of getting ditches cleared and things of that nature. Because of the zoning, Mr. Brisco stated he did not feel that the area was given the attention that it would be given if it were zoned residential.

Mr. Lamont Myers, 107 Two Turkey Run, Manager of Mid-Atlantic Communities, stated it had a contract on the Busch property, and it has an equitable interest in the property. He stated there was a lot of land on the Busch property, and it did not appear that the Battle of Williamsburg took place on most of that property. He stated the Board had spent a lot of money bring-

ing infrastructure to the area, noting there was a 16-inch water line, a sewer force main on Winchester Road, lots of power easements, and it was in an economic development opportunity area. He stated the Marquis was there, and it needed shoppers and needed people who could provide some dollars there. He stated Mid-Atlantic was willing and had offered on several occasions to meet with the Navy and was still willing to meet with them. He stated he had spoken with Dan Smith this evening and assured him there was no interest in bringing in anything under the Parkway. He noted it had been very moving thing tonight to hear all the people, and he sympathized and empathized with them. He stated they just want to bring forward a plan for mixed-use on the Busch property; and given the chance, the plan would accommodate all of the concerns.

Mr. Robert Duckett, 302 Sommerville Way, stated he wanted to echo the comments of the previous speaker. He expressed his support of the Comprehensive Plan, specifically the mixed-use zoning currently on the Egger and Busch tracts at Route 199. He noted the County had consistently designated this area as economic opportunity for development, and he urged the Board to continue that designation. He stated private property owners look to the County's long-term plan as a way to guide their future planning as individuals. Mr. Duckett felt it was important for those private property owners to be able to rely on the County's designations, and he urged the Board's support for maintaining the mixed-use overlay.

Mr. Will Holt, Kaufman and Canoles, representing the Marquis Shopping Center, stated he wanted to voice strong support for the mixed-use overlay for its property. He thought it was important to remember the redrawing of the overlay was done with the specific intent to include the Marquis largely for that reason because of what staff perceived as a strong development potential for the Marquis. He stated the mixed-use overlay was a big deal for the Marquis, and it would allow the landowner to put forth a land use application that would include a residential component. He stated that in recent years the Marquis had lost several significant opportunities with large national scale retailers and grocers for the lack of rooftops in the immediate vicinity of the Marquis. For that specific reason, he stated the Marquis had been heavily involved and participated through this Comprehensive Plan process to support this overlay designation for its property. In conjunction with the Board's review of this Comprehensive Plan process, he noted the Marquis owner has been hard at work with development plans and applications that would embrace the mixed-use concept; and they were eager to share those plans with the County as soon as the new Comprehensive Plan was in place. Mr. Holt asked the Board to approve the Comprehensive Plan as recommended by the Planning Commission with the mixed-use overlay at the Marquis.

Mr. Donald Phillips, 200 Dogwood Court, addressed the Board regarding the updated Comprehensive Plan and the negative impact that high density multi-family residential would have on the County's budget and the taxpayers. He asked to Board to oppose or amend the Plan to remove the mixed-use designation.

Mr. Mike Goellner, One Busch Place, St Louis, Missouri, representing Anheuser Busch, stated Anheuser Busch had a long history of development in York County and Williamsburg over the last 30 to 40 years including Kingsmill Resort, Busch Gardens, Water Country, Kings Creek Timeshares, and the Brewery. Anheuser Busch was a major corporate citizen and probably one of the largest employers in the region. He stated its involvement in this process went back 20 or 30 years since the property has been available for sale. He stated Busch had marketed the property with the hopes of seeing it developed; and based upon the responses that it had received, it became clear that residential was the right use for this property, and he just want to make it clear that the Busch property and the Egger properties were different. He stated Busch had 34 acres of land across from Water Country, another 80 acres at the back of Kings Creek, and another 40 acres in Busch Industrial Park that remain to be developed. Without the residential component, he stated this area would continue to lag. He asked the Board not to kill the opportunity to at least see the plan that Mid-Atlantic had put together for the Busch property. Mr. Goellner stated he had significant personal involvement with the Navy, and he had met with the Civil War Trust again today. He also toured the Navy's property, and he felt that there was absolutely a compromise that was going to work for everyone here tonight given the opportunity to see the Mid-Atlantic plan.

Mr. Thomas Nelson, 220 Church Street, spoke regarding the Certified Local Government certification which he felt was one item that was missing from the Comprehensive Plan. He stated it

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has been intentionally removed, and he had brought it to the Board's attention. He stated if the County had a Certified Local Government certification, it would have a commission of representatives from the County's districts that would talk about policy for historic preservation. Mr. Nelson stated there needed to be an effort to preserve history, and he did not see that happening.

Ms. Lisa Heuvel, 4728 Bristol Circle, stated she thought there was an opportunity for everyone to come together and do something that was historically significant and hopefully meet everyone's needs, and she asked that the Board allow more time to work this out.

There being no one else present who wished to speak concerning the revisions to the York County Comprehensive Plan, Chairman Zaremba closed the public hearing.

BOARD COMMENTS, continued

Mr. Wiggins spoke of the privilege he had attending the grand opening of two new businesses that recently opened in the County, the Garden of Zen Yoga Studio on Route 17 and Shorty's Diner on Merrimac Trail. He encouraged people to stop by Shorty's Dinner to try their great food and ice cream.

CONSENT CALENDAR

Mr. Hrichak asked for clarification regarding item No. 8.

Mr. McReynolds stated a change in the state law required that any company or service offering medical transport facilities in a locality had to have the approval of the Board to do so. He noted this particular company did not intend to compete with the County for emergency medical response services. He stated its purpose was to transfer patients between hospitals and nursing facilities, and they would not provide any emergency medical response like the County provided through Fire and Life Safety.

Chairman Zaremba asked about the fees associated with the private company versus when the County EMS provided that same service.

Chief Stephen P. Kopczynski, Director of Fire and Life Safety, stated this company would provide a much different service than the County in that it would only provide inter-facility transports. The Department of Fire and Life Safety did not provide hospital-to-hospital transfers or take patients to dialysis treatments. He stated this company would provide typically non-emergency transport services, and the County would still provide the emergency medical services piece. Chief Kopczynski indicated the state EMS regulations require that the County be aware that the company providing a service or have a base of operation in the locality.

Chairman Zaremba asked what the difference was between conditional approval versus approval.

Chief Kopczynski stated there were some conditions that the company was not an agent or representative of the County and that its intent was to provide typically non-emergency transport, and they would pay timely federal, state, and local taxes and obey applicable state rules and regulations regarding emergency medical services.

Discussion followed on the whether or not there was the need to tell a business what they needed to do when it was already a requirement by federal, state, and local regulations. By consensus, the Board agreed that paragraph C of the resolution would be removed.

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

On roll call the vote was:

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

Item No. 5. APPROVAL OF MINUTES

The minutes of the July 16, 2013, Regular Meeting of the York County Board of Supervisors were approved.

Item No. 6. REIMBURSEMENT TO THE COUNTY FROM BOND PROCEEDS: Resolution R13-80

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 moneys previously advanced no more than sixty (60) days prior to the date hereof, and those moneys 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 20th day of August, 2013, 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 \$9,500,000.

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. 7. EMPLOYEE OF THE QUARTER: Resolution R13-83

A RESOLUTION TO COMMEND RICHARD E. LANEY, DIVISION

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OF MOSQUITO CONTROL, DEPARTMENT OF ENVIRONMENTAL
AND DEVELOPMENT SERVICES, AS EMPLOYEE OF THE QUAR-
TER

WHEREAS, Mr. Richard E. Laney has been employed with the County since May of 2001; and

WHEREAS, when Mr. Laney began working for the County in what was then the Drainage and Mosquito Control Division, he worked on one of two drainage maintenance crews for the County that had the task of cleaning County maintained ditches by removing blocked drainage ways for mosquito source reduction, as well as assisting with the biological application for mosquito prevention; and

WHEREAS, in 2005 Mr. Laney was hired in the newly established Mosquito Control Technician position to assist in the establishment of a fishery for the stocking of mosquito fish, and was key in getting the fishery started and keeping it maintained, having assumed the responsibility for the delivery of fish to residents who requested them, along with stocking fish in waterways and over 300 stormwater BMPs in the County; and

WHEREAS, Mr. Laney was responsible for delivering mosquito light traps to citizen volunteers and assisted with the training of those volunteers; and

WHEREAS, Mr. Laney assumed responsibility for pest control for County buildings, their grounds, and park areas, responding to requests for pest control measures and safely applying pesticides or sets traps as needed, whether it was for bees, rodents, cockroaches, or ants, so as to resolve the problem; and

WHEREAS, in 2011, the biologist for Mosquito Control retired; and Mr. Laney, in order to legally do his job, tested and became state certified as a licensed applicator for the daunting task of handling all pest and mosquito related issues; and

WHEREAS, Mr. Laney accompanied the Mosquito Control Operations Superintendent on school visits to assist in mosquito awareness and prevention presentations to third graders in ten York County elementary schools; and

WHEREAS, Mr. Laney performed ground spraying for mosquito infestations throughout the County in the late evenings and in the early mornings to reduce the public health threat to potential mosquito disease; and

WHEREAS, in 2012, when a part-time biologist was hired for Mosquito Control, Mr. Laney took the initiative to assist the biologist with the division's practices in mosquito control by sharing his knowledge of mosquito control procedures, thereby enabling the biologist to become a certified state technician in a minimum amount of time; and

WHEREAS, Mr. Laney has always performed his job with a positive, can-do attitude and often comes up with innovative, more efficient ways to accomplish his job; and

WHEREAS, it can be said that there is no issue too big or too small for Mr. Laney to resolve;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this 20th day of August, 2013, that Richard E. Laney be, and he is hereby, congratulated upon his selection as Employee of the Quarter for the quarter ending June 30, 2013.

Item No. 8. AMBULANCE TRANSPORT SERVICES: Resolution R13-81(R)

A RESOLUTION TO GRANT CONDITIONAL APPROVAL FOR MID-
ATLANTIC REGIONAL AMBULANCE TO PROVIDE CERTAIN
TRANSPORT SERVICES WITHIN THE COUNTY OF YORK

WHEREAS, Section 15.2-955 of the Code of Virginia provides that no organization shall

provide emergency medical services without prior approval by resolution of the local governing body; and

WHEREAS, Virginia Administrative Code Regulation 12VAC5-31-420 also requires that any applicant for licensure by the Virginia Office of Emergency Medical Services include such local approval in its state license application; and

WHEREAS, Mid-Atlantic Regional Ambulance desires a state license to provide certain medical transport services in the County of York, Virginia; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of August, 2013, that Mid-Atlantic Regional Ambulance is hereby granted approval to provide certain medical transport services within the County of York, Virginia, and to obtain agency license approval from the Virginia Office of Emergency Medical Services. The following requirements shall apply when Mid-Atlantic Regional Ambulance is providing services within the County of York:

- a. Mid-Atlantic Regional Ambulance is not an agent or representative of the County of York, Virginia, and shall limit its transport services to non-emergency transports.
- b. Mid-Atlantic Regional Ambulance may not attempt to provide service to, nor shall it respond to, emergency situations (commonly known as "911 Calls") unless requested by an authorized official of the York County Department of Fire and Life Safety, or through a written agreement with the County of York.

CLOSED MEETING. At 9:38 p.m. Mr. Wiggins moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia to consider a personnel matter involving the appointment of individuals to Boards and Commissions, and the assignment of a specific public employee; and Section 2.2-3711(a)(5) to discuss a prospective business or industry or expansion of an existing business or industry where no previous announcement has been made.

On roll call the vote was:

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

Meeting Reconvened. At 11:01 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 20th day of August, 2013, 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 meet-

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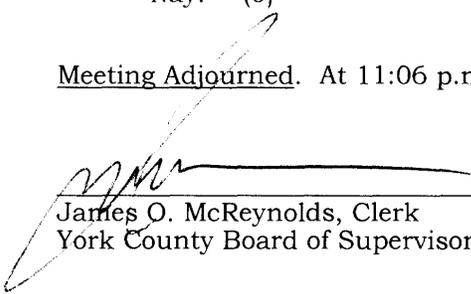
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ing were heard, discussed, or considered by the York County Board of Supervisors.

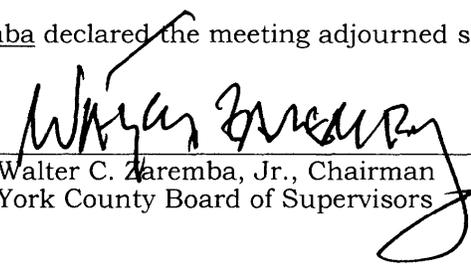
On roll call the vote was:

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

Meeting Adjourned. At 11:06 p.m. Chairman Zaremba declared the meeting adjourned sine die.



James O. McReynolds, Clerk
York County Board of Supervisors



Walter C. Zaremba, Jr., Chairman
York County Board of Supervisors