

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
June 18, 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, June 18, 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 James E. Barnett, County Attorney.

Invocation. Pastor Walter Johnson, Zion Prospect Baptist Church, gave the invocation.

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

**PRESENTATIONS**

**INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS**

Chairman Zaremba introduced and welcomed the following newly appointed members to York County Boards and Commissions, and provided them with York County pins and Boards and Commissions handbooks:

Wanda Fralick	Senior Center of York Board
Susan Doherty	Social Services Board
Mary Chappell	Social Services Board
Noel West	Transportation Safety Commission
J. David Grose	Transportation Safety Commission

**CITIZENS COMMENT PERIOD**

Ms. Addie Jeanette Best, 819 Baptist Road, stated she continued to be told that her property had wetlands on it, and she asked that someone in York County send her something in writing indicating that her property had no wetlands on it.

Mr. Robert Frailey, 729 Charles Road, stated the Board of Supervisors raised the taxes again, so it was becoming a yearly myth that the Board members were good stewards of the citizens' tax dollars. He spoke of the continuing new development allowed by the Board that would ultimately see more children in the school system, and he stated he was amazed that the Board did not realize there was a price tag of \$600,000 for every student in the system.

**COUNTY ATTORNEY REPORTS AND REQUESTS**

Mr. Barnett indicted he had no report to give at this time.

**COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. McReynolds stated he had attended the ribbon cutting ceremony for the DMV2Go mobile facility this morning at the Yorktown Library. He noted this mobile unit would periodically be at different locations in the County, and it could handle about anything that the permanent DMV facilities do. Mr. McReynolds reminded the Board there was traditionally only one meeting in July, and this year it would be on the 16th.

Chairman Zaremba asked Mr. McReynolds to comment on the subject of insurance for waterfront properties that was raised at the VACo Region II meeting last week.

Mr. McReynolds stated insurance agencies seem to be moving away from affordable insurance for waterfront properties, and VACo was looking into seeing how it might influence these actions. The consensus of the group was that it was something the insurance companies should offer at a cost of whatever the market would bear. He stated staff would be monitoring this closely, as it had far reaching implications for those people owning waterfront property.

Mr. Wiggins stated some residents in his district who live on private lanes were having problems with recycling pickup because the vendor stated it could not get to them or the residents were not able to push the carts out onto the public road, and he asked if anything was being done for them.

Mr. Hudgins stated that Tidewater Fiber was purchasing a new vehicle that would be able to go down the private lanes. He stated it was supposed to have instituted the program by this time. He asked Mr. Wiggins to call him directly if he received any more input from his district's residents who were still having recycling pickup problems.

**MATTERS PRESENTED BY THE BOARD**

Mrs. Noll spoke of her attendance of quarterly meetings of the Local Government Advisory Board for the Chesapeake Bay. She stated the Watershed Agreement was being updated at the present time, and she spoke of the actions taken that have improved the Bay in the last several years. She noted the EPA's recent actions had indicated it wanted to be more flexible, and it had admitted that the tone of the TMDL regulations had caused more problems and had tarnished its reputation. Mrs. Noll stated the agreement's current language did not reflect the role of local government in achieving the goals of the agreement, and the new agreement should include an agreement between the partners to enable and empower local implementation. The last agreement was in 2000 with 102 goals, and only 40 percent were met. The new agreement needs to simplify, provide more flexibility, improve transparency, and provide more accountability. She stated the agreement should be finished by October which was when the governors of the four states were to meet for its signature. Mrs. Noll stated she would keep the Board apprised as the agreement moved forward.

Chairman Zaremba stated the tracking documentation portion sounded ominous.

Mrs. Noll indicated there must be documentation in order for the localities to get credit, so tracking was important.

Mr. Shepperd noted that at the last meeting his question regarding the Arts Commission grants may have come across that he was putting the Historical Committee and the Historical Museum together. He stated the Historical Committee advises the Board of Supervisors on historical actions, but the museum was a separate entity set up to preserve the historical material collected; and he wanted to clarify the difference in the two entities. Mr. Shepperd then spoke regarding the upcoming Transportation Planning Organization (TPO) meeting when he would be asked to vote on support for a statement of preference for the third crossing of the Hampton Roads. In 1997 the preference was the third crossing only, and the current preference was to widen I-664 in conjunction with the third crossing. He stated he would be voting on a resolution reaffirming the 1997 decision of a third crossing in phases and endorsing the maintenance of the Hampton Roads Bridge Tunnel, and endorsing a feasibility study re: congestion pricing on the HRBT and Monitor-Merrimac Memorial Bridge tunnel. He explained that congestion pricing would be the implementation of increased tolls when a tunnel was experiencing high

traffic congestion, which would shift people from that tunnel to another. He stated that during the HRPDC retreat, examples were shown of how it was working in Sweden, and it was amazing what the increase in tolling did. Mr. Shepperd stated these were the issues he would be voting on at the TPO meeting unless there was strong objection by the Board.

Mrs. Noll stated she had supported the third crossing since its inception, and she noted the citizens also supported it then.

Discussion followed on the feasibility of increased tolling, the widening of I-664, and making sure the citizens know what the project priorities were.

Mr. Shepperd stated he would provide the Board with a list of the project priorities. He stated if the Board wished he would like to invite Dwight Farmer of the HRPDC to come and brief the Board and the citizens on the projects.

Mr. Wiggins stated everyone had dealt with the storm this past week. He had been going to the landfill every day this week with debris. He noted if the area had gotten 1/2 hour of the magnitude of the storm that was in the beginning of the storm, he felt no one would have survived it. Mr. Wiggins stated the biggest problem experienced now was the debris in the ditches, and he asked that citizens not rake the leaves in the ditches so the drainage can get back to normal.

Mr. Hudgins noted the County had two knuckle boom trucks out and about by appointment.

Chairman Zaremba if there was a fee.

Mr. Hudgins indicated it was \$25 for subscribers and \$75 for non-subscribers.

### **CONSENT CALENDAR**

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item No. 1.

On roll call the vote was:

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

Thereupon, the following item was approved:

#### **Item No. 1. APPROVAL OF MINUTES**

May 21, 2013, Regular Meeting

Meeting Recessed. At 6:53 p.m. Chairman Zaremba declared a short recess.

Meeting Reconvened. At 7:04 p.m. the meeting was reconvened in open session as ordered by the Chair.

### **PUBLIC HEARINGS**

#### **APPLICATION NO. UP-825-13, PATRICE JANENE WIENER**

Mr. Carter gave a presentation on Application No. UP-825-13 requesting a use permit for the establishment of home crafts and plants sales with customer contact as a home occupation in conjunction with an existing single-family detached home located at 101 Old Dare Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R13-68.

Mr. Shepperd asked why such a use would not qualify as a farm.

Mr. Carter stated it was a plant nursery, and the ordinance stated a plant nursery for commercial purposes cannot be allowed in the R20 district by use permit, so the only opportunity was through the special use permit process. He also noted that agriculture was not permitted in the R20 district.

Mr. Shepperd stated that the restrictions for the use on this property seemed to be following a form rather than a function.

Mr. Carter Ms. Wiener wanted to give individualized attention to her customers. The number of clients set at 10 was the max she envisioned serving in an entire day.

Mr. Shepperd there were homes in RR that were the size of postage stamps, yet they could do things that the applicant could not.

Mr. Carter stated the ordinance could not be changed after the application was made. The Planning Commission looked at the size the property and the number of parking areas. There were no houses close to the property, and the Planning Commission considered the use.

Mr. Shepperd asked if there were any complaints by the surrounding residents.

Mr. Carter indicated there were none.

Ms. Jan Wiener, 101 Old Dare Road, the applicant, thanked the Planning staff for the help they provided her. She noted that on a regular basis York County residents come up to her house to ask questions about how she landscaped and how she grew certain plants. Ms. Wiener stated she became a master gardener, and she felt to be able to grow plants and educate people about those plants and the impact they have on the environment was what she needed to do. Ms. Wiener stated she spends a lot of time with her clients about what they planned to do with their property and how they wanted it to look, and it would be great if she could accommodate them by plants she had in her yard. She indicated she had no intention of becoming a commercial grower, and she had no problems with the conditions set by the Planning Commission. Ms. Wiener stated the watershed had been damaged, and she had experienced numerous problems with flooding; and she had been able to eliminate many problems through the proper placement of certain plants.

Chairman Zaremba then called to order a public hearing on Application No. UP-825-13 which was duly advertised as required by law. Proposed Resolution R13-68 is entitled:

A RESOLUTION TO APPROVE AN APPLICATION TO AUTHORIZE HOME CRAFT SALES AS A HOME OCCUPATION WITH CUSTOMER/CLIENT CONTACT AT 101 OLD DARE ROAD

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

Mr. Hrichak moved the adoption of proposed Resolution R13-68 that reads:

A RESOLUTION TO APPROVE AN APPLICATION TO AUTHORIZE HOME CRAFT SALES AS A HOME OCCUPATION WITH CUSTOMER/CLIENT CONTACT AT 101 OLD DARE ROAD

WHEREAS, Patrice Janene (Jan) Wiener has submitted Application No. UP-825-13 requesting a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize the establishment of home craft sales as a home occupation with customer/client contact in a single-family detached home on a 2.25-acre parcel located at 101 Old Dare Road (Route 644) and further identified as Assessor's Parcel No. 30A-4-1 (GPIN T07c-1476-1209); and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of June, 2013, that Application No. UP-825-13 be, and it is hereby, approved to authorize a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize the establishment of home craft sales as a home occupation with customer/client contact in a single-family detached home on a 2.25-acre parcel located at 101 Old Dare Road (Route 644) and further identified as Assessor's Parcel No. 30A-4-1 (GPIN T07c-1476-1209), subject to the following conditions:

1. This use permit shall authorize home craft sales (yard art and landscape plants) as a home occupation with on-site customer/client contact on a single-family detached residential property, 2.25-acres in area located at 101 Old Dare Road (Route 644) and further identified as Assessor's Parcel No. 30A-4-1 (GPIN T07c-1476-1209).
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. Any storage of yard art and retail sales shall be confined to the existing potting shed and the display area of the yard art and landscape plants shall not exceed four hundred (400) square feet. All shall be generally located as depicted on the sketch plan received by the Planning Division on March 29, 2013, a copy of which shall remain on file in the office of the Planning Division. While yard art and landscape plantings may be located throughout the remainder of the residential property, none located outside of the "display" area noted above shall be identified with a sales price tag, label or sign.
4. On-site customer contact shall be by appointment only, with a maximum of three (3) customer appointments being scheduled concurrently. A maximum of three (3) 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 by appointment. These spaces shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
5. The days and hours of operation shall be limited to no more than two (2) days per week between March 1 and October 31 between the hours of 10:00 am and 2:00 pm. The applicant's appointment book shall be made available for inspection by the Zoning Enforcement Officer, upon request, in order to verify compliance with the days of the week and customer contact conditions.
6. Prior to establishing the home occupation, the applicant shall demonstrate compliance with the applicable minimum standards of the Virginia Uniform Statewide Building Code, subject to the approval of the Building Code Official.
7. Approval of this Special Use Permit shall not be construed to supersede or negate the effect and application of any private covenants that may be applicable to the proposed use/activity nor the authority of any property owners' association to enforce compliance with any applicable covenants.
8. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit 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 office use.

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

APPLICATION NO. UP-826-13, REDLINE PERFORMANCE MOTORSPORTS

Mr. Carter gave a presentation on Application No. UP-826-13 requesting a use permit for the expansion of an existing motorcycle sales and service facility located at 7325 George Washington Memorial Highway. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R13-69.

Chairman Zaremba called to order a public hearing on Application No. UP-826-13 which was duly advertised as required by law. Proposed Resolution R13-69 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE EXPANSION OF AN EXISTING MOTORCYCLE SALES AND SERVICE USE LOCATED AT 7325 AND 7331 GEORGE WASHINGTON MEMORIAL HIGHWAY

Mr. David Lillard, 7331 George Washington Memorial Highway, the applicant, asked the Board to approve the application.

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

Mr. Wiggins moved the adoption of proposed Resolution R13-69 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE EXPANSION OF AN EXISTING MOTORCYCLE SALES AND SERVICE USE LOCATED AT 7325 AND 7331 GEORGE WASHINGTON MEMORIAL HIGHWAY

WHEREAS, Redline Performance Motorsports, Inc., has submitted Application No. UP-826-13 to request a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 12, No. 5a), to authorize expansion of an existing motorcycle sales and service use on a 1.87-acre site located at 7325 and 7331 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel Nos. 24-127 (GPIN R08c-0391-0721) and 24-126 (GPIN R08c-0364-0799); and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of June, 2013, that Application No. UP-826-13 be, and it is hereby, approved to authorize a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 12, No. 5a) of the York County Zoning Ordinance, to authorize expansion of an existing motorcycle sales and service use on a 1.87-acre site located at 7325 and 7331 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel Nos. 24-

127 (GPIN R08c-0391-0721) and 24-126 (GPIN R08c-0364-0799) subject to the following conditions:

1. This Special Use Permit shall authorize expansion of an existing motorcycle sales and service use on a 1.87-acre site located at 7325 and 7331 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel Nos. 24-127 (GPIN R08c-0391-0721) and 24-126 (GPIN R08c-0364-0799).
2. This Special Use Permit shall not be construed to authorize sales, rental, or service of automobiles, light trucks, or recreational vehicles.
3. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance prior to the commencement of any site modifications on the subject parcels. Said site plan shall be in general conformance with the sketch plan and floor plans received by the Planning Division on April 1, 2013, except as modified herein. Copies of said sketch plan and floor plans shall remain on file in the office of the Planning Division.
4. Construction of the proposed addition shall be in conformance with the architectural elevations submitted to the Planning Division on April 1, 2013, and with the provisions of Zoning Ordinance Section 24.1-378, Route 17 corridor overlay district. Copies of said elevations shall remain on file in the office of the Planning Division.
5. Off-street parking for the proposed use shall be provided in accordance with the standards set forth in Zoning Ordinance Section 24.1-606, Minimum off-street parking and loading requirements.
6. Access to the site shall be via the existing driveway located on Assessor's Parcel No. 24-126 (GPIN R08c-0364-0799), as shown on the sketch plan referenced in Condition #3 above. Said driveway entrance shall be designed and reconstructed in accordance with applicable Virginia Department of Transportation standards for commercial entrances. Use of the existing driveway located on Parcel No 24-127 (GPIN R08c-0391-0721) shall be discontinued, and the area shall be landscaped in accordance with Zoning Ordinance Section 24.1-244, Landscape yards.
7. At the time of application for site plan approval, a plat consolidating Assessor's Parcel Nos. 24-127 (GPIN R08c-0391-0721) and 24-126 (GPIN R08c-0364-0799), prepared in accordance with County Code Chapter 20.5, Article V, Final Plats, shall be submitted for approval to the Department of Environmental and Development Services, Division of Development and Compliance.
8. At the time of site plan submission, a Natural Resources Inventory, prepared in accordance with provisions of County Code Chapter 23.3-6, Chesapeake Bay Preservation Areas, Natural Resource Inventory requirements, shall be submitted for approval to the Department of Environmental and Development Services, Stormwater Division.
9. The motorcycle sales establishment shall be operated in conformance with the provisions of Zoning Ordinance Sections 24.1-473, Standards for all motor vehicle and transportation related uses and 24.1-477, Standards for auto fuel dispensing establishments, service stations and auto repair garages.
10. Use of the property shall be in conformance with Zoning Ordinance Section 24.1-376, Watershed Management and Protection Area overlay district and County Code Chapter 23.3, Stormwater Management.
11. Prior to issuance of a Certificate of Occupancy for the site, landscaping shall be provided in accordance with Zoning Ordinance Article II, Division 4, Landscaping, Buffer, and Greenbelt Regulations.

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- 12. Evergreen landscaping, fencing, and/or earthen berms shall be utilized to screen the proposed overhead bay door to be located in the front building façade from view of Route 17.
- 13. Body work and painting of motorcycles shall not be permitted on the subject property.
- 14. No portion of the site shall be used as a motor vehicle graveyard or junkyard as defined in Section 24.1-104 of the Zoning Ordinance or for storage of inoperable motorcycles, other than those waiting for repair, or for other inoperable motor vehicles.
- 15. Outside storage of parts and/or supplies shall be prohibited.
- 16. 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 application for site plan approval.

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

APPLICATION NO. ST-20-13, YORK COUNTY BOARD OF SUPERVISORS

Mr. Carter gave a presentation on Application No. ST-20-13 requesting amendment to the York County Subdivision Ordinance to exempt boundary line adjustments from the requirement to dedicate one-half of the right-of-way width deficiency for any street abutting the subject property. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 13-9.

Chairman Zaremba called to order a public hearing on Application No. ST-20-13, which was duly advertised as required by law. Proposed Ordinance No. 13-8 is entitled:

AN ORDINANCE TO APPROVE APPLICATION NO. ST-20-13 TO  
 AMEND SECTION 20.5-93 OF THE YORK COUNTY SUBDIVISION  
 ORDINANCE (CHAPTER 20.5, YORK COUNTY CODE) PERTAIN-  
 ING TO BOUNDARY LINE ADJUSTMENTS

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

Mr. Hrichak moved the adoption of proposed Ordinance No. 13-8 which reads:

AN ORDINANCE TO APPROVE APPLICATION NO. ST-20-13 TO  
 AMEND SECTION 20.5-93 OF THE YORK COUNTY SUBDIVISION  
 ORDINANCE (CHAPTER 20.5, YORK COUNTY CODE) PERTAIN-  
 ING TO BOUNDARY LINE ADJUSTMENTS

WHEREAS, Application No. ST-20-13 has been sponsored by the Board of Supervisors to allow consideration of amendments to eliminate the deficient right-of-way dedication requirement that applies to properties involved in Boundary Line Adjustment proposals; and

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

WHEREAS, the Planning Commission recommends approval of this application and elimination of the dedication requirement; 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 ORDAINED by the York County Board of Supervisors this the 18th day of June, 2013, that Application No. ST-20-13 be, and it is hereby, approved to amend the York County Subdivision Ordinance (Chapter 20.5, York County Code) to incorporate the following amendments:

Amend section 20.5-93 as follows:

Sec. 20.5-93. Rights-of-way.

All subdivisions, with the exception of boundary line adjustments which merely relocate a boundary line without an increase in the number of lots, shall be subject to the following requirements:

- (a) Where a subdivision abuts an existing public right-of-way which has a width deficiency created either because it is less than fifty feet (50') in width or because adopted plans show that a greater width will be necessary to accommodate those plans, the subdivider shall be required to dedicate additional rights-of-way as follows:
  - (1) Where the subdivision abuts one (1) side of the right-of-way, the subdivider shall dedicate one-half (1/2) of the right-of-way deficiency along the frontage of the subdivision.
  - (2) Where the subdivision abuts both sides of the right-of-way, the subdivider shall dedicate all of the right-of-way deficiency along the frontages of the subdivision.
- (b) Where the subdivision embraces any part of an arterial or collector street or thoroughfare shown on an approved Comprehensive Plan, official map, or state or regional transportation plan, such street or thoroughfare shall be platted for dedication in the location and width indicated on such plan or map or as deemed necessary by the Virginia Department of Transportation (VDOT) and, except in the case of a limited or controlled access facility, shall be constructed and integrated as a part of the subdivision.
- (c) The minimum right-of-way width shall be fifty (50) feet, or such greater width as may be specified by the Virginia Department of Transportation.

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On roll call, the vote was:

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

#### REAUTHORIZATION OF BOARD OF SUPERVISORS SALARIES

Mr. McReynolds made a brief presentation on proposed Ordinance No. 13-7 to establish the salaries of members of the York County Board of Supervisors at the sum of \$9,000 per annum, plus an additional sum of \$1,800 for the Board Chairman and an additional sum of \$1,200 for the Board Vice Chairman, effective July 1, 2013. He indicated the Board's salaries must be reauthorized by ordinance each year after a public hearing has been held.

Chairman Zaremba then called to order a public hearing on proposed Ordinance No. 13-7 which was duly advertised as required by law and is entitled:

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AN ORDINANCE TO ESTABLISH THE SALARIES OF MEMBERS OF THE YORK COUNTY BOARD OF SUPERVISORS AT THE SUM OF \$9,000 PER ANNUM, PLUS AN ADDITIONAL SUM OF \$1,800 FOR THE BOARD CHAIRMAN AND AN ADDITIONAL SUM OF \$1,200 FOR THE BOARD VICE CHAIRMAN, EFFECTIVE JULY 1, 2013

Mr. Robert Frailey, 729 Charles Road, commented on how easy millions of dollars roll off the tongues of the Board members. He stated he felt the Board had failed its mission since it had not succeeded with its mission on the budget. He stated the focus should be the taxpayers and not the roads throughout the state. The Board of Supervisors was low in the pecking order in the spending of billions of dollars, and it was not the Board's mission to support every cause. Citizens must stay tenacious in order to stay living in this country. Mr. Frailey stated he was astounded that the Board was not aware of what it cost to maintain one child in the schools, yet it allows single family homes to come in the County with families that cannot support themselves. He spoke of the new apartments being built at Route 17 and Fort Eustis Boulevard, stating they would be Section 8 housing in 20 years. Mr. Frailey stated he felt the Board members take their salaries under false pretenses.

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

Mr. Hrichak moved the adoption of proposed Ordinance No. 13-7 that reads:

AN ORDINANCE TO ESTABLISH THE SALARIES OF MEMBERS OF THE YORK COUNTY BOARD OF SUPERVISORS AT THE SUM OF \$9,000 PER ANNUM, PLUS AN ADDITIONAL SUM OF \$1,800 FOR THE BOARD CHAIRMAN AND AN ADDITIONAL SUM OF \$1,200 FOR THE BOARD VICE CHAIRMAN, EFFECTIVE JULY 1, 2013

BE IT ORDAINED by the York County Board of Supervisors this 18th day of June, 2013, that the salaries of members of the York County Board of Supervisors be established at the sum of \$9,000 per annum, plus an additional sum of \$1,800 for the Board Chairman and an additional sum of \$1,200 for the Board Vice Chairman, effective July 1, 2013, pursuant to Code of Virginia § 15.2-1414.3.

On roll call the vote was:

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

**CLOSED MEETING.** At 7:36 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 and the salaries of specific public officials; and Section 2.2-3711(a)(7) pertaining to discussion with legal counsel.

On roll call the vote was:

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

Meeting Reconvened. At 8:28 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 FREE-  
DOM OF INFORMATION ACT REGARDING MEETING IN CLOSED  
MEETING

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

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of June, 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)

APPOINTMENTS TO THE BOARD OF BUILDING CODE APPEALS

Mr. Wiggins moved the adoption of proposed Resolution R13-58 that reads:

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

WHEREAS, the terms of James C. Ealey and Rodney L. Ware, Jr., to the York County Board of Building Code Appeals expire on June 30, 2013; and

WHEREAS, both individuals have indicated a desire to be reappointed;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 18th day of June, 2013, that James C. Ealey and Rodney L. Ware, Jr., be, and they are hereby, appointed to the York County Board of Building Code Appeals for terms of three years, such terms to begin July 1, 2013, and expire June 30, 2016.

On roll call the vote was:

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

APPOINTMENTS TO THE MIDDLE PENINSULA JUVENILE DETENTION COMMISSION

Mr. Shepperd moved the adoption of proposed Resolution R13-65 that reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTA-  
TIVE AND ALTERNATE TO THE MIDDLE PENINSULA JUVENILE  
DETENTION COMMISSION

BE IT RESOLVED by the York County Board of Supervisors this 18th day of June, 2013, that Vivian A. McGettigan, be, and she is hereby, appointed as a York County staff representative on the Middle Peninsula Juvenile Detention Commission for a four-year term to begin July 1, 2013, and end June 30, 2017.

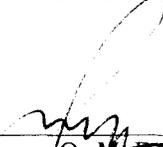
June 18, 2013

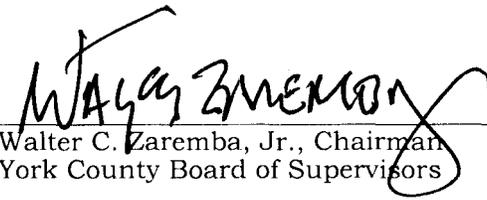
BE IT FURTHER RESOLVED by the York County Board of that Laurie B. Coleman be, and she is hereby, appointed to represent York County as an alternate Commissioner on the Middle Peninsula Juvenile Detention Commission for a four-year term to begin July 1, 2013, and end June 30, 2017.

On roll call the vote was:

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

Meeting Adjourned. At 8:33 p.m. Chairman Zaremba declared the meeting adjourned sine die.

  
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James O. McReynolds, Clerk  
York County Board of Supervisors

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