

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
October 1, 2013

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:00 p.m., Tuesday, October 1, 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

CONSOLIDATION OF SEWER SERVICES

Mr. Brian Woodward, Chief of Utilities, gave a presentation starting with the definition of regionalization, stating it meant that all Hampton Roads localities' wastewater utilities and customers would be transferred to HRSD. He explained the benefits of such regionalization would include the Utilities' \$22.7 million debt would be transferred to HRSD, the DEQ Consent Order would be retired, there would be lower regional sewer rates, and there would be only one bi-monthly bill to York County citizens. Mr. Woodward then reviewed the operational impacts of the proposed regionalization, noting all 57 Utilities employees would be transferred to HRSD. Currently, the Utilities Division funds, manages, and maintains the EDS computer management system.

Mrs. Noll stated if the County lost 57 employees, it loses employees who were cross-trained to do other things as well that would still need to be done.

Mr. Woodward indicated that was correct, and he explained the use of the Hansen system and how it was used for several different functions by different County departments.

Mr. Hrichak asked what portion of the system was paid for by the Utilities Division.

Mr. Woodward stated it was about 75 percent, so the rest of the County would have to pick up that 75 percent as well as the employees who operated it.

Mr. Hrichak stated that in reading the materials, he understood that the specifics of the Utilities Division would be transferred, but the other functions that crossed lines would not necessarily be transferred.

Mr. Woodward stated the outside agencies that support Utilities were not addressed in the study, but all of Utilities would be transferred.

Mr. Shepperd asked if HRSD needed the 57 bodies.

Mr. Woodward stated it did not. He stated initially they would be transferred, and after 5 years or so 200 redundant positions would be eliminated through attrition.

Mr. Wiggins asked how the County would come out financially from this regionalization.

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Mr. McReynolds stated that because information in the study was not complete, it did not reflect complete and accurate cost information. As a result, staff does not believe the proposal would benefit the County. He stated the study did not include commercial flow information on the County side which was very different from what HRSD projected as to what the County actually had.

Chairman Zaremba stated the Board needed more information before it could make a decision. With all construction and maintenance of sewer lines and 57 people being transferred, it meant the County would no longer have any input in the extension of the sewer system. He asked what the County argument would be if staff felt it was a flawed study.

Mr. McReynolds stated the County's system was relatively new and had been well maintained. Some other localities' systems were older and required more work. He stated the reason for this differential would require York County citizens to pay more if the regionalization were to take place.

Mr. Shepperd stated it was his understanding that the vast majority of the cities was against regionalization. He noted a decision did not have to be made until February, so staff could try and get more information; but if the cities were not supporting it, he stated it could be a waste of staff time.

Mr. McReynolds noted the majority of jurisdictions were not in favor of full regionalization. He stated there might be some opportunity for a Plan B for some improvements regionally.

Discussion took place on the consultants who did the study and the gathering of information by the HRPDC.

Mr. McReynolds stated one of the greatest impacts of regionalization would be the loss of authority to construct sewer in other areas of the County that the Board wished to see developed.

Mr. Woodward continued his presentation, reviewing other operational impacts on the County such as the County's water utilities, emergency support during severe weather events, and other support personnel. He stated that staff's analysis of the study showed there would be no financial savings, and the report's data indicated York's cost per hundred cubic feet was 60 percent higher than the actual cost.

Mr. Shepperd asked Mr. Woodward if staff questioned the consultants about difference in the data.

Mr. Woodward indicated staff did question the consultants, but was told there was a deadline to meet the consent order, and there was not time to dig any deeper for more factual information.

Mr. McReynolds stated staff did not know if the consultants left information off of the other jurisdictions' portions, noting the study was done for the 13 jurisdictions in the HRSD region. He stated that in looking at York County's piece, it may not have skewed the region's figures as a whole.

Chairman Zaremba suggested that HRPDC look at the study and provide an analysis.

Mr. Shepperd stated the HRPDC received a summary briefing, and now it was up to each municipality to consider if it was feasible for their municipality. He stated he did not think the HRPDC would take it back as an action item.

Discussion followed on the extent of non-support of the other Hampton Roads jurisdictions for regionalization.

Mr. Shepperd stated the premise for going into this study was that there would be a significant number of municipalities participating which would make the process cheaper to operate for those localities.

Mrs. Noll stated her concern was the consent order.

Mr. Wiggins indicated he felt if it cost York County's citizens more to do it, then the Board should not vote for regionalization.

Mrs. Noll stated it did not make the consent order go away.

Chairman Zaremba asked if the final report had a recommendation.

Mr. Woodward stated the recommendation was that regionalization would be beneficial, and the HRSD Commission accepted the report. He then continued his presentation, reviewing other financial impacts such as transfers of \$100 million in assets/infrastructure to HRSD and the Utilities Division loss of resources in personnel, heavy equipment, office equipment, and software support. He also addressed the report's rehabilitation costs analysis, stating it was an apples to oranges comparison. Mr. Woodward stated the conclusion was that the financial analysis was inaccurate. The timeline for making decisions included:

- HRSD must notify US Department of Justice by February 28, 2014
- Formal Board of Supervisors action was required no later than February 18, 2014
- Should Regionalization occur, a complete transfer of assets, equipment, and personnel would take place by February 28, 2015.

Mr. Woodward then made the following recommendations:

- Regionalization of the County's sewer collection system was not recommended
- Continue regional cooperation in eliminating sanitary sewer overflows

Chairman Zaremba asked what the County should be doing in the next three months based on sound rationale and numbers.

Mr. McReynolds stated staff would continue to get as much detail as possible on the financial impact, and he would update the Board as the information was received.

Mrs. Noll asked Mr. McReynolds what his best guess was.

Mr. McReynolds stated he believed it was not in the County's best interest to go forward with regionalization based on the study.

Mrs. Noll asked if the study was going to be revisited.

Mr. McReynolds stated given the EPA deadlines and that no time extension was in the works, there was not enough time to do anything meaningful between now and February.

Chairman Zaremba stated it would be interesting to know what neighboring localities were doing and what they were looking at.

Mr. Shepperd indicated another part to be concerned with was the issue of the Board having the desire to put utilities in certain places in the County, and handing that over to regionalization would keep the Board from doing that. He noted that when the Board looked at HRSD during the budget process, its personnel costs were 22 percent higher; and the citizens of the localities will be paying for it. He also noted the sewer system cost was tied into the cost of water, and the rates for water showed there was a tremendous amount of uncertainty in the

study. Mr. Shepperd stated that 30 years from now it may be worked out, but the cost would come back to the localities. He stated he did not think the Board should do something with the potential to raise the rates for the citizens.

Chairman Zaremba stated this was the Board's first briefing, and staff had not yet received answers from HRSD to the Board's questions. He agreed that one of the major issues was giving up the County's ability to set priorities as to where sewer would be constructed, and HRSD may or may not guarantee the localities anything. Mr. Zaremba stated the Board owed it to the citizens to find out as much as it could about this proposal.

POTENTIAL AMENDMENTS TO THE NOISE ORDINANCE

Mr. Barnett provided information on the entire noise ordinance and an amended Section 16-19.2. He reviewed the decibel level limits in the current ordinance, and he noted that most Virginia localities had adopted ordinances with more definitive standards or more plainly audible standards. He spoke of the issue on Mansion Road regarding a holiday display with loud music, stating part of the dispute was which of the Code sections dealt with this type of problem. He stated the individual playing the loud music used the current ordinance cutoff time of 11:00 p.m., so perhaps the time could be lowered. Mr. Barnett then reviewed the proposed amendment he had prepared for Section 16-19-2.

Discussion followed regarding the involvement of the homeowners' association and its inability to solve the problem.

Mr. Shepperd stated 99 percent of people playing music outside were very conscious of their neighbors and would turn the volume down if a neighbor complained. He stated there was no enforcement because the individual was turning the music off at 11:00 p.m. He noted he was receiving a lot of input from the residents about the effect the loud music was having on their health. Mr. Shepperd stated the Board needed to try and provide the citizens with livable communities.

Chairman Zaremba asked about possible exceptions if the Board decided to change the time of 11:00 p.m. to 9:00 p.m. He stated individuals have neighborhood parties on occasion, and there should be a way these types of things could be addressed.

Mr. Barnett explained that subsection (h) covered nuisance parties and was not a part of the loudspeaker or public address system section.

Mrs. Noll indicated that enforcement of the ordinance was basically complaint driven.

Discussion followed regarding possible removal of subsection (b) to remove loudspeakers and public address systems and rely on subsection (a) for decibel levels.

Mr. Barnett indicated if the Board was happy with the draft amendment provided, he would prepare it for public hearing at a future meeting.

Mr. Shepperd stated his recommendation was to not make it any more difficult than it already was. He suggested if it was just a matter of changing the time to 9:00 p.m. and inserting a definition for public address system or removal of the term, then that was all the Board should do. Mr. Shepperd stated he felt the Board should sponsor the County Attorney's suggested amendment because it addressed the issue raised in his district.

By general consensus, the Board directed the County Attorney to advertise the proposed noise ordinance amendment for public hearing.

CONSENT CALENDAR

Mr. Wiggins and Mr. Hrichak asked that Item No. 2 be removed from the Consent Calendar.

Mrs. Noll moved that the Consent Calendar be approved as amended, Item Nos. 1 and 3, respectively.

On roll call the vote was:

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

Thereupon, the following minutes were approved and resolution adopted:

Item No. 1. APPROVAL OF MINUTES

The minutes of the September 3, 2013, Regular Meeting of the York County Board of Supervisors were approved.

Item No. 3. EXTRATERRITORIAL SANITARY SEWER SERVICE AGREEMENT—CARTER ESTATES: Resolution R13-107

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN EXTRATERRITORIAL SANITARY SEWER SERVICE AGREEMENT WHEREBY THE COUNTY WILL CONSENT TO ALLOW THE CITY OF NEWPORT NEWS TO PROVIDE SANITARY SEWER SERVICE TO TWO LOTS LOCATED IN YORK COUNTY WHICH ARE TO BECOME PART OF CARTER ESTATES SUBDIVISION, THE MAJORITY OF WHICH IS LOCATED IN THE CITY OF NEWPORT NEWS

WHEREAS, Carter Estates subdivision is being developed in the City of Newport News in the general vicinity of Lula Carter Road and adjacent to the common jurisdictional boundary line between the County of York and the City of Newport News, but with two lots located within the territory of York County; and

WHEREAS, York County currently does not provide sanitary sewer service to the two parcels in question, and extending existing sewer lines for such purpose is deemed to be impracticable; and

WHEREAS, the City of Newport News desires to provide sanitary sewer service to the two lots in question and this Board agrees that doing so serves the public interest;

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 1st day of October, 2013, that the County Administrator is authorized to execute an Extraterritorial Sanitary Sewer Service Agreement with the City of Newport News to serve those portions of Carter Estates subdivision which are located within York County, such portions consisting of two residential lots, such agreement to be approved as to form by the County Attorney.

Item No. 2. OPT OUT OF VIRGINIA LOCAL DISABILITY PROGRAM: Proposed Resolution R13-95 (Removed from Consent Calendar)

Mr. McReynolds explained his recommendation for the Board to opt out of the VLDP program.

Mr. Hrichak asked if it would be better financially for the County to opt out of VRS and find its own plan.

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Mr. McReynolds indicated it would. He stated the benefit has to be provided one way or other, so it would come down to the cost to the locality.

Chairman Zaremba asked if the Constitutional Officers were opting out of the program.

Mr. McReynolds stated he had received email that indicated there was concern, but the concern was that it was felt the benefit was not going to be provided.

Chairman Zaremba asked if it had been clarified with them.

Mr. McReynolds indicated he had made attempts to let the management know.

Mrs. Noll then moved the adoption of proposed Resolution R13-95 that reads:

A RESOLUTION TO MAKE AN IRREVOCABLE ELECTION NOT TO PARTICIPATE IN VIRGINIA LOCAL DISABILITY PROGRAM

WHEREAS, by enacting Chapter 11.1 of Title 51.1 of the Code of Virginia, the Virginia General Assembly has established the Virginia Local Disability Program ("VLDP") for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Virginia Code § 51.1-169; and

WHEREAS, for purposes of VLDP administration, an employer with VLDP-eligible employees may make an irrevocable election on or before November 1, 2013, requesting that its eligible employees not participate in VLDP as of the VLDP effective date of January 1, 2014, because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of Title 51.1 of the Code of Virginia, with the exception of long term care coverage, by January 1, 2014; and

WHEREAS, it is the intent of York County, 55199, to make this irrevocable election to request that its eligible employees not participate in VLDP;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 1st day of October, 2013, that it irrevocably elects not to participate in VLDP because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees; and

BE IT FURTHER RESOLVED that, as an integral part of making this irrevocable election, York County certifies that it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

On roll call the vote was:

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

NEW BUSINESS

PERSONNEL POLICIES AND PROCEDURES MANUAL

Mr. McReynolds gave a brief presentation regarding the yearly review of the Personnel Policies and Procedures Manual. He stated there were no significant changes this year, and most amendments were only housekeeping items.

Mrs. Noll moved the adoption of proposed Resolution R13-102 that reads:

A RESOLUTION TO AMEND AND READOPT AS COUNTY POLICY
THE PERSONNEL POLICIES AND PROCEDURES MANUAL TO
BECOME EFFECTIVE OCTOBER 1, 2013

WHEREAS, it is the desire of the Board of Supervisors to consolidate and structure all formal personnel policies within the County into a single document subject to the review and approval of the Board of Supervisors; and

WHEREAS, the Board has caused such Personnel Policies and Procedures Manual to be developed and submitted for its consideration; and

WHEREAS, the Personnel Policies and Procedures Manual was approved and adopted by the Board by Resolution R91-287 on December 19, 1991, and the Board has subsequently reviewed and amended this Manual on a periodic basis; and

WHEREAS, in accordance with County policy, staff has completed the required review of the Personnel Policies and Procedures Manual and the County Administrator has submitted certain revisions and changes to the Manual for consideration by the Board which are incorporated into a revised manual dated October 1, 2013;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 1st day of October, 2013, that the document identified as the York County Personnel Policies and Procedures Manual dated October 1, 2013, be adopted by the Board with an effective date of October 1, 2013.

On roll call the vote was:

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

OPEN DISCUSSION

Mr. Shepperd noted the Federal government had shut down today, and approximately 800,000 Federal government employees were out of work. He then stated that every year he had a town meeting in October, and this year it would be on the 16th in the Tabb Elementary School gymnasium at 7:00 pm. He reviewed the standard topics that would be covered, and the presentation would be posted on Board's website afterwards.

Mrs. Noll stated recently her husband was reviewing checks from his bank statement, and he found that he had a washed check. She stated individuals take checks out of residential mail boxes and wash the name and amount from the check and write in their own name and the amount they want. She urged citizens to be very careful about where they were mailing their checks from, as the Sheriff had indicated his office has had several reported incidents.

Chairman Zaremba noted he had asked Mr. McReynolds to take a look at the effects on the County due to the Federal government shutdown.

Mr. McReynolds stated most impacts to the County would be indirect. There would be less money in the economy because of furloughs, and sales and meals taxes would be less as well. The closure of the Parkway from Route 199 up to Jamestown and the unavailability of the picnic area would impact Yorktown, and there was some concern about the Yorktown Day events. He stated the Department of Education would continue to distribute funds to the school systems, and low and moderate income families would still have benefits from the Social Services programs. The Federal courts have funds to operate for another two weeks. He explained that very little of the County's budget came from the Federal government. Mr. McReynolds stated he did not have opportunity to look into the Head Start program because it was funded by Federal funds with a local match, but he would find out and let the Board know about that program.

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Mrs. Noll also informed the Board that a lot of advanced planning had been done for Yorktown Day, so she felt the committee could wait up until a week before to make a decision on whether or not to go forward with the events. She stated the National Park Service backed out of a lot of the Yorktown Day events this year.

Chairman Zaremba noted that he would be out of town from October 11 to October 14.

Meeting Adjourned. At 7:36 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