

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
March 19, 2013

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:03 p.m., Tuesday, March 19, 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, George S. Hrichak, and Thomas G. Shepperd, Jr.

Donald E. Wiggins was absent.

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

Invocation. Matthew Hoffman, York County Youth Commission, gave the invocation.

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

PRESENTATIONS

YORK COUNTY YOUTH COMMISSION

Ms. Ashley Gailey, Chairman of the 2012-2013 Youth Commission, presented the third quarter Commission report. So far this year the Commission has been involved in the Wintergreen ski trip, which was in its 12th year; the Senior Center of York Valentine's Bingo Party; and a bonfire event in February, at which time \$200 was collected to help the Wounded Warriors project. She noted the Selection committee met for the Outstanding Youth Awards Program, and the selectees will be officially recognized in May by the Board of Supervisors. Two weeks ago a mini-cafeteria survey was conducted, and Ms. Gaily reviewed the results. She then noted the Commission would be presenting the High School Town Hall Meetings April 26 to May 3 which provides students an opportunity to meet with Board of Supervisors members and School Board members. Ms. Gailey thanked the Board for the opportunity to report on the Commission's activities.

PROPOSED FISCAL YEAR 2014 BUDGET

Mr. McReynolds gave a presentation on the proposed Fiscal Year 2014 Budget, stating it included what he believed to be the minimum amount of funding necessary to maintain the County's current level of service and provide a pay raise for all County employees, and it also included additional funding for the School Division of \$2.3 million. This amount did not include a requested \$600,000 to pay school employee costs associated with the state mandated changes to VRS since the County did not pay these costs for County employees. The proposed budget meets all legal requirements and is balanced. The real property tax rate is proposed at 76.45 cents, an increase of 2.3 cents. Mr. McReynolds then reviewed some background information on the County's budget growth from 2005 through 2009. He noted the period from 2009 through 2013 presented a very different picture in that the County was heavily impacted by the recession and changing financial and economic conditions. Inflation increased by about 10 percent, and unfunded mandates required additional spending of more than \$1.5 million. Despite these cost increases, the County's operating budget was decreased by approximately \$2.4 million. Also, over this period funding for Schools and Public Safety increased by 7.1 percent and 2 percent, respectively, while funding for other County operations decreased by about 15.9 percent. Mr. McReynolds then reviewed the actions that were necessary to accom-

modate this decrease in funding of County operations. He also reviewed the decrease in the real property tax rate since 2005, stating by comparison the County has maintained one of the lowest tax rates in the region. In terms of operating expenditures, on a per capita basis, the County spends the next to the lowest amount in the region. Mr. McReynolds then spoke regarding the performance measurement section of the budget, stating the County used the ICMA Comparative Performance Measurement Report to make some comparisons. He then discussed the comparisons which showed the County's results were favorable, and in several areas significantly below the average. At this time Mr. McReynolds announced his reorganization of some of the County's operational functions in order to allow him to devote more time to mid- to long-range strategic planning. The reorganization was accomplished without increasing the budget, and the new performance initiative will be an ongoing practice and will eventually be tied to a series of reports that would be available on the County's website. Next, Mr. McReynolds spoke of the citizen satisfaction survey that was done periodically, and he reviewed the residents' opinions. The top three things the citizens liked most about living in York County were good schools, a good place to live, and the rural lifestyle. He then focused on the General Fund, which was the County's operating budget, proposed at \$131.2 million. Highlights included:

- Compliance with all guidelines set forth by the Board
- Balanced as required by law
- A proposed real property tax rate increase of 2.3 cents
- Other tax rates are proposed at current levels
- Funding for school operations at \$51.2 million
- Non-education funding to increase by \$1.7 million

Mr. McReynolds reviewed the expenditures in the proposed budget which included a 2 percent pay raise for all County employees; however, the 90-day minimum hiring freeze would continue for the foreseeable future with only essential positions being filled. The major items driving the increase in expenditures were funding the pay raise, the County's share of the health insurance cost increase; and funding for the Patient Protection and Affordable Care Act (PPACA). Mr. McReynolds then turned to the revenue summary, stating the primary sources of revenue are general property taxes at \$82.1 million and other local taxes at \$28.4 million, accounting for 84 percent of the revenue total. As requested by the Board, Mr. McReynolds outlined how the budget might be balanced with a tax rate increase, and he listed the types of reductions that would have to be made to achieve that result. He stated that given the mandates under which the County must operate, the priorities of the Board, and the magnitude and nature of the reductions already made to County operations, there were few alternatives. In closing, Mr. McReynolds reviewed the important budget dates leading up to adoption of the proposed FY2014 Budget on May 7, 2013.

Mr. Shepperd stated the County had 715 authorized positions, and the County Administrator was proposing to fill only 686. He noted that it did not mean the 715 were not needed, but the delta between 715 and 686 showed there was a risk the Board of Supervisors was willing to accept. He stated it was important to understand that the staff has been doing a tremendous job providing services with a much reduced employee count, and the employees have been doing more work and getting the job done which shows high efficiency.

Mr. Hrichak applauded the new position and performance measures which will help the Board with future budgets. He asked if the slides would be provided to the Board.

Mr. McReynolds indicated the slides and budget would be on the internet tomorrow.

Chairman Zaremba noted there was almost a two month period for this proposal to be scrubbed by staff and citizens. The state numbers are soft at this point, and the Board needs citizen input. He spoke of how the County does what its neighbors do but in a more frugal manner, and he asked the citizens keep this in mind as the Board's deliberations go forward to the May 7 adoption. Mr. Zaremba indicated Mr. McReynolds did a great job presenting the

proposed budget, and he encouraged citizens to go online and get into the proposed budget figures.

CITIZENS COMMENT PERIOD

Mr. James Chapman, 130 Yorkshire Drive, expressed his opposition to any additional increase in the real estate tax for the county and school system. The County last year authorized an increase of 8.4 cents on the tax rate which included monies which the School Division and County used to pay bonuses which were not included in the budget. Mr. Chapman suggested that the Board look for other sources or fees to obtain necessary revenues for the budget as opposed to the real estate tax increases.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett stated the Governor was still considering bills other than the budget bill. He indicated he was communicating with staff on bills of interest to York County as they pass the House and Senate.

Meeting Recessed. At 7:04 p.m. Chairman Zaremba declared a short recess.

Meeting Reconvened. At 7:14 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

WATERVIEW SANITARY SEWER

Mr. Barnett made a brief presentation on proposed Resolution R13-26 to take a certain permanent utility easement in connection with the Waterview Sanitary Sewer project on property owned by Christopher A. Easley.

Mr. Shepperd asked did staff know if the owner was actually living on the property or out of state.

Mr. Barnett stated he was not sure if the owner lived on the property. He indicated his office has sent letters to the owner's address and they are not returned, but no answer has been received. When a project started, staff would go door to door explaining the project, and efforts would continue to reach the owner.

Chairman Zaremba then called to order a public hearing on proposed Resolution R13-26 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 WATERVIEW SANITARY SEWER PRO-
JECT ON PROPERTY OWNED BY CHRISTOPHER A. EASLEY, 100
OAK POINT DRIVE, YORKTOWN, VIRGINIA

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

Mr. Hrichak moved the adoption of proposed Resolution R13-26 that reads:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON
AND TAKE A CERTAIN PERMANENT UTILITY EASEMENT IN
CONNECTION WITH THE WATERVIEW SANITARY SEWER PRO-
JECT ON PROPERTY OWNED BY CHRISTOPHER A. EASLEY, 100
OAK POINT DRIVE, YORKTOWN, VIRGINIA

March 19, 2013

WHEREAS, it is necessary to obtain certain easements in connection with the Water-view sanitary sewer project; and

WHEREAS, for various reasons, the County is not able to obtain from the owner 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, a plat of the interests in real property to be acquired has been prepared by Precision Measurements, Inc., and a valuation of such interest has 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 19th day of March, 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 Waterview sanitary sewer project, for the County, its officers, employees and agents to enter upon and take the interest in real property described below prior to the initiation of condemnation proceedings.

BE IT FURTHER RESOLVED that the interest to be taken, and the compensation and damages, if any, offered by the County is the following, which interest is more particularly described on the plat attached to the memorandum of the County Administrator dated February 11, 2013, and incorporated herein by this reference:

GPIN: S09c-0736-1508

A permanent utility easement as shown on a plat entitled "PLAT SHOWING PERMANENT UTILITY EASEMENT TO BE ACQUIRED BY COUNTY OF YORK FROM CHRISTOPHER A. EASLEY, YORK COUNTY, VIRGINIA," dated November 7, 2012, made by Precision Measurements, Inc. and designated as "20' x 20' Permanent Utility Easement, 400 sq. ft. or 0.009 acres," Estimated Value: \$1,256.00.

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 a certificate of deposit to be recorded in the Office of the Clerk of the Circuit Court for York County, certifying the amount set forth above as the estimated fair value, and damages if any, of the interests to be taken, will be paid the owner 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: (4) Noll, Hrichak, Shepperd, Zaremba
Nay: (0)

AMENDMENTS TO THE YORK COUNTY CODE, CHAPTER 15-23, MOTOR VEHICLE REGISTRATION FEES, AND CHAPTER 21, TAXATION

Mr. Barnett made a presentation on proposed Ordinance No. 13-3 to amend Chapter 15-23 and Chapter 21 of the York County Code relating to motor vehicle registration fees and personal property and other taxes, respectively.

Mr. McReynolds noted these amendments were necessary in order to move the budget adoption to May 7 and move the June collection date from June 5 to June 25.

Discussion followed regarding the lack of time after the due date in June to have a reduced fine for late filing.

Mr. Shepperd stated the issue was the length of time the 2 percent penalty would apply before increasing to 10 percent. He stated he felt the 2 percent was a window the citizens get for the five days from the 25th to the 30th of June, and after that they would pay the 10 percent. He stated he felt that was enough of a buffer.

Chairman Zarembo then called to order a public hearing on proposed Ordinance No. 13-3 which was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 15-23 OF THE YORK COUNTY CODE RELATING TO MOTOR VEHICLE REGISTRATION FEES, AND SECTIONS 21-2.1, 21-2.2, 21-3, 21-4, 21-6, 21-7.4, AND 21-7.5 RELATING TO PERSONAL PROPERTY AND OTHER TAXES, CHANGING THE DUE DATE FOR THE FIRST INSTALLMENT OF ALL PROPERTY TAXES AND MOTOR VEHICLE REGISTRATION FEES TO JUNE 25; ELIMINATING THE REQUIREMENT TO FILE PERSONAL PROPERTY TAX RETURNS ON MOTOR VEHICLES, TRAILERS, SEMI-TRAILERS AND BOATS IN CERTAIN INSTANCES; AND PROVIDING FOR PRORATION OF, AND DUE DATES FOR, REGISTRATION FEES AND PERSONAL PROPERTY TAXES FOR MOTOR VEHICLES, TRAILERS, SEMI-TRAILERS AND BOATS WHICH ACQUIRE A TAX SITUS IN THE COUNTY AFTER JANUARY 1

Mr. James Chapman, 130 Yorkshire Drive, expressed his agreement with the proposed change, stating it would allow him to have a prorated the tax on the trailer he sold in April.

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

Mr. Hrichak moved the adoption of proposed Ordinance No. 13-3 that reads:

AN ORDINANCE TO AMEND SECTION 15-23 OF THE YORK COUNTY CODE RELATING TO MOTOR VEHICLE REGISTRATION FEES, AND SECTIONS 21-2.1, 21-2.2, 21-3, 21-4, 21-6, 21-7.4, AND 21-7.5 RELATING TO PERSONAL PROPERTY AND OTHER TAXES, CHANGING THE DUE DATE FOR THE FIRST INSTALLMENT OF ALL PROPERTY TAXES AND MOTOR VEHICLE REGISTRATION FEES TO JUNE 25; ELIMINATING THE REQUIREMENT TO FILE PERSONAL PROPERTY TAX RETURNS ON MOTOR VEHICLES, TRAILERS, SEMI-TRAILERS AND BOATS IN CERTAIN INSTANCES; AND PROVIDING FOR PRORATION OF, AND DUE DATES FOR, REGISTRATION FEES AND PERSONAL PROPERTY TAXES FOR MOTOR VEHICLES, TRAILERS, SEMI-TRAILERS AND BOATS WHICH ACQUIRE A TAX SITUS IN THE COUNTY AFTER JANUARY 1

BE IT ORDAINED by the York County Board of Supervisors this 19th day of March, 2013, that Section 15-23, and Sections 21-2.1, 21-2.2, 21-3, 21-4, 21-6, 21-7.4, and 21-7.5 of the York County Code be amended as follows:

Sec. 15-23. Payment of registration fee.

- (a) The registered owner of each motor vehicle, trailer and semi-trailer normally garaged, stored or parked, or to be normally garaged, stored or parked in the county, shall, on or before the twenty-fifth day of June of each calendar year, pay to the treasurer the proper registration fee, as prescribed in this article, and such fees, together with any penalties imposed.
- (b) The registered owner of any motor vehicle, trailer and semi-trailer other than those provided for in section 46.2-652, Code of Virginia, which has been duly registered for the current calendar year in another state or country and which has displayed upon it the license plate or plates issued for such vehicle in such other state or country, who moves into the county shall pay to the treasurer the proper registration fee as prescribed in this article within 30 days after the mailing of a notice of assessment by the treasurer.
- (c) The registered owner of any motor vehicle, trailer and semi-trailer, for which a local vehicle license or registration fee has been paid to another jurisdiction in Virginia, who moves into the county and normally garages, stores or parks such motor vehicle, trailer or semi-trailer in the county shall not be assessed a registration fee for the remainder of the current license or registration term of the other jurisdiction.
- (d) Every purchaser of a new or used motor vehicle, trailer or semi-trailer which normally will be garaged, stored or parked in the county shall pay to the treasurer the proper registration fee, as prescribed in this article, within 30 days after the mailing of a notice of assessment by the treasurer.

* * *

Sec. 21-2.1. Tax due dates.

The tax levied on real estate situated in the county shall be due and payable in two (2) equal installments, one installment being due and payable on or before June twenty-fifth of the taxable year and the second or remaining installment due and payable on or before December fifth of the taxable year.

Sec. 21-2.2. Personal property and business machinery and tools tax due dates.

The tax levied on tangible personal property and business machinery and tools shall be due and payable in two (2) equal installments, one installment being due and payable on or before June twenty-fifth of the tax year and the second or remaining installment due and payable on or before December fifth of the taxable year.

Sec. 21-3. Penalty and interest for failure to pay taxes by due date.

Any person failing to pay any county real estate tax or tangible personal property tax or business machinery and tools tax or levy on or before either of its two (2) installment due dates, or failing to pay any other county levy on or before its due date, or if the due date is a Saturday, Sunday or legal holiday, then by the first day thereafter which is not a Saturday, a Sunday or a legal holiday, shall incur a penalty thereon in accordance with the following schedule:

- (a) 2% of the tax due if paid no later than the end of the month in which the tax is due
- (b) if paid later than the end of the month in which the tax in due, then as follows:

Amount of Tax Due	Penalty Equals
\$100.00 or more	10% of tax due
\$10.00 to \$99.00	\$10.00
Less than \$10.00	Amount of tax due

Such penalty shall be added to the amount of the taxes or levies due from such taxpayer, and, when collected by the treasurer, shall be accounted for in his settlements. In addition thereto,

interest on the total amount due, at the rate of ten percent (10%) per year, is hereby imposed and shall commence on the first day following the day such taxes or levies are due.

Sec. 21-4. Penalty for late filing of return of business tangible personal property and machinery and tools and manufactured homes (mobile homes).

There is hereby imposed each and every year a penalty for failure to file on or before March 1 of any such year or if March 1 shall be a Saturday, Sunday or legal holiday, then by the first day thereafter which is not a Saturday, a Sunday or a legal holiday, the required return on tangible personal property, business tangible personal property, machinery and tools and manufactured homes, which shall be assessed and shall become a part of the tax in accordance with the following schedule:

Amount of Tax Due	Penalty Equals
\$100.00 or more	10% of tax due
\$10.00 to \$99.00	\$10.00
Less than \$10.00	Amount of tax due

* * *

Sec. 21-6. Extension of time for filing returns.

The provisions of section 21-4 notwithstanding, the commissioner of the revenue is hereby empowered to grant extensions of time, not exceeding ninety (90) days, for filing returns on tangible personal property, business tangible personal property, machinery and tools or manufactured homes, whenever in his opinion good cause exists. No such extension shall be granted except upon written request of the taxpayer, received by the commissioner of the revenue on or before March 1 of the applicable year, or by the end of the applicable filing period set forth in County Code Section 21-4 or the first day thereafter which is not a Saturday, a Sunday or a legal holiday, stating the reason for the request. The commissioner of the revenue shall notify the taxpayer of his granting or refusal of the request within ten (10) days after receipt thereof.

* * *

Sec. 21-7.4. Proration of personal property tax.

- (a) The tangible personal property tax shall be levied upon motor vehicles, trailers, semi-trailers, and boats which have acquired a situs within the County after January 1 of any tax year for the balance of the tax year. Such tax shall be prorated on a monthly basis. The tax shall be due and owing within thirty (30) days of the billing as indicated on the bill from the treasurer. Any person failing to pay any taxes on or before the due date shall incur penalties and interest as set forth in section 21-3 of this chapter.
- (b) When any person acquires a motor vehicle, trailer, semi-trailer, or boat with situs in the county after January 1 or situs day, the tax shall be assessed for the portion of the tax year during which the new owner owns the motor vehicle, trailer, semitrailer, or boat and it has a situs in the County.
- (c) When any motor vehicle, trailer, semi-trailer, or boat loses its situs after January 1 or after the day on which it acquired situs ("situs day"), the tax shall be relieved and the appropriate amount of tax, which shall be prorated on a monthly basis, shall be refunded if such tax has already been paid. No refund shall be made if the motor vehicle, trailer, semi-trailer or boat acquires a situs within the Commonwealth in a locality which does not prorate a personal property tax on such property.
- (d) When any person sells or otherwise transfers title to a motor vehicle, trailer, semi-trailer, or boat with a situs in the County after January 1 or situs day, the tax shall be relieved, prorated on a monthly basis, and the appropriate amount of tax already paid shall be refunded.

- (e) For the purposes of proration under section 21-7.4(a) through (d), a period of more than one-half of a month shall be counted as a full month and a period of less than one-half of a month shall not be counted.
- (f) Any refund shall be made within thirty (30) days of the date the County determines that the tax is properly relieved. Any refund due under section 21-7.4(c) and (d) may be credited against the tax due on any tax owed by the taxpayer. No refund of less than five dollars (\$5.00) shall be issued to a taxpayer, unless specifically requested by the taxpayer.
- (g) Any person who moves from a non-prorating locality to the County in a single tax year shall be entitled to a personal property tax credit in the County if (i) the person was liable for personal property taxes on a motor vehicle, trailer, semitrailer, or boat and has paid those taxes to a non-prorating locality and (ii) the owner replaces for any reason the original vehicle, trailer, semi-trailer, or boat upon which taxes are due to the County for the same tax year. In such case, the County shall provide a credit against the total tax paid to the non-prorating locality for the period of time commencing with the disposition of the original vehicle, trailer, semi-trailer, or boat and continuing through the close of the tax year in which the owner incurred tax liability to the non-prorating locality for the original vehicle, trailer, semi-trailer, or boat.

Sec. 21-7.5. Filing of returns.

- (a) Returns for tangible personal property, business tangible personal property, machinery and tools, or manufactured homes with a situs in the county as of January 1, shall be filed with the commissioner of the revenue no later than March 1 of the tax year in accordance with the following provisions:
 - (1) Tangible personal property, business personal property, manufactured homes, or machinery and tools with a situs in the County as of January 1 shall be filed with the commissioner of the revenue no later than March 1 of the tax year, with the exception of motor vehicles, trailers, semi-trailers, boats, or watercraft for which a return has previously been filed.
 - (2) Notwithstanding the provisions of this section, any person who has previously filed a property return on any motor vehicle, trailer, semi-trailers, boat or watercraft, for which there has been no change in situs or status as hereinafter set forth in this section shall not be required to file another personal property tax return on such property. The assessment and taxation of property shall be based on the most recent tax return previously filed with the County.
 - (3) Furthermore, a taxpayer who failed to file a personal property tax return on such property in any previous tax year, but who pays a personal property tax for such tax year based on information supplied to the taxpayer by the commissioner of the revenue, shall be deemed for purpose of this paragraph to have filed a return on such property for subsequent tax years.
 - (4) The registered owner of any motor vehicle, trailer, semi-trailer or boat who moves into the County shall file a personal property return within sixty (60) days of the establishment of a situs for tax purposes within the County.
 - (5) Every purchaser of a new or used motor vehicle, trailer, semi-trailer or boat which normally will be garaged, stored or parked in the County shall have sixty (60) days from the date of purchase to file a personal property tax return with the commissioner of the revenue.
- (b) Any person who is required to file a return under Sec. 21-7.5(a) and fails to do so by the date provided in this section shall be assessed a penalty in accordance with the schedule set out in Section 21-4.
- (c) Notwithstanding the foregoing, the commissioner of the revenue, at his or her option, may waive the requirement for the filing of tax returns for motor vehicles, trailers, semi-

trailers, or boats and pursuant to Code of Virginia sections 58.1-3518.1 and 58.1-3519 and assess such property based upon information received from the Virginia Department of Motor Vehicles, the Virginia Department of Game and Inland Fisheries, or other public agency or private entity required by law to report the presence of such property within the county, and the tax shall be assessed and levied on such information. Thereafter, the owner of a motor vehicle, trailer, semi-trailers, boat or watercraft shall notify the commissioner of the revenue within sixty (60) days whenever there is:

- (1) A change in the name or address of the person or persons owning or leasing taxable personal property;
- (2) A change in the situs of personal property;
- (3) Any other change affecting the assessment or levy of the personal property tax on motor vehicles, trailers, semi-trailers or boats for which a re-turn has been filed.
- (4) Any change in the use of a vehicle which affects the eligibility requirements for Personal Property Tax Relief.

On roll call the vote was:

Yea: (4) Hrichak, Shepperd, Noll, Zaremba
Nay: (0)

CONSENT CALENDAR

Mr. Hrichak moved that the Consent Calendar be approved as submitted, Item Nos. 3, 5, 6, 7, and 8, respectively.

On roll call the vote was:

Yea: (4) Shepperd, Noll, Hrichak, Zaremba
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 3. APPROVAL OF MINUTES

The minutes of the February 19, 2013, Regular Meeting of the York County Board of Supervisors were approved.

Item No. 4. ENDORSEMENT OF FAIR HOUSING PRINCIPLES: Resolution R13-16

A RESOLUTION ENDORSING THE PRINCIPLES OF FAIR HOUSING AS SET FORTH IN TITLE 36, CHAPTER 5.1 OF THE CODE OF VIRGINIA (1950) AS AMENDED

WHEREAS, the Commonwealth of Virginia has, through Section 36-96.1 of the Code of Virginia (1950, as amended), established a policy to: "provide for fair housing throughout the Commonwealth, to all its citizens, regardless of race, color, religion, national origin, sex, elderliness, familial status, or handicap, and to that end to prohibit discriminatory practices with respect to residential housing by any person or group of persons, in order that the peace, health, safety, prosperity and general welfare of all inhabitants of the Commonwealth may be protected and insured"; and

WHEREAS, Section 36-96.8 et.seq., of the Code of Virginia (1950 as amended) empowers the Virginia Real Estate Board to receive complaints and conduct investigations of alleged violations of the Fair Housing Law;

March 19, 2013

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of March, 2013 that the Board does hereby reaffirm its endorsement of the principles of the Virginia Fair Housing Law and does hereby state that it is the policy of the York County Board of Supervisors that said principles are, and continue to be, adhered to in this County.

Item No. 5. HOUSING CHOICE VOUCHER PROGRAM: Resolution R13-17

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO TAKE ALL ACTIONS NECESSARY TO ACCEPT FUNDING AND CONTINUE TO IMPLEMENT THE HOUSING CHOICE VOUCHER PROGRAM FUNDED THROUGH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY

WHEREAS, the Board of Supervisors has a long standing commitment to assisting the County's low and moderate income citizens in meeting essential housing needs; and

WHEREAS, the Housing Choice Voucher Program funded and administered through the U.S. Department of Housing and Urban Development and the Virginia Housing Development Authority (VHDA) provide annual outside funding that assists eligible County citizens;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of March 2013, that the County Administrator be, and he is hereby, authorized to accept funding in the amounts offered the County by the Virginia Housing Development Authority, execute any necessary grant agreement, contracts or other documents with VHDA, and to participate fully in the Section 8 Housing Choice Voucher Program for FY2014; provided that all documents shall be approved as to form by the County Attorney.

Item No. 6. EMERGENCY HOME REPAIR PROGRAM: Resolution R13-18

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO TAKE ALL ACTIONS NECESSARY TO CONTINUE TO IMPLEMENT THE EMERGENCY HOME REPAIR PROGRAM AND TO ACCEPT ANY GRANT FUNDS AWARDED TO THE COUNTY BY THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

WHEREAS, the York County Board of Supervisors has a long standing commitment to assisting the County's low income citizens in meeting essential housing needs; and

WHEREAS, the County has administered an Emergency Home Repair Program since 1989 and this program represents a valuable resource for the County's citizens; and

WHEREAS, the initial funding of home repairs can be achieved through program and resources currently budgeted or administered by the County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of March, 2013 that the County Administrator be, and he is hereby, authorized to accept funding in the amounts offered the County by the Virginia Department of Housing and Community Development, execute any necessary grant agreements, related contracts, or other documents, subject to approval as to form by the County Attorney, and to do all things necessary to implement the Emergency Home Repair Program.

Item No. 7. SPONSORSHIP OF AMENDMENT TO THE YORK COUNTY SUBDIVISION ORDINANCE: Resolution R13-28

A RESOLUTION TO SPONSOR AN APPLICATION TO AMEND SECTION 20.5-93 OF THE YORK COUNTY SUBDIVISION ORDINANCE

NANCE (CHAPTER 20.5, YORK COUNTY CODE) TO EXEMPT
BOUNDARY LINE ADJUSTMENTS FROM THE REQUIREMENT TO
CORRECT RIGHT-OF-WAY DEFICIENCIES

WHEREAS, Chapter 20.5, Subdivisions, of the York County Code sets forth various requirements pertaining to the creation of new lots or the adjustment of boundary lines between existing lots; and

WHEREAS, Section 20.5-93 requires, in the case of any subdivision, that the subdivider dedicate one-half of the right-of-way width deficiency for any street abutting the subdivision; and

WHEREAS, per the terms of Section 20.5-14, boundary line adjustments are considered to be "subdivisions" even though they do not involve the creation of new lots; and

WHEREAS, the Board wishes to sponsor an application to allow review and consideration of an amendment to Section 20.5-93 to eliminate the dedication requirement in the case of boundary line adjustment proposals;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of March, 2013, that it does hereby sponsor an application to allow consideration of the draft amendments set forth below.

BE IT FURTHER RESOLVED that the proposed amendment be, and it is hereby, referred to the York County Planning Commission for review, public hearing, and recommendation in accordance with applicable procedures.

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.

March 19, 2013

A RESOLUTION TO APPROVE PARTICIPATION IN THE VIRGINIA ASSOCIATION OF COUNTIES RISK POOL LINE OF DUTY ACT TRUST AND TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE THE MEMBERSHIP AGREEMENT AND TO ACT ON BEHALF OF YORK COUNTY ON MATTERS RELATIVE TO THE TRUST.

WHEREAS, the County funds its obligations under the Line of Duty Act (LODA) by participation in the Virginia Association of Counties Risk Pool (VACORP); and

WHEREAS, VACORP has established a LODA Trust to administer the claims known as of July 1, 2011, as well as claims that may have occurred prior to July 1, 2011, but have not yet been reported; and

WHEREAS, the County currently has five known claims that relate to prior to July 1, 2011; and

WHEREAS, the County must participate in the VACORP LODA Trust in order for VACORP to record the liabilities associated with our pre-July 1, 2011, claims;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of March, 2013, that it does hereby elect to participate in the VACORP LODA Trust.

BE IT FURTHER RESOLVED that the County Administrator be, and he is hereby, authorized to execute the VACORP LODA Trust Agreement and to act on behalf of York County in any matter relative to the VACORP LODA Trust with all documents to first be approved as to form by the County Attorney.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds noted the next regular meetings would be April 2 and 16.

Mr. Hrichak asked about the County's ongoing negotiations with the Williamsburg Library regarding the County's participation.

Mr. McReynolds stated staff has been approached by the Williamsburg Regional Library staff to look at a new arrangement based on York County's usage rather than a set formula as well as a few other changes to the contract. He stated he was waiting for some numbers to tell him what the long term impact would be. The matter was still at staff level.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll stated she was honored to be asked to be a speaker for the naturalization ceremony that was held recently in Norfolk. There were 93 people from 34 different countries who gained their citizenship. She stated she had not read the American's creed in a long time, and she read it aloud. Mrs. Noll stated it was an amazing day and made her very proud to be an American.

Mr. Shepperd noted that on Thursday he had the HRPDC and TPO meetings, and Surry being moved out of this MSMA would be on the HRPDC agenda. He stated it did not mean that Surry would be booted out of membership, but it did indicate that more Surry residents go more into Williamsburg and James City County for their jobs. An interesting noted was that Gates County, North Carolina, was pulled in to this MSMA. Mr. Shepperd stated at the TPO meeting discussion would take place on the issue of the widening of I-64. He noted that very large projects such as a bridge tunnel and widening of I-64 were not necessarily prioritized because they have to have an environmental impact study completed. With the new transportation bill with its new revenue, all of a sudden projects start to pop up that were not established in the TPO prioritization. Mr. Shepperd stated that what was being seen from Virginia Beach across the state was that the municipalities were sticking with the prioritization list and the process by which the priorities were made.

Mr. Hrichak indicated he would be out of town at VMI and would not be present for the April 9 work session.

Chairman Zaremba noted that Mr. Wiggins was not present, and he had spoken with him this afternoon. Mr. Wiggins asked him to thank everyone who had sent cards and messages to get well soon. Mr. Zaremba asked everyone to keep him in their thoughts and prayers. He then spoke about yesterday's Historic Triangle Collaborative meeting. Senator Norment, Delegate Watson and Delegate Pogge were in attendance to bring the membership up to speed on the state's transportation bill. The bottom line was that there may not be any widening of I-64 because it would all boil down to what area of the state had the most muscle. He stated that hopefully Mr. Norment would be able to represent this area successfully. Mr. Zaremba stated a suggestion made by the President of William and Mary College was to find the cheapest way to take the stress off of I-64, and someone recommended that the cheapest way to do that would be to divert traffic by installing ingress and egress ramps to Route 60 which parallels I-64 and was hardly ever used. Mr. Zaremba then provided the Board with an update on the merger of the WADMAC and Chamber, stating they were close to hiring marketing officer. He stated Mr. McReynolds gave a great presentation on the proposed budget. He noted that in discussing the pay issue with the rank and file of the County, he heard it would take about a 5 percent pay raise to get the employees back in a competitive mode, and he asked Mr. McReynolds to provide the Board with the cost to provide a 5 percent pay increase.

CLOSED MEETING. At 8:00 p.m. Mr. Shepperd 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: (4) Noll, Hrichak, Shepperd, Zaremba
Nay: (0)

Meeting Reconvened. At 8:03 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 19th day of March, 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: (4) Hrichak, Shepperd, Noll, Zaremba
Nay: (0)

March 19, 2013

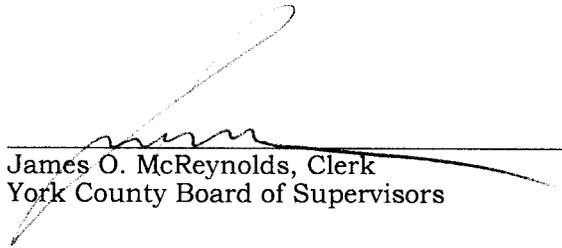
APPOINTMENT TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

Mr. Hrichak indicated he would like the opportunity to discuss the appointment with the individual selected, and he moved the adoption of proposed Resolution R12-21 pending that discussion and the individual's acceptance.

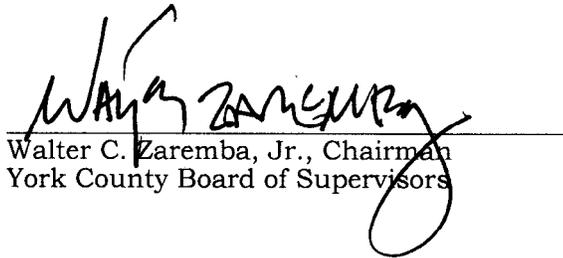
On roll call the vote was:

Yea: (4) Shepperd, Noll, Hrichak, Zaremba
Nay: (0)

Meeting Adjourned. At 8:05 p.m. Chairman Zaremba declared the meeting adjourned to 6:00 p.m., Tuesday, March 26, 2013, in the East Room, York Hall, for the purpose of conducting a work session.



James O. McReynolds, Clerk
York County Board of Supervisors



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