

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
August 6, 2013

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 6, 2013, in the East 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 James E. Barnett, County Attorney.

**JOINT MEETING WITH THE YORK COUNTY PLANNING COMMISSION**

Planning Commission Members Present: Mark Suiter, Chairman; Glenn A. Brazelton; Todd H. Mathes; Timothy D. McCulloch; and Richard M. Myer, Jr.

Also present was Mr. Christopher Abel, former member of the Planning Commission.

**WORK SESSION**

**COMPREHENSIVE PLAN REVIEW: CHARTING THE COURSE TO 2035**

Chairman Zaremba welcomed the Planning Commission members and expressed the Board's appreciation for the many hours spent on the Comprehensive Plan Review as well as interaction with the different neighborhoods and citizens. He also thanked Chris Abel and Alexander Hamilton for the work they did while serving on the Commission prior to the end of their respective terms. He noted this evening was only a work session, and the Board looked forward to the Planning Commission's comments and recommendations during this time.

Mr. McReynolds provided the Board with a brief review of the Comprehensive Plan Review process. 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. York's current plan was adopted in 2005, and the Planning Commission conducted a review in 2010 and determined that no amendments were immediately necessary, and that it would be appropriate to schedule a more thorough review as part of a coordinated and simultaneous review process with James City County and Williamsburg. He stated that process kicked off in February 2012 and resulted in the scheduling of several regional forums to allow discussion and comment. Using the public input from those and other meetings, and after thorough review of each chapter of the Plan, the Planning Commission developed the recommended update that was the topic of tonight's work session. Mr. McReynolds noted at the next Regular Meeting on August 20 the public hearing on the Comprehensive Plan would take place, and public comments would be entertained at that time.

Mr. Timothy Cross, Principal Planner, gave a presentation on the Comprehensive Plan review, stating the Plan was implemented through the Capital Improvements Program, the Zoning Ordinance, Subdivision Ordinance, and Secondary Road Plan. 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.
  - The Reserve at Williamsburg—Designate the 67-acre project as Multi-Family Residential
- 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.
- 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. He again noted that the Board's public hearing on the Plan would be held on August 20 with further discussion and possible adoption on September 3. 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 90<sup>th</sup> day since the Board had received the Planning Commission's recommendations.

At this time the Board and Planning Commission discussed the recommended changes and the Planning Commission's rationale behind some of its recommendations.

Mr. Wiggins thanked everyone involved in the process for their hard work, stating what has been done was remarkable.

Mrs. Noll stated she worked on Comprehensive Plan in the 90s, so she knew how much work had been done and what the Planning Commission members gave up to do this review.

Mr. Shepperd stated the Planning Commission's work provided the Board with great insight into what the people want and what the County should look like in the future. He stated the Board would spend time dealing with issues the Planning Commission has already dealt with, and the public hearing would be important as to the comments received. Mr. Shepperd thanked the Planning Commission members for their hard work.

Mr. Hrichak expressed his appreciation to the Planning Commission members for their hard work and recommendations.

Meeting Recessed. At 7:41 p.m. the Chair declared a short recess.

Meeting Reconvened. At 7:53 p.m. the meeting was reconvened in open session by order of the Chair.

### **CONSENT CALENDAR**

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item No. 2.

On roll call the vote was:

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

Nay: (0)

Thereupon, the following resolution was adopted:

Item No. 2. PURCHASE AUTHORIZATION: Resolution R13-79

A RESOLUTION TO AUTHORIZE THE EXECUTION OF A CONTRACT FOR CONSTRUCTION OF THE MOORE'S CREEK AREA SANITARY SEWER PROJECT

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$50,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement are necessary and desirable, they involve the expenditure of \$50,000 or more, and comply with all applicable laws, ordinances, and regulations;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of August, 2013, that the County Administrator be, and he is hereby, authorized to contract for the construction of the Moore's Creek Sanitary Sewer Project from J. Sanders Construction Company, as follows:

	<u>AMOUNT</u>
Moore's Creek Area Sanitary Sewer Project	\$ 928,483

**OPEN DISCUSSION**

Mr. Wiggins discussed the problem the County was having with mosquitos, stating it was getting to the point where people could not go outside. He noted the County did not receive an aerial spraying recently because the mosquito count was down, and York County was pulled out of the spraying. Mr. Wiggins asked when the next spraying was planned.

Mr. John Hudgins, Director of Environmental and Development Services, stated it would be towards the end of August. He indicated the Air Force would be asked to do it after dark, but it would be earlier because the days get shorter as it gets to the end of August.

Mrs. Noll asked about the truck spraying.

Mr. Hudgins indicated the truck spraying was done based on volunteer counts, and those areas were targeted by complaints or requests. He stated Cook Road was monitored this week, and so far there have not been any larvae in the ponds. He stated it costs about \$4,000-5,000 each time spraying takes place, so staff was very careful on how the funds were used.

Mr. Wiggins stated another thing to consider was that pets were outside, and pets can get heartworms through mosquitos. He stated the spraying could not stop or the residents would be covered in mosquitos every time they walked outside.

Mr. Hrichak stated it was incumbent on the County to make sure the beekeepers know of the spraying. He then noted there was lots of construction work starting on Route 17, and some earth moving should be happening shortly.

Mr. Shepperd spoke of the effect that mosquito spraying has on bees, and he stated there was a way to spray and kill the mosquitos at night when the bees were inside their hives. He noted the County was using several methods for mosquito control, and he agreed the County needed to control the mosquito population, but there was a smart way of doing it. Mr. Shepperd stated that as policy makers, it was up to the Board to decide how to spend the County's money. He then spoke of the recent death of Army Specialist Caryn Nouv, whose family lived in his district. He stated on the day of the funeral the residents had lined the road in flags, and her parents were very moved by that. Specialist Nouv was a young person 29 years old with two children, and she was out doing transportation business taking supplies to troops when she hit

a mine that killed her. Mr. Shepperd expressed the Board's deepest sympathy to her family for their loss, stating her commitment would not be forgotten. Lastly, Mr. Shepperd spoke regarding information from the Transportation Planning Organization (TPO) regarding funding for transportation projects. The tax increase by the State in lieu of the gasoline tax should raise about \$1.4 billion a year, and Hampton Roads should get about 19 percent of the money; but for a period of time, there will be nothing because it was going up to Northern Virginia. Mr. Shepperd stated the question now was what will be done with the funds. The Federal government requires that the projects be approved by the TPO. At its last meeting the Commonwealth Transportation Board (CTB) made a proposal to divide up the money in three pieces for one mega project, another project, and another piece to divvy up, and Hampton Road's share could be anywhere from \$4-8 million. He stated the mega project would take 50-58 years to pay for it, and he indicated he did not think that was the best use of the money.

Mrs. Noll asked about I-64.

Mr. Shepperd stated the widening of I-64 was going to happen.

Chairman Zaremba noted there was a move afoot by the Republican Party to put a hold on any transportation funding, and that the money from Washington may not happen. He asked what that would do to the Governor's plans.

Mr. Shepperd explained the two I-64 phases, from Jefferson Avenue to Fort Eustis Boulevard and from Fort Eustis Boulevard to Route 199, were already in the state plan. He stated there would be an added lane in both directions at a cost of about \$200 million.

**CLOSED MEETING.** At 8:21p.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 pertaining to appointments to Boards and Commissions.

On roll call the vote was:

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

Meeting Reconvened. At 8:27 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 6th 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 meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea:	(5)	Hrichak, Shepperd, Noll, Wiggins, Zaremba
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August 6, 2013

Nay: (0)

APPOINTMENTS TO THE SENIOR CENTER OF YORK BOARD

Mrs. Noll moved the adoption of proposed Resolution R13-78 that reads:

A RESOLUTION TO APPOINT REPRESENTATIVES TO THE SENIOR CENTER OF YORK BOARD

WHEREAS, the resignations of Oljie Emmons, Veronica Payne, and Mildred Russinko create three vacancies on the Senior Center of York Board;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of August, 2013, that Lelia P. Archer, Arlene D. Connell, and Norma A. Hayes be, and are hereby, appointed to the Senior Center of York Board to complete the unexpired terms of Oljie Emmons, Veronica Payne, and Mildred Russinko, such terms to begin immediately and end June 30, 2017.

On roll call the vote was:

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

APPOINTMENT TO THE YORK COUNTY HISTORICAL COMMITTEE

Mrs. Noll moved the adoption of proposed Resolution R13-82 that reads:

A RESOLUTION TO APPOINT AN ASSOCIATE MEMBER TO THE YORK COUNTY HISTORICAL COMMITTEE

WHEREAS, there is no limit to the number of associate members that can be appointed to the York County Historical Committee; and

WHEREAS, an application has been made to the Board of Supervisors for Associate Membership to the Committee;

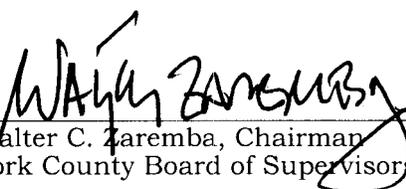
NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of August, 2013, that Robert L. Norman be, and he is hereby, appointed as an Associate Member to the York County Historical Committee.

On roll call the vote was:

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

Meeting Adjourned. At 8:30 p.m. Chairman Zaremba declared the meeting adjourned sine die.

  
James O. McReynolds, Clerk  
York County Board of Supervisors

  
Walter C. Zaremba, Chairman  
York County Board of Supervisors