

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
June 16, 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, June 16, 2020, in the Board Room, York Hall, by Chairman W. Chad Green.

REMARKS BY THE CHAIRMAN

Chairman Green read a statement concerning the purpose and the participants of the meeting:

This meeting is called to order. It is June 16, 2020. For the record, this is a meeting of the York County Board of Supervisors, being held by electronic means without a quorum being physically assembled in one place, pursuant to the emergency "continuity of government" ordinance adopted on April 21, 2020, under Code of Virginia section 15.2-1413, allowing public meetings of this Board, and of other county boards, commissions, and authorities, to meet remotely. This action was taken because of the health emergency resulting from the Coronavirus pandemic, making an assembly of the board and staff and members of the public in one place unsafe because of the highly contagious nature of the Coronavirus pandemic.

Arrangements have been made for public participation in the public portions of this meeting. As with all Live Board of Supervisors meetings, this meeting is available to watch live on WYCG-TV, Cox Cable 46, Verizon FiOS CH 38 or live streaming at yorkcounty.gov/TV. Those who wish to make comment on any of tonight's public hearings, or during the Citizen's Comment Period, may call the phone numbers that are listed on tonight's meeting agenda for each public hearing or for the Comment Period, and also shown on both the live stream and cable TV viewings of this meeting. All comments will follow the Board of Supervisors Rules of Procedure, which limit comments to one per public hearing and no longer than three minutes. All telephone comments called in between 6 p.m. and the close of the public hearing, or the close of the Citizens' Comment Period, will be recorded for playback during this meeting. Phone lines are open now.

I am William C. "Chad" Green, Board Chair, and I am sitting in the Board Room of York Hall. Other Board members participating are Walter C. Zaremba, Sheila S. Noll, Jeffrey D. Wassmer, and Thomas G. Shepperd, Jr. Other County staff present or participating are Mark L. Bellamy, Jr., Deputy County Administrator; James E. Barnett, Jr., County Attorney; Heather L. Schott, Legislative Assistant, and a small number of senior County staff.

Mrs. Noll joined the meeting at 6:26 p.m.

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

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

PRESENTATIONS

2019 VOLUNTEER REPORT AND AWARDS PRESENTATION

Mr. Rick Smethurst, Department of Community Services, gave a presentation on the 2019 Volunteer Awards and the contributions made to the County by its volunteers. He noted there were 216 volunteers providing 3,423 volunteer hours, which was the equivalent of 24.5 full-time employees, and the monetary and in-kind donation value to the County was \$1,552,133. Mr. Smethurst then recognized the following individuals and organizations receiving awards:

- Meredith M. Brooks Volunteer Student Intern for Social Services

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- Wally Atkins Youth Basketball Coach for Parks and Recreation
- Aaron Ellis Youth Soccer Coach for Parks and Recreation
- Merrilyn Dodson Master Gardener for Virginia Cooperative Extension
- Pete Peterman Master Gardener for Virginia Cooperative Extension
- Hazel Camp Art Club Volunteer for the Senior Center of York
- Stella Hill Dining Club Volunteer for the Senior Center of York
- The Flame Bearers Longtime Head Start Program Volunteers
- Zion United Methodist Church
- Youth Volunteer Corps of Hampton Roads Youth Volunteers for Parks and Recreation

COVID 19 UPDATE

Mark Bellamy, Deputy County Administrator, spoke regarding COVID 19 and noted that most of the state had transitioned to Phase 2 with hospitalizations remaining stable, sustainable personal protective equipment, and positive tests trending downward. He stated the County's cumulative cases were at 93 with 3 deaths. The cases were at 52,000 within the Commonwealth, with 1,500 deaths as of June 15. He expressed his gratitude to the citizens by continuing to use safe practices to maintain the County's well-being. Mr. Bellamy explained that even though the State was in phase 2, citizens should remain vigilant. He explained the differences associated with phase 2 such as face coverings for indoor settings, gatherings being able to increase from 10 to 50, restaurants opening for indoor dining at 50 percent capacity, fitness centers opening at 30 percent capacity, and pools may expand operations to include exercise, diving, and instructions. For now, indoor entertainment and amusement parks remained closed. Mr. Bellamy explained the County's responses to COVID in the terms of governance, finances, and activities. In terms of governance, County meetings have continued on a virtual platform. He noted the Comprehensive Plan Steering Committee had restarted their monthly meetings to update the County's Comprehensive Plan utilizing Zoom. The virtual meeting had received significant community engagement. With regards to the financial update, he stated that Deputy County Administrator, Vivian McGettigan, was working on the next Revenue Report. The report would be ready by the end of next week. The County staff had continued to work on managing and vetting the most appropriate and strategic use of the CARES Act funds. Mr. Bellamy announced that the Community Services and Economic Development's CDBG Grant, which was targeted to support and fund local businesses, had been approved. He reminded the Board of the presentation given by Dr. Shandor at the last meeting with their plans to move forward with their One-to-One Initiative allowing for students to have their own technology device. Mr. Bellamy explained the formal approval of the funding was included on the consent agenda for action tonight. The citizens had taken advantage of the Board waiving the convenience fees to make contactless payments of their taxes. The Treasurer's Office was back open and in accordance with the Governor's executive order, visitors should wear masks. The number of people visiting the lobby was also limited. Mr. Bellamy provided an update regarding several events in Historic Yorktown. He explained the Farmers Market was back at Riverwalk Landing after a successful drive-thru run at the McReynolds Athletic Complex. The Schooner Alliance had begun taking reservations for sailing excursions and the trolleys are running again. York Hall had begun to welcome guests and customers to the Gallery. In closing, he congratulated the York County School Division on its conducting the successful drive through graduation ceremony. Mr. Bellamy also congratulated the graduates of the Class of 2020.

CITIZENS' COMMENT PERIOD

Ms. Narielle Living, 206 Meadowfield Road, Chairman of the York County Arts Commission, spoke regarding Resolution R20-85 which provided funding for various art organizations. She noted that many of the local artists have had to regroup due to COVID 19. She thanked the Board for their previous support and noted that art reminds people that all things are possible and provides a voice, outlet, and dialog while unifying individuals.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett provided an update on the General Assembly's legislation changes. He stated that currently the Treasurer and the Commissioner of Revenue together can grant tax refunds up to \$2500 without the Board's approval. Recent legislation adopted by the General Assembly raised the limit to \$5000. He also stated that there was a minor subdivision change that re-

lates to the term of validity for certain plats and a change to telecommunications related to small cell facilities.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. Bellamy stated that the County had recently received four NACo awards:

- Tourism Development - 2020 Award Winner

Yorktown Trolley. Riding with Technology. To address riders' needs, the County partnered with ETA Transit for the ETA SPOT system that includes a mobile app and a website providing customers with resources to answer all of these questions; an interactive map tracking the Trolley in real time with an estimated time of arrival for each individual stop; as well as information about each stop and available amenities.

- Waste Management/York River Academy Partnership 2020 Award Winner.

Partners for Pollinators. In 2019, the York River Academy Greenhouse Team was asked by the Beautification Committee and Waste Management Division to design a native plant garden to be located at the Waste Management Administrative Facility, capable of producing and sustaining pollinators.

- Information Technology - 2020 Award Winner

Citizen Cyber Security. This program was developed to help citizens and local businesses become more knowledgeable about cyber risks and to minimize the danger. The highest risk target of cyber criminals is citizens over the age of 55.

- Parks & Recreation - 2020 Award Winner

Wormley Creek Landing Facility Enhancements. Accessibility for All. Last year, Parks and Recreation installed a special kayak launch that enables those with a disability to enjoy the scenic waterways of our locality. Wormley Creek Landing was expanded to include a boardwalk, floating dock, and canoe/kayak launch that are all ADA accessible. Improvements were made to the facility's parking lot as well.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll stated that she was proud of the employees who had worked on the various projects for the County to win the NACo awards. She wished Jim Funk, a former Board of Supervisors member, a very happy 90th birthday as he celebrated in the upcoming week. She stated that Mr. Funk had done a lot for the County during his tenure on the Board. Mrs. Noll stated that Mr. Funk still served as a docent at the Historical Museum and has been a member of the Ruritans for approximately 36 years.

Mr. Wassmer recognized Tim Wyatt and his Information Technology staff. He stated that Tim had been quoted recently several times in an IT magazine. Mr. Wassmer stated that Tim and his staff did an excellent job while promoting the County's security. The County was better prepared with the response to COVID 19 due to Mr. Wyatt's help and support, especially with regards to virtual meetings and deployment of equipment.

Chairman Green commended the 2019 Outstanding Volunteers and explained they were integral to the County. He specifically recognized the Flame Bearers from Zion United Methodist Church.

CONSENT CALENDAR

Mr. Zaremba moved that the Consent Calendar be approved as submitted, Item Nos. 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, respectively.

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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. 6. Approval of Minutes

The minutes of the May 19, 2020, Regular Meeting of the York County Board of Supervisors were approved.

Item No. 7. CHILD DEVELOPMENT RESOURCES (CDR) CONTRACT: Resolution R20-70

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A SUPPORT AGREEMENT WITH CHILD DEVELOPMENT RESOURCES, INC., A NON-PROFIT VIRGINIA CORPORATION, PROVIDING \$115,662 ANNUAL FUNDING DURING FISCAL YEAR 2021 FOR THE OPERATION OF EARLY CHILDHOOD CARE AND DEVELOPMENTAL SERVICES IN THE GRIFFIN-YEATES LEARNING CENTER LOCATED ON GOVERNMENT ROAD

WHEREAS, it is in the public interest to continue to make available an early childhood educational experience and positive learning opportunities on behalf of economically disadvantaged and other qualified County citizens; and

WHEREAS, Child Development Resources, Inc., a non-profit Virginia corporation, has provided such services by operation of a program called First Steps.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of June, 2020, that the County Administrator be, and he is hereby, authorized to execute a Support Agreement approved as to form by the County Attorney with the Child Development Resources, Inc., providing for a payment by the County in the amount of \$115,662 for the fiscal year beginning July 1, 2020, for the operation of the First Steps program for the period July 1, 2020, until June 30, 2021.

Item No 8. LOCAL WORKFORCE DEVELOPMENT AREAS 14 AND 16: Resolution R20-84

A RESOLUTION IN SUPPORT OF THE RE-DESIGNATION OF LOCAL WORKFORCE DEVELOPMENT AREAS 14 AND 16 INTO A NEW SINGLE LOCAL WORKFORCE DEVELOPMENT AREA

WHEREAS, under the Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128, local workforce development areas (LWDAs) within a planning region that want to re-designate into a single LWDA shall be given the opportunity to do so; and

WHEREAS, the Virginia Board of Workforce Development's Policy, Number 200-07, entitled "Process for Requesting LWDA Re-designation: Re-designation Assistance," effective July 1, 2017, prescribes the process to be followed when a unit or a combination of units of political subdivisions request re-designation of their LWDAs as provided under WIOA; and

WHEREAS, the Greater Peninsula Workforce Board (GPWB), is tasked with overseeing the delivery of workforce services within LWDA 14 and the Hampton Roads Workforce Council (HRWC), is tasked with overseeing the delivery of workforce services within LWDA 16, are part of one regional economic ecosystem serving the fifteen political subdivision of Southeastern Virginia; and

WHEREAS, in September, 2018, the Greater Peninsula Workforce Board and Hampton Roads Workforce Council executed a Resolution establishing the Southeastern Virginia Regional Workforce Collaboration whose purpose was to address the needs of area employers through a collaborative regional approach, focused upon business engagement strategies, communication efforts, program development, provision of labor market intelligence, veteran

transition support, and emerging workforce initiatives; and

WHEREAS, the work of the Collaborative has resulted in a significant number of successful undertakings to include the creation of a Joint Business Services Team that has assisted employers, implemented fundraising initiative which has raised funds for new private resources, being awarded a GO Virginia Grant which established the Hampton Roads Coalition for Talent, and the publication of a regional economic impact report which calculated the rate of return on investment based on funds spent by the region’s two Workforce Boards.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of June, that the request of the Greater Peninsula Workforce Board and Hampton Roads Workforce Council to be re-designated into a new single Local Workforce Development Area to oversee the delivery of workforce development services within the fifteen political subdivisions located within Southeastern Virginia be approved for submission to the Virginia Board of Workforce Development and subsequent action by the Governor.

Item No. 9. FY 2021 FUNDING FOR COMMUNITY SERVICES ORGANIZATIONS: Resolution R20-86

A RESOLUTION TO APPROVE FY2021 FUNDING FOR COMMUNITY SERVICES ORGANIZATIONS

WHEREAS, the Board of Supervisors appropriated \$38,000 in support of local community services organizations in the FY2021 budget; and

WHEREAS, the Community Services Grants Advisory Committee has undertaken a careful and thorough review of all applications from organizations; and

WHEREAS, the Community Services Grants Advisory Committee has completed its review of the funding requests for FY2021 and has developed recommendations for funding allocations for each organization using the total available funds contained in the approved FY2021 York County Budget; and

WHEREAS, the committee finds that each of the organizations listed below is either located in York County, or provides benefits or services to the citizens of York County; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of June, 2020, that the determination made by the Community Services Grants Advisory Committee be, and hereby is, approved and that the following organizations receive funding in the recommended following amounts.

Civic and Cultural Organizations

| Organization | FY21 Recommendation |
|---|--------------------------------|
| American Red Cross Hampton Roads Chapter | \$ 1,095 |
| Avalon Center | \$ 3,820 |
| Colonial Court Appointed Special Advocate (CASA) | \$ 2,040 |
| Community Brain Injury Services/The Denbigh House | \$ 1,800 |
| Hospice House and Support Care of Williamsburg | \$ 2,755 |
| Natasha House, Inc. | \$ 6,855 |
| The Arc of Greater Williamsburg | \$ 1,425 |
| Transitions Family Violence | \$ 4,275 |
| Virginia Peninsula Food Bank | \$ 4,790 |
| Williamsburg Area Faith in Action | \$ 1,800 |
| Williamsburg – Meals on Wheels | \$ 2,395 |
| York County – Meals on Wheels | \$ 4,950 |
| TOTAL: | \$ 38,000 |

Item No. 10. FY 2021 BUDGET FOR LOCAL ARTS ORGANIZATIONS: Resolution R20-85

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A RESOLUTION TO APPROVE FY2021 COUNTY AND STATE
FUNDING FOR LOCAL ARTS ORGANIZATIONS

WHEREAS, the Board of Supervisors appropriated \$66,500 in support of local cultural arts organizations in the FY2021 budget and the County is expected to receive an estimated \$4,500 grant from the Virginia Commission for the Arts to supplement the County's appropriations for the arts; and

WHEREAS, the York County Arts Commission was appointed by the Board of Supervisors to review funding requests from cultural arts organizations and to make recommendations to the Board concerning the distribution of budget appropriations to the arts; and

WHEREAS, the Arts Commission has undertaken a careful and thorough review of all applications from arts groups, in some cases interviewing and otherwise observing and interacting with these organizations; and

WHEREAS, the Arts Commission has completed its review of the funding requests for FY2021 and has developed recommendations for funding allocations for each organization using the total available arts-related funds contained in the approved FY2021 York County Budget; and

WHEREAS, the Board finds that each of the organizations listed below is either located in York County, or provides benefits or services to the citizens of York County; and

WHEREAS, allocations from grant funding from the Virginia Commission for the Arts, will be made to the Virginia Opera and Celebrate Yorktown Symphony upon receipt of those funds from the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of June, 2020, that the determination made by the York County Arts Commission be, and they hereby is, approved and that the following organizations receive funding in the following amounts under the York County Arts Commission Grant Program, the appropriation of the \$4,500 grant from the Virginia Commission of the Arts, being contingent on the receipt of the grant.

| <u>ORGANIZATION</u> | <u>FY2021 County</u> | <u>FY2021 State</u> |
|--|----------------------|---------------------|
| Art at the River | \$3,500 | |
| Chesapeake Bay Wind Ensemble | \$1,000 | |
| Celebrate Yorktown Symphony | \$600 | \$900 |
| Celebrate Yorktown Summer Concert | \$2,000 | |
| Fife and Drums of Yorktown | \$4,400 | |
| Jamestown-Yorktown Foundation | \$5,000 | |
| Magic of Harmony Show Chorus | \$500 | |
| Mariner's Museum | \$2,500 | |
| Natasha House Project | \$3,500 | |
| Opera in Williamsburg | \$2,500 | |
| Rainbow Puppet | \$4,000 | |
| Riverwalk Landing Business Association | \$1,500 | |
| Senior Center of York | \$200 | |
| Virginia Living Museum | \$2,500 | |
| Virginia Opera | \$2,400 | \$3,600 |
| Virginia Regional Ballet | \$3,000 | |
| Virginia Symphony Orchestra | \$3,500 | |
| Watermen's Museum Project | \$6,608 | |
| Williamsburg Book Festival | \$1,500 | |
| Williamsburg Choral | \$700 | |
| Williamsburg Contemporary Art Center | \$1,500 | |
| Williamsburg Players Inc. | \$1,250 | |
| Williamsburg Symphony Orchestra | \$3,000 | |
| Williamsburg Women's Chorus | \$1,450 | |
| York County Public Library | \$400 | |
| York River Symphony | \$2,500 | |
| Yorktown Chorale | \$500 | |
| Yorktown Historical Museum Challenge | \$500 | |

| | | |
|------------------------------------|-----------------|----------------|
| Yorktown Historical Museum Project | \$792 | |
| Young Audiences Arts for Learning | \$3,200 | |
| TOTALS | \$66,500 | \$4,500 |

Item No. 11. APPLICATION NO. UP-954-20, MIKE BAREFOOT: Resolution R20-88

A RESOLUTION TO EXTEND FOR TWO YEARS A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR AN AUTO BODY REPAIR AND PAINTING ESTABLISHMENT AT 7700 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17)

WHEREAS, on November 18, 2014, through the adoption of Resolution No. R14-128, the York County Board of Supervisors approved Special Use Permit Application No. UP-851-14 to authorize the establishment of an auto body repair and painting facility on approximately 9.3 acres of land located at 7700 George Washington Memorial Highway (Route 17) and further identified as Assessor’s Parcel No. 24C-1-3 (GPIN R08a-0356-2614) said application; and

WHEREAS, pursuant to Section 24.1-115(c)(1) of the York County Zoning Ordinance, use permits automatically expire two years after adoption if the special use has not been established; and

WHEREAS, on September 20, 2016, the York County Board of Supervisors approved a two-year extension of the deadline for establishing the approved body shop through the adoption of Resolution No. R16-105; and

WHEREAS, pursuant to Section 15.2-2209.1 of the Code of Virginia, for any valid Special Use Permit outstanding as of January 1, 2017, and related to new residential or commercial development, any deadline in the permit or in the local zoning ordinance that requires the landowner or developer to commence the project within a certain time, shall be extended until July 1, 2020; and

WHEREAS, Mike Barefoot has submitted Application No. UP-954-20 to request a minor modification of the above-referenced Special Use Permit, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, by authorizing a two-year extension of the deadline for establishing the special use;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of June, 2020, that Application No. UP-954-20, be, and it is hereby, approved to authorize a two-year extension of the deadline for establishing the auto body repair and painting facility approved by the Board through the adoption of Resolution No. R14-128, thus making the new expiration date July 1, 2022.

BE IT FURTHER RESOLVED that all other terms of the Special Use Permit set forth in Resolution No. R14-128 shall remain in full force and effect.

BE IT STILL FURTHER RESOLVED that in accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of this resolution 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 the issuance of a Building Permit for the use.

Item No. 12. PURCHASE RESOLUTION: - HIGH SPEED SCANNER - REGISTRAR'S OFFICE: Resolution R20-83

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH ELECTION SYSTEMS AND SOFTWARE, INC. TO PROVIDE A HIGH SPEED SCANNER FOR THE VOTER REGISTRAR.

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County not previously included in the approved Capital Improvements Program (CIP) in excess of \$50,000, and purchases of goods and services previously included in

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the approved CIP in excess of \$100,000, shall be specifically approved by the Board of Supervisors prior to the placement of a firm order; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, it involves the expenditure of \$50,000 or more, and complies with all applicable laws, ordinances, and regulations;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of June , 2020, that the County Administrator be, and hereby is, authorized to execute procurement arrangements with Election Systems and Software, Inc. to provide a high speed scanner for the voter registrar at a cost of \$62,190.

Item No.13. COMMENDATION OF RETIRING EMPLOYEE: Resolution R20-77

A RESOLUTION TO COMMEND E. SHERL EMERSON, SENIOR ADMINISTRATIVE SERVICES MANAGER, YORK COUNTY DEPARTMENT OF FIRE AND LIFE SAFETY, ON THE OCCASION OF HER RETIREMENT FROM COUNTY SERVICE

WHEREAS, E. Sherl Emerson, began employment with the County of York on July 18, 1977, as the Administrative Secretary for the Department of Budget and Accounting working directly for two department heads during this time; and

WHEREAS, Ms. Emerson would transfer to, what was then, the Department of Fire and Rescue Services as the Administrative Secretary in 1981, eventually working directly for department's only two career fire chiefs; and

WHEREAS, Sherl grew up in an Air Force family that was stationed at Langley Air Force Base while she was in high school, where she graduated from Kecoughtan High School and upon completing high school, she obtained a college degree in Secretarial Sciences from Thomas Nelson Community College before becoming employed with the County; and

WHEREAS, during her career, Sherl would ultimately advance to the position of Senior Administrative Services Manager responsible for management of the department's Office of Administrative Services where she ensured that the functions of her area of responsibility were most effective and efficient and contributed the same to the overall department; and

WHEREAS, as a member of the department's Senior Staff, her knowledge, skills, abilities and overall dedication were critical to the functions of all divisions and offices of the department and its operations; and

WHEREAS, during her tenure with the department, Sherl has served as the Emergency Operations Center (EOC) Manager/Emergency Services Clerk and has responded to and worked from the EOC for virtually every major emergency or disaster that the County has experienced including: numerous hurricanes (especially Hurricane Isabel), nor'easters, winter snow and ice storm events, tornadic emergencies, Y2K, the impacts of 9-11 and even the most recent COVID-19 Pandemic, as well as many major disaster exercises including virtually every VOPEX Surry exercise; and

WHEREAS, Ms. Emerson's duties included providing support for all of the department's major initiatives including hiring/promotional processes, facility/fire station construction/renovation, establishment of the County's first 9-1-1 Center, budget preparation/management, grants management, strategic planning processes and most recently the construction of the new Fire Station One among many others; and

WHEREAS, over her career of almost 43 years, because of her extremely high quality of work, exceptional performance, dedication, work ethic and overall commitment to the organization, Sherl has received numerous accolades, expressions of appreciation, notations of exceptional performance and awards including most recently receiving the Governor of Virginia's Civilian Excellence in Fire Service Support Award; and

WHEREAS, the County of York is justifiably proud of Senior Administrative Services Manager Sherl Emerson's many accomplishments, achievements, and countless contributions to the provision of the County's 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 - 16th day of June, 2020, that E. Sherl Emerson be, and she is hereby, commended for her dedication, commitment and professionalism over her career of almost 43 years and for her exemplary efforts, exceptional accomplishments, and extraordinary contributions to the Department of Fire and Life Safety and overall to the County of York.

BE IT FURTHER RESOLVED that best wishes be conveyed to Ms. Emerson and her family on behalf of the Board of Supervisors, County staff, as well as the citizens, businesses, and visitors who have benefited from her many contributions, for a rewarding and pleasurable retirement.

Item No. 14. SCHOOL ONE-ON-ONE INITIATIVE: Resolution R20-89

A RESOLUTION TO APPROVE THE ESTABLISHMENT OF A SCHOOL TECHNOLOGY FUND, APPROPRIATION OF \$2,200,000 IN EXCESS FISCAL YEAR 2020 IMPACT AID FUNDS AND TRANSFER OF THE EXCESS IMPACT AID FUNDING, TRANSFER OF \$1,000,000 OF CURRENT YEAR APPROPRIATIONS TO THE SCHOOL TECHNOLOGY FUND AND THE DISAPPROPRIATION OF \$1,200,000 OF INSURANCE PROCEEDS FROM THE GRAFTON COMPLEX FIRE

WHEREAS, in response to the pandemic, the York County School Division is in need of additional resources for distance learning; and

WHEREAS, as a result of this need, the School Division has established a one-to-on technology initiative for distance learning for all students of York County Public Schools; and

WHEREAS, the cost of this initiative over the next five years is approximately \$8,500,000; and

WHEREAS, there is a need to establish a Fund to account for this initiative; and

WHEREAS, the School Division received \$2,200,000 in excess Impact Aid Revenue from the federal government in fiscal year 2020 and has identified \$1,000,000 in current year savings; and

WHEREAS, insurance proceeds from the Grafton Complex fire will not be received by the School Division, but will be paid directly to the contractors and amounts previously appropriated for such purpose may be disappropriated;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of June, 2020, that the Board of Supervisors hereby approves the establishment of a School Technology Fund.

BE IT FURTHER RESOLVED that the Board of Supervisors appropriates \$2,200,000 of federal impact aid revenue in the Schools Operating Fund to be transferred and appropriated in the newly established School Technology Fund.

BE IT STILL FURTHER RESOLVED that current appropriations of \$1,000,000 in the School Operating Fund be transferred and appropriated in the newly established Technology Fund.

BE IT STILL FURTHER RESOLVED that the \$1,200,000 of insurance proceeds for the Grafton Complex fire be and are hereby disappropriated in the School Operating Fund.

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

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

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PUBLIC HEARINGS

APPLICATION NO. UP-950-20, AUTO HAUS BODY SHOP, INC.

Ms. Amy Parker, Senior Planner, gave a presentation on Application No. UP-950-20 to request a Special Use Permit, pursuant to Section 24.1-306 (category 12, no. 4) of the York County Zoning Ordinance, to authorize an auto body repair and painting establishment on three parcels of land totaling approximately 2.01 acres located at 101 and 107 Greene Drive (Route 1290) and 7335 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel Nos. 24- 11-11, 24-11-12A, and 24-125. The subject site, located at the southwest corner of Greene Drive and George Washington Memorial Highway (Route 17).

Mr. Johann Hohlrieder, 412 Cheadle Loop Road, Seaford, spoke as the applicant, participating electronically. He provided an overview of Auto Haus and noted that he had owned and operated the establishment since 1992. Mr. Hohlrieder stated that the service and sales department had been relocated from 101 Greene Drive to a separate building across the street. The body shop was currently in operation down the street at 115 Greene Drive. Mr. Hohlrieder stated the application before the Board allowed him to relocate the body shop to 101 Greene Drive. He stated this would allow the shop to expand while being a more visible facility.

Chairman Green stated he had received three letters in support. He thanked Mr. Hohlrieder for owning and operating his business in York County and raising his family here.

Chairman Green then called to order a public hearing on Application No. UP-950-20 that was duly advertised as required by law. Proposed Resolution R20-76 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT APPLICATION TO ESTABLISH AN AUTO BODY REPAIR AND PAINTING ESTABLISHMENT AT 101 AND 107 GREENE DRIVE (ROUTE 1290) AND 7335 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17)

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

Mr. Wassmer then moved the adoption of proposed Resolution R20-76 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT APPLICATION TO ESTABLISH AN AUTO BODY REPAIR AND PAINTING ESTABLISHMENT AT 101 AND 107 GREENE DRIVE (ROUTE 1290) AND 7335 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17)

WHEREAS, Auto Haus Body Shop Inc. has submitted Application No. UP-950-20 to request a Special Use Permit, pursuant to Section 24.1-306 (category 12, no. 4) of the York County Zoning Ordinance, to authorize the establishment of an auto body repair and painting establishment in an existing building currently used for auto sales and service on three parcels of land totaling approximately 2.01 acres located at 101 and 107 Greene Drive (Route 1290) and 7335 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel Nos. 24-11-11 (GPIN R08c-0387-0979), 24-11-12A (GPIN R08c-0117-0855), and 24-125 (GPIN R08c-0273-0846); and

WHEREAS, said application has been transmitted 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 RESOLVED by the York County Board of Supervisors this the 16th day of June, 2020, that Application No. UP-950-20 be, and it is hereby, approved to authorize a Special Use permit, pursuant to Section 24.1-306 (category 12, no. 4) of the York County Zoning Ordinance, to authorize the establishment of an auto body repair and painting establishment in an existing building currently used for auto sales and service on three parcels of land totaling approximately 2.01 acres located at 101 and 107 Greene Drive (Route 1290) and 7335 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel Nos. 24-11-11 (GPIN R08c-0387-0979), 24-11-12A (GPIN R08c-0117-0855), and 24-125 (GPIN R08c-0273-0846) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of an auto body repair and painting establishment in an existing building currently used for auto sales and service on three parcels of land totaling approximately 2.01 acres located at 101 and 107 Greene Drive (Route 1290) and 7335 George Washington Memorial Highway (Route 17) and further identified collectively as Assessor's Parcel Nos. 24-11-11 (GPIN R08c-0387-0979), 24-11-12A (GPIN R08c-0117-0855), and 24-125 (GPIN R08c-0273-0846).
2. Internal redevelopment of the existing building and change in use of the property from auto sales and service to auto body work and painting shall be in accordance with Section 24.1-479, *Standards for vehicle body work and painting*, of the York County Zoning Ordinance.
3. Prior to commencement of the auto body and painting use in the existing building on the subject site, the applicant shall be responsible for installation of all landscaping not already existing on the site as shown on the site plan titled "Site Development Plan of Auto Haus (Sheets 1, 2, and 3 of 3), dated May 22, 1996, and approved by the Director of Environmental and Development Services on December 18, 1998, a copy of which shall remain on file in the office of the Department of Planning and Development Services. Replacement landscaping to be installed along Greene Drive in front of the building's service bay door shall be evergreen species that maintain branching to ground level.
4. Any alterations to the site layout as shown on the site plan referenced in Condition No. 3 above shall require prior approval of an amendment of this Special Use Permit in accordance with Section 24.1-115(d), *Amendment of special use permits*, of the York County Zoning Ordinance.
5. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner(s) as grantor(s) in the office of the Clerk of the Circuit Court prior to commencement of the auto body and painting use on the subject property.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On roll call the vote was:

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

RE-ADOPTION OF EMERGENCY ORDINANCES

Mr. Barnett gave a brief presentation on the proposed re-adoption of three ordinances adopted as emergency ordinances on April 21, 2020, as provided by Code of Virginia Section 15.2-1427(F). He explained that re-adoption was necessary because an emergency ordinance, adopted without prior notice cannot be valid for more than 60 days unless readopted following normal advertising and public notice. He stated that Ordinance Number 20-11, known as the continuity of government ordinance, allowed the County's public bodies to meet remotely. Mr. Barnett explained that it had been originally advertised with a 60-day expiration date, which would require it to be advertised and adopted yet again if the Board were to wish to continue it in effect beyond 60 days from today. The 60-day limitation was based on a cautious reading of

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Code of VA 15.2-1413 which allowed for continuity ordinances to be effective for 60 days after an attack or disaster. He explained that if the Board wanted to adopt an ordinance with a longer effective period than an additional 60 days, the Board should consider a revised version, which would extend the ability to meet remotely until the State and Local Declarations of Emergency and disaster were rescinded. Mr. Barnett further explained that in Ordinance Number 20-13, he removed the word "emergency", because the ordinance has now been fully advertised, not being adopted as an emergency ordinance, even though it is in response to a declared emergency.

Chairman Green then called to order a public hearing on proposed Ordinance No. 20-11(R), proposed Ordinance No. 20-12, and proposed Ordinance No. 20-13(R) that was duly advertised as required by law and is entitled:

AN ORDINANCE TO EFFECTUATE TEMPORARY CHANGES IN CERTAIN DEADLINES AND TO MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH PANDEMIC DISASTER

AN EMERGENCY ORDINANCE, AMENDING SECTION 21-18 OF THE COUNTY CODE OF YORK COUNTY, VIRGINIA, RELATIVE TO MEETINGS OF THE YORK COUNTY BOARD OF EQUALIZATION DURING TIMES OF DECLARED EMERGENCY OR DISASTER

AN EMERGENCY ORDINANCE TO IMPLEMENT CERTAIN TEMPORARY FORMS OF TAX RELIEF, INCLUDING WAIVERS OF COUNTY CREDIT CARD FEES, REDUCTIONS IN PENALTIES AND INTEREST FOR DELINQUENT TAX AND UTILITY BILL PAYMENTS, AND A WAIVER OF RETURNED CHECK FEES ON ELECTRONIC PAYMENTS, IN ORDER TO PROVIDE A MEASURE OF FINANCIAL RELIEF DURING THE DECLARED EMERGENCY AND DISASTER RELATED TO THE COVID-19 VIRUS

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

Mrs. Noll then moved the adoption of proposed Ordinance No. 20-11(R) that reads:

AN ORDINANCE TO EFFECTUATE TEMPORARY CHANGES IN CERTAIN DEADLINES AND TO MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH PANDEMIC DISASTER

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive "any state requirement or regulation" as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 17, 2020, the Board confirmed the declaration of local emergency made by the local director of emergency management on March 13, as modified on March 17, 2020; and

WHEREAS, the Board finds that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a “disaster” as defined by Virginia Code §44-146.16 being a “communicable disease of public health threat;” and

WHEREAS, Virginia Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months; and

WHEREAS, Virginia Code § 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in his absence may upon the declaration of a local emergency “proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to performance of public work;” and

WHEREAS, Virginia Code § 2.2-3708.2(A)(3) allows, under certain procedural requirements including public notice and access, that members of this Board may convene solely by electronic means “to address the emergency;” and

WHEREAS, the open public meeting requirements of the Virginia Freedom of Information Act (“FOIA”) are limited only by a properly claimed exemption provided under that Act or “any other statute;” and

WHEREAS, the Governor and Health Commissioner of the Commonwealth of Virginia and the President of the United States have recommended suspension of public gatherings of more than ten attendees; and

WHEREAS, The Attorney General of Virginia issued an opinion dated March 20, 2020 stating that localities have the authority during disasters to adopt ordinances to ensure the continuity of government; and

WHEREAS, this ordinance in response to the disaster caused by the COVID-19 pandemic promotes public health, safety and welfare and is consistent with the law of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America.

NOW, THEREFORE, BE IT ORDAINED as follows:

1. That the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including without limitation the Board, the School Board, the Planning Commission, the Board of Zoning and Subdivision Appeals, the Board of Equalization, the Economic Development Authority, and all local and regional boards, commissions, committees and authorities created by the Board or to which the Board appoints all or a portion of its members (collectively “Public Entities” and individually “Public Entity”), or for such Public Entities to conduct meetings in accordance with normal practices and procedures.
2. That in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of government during this emergency and disaster:
 - a. Any meeting or activities which require the physical presence of members of the Public Entities may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location; and
 - b. Prior to holding any such electronic meeting, the Public Entity shall provide public notice of at least 3 days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and

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- c. Any such electronic meeting of Public Entities shall: state on its agenda and at the beginning of such meeting to be noted in its minutes that it is being held pursuant to and in compliance with this Ordinance; identify Public Entity members physically and/or electronically present; identify the persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and
- d. Any such electronic meeting of the Public Entities shall be open to electronic participation by the public, and closed to in-person participation by the public; and
- e. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance of final Board action on the subject of the hearing and shall also be solicited through one or both of the following methods:
 1. telephonic or other electronic means during the course of the electronic meeting at which the matter is presented, and/or
 2. Comments received by email, recorded phone message, or any other means of communication received following the presentation but before a future meeting at which the Board takes action on the matter which is the subject of the hearing.

In the event of (2), the Board Chair will announce prior to or following the presentation that comments will be received following the meeting, and the public shall be allowed not less than six calendar days following the presentation to submit comments. All such public comments will be provided to members of the Public Entity at or before the meeting at which action is considered and taken and made part of the record for such meeting; and

- f. The minutes of all electronic meeting shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were taken at the meeting. The Public Entities may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended.
- g. Notice of any public meeting shall be provided in accordance with the Virginia Freedom of Information Act, Virginia Code §§ 15.2-1427 and 15.2-2204, or other applicable law relating to such notices, to the extent practicable under prevailing public health conditions, the closure of public buildings, and the availability of public media. In lieu of physical posting, meeting notices and agendas may be posted on the County's website only.

BE IT FURTHER ORDAINED that notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Entity, its officers (including Constitutional Officers) and employees of its organization shall be suspended during this emergency and disaster, however, the Public Entities, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise.

BE IT STILL FURTHER ORDAINED, that non-emergency public hearings and action items of Public Entities may be postponed to a date certain provided that public notice is given so that the public are aware of how and when to present their views.

BE IT STILL FURTHER ORDAINED, that the provisions of this Ordinance shall remain in full force and effect unless amended, rescinded or readopted by the Board in conformity with the notice provisions set forth in Virginia Code §15.2-1427, or until such sooner time as the state or local declarations of disaster shall be lifted or rescinded. Upon rescission by the Board or automatic expiration as described herein, this emergency ordinance shall terminate and normal practices and procedures of government shall resume.

Nothing in this Emergency Ordinance shall prohibit Public Entities from holding in-person public meetings provided that public health and safety measures as well as social distancing are taken into consideration.

An emergency is deemed to exist, and this ordinance shall be effective upon its adoption.

On roll call the vote was:

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

Mr. Zaremba then moved the adoption of proposed Ordinance No. 20-12 that reads:

AN EMERGENCY ORDINANCE, AMENDING SECTION 21-18 OF THE COUNTY CODE OF YORK COUNTY, VIRGINIA, RELATIVE TO MEETINGS OF THE YORK COUNTY BOARD OF EQUALIZATION DURING TIMES OF DECLARED EMERGENCY OR DISASTER

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order 51 declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order 51 acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 17, 2020, this Board confirmed the declaration of local emergency made by the County Administrator, acting as local Director of Emergency Management on March 13, as amended on March 17, 2020; and

WHEREAS, this Board finds that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a “disaster” as defined by Virginia Code §44-146.16 being a “communicable disease of public health threat;” and

WHEREAS, Virginia Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months; and

WHEREAS, Virginia Code § 15.2-1427(F) authorizes local governing bodies of counties to adopt emergency ordinances without public notice, subject to subsequent reapproval as provide by the statute; and

WHEREAS, this emergency ordinance in response to the disaster caused by the COVID-19 pandemic promotes public health, safety and welfare and is consistent with the law of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America.

NOW, THEREFORE, BE IT ORDAINED by the Board that Section 21-18 of the County Code of York County is amended as follows, and that this ordinance is adopted as an emergency and is effective upon adoption:

Sec. 21-18. Hearings of the Board of Equalization

- a. The Board of Equalization shall sit beginning March 1, or the first day thereafter which is not a Saturday, a Sunday or a legal holiday, of each even-numbered

year for the purpose of hearing the applications of property owners for correction of their assessment(s). In no event shall such hearings be held earlier than thirty (30) days after the date the county assessor has completed his hearings. The Board of Equalization shall provide ten (10) days notice, as required by section 58.1-3378 of the Code of Virginia, of the place and time of its sittings to equalize real estate assessments. All property owners wishing to be heard must file an application for hearing on or before February 28 of each such year or within thirty (30) days of the termination of hearings by the county assessor, whichever is later. Forms for such application shall be available at the office of the county assessor and no property owner who fails to meet the filing deadline shall be heard. The Board of Equalization shall conduct hearings on a continuing basis, and except as provided in (b), below, shall conclude its work on or before April 30 of such year. In odd-numbered years, the Board of Equalization shall meet according to need upon authorization of the Board of Supervisors. In the event that the circuit court shall grant an extension of time for the completion of reassessments pursuant to Code of Virginia section 58.1-3257 and York County Code section 21-11, all times set out in this section shall automatically be extended likewise.

In the event of a declaration of local or state emergency or disaster by the proper authorities, the Board of Equalization, or the County Administrator or the Board of Supervisors, may delay completion of hearings until such time as the emergency or disaster has ceased or such other time as the County Administrator or the Board of Supervisors may permit, and suitable notice and publication of hearing dates and times can be given as required by law.

On roll call the vote was:

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

Mr. Shepperd then moved the adoption of proposed Ordinance No. 20-13(R) that reads:

AN ORDINANCE TO IMPLEMENT CERTAIN TEMPORARY FORMS OF TAX RELIEF, INCLUDING WAIVERS OF COUNTY CREDIT CARD FEES, REDUCTIONS IN PENALTIES AND INTEREST FOR DELINQUENT TAX AND UTILITY BILL PAYMENTS, AND A WAIVER OF RETURNED CHECK FEES ON ELECTRONIC PAYMENTS, IN ORDER TO PROVIDE A MEASURE OF FINANCIAL RELIEF DURING THE DECLARED EMERGENCY AND DISASTER RELATED TO THE COVID-19 VIRUS

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Orders 51, 53, and 55 acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread, and addressed other matters relating to the disaster including prohibitions on certain gatherings of people; and

WHEREAS, on March 17, 2020, the Board confirmed the declaration of local emergency made by the local director of emergency management on March 13, as modified on March 17, 2020; and

WHEREAS, the Board finds that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a "disaster" as defined by Virginia Code §44-146.16 being a "communicable disease of public health threat;" and

WHEREAS, the Board finds that the disaster, and actions taken to prevent the spread of the disease, have caused, and will continue to cause, extreme financial hardship for the county government and for its citizens, such that the Board wishes to provide a measure of relief to the citizens and business owners of the County by means of emergency amendments of various County ordinances relating to taxation and other fiscal matters; and

WHEREAS, Code of Virginia § 15.2-1427(F) authorizes counties to adopt emergency ordinances without notice to be effective for a period not to exceed sixty (60) days unless re-adopted in accordance with applicable provisions of the Virginia Code; and

WHEREAS, this emergency ordinance in response to the disaster caused by the COVID-19 pandemic promotes public health, safety and welfare and is consistent with the law of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America.

NOW, THEREFORE, BE IT ORDAINED as follows:

1. Anything in the County Code or in any County ordinance notwithstanding, the penalty for payment beyond the due date on any local taxes assessed for the tax year 2020 on real property, tangible personal property (including motor vehicles, trailers, semitrailers), business tangible personal property, business machinery and tools, or boats or other watercraft, or on any sewer utility fee per County Code § 18.1-79, solid waste fee per County Code § 19-75, or water utility fee per County Code § 22-112, shall be two percent (2%) for payments made on or prior to September 30, 2020, and for payments made thereafter shall increase to the amounts stated in the applicable ordinance, to a maximum of ten percent (10%).
2. Anything in the County Code or in any County ordinance notwithstanding, the interest for payment beyond the due date on any local taxes assessed on real property, tangible personal property (including motor vehicles, trailers, semitrailers), business tangible personal property, business machinery and tools, or boats or other watercraft, or on any sewer utility fee per County Code § 18.1-79, solid waste fee per County Code § 19-75, or water utility fee per County Code § 22-112, shall be two percent (2%) for payments made on or after May 1, 2020 and on or prior to September 30, 2020, and for payments made thereafter shall increase to the amounts stated in the ordinance, to a maximum of ten percent (10%).
3. County Code §§ 2-2, 18.1-81, 19-77, and 22-114 are hereby amended to state that the fee shall be waived for any electronic check (commonly known as an e-check) for payment of taxes or any other sums due the county, submitted on or after May 1, 2020, which is subsequently dishonored for reasons other than that there are insufficient funds or the account has been closed, but has been returned specifically as “no account/unable to locate” or “invalid account number”, provided that full payment is thereafter made in full on or before thirty (30) days after the County Treasurer has notified the payor that the check has been dishonored. Notification shall have deemed to have occurred as of the date that notification is made by telephone or email, or on the date that written notice is deposited with the United States Postal Service, postage pre-paid.
4. Any other provision of the County Code, or administrative directive or regulation of the Treasurer notwithstanding, all credit card fees charged for the payment of County taxes or utility fees are waived for payments made on or after May 1, 2020 and on or before September 30, 2020. Any such fees shall be accounted as administrative costs and not as a reduction in the amount of tax or fee paid.

An emergency is deemed to exist, and this ordinance shall be effective upon its adoption.

On roll call the vote was:

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

ESTABLISH SALARIES FOR MEMBERS OF THE YORK COUNTY BOARD OF SUPERVISORS

Mr. Barnett proposed Ordinance No. 20-16 to establish the salaries of members of the York County Board of Supervisors effective July 1, 2020.

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Chairman Green then called to order a public hearing on proposed Ordinance No. 20-16 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO ESTABLISH THE SALARIES OF MEMBERS OF THE YORK COUNTY BOARD OF SUPERVISORS AT THE SUM OF \$9,000.00 PER ANNUM, PLUS AN ADDITIONAL SALARY OF \$1,800.00 FOR THE BOARD CHAIRMAN AND AN ADDITIONAL SUM OF \$1,200.00 FOR THE BOARD VICE-CHAIRMAN, EFFECTIVE JULY 1, 2020

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

Mr. Zaremba then moved the adoption of proposed Ordinance No. 20-16 that reads:

AN ORDINANCE TO ESTABLISH THE SALARIES OF MEMBERS OF THE YORK COUNTY BOARD OF SUPERVISORS AT THE SUM OF \$9,000.00 PER ANNUM, PLUS AN ADDITIONAL SALARY OF \$1,800.00 FOR THE BOARD CHAIRMAN AND AN ADDITIONAL SUM OF \$1,200.00 FOR THE BOARD VICE-CHAIRMAN, EFFECTIVE JULY 1, 2020

BE IT ORDAINED by the York County Board of Supervisors this 16th day of June, 2020, that the salaries of members of the York County Board of Supervisors be established at the sum of \$9,000.00 per annum, plus an additional sum of \$1,800.00 for the Board Chairman and an additional sum of \$1,200.00 for the Board Vice-Chairman, effective July 1, 2020, pursuant to Code of Virginia § 15.2-1414.3.

On roll call the vote was:

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

PARKING RESTRICTION FOR LARGE COMMERCIAL, RECREATIONAL, AND PASSENGER-CARRYING VEHICLES – MOORE’S CREEK DRIVE

Mr. Timothy C. Cross, Deputy Director of Planning and Development Services, gave a presentation on proposed Ordinance No. 20-10 to amend County Code Section 15-48, Parking Prohibited or Restricted in Specified Places, of the York County Code by amending Subsection (C)(3) to add Moore’s Creek Drive (Route 1567) to the list of specific areas where parking of certain classifications of commercial, recreational, and passenger-carrying vehicles on public streets is prohibited.

Mr. Shepperd asked Mr. Cross if the parking issue was related to boat trailers that were unable to find parking at the boat landing.

Mr. Cross stated that it was his understanding that when the lot is full, which occurs quite often in the summer months, the boat trailers parked on both sides of the road can produce an access problem for emergency service vehicles.

Mr. Shepperd stated that if parking restrictions were adopted for Moore’s Creek Drive, the boat trailers would move further up the road creating the same issue. He asked whether the County had looked at increasing the amount of parking spaces at the boat landing.

Mr. Cross stated that the County had not looked into increasing parking at the boat landing.

Mr. Wassmer shared Mr. Shepperd’s concerns about the parking issue. He stated that if first responders had identified this as a problem, the County should work towards fixing the issue. He suggested looking into whether the parking at the boat landing should be increased to prevent the overflow trailers from parking on the adjacent roads creating an access problem for first responders.

Chairman Green asked Mr. Cross to look at addressing the parking issue at the boat landing versus adding parking restrictions to Moore's Creek Drive.

Chairman Green then called to order a public hearing on proposed Ordinance No. 20-10 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 15-48, PARKING PROHIBITED OR RESTRICTED IN SPECIFIED PLACES, OF THE YORK COUNTY CODE, TO AMEND SUBSECTION (C)(3) BY ADDING MOORES CREEK DRIVE (ROUTE 1567) TO THE LIST OF SECONDARY SYSTEM STREETS WHERE PARKING OF COMMERCIAL VEHICLES, PASSENGER-CARRYING VEHICLES, OR RECREATIONAL VEHI-CLES IS PROHIBITED

Mr. Roy Neff, 102 Moore's Creek Drive, Yorktown, stated that parking on the street was particularly a nuisance and produced safety issues when boat trailers and other overflow vehicles from the boat landing are parked on both sides of the road.

Mr. Rob Calloway, 107 Moore's Creek Drive, stated that four to five weekends per year, Moore's Creek Drive gets overflow from the boat landing. He stated that there was not enough parking for trailers. Mr. Calloway suggested that the County expand parking at the boat landing as he did not want the parking restrictions to negatively affect him and parking within his cul-de-sac.

Ms. Michelle Calloway, 107 Moore's Creek Drive, stated that if the County adopted the ordinance, it would restrict her parking on the street. She stated that overflow parking from the boat landing was minimal. Ms. Calloway stated she had a trailer and family members/neighbors had RVs, etc. which would be directly impacted by these proposed restrictions versus addressing the problem.

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

Discussion followed on the need for expanded parking at Rodgers A. Smith boat landing to address the overflow parking on adjacent streets and safety concerns for emergency vehicles. Discussion also followed on the process for adding and removing restrictions to Moore's Creek Drive based on the potential of increasing parking at the boat landing.

Mr. Wassmer moved to continue the public hearing until July 21, 2020 at 7:00 p.m. in York Hall.

On roll call the vote was:

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

FALCON CREST PROPERTY

Mr. James E. Barnett, County Attorney, gave a brief presentation on proposed Resolution R20-82 to authorize the sale of a portion of property owned by the County of York located at 9219 George Washington Memorial Highway to Falcon Crest Homes Association, Inc. in exchange for conveyance by Falcon Crest Homes Association, Inc. to the County of a portion of its common area property located at 107Z Siege Lane, for purposes of the construction by the County of a drainage improvement project.

Chairman Green then called to order a public hearing on proposed Resolution R20-82 that was duly advertised as required by law. Proposed Resolution R20-82 is entitled:

A RESOLUTION AUTHORIZING THE SALE OF A PORTION OF PROPERTY OWNED BY THE COUNTY OF YORK AND LOCATED AT 9219 GEORGE WASHINGTON MEMORIAL HIGHWAY TO FALCON CREST HOMES ASSOCIATION, INC. IN EXCHANGE FOR CONVEYANCE BY FALCON CREST HOMES ASSOCIATION, INC.

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TO THE COUNTY OF A PORTION OF ITS COMMON AREA PROPERTY LOCATED AT 107Z SIEGE LANE, FOR PURPOSES OF THE CONSTRUCTION BY THE COUNTY OF A DRAINAGE IMPROVEMENT PROJECT

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 Resolution R20-82 that reads:

A RESOLUTION AUTHORIZING THE SALE OF A PORTION OF PROPERTY OWNED BY THE COUNTY OF YORK AND LOCATED AT 9219 GEORGE WASHINGTON MEMORIAL HIGHWAY TO FALCON CREST HOMES ASSOCIATION, INC. IN EXCHANGE FOR CONVEYANCE BY FALCON CREST HOMES ASSOCIATION, INC. TO THE COUNTY OF A PORTION OF ITS COMMON AREA PROPERTY LOCATED AT 107Z SIEGE LANE, FOR PURPOSES OF THE CONSTRUCTION BY THE COUNTY OF A DRAINAGE IMPROVEMENT PROJECT

WHEREAS, at its meeting of October 15, 2018, the Board of Supervisors approved a Memorandum of Understanding (MOU) with Falcon Crest Homes Association, Inc., (the HOA) whereby the County and the HOA would exchange land in order to reconfigure the boundaries of property owned by the County and located at 9219 George Washington Memorial Highway (the County Property) in order to facilitate the construction of a stormwater management pond on the County Property capable of receiving drainage from Falcon Crest subdivision as well as from surrounding properties; and

WHEREAS, a boundary line plat has been finalized, and the property to be conveyed by the County to the HOA is now identified; and

WHEREAS, following the holding of a public hearing pursuant to Code of Virginia section 15.2-1800, this Board has determined that it is in the public's interest to convey to the HOA that portion of the County Property identified on the exhibit attached to the memorandum of the County Administrator dated May 22, 2020, and to accept the conveyance from the HOA of that portion of the common property of Falcon Crest subdivision identified on the referenced GIS map for the purposes identified in the MOU.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of June, 2020, that the County Administrator is hereby authorized to execute such deed or deeds, and other documents, as may be reasonably necessary to convey to the HOA that portion of the County Property identified in the referenced GIS map, and to accept in exchange that portion of the HOA's common area property likewise identified, for no consideration other than the mutual exchange of property, and thereafter to execute performance of the MOU.

On roll call the vote was:

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

NEW BUSINESS

GRANT AGREEMENT AND INFRASTRUCTURE EXTENSION AGREEMENT

Mr. James W. Noel, Jr., Director of Economic Development, provided a brief overview of the grant agreement and infrastructure extension agreement that was being considered before the Board. The proposed grant agreement will assist T-Rex in acquiring the land and perform the initial site work, but doing it on the backside of the project. He explained that the Economic Development Authority would provide agreed upon grant amounts, equal to the taxes paid on the real estate improvements and equipment investment, after the taxes had been received. Mr. Noel stated the incentive package value was equal to the land cost less the credit, and a capped amount for the site development cost. The deal structure required T-Rex to acquire land from Dominion Energy. Mr. Noel explained the County received a credit of roughly \$20

thousand per developable acre for property sold in the York River Commerce Park. He explained the infrastructure credit agreement dated back to the initial infrastructure investment the County made in developing the property. The transaction for the virtual building site would result in a credit and T-Rex will benefit from the credit as part of the grant agreement and was in addition to the incentive package. The Economic Development Authority was excited about the project.

Discussion followed on the specific incentives for the project.

Mr. R. Anderson Moberg, Chairman of the Economic Development Authority, stated that the Economic Development Authority was excited about the project as well as the positive tax revenue associated with the plan. He expressed his comfort with the project and stated it had the Economic Development Authority's full support.

Mr. Steven Meade, Vice Chairman of the Economic Development Authority, also spoke regarding the project. He stated that the Economic Development Authority was prepared to act on the project subject to the Board's approval this evening.

Resolution R20-91

Mr. Wassmer then moved the adoption of proposed Resolution R20-91 that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A GRANT AGREEMENT BETWEEN THE COUNTY, THE ECONOMIC DEVELOPMENT AUTHORITY, AND T-REX VENTURES, LLC, RELATING TO THE DEVELOPMENT OF A DATA CENTER ON PROPERTY LOCATED AT 700 OLD YORK HAMPTON HIGHWAY

WHEREAS, T-Rex Ventures, LLC, a Delaware limited liability company (T-Rex), has indicated a desire to purchase from Virginia Electric and Power Company (VEPCO) a 23.6 acre parcel located at 700 Old York Hampton Highway and to develop thereon a high-density, hyper-compressed, software designed data center ("the Project"), and has applied to the Economic Development Authority of York County (the EDA) for a grant and for assignment of a certain infrastructure development credit payable to the County by VEPCO in aid of the purchase and development of the Project; and

WHEREAS, the grant as requested requires the financial participation by the County; and

WHEREAS, the development of the Project is projected to provide economic benefits to the County and its citizens which justify the grant.

THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of June, 2020, that the County Administrator is authorized, on behalf of the County, to execute a grant agreement between the County, the EDA, and T-Rex, provided that T-Rex shall purchase the Property from VEPCO and thereafter site develop of the Property consistent with plans approved by the County and in a manner suitable for the Project, and shall construct on the Property a building of not less than 161,890 square feet of gross area and not less than 20,000 square feet of space suitable for occupancy by tenants. In such event, the County shall appropriate to the EDA, to be paid to T-Rex in the form of reimbursements for future taxes on improvements to the Property and Business Personal Property, an amount not to exceed \$1,480,899.00, such appropriations to be a moral obligation of the County and not a debt of the County or of the EDA. The grant agreement may also provide for the assignment by the County to T-Rex a credit in the amount of \$378,140.00 due to the County by VEPCO upon the sale of the Property by VEPCO, by virtue of an Infrastructure Extension Agreement dated December 15, 1997. The grant agreement shall be substantially similar in form to the draft grant agreement attached to the County Administrator's memorandum to this Board dated June 9, 2020, and approved as to form by the County Attorney.

On roll call the vote was:

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

June 16, 2020

Resolution R20-91

Mr. Wassmer then moved the adoption of proposed Resolution R20-91 that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AMENDMENT TO AN INFRASTRUCTURE EXTENSION AGREEMENT BETWEEN THE COUNTY, THE ECONOMIC DEVELOPMENT AUTHORITY, AND VIRGINIA ELECTRIC AND POWER COMPANY, ASSIGNING TO T-REX VENTURES, LLC, A CREDIT IN THE AMOUNT OF \$378,140.00 CONTINGENT UPON THE PURCHASE AND DEVELOPMENT BY T-REX VENTURES, LLC, OF PROPERTY LOCATED AT 700 OLD YORK HAMPTON HIGHWAY

WHEREAS, by an Infrastructure Extension Agreement dated December 15, 1997, between the County, the Economic Development Authority (the EDA) and Virginia Electric and Power Company (VEPCO), the County contributed the amount of \$935,629.00 toward the costs of certain infrastructure necessary for the development by VEPCO of York River Commerce Park, such amount to be reimbursed to the County upon the sale by VEPCO of lots within York River Commerce Park; and

WHEREAS, VEPCO proposes to sell a parcel of real property within the commerce park to T-Rex Ventures, LLC (T-Rex), for the purpose of developing a high-density, hyper-compressed, software designed data center ("the Project") on the property, which Project is projected to produce economic development benefits to the County and its citizens, and T-Rex has requested financial assistance in purchasing the property; and

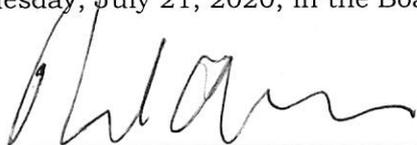
WHEREAS, as financial assistance and incentive to enable T-Rex to purchase the property and develop the Project, the County and the EDA are willing to assign to T-Rex the credit due to the County from VEPCO upon sale of the property, contingent however upon T-Rex developing portions of the Project.

THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of June, 2020, that the County Administrator is authorized, on behalf of the County, to execute a Second Amendment to the Infrastructure Extension Agreement of December 15, 1997, approved as to form by the County Attorney, by which the County shall assign its right to a credit in the amount of \$378,140.00 to be applied against the purchase price of property located at 700 Old York Hampton Highway at the time of closing on the sale of the property by VEPCO to T-Rex, such amount to be reimbursed to the County in the event that T-Rex shall fail to meet certain performance obligations as set out in a separate grant agreement between the County, the EDA, and T-Rex, the execution of which is approved by the adoption by this Board of Resolution R20-90 this same date.

On roll call the vote was:

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

Meeting Adjourned. At 7:58 p.m. Chairman Green declared the meeting adjourned to 6:00 p.m., Tuesday, July 21, 2020, in the Board Room of York Hall.



Neil A. Morgan
County Administrator



W. Chad Green, Chairman
York County Board of Supervisors