

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
January 18, 2022

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:02 p.m., Tuesday, January 18, 2022, in the Board Room, York Hall, by Chairman Sheila S. Noll.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, W. Chad Green, G. Stephen Roane, Jr., and Thomas G. Shepperd, Jr.

Also in attendance were Neil A. Morgan, County Administrator; Mark L. Bellamy, Jr., Deputy County Administrator; Brian Fuller, Assistant County Administrator; James E. Barnett, County Attorney; Richard Hill, and Heather L. Schott, Legislative Assistant.

Invocation. Amari Randall, York County Youth Commissioner, gave the invocation.

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

**PRESENTATIONS**

**YORK COUNTY YOUTH COMMISSION QUARTERLY REPORT**

Nathanael Virgil-Fenelus, Chairman of the York County Youth Commission (YCYC), presented the Commission's 2021/2022 quarterly report which included the following information:

- This year's motto is *Your Community Youth Community*.
- Goals for the year are: participate and offer community service opportunities to high school students, conduct student surveys, and contribute to the common good of the community.
- At the Commission's first meeting on August 17, 2021, School Board Member, James Richardson and Board of Supervisor, Stephen Roane, attended and discussed the YCYC goals.
- During the year, several speakers addressed the Commission at the monthly meetings to include: Neil Morgan, York County Administrator, and Brian Fuller, Assistant County Administrator/Community Services Director, both of which elaborated on County government and policies, and answered our questions.
- The Youth Commission took a trolley tour of Yorktown and learned about our community's history.
- They had partnered with Kevin Ritchie, Tourism Event Planner, to create volunteer opportunities for York County youth to assist with the County's Fall Festival, Paws at the River Market, and also at the Maritime and Harvest Festivals.
- At the Grafton High School 25<sup>th</sup> Anniversary celebration, the YCYC had a table and offered pumpkin decorations.
- At the annual Mayflower Marathon Food Drive, members helped to process incoming food donations for the Virginia Peninsula Food Bank.
- At the Yorktown Christmas Tree Lighting, members helped attendees decorate Christmas cards for our overseas service members as well as our first responders.
- After reaching out to Natasha House and learning of their need for toys, YCYC held a very successful toy drive at all of the County high schools.
- In response to a request from the Bruton High School principal, the Commission held a mental health survey at the school led by Amari Randall, YCYC Vice Chair.

Miss Randall then provided the details on the Bruton High School survey. She stated that she, Logan Richardson, Commission Member, and Ms. Arletha Dockery, Bruton High School Principal, created and conducted a school-wide survey this quarter assessing the mental health of

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the students. Based on the results of the survey, a pilot program called "Relaxed Wednesdays" at Bruton High School was launched. The program calls for student after-school gatherings two Wednesdays out of each month at which students do relaxing activities and learn about a specific, student selected, mental health topic. She noted that one of these events has already been held with great success. It is hoped this success will continue and be replicated in all County high schools. She noted the results of the survey indicated that depression and anxiety were identified as the two leading mental health concerns; that a majority of students were only somewhat comfortable returning to the school building after virtual learning; a majority of students felt nervous and/or anxious over a selected two-week period; a majority of students felt that their mental health has either worsen or remained stagnant since returning to school; and a majority of students have not been able to control worrying every day or at least 2-3 times a week. She stated that the goal of the survey is to strengthen and improve the mental health of students by providing activities and programs to address their needs and wants relative to mental health.

Mr. Virgil-Fenelus continued his presentation by stating that the 2022 Outstanding Youth Awards' applications have been posted and nominations are due to the Parks and Recreation Department by February 18. He noted that the award will feature \$1,000 educational scholarships for courage, compassion, community service and overall achievement. He also stated that the 2022-2023 YCYC applications, which are due by March 25 at 5 p.m., are now available for eligible students between grades eight and eleven. In the future, he stated that the YCYC plans to perform student surveys for all the County high schools, hold the annual high school town hall meeting, and perform an Adopt-A-Highway clean-up which is open to all high school students. In conclusion he thanked the Board for allowing him to make the presentation on behalf of YCYC.

Chairman Noll thanked Mr. Virgil-Fenelus and Miss Randall for their excellent presentation and commended the Youth Commission for their ambitious programs this year.

Mr. Roane also thanked the YCYC Chair and Vice Chair for their presentation. He asked if the Commission plans to perform mental health surveys at the other County high schools and if so what will be done with the survey results.

Miss Randall stated that extension of this same survey to the other County high schools is planned and hopefully the Relaxed Wednesdays Program will also be established at every high school.

Mr. Zaremba asked, exclusive of the pandemic, what is the cause for the depression and anxiety being experienced by students.

Miss Randall stated that the survey included follow-up questions seeking specifics on why students were depressed and/or anxious. In response, students indicated that these issues primarily came from stress due to the pandemic, social media and time management.

Mr. Green stated that on a recent visit to York High School to see the principal, Dr. Butler, she stated that vaping was a problem at school. He asked the YCYC representatives, while not expecting an immediate answer, if this problem could be discussed by the Commission and suggestions provided to address this issue.

In response, Mr. Virgil-Fenelus stated that vaping is indeed an issue at all County high schools and that he would take this matter back to the Commission for discussion and consideration of possible solutions.

Mr. Shepperd asked Mr. Virgil-Fenelus and Miss Randall to be cautious when reading the survey results as he felt that depression and anxiety are issues that every teenage deals with and is a part of growing up. He stated that what we need to look for are trends that may imply something abnormal for which school counselors should be alerted and he suggested the Commission keep this in mind when crafting and interpreting survey questions. He complimented both the Commission's Chair and Vice Chair for an interesting and articulate presentation.

**CITIZENS' COMMENT PERIOD**

Mr. Ted Engquist, 4383 Eagle Harbor Lane, Gloucester, thanked the Board for allowing him to speak. He pointed out that the state has gone through a redistricting process and many districts have changed. He noted that York County is now included in District 1 represented by Congressman Wittman. Due to the redistricting, he stated he had resigned from representing District 2 and now is running for the U.S. House of Representatives in the third District.

**COUNTY ATTORNEY REPORTS AND REQUESTS**

Mr. James E. Barnett, Jr., County Attorney, gave an update on the 2022 General Assembly session highlighting the following bills:

- HB (House Bill) 787 includes a definition for divisive and would make divisive concepts unlawful for schools.
- HB 154 would require all local governments to have a centralized database for all public records making no distinction between those documents that are exempt or non-exempt from FOIA (Freedom of Information Act).
- Dueling bills: House Joint 60 confirming sovereign immunity for government officials if acting within the scope of the law and HB 609 which completely eliminates sovereign immunity for government officials.

In conclusion, Mr. Barnett stated that he would update the Board as the session progresses.

Mr. Shepperd asked if a bill had been introduced whereby the state mandates a referendum for local taxes.

Mr. Barnett responded by stating there are a couple of bills dealing with taxation. He stated HB 380 is being proposed which would eliminate Business, Professional, and Occupational License (BPOL) taxes entirely. In addition, HB 1010 will be considered which would require a referendum for any increase in real estate property taxes of equal or more than 101 percent of the previous year's tax. He also pointed out that Senate Bill 472 would allow local sales and use taxes not to exceed one percent provided the revenues are solely used for capital projects, specifically for the renovation or construction of schools if the one percent is approved.

Mr. Green asked Mr. Barnett to keep an eye on SB 438 dealing with the dedication of the one percent regional sales tax.

Mr. Barnett stated that he would research the bill and provide the Board with an update.

Mr. Roane asked if the General Assembly 2022 session will be a long one; approximately when the session would conclude; and when would crossover day occur.

Mr. Barnett stated it was a long session concluding mid-March with crossover day occurring in the fifth week.

**COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. Neil A. Morgan, County Administrator, stated that the weather service has indicated that our area could experience a significant winter storm sometime between Thursday evening and Saturday.

**MATTERS PRESENTED BY THE BOARD**

Mr. Green mentioned that the members of the Board serve on various community boards and commissions and that one he attends is the Williamsburg Tourism Council. He explained how it is funded by the one-cent regional tax and noted that the Council is preparing to launch a big advertising campaign to increase tourism in this area.

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Mr. Roane thanked the Youth Commission for their presentation and stated he is the Board's liaison to this Commission. He pointed out that the Commission members are very busy with their meetings and activities each month in addition to their school activities. He closed by stating he is very impressed with what the Youth Commission is doing for their peers within the high schools and youth across the County.

Mr. Zaremba commended Governor Youngkin on his recent inaugural speech. He also mentioned the Governor has already or will shortly seek to do the following:

- Allow parents to make the decisions regarding whether their child/children should wear a mask at school.
- Refocus public education, K-12, on primary education components such as math, science, etc.
- Suspend the increased tax on gas and eliminate the grocery tax.
- Signed nine executive orders to include: banning CRT instruction in schools, shutting down the Virginia Parole Board, ending COVID vaccine mandate for state employees and more.

Mr. Barnett stated that Governor Youngkin has exercised his authority to the extent allowed by the Virginia Constitution. However, he noted that some of the things he has done will likely come under debate.

Mr. Shepperd stated the reason he had posed a question earlier about taxes was because we are already dealing with an approximate seven percent inflation rate. He added that the County has a team of employees who work hard to enable the County to efficiently manage its money. He stated that one only needs to review the taxes of the 17 Hampton Roads' localities to see that York County ranks among the lowest relative to tax rates for a full service locality. He explained that the Board has to balance out the needs of the community wanting services with the amount of money we receive through taxes.

Chairman Noll stated that the Board of Supervisors' retreat scheduled for January 28 has been cancelled due to the health precautions. She explained that in the past the Board decided to annually hold a full-day retreat to review past decisions and events as well as to decide where we want to go in the future. She added that it is hoped that this full-day retreat will be re-scheduled sometime in March based upon a decrease in pandemic cases. She announced that she and the Board of Supervisors' Vice Chair would be meeting shortly with the School Board Chair and Vice Chair and we will strive to do this on a regular basis in order to keep the lines of communication open. In conclusion, she stated that if a citizen has an issue that they would like discussed at this meeting to please contact her directly.

**CONSENT CALENDAR**

The Consent Calendar was considered and **approved on a vote of 5:0**. A summary of actions taken are below.

Mr. Shepperd moved that the Consent Calendar be approved as submitted, Item Nos. 5, 6, 7, 8, 9, 10, 11, 12, and 13, respectively.

On roll call the vote was:

Yea:	(5)	Zaremba, Green, Roane, Shepperd, Noll
Nay:	(0)	

**Item No. 5. APPROVAL OF MINUTES.**

Thereupon, the following minutes were approved and resolutions adopted:

November 16, 2021, Regular Meeting  
 December 7, 2021, Regular Meeting

Item No. 6. PATRICK'S CREEK WATER PROJECT: Resolution R22-3.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH GASTON BROTHERS UTILITIES, LLC FOR THE PATRICK'S CREEK WATER PROJECT AND TO APPROPRIATE MEALS TAX REVENUE

Item No. 7. SPECIAL ELECTION FOR YORK-POQUOSON COMMONWEALTH ATTORNEY: Resolution R22-6.

A RESOLUTION AUTHORIZING THE COUNTY ATTORNEY TO SUBMIT A PETITION FOR A SPECIAL ELECTION TO FILL A VACANCY IN THE POSITION OF THE COMMONWEALTH ATTORNEY FOR THE COUNTY OF YORK, VIRGINIA

Item No. 8. REQUEST FOR REFUND OF REAL PROPERTY TAXES – VIRGINIA ELECTRIC AND POWER COMPANY: Resolution R22-7.

A RESOLUTION TO AUTHORIZE A TAX REFUND TO VIRGINIA ELECTRIC AND POWER COMPANY FOR THE TAX YEAR 2021

Item No. 9. REQUEST FOR REFUND OF REAL PROPERTY TAXES – VERIZON VIRGINIA LLC: Resolution R22-8.

A RESOLUTION TO AUTHORIZE A TAX REFUND TO VERIZON VIRGINIA LLC FOR THE TAX YEAR 2021

Item No. 10. CONVEYANCE OF AN EASEMENT DEED TO DOMINION ENERGY VIRGINIA, ON THE GOODWIN NECK ROAD CAMPUS: Resolution R22-11.

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A DEED CONVEYING AN ELECTRIC UTILITY EASEMENT TO DOMINION VIRGINIA POWER IN CONNECTION WITH THE COUNTY'S PLANNED EXPANSION AND CONNECTION OF THE TWO BUILDINGS ON THE GOODWIN NECK ROAD CAMPUS CURRENTLY HOUSING THE PLANNING STAFF AND THE DEVELOPMENT SERVICES STAFF

Item No. 11. COMMENDATION OF A RETIRING EMPLOYEE: Resolution R22-10.

A RESOLUTION TO COMMEND DR. ADAM A. FRISCH, DIRECTOR OF INFORMATION TECHNOLOGY, DEPARTMENT OF INFORMATION TECHNOLOGY, ON THE OCCASION OF HIS RETIREMENT

Item No. 12. COMMENDATION OF A RETIRING EMPLOYEE: Resolution R22-15.

A RESOLUTION TO COMMEND CHRISTOPHER W. SADLER, DEPUTY CHIEF/DEPUTY DIRECTOR, YORK COUNTY DEPARTMENT OF FIRE AND LIFE SAFETY ON THE OCCASION OF HIS RETIREMENT FROM COUNTY SERVICE

Item No. 13. BOARD OF SUPERVISORS LIAISON APPOINTMENTS FOR 2022: Resolution R22-14.

A RESOLUTION TO APPOINT MEMBERS OF THE YORK COUNTY BOARD OF SUPERVISORS AS LIAISONS TO VARIOUS BOARDS AND COMMISSIONS FOR 2022

**RECESS**

Chairman Noll called a brief recess at 6:58 p.m.; the meeting reconvened at 7:05 p.m.

**PUBLIC FORUM**

PROPOSED FISCAL YEAR 2023 BUDGET DEVELOPMENT

Mr. Neil Morgan, stated that it is customary each year, prior to the budget process, to hold a public forum. The purpose of the forum is to provide citizens an opportunity to share with the Board any concerns or ideas they have relative to the upcoming fiscal budget. He then briefly explained the budget process which includes:

- Board provides strategic guidance.
- County departments and outside agencies submit budget requests.
- County Administrator, budget staff and budget committee conduct budget review meetings with departments.
- Revenue and expenditure projections are reconciled.
- County Administrator presents the proposed budget.
- Public hearings/Board review/adoption occurs.

Mr. Morgan added that there are issues that must be considered in preparing the upcoming budget. Those issues include: a reassessment was completed this year; inflation has significantly increased; the County has more job vacancies and increased employee turnover; and supply and operational costs as well as construction costs could increase. He then reviewed the important budget dates emphasizing that the formal public hearing on the FY 2023 budget will be held April 19 at 7 p.m. and the budget's scheduled adoption is May 3. In conclusion, he shared an email address and a phone number that citizens may use to share their comments with the Board on the budget. He also noted that the County Finance and Budget Departments are also available to receive comments and suggestions from citizens.

Chairman Noll then called to order a public forum on the proposed Fiscal Year 2023 Budget.

Mr. Thomas Chamberlain, 270 Barlow Road, Williamsburg, expressed concern that the recent assessment had significantly increased the value of property. He asked the Board to take the current tax rate of \$.795 and reduce that by whatever percentage the assessment went up, then increase the tax rate from that point pursuant to need and present that budget to the public. As a taxpayer, consistency is important in what we are being required to pay in taxes. He understands that inflation is currently occurring and that all of his many interactions with various County staff have been excellent, but we still need to be fiscally responsible.

Mr. Stephen Romeo, 115 Tides Run, asked when the draft FY 2023 budget will be available to the public. He also stated that he has a client, Mooretown Commons LLC, in Lightfoot who emailed the Board a letter today and he sought assurance that they had received it. If not, he stated he has a hard copy with him that he will be happy to share with them.

In response, Mr. Morgan stated that a hard copy of the letter was distributed to every Board member this evening. In addition, he noted that Mr. Bellamy had earlier suggested to your client to contact the Real Estate Assessor because his question is not one the Board responds to, but rather is addressed by the Assessor and/or the Board of Equalization. He stated that the proposed budget will be presented to the Board on March 15, 2022, and be made available to the public on the following day.

Mr. Shepperd asked, relative to the new assessments, what is the percentage increase. In response, Mr. Morgan stated that it is between seven and eight percent.

Chairman Noll provided again the email address and phone number that citizens may use to register their comments on the upcoming budget. Since no one else wished to speak, she then closed the public forum.

**PUBLIC HEARINGS**

APPLICATION NO. ZM-191-21, CURT AND PAMELA LANG (MILLS MARINA): Ordinance No. 22-1.

The matter was considered and **approved on a vote of 5:0**. A summary of the preceding is below.

Mr. Timothy C. Cross, Deputy Director of Planning and Development Services, gave a presentation on Application No. ZM-191-21, Curt and Pamela Lang (Mills Marina) to approve an application to rezone a 0.4 acre parcel at 1737 Back Creek Road from Rural Residential to Water-Oriented Commercial/Industrial (WCI). Mr. Cross concluded the Planning Commission considered this application on November 10, 2021. Subsequent to conducting a public hearing at which three citizens spoke in support of the application, the Planning Commission recommended approval on a vote of 5:0.

Mr. Shepperd stated that none of the applicants' proffers other than no aquaculture is referenced in the State Code. Since State Code now allows aquaculture he asked if indeed this prohibition can be legally enforced.

Mr. Barnett explained that if the applicant accepts this specific contingency then the County can enforce it.

Mr. Green stated that the real problem with this property is insufficient parking. He added that his concern is the numerous required buffers, which will negatively impact the ability to provide additional parking. He then asked Mr. Cross to address this issue.

Mr. Cross stated that the transitional buffer is a requirement of the zoning ordinance. Although 25 feet is typically required, in this case it could and was reduced to twelve and a half feet. He stated that it is a possibility that the Zoning Administrator could reduce the buffer width further if a berm is provided. There is some flexibility with the width setback; however, he stated that the transitional setback cannot be changed further.

Mr. Roane asked if the side of the property that faces the existing marina needs a vegetative buffer.

Mr. Cross replied it did because it is not adjacent to the marina, but rather surrounded by a 3.9 acre rural residentially zoned property. Moreover, when a WCI parcel abuts a rural residential property, a 25-foot transitional buffer is required. However, because of the special circumstances of this application, it can be reduced.

Mr. Roane then asked specifically what activities would be occurring on the property.

Mr. Cross responded that there will be boats, boat trailers and some equipment parked and/or utilized on the property. However, he noted that the applicant could provide specifics on this matter.

Mr. Roane asked how much of the property will be covered by the garage to which Mr. Cross displayed the plat supplied by the applicant illustrating that the garage will take up a good portion of the lot.

Mr. Curt Lang, 1742 Back Creek Road, spoke as the applicant. He stated that he and his wife own the marina and reside above it at. He explained that he has submitted this application in the hope of addressing the parking issue currently experienced on the property. He noted that in the three years he had owned the marina, business has flourished. He explained that the marina now provides a multitude of services to include gas, boat parts, refreshments, etc. With the numerous cameras on the property, the facility is very secure. He stated that they currently have two charters that run out of the marina, which has served as an excellent marketing tool. He stated that he is requesting a rezoning of the property and for the construction of 40 by 60 feet building so that his equipment can be kept inside thereby providing additional space for parking. He stated that one neighbor already has a privacy fence and as no objections to his application and the other neighbor has requested a privacy fence rather than the required buffer.

Mr. Green expressed concern that approval of the rezoning request will not address the real problem of inadequate parking. He asked the applicant how this problem can be resolved.

Mr. Lang reiterated that the primary reason for constructing the proposed building is so that all of his equipment can be parked inside leaving the remaining space for parking. The only alternative to the parking issue is to purchase adjacent property, which is currently unavailable.

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Mr. Roane asked how tall the proposed building would be when completed to which Mr. Cross stated that he believes it is a little over 20 feet.

Chairman Noll then called to order a public hearing on proposed Ordinance No. 22-1 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO APPROVE AN APPLICATION TO REZONE A 0.4-ACRE PARCEL AT 1737 BACK CREEK ROAD FROM RR (RURAL RESIDENTIAL) TO WCI WATER-ORIENTED COMMERCIAL/INDUSTRIAL SUBJECT TO VOLUNTARILY PROFFERED CONDITIONS

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

Mr. Green then moved the adoption of proposed Ordinance No. 22-1

On roll call the vote was:

Yea: (5) Green, Roane, Shepperd, Zaremba, Noll  
Nay: (0)

APPLICATION NO. UP-976-21, MAGNOLIA WASH AND EXPRESS PROPERTY HOLDINGS: Resolution R22-4.

The matter was considered and **approved on a vote of 5:0**. A summary of the preceding is below.

Ms. Jeanne Sgroi, Management Analyst, gave a presentation on Application No. UP-976-21, Magnolia Wash and Express Property Holdings to recommend approval of a Special Use Permit (SUP) to authorize the establishment of a car wash at 6524 George Washington Memorial Highway. Ms. Sgroi concluded the Planning Commission considered this application at its December 8, 2021 meeting. Subsequent to conducting a public hearing at which only the applicant spoke, the Planning Commission recommended approval of 6:0.

Mr. Roane asked if the Virginia Department of Transportation (VDOT) had any objections to the planned access to the property from Route 17.

Ms. Sgroi stated that the plan had been reviewed by VDOT and they made no comment.

Mr. Roane stated that there is already a car wash on the property so why do we need a SUP to put another one on the property.

Ms. Sgroi stated that all proposed car washes require a SUP even if an old or previous car wash exists on the property.

Mr. Phillip Tackas, 240 Oakmere Drive, Alpharetta, Georgia spoke on behalf of the applicant, Magnolia Wash and Express Property Holdings. He explained that the car wash would be a conveyor system, which is fully automated with a wash time of three minutes. Patrons will also have the option to use the vacuum and cleaning stations. He added that the applicant, desiring to be a good neighbor, would offer free car washes to the Sheriff's and County service vehicles. The applicant will totally remodel and re-landscape the property in order to adhere to current codes and standards.

Mr. Shepperd stated that he assumed the applicant owned other car washes to which Mr. Tackas stated they own numerous car washes throughout the southeast, Virginia, Carolinas, Georgia and Florida.

Mr. Shepperd asked how this piece of property was found.

Mr. Taylor Seeloft, 1204 Central Avenue, Charlotte, also spoke on behalf of the applicant. He stated that Magnolia Wash and Express has a team that identifies territories or markets throughout the southeast portion of the nation. He stated that they specifically seek areas that are experiencing growth, have the right demographics and characteristics, have complimentary uses in the vicinity, and have good traffic flow positive for car wash developments. A member of the team visits the site to see if it would be a good fit before they initiate the application

process. He stated that the current car washes in the area do not offer a fully automated car wash experience so they will not be competing for clients.

Mr. Green asked if there are any other Express Wash facilities in nearby areas.

Mr. Seeloft stated there were no facilities at this time.

Chairman Noll then called to order a public hearing on proposed Resolution R22-4 that was duly advertised as required by law and is entitled:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT O  
AUTHORIZE THE ESTABLISHMENT OF A CAR WASH AT 6524 GEORGE WASH-  
INGTON MEMORIAL HIGHWAY

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

Mr. Shepperd then moved the adoption of proposed Resolution R22-4

On roll call the vote was:

Yea: (5) Roane, Shepperd, Zaremba, Green, Noll  
Nay: (0)

APPLICATION NO. UP-977-21, RYAN MOBERLEY: Resolution R22-5.

The matter was considered and **approved on a vote of 4:1**. A summary of the preceding is below.

Ms. Amy Parker, Senior Planner, gave a presentation on Application No. UP-977-21, Ryan Moberley to approve a major amendment of a previously approved Special Use Permit (SUP) to authorize a tourist home as a whole house rental and permit rentals seven days a week. She pointed out that a revised resolution was distributed to the Board this evening that modified condition number seven to allow the applicant to change his residence to be closer to the tourist home without it jeopardizing the validity of his SUP. Ms. Parker concluded the Planning Commission considered this application at its December 8, 2021 meeting. Subsequent to conducting a public hearing at which one person spoke in opposition, the Planning Commission voted to approve on a vote of 5:1.

Mr. Zaremba asked if the County has an ordinance that requires homeowners to acquire approval before they can rent a home they own.

Ms. Parker stated that if they wish to rent the home as a short-term rental (STR), meaning 90 days or less, it does require authorization by the Board. This requirement is based upon the definition of a transient home in the zoning ordinance. Although the applicants could rent the home long-term without authorization by the Board, they choose to rent it as an STR that requires the Board's approval.

Mr. Roane stated that he was happy to hear some of the conditions on the proposed approval resolution, such as approval of the STR expires should the property change hands or if the applicants move further away from the STR home. He then asked if the applicant has any other short-term rentals in York County to which Ms. Parker stated no. Mr. Roane asked if the application addresses how many people can occupy the home and if it can be rented out for special events such as family reunions, parties or could occupants invite people for a barbeque.

Ms. Parker stated that it is restricted to four occupants so it would negate any large overnight group; however, more people could visit and that is why the applicant would be on-call and any complaints would be registered with the Sheriff's Department.

Mr. Roane then asked if perhaps a condition should be added that would restrict any extra activities from occurring at the STR.

Ms. Parker stated she did not think so as it would be difficult to define.

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Mr. Green stated that he believes you could add a condition to the rental agreement that states it cannot be used for parties, etc., so he is anxious to hear from the applicant on this matter and how he plans to advertise the STR.

Since there were no more questions by the Board, Chairman Noll asked the applicant to come forward.

Mr. Ryan Moberley, 528 East Maynor Drive, spoke as the applicant and owner of 113 Edale Avenue. He stated that in his rental listing that parties and such gatherings are strictly prohibited. He is now interested in renting the STR for more than just weekends as is required by his current SUP. Initially he stated he was renting it to fund the purchase of a food truck; however, that goal was more involved than he had realized.

Mr. Roane noted that the County has received positive feedback from the neighbors so he would like to see the applicant agree to limit its use to occupancy only to which Mr. Moberley agreed. Mr. Roane also asked how he would transition from a weekend rental to a 90 day or less rental since he is the sole provider for all of the required maintenance and services.

Mr. Moberley stated that he plans to leave two to three days between rentals so that he can do the necessary cleanup from the previous renter as well as prepare for the next renter and make any needed repairs.

Mr. Roane asked the applicant how he planned to monitor the property.

Mr. Moberley stated that an adjacent property owner to his rental property is a good friend and has assisted him in keeping an eye on the renters. He also stressed that he meets all renters and speaks with them personally before they occupy the home and has an exterior surveillance camera on-site.

Mr. Zaremba posed a hypothetical situation to the applicant wanting to rent the home for six months each year and asked if this would be acceptable.

Mr. Moberley stated that he has not experienced such a situation so he is uncertain how he would handle it; however, his biggest concern would be wear and tear on the home.

Chairman Noll then called to order a public hearing on proposed Resolution R22-5(R) that was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE A MAJOR AMENDMENT OF A PREVIOUSLY APPROVED SPECIAL USE TO AUTHORIZE A TOURIST HOME AS A WHOLE HOUSE RENTAL AND PERMIT RENTALS SEVEN (7) DAYS A WEEK

Mr. Brian Hatalla, 151 Dennis Drive, stated that this STR has already been in violation of the SUP regulations three times. He expressed concern also that the County does not have the means to monitor or enforce approved conditions on this or other STRs. In addition, he noted that with a long-term renter, if a sex offender moves in they must register and notify the nearby school; however, that is not the case with a STR.

There being no one else who wished to speak concerning the subject application, Chairman Noll closed the public hearing.

Mr. Shepperd then moved the adoption of proposed Resolution R22-5(R) as amended.

On roll call the vote was:

Yea: (4) Shepperd, Zaremba, Roane, Noll  
Nay: (1) Green

**NEW BUSINESS.** No new business

**CLOSED MEETING.** At 8:10 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: (5) Zaremba, Green, Roane, Shepperd, Noll  
Nay: (0)

Meeting Reconvened. At 8:16 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Shepperd 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 18th day of January, 2022, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Green, Roane, Shepperd, Zaremba, Noll  
Nay: (0)

APPOINTMENT TO THE COLONIAL BEHAVIORAL HEALTH BOARD: Resolution R22-2.

Mr. Shepperd moved adoption of proposed Resolution R22-2 that reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTATIVE TO THE COLONIAL BEHAVIORAL HEALTH BOARD

WHEREAS, due to the resignation of Dr. Baljit Gill, a vacancy currently exists on the Colonial Behavioral Health Board;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 18th day of January, 2022, that Thomas Miller be, and is hereby, appointed to the Colonial Behavioral Health Board to fill the unexpired term of Dr. Baljit Gill, such term to begin immediately and expire June 30, 2024.

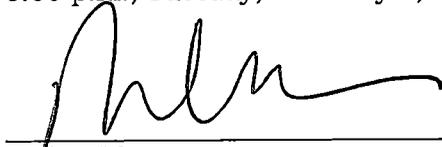
On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Green, Roane, Noll  
Nay: (0)

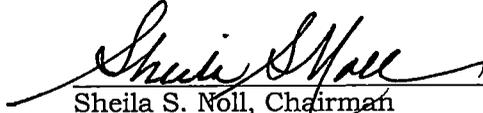
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January 18, 2022

Meeting Adjourned. At 8:17p.m. Chairman Noll declared the meeting adjourned sine die/to 6:00 p.m., Tuesday, February 1, 2022, in the East Room of York Hall.



Neil A. Morgan  
County Administrator



Sheila S. Noll, Chairman  
York County Board of Supervisors