

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
March 17, 2020

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:00 p.m., Tuesday, March 17, 2020, in the Board Room, York Hall, by Chairman W. Chad Green.

Attendance. The following members of the Board of Supervisors were present: Sheila S. Noll, W. Chad Green, and Jeffrey D. Wassmer

Also in attendance were Neil A. Morgan, County Administrator; and Justin Atkins, Assistant County Attorney.

Walter C. Zaremba participated via electronic communication, due to a medical condition that prevented his physical attendance, from the remote location of 106 Royal Grant Drive, Williamsburg, VA 23185.

Thomas G. Shepperd, Jr. participated via electronic communication, due to a medical condition that prevented his physical attendance, from the remote location of 131 Chinquapin Orchard, Yorktown, VA 23693.

Invocation. Timothy C. Cross, Deputy Director of Planning and Development Services, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Timothy Wyatt, Deputy Director of Information Technology, led the Pledge of Allegiance.

PRESENTATIONS

GRAFTON SCHOOL COMPLEX

Dr. Victor D. Shandor, York County School Division Superintendent, participated via electronic communication from the remote location of the York County School Division Administration Office, 302 Dare Road, Yorktown, VA 23692. He provided a brief overview and updated the Board on the Grafton Complex. He began by explaining the Complex had been evacuated on February 3, due to a fire that was contained to the electrical room. Specifics were provided regarding the various types of community outreach currently available to parents and students. The events and updates were posted on the website, social media platforms, and public meetings. He pointed out that the School Division has received a generous outpouring of community support evident due to the receipt of supplies and other outreach items.

Dr. James Carroll, Chief Operations Officer, York County School Division, also participated via electronic communication from the remote location of the York County School Division Administration Office, 302 Dare Road, Yorktown, VA 23692. He provided the Board with an update of the cleaning activities and current restoration completion rate at the Grafton Complex. The electronics in the building required special cleaning processes, but noted the School Division had a completion goal within approximately two weeks. Dr. Shandor explained the HVAC system appeared to be functioning normally and a new switch gear was ready to be installed.

Mr. Shepperd asked was the switch circuit breaker the source of the fire and if not, why did the fire start.

Dr. Carroll explained the circuit breaker was currently being inspected by a third party, but the results were not yet available.

March 17, 2020

Mr. Shepperd asked how they knew the problem had been corrected since the source of the fire had not been determined, which could lead to the occurrence of another fire.

Dr. Carroll stated that he believed another fire or scenario such as this would not happen again. The installation of the circuit breaker and other components would have to undergo multiple inspections by contractor staff, County staff, and insurance staff.

Mr. Bill Bowen, Chief Financial Officer, York County School Division, also participated via electronic communication from the remote location of the York County School Division Administration Office, 302 Dare Road, Yorktown, VA 23692. He updated the Board on the progress of the insurance process and costs associated with the restoration of the Complex. He assured the Board that the project would create no additional tax burden to citizens.

Mr. Green reiterated Mr. Bowen's comments that the Grafton Complex fire would create no additional tax burden for the citizens of the County.

COVID 19 RESPONSE

Mr. Neil Morgan provided comments regarding the County's response to COVID 19, better known as the Coronavirus. He identified the five localities which are included in the Peninsula Health District and explained how they work together relative to communication and response. He stated that he felt it was necessary to close the County buildings to regular public access until the end of the following week. He assured the Board and citizens that the phones would still be answered and core services would continue. Mr. Morgan provided an overview of the COVID 19 cases to date in the Peninsula Health District and noted 15 positive cases with a lag time between the test and results. He explained that decisions were dependent upon the Health Department's guidance and he urged citizens to heed the health warnings being issued. Mr. Morgan also encouraged residents to check on and look out for their neighbors and friends.

PROPOSED FY2021 BUDGET PRESENTATION

Mr. Morgan presented the proposed Fiscal Year 2021 budget. Prior to the presentation, Mr. Morgan noted the budget was prepared prior to COVID 19, and would likely require some modifications as the economic impacts were felt. He noted that the budget was consistent with the Board's strategic priorities. The budget placed a special emphasis on:

- Schools
- Public Safety
- Technology Investments
- Capital Improvements Plan
- Employee Compensation

Mr. Morgan stated the FY 2021 Budget totaled \$217.8 million for all County funds. The budget maintained the current cash funding of the Capital Improvements Plan at \$3 million. The CIP included additional funding of \$1.1 million for the School Division, and additional debt service for school capital. The proposed budget for the Enterprise Fund was \$24.3 million. The budget reflected no increase to the real or personal property tax, but did include an increase to the ambulance transport fee to be consistent with neighboring localities. He felt the County was in fair condition as compared with regional neighbors. When the budget was prepared, the County was projecting a revenue increase of approximately three percent. Mr. Morgan provided a comparison of tax rates in the region. The budget reflected the following funding priorities:

- Investment in Schools
- Employee Compensation
- Maintain current transfer to CIP

- Investment in Technology
- Investment in Public Safety
- Environmental Stewardship/Customer Service

Mr. Morgan then provided an update on the compensation and benefits for the County staff. The compensation and benefits package for FY 2021 included a 2.5 percent general salary increase and \$500 for all employees effective January, 2021. Mr. Morgan noted this was contingent on the first quarter financial performance. Employees would see no health insurance premium increase for calendar year 2021. He provided an overview of the proposed positions for Fiscal Year 2021:

Public Safety and Technology

- One position for Information Technology and one for Emergency Communications to support the new Records Management System. These positions would be included in the General Fund.
- Information Technology Position. This position would be included in the Internal Service Fund.

Public Safety

- Two School Resource Officers for the Middle Schools.
- Two deputies for Waterfront District Patrol effective January, 2021.
- Increased costs of six SAFER grant positions associated with grant requirements.
- Funding for two Fire and Life Safety overhires

Environmental Stewardship/Customer Service

- Additional Hybrid Crew
 - Grounds Maintenance Supervisor which would be included in the General Fund.
 - Service Technician which would be included in the Internal Service Fund.
 - Equipment Operator and two Construction Maintenance Workers which would be included in the Stormwater Fund.

An overview of the Fiscal Year 2021 Capital Projects and costs associated with each. The upcoming budget dates were reviewed.

- April 7, 2020 – Board Work Session, York Hall, East Room at 6:00 p.m.
- April 21, 2020 - Public Hearing, York Hall, Board Room at 7:00 p.m.
- May 5, 2020 – Scheduled Adoption, York Hall, East Room at 6:00 p.m.

Mr. Morgan welcomed and encouraged citizen input through the call-in line, 757-890-3220, or through email, bos@yorkcounty.gov.

Mrs. Noll asked about the proposed increase to the ambulance fees and whether a program existed to assist citizens who may be low income or would qualify for some type of assistance.

Mr. Morgan explained the proposed increase was consistent with that of neighboring localities. He explained that each year Medicare set an allowable reimbursement rate of 150 percent and other associated fees allowable by law. He noted that assistance was available for individuals who qualified for financial assistance.

Mr. Zaremba made comments on Senate Bill 942 and whether it could be given back to the citizens.

March 17, 2020

Mr. Morgan cautioned the Board and reminded them that 75 percent of the tax associated with Senate Bill 942 was going into cash capital. He explained the sales tax may be reduced in light of the current economic environment due to COVID 19.

Mr. Shepperd stated the County should expect to make adjustments mid-year to the budget based on the revenue environment.

Mr. Morgan agreed with Mr. Shepperd's comment. He informed the Board that they should anticipate this information mid-year with a July/August timeframe.

CITIZENS COMMENT PERIOD

No one appeared to speak at this time.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Justin Atkins, Assistant County Attorney, informed the Board that Mr. Barnett was preparing a summary of General Assembly bills.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. Morgan had no further report at this time.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll commented concerning COVID 19 and the importance of handwashing. She thanked the staff who had set up emergency plans to keep the County moving. Mrs. Noll wished Mrs. Ruth Maness a happy 109th Birthday and noted her birthday celebration that was scheduled at York Hall over the weekend had been postponed. Mrs. Noll had recently spoken and attended a naturalization ceremony in Norfolk noting that it was a rewarding event to see individuals becoming Americans. The ceremony had included 91 people from 39 different countries.

Mr. Zarembo urged residents to follow the COVID 19 guidelines and for individuals with a compromised immune system or elderly to stay home.

Mr. Wassmer commented regarding a recent conference call with the Williamsburg Tourism Council. The November data, which was the most recent data to date, showed the transient overnight stays for November had increased by 16 percent. The economic impact study showed for every dollar spent on marketing, localities received \$3.00 back. He reminded everyone about the Public Health Emergency Order regarding COVID 19 that had been issued by the Governor.

Mr. Shepperd warned citizens about crimes associated with scam calls. He had received a call stating Dominion Virginia Power was going to disconnect the electricity at his home due to the non-payment of his bill which was a scam. He reminded citizens as well to be vigilant as crime may increase due to businesses being shut down. Mr. Shepperd also commented regarding COVID 19 and the importance of taking the virus seriously. Social distancing was important, especially in individuals older than 65.

Chairman Green made comments regarding COVID 19. He stated the County was working with neighboring localities regarding the messages to the citizens. The County would continue to provide the core services as normal. The decisions that were being made in the County involved no politics and had sound, factual data behind them. He encouraged the citizens to look after neighbors. Chairman Green reminded residents that once the virus had passed, the County would be better and stronger. He also reminded residents to check the County's website and his Facebook political page for factual information.

Meeting Recessed. At 6:55 p.m., the Chairman declared a short recess.

Meeting Reconvened. At 7:00 p.m., the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

APPLICATION NO. PD-52-20 MARLYN DEVELOPMENT CORPORATION

Mr. Timothy C. Cross, Deputy Director of Planning Development Services, gave a presentation on proposed Application No. PD-52-20 to request an amendment to the York County Zoning Map by reclassifying approximately 7.5 acres of land located at 1915 Pocahontas Trail (Route 60) from General Business (GB) to Planned Development Residential (PDR), subject to voluntarily proffered conditions, for the purpose of establishing an independent living senior housing development consisting of a maximum of 150 dwelling units. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 20-4.

Mrs. Noll asked what the rationale was for increasing the maximum allowable height from 40 feet to 50 reducing the required 50 foot buffer.

Mr. Cross explained it allowed the project to have 150 units.

Mr. Zaremba asked what the rationale was to remove the buffer on Pocahontas Trail.

Mr. Cross stated they were reducing the buffer and compared the project to the similar Arbors development. The developer needed to reduce buffers for emergency access and to maximize usable space for the outdoor courtyard. He noted the site was constrained and the developer had to make accommodations based on the parcel.

Discussion followed on the buffer reduction request for the project and the distance between the road/railroad tracks in relation to the proposed development.

Mr. Tim Trant, 4801 Courthouse Street, Suite 300, Williamsburg, spoke on behalf of the applicant. He provided the background on the project team and the Marlyn Development Corporation. Mr. Trant explained the property had been in decline for several years with only five tenants remaining. The factors associated with the property's decline was due to its direct access to Busch Gardens through the off-ramp on Interstate 64. The project had received unanimous approval from the Busch Corporate Center, which will provide for the revitalization and reinvestment within the corridor. He pointed out that the demographics support this type of development in an underserved and growing demand for senior apartments. In total, the project would include 150 units with 192 parking spaces.

Mrs. Noll asked Mr. Trant to explain the rationale for increasing the allowable height.

Mr. Trant explained the height increase would allow for density; however, the project may be able to stay under the application's proposed height. The building would include nine foot ceilings and the applicant was comfortable in increasing the proposed height due to the building being located an adequate distance from Route 60. The preservation plan would protect trees that currently exist on the property with an added denser landscaping buffer to provide more green space.

Mr. Zaremba asked whether the developer had considered a more commercial type of development for the property.

Mr. Trant explained the property had recently been with a different retail developer who had proposed redeveloping the site to create a more inviting and attractive building. The developer had gone through the site plan approval process with an engineering plan to create an attractive shopping center. However, the developer could not get enough leasing patrons to proceed with the development.

Discussion followed on the footprint of the building versus other senior living facility projects, such as the Arbors.

March 17, 2020

Mr. Wassmer stated the data showed a need for this type of facility which was a community with neighbors.

Mr. Trant explained that the residents could age in place. A resident manager will be located at the facility to assist residents, an on-call system will be installed, and data reveals that this type of facility produces less calls to Emergency Services than those in standard housing developments.

Mr. Shepperd asked for further information on the fiscal impact study and the HUD established median income.

Mr. Trant explained it was to include and advance affordable housing as part of the project.

Discussion followed on the senior age range for the building, the exemption rules, and maintenance of the building.

Mr. Shepperd asked how many elevators were proposed in the facility.

Mr. Trant stated three elevators were proposed.

Chairman Green then called to order a public hearing on Application No. PD-52-20 that was duly advertised as required by law. Proposed Ordinance No. 20-4 is entitled:

AN ORDINANCE TO APPROVE AN APPLICATION TO REZONE APPROXIMATELY 7.5 ACRES LOCATED AT 1915 POCAHONTAS TRAIL (ROUTE 60) FROM GENERAL BUSINESS TO PLANNED DEVELOPMENT RESIDENTIAL

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

Mr. Wassmer then moved the adoption of proposed Ordinance No. 20-4 that reads:

AN ORDINANCE TO APPROVE AN APPLICATION TO REZONE APPROXIMATELY 7.5 ACRES LOCATED AT 1915 POCAHONTAS TRAIL (ROUTE 60) FROM GENERAL BUSINESS TO PLANNED DEVELOPMENT RESIDENTIAL

WHEREAS, Marlyn Development Corporation has submitted Application No. PD-52-20, which is a request to amend the York County Zoning Map by reclassifying approximately 7.5 acres of land located at 1915 Pocahontas Trail and further identified as a portion of Assessor's Parcel Nos. 15-9-38 and 15-9-39 (GPINs G12b-4433-3390 and G12b-4695-3050) from General Business (GB) to Planned Development Residential (PDR) for the purpose of developing an independent living senior housing development consisting of a maximum of 150 apartment units; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 17th day of March, 2020, that Application No. PD-52-20 be, and it is hereby, approved to amend the York County Zoning Map by reclassifying approximately 7.5 acres of land located at 1915 Pocahontas Trail and further identified as a portion of Assessor's Parcel Nos. 15-9-38 and 15-9-39 (GPINs G12b-4433-3390 and G12b-4695-3050) from General Business (GB) to Planned Development Residential (PDR) for the purpose of developing an independent living

senior housing development consisting of a maximum of 150 apartment units, subject to the following conditions:

1. General Layout, Design, and Density

- a) The development shall be designed and constructed in accordance with the provisions of 24.1-361, Planned Development Residential district and 24.1-411, Standards for Senior Housing (Housing for Older Persons), except as modified herein.
- b) A site plan, prepared in accordance with the provisions of Article V of the Zoning Ordinance, shall be submitted to and approved by the Division of Development Services prior to the commencement of any land clearing or construction activities on the site. Except as modified herein, said site plan shall be in substantial conformance with the overall development master plan titled "Master Plan for 1915 Pocahontas Trail," prepared by AES Consulting Engineers, dated December 2, 2019 and revised February 3, 2020, supplemented by the Project Narrative, Community Impact Assessment, Fiscal Impact Study, Rendered Concept Elevations of Proposed building (prepared by Cox, Kliewer & Company, P.C. on January 22, 2020), and the "Proffered Conditions, 1915 Pocahontas Trail, Williamsburg, VA" statement, copies of which shall be kept on file in the office of the York County Planning Division.
- c) The maximum number of residential units shall be 150.
- d) Twenty-percent (20%) of the units shall be income-restricted to 50% of the Area Median Income established by the U.S. Housing and Urban Development Department.
- e) Maximum building height shall not exceed a mean elevation of fifty feet (50'), which is defined as the halfway point between the ridgeline and the edge of the roof.
- f) Architectural design of all buildings shall be in substantial conformance with the Rendered Concept Elevations of Proposed building submitted by the applicant, copies of which shall be kept on file in the office of the York County Planning Division.
- g) The perimeter landscape buffer shall be as depicted on the submitted master plan referenced above, except as modified below:
 - i) Landscaping of the buffer along Pocahontas Trail and along the western property line between the proposed 7,500-square foot commercial building and the PDR zoning shall meet the LCU (landscape credit unit) requirements for a Type 50 Transitional Buffer.
 - ii) Landscaping of the buffers along the northern and eastern property lines shall meet the LCU requirements for a Type 25 Transitional Buffer.
- h) The normally required 25-foot building perimeter landscape yards shall be reduced as depicted on the master plan referenced above.

2. Open Space and Recreation

- a) A minimum of 3.4 acres of common open space and 0.86 acre of recreation space shall be provided as depicted on the overall development master plan and in accordance with the provisions set forth in Section 24.1-361 of the Zoning Ordinance.
- b) Core recreational facilities shall consist of, at a minimum, the facilities as described in the application documents, to include, but not be limited to sitting areas, dog park, grilling area, raised gardens, sidewalks surrounding the building and a multi-use path along the property frontage or such other facilities as

deemed appropriate by the Zoning Administrator. Said facilities shall be available to all residents of the development and their guests.

- c) A minimum of 25,000 square feet of interior building space shall be required for recreation space to include: common areas, community room, hair salon, media room, game room, and exercise room or such other facilities as deemed appropriate by the Zoning Administrator.

3. Fire and Life Safety

- a) The independent living facility shall have adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication system of York County.
- b) Elevators be sized to accommodate an ambulance stretcher in accordance with VCC 3002.4.
- c) Aerial apparatus access roads shall have a minimum width of twenty-six feet (26'), and shall be located within a minimum of fifteen feet (15') and a maximum of thirty feet (30') from the structure.
- d) At least one employee shall be on-call twenty-four (24) hours per day, seven (7) days per week. The facility will maintain an after-hours non-emergency phone number which residents can call for an immediate response from the on-call employee. The after-hours number for the on-call employee will be provided to the York County Department of Fire & Life Safety for its use in coordinating with the on-call employee in the event of an after-hours emergency at the facility. An emergency pull-cord system shall be installed in each unit to be monitored twenty-four (24) hours per day, seven (7) days per week by a third-party monitoring company (or other similar emergency notification and monitoring system or technology as approved by the Zoning Administrator).
- e) The facility shall be equipped with standby power sufficient to support fire suppression, emergency lighting, and one elevator.
- f) The facility will be equipped with Automatic External Defibrillation devices (or other comparable devices as approved by the Zoning Administrator).
- g) Subject to compliance with applicable law, the facility will include in its leases a prohibition on placing nuisance calls to an emergency EMS number.

4. Proffered Conditions

The reclassification shall be subject to the conditions listed in the proffer statement titled "Proffered Conditions, 1915 Pocahontas Trail, Williamsburg, VA" dated February 11, 2020 and signed by Lauren K. Pugliese, Second Vice President of Ameritas Life Insurance Corp. and Brian L. Staub, Executive Vice President of Marlyn Development Corporation.

BE IT FURTHER ORDAINED that in accordance with Section 24.1-114(e)(1) of the York County Zoning Ordinance, a certified copy of this ordinance, together with a duly signed copy of the proffer statement, shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval.

On roll call the vote was:

Yea:	(3)	Noll, Wassmer, Shepperd
Nay:	(2)	Zarembo, Green

APPLICATION NO. ZT-182-20, YORK COUNTY PLANNING COMMISSION

Mr. Cross gave a presentation on proposed Application No. ZT-182-20 to consider amendments to Sections 24.1-409 of the York County Zoning Ordinance, Standards for Boarding Houses,

Tourist Home and Bed and Breakfast Establishments, and 24.1-606(a), Minimum Off-Street Parking and Loading Requirements. Ordinance No. 20-5

Mr. Zaremba stated that there were houses in the County being used as a tourist home without proper permits. He asked how the County would enforce the ordinance, especially for illegal tourist homes that currently exist.

Mr. Cross explained the County does have options to enforce illegal short-term homes. The Commissioner of Revenue checked tourist home websites to ensure that none currently exist without the appropriate approvals.

Mr. Wassmer stated the report on tourist homes prepared by staff had good information in it and showed why a permit process was important.

Chairman Green then called to order a public hearing on Application No. PD-52-20 that was duly advertised as required by law. Proposed Ordinance No. 20-5 is entitled:

AN ORDINANCE TO AMEND SECTIONS 24.1-104, DEFINITIONS, 24.1-409, STANDARDS FOR BOARDING HOUSES, TOURIST HOME AND BED AND BREAKFAST ESTABLISHMENTS, AND 24.1-606(A), MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS, OF THE YORK COUNTY ZONING ORDINANCE

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

Mr. Zaremba then moved the adoption of proposed Ordinance No. 20-5 that reads:

AN ORDINANCE TO AMEND SECTIONS 24.1-104, DEFINITIONS, 24.1-409, STANDARDS FOR BOARDING HOUSES, TOURIST HOME AND BED AND BREAKFAST ESTABLISHMENTS, AND 24.1-606(A), MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS, OF THE YORK COUNTY ZONING ORDINANCE

WHEREAS, pursuant to Section 24.1-113(a)(2) of the York County Zoning Ordinance, amendments to the Zoning Ordinance may be initiated by the York County Planning Commission whenever the public necessity, convenience, general welfare, or good zoning practice so requires; and

WHEREAS, the Planning Commission has determined that in accordance with good zoning practice, it is necessary to amend portions of the Zoning Ordinance relative tourist homes and bed-and-breakfast inns;

WHEREAS, the Commission recommends approval of the proposed amendments;

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on the proposed amendments; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to the proposed amendments;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 17th day of March, 2020, that Application No. ZT-182-19 be, and it is hereby, approved to amend Sections 24.1-104, 24.1-409 and 24.1-606(a) of the York County Zoning Ordinance to read and provide as follows:

ARTICLE I. IN GENERAL

Sec. 24.1-104. Definitions.

Bed and breakfast inn. A dwelling in which, for compensation, breakfast and overnight accommodations are provided for transient guests.

Tourist home. An establishment, either in a private dwelling or in a structure accessory and subordinate to a private dwelling, in which temporary accommodations are provided to overnight transient guests for a fee.

ARTICLE IV. PERFORMANCE STANDARDS FOR USES

Sec. 24.1-409. Standards for boarding houses and short-term rental homes (tourist home and bed and breakfast establishments).

- (a) When located in single-family residential zoning districts, boarding houses and short-term rental homes (tourist homes and bed and breakfast establishments) shall have the appearance of a single-family detached residence and normal residential accessory structures.
- (b) Signage for properties occupied by short-term rental homes shall be permitted in accordance with section 24.1-703(b)(2).
- (c) Any parking demand generated by the conduct of such use shall be accommodated off the street in a suitably located and surfaced space.
- (d) When a bed and breakfast establishment is located in a residential zoning district, the owner of the property shall live on the premises or in an adjacent premises and shall be the operator/provider of the bed and breakfast accommodations and services.
- (e) The owner/proprietor of a tourist home shall reside either in the home or in an adjacent premises or shall designate a responsible party, who may be the applicant, and who shall be available to promptly respond to and resolve problems or complaints that arise while rentals are taking place. The owner shall be responsible for providing the Sheriff's Office with the responsible party's contact information, including name, address, phone number, and email address.
- (f) The owner/proprietor of a short-term rental home shall be responsible for obtaining all applicable permits and/or approvals required in accordance with regulations of the Virginia Uniform Statewide Building Code and the Department of Fire and Life Safety prior to use of a structure as a short-term rental home.
- (g) The board shall specify the maximum number of persons who may be accommodated in the proposed use. Such determination shall be based on a consideration of the density and character of the vicinity in which located and of the size and characteristics of the proposed site.
- (h) The following emergency/life safety requirements shall apply to the operation of a short-term rental home:
 - (1) An Emergency Action Plan identifying exit routes, fire extinguisher locations, and other life safety procedures shall be submitted to and approved by the Fire Marshal and posted conspicuously for guests' review.
 - (2) One or more fire extinguishers with a minimum rating of 2A10BC shall be installed. The location(s) shall be determined by the fire code official.
 - (3) The establishment shall be maintained in accordance with the State and Local Fire Prevention Code and the Virginia Residential Code and shall have a fire inspection conducted by the Department of Fire and Life Safety prior to the commencement of the short-term rental home and annually thereafter.
 - (4) All smoke detectors shall be interconnected and installed in accordance with the 2012 Virginia Residential Code, Section R314, or as it may from time to time be amended.
- (i) The owner/proprietor shall obtain a York County business license, establish a County

transient occupancy tax account, and file with the Virginia Department of Taxation for a Virginia State Sales Tax account.

- (j) In addition to the submittal requirements set forth in section 24.1-115(a) of this chapter, any special use permit application for a short-term rental home shall be accompanied by the following items which, in addition to the standards set forth in section 24.1-115(b)(3) of this chapter, shall be considered by the planning commission and board of supervisors in their evaluation of the appropriateness of the proposed short-term rental home:
 - (1) A detailed narrative description of the project specifying the proposed operating procedures; provisions for monitoring of guests' behavior; the maximum number of occupants (both children and adults); the minimum and maximum length of stay, if any; the number of bedrooms to be rented; and provisions for accommodating off-street parking. The narrative description shall also specify if individual rooms within the house will be rented or if the property will be offered as a whole house rental.
 - (2) A floor plan of the structure clearly delineating all of the rooms in the house and specifically identifying those rooms and areas that will be available to renters.
- (k) In evaluating any special use permit application for a short-term rental home, the commission and board shall consider the adequacy and capacity of the adjacent roadway network, including pavement widths, traffic volumes, and street ownership and maintenance arrangements as applicable, to accommodate the proposed use without adversely affecting neighboring properties.

ARTICLE VI. OFF-STREET PARKING AND LOADING

Sec. 24.1-606. Minimum off-street parking and loading requirements.

- (a) Category 1 - Residential and related uses.

USE	OFF-STREET PARKING SPACES	OFF-STREET LOADING SPACES
(1) Dwelling: single-family detached & duplex	Two (2) spaces per unit	None.
(2) Dwelling: single-family attached (townhouse & multi-plex)	Two (2) spaces per unit; plus One (1) space per three (3) units for visitor parking	None.
(3) Dwelling: multi-family	One and one-half (1½) spaces per unit; plus One (1) space per three (3) units for visitor parking.	None.
(4) Manufactured Home on individual lot	Two (2) spaces per unit.	None.
(5) Manufactured Home Park	Two (2) spaces per unit; plus One (1) space per three (3) units for visitor parking.	None.
(6) Rooming, Boarding, Lodging House, Bed and Breakfast, Tourist Home	Two (2) spaces, or one (1) space if the owner/proprietor does not reside in the home; plus One (1) space per each sleeping room.	None.
(7) Group Home	Three (3) spaces, plus One (1) space per each two (2) beds:	None

March 17, 2020

USE	OFF-STREET PARKING SPACES	OFF-STREET LOADING SPACES
(8) Senior Housing – Independent Living Facility	One (1) space per unit; plus one space per six (6) units for visitor parking	None
(9) Senior Housing – Congregate Care Facility, Assisted Living Facility	One (1) space per two (2) units; plus one space per six (6) units for visitors	None

On roll call the vote was:

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

WETLANDS CONSERVATION EASEMENT VACATION

Mr. Morgan gave a presentation in proposed Application No. ZT-182-20 to vacate a portion of an existing Wetlands Conservation Easement across property owned by Glenn Bertoline in the Shallow Marsh Subdivision located at 102 Ocean Breeze Drive, Yorktown. Ordinance No. 20-6

Chairman Green then called to order a public hearing on Application No. PD-52-20 that was duly advertised as required by law. Proposed Ordinance No. 20-6 is entitled:

AN ORDINANCE VACATING A PORTION OF AN EXISTING WETLANDS CONSERVATION EASEMENT ACROSS PROPERTY OWNED BY GLENN BERTOLINE IN THE SHALLOW MARSH SUBDIVISION LOCATED AT 102 OCEAN BREEZE DRIVE, YORKTOWN

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

Mrs. Noll then moved the adoption of proposed Ordinance No. 20-6 that reads:

AN ORDINANCE VACATING A PORTION OF AN EXISTING WETLANDS CONSERVATION EASEMENT ACROSS PROPERTY OWNED BY GLENN BERTOLINE IN THE SHALLOW MARSH SUBDIVISION LOCATED AT 102 OCEAN BREEZE DRIVE, YORKTOWN

WHEREAS, a variable width conservation easement was conveyed to the County by virtue of a subdivision plat recorded among the York County land records as Instrument No. 060030818; and

WHEREAS, in connection with the construction of a single family home on the property, the owner has asked that a 234.96 sq. ft. portion of the wetlands easement be filled, and the US Army Corps of Engineers have given their approval to fill that portion of the wetlands conservation easement; and

WHEREAS, the County’s Division of Development and Compliance has asked that the area be vacated before the affected portion of the easement is filled; and

WHEREAS, this matter has been advertised for a public hearing pursuant to Code of Virginia §15.2-2272.

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this 17th day of March, 2020, that a 234.96 sq. ft. portion of the above referenced wetlands conservation easement is hereby vacated as shown outlined in red on the Lot Development Plan, a copy of which is attached to the County Administrator’s Memorandum of February 13, 2020, and that the County Administrator is authorized to execute a deed of vacation to be recorded among the land records of the Circuit Court for York County as evidence of such vacation.

On roll call the vote was:

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

PROPOSED COUNTY CODE AMENDMENT – GOLF CARTS

Mr. Morgan gave a presentation on Ordinance No. 20-1 to amend the York County Code to establish, pursuant to the authority provided by Section 46.2-916.1, ET. SEQ. of the Code of Virginia, a new Section 15-9 to designate all secondary system streets having a speed limit not exceeding 25 mph for use by golf carts or utility vehicles, and to establish procedures and requirements for such use.

Discussion followed on the definition of a utility vehicle versus golf cart.

Chairman Green then called to order a public hearing on Application No. PD-52-20 that was duly advertised as required by law. Proposed Ordinance No. 20-1 is entitled:

AN ORDINANCE TO AMEND THE YORK COUNTY CODE TO ESTABLISH, PURSUANT TO THE AUTHORITY PROVIDED BY SECTION 46.2-916.1, ET. SEQ. OF THE CODE OF VIRGINIA, A NEW SECTION 15-9 TO DESIGNATE ALL SECONDARY SYSTEM STREETS HAVING A SPEED LIMIT NOT EXCEEDING 25 MPH FOR USE BY GOLF CARTS OR UTILITY VEHICLES, AND TO ESTABLISH PROCEDURES AND REQUIREMENTS FOR SUCH USE

Mr. David Bowditch, 702 Main Street, Yorktown spoke in favor of the proposed golf cart ordinance. He stated one concern was the requirement to display a slow-moving vehicle emblem. He asked for the Board to consider removing this stipulation from the proposed ordinance.

Discussion followed regarding the requirement to display a slow-moving vehicle emblem on the cart.

Mr. Atkins explained that Virginia State Code Section 46.2-1081 required golf carts display this emblem.

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

Mr. Wassmer then moved the adoption of proposed Ordinance No. 20-4 that reads:

AN ORDINANCE TO AMEND THE YORK COUNTY CODE TO ESTABLISH, PURSUANT TO THE AUTHORITY PROVIDED BY SECTION 46.2-916.1, ET. SEQ. OF THE CODE OF VIRGINIA, A NEW SECTION 15-9 TO DESIGNATE ALL SECONDARY SYSTEM STREETS HAVING A SPEED LIMIT NOT EXCEEDING 25 MPH FOR USE BY GOLF CARTS OR UTILITY VEHICLES, AND TO ESTABLISH PROCEDURES AND REQUIREMENTS FOR SUCH USE

WHEREAS, Section 46.2-916.1, et. seq., of the Code of Virginia provides authority for the governing body of a county to authorize the operation of golf carts and utility vehicles on designated public highways within its boundaries, subject to certain requirements and procedures; and

WHEREAS, based on requests received from various citizens and neighborhoods, the Board of Supervisors wishes to incorporate provisions into the York County Code to authorize such operations on all Secondary System streets with a speed limit not exceeding 25 MPH;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 17th day of March, 2020, that the York County Code be, and it is hereby, amended to add the following provisions to Chapter 15, Motor Vehicles and Traffic:

Section 15-9. Use of golf carts or utility vehicles on public highways

No person shall operate a golf cart or utility vehicle on or over any public highway in York County except as authorized in accordance with the following procedures and requirements:

(a) Definitions

For the purposes of this section, the following words and terms shall have the meanings set forth below:

Golf Cart. A self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.

Street. The entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the County, including streets, roads, highways and alleys, and, for law enforcement purposes, the entire width between the boundary lines of all private roads or streets that have been specifically designated "highways," as that term is defined in Section 46.2-100 of the Code of Virginia, by an ordinance adopted by the Board of Supervisors.

Utility vehicle. A motor vehicle that is designed for off-road use, is powered by a motor, and is used for general maintenance, security, agricultural, or horticultural purposes. The term "utility vehicle" does not include riding lawn mowers, or any other vehicle whose definition is included in Section 46.2-100 of the Code of Virginia.

(b) Designation of public streets for golf cart and utility vehicle operations.

Pursuant to Section 46.2-916.1, et. seq., of the Code of Virginia and the authority provided to the Board of Supervisors, all Secondary system public streets having a speed limit not exceeding 25 MPH are hereby designated as streets on which golf carts and utility vehicles may be operated, subject to the requirements set forth herein.

(c) Limitations on golf cart and utility vehicle operations on designated public highways.

Golf cart and utility vehicle operations on designated public streets shall be in accordance with the following limitations:

- 1) Golf carts or utility vehicles may be operated on designated streets where the posted speed limit is 25 MPH or less. No golf cart or utility vehicle shall be driven across any street at an un-signalized intersection where the street being crossed has a posted speed limit in excess of 25 MPH or at a signalized intersection where the street being crossed has a posted speed limit in excess of 35 MPH; this limitation shall not apply to golf carts and utility vehicles being operated by local government employees upon streets located within the County and to fulfill a governmental purpose and provided that the golf cart or utility vehicle is being operated on streets with speed limits of 35 MPH or less.
- 2) No person shall operate any golf cart or utility vehicle on any public street unless he has in his possession a valid driver's license.
- 3) Golf carts and utility vehicles must be operated in accordance with the motor vehicle laws of the Commonwealth.
- 4) Every golf cart or utility vehicle, whenever operated upon a public street, shall display a slow-moving vehicle emblem in conformity with Section 46.2-1081 of the Code of Virginia.
- 5) Golf carts and utility vehicles operating on designated streets pursuant to this section shall be insured by a recreational vehicle policy with liability coverage of not less than \$50,000 per accident. Proof of such insurance shall be maintained in such golf cart or utility vehicle at all

times such vehicle is in operation on a designed street or highway.

- 6) Golf carts and utility vehicles shall be operated upon public streets only between sunrise and sunset, unless equipped with such lights as are required by the terms of Section 46.2-1010 of the Code of Virginia.
 - 7) Only the number of people the golf cart or utility vehicle is designed to seat may ride the vehicle when in operation. Passengers shall not be carried on the part of a golf cart designed to carry golf bags.
- (d) Violations of this section shall constitute a traffic infraction punishable by a fine of not more than \$200.00.

On roll call the vote was:

Yea: (3) Noll, Wassmer, Green
Nay: (2) Shepperd, Zaremba

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 5-8, respectively.

On roll call the vote was:

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

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 5. APPROVAL OF MINUTES

February 18, 2020, Regular Meeting

Item No. 6. HEAD START GRANT APPLICATION: Resolution R20-11

A RESOLUTION TO APPROVE THE HEAD START GRANT APPLICATION BEING SUBMITTED TO THE ADMINISTRATION FOR CHILDREN & FAMILIES OFFICE OF HEAD START AND TO APPROVE THE ANNUAL SELF-ASSESSMENT, AND PROGRAM AND SCHOOL READINESS GOALS

WHEREAS, the County of York values and has a long-standing commitment to early childhood developmental programs, which includes the operations of a federally funded Head Start program; and

WHEREAS, the Board of Supervisors has legal responsibility for reviewing and approving all applications for funding, amendments to the application for funding; the annual Self-Assessment and Program and School Readiness Goals;

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors has reviewed and approved the York County Head Start grant application for \$1,113,012, the annual Self-Assessment Report and the Program and School Readiness Goals as implemented by the Children and Family Services Division of Community Services.

Item No. 7. COMMENDATION OF RETIRING EMPLOYEE: Resolution R20-40

March 17, 2020

A RESOLUTION TO COMMEND JEFFERY S. PAYNE, SR., ASSISTANT CHIEF, YORK COUNTY DEPARTMENT OF FIRE AND LIFE SAFETY, ON THE OCCASION OF HIS RETIREMENT FROM COUNTY SERVICE

WHEREAS, Jeffery S. Payne, Sr., began employment with the County of York on March 23, 1986, as a career firefighter and, as a member of the York County Department of Fire and Life Safety, he progressed through the ranks to his present position of Assistant Chief; and

WHEREAS, Assistant Chief Payne grew up in Middlesex County, Virginia with his first fire and rescue experience being a volunteer member of the Urbana Volunteer Fire Department where he rose to a chief fire officer position, as well; and

WHEREAS, during his tenure, Jeff was assigned to the Fire and Rescue Operations Division, having served in numerous capacities until his ultimate selection to lead the division and its personnel as the Assistant Chief of Operations; and

WHEREAS, Assistant Chief Payne has always been considered one of the best in the department to advocate for customer service and he has exhibited the highest qualities of customer service and care throughout his entire career; and

WHEREAS, Assistant Chief Payne was a long time member of the department's Dive Team and one of the original members of the department's Technical Rescue Team; and

WHEREAS, Jeff has additionally served in numerous regional and statewide leadership roles including a member of the Virginia Fire Chiefs Association Board of Directors and Chairman of the Membership Committee; and

WHEREAS, Assistant Chief Payne sought and acquired many levels of advanced training and education, including completion of the National Fire Academy's prestigious Executive Fire Officer program along with numerous professional certifications while employed with the department; and

WHEREAS, during his career, Assistant Chief Payne has been recognized with numerous accolades, awards and recognitions over his career; and

WHEREAS, during his longstanding 34 years of service, he has worked continuously to ensure solid established relationships with not only other fire departments, but many County departments, law enforcement agencies, the York County School Division and many other associated allied organizations; and

WHEREAS, Assistant Chief Payne has always been known for his genuine care and concern for fellow department members and as such was often assigned to serve as a liaison with those having difficult times or when the department suffered the unfortunate death of one of its members or retirees; and

WHEREAS, the County of York is justifiably proud of Assistant Chief Jeffery S. Payne Sr.'s many accomplishments, achievements, and countless contributions to the provision of fire and life safety services, as well as to the effective and efficient operation of the County and to the well-being of its citizens, businesses, and visitors; and

NOW, THEREFORE, BE IT RESOLVED, by the York County Board of Supervisors this - 13th day of March, 2020, that Jeffery S. Payne, Sr. be, and he is hereby, commended for his dedication, loyalty, and commitment throughout the past 34 years and for his exemplary efforts, exceptional accomplishments, and extraordinary contributions to the County of York.

BE IT FURTHER RESOLVED that best wishes be conveyed to Assistant Chief Payne and his family on behalf of the Board of Supervisors, its staff, and the citizens, businesses, and visitors who have benefited from his many contributions for a rewarding and pleasurable retirement.

Resolution R20-42

A RESOLUTION TO AUTHORIZE THE FINANCING OF COUNTY PROJECTS, THE LEASING OF CERTAIN COUNTY-OWNED PROPERTY, THE EXECUTION AND DELIVERY OF FINANCING DOCUMENTS, AND OTHER RELATED ACTIONS

WHEREAS, the Board of Supervisors of the County of York, Virginia (the "**Board**") has determined that it is necessary and desirable to finance the acquisition, construction and equipping of capital projects that are included in the Capital Improvements Program of the County of York, Virginia (the "**County**"), as it may be amended from time to time, including without limitation the costs of a replacement technical rescue pumper, a supervisory control and data acquisition system, costs associated with the Yorktown Library expansion, A&E services for the Law Enforcement building improvements to the Dockmaster Office and Restroom at Riverwalk Landing, design and engineering costs of a Law Enforcement Building, and closing costs associated with the financing (collectively, the "**Project**");

WHEREAS, the Board has determined that it is in the best interest of the County to enter into a lease arrangement or to amend existing lease arrangements in order to obtain funds to finance construction of the Project;

WHEREAS, the Board is authorized, pursuant to Section 15.2-1800 of the Code of Virginia of 1950, as amended, to lease any improved or unimproved real estate held by the County;

WHEREAS, the County has applied to the Virginia Resources Authority ("**VRA**") for assistance with financing the Project, and VRA has indicated its willingness to provide funds from the proceeds of one or more series of its Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program) (collectively, the "**VRA Bonds**"), in accordance with the terms of a Local Lease Acquisition Agreement and Financing Lease or such other agreement as VRA may require, including one or more amendments to existing financing leases (collectively, the "**Financing Lease**") between the County and VRA;

WHEREAS, the Financing Lease is expected to indicate that (a) the sum of (i) \$10,250,000 plus (ii) an amount necessary to pay costs of issuance or (b) such other amount as requested by the County in writing and approved by VRA prior to VRA's bond pricing is the amount of proceeds requested for the Project (the "**Proceeds Requested**");

WHEREAS, the date of the sale of the VRA Bonds is referred to as the "**VRA Sale Date**".

WHEREAS, the County will enter into a Prime Lease or one or more amendments to existing prime leases (collectively, the "**Prime Lease**") with VRA whereby the County will lease certain real estate owned by the County, as determined by the County Administrator and that VRA may approve, all to be set forth in the Prime Lease (the "**Real Estate**") and the associated improvements and property located thereon (the "**Improvements**") to VRA;

WHEREAS, the County will enter into the Financing Lease with VRA pursuant to which VRA will lease the Real Estate and the Improvements back to the County and the County will make rental payments corresponding in amount and timing to the debt service on the portion of the VRA Bonds issued to finance the Project (the "**Rental Payments**");

WHEREAS, under the Financing Lease the County will undertake and complete the Project;

WHEREAS, the County intends to pay the Rental Payments out of appropriations from the County's General Fund and other available funds of the County, as needed;

WHEREAS, VRA has informed the County that VRA's objective is to pay the County an amount that in VRA's judgment reflects the market value of the Rental Payments under the Financing Lease (the "**Purchase Price Objective**"), taking into consideration the Proceeds Requested and such factors as the purchase price to be received by VRA for the VRA Bonds, the issuance costs of the VRA Bonds (consisting of the underwriters' discount and other costs

March 17, 2020

incurred by VRA, collectively, the "**VRA Costs**") and other market conditions relating to the sale of the VRA Bonds; and

WHEREAS, such factors may result in the County receiving an amount other than the par amount of the aggregate principal components of the Rental Payments under the Financing Lease and consequently (i) the aggregate principal components of the Rental Payments under the Financing Lease may be greater than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) the County may receive less than the Proceeds Requested if the maximum authorized principal amount set forth in paragraph 3 of this Resolution restrict the principal components of the Rental Payments such that the maximum principal amount of the principal components of the Rental Payments does not exceed the Proceeds Requested by at least the amount of the VRA Costs and any original issue discount, the amount to be paid to the County, given the Purchase Price Objective and market conditions; and

WHEREAS, the Financing Lease will provide that the terms of the Rental Payments may not exceed the parameters set forth below in paragraph 3 and the form of Financing Lease has been filed in the County's records; and

WHEREAS, the Prime Lease and the Financing Lease are referred to herein as the "**Documents**."

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF YORK, VIRGINIA:

1. Authorization of Financing and Use of Proceeds. The Board hereby determines that the lease-leaseback arrangement with VRA to accomplish the financing of the Project is advisable, necessary and in the best interests of the public health, safety and welfare of the residents of the County. The Board hereby approves of the lease-leaseback arrangement to accomplish the financing of the Project. The Board hereby authorizes and directs the County Administrator to select the Real Estate of the County to be leased as part of this transaction. The Board hereby authorizes leasing of such Real Estate and the Improvements by the County, as lessor, to VRA, as lessee, pursuant to the terms of the Prime Lease and the leasing of the Real Estate and the Improvements by VRA, as lessor, to the County, as lessee, pursuant to the terms of the Financing Lease. The Board hereby authorizes and approves of the performance by the County of its obligations under the Documents.

2. Authorization of Documents. The form of the Documents on file with the County is hereby approved. The County Administrator or the Director of Finance of the County (the "**Director of Finance**") are each authorized and directed to execute the Documents in substantially such form, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officer executing the Documents.

3. Details of the Rental Payments. The Rental Payments set forth in the Financing Lease shall be subject to the foregoing parameters:

(a) The Financing Lease shall be issued and sold to or at the direction of VRA on terms that VRA shall determine subject to the Purchase Price Objective and market conditions described in the Recitals hereof; provided, however, that (i) the aggregate principal components of the Rental Payments shall not exceed \$11,500,000, (ii) the true interest cost of the financing shall not exceed 5.50% (exclusive of Supplemental Interest (as defined in the Financing Lease)), and (iii) the Rental Payments shall be payable over a term of 20 years, with the first principal component of the Rental Payments payable no later than the fiscal year ending June 30, 2022.

(b) Given the Purchase Price Objective and market conditions, it may become necessary to enter into the Financing Lease with aggregate principal components of the Rental Payments greater than the Proceeds Requested. If the limitation on the maximum aggregate principal components of Rental Payments on the Financing Lease set forth in this paragraph 3 restricts VRA's ability to generate the Proceeds Requested, taking into account the VRA Costs, the Purchase Price Objective, and market conditions, the Director of Finance is authorized to accept a purchase price at an amount less than the Proceeds Requested.

(c) Subject to the parameters in subsection (a), the County further authorizes the Director of Finance to accept the final terms presented by VRA, including the final principal components and the payment schedule (including the principal installment dates and amounts) of the Financing Lease. The actions of the Director of Finance shall be conclusive, and no further action shall be necessary on the part of the Board.

(d) Subject to paragraphs 6 and 7, and as set forth in the Financing Lease, the County agrees to pay such Supplemental Interest and other charges as provided therein, including such amounts as may be necessary to maintain or replenish any VRA Reserve. The payments on the Financing Lease shall be payable in lawful money of the United States of America.

4. Execution and Recordation of Documents. The Board hereby authorizes and directs the Chairman, the County Administrator, and the Director of Finance to execute the Documents and deliver them to the other parties thereto. The Board hereby authorizes the Clerk of the Board to affix the seal of the County or a facsimile thereof to the Documents, if required, and to attest such seal. The Board hereby authorizes the Chairman and the County Administrator to determine the Real Estate to be leased as part of the lease-leaseback arrangement and to cause the Prime Lease and the Financing Lease to be recorded in the Clerk's Office of the Circuit Court of the County.

5. Essentiality of the Project and Real Estate. The Board hereby declares that the Project, the Real Estate, and the Improvements are essential to the efficient operation of the County, and the County anticipates that the Project, the Real Estate and the Improvements will continue to be essential to the operation of the County during the term of the Financing Lease.

6. Annual Budget. While recognizing that it is not empowered to make any binding commitment to make Rental Payments and any other payments required under the Financing Lease beyond the current fiscal year, the Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future Boards do likewise during the term of the Financing Lease. The Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of the Financing Lease an amount sufficient to pay the Rental Payments and all other payments coming due under the Financing Lease during such fiscal year. If at any time during any fiscal year of the County throughout the term of the Financing Lease, the amount appropriated in the County's annual budget in any such fiscal year is insufficient to pay when due the Rental Payments and any other payments required under the Financing Lease, the Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to submit to the Board at the next scheduled meeting, or as promptly as practicable but in any event within 45 days, a request for a supplemental appropriation sufficient to cover the deficit.

7. Rental Payments Subject to Appropriation. The County's obligation to make the Rental Payments and all other payments pursuant to the Financing Lease is hereby specifically stated to be subject to annual appropriation by the Board, and nothing in this Resolution or the Documents shall constitute a pledge of the full faith and credit or taxing power of the County or compel the Board to make any such appropriation.

8. Tax Compliance Agreement. Such officers of the County as may be requested are authorized and directed to execute and deliver a non-arbitrage certificate and tax compliance agreement (the "**Tax Compliance Agreement**") in a form to be approved by the officers of the County executing such document.

9. Arbitrage Covenants. The County covenants that it shall neither take nor omit to take any action the taking or omission of which will cause the VRA Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the "**Code**"), or otherwise cause interest on the VRA Bonds to be includable in the gross income of the registered owner thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of the Tax Compliance Agreement that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Fi-

March 17, 2020

nancing Lease, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required, or is no longer required, to prevent interest on the VRA Bonds from being included in the gross income for federal income tax purposes of the registered owners thereof under existing law. The County shall pay any such required rebate from legally available funds.

10. Official Statement. The County authorizes and consents to the inclusion of necessary information with respect to the County contained in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both prepared in connection with the sale of the VRA Bonds. If appropriate, such disclosure documents shall be distributed in such manner and at such times as any of them shall determine. The Director of Finance is authorized and directed to take whatever actions are necessary or appropriate to aid VRA in ensuring compliance with Securities and Exchange Commission Rule 15c2-12.

11. SNAP Investment Authorization. The County has heretofore received and reviewed the Information Statement (the "**Information Statement**") describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("**SNAP**") and the Contract Creating the State Non-Arbitrage Program Pool (the "**Contract**"). The County has determined to authorize the County Administrator and the Treasurer of the County to utilize SNAP in connection with the investment of the proceeds of the Financing Lease if the County Administrator and the Treasurer of the County determine that the utilization of SNAP is in the best interest of the County. The Board acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the contract creating the investment program pool.

12. Evidence of Approval. The approval or determination of all of the details and provisions of the Documents and all other documents executed under the authority of this Resolution shall be evidenced conclusively by the execution and delivery of the Documents and such other document by the officer or officers authorized hereby.

13. Further Actions; Authorized Representative. The Board hereby authorizes and directs the County Administrator and the Director of Finance and such officers and agents of the County as may be designated by either of them to take such further actions as they deem necessary regarding, the Documents and the execution, delivery and performance of the Documents and closing documents and certificates. All such actions previously taken by such officers and agents are ratified and confirmed. The Board hereby designates the County Administrator and the Director of Finance of the County as the County's authorized representatives for purposes of the Financing Lease. The authorization granted in this Resolution to the County Administrator and Director of Finance may be carried out by such other officer as any of the named officers may designate in writing. When this Resolution authorizes the County Administrator or the Director of Finance to act, it shall be sufficient for either the act.

14. Effective Date. This Resolution shall take effect upon adoption.

WITNESS MY HAND and the seal of the Board of Supervisors of the County of York, Virginia this ____ day of _____, 2020.

Clerk, York County Board of Supervisors

[SEAL]

Resolution R20-43

A RESOLUTION TO AUTHORIZE AND APPROVE THE ISSUANCE, AWARD AND SALE OF SEWER SYSTEM REVENUE REFUNDING BOND OF THE COUNTY OF YORK, VIRGINIA, AND SETTING FORTH THE FORM, DETAILS AND PROVISIONS FOR THE PAYMENT THEREOF

WHEREAS, the Board of Supervisors of the County of York, Virginia (the "**Board**") has determined that it is necessary and desirable to issue a Sewer System Revenue Refunding Bond

(the "**Bond**") to use the proceeds thereof, along with other available funds, if any (i) refund, redeem, defease certain bonds of the County of York, Virginia (the "**County**") that were issued to finance or refinance the costs of sewer system projects (collectively, the "**Prior Bonds**"), and (ii) to pay the costs of issuance of the Bond (collectively, the "**Refunding Project**");

WHEREAS, the County has applied to the Virginia Resources Authority ("**VRA**") for the purchase of the Bond, and VRA has indicated its willingness to purchase such Bond from the proceeds of one or more series of its Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program) (collectively, the "**VRA Bonds**"), in accordance with the terms of a Local Bond Sale and Financing Agreement (the "**Financing Agreement**"), between VRA and the County;

WHEREAS, the Financing Agreement is expected to indicate that (i) an amount necessary to refund any Prior Bonds plus an amount necessary to pay costs of issuance or (ii) such other amount as requested by the County in writing and approved by VRA prior to VRA's bond pricing is the amount of proceeds requested for the Refunding Project (the "**Proceeds Requested**");

WHEREAS, the date of the sale of the VRA Bonds is referred to as the "**VRA Sale Date**";

WHEREAS, VRA has informed the County that VRA's objective is to pay the County a purchase price for the Bond that in VRA's judgment reflects the market value of the Bond (the "**Purchase Price Objective**"), taking into consideration the Proceeds Requested, and such factors as the purchase price to be received by VRA for the VRA Bonds, the issuance costs of the VRA Bonds (consisting of the underwriters' discount and other costs incurred by VRA, collectively, the "**VRA Costs**") and other market conditions relating to the sale of the VRA Bonds;

WHEREAS, such factors may result in the County receiving a purchase price other than the par amount of the Bond and consequently (i) the aggregate principal amount of the Bond may be greater than or less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) the County may receive less than the Proceeds Requested if the maximum authorized principal amount of the Bond set forth in paragraph 3 of this Resolution restrict the principal amount of the Bond such that the maximum principal amount of the Bond does not exceed the Proceeds Requested by at least the amount of the VRA Costs and any original issue discount, the amount to be paid to the County, given the Purchase Price Objective and market conditions;

WHEREAS, the Bond will be issued as parity indebtedness (the "**Parity Indebtedness**") under the Restated Master Indenture of Trust dated as of December 1, 2010 (as supplemented and amended, the "**Current Master Indenture**"), between the County and U.S. Bank National Association, as trustee (the "**Trustee**"). If deemed advisable, the County will immediately amend and restate the Current Master Indenture and enter into an Amended Restated Master Indenture of Trust to be dated as of May 1, 2020 (the "**Master Indenture**"), between the County and the Trustee. The Bond will be secured by a pledge of the net revenues (as more particularly defined in the Master Indenture, the "**Net Revenues**") derived by the County from the ownership and operation of its sewage disposal and sewer systems (as more particularly defined in the Master Indenture, the "**System**");

WHEREAS, no public hearing is required on the Bonds under the Code of Virginia of 1950, as amended;

WHEREAS, the Financing Agreement will provide that the terms of the Bond may not exceed the parameters set forth below in paragraph 3 and the form of Financing Agreement has been filed in the County's records.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF YORK, VIRGINIA:

1. Authorization of Bond and Use of Proceeds. Pursuant to the Constitution and statutes of the Commonwealth of Virginia (the "**Commonwealth**"), including the Public Finance Act of 1991, as amended (the "**Act**"), the Board hereby determines that it is in the best interest

March 17, 2020

of the County to contract a debt and to issue the Bond and to award and sell the Bond to or at the direction of VRA, all pursuant to the Act and the terms of this Resolution and the Financing Agreement. The Board hereby finds that the issuance of the Bond will promote the health, safety, welfare, morals and propriety of the citizens served by the County and will promote the governmental purposes of the Act. Accordingly, the Board hereby authorizes the issuance, award and sale of the Bond in accordance with the terms of this Resolution, the Act, the Master Indenture and the Financing Agreement. The Bond shall be known as the "County of York, Virginia, Sewer System Revenue Refunding Bond, Series 2020" or such other designation as the County Administrator of the County's (the "**County Administrator**") may approve. The Board hereby covenants that the proceeds from the issuance and sale of the Bond shall be used, together with other available funds, if any, to pay the costs of financing the Refunding Project. The Bond shall be delivered to or upon the order of VRA upon VRA's payment of the purchase price set forth in the Financing Agreement. Subject to the County Administrator determination of what will be in the County's best interests, the Bond may be sold to VRA in connection with any sale date of the VRA Bonds occurring prior to June 30, 2020.

2. Authorization of Financing Agreement. The form of the Financing Agreement on file with the County is hereby approved. The County Administrator or the Director of Finance of the County (the "**Director of Finance**") are each authorized and directed to execute the Financing Agreement in substantially such form, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officer executing the Financing Agreement.

3. Details of Bond. The issuance of the Bond shall be subject to the foregoing parameters:

(a) The Bond, may be issued in one or more series, and the Bond of each series shall be issued as a single bond in fully registered form and shall be dated the date required by VRA, which may be prior to the date of issuance of the Bond.

(b) The Bond shall be issued and sold to or at the direction of VRA on terms that VRA shall determine subject to the Purchase Price Objective and market conditions described in the Recitals hereof; provided, however, that (i) the refunding of the Prior Bonds shall produce a net present value savings of not less than 3% of the principal amount of the Prior Bonds, and (ii) the final maturity of the Bonds shall not be later than the end of the last fiscal year in which a refunded Prior Bond matures.

(c) Given the Purchase Price Objective and market conditions, it may become necessary to issue the Bond with aggregate principal amount greater than the Proceeds Requested. If the limitation on the maximum aggregate principal amount of the Bond set forth in this paragraph 3 restricts VRA's ability to generate the Proceeds Requested, taking into account the VRA Costs, the Purchase Price Objective, and market conditions, the Director of Finance is authorized to accept a purchase price at an amount less than the Proceeds Requested.

(d) Subject to the parameters in subsection (b), the County further authorizes the Director of Finance to accept the final terms presented by VRA, including the final principal amounts and the payment schedule (including the principal installment dates and amounts) of the Bond. The actions of the Director of Finance shall be conclusive, and no further action shall be necessary on the part of the Board.

(e) As set forth in the Financing Agreement, the County agrees to pay such Supplemental Interest and other charges as provided therein, including such amounts as may be necessary to maintain or replenish any VRA Reserve. The principal of and premium, if any, and interest on the Bond shall be payable in lawful money of the United States of America.

4. Pledge of Net Revenues and Parity Indebtedness. (a) The Bond shall be a limited obligation of the County and, except to the extent payable from the proceeds of the sale of the Bond or the income, if any, derived from the investment thereof, is payable exclusively from the Net Revenues of the System. The County hereby renews its pledge of the Net Revenues to pay the principal of and premium, if any, and interest on the Bond pursuant to the terms of the Master Indenture and the Financing Agreement. The Board hereby determines that the Bond shall be issued as Parity Indebtedness under the Master Indenture. The Board hereby acknowledges that as Parity Indebtedness the Bond will be secured equally and ratably

with the County's outstanding Parity Indebtedness or Bonds (as defined in the Master Indenture) and any Parity Indebtedness or Bonds (as defined in the Master Indenture) issued in the future, subject to Section 2.1(b) of the Master Indenture.

(b) Neither the Commonwealth nor any of its political subdivisions, including the County, shall be obligated to pay the principal of or premium, if any, or interest on the Bond or other costs incident to it except from the revenues and any other money or property pledged for such purpose, and neither the faith and credit nor the taxing power of the Commonwealth or any of its political subdivisions, including the County, is pledged to the payment of the principal of or premium, if any, or interest on the Bond or other costs incident to it. The issuance of the Bond does not directly, indirectly or contingently obligate the Commonwealth or any of its political subdivisions, including the County, to levy any taxes for the payment of the Bond.

5. Form of Bond. The Bond shall be in substantially the form attached as Exhibit A to the Financing Agreement and on file in the County's records, with such variations, insertions or deletions as may be approved by the County Administrator or the Director of Finance. There may be endorsed on the Bond such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

6. Execution and Delivery of Bond. The Board hereby authorizes and directs the County Administrator or the Director of Finance to execute the Bond and then to deliver the Bond to or at the direction of VRA upon payment of the purchase price therefor.

7. Execution and Delivery of Bond. The Board hereby authorizes and directs the County Administrator or the Director of Finance to determine the final form of the Master Indenture. The Board hereby authorizes and directs the County Administrator or the Director of Finance to execute and deliver the Master Indenture upon satisfaction of the amendment conditions set forth in the Current Master Indenture and to deliver a supplement to the Master Indenture, if needed in connection with the issuance of the Bond and the amendment and restatement of the Current Master Indenture.

8. Tax Compliance Agreement. Such officers of the County as may be requested are authorized and directed to execute and deliver a non-arbitrage certificate and tax compliance agreement (the "**Tax Compliance Agreement**") in a form to be approved by the officers of the County executing such document.

9. Arbitrage Covenants. The County covenants that it shall neither take nor omit to take any action the taking or omission of which will cause the VRA Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the "**Code**"), or otherwise cause interest on the VRA Bonds to be includable in the gross income of the registered owner thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of the Tax Compliance Agreement that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bond, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required, or is no longer required, to prevent interest on the VRA Bonds from being included in the gross income for federal income tax purposes of the registered owners thereof under existing law. The County shall pay any such required rebate from legally available funds.

10. Official Statement. The County authorizes and consents to the inclusion of necessary information with respect to the County contained in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both prepared in connection with the sale of the VRA Bonds. If appropriate, such disclosure documents shall be distributed in such manner and at such times as any of them shall determine. The Director of Finance is authorized and directed to take whatever actions are necessary or appropriate to aid VRA in ensuring compliance with Securities and Exchange Commission Rule 15c2-12.

11. SNAP Investment Authorization. The County has heretofore received and reviewed the Information Statement (the "**Information Statement**") describing the State Non-

March 17, 2020

Arbitrage Program of the Commonwealth ("**SNAP**") and the Contract Creating the State Non-Arbitrage Program Pool (the "**Contract**"). The County has determined to authorize the County Administrator and the Treasurer of the County to utilize SNAP in connection with the investment of the proceeds of the Bond if the County Administrator and the Treasurer of the County determine that the utilization of SNAP is in the best interest of the County. The Board acknowledges that the Treasury Board of the Commonwealth is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the contract creating the investment program pool.

12. Evidence of Approval. The approval or determination of all of the details and provisions of the Bond, the Financing Agreement, the Master Indenture and all other documents executed under the authority of this Resolution shall be evidenced conclusively by the execution and delivery of the Bond, the Financing Agreement and such other document by the officer or officers authorized hereby.

13. Further Actions; Authorized Representative. The Board hereby authorizes and directs the County Administrator and the Director of Finance and such officers and agents of the County as may be designated by either of them to take such further actions as they deem necessary regarding, the issuance and sale of the Bond and the execution, delivery and performance of the Financing Agreement and closing documents and certificates. All such actions previously taken by such officers and agents are ratified and confirmed. The Board hereby designates the County Administrator and the Director of Finance of the County as the County's authorized representatives for purposes of the Financing Agreement. The authorization granted in this Resolution to the County Administrator and Director of Finance may be carried out by such other officer as any of the named officers may designate in writing. When this Resolution authorizes the County Administrator or the Director of Finance to act, it shall be sufficient for either the act.

14. Public Finance Act. The Board hereby elects pursuant to Section 15.2-2601 of the Code of Virginia of 1950, as amended, to issue the Bond under the Act without regard to the requirements, restrictions or other provisions contained in any charter or special or local act.

15. Filing of Resolution. The Board hereby directs counsel to the County to file a certified copy of this Resolution with the York County Poquoson Circuit Court pursuant to Section 15.2-2607 and 15.2-2627 of the Code of Virginia of 1950, as amended.

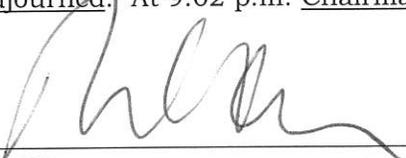
16. Effective Date. This Resolution shall take effect upon adoption.

WITNESS MY HAND and the seal of the Board of Supervisors of the County of York, Virginia, this _____ day of _____, 2020.

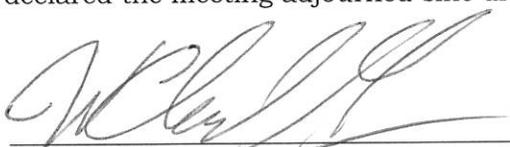
Clerk, York County Board of Supervisors

[SEAL]

Meeting Adjourned. At 9:02 p.m. Chairman Green declared the meeting adjourned sine die.



Neil A. Morgan
County Administrator



W. Chad Green, Chairman
York County Board of Supervisors