

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
September 21, 2004

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:01 p.m., Tuesday, September 21, 2004, in the Board Room of York Hall, by Chairman Thomas G. Shepperd, Jr.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

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

Invocation. Bishop Brian Miller from the Church of Jesus Christ of Latter Day Saints gave the Invocation.

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

**HIGHWAY MATTERS**

Mr. David Steele, Interim Resident Engineer, Virginia Department of Transportation (VDOT), appeared to discuss any highway matters of concern to the Board. He stated he has been discussing drainage concerns and the drainage watch list prepared by Steve Hicks with his staff, and he is looking forward to working with the County to improve the maintenance of the drainage system. He reported that the grass had been trimmed around an island at the intersection of Cardinal Lane and Yorktown Road, where a speed limit sign will be installed within the next two weeks. He reported that VDOT will soon begin a traffic analysis at the intersection of Rich Road and Route 17. Mr. Steele stated he plans to attend a meeting of the Queens Lake Community Association to discuss the closure of Queen's Drive as the result of Hurricane Isabel.

Mr. Burgett referred back to a previous meeting when Mr. Hicks indicated that \$800,000 was allocated for a computer system to control the traffic lights on Route 17, and he asked for an update.

Mr. Steele stated the hardware had been installed and the traffic engineering division was working to improve traffic flow. He stated he will gather more information and report at the next Board meeting.

Mrs. Noll reported on an article from the Texas Transportation Institute on how traffic problems are solved by the synchronization of lights throughout jurisdictions. She asked that VDOT look into that, and consider synchronization regionally.

Mr. Steele stated he will investigate to see if the opportunity exists. He pointed out that local jurisdictions, particularly the cities, are controlling their own.

Mr. Zarembo mentioned that the Queens Lake Association was responsible for the engineering and construction work that would go into stabilizing Queen's Drive on the stretch of road leading to the dam. He asked if VDOT would do the surface of the road once that work was complete.

Mr. Steele explained there are safety concerns along of the edge of the pavement due to a loss of trees. With the trees being gone, there is nothing to keep a vehicle from running off the embankment. He mentioned possible guardrail installation, but explained concerns of disturbing the dam. He also expressed concern over the lakefront homes and the dam jeopardizing the lake. Mr. Steele stated the liability of the work is a big issue.

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Mr. Zaremba asked if the association's responsibility in this agreement is whether or not the stabilization had been completed.

Mr. Steele explained that he had performed visual inspections but was not able to observe the work being done. He has a letter in his file from a licensed professional engineer stating that it was stabilized to his satisfaction. It has his signature and license number but does not have the PE seal that is normally associated with that type of document.

Mr. Bowman thanked Mr. Steele for his participation in the work session last week with the presentation of the Six-Year Secondary Transportation Plan and for the update on the drainage problems.

Chairman Shepperd thanked Mr. Steele on behalf of the people of District 5 for VDOT's work and the never-ending battle concerning drainage ditches.

## **PRESENTATIONS**

### **EMPLOYEE RECOGNITION PROGRAM**

Chairman Shepperd congratulated Ms. Terry Wagner and Mr. Richard Smethurst, Department of Community Services, for having attained 20 years of service with the County. He then presented them both with a 20-year service pin and certificate.

### **ZWEIBRÜCKEN STUDENT EXCHANGE PROGRAM**

Ms. Sandy Hespe, representative of the York County School Division, thanked the Board for its continued support of the Student Exchange Program.

Ms. Krista Hailey reported on her experience with the exchange program, and she thanked the Board for its continued support of the exchange program.

Ms. Hespe then introduced the other students and chaperons who participated in the exchange program:

Krista Hailey	Bruton High School	Nichole Cross	York High School
Robert Barrett	Grafton High School	Tyler Jamison	York High School
Stephanie Gambino	Grafton High School	Laura Pilati	York High School
Benjamin Fontana	Tabb High School	Manisha Singh	York High School
Michael Harper	Tabb High School	Mae-Lan Winchester	York High School
Will Spear, Chaperon	Bruton High School		
Kristi Fable, Chaperon	Bruton High School		

### **NEW QUARTER PARK IMPROVEMENTS**

Chairman Shepperd presented proclamations of appreciation to representatives of the Eastern Virginia Mountainbike Association and the Yorktown Rotary Club for their donation of time, materials, and labor to construct a picnic shelter and five miles of mountain bike trails at New Quarter Park.

### **CITIZENS COMMENT PERIOD**

Mr. Jim Funk, 112 Laura Lane, representative of the Retired Senior and Volunteer Program of the Virginia Peninsula (RSVP), appeared before the Board to honor York County's Volunteers. He stated that the organization had 110 citizens who volunteered, supplying 23,478 of volunteer service hours. He then presented the Board with a certificate of recognition indicating the service hours and the monetary figure it represented.

### **COUNTY ATTORNEY REPORTS AND REQUESTS**

Mr. Barnett explained that a settlement had been completed on the first of a two-part real estate transaction in exchange of properties that will give the County the right-of-way needed for the Burts Road and Grafton Drive connection.

### **COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. McReynolds reported that staff had drafted a Request For Proposals (RFP) to solicit an independent firm to evaluate the real estate assessment process, and he will soon forward the draft to the Board for its review. He noted he is working with the Commissioner of the Revenue's office to monitor the transient occupancy tax paid by the timeshare industry and will forward the findings to the Board in the near future. He reminded the Board of its upcoming meetings, including a joint work session on September 28 with the Industrial Development Authority. The next regular meeting will be October 5, followed by joint meeting on October 13 with the Planning Commission, and another regular meeting scheduled for October 26.

### **MATTERS PRESENTED BY THE BOARD**

Mr. Burgett reported on a meeting of the Airport Task Force and stated the number of passengers traveling through the Newport News/Williamsburg International Airport last year exceeded 300,000, which is an 18 percent increase. He commented on an article in The Daily Press concerning the revitalization of Route 17, stating the article gave a very accurate depiction of the program. He referred to the defunct bank next to Winfree's on Route 17 that appears to be a used car lot. He explained that car dealerships in the County have to follow certain rules and procedures for selling cars, and he encouraged those who want to operate a used car lot in the County to abide by the rules. Mr. Burgett stated he enjoyed the County volunteer luncheon, and the volunteers are a wonderful group of people. He stated he is still interested in reviewing a scooter ordinance and would like for it to come before the Board soon.

Mrs. Noll expressed her agreement with Mr. Burgett, stating the County's volunteers are unsung heroes. She addressed the importance of the Comprehensive Plan update and announced the plan review meetings that are to be conducted throughout the community. She urged all citizens to attend the meetings and become a partner in the review of the Comprehensive Plan.

Meeting Recessed. At 7:53 p.m. Chairman Shepperd declared a short recess.

Meeting Reconvened. At 8:01 p.m. the meeting was reconvened in open session by order of the Chair.

### **PUBLIC HEARINGS**

#### **EXEMPTION FOR EDGEHILL ASSOCIATION, INC.**

Mr. McReynolds gave a presentation on proposed Ordinance No. 04-23 to grant exemption from real and personal property taxation pursuant to Virginia Code Section 58.1-3651 to the Edgehill Association, Inc.

Mr. Burgett questioned the deed conveyance language concerning the dissolution of the association and whether or not the County would have recourse to collect back taxes.

Mr. Barnett suggested Mr. Burgett was referring to land use assessments and the five-year recapture period, but that would not be true in this case as the property would be tax exempt until Edgehill ceases to own it or use it for the qualifying purpose.

Chairman Shepperd asked for clarification on the amount that was being exempt.

Mr. McReynolds stated the assessment, which was adjusted after the bill was issued, resulted in a tax bill of \$1,554.00.

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Mr. Bowman asked when the exemption would go into effect.

Mr. Barnett explained it would be retroactive to January 1, 2004.

Ms. Roxanne Lord, President of Edgehill Association, explained the request for exemption would help fund the association since it was strictly a volunteer association, and mandatory fees do not exist. She stated they have 140 homes in Edgehill that are members, with 35-55 members that live outside the association. She described some of the amenities offered by the association, such as Little League ball with a non-paying lease contract for the next six years. She indicated it took a large part of their budget to pay the taxes each year.

Chairman Shepperd inquired about the Boys Scouts/Cub Scouts use of Edgehill's ball field and swimming pool.

Discussion ensued over the use of Edgehill's facilities.

Chairman Shepperd called to order a public hearing on proposed Ordinance No. 04-23 which was duly advertised as required by law and is entitled:

AN ORDINANCE GRANTING EXEMPTION FROM REAL AND PERSONAL PROPERTY TAXATION PURSUANT TO CODE OF VIRGINIA SECTION 58.1-3651 TO EDGEHILL ASSOCIATION, INC., A VIRGINIA NON-PROFIT CORPORATION

There being no one present who wished to speak concerning the subject ordinance, Chairman Shepperd closed the public hearing.

Mr. Bowman stated the Edgehill Association had provided a great service for the County by allowing the use of its field complex to help relieve some of the pressure of the Little League.

Mr. Zaremba referred to similar organizations that have been allowed to become tax-exempt and the Board's consistency in approving those ordinances. He stated that this association services the Edgehill residents, and the County, by allowing the use of its ball fields and other recreational facilities.

Mrs. Noll explained that she had been consistent in her vote to reject this type of action. She further expressed her concern over this special interest group, stating it had not been demonstrated to her where there was a true need for the exemption. She voiced her concern about when tax abatements would end, and she stated it was not the monetary amount, but the principle of the matter.

Chairman Shepperd stated he felt this was a small portion of the community carrying a big load for the County. If the County had to pay for the use of the fields, pools, and clubhouses in subdivisions, the tax rate would have to be raised in order for the County to fund the activities. He stated this service allows the rest of the community to enjoy a quality of life that defines the community.

Mr. Burgett then moved the adoption of proposed Ordinance No. 04-23 which reads:

AN ORDINANCE GRANTING EXEMPTION FROM REAL AND PERSONAL PROPERTY TAXATION PURSUANT TO CODE OF VIRGINIA SECTION 58.1-3651 TO EDGEHILL ASSOCIATION, INC., A VIRGINIA NON-PROFIT CORPORATION

WHEREAS, Edgehill Association has forwarded to the Board a request for real and personal property tax exemption; and

WHEREAS, §58.1-3651 of the Code of Virginia addresses such exemptions and requires that the local governing body advertise and conduct a public hearing and consider a series of questions prior to adopting an ordinance supporting the requested exemption; and

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WHEREAS, the required public hearing has been advertised and conducted and the Board of Supervisors has duly examined and considered the questions contained in §58.1-3651(B) of the Code of Virginia;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 21st day of September, 2004, that Edgehill Association shall be exempt from real and personal property taxation by designation effective January 1, 2004;

BE IT FURTHER ORDAINED that it is recommended that the property of the Edgehill Association be classified as property used for public park and playground activities in accordance with those tax exemption categories set out in Code of Virginia § 58.1-3651;

BE IT STILL FURTHER ORDAINED that continuance of the property tax exemption shall be contingent on the continued use of the properties for public park and playground activities in accordance with the purpose for which the exemption is granted;

BE IT STILL FURTHER ORDAINED that property taxes assessed to and paid by the Edgehill Association during 2004 the amount of \$774.58 be abated and refunded.

On roll call the vote was:

Yea:	(4)	Zaremba, Bowman, Burgett, Shepperd
Nay:	(1)	Noll

#### **MATTERS PRESENTED BY THE BOARD (continued)**

Mr. Bowman announced that District III would have four opportunities to participate in the Comprehensive Plan meetings that are scheduled throughout that district. He stated he felt the acquisition of the land for Grafton Drive/Burts Roads was good news and he commended the staff for making that happen. He mentioned that the elections will be held November 2, and he encouraged all qualified citizens to register to vote.

Mr. Zaremba discussed the Comprehensive Plan and the review that the citizens have begun on the plan. He mentioned the pamphlet concerning the Comprehensive Plan and described the details of what the plan is all about. He elaborated on why it is so important that the County go through this five-year review, and how citizens may get involved and help. He stated the Comprehensive Plan is the County's long-range development tool and is what guides the Zoning Ordinance to determine development around citizens' homes and businesses. He encouraged all citizens to get involved in the development of the Comprehensive Plan.

Chairman Shepperd referred to his full-time position in a military installation and the return of service personnel from the war. He stated the news media only talked of the negative aspects of the Americans' help in Iraq and that the Iraqi people resisted the help. He stated that perception is incorrect, and he suggested if citizens know any returning soldiers to speak with them and hear what they have to say about the war. The Iraqis are just looking for a normal life to raise their families. Mr. Shepperd then referred to the Comprehensive Plan and spoke of how tenuous freedom can be. He noted the Board tries to make decisions based on citizens' input; however, citizens do not always speak up, and the Board sometimes is forced to respond without that input. He indicated there are things that citizens need to do locally to support the government, which is what makes the difference in what goes on in this country as opposed to what goes on in Iraq. The public can vote, and he encouraged everyone to register to vote. He talked about the quality of life which includes people getting involved in their government, and one way to become involved is through volunteering in the community. He suggested running for a public office and serving the public while holding down a job is a way of supporting government. He concluded his remarks by stating that Americans are in Iraq fighting for the freedom the rest of the country takes for granted.

#### **CONSENT CALENDAR**

Mrs. Noll asked that they discuss the Six-Year Transportation Improvement Plan. She asked Mr. Carter to explain how much was lost the last three years.

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Mr. Carter stated he was uncertain of the exact figures, but suggested that it is \$1.1 billion less this year than last year, which is probably close to that amount the previous year. He mentioned there was hope for the Route 17 project to stay on track with some revenue being put back into the plan very soon.

Mrs. Noll stated the money was not in transportation as it should be and part of the problem is that the public does not trust the General Assembly to spend the money the way it should be spent. She reiterated what Mr. Shepperd said about becoming involved, and she encouraged citizens to speak to their delegates and senators.

Mr. Burgett asked about the \$31 million dedicated to the widening of Route 17. He noted that \$10 million was taken back, and he asked if the \$21 million was still available.

Mr. Carter stated the money was still there, and it is sufficient to keep the preliminary engineering going to begin the right of way acquisitions.

Discussion ensued on transportation money.

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 2, 3, and 4, respectively.

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Zaremba, Shepperd  
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 2. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

August 17, 2004, Regular Meeting  
August 26, 2004, Adjourned Meeting

Item No. 3. STREET ACCEPTANCE: Resolution R04-139.

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION TO INCLUDE CERTAIN STREETS IN BUSCH  
INDUSTRIAL PARK, PHASES I & II, INTO THE SECONDARY SYS-  
TEM OF STATE HIGHWAYS

WHEREAS, the following streets, which are shown on plats recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 21<sup>st</sup> day of September, 2004, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Busch Industrial Park, Phases I and II, and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted September 21, 2004

*The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.*

Report of Changes in the Secondary System of State Highways

Form SR-5A

Secondary Roads Division 5/1/99

Project/Subdivision

Busch Industrial Park, Phases I and II

Type of Change: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: §33.1-229

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Route Number and/or Street Name

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Stafford Court, State Route Number 1035

*Description:* From: Route 705 (Alexander Lee Parkway)

To: End of cul-de-sac

A distance of: 0.18 mile.

*Right of Way Record:* Filed with the Clerk of the Circuit Court on 12/12/2001, Instr. #010020855, with a width of 50'

Warwick Court, State Route Number 1034

*Description:* From: Route 705 (Alexander Lee Parkway)

To: End of cul-de-sac

A distance of: 0.12 mile.

*Right of Way Record:* Filed with the Clerk of the Circuit Court on 6/13/1994, Plat Book 12, Pages 68-69, with a width of 50'

Item No. 4. SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM: Resolution R04-140.

**A RESOLUTION TO IDENTIFY YORK COUNTY PRIORITIES FOR INCLUSION IN THE FY2006 - 2011 SIX-YEAR IMPROVEMENT PROGRAM TO BE DEVELOPED BY THE COMMONWEALTH TRANSPORTATION BOARD**

WHEREAS, the Commonwealth Transportation Board has announced a public comment period intended to solicit comments and recommendations from local jurisdictions concerning necessary highway improvements and the establishment of priorities for inclusion in the FY 2006 - 2011 Six-Year Improvement Program for Interstate and Primary System needs; and

WHEREAS, the York County Board of Supervisors recognizes and appreciates the difficult task that faces the Commonwealth Transportation Board as it works to develop a revised and updated Six-Year Improvement Program; and

WHEREAS, the Board recognizes that transportation system improvement needs far exceed available revenues and that it is impossible to fund all priorities; and

WHEREAS, the Board enthusiastically supports development of a Plan that includes level or increased funding for maintenance to guard against severe deterioration of the transportation network; and

WHEREAS, the Board has carefully reviewed the transportation system needs for York County and the Virginia Peninsula and has developed a list of the projects that it considers critical to the transportation, economic development and quality of life needs of the area.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21<sup>st</sup> day of September, 2004, that it does hereby adopt the following recommended program of priorities and projects for consideration by the Commonwealth Transportation Board:

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Priority 1 - Restore construction funding (\$10 million) for the widening of Route 17 between Wolftrap Road and Route 134;

Priority 2 - Route 17 Widening from 4 to 6 lanes between Route 134 and Route 171; estimated cost - \$7 million;

Priority 3 - Route 105 Widening between Jefferson Avenue and Route 17;

Priority 4 - Interstate 64 Widening to Route 199 (east interchange);

Priority 5 - Route 171 Widening from 4 to 6 lanes between Route 17 and Route 134;

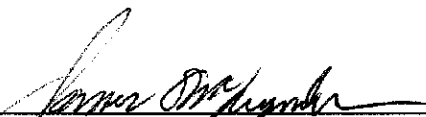
Priority 6 - Route 171 Widening from 2 to 4 lanes between Route 134 and Poquoson city limits.

BE IT FURTHER RESOLVED that the Board of Supervisors strongly encourages the Commonwealth Transportation Board to consider the aesthetics of all transportation projects and to include sufficient funding in all project budgets for appropriate landscaping.

BE IT STILL FURTHER RESOLVED that the County Administrator be, and hereby is, authorized to transmit the information contained in this resolution to the Commonwealth Transportation Board to be entered into the record as the official position of the York County Board of Supervisors and to forward copies to the Commissioner and all others deemed appropriate.

BE IT STILL FURTHER RESOLVED that the Commonwealth Transportation Board be, and hereby is, commended for its cooperation in attending to those needs identified within York County and its neighboring communities.

Meeting Adjourned. At 8:35 p.m. Chairman Shepperd declared the meeting adjourned to 6:30 p.m., Tuesday, September 28, 2004, in the East Room, York Hall, for the purpose of conducting a joint meeting with the Industrial Development Authority.



James O. McReynolds, Clerk  
York County Board of Supervisors



Thomas G. Shepperd, Jr., Chairman  
York County Board of Supervisors