

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
December 3, 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, December, 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.

**WORK SESSION**

UTILITIES/STORMWATER CAPITAL IMPROVEMENTS PROGRAM

Mr. McReynolds made brief introductory remarks regarding the new regulations coming from the state and federal governments, indicating staff knows there will be increased costs, but the exact costs were not known at this time.

Mr. John Hudgins, Director of Environmental and Development Services, began the presentation with a review of the sewer and stormwater projects that have been completed, noting that Phases 4 and 5 of the Queens Lake project still remain to be done. Projects completed are:

Sewer

- Darby Firby and Pump Station
- Oak-Dogwood
- Falcon-Loblolly
- Rochambeau (and water)
- Queens Lake, Phases 1, 2, and 3
- Queens Lake Vacuum Station

Stormwater

- Edgehill North
- Portion of Country Lane

Mr. Wiggins indicated he had received a letter from the residents in Edgehill regarding questions about the Edgehill North project. After reading the letter aloud, he indicated the residents were asking for additional drainage capacity for O'Hara's ditch under Route 17, Cook Road, and Old Wormley Creek. He noted he would forward the letter to Mr. Hudgins for his attention.

Mr. Hudgins stated the Wormley Creek project was in the CIP, but a consultant had not yet been hired. Staff was planning on doing the erosion control on Old York-Hampton and studying the culvert upstream from it as well. He stated no engineering or preliminary design work had been done as yet, but this project would look at O'Hara's ditch and its needs when it begins. He then proceeded to review the following projects that would be completed or be under construction in the next two years:

Sewer

- Waterview and Vacuum Station
- Old Wormley Creek and Pump Station
- Moore's Creek
- Hornsbyville Road

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- Queens Lake Phases 4 and 5

Stormwater

- Coventry
- Cook-Falcon
- Dare Elementary
- Moore’s Creek Phase 2C
- Victory Industrial Park

Mr. Shepperd noted that staff would be holding a meeting on Moore's Creek Phase 2C at Tabb Elementary School on January 23 to provide information for all those residents in the area who were interested in the project.

Mr. Hudgins next reviewed the 10-year CIP for sewer, stormwater, and water projects. He stated the priorities were the same as the last year, except that the Dare-Jethro and Sinclair areas were added because they rated higher this year. The projects included in the FY15-24 Sewer CIP were:

	<u>Est. Fiscal Year</u>
Hornsbyville	2015
Queens Lake	2016
Sinclair Area	2018
Dare-Jethro	2018
National Lane	2019
Allen’s Mill	2019
Payne’s Road	2019
Kentucky Farms	2020
Big Bethel	2022
Schenck Estates	2023
Whites-Faulkner	2024
Burt’s Road	2024

Discussion ensued on the status of the Queens Lake Sewer project.

Mr. Hudgins next reviewed the following FY15-24 CIP for water projects, noting the Lightfoot project would be done in two phases:

- Lightfoot Water Extension
  - Extend Newport News Waterworks Transmission Line from Hubbard’s Lane to Mooretown Road
  - Connects Lightfoot Water Distribution system to Newport News Waterworks Reservoir Network
  - County Share: \$4,500,000
- Balance of Meals Tax diverted to Sanitary Sewer extensions and rehabilitation

Mr. Hudgins then reviewed the projects in the FY15-24 Stormwater CIP as follows:

	<u>Fiscal Year Start</u>
EPA TMDL Consultant	2015
Greensprings	2016
Wormley Creek	2016

Poquoson River Headwaters (CSX & CL)	2017
Lakeside Forest	2018
Tabb Middle School/Kings Bottom	2019
Rosewood/Goodwin Neck	2019
Route 134/Bayberry	2020
Stream Restoration—Larkin Woods	2020
Siege Lane	2021
Queens Lake Ravines	2021
Marlbank Cove	2021
Claxton Creek	2022
TMDL Retrofits	2022
TMDL Retrofits	2023
TMDL Retrofits	2024

Discussion followed on funding for the anticipated TMDL requirements and what other localities have done to prepare for implementation.

Mr. Shepperd stated the Board should be getting nervous because some things were starting to be implemented, and developers want to get things done before the new rules apply. The EPA has laid out different requirements for counties and cities, and the Board needed to get a clear picture of what the funding requirements will be and what the cost was going to be to the County. He asked why the TMDL Consultant was in the CIP.

Mr. Hudgins indicated that Ms. Bennett would brief on the two new regulations—the Virginia Stormwater Management Program (VSMP) and the TMDL. He stated the consultant was to assess the County’s drainage basins to determine what needed to be retrofitted so that the County could take credit for it to help mitigate some of the cost.

Mrs. Noll stated she felt the Board should start putting money in escrow for implementation of the new requirements.

Mr. Shepperd stated the problem was that the County needed money now to spend on the very projects the Board was talking about tonight.

Chairman Zaremba noted the last time the Board discussed TMDLs, it did not think the County was going to get any credit for what had already been done. He stated the subject was a moving train, and there needed to be more meetings on the subject as things begin to crystalize.

Mr. Hudgins indicated staff was working very hard to understand all the changes, but the TMDLs would be addressed through the CIP.

Mr. McReynolds stated the TMDL issue was indeed a moving target, and staff was providing the Board with the best numbers it has with the information available today. He stated the Board and staff were aware that money was going to have to go into the TMDLs, but there were no finite numbers at this time.

Further discussion followed on funding for the TMDLs.

Mr. Brian Woodward, Chief of Utilities, briefed the Board on the status of sewer regionalization. He provided history on the DEQ regional consent order, the EPA consent decree, the regionalization study, and the HRSD recommended hybrid plan. He noted that HRSD would be responsible for the Regional Wet Weather Management Plan and would fund capacity improvements to the localities’ systems. The localities would remain responsible for maintenance of their systems, as well as fixing major defects. Plan B would eliminate the DEQ timeline for rehabilitation work to be completed, and it would delay implementation of the Regional Wet Weather Management Plan. Mr. Woodward noted the plan was estimated to reduce capital rehabilitation work by \$500,000 per year. He then outlined the timeline for Regionalization Plan B, noting that the localities had to approve it by February 18, 2014.

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Discussion followed concerning the differences between the original regionalization plan and the hybrid plan. Under both plans the concept of everyone's money going into a fund to improve the regional sewer system was true. When improvements are made, all customers would pay for them regardless of where they live.

Chairman Zaremba questioned how much of a new industry this was going to bring on by HRSD being allowed to do everything it has always wanted to do. He asked if the County would see a spike in costs.

Mr. Woodward stated the rates would go up, but it was not HRSD that wanted all this work. It was driven by the EPA to reduce sanitary sewer inflows which have not typically been a problem in Hampton Roads. HRSD was under the federal consent decree, so it has to increase capacity or its own infrastructure.

Chairman Zaremba asked what the options were.

Mr. Woodward stated the collection systems remain the property of the localities in all cases. The options are no regionalization at all; the State plan, whereby everyone fixes its own infrastructure; and the hybrid plan for regionalization. He stated York County rates would be higher going it alone. The decision had to be unanimous, so if one locality did not join, then all localities would be going it alone. He stated if a jurisdiction did not make necessary repairs, then HRSD would have to make more upgrades to its facilities which would increase the rates.

Chairman Zaremba asked when the Board would have more information.

Mr. Woodward stated he had asked for another work session with the Board on February 4, but he did not think the information would be available even then. He stated he would have as much information as possible on February 4.

Mr. Hrichak asked if the staff knew what the County's responsibilities would be under the plan.

Mr. Woodward stated the Memorandum of Agreement for the hybrid plan would outline those responsibilities. He then reviewed the sewer rate model and the rationale for the rate increases.

Chairman Zaremba indicated staff needed to make sure the residents receive the information regarding any increases.

Mr. McReynolds noted he would see that an article was placed in Citizens News and on the County's cable TV channel.

Ms. Connie Bennett, Chief of Stormwater, briefed the Board on the new regulatory requirements concerning stormwater. Regarding the new Virginia Stormwater Regulations, she stated the County must amend its ordinance to change the design requirements for any new development, submit a final draft of its revised ordinance and program plan to DEQ by January 15, 2014, and adopt a revised ordinance by May 15, 2014. Once approved by the DEQ the new regulations go into effect on July 1, 2014. She noted the County must also adopt fees for the issuance of VSMP construction permits.

Mr. Shepperd asked if staff used the HRPDC model for the ordinance.

Ms. Bennett stated the HRPDC model was incorporated into the County's current ordinance. She stated the program plan will list County procedures and staff, but no additional staff should be required. The County's stormwater program was a part of the EPA Clean Water Act through DEQ, and York County was permitted for 10 years as a municipal separate storm sewer system (MS4) Phase II under the VSMP. Ms. Bennett then reviewed the requirements for the TMDLs, stating the 5 percent reduction needed to be met by 2018, 35 percent by 2023, and 65 percent by 2028.

Discussion followed regarding calculation data for TMDLs.

Ms. Bennett continued her review, indicating the CIP projects were needed to meet the reductions, and the consultant CIP project was the important first step in determining how the County will handle the TMDLs. The consultant could look at all BMPs where current staff could not, and they could look at cost effective retrofits where the County did not have staff available to look at whole county and see where retrofits needed to be made. Ms. Bennett then reviewed the VSMP permit requirements for the next 12 months which would include annual public education, public participation, and Illicit Discharge Detection and Elimination of the outfalls.

Mrs. Noll suggested the use of the extension agent in the public education and participation parts.

Mr. Shepperd agreed, also suggesting engaging the Soil and Water Conservation District.

Ms. Bennett noted the staff would continue oversight of construction and monitor maintenance of BMPs. Staff will have a Stormwater Pollution Prevention Plan (SWPPP) for each facility prepared and kept at each site.

Discussion followed on the requirements for BMPs and agreements the County has with homeowners associations and whether the agreements would have to be amended because of the new regulations, as well as the school facilities.

Ms. Bennett reviewed the VSMP requirements that must be met within the next 24 months (by June 15, 2015), including updated TMDL action plans as well as other requirements that must be met within the next three years, four years, and five years. Ms. Bennett also reviewed the stormwater funding sources, including the meals tax, VDOT Revenue Sharing, Board of Supervisors match for Revenue Sharing, and Fund 10 for maintenance materials and contracts.

Mr. McReynolds stated these funding sources would not be sufficient to fund the CIP long range. He stated he could not emphasize enough that staff knows it will cost more and was doing its best to get the information.

Mrs. Noll asked if a bond issue could be used.

Mr. McReynolds indicated the County has issued some debt, but there was only so much bond capacity.

### **CONSENT CALENDAR**

Mrs. Noll asked, in reference to Item No. 2, what the County did with the old ambulances.

Mr. McReynolds stated as the units come up for replacement, staff decides whether it would be best to sell them or trade them in on the new ones.

Fire Chief Kopczynski stated this particular purchase was looking at using them as trade-ins, but they would always go with the best option.

Mr. Wiggins moved that the Consent Calendar be approved as submitted, Item Nos. 1 and 2, respectively.

On roll call the vote was:

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

Thereupon, the following resolutions were adopted:

Item No. 1. RECOGNITION OF YORK COUNTY EMPLOYEE: Resolution R13-132

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A RESOLUTION TO COMMEND WILLIAM H. KING, JR., SUPERVISOR OF GROUNDS MAINTENANCE & CONSTRUCTION DIVISION, DEPARTMENT OF GENERAL SERVICES, ON THE OCCASION OF HIS SEPARATION FROM COUNTY SERVICE

WHEREAS, William H. King, Jr., began employment on December 16, 1996, and on December 2, 2013, is separating from County service and his present position as Grounds Maintenance Supervisor in the division of Grounds Maintenance and Construction after 16 years of service; and

WHEREAS, Mr. King's devotion to quality earned him constant praise, his positive attitude was contagious in the work place, and he was always willing to lend a hand to help other departments, Master Gardener's, or the York County Extension Office; and

WHEREAS, Mr. King was directly involved in the preparation of and support for numerous highly-successful County events such as 4th of July celebrations, the 350th Jamestown-Williamsburg-Yorktown Celebration, and the 225th Anniversary of the Battle of Yorktown; and he was furthermore an integral part of the construction of Kiln Creek Park, the renovation of New Quarter Park, and the construction and enhancement of the York County Sports Complex; and

WHEREAS, during his tenure, Mr. King was responsible for roadway maintenance, extensive landscaping and maintenance for County facilities and parks, including the Riverwalk Landing in Yorktown; and

WHEREAS, Mr. King was also responsible for landscape enhancements and maintenance on the York County Beautification Corridors and Roadways to include Route 17, Route 199 and Ft. Eustis Boulevard and coordination with the Virginia Peninsula Regional Jail inmate workforce program; and

WHEREAS, Mr. King has earned admiration and respect from the Board of Supervisors and his colleagues for his dedication, enthusiasm, and professionalism;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of December, 2013, that it does hereby take great pleasure in recognizing the significant achievements of William H. King, Jr., and does herewith express its sincere gratitude for the invaluable contribution Mr. King has made to York County throughout the past 16 years.

BE IT FURTHER RESOLVED that the appreciation of the citizens of York County is hereby extended to Mr. King for his service, and the heartfelt best wishes of this Board of Supervisors are extended to Mr. King and his family for continued success in his future endeavors.

Item No. 2. PURCHASE AUTHORIZATION: Resolution R13-131

A RESOLUTION TO AUTHORIZE THE EXECUTION OF A CONTRACT FOR THE OLD WORMLEY CREEK ROAD LIFT STATION PROJECT, THE PURCHASE OF REAL ESTATE ASSESSMENT SOFTWARE, AND AMBULANCES

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 procurements 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 3rd day of December, 2013, that the County Administrator be, and hereby is, authorized to contract for the construction of the Old Wormley Creek Road Lift Station Project from Shaw

Construction Corporation, Real Estate Assessment Software from Vision Government Solutions, and three Ambulances from Atlantic Emergency Solutions, as follows:

	AMOUNT
Old Wormley Creek Road Lift Station	\$ 497,200
Real Estate Assessment Software	139,000
Ambulances	804,984

### **OPEN DISCUSSION**

Mr. Shepperd spoke of the HRPDC 2014 Legislative Agenda, noting he had turned it over to Mr. Barnett to review. He stated he felt it was interesting that several items dealt with stormwater management and creating a consolidation of plans. It was pointed out that localities were confused as to implementation of the regional plan. He stated the HRTPO legislative agenda suggested working on some bonding capability which it did not currently have. Mr. Shepperd also spoke about the widening of I-64, stating the \$100,000,000 currently budgeted would only take the widening up to just past the Ft. Eustis exit.

Discussion followed on funding for transportation projects.

Mrs. Noll apprised the Board of a meeting she attended in Richmond with the Virginia Delegation to the Local Government Advisory Committee and Anthony Moore, Deputy Secretary for Chesapeake Bay Restoration. They talked to Mr. Moore about needing more open communication between the state and those working on projects. She noted it was frustrating not being able to get answers from the state to questions posed, and the problems of local government needed to be heard.

Mr. Wiggins reminded everyone of the Christmas Tree Lighting Ceremony at 6:30 Friday that would start at the Victory Monument and proceed down to Riverwalk to the Christmas tree. Mr. Zaremba would be the host and light the tree. Mr. Wiggins noted that Santa would be there, and he encouraged residents to bring their children.

Chairman Zaremba stated that on December 19 from 9:00 to 10:30 a.m. there would be a presentation by tourist-related entities, and the tourism master plan for 2014 would be revealed. He stated the meeting would take place at the Busch Gardens training building.

Mr. McReynolds noted that the Christmas Market would be held in Yorktown this weekend, and the historic buildings and the Gallery would be open to the public.

**CLOSED MEETING.** At 8:19 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 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 8:37 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

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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 3rd day of December, 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  
Nay: (0)

#### APPOINTMENT TO THE YORK COUNTY LIBRARY BOARD

Mr. Shepperd moved the adoption of proposed Resolution R13-111 that reads:

#### A RESOLUTION TO REAPPOINT REPRESENTATIVES TO THE YORK COUNTY LIBRARY BOARD

WHEREAS, on December 31, 2013, the terms of Wendy Euker and Penny Showalter expire, and they have indicated they wish to seek reappointment;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of December, 2013, that Wendy Euker and Penny Showalter be, and they are hereby, reappointed as a representatives to the York County Library Board with terms to begin January 1, 2014, and end December 31, 2017.

On roll call the vote was:

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

#### APPOINTMENTS TO THE YORK COUNTY PARKS AND RECREATION ADVISORY BOARD

Mrs. Noll moved the adoption of proposed Resolution R13-112 that reads:

#### A RESOLUTION TO REAPPOINT REPRESENTATIVES TO THE PARKS AND RECREATION ADVISORY BOARD

BE IT RESOLVED by the York County Board of Supervisors this 3<sup>rd</sup> day of December, 2013, that Steve R. Bultman and Danny Steadman be, and they are hereby, reappointed as York County representatives to the Parks and Recreation Advisory Board for a term of four years, such terms to begin January 1, 2014, and end December 31, 2017.

On roll call the vote was:

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

APPOINTMENT TO THE YORK-POQUOSON SOCIAL SERVICES BOARD

Mr. Wiggins moved the adoption of proposed Resolution R13-113 that reads:

A RESOLUTION TO REAPPOINT TWO YORK COUNTY REPRESENTATIVES TO THE YORK-POQUOSON SOCIAL SERVICES BOARD

WHEREAS, on December 31, 2013, the terms of Mary Chappell and Latonia Chavis expire as York County representatives to the York-Poquoson Social Services Board;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3<sup>rd</sup> day of December, 2013, that Mary G. Chappell and Latonia M. Chavis be, and they are hereby, reappointed as York County representatives to the York-Poquoson Social Services Board with terms to begin January 1, 2014, and end December 31, 2017.

On roll call the vote was:

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

APPOINTMENT TO THE YORK COUNTY ARTS COMMISSION

Mr. Hrichak moved the adoption of proposed Resolution R13-114(R) that reads:

A RESOLUTION TO REAPPOINT MEMBERS TO THE YORK COUNTY ARTS COMMISSION

WHEREAS, on July 31, 2013, the terms of Ms. Kathleen Hebert and Ms. Debora Sasin as members of the York County Arts Commission expired;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3<sup>rd</sup> day of December, 2013, that Ms. Kathleen M. Hebert and Ms. Debora F. Sasin be, and they are hereby, reappointed to the York County Arts Commission Board with terms to begin immediately, and end July 31, 2016.

On roll call the vote was:

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

APPOINTMENT TO THE YORK COUNTY GRIEVANCE PANEL

Mrs. Noll moved the adoption of proposed Resolution R13-117 that reads:

A RESOLUTION TO APPOINT THREE MEMBERS TO THE EMPLOYEE GRIEVANCE PANEL

WHEREAS, the terms of Mr. Stephen Roth, Mr. Sewell M. Rowley, Jr., and Mr. Ronnie T. Ellis on the Employee Grievance Panel will expire on December 31, 2013; and

WHEREAS, the three gentlemen are eligible for reappointment and have indicated their desire to continue serving on the Employee Grievance Panel;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3<sup>rd</sup> day of December, 2013, that Mr. Stephen Roth, Mr. Sewell M. Rowley, Jr., and Mr. Ronnie T. Ellis be, and they are hereby, reappointed to the Employee Grievance Panel for a term of three years, such term to begin January 1, 2014, and expire December 31, 2016.

On roll call the vote was:

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

RECOMMENDATION OF APPOINTEE TO THE YORK COUNTY BOARD OF ZONING/SUB-DIVISION APPEALS

Mr. Shepperd moved the adoption of proposed Resolution R13-133 that reads:

A RESOLUTION TO RECOMMEND THE REAPPOINTMENT OF AN INDIVIDUAL TO THE YORK COUNTY BOARD OF ZONING/SUBDIVISION APPEALS

WHEREAS, the term of Lee Riggins Rich on the York County Board of Zoning/Sub-division Appeals expires on December 31, 2013; and

WHEREAS, Ms. Rich was first appointed as a member to the Board on October 21, 1996; and

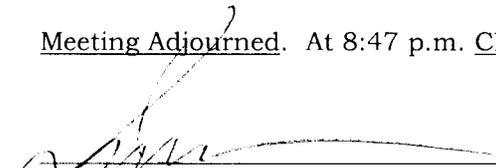
WHEREAS, Ms. Rich is eligible for reappointment to said Board and has indicated she wishes to serve another term;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 3rd day of December, 2013, that Lee Riggins Rich be, and she is hereby, recommended for reappointment to the York County Board of Zoning/Subdivision Appeals, such term to begin January 1, 2014, and expire December 31, 2018.

On roll call the vote was:

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

Meeting Adjourned. At 8:47 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

NOTE: In accordance with Section 15.2-1241 of the Code of Virginia, the minutes of this meeting were read at the January 17, 2014, Regular Meeting of the Board of Supervisors, and Chairman Wiggins was directed to sign such.