MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
August 3, 2004

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, August 3, 2004, in the Board Room, York Hall, by Vice Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zaremba, Sheila S. Noll, and James S. Burgett.

Thomas G. Shepperd, Jr., was absent.

Kenneth L. Bowman arrived at 8:50 p.m.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and Carla Blake Hook, Assistant County Attorney.

Invocation. Reverend Walter C. Johnson, Zion Prospect Baptist Church, gave the Invocation.

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

PRESENTATIONS

EMPLOYEE RECOGNITION PROGRAM

Vice Chairman Burgett congratulated Mrs. Anne B. Smith, Director of Community Services, on 25 years of service with the County, and Mr. Thomas W. Sawyer, Department of Financial and Management Services, on 20 years of service. Mr. Burgett then presented them with their service pins and certificates.

CITIZENS COMMENT PERIOD

Mr. Joseph K. Taylor, 109 Marlbank Drive, spoke of the problem with motorists running red lights on Route 17. He noted that some cities have permission to put cameras at the intersections, but the General Assembly will not give York County that permission. He suggested that the Board have dummy cameras mounted at the intersections, and put up signs at the entrance to the County stating there is monitoring equipment throughout the County. On a more long range and comprehensive approach, Mr. Taylor asked the Board to consider an advisory referendum to canvass the people of the county to determine their interest in having cameras at the intersections. He noted it could strengthen the County's case before the General Assembly if the survey was positive. Mr. Taylor also noted the County needs to enlist the support and cooperation of other jurisdictions interested in the same idea.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mrs. Hook indicated she had no report to make at this time.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the Board members of their upcoming work session on August 10 and their next regular meeting on August 17.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll addressed the photo red issue brought up by Mr. Taylor, stating it is something the Board has been fighting to have in the County for a long time. She noted it goes before the Courts and Militia Committee of the General Assembly, and they reject it year after year. She suggested that citizens who are interested in having this capability should contact their legislative delegation in support of the photo red bill. Mrs. Noll then noted that Mr. Bowman was not present this evening, and she stated the Board joined her in expressing sympathy to Mr. Bowman and his family on the passing of his step-father. She indicated she had attended the Chamber of Commerce meeting and heard that the General Assembly has passed a bill to allow newcomer military personnel to the state to pay in-state tuition for community colleges for one year. She noted that on October 11 and 12 the Virginia Marine Resources Commission will be holding two hearings at Lafayette High School regarding the reservoir, specifically to address permitting for the in-take valve. Mrs. Noll then apprised the Board of her attendance at the NACo Conference in Phoenix, stating it was attended by over 5,000 people, and she received a lot of information on affordable housing. She spoke of opportunities for affordable housing in the Hampton Roads area, and suggested interested persons contact Community Services or a bank or mortgage person to find out the qualifications. Mrs. Noll noted that VTRANS2005 will be held August 11 from 4:00 to 8:00 p.m. at Thomas Nelson Community College, and it is a chance for the public to have their ideas heard on transportation issues. Mrs. Noll noted she also attended the VACo local government officials conference in Norfolk this past weekend, and stated the state is looking at more ways of paying for the roads rather than out of the general fund. She stated the federal government has not yet passed its transportation plan, so not much can be done until it is known what they will provide to the states.

Mr. Zaremba stated the Board has often hounded VDOT to install traffic lights at intersections after the County concludes there are too many accidents. After a number of years, VDOT recognized the need for one at Mooretown and Airport Road and finally put in a major traffic configuration at the intersection. He stated there are still accidents, and he agreed that there is a need for the photo red system at these intersections. Mr. Zaremba then provided an update on the newly created Williamsburg Destination Committee which will determine how to spend revenues with respect to the additional $2.00 per night surcharge to lodging charges. He noted an inaugural polo match sponsored by the Williamsburg Kiwanis will happen at Shirley Plantation on October 10 which will generate funds for youth programs of the Historic Triangle. Mr. Zaremba then asked that the Board receive a critique from the legislative session at the next meeting as well as an update on the proposed meeting between the Board and the legislators.

Mr. Burgett noted he had the opportunity to attend the Mayors and Chairs Caucus, and the main topic of discussion was communications during emergencies. Representatives from television stations and radio stations were present, and the objective was to get the media to provide a dedicated time to each locality to provide its citizens with emergency information on the locality. Mr. Burgett also noted he attended the Peninsula Mayors and Chairs meeting and received an update on the 2007 Celebration. He stated Colin Campbell was present and gave an outstanding presentation on what was happening during the planning stages. He noted another topic discussed was the proposed merger of the economic alliances of the Peninsula and the Southside. He stated Mayor Frank of Newport News is of the opinion that the elected officials did not get enough input on the subject, and he has brought it back up. Speakers were present from both sides, and nothing substantially different was brought up. He stated the York County Board of Supervisors' position is not to disband the Peninsula Alliance, although it would not be against being a part of a regional alliance. He stated there will be more meetings with all the Boards and Councils to hear what the proponents of the merger have to say. Mr. Burgett then stated he had an address for the letter he had asked the Chairman to sign regarding the Navy training flights that are taking place in the late evening hours over York County. He stated they are flying over people's homes at late hours, and the Board has agreed to ask the Navy to reconsider its timetable for the practice flights. He also asked Mr. McReynolds to provide a Route 17 update at the Board's next meeting. He spoke about the abandoned Exxon station at Lakeside Drive, noting he had made contact with corporate headquarters and spoke with the person who oversees the project. He stated the gentleman was totally unresponsive, indicating Exxon is not interested in its decaying building in the York community. He expressed his disappointment that Exxon did not display some corporate pride and citizenship and take care of removing the building. Mr. Burgett then announced that the County is losing Steve Hicks as its Resident Engineer which is a significant loss. He expressed his hope that his replacement will do as well, and stated that James City County is very fortunate to get him.

Meeting Recessed. At 7:51 p.m. Vice Chairman Burgett declared a short recess.

Meeting Reconvened. At 8:00 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

AMENDMENT TO THE YORK COUNTY CODE: WETLANDS BOARD

Mrs. Hook made a presentation on proposed Ordinance No. 04-14 to amend the York County Code to provide for the appointment of at least one, but not more than three, alternate members to the Wetlands Board.

Vice Chairman Burgett called to order a public hearing on proposed Ordinance No. 04-14 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 23.1-3 TO PROVIDE FOR THE APPOINTMENT OF AT LEAST ONE BUT NOT MORE THAN THREE ALTERNATE MEMBERS TO THE WETLANDS BOARD

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

Mrs. Noll moved the adoption of proposed Ordinance No. 04-14 that reads:

AN ORDINANCE TO AMEND SECTION 23.1-3 TO PROVIDE FOR THE APPOINTMENT OF AT LEAST ONE BUT NOT MORE THAN THREE ALTERNATE MEMBERS TO THE WETLANDS BOARD

BE IT ORDAINED by the York County Board of Supervisors, this 3rd day of August, 2004, that section 23.1-3, York County Code, be and it is hereby amended to read and provide as follows:

Sec. 23.1-3. Wetlands board—Generally.

(a) There is hereby continued a wetlands board, which shall consist of five (5) residents of the county appointed by the board of supervisors. All terms of office shall be for five (5) years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The chair of the board shall notify the board of supervisors at least thirty (30) days in advance of the expiration of any term of office, and shall also notify the board of supervisors promptly if any vacancy occurs. Such vacancies shall be filled by the board of supervisors without any delay, upon receipt of such notice. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may serve successive terms. A member whose term expires shall continue to serve until his/her successor is appointed and qualified. Members of the board shall hold no other public office in the county, except that they may be members of the local planning or zoning commission, directors of soil and water conservation boards, or local erosion commissions, or on the local board of zoning appeals. Where members of these local commissions or boards are appointed to a local wetlands board, their terms of appointment shall be coterminous with their membership on those boards or commissions. The board of supervisors shall also appoint at least one but not more than three alternate members to the wetlands board. The qualifications, terms, and compensation of alternate members shall be the same as those of members. Any member who knows that he will not be able to attend a board meeting shall notify the chairman at least 24 hours in advance of such meeting. The chairman shall select an alternate member to serve in place of the absent member at the board meeting, which shall be noted in the records of the board.

(b) Upon a hearing with at least fifteen (15) days notice thereof, any board member may be removed for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, by the board of supervisors.

On roll call the vote was:

Yea: (3) Zaremba, Noll, Burgett
Nay: (0)

AMENDMENT TO THE YORK COUNTY CODE: ANIMAL CONTROL OFFICERS

Mrs. Hook made a presentation on proposed Ordinance No. 04-17 to amend the York County Code with respect to training required of animal control officers and deputy animal control officers.

Vice Chairman Burgett then called to order a public hearing on proposed Ordinance No. 04-17 which was duly advertised as required by law and is entitled:

> AN ORDINANCE TO AMEND YORK COUNTY CODE SECTION 4-3 WITH RESPECT TO TRAINING REQUIRED OF ANIMAL CONTROL OFFICERS AND DEPUTY ANIMAL CONTROL OFFICERS, TO IMPLEMENT THE PROVISIONS OF HOUSE BILL 144 ADOPTED BY THE 2004 GENERAL ASSEMBLY

There being no one present who wished to speak on the subject ordinance, Mr. Burgett closed the public hearing.

Mrs. Noll moved the adoption of proposed Ordinance No. 04-17 that is entitled:

> AN ORDINANCE TO AMEND YORK COUNTY CODE SECTION 4-3 WITH RESPECT TO TRAINING REQUIRED OF ANIMAL CONTROL OFFICERS AND DEPUTY ANIMAL CONTROL OFFICERS, TO IMPLEMENT THE PROVISIONS OF HOUSE BILL 144 ADOPTED BY THE 2004 GENERAL ASSEMBLY

BE IT ORDAINED by the York County Board of Supervisors, this 3rd day of August, 2004, that section 4-3, York County Code, be and it is hereby amended to read and provide as follows:

Sec. 4-3. Animal control officer—Generally.

(a) There is hereby created and established the position of animal control officer. The animal control officer shall be appointed by the board of supervisors. The board may appoint one (1) or more deputy animal control officers to assist the animal control officer with enforcement of all county ordinances and state laws enacted for animal control and protection. The animal control officer and any deputy animal control officers shall have all authority granted to such officers by the Virginia Comprehensive Animal Control Laws, Chapter 27.4 of Title 3.1 of the Code of Virginia. The animal control officer and the deputy animal control officers shall be paid as the county board of supervisors shall prescribe.

(b) The animal control officer and deputy animal control officer shall have a knowledge of and shall enforce the provisions of this chapter and all ordinances of the county and laws of the state enacted for animal control and protection.

(c) Whenever the term "animal control officer" is used in this chapter, it shall mean the animal control officer appointed pursuant to this section or any duly appointed deputy animal control officer.

(d) Nothing in this section shall be construed to prevent the issuance of a warrant for any violation of this chapter based upon the complaint of any citizen or any law enforcement officer and upon a finding of probable cause by an officer authorized to issue arrest warrants generally.

(e) Every animal control officer and deputy animal control officers shall complete the following training: Within two years after appointment, a basic animal control course that has been approved by the State Veterinarian which shall include training in recognizing suspected child abuse and neglect and information on how complaints may be filed, and thereafter shall complete such additional training as may be required by the Code of Virginia.

On roll call the vote was:

Yea: (3) Noll, Zaremba, Burgett
Nay: (0)

AMENDMENT TO THE YORK COUNTY CODE: SURCHARGE FOR COURTHOUSE SECURITY

Mrs. Hook made a presentation on proposed Ordinance No. 04-21 to amend the York County Code to authorize the $5.00 surcharge for certain court costs in criminal and traffic cases to be expended for equipment and personal property used in connection with courthouse security.

Mr. Zaremba stated he envisioned there will be quite a bit of money generated, and he asked who will be responsible for the accounting of these funds as they are expended.

Mrs. Hook indicated the Sheriff can request that the funds be expended.

Mr. Zaremba asked if there is any audit or determination that the funds are being spent correctly.

Mr. McReynolds stated the funds are deposited to the general fund which has an annual audit, so these funds will be audited annually.

Vice Chairman Burgett then called to order a public hearing on proposed Ordinance No. 04-21 which was duly advertised as required by law and is entitled:

> AN ORDINANCE TO AMEND YORK COUNTY CODE SECTION 1-14.1 TO AUTHORIZE THE $5.00 SURCHARGE FOR CERTAIN COURT COSTS IN CRIMINAL AND TRAFFIC CASES TO BE EXPENDED FOR EQUIPMENT AND PERSONAL PROPERTY USED IN CONNECTION WITH COURTHOUSE SECURITY, AND DELETING A PROVISION BY WHICH THE AUTHORITY TO LEVY THE $5.00 CHARGE WOULD EXPIRE ON JULY 1, 2004

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

Mrs. Noll moved the adoption of proposed Ordinance No. 04-21 that reads:

> AN ORDINANCE TO AMEND YORK COUNTY CODE SECTION 1-14.1 TO AUTHORIZE THE $5.00 SURCHARGE FOR CERTAIN COURT COSTS IN CRIMINAL AND TRAFFIC CASES TO BE EXPENDED FOR EQUIPMENT AND PERSONAL PROPERTY USED IN CONNECTION WITH COURTHOUSE SECURITY, AND DELETING A PROVISION BY WHICH THE AUTHORITY TO LEVY THE $5.00 CHARGE WOULD EXPIRE ON JULY 1, 2004

BE IT ORDAINED by the York County Board of Supervisors this 3rd day of August, 2004, that section 1-14.1, York County Code, be and it is hereby amended to read and provide as follows:

Sec. 1-14.1 Same—Assessments for civil and criminal convictions for the Funding of Courthouse Security Personnel.

Pursuant to Code of Virginia section 53.1-120, the sum of five dollars ($5.00) is hereby assessed as part of the costs in each criminal and traffic conviction in the district courts or circuit court of York County in which the defendant is convicted of any statute or ordinance, for the purpose of funding courthouse security personnel, or, if requested by the sheriff, for equipment and other personal property used in connection with courthouse security. The assessment shall be collected by the clerk of court in which the case is heard and remitted to the treasurer of the County of York, Virginia, to be held by the treasurer subject to appropriation by the board of supervisors to the sheriff's office.

On roll call the vote was:

Yea: (3) Zaremba, Noll, Burgett
Nay: (0)

AMENDED LICENSE AGREEMENT FOR UTILITY ACCESS AND CONSTRUCTION OF A DRIVEWAY

Mr. McReynolds made a presentation concerning proposed Resolution R04-118 to authorize the execution of a revised license agreement with Rhonda M. Chase and Robert M. Buckanin for utility access and the construction of a driveway across an unimproved portion of Bay Tree Beach Road extended.

Vice Chairman Burgett asked if there will be a turn-around at the end of the road.

Mr. Robert M. Buckanin, the applicant, indicated there would not be, that the roadway is approximately 40 feet wide with a ditch on either side for sufficient area to turn around.

Vice Chairman Burgett then called to order a public hearing on proposed Resolution R04-118 which was duly advertised as required by law and is entitled:

> A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ENTER INTO A REVISED LICENSE AGREEMENT WITH RHONDA M. CHASE AND ROBERT M. BUCKANIN FOR UTILITY ACCESS AND THE CONSTRUCTION OF A DRIVEWAY ACROSS AN UNIMPROVED PORTION OF A DEDICATED ROADWAY, NAMELY BAY TREE BEACH ROAD EXTENDED

There being no one present who wished to speak concerning the subject resolution, Mr. Burgett closed the public hearing.

Mr. Zaremba moved the adoption of proposed Resolution R04-118 that reads:

> A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ENTER INTO A REVISED LICENSE AGREEMENT WITH RHONDA M. CHASE AND ROBERT M. BUCKANIN FOR UTILITY ACCESS AND THE CONSTRUCTION OF A DRIVEWAY ACROSS AN UNIMPROVED PORTION OF A DEDICATED ROADWAY, NAMELY BAY TREE BEACH ROAD EXTENDED

WHEREAS, Rhonda M. Chase and Robert M. Buckanin are the owners of property along an unimproved portion of Bay Tree Beach Road having a street address of 1101 and 1103 Bay Tree Beach Road; and

WHEREAS, by virtue of Resolution R03-35, the Board approved a license agreement with Ms. Chase and Mr. Buckanin to place utility lines within the unimproved road, and Ms. Chase and Mr. Buckanin now request a modification of the agreement to allow construction of a driveway within the unimproved portion of the roadway; and

WHEREAS, it has been determined that entering into such license agreement benefits the public welfare and is not adverse to the County's interests.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of August, 2004, that the County Administrator be, and is hereby authorized, for and on behalf of the Board to enter into a revised license agreement whereby Rhonda M. Chase and Robert M. Buckanin shall be granted utility access and the right to construct a driveway of gravel or crushed stone along that unimproved portion of Bay Tree Beach Road as shown on the above-referenced plats, provided that such license shall be nonexclusive, such agreement to be substantially similar in form to the draft agreement transmitted to the Board by report of the County Administrator dated June 29, 2004, such license agreement to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (3) Noll, Zaremba, Burgett
Nay: (0)

MARLBANK FARMS SANITARY SEWER PROJECT

Mrs. Hook made a presentation on proposed Resolution R04-119 to declare the necessity to enter upon and take certain easements in connection with the Marlbank Farms sewer project.

Vice Chairman Burgett then called to order a public hearing on proposed Resolution R04-119 which was duly advertised as required by law and is entitled:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON AND TAKE CERTAIN EASEMENTS IN CONNECTION WITH THE MARLBANK FARMS SEWER PROJECT

There being no one present who wished to speak concerning the subject resolution, Mr. Burgett closed the public hearing.

Mrs. Noll moved the adoption of proposed Resolution R04-119 that reads:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON AND TAKE CERTAIN EASEMENTS IN CONNECTION WITH THE MARLBANK FARMS SEWER PROJECT

WHEREAS, it is necessary to obtain certain easements in connection with the Marlbank Farms sewer project; and

WHEREAS, for various reasons, the County is not able to obtain from the owners 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 interests; and

WHEREAS, plats of the interests in real property to be acquired have been prepared by Precision Measurements, Inc. and appraisals of such interests have been prepared; 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 pipelines, meter boxes, pumps, or any other appurtenances to a sewerage disposal and water system.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of August, 2004, 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 Marlbank Farms sewer project, for the County, its officers, employees and agents to enter upon and take the interests in real property described below prior to the initiation of condemnation proceedings.

BE IT FURTHER RESOLVED that the interests to be taken, and the compensation and damages, if any, offered by the County for each are the following, which interests are more particularly described on the plat attached to the Report of the County Attorney dated July 8, 2004, and incorporated herein by this reference:

Tax Map No. 19C-1-E-32

A permanent utility easement and a temporary construction easement as shown on a plat entitled "Plat of Easement Acquisition From: Donald Creig Humes, et ux, Trustees, To: County of York, Virginia, Project: Marlbank Farm Sanitary Sewer Improvements," dated October 24, 2003, prepared by Precision Measurements, Inc. and designated as a "Permanent Utility Easement Hereby Conveyed to York County, 940 sq. ft." and a "Temporary Construction Easement Hereby Conveyed to York County, 650 sq. ft." Value offered to owner: $1,653.00.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of August, 2004, that the Chairman of the Board of Supervisors, the County Treasurer and the County Attorney are hereby authorized and directed, for and on behalf of the County,

to execute a certificate to be recorded in the Office of the Clerk of the Circuit Court for York County, certifying the amount set forth above as the fair value, and damages if any, of the interests to be taken, will be paid the owners 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 Board of Supervisors to acquire title to the interests in the property described above, including, if necessary, any other easements or restrictions that may affect the easements sought to be acquired, and to do all things necessary as a prerequisite thereto.

On roll call the vote was:

Yea: (3) Zaremba, Noll, Burgett
Nay: (0)

VACATION OF BICYCLE PATH EASEMENTS: WILLIAMSBURG COMMONS

Mrs. Hook made a presentation on proposed Resolution R04-107 to authorize the execution of a deed vacating bicycle path easements located along Commons Way and Wingate Drive in Williamsburg Commons subdivision, and conveying to the Carriage Homes Owners Association, Inc., a recreation area located on Commons Way and Bastille Court originally intended as part of a regional bike path.

Vice Chairman Burgett then called to order a public hearing on proposed Resolution R04-107 which was duly advertised as required by law and is entitled:

> A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A DEED VACATING BICYCLE PATH EASEMENTS LOCATED ALONG COMMONS WAY AND WINGATE DRIVE IN WILLIAMSBURG COMMONS SUBDIVISION, AND CONVEYING TO CARRIAGE HOMES OWNERS ASSOCIATION, INC., A RECREATION AREA LOCATED ON COMMONS WAY AND BASTILLE COURT ORIGINALLY INTENDED AS PART OF A REGIONAL BIKE PATH

There being no one present who wished to speak concerning the subject resolution, Mr. Burgett closed the public hearing.

Mrs. Noll moved the adoption of proposed Resolution R04-107 that reads:

> A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A DEED VACATING BICYCLE PATH EASEMENTS LOCATED ALONG COMMONS WAY AND WINGATE DRIVE IN WILLIAMSBURG COMMONS SUBDIVISION, AND CONVEYING TO CARRIAGE HOMES OWNERS ASSOCIATION, INC., A RECREATION AREA LOCATED ON COMMONS WAY AND BASTILLE COURT ORIGINALLY INTENDED AS PART OF A REGIONAL BIKE PATH

WHEREAS, upon the request of Carriage Homes Owners Association, the homeowner's association for Williamsburg Commons II subdivision, now also known as Williamsburg Carriage Homes, to vacate certain bicycle path easements located along Commons Way and Wingate Drive, and to vacate a recreation area located adjacent to Commons Way and Bastille Court, the Board has held a duly advertised public hearing to determine whether the public need would be served by agreeing to such requests; and

WHEREAS, this Board has determined that there is no public need for the easements or the recreation area, all of which were originally dedicated or conveyed to the County to be incorporated into an extension of a regional bike path system, such extension now having been abandoned.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of supervisors this 3rd day of August, 2004, that the County Administrator be, and is hereby authorized, for and

on behalf of the Board to execute such deed or deeds as may be reasonably necessary to vacate the County's interest in various bike path easements, being 10' in width and 15' in width, along Commons Way and Wingate Drive, in Williamsburg Commons II subdivision, and also lying between Lots 58 and 59 of said subdivision, and also to convey to Carriage Homes Owners Association a certain recreation area of approximately of 0.341 acres lying adjacent to Commons Way and Bastille Court within the subdivision, any such deed or deeds to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (3) Noll, Zaremba, Burgett
Nay: (0)

CONSENT CALENDAR

Mrs. Noll asked what equipment was being purchased with the Homeland Security grant.

Fire Chief Stephen P. Kopczynski stated the funds are provided to localities across the country to make sure localities are prepared in the event of terrorism. An assessment of the localities' capabilities was done, and items were identified that staff would otherwise need to come to the Board to request from the general fund. He stated it is a flow-thru grant that includes equipment for the regional rescue team as well as the unified command post. He stated there are a number of item requirements identified by the federal government that the County must adhere to. Through earlier parts of the program, the County was able to equip its personnel and that of the Sheriff with chemical protective clothing. Chief Kopczynski stated staff expects to procure technical rescue gear and a pickup truck and trailer to carry the equipment, as well as interoperable communications equipment for the command post.

Mr. Zaremba suggested that instead of giving the Board a short summary in the agenda package, staff provide the Board with an enclosure of what was submitted for the grant. He then noted that when equipment from a grant like this is purchased, the grant ends, but the vehicles purchased require maintenance that continues after the grant funds are spent, so there is another cost associated. He stated he would like to know what are the recurring costs. Mr. Zaremba then noted Chief Kopczynski had mentioned buying communications equipment so that there will be interoperability with other fire departments. He stated the County is in the process of spending $10 million to achieve interoperability, and he asked Chief Kopczynski and Sheriff Diggs to give the Board a feel for what is going on with the Homeland Security Grant and the funds for the Hampton Roads Metropolitan Medical Response System.

Chief Kopczynski stated that with regard to interoperability, there are eight specific categories that have to be identified according to the grant regulations. Within each grant process, the categories may change. In this case it addresses everything from radios to satellite telephones and computer systems.

Mr. Burgett questioned the need for other equipment when the County is jointly purchasing a $10 million communications system. He stated $10 million should allow the jurisdictions to communicate with everyone.

Chief Kopczynski explained that the funds were not just being used for communications equipment. For example, he noted the Sheriff will purchase a bus with these funds for the command setup.

Mr. McReynolds assured the Board of Supervisors that the Sheriff has worked very closely with county staff to make sure the funds are being spent wisely and the equipment is compatible with our new communications system. He stated there are no duplicates or inefficiencies.

Mr. Zaremba then noted he had the same types of questions for the funds for the medical response system.

Chief Kopczynski stated none of the equipment purchased with these funds will be housed in York County. The County serves as the region's fiscal agent and just manages the procurement for the system and has oversight for the program.

Mr. Zaremba asked if the equipment is used solely for hospitals.

Chief Kopczynski indicated it will be used by hospitals and health departments within the Hampton Roads region.

Mr. Zaremba asked if the equipment will also be compatible with the regional communications system.

Chief Kopczynski stated public health radios will be procured so that the health departments can communicate with their local governments. He stated they will also be able to speak to the localities on the regional system. He stated the jurisdictions are trying to establish capabilities to improve, but it will not put everyone on the same communication platform.

Mr. Zaremba then moved that the Consent Calendar be approved as submitted, Item Nos. 7, 8, and 9, respectively.

On roll call the vote was:

Yea: (3) Zaremba, Noll, Burgett
Nay: (0)

Thereupon, the following resolutions were adopted:

Item No. 7. APPROPRIATION OF FUNDS FOR THE HAMPTON ROADS METROPOLITAN MEDICAL RESPONSE SYSTEM: Resolution R04-120

A RESOLUTION TO APPROPRIATE FUNDING AS COMMITTED BY THE HAMPTON ROADS PLANNING DISTRICT COMMISSION AND TO AUTHORIZE THE COUNTY ADMINISTRATOR TO PURCHASE HEALTH DEPARTMENT AND HOSPITAL COMMUNICATIONS EQUIPMENT FOR THE HAMPTON ROADS METROPOLITAN MEDICAL RESPONSE SYSTEM

WHEREAS, the Hampton Roads Metropolitan Medical Response System (HRMMRS) has been developed to provide major medical response support to the Hampton Roads localities including York County, as a result of weapons of mass destruction/terrorism incidents and/or other major disasters with significant victims; and

WHEREAS, the Hampton Roads Planning District Commission (HRPPDC) serves as the fiscal agent for the HRMMRS and, as such, has committed to funding and has authorized through purchase orders the County to procure on behalf of the HRPDC certain HRMMRS Health Department and hospital communications equipment; and

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of $30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of $30,000 or more, and that all applicable laws, ordinances and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of August, 2004, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for communications equipment, without further action by the Board, provided that all purchases do not exceed funds available for said purpose approved by the Board of Supervisors.

BE IT FURTHER RESOLVED that funds in the total amount of $392,000 be, and hereby are, appropriated for the purchase of communications equipment for use in the Hampton Roads Metropolitan Medical Response System.

Item No. 8. HOMELAND SECURITY GRANT: Resolution R04-121

A RESOLUTION TO ACCEPT AND APPROPRIATE FEDERAL FY03 DEPARTMENT OF HOMELAND SECURITY, OFFICE OF DOMESTIC PREPAREDNESS, GRANT FUNDS IN THE AMOUNT OF

$166,497 FOR RESPONDER EQUIPMENT AND OTHER EQUIPMENT ESSENTIAL TO SUPPORT THE MISSION OF THE DEPARTMENT OF FIRE AND LIFE SAFETY AND THE SHERIFF'S OFFICE

WHEREAS, the County is vulnerable to the threat of terrorism and, in particular, the use of Weapons of Mass Destruction (WMD), and the Department of Fire and Life Safety, as well as the Sheriff's Office, are the first responders to such events; and

WHEREAS, the Department of Homeland Security, Office of Domestic Preparedness, is making funds available to localities to assist in their preparation efforts; and

WHEREAS, the Virginia Department of Emergency Management (VDEM) has been designated as state manager of these grants; and

WHEREAS, the funding purchases authorized by these grants are restricted to a specified and limited commodity list and do not require a local match; and

WHEREAS, the County has been awarded $166,497 by the Department of Homeland Security, Office of Domestic Preparedness, and the Virginia Department of Emergency Management;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of August, 2004, that the County Administrator be, and hereby is, authorized to accept and appropriate grant funds in the amount of $166,497 toward the purchase of equipment and other commodities as specified in notation of funding and according to the needs identified by both the Department of Fire and Life Safety and the Sheriff's Office, and to execute any necessary grant agreements, related contracts, or other documents, subject to approval as to form by the County Attorney, to provide such additional information as may be required by the terms of the grant agreement, and to do all things necessary to implement the Department of Homeland Security, Office of Domestic Preparedness, Grant Program.

Item No. 9. RECOGNITION OF RETIRING EMPLOYEE: Resolution R04-126

A RESOLUTION TO COMMEND GEORGE E. "VAN" BARTLETT, LIEUTENANT (RET.), FOR THE SERVICES RENDERED TO THE CITIZENS AND VISITORS OF YORK COUNTY

WHEREAS, George E. "Van" Bartlett began employment with the County of York on July 30, 1979, as a career firefighter; and

WHEREAS, he was promoted through the ranks to the position of Fire Lieutenant on May 26, 1991; and

WHEREAS, Lieutenant Bartlett served for years as the "B Shift" Station Commander, Fire Station Five (Skimino), and was loved and respected by the men and women who worked for him; and

WHEREAS, he also served for years as the officer responsible for the department's inventory of hand tools and portable equipment; and

WHEREAS, throughout his career, he served the citizens and visitors of York County with distinction and honor, routinely contributing to their safety and prosperity, and upholding the high ideals and standards of the American fire service; and

WHEREAS, Lieutenant George E. "Van" Bartlett retired from the Department of Fire and Life Safety on August 1, 2004;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of August, 2004, that George E. "Van" Bartlett be, and he is hereby, commended for his professionalism and devotion to duty in serving the County of York for 25 years.

BE IT FURTHER RESOLVED that the appreciation of the citizens of York County is hereby extended to George E. "Van" Bartlett for his service, and the heartfelt best wishes of this

Board are extended to him and his family for a well-deserved abundance of happiness and continued success in their future endeavors.

CLOSED MEETING. At 8:32 p.m. Mrs. Noll moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(3) pertaining to the disposition of real property used for a public purpose; and Section 2.2-3711(a)(5) pertaining to a business or industry not yet announced.

On roll call the vote was:

Yea: (3) Noll, Zaremba, Burgett
Nay: (0)

Mr. Bowman arrived at 8:50 p.m.

Meeting Reconvened. At 9:05 p.m. the meeting was reconvened in open session by order of the Vice Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

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

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of August, 2004, 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: (3) Zaremba, Noll, Burgett
Nay: (0)

Meeting Adjourned. At 9:07 p.m. Mr. Zaremba moved that the meeting be adjourned to 6:00 p.m., Tuesday, August 10, 2004, in the East Room, York Hall, for the purpose of conducting a work session.

On roll call the vote was:

Yea: (3) Noll, Zaremba, Burgett
Nay: (0)

James O. McReynolds, Clerk
York County Board of Supervisors

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