

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
July 19, 2022

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:01 p.m., Tuesday, July 19, 2022, in the Board Room, York Hall, by Chairman Sheila S. Noll.

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

Chairman Noll read a statement certifying that Walter C. Zaremba will participate remotely due to a personal matter.

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

Invocation. Reverend David Magruder, Zion United Methodist Church, gave the invocation. Afterward, Reverend Magruder thanked the County staff, especially the Public Works Department, for supplying heavy equipment on-site the previous week for Vacation Bible School, which was entitled Concrete and Cranes.

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

PRESENTATIONS

YORK COUNTY PUBLIC LIBRARY UPDATE

Mr. Kevin Smith, Director of Library Services, provided an overview of the County's Library services over the past year and noted that Ms. Michele Paxton, Youth Services Librarian, and Ms. Elizabeth Land, Yorktown Branch Manager, will also provide information on the library programs and services as well as the status of the Yorktown Library construction. During his brief presentation he highlighted the following information:

- Patrons have been anxiously awaiting the return of Library services and programs and they are now currently returning in increased numbers.
- During the past year, the number of programs for in-person adults, teens, and children has greatly increased.
- The Yorktown Library was closed in June of 2021 to accommodate the expansion, construction, and redevelopment of this site.
- All of the materials housed at the Yorktown Library were moved to the Grafton Annex and made accessible to the citizens at this temporary location.
- We have rebooted the Library's Outreach Program which includes taking the Library out into the community.
- With the reboot of programs, he noted the following York County Library statistics:
 - Total checkouts: 433,600
 - Digital checkouts: 142,734
 - Total adult and youth programs: 655
 - Program Attendance: 20,020

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- Total registered patrons: 47,112, New: 2,438
 - Reference Questions: 28,994
 - Patron Visits: 237,016
 - 20 percent increase in checkouts
 - 70 percent increase in in-person programs
 - 100 percent increase in program attendance
 - 23 percent increase in people coming to the library to check out books
 - Great increase in the number of school students, graduate professionals and remotely working adults utilizing the Library.
- Even with the offering of Ebooks, 70 percent of the circulation is still printed books.
 - Statistics for the Williamsburg Regional Library were also provided.

Mr. Green asked Mr. Smith to provide some information on the local history section to be included in the newly renovated/expanded Yorktown Library.

Mr. Smith explained that the local history section had been temporarily moved to the Tabb Library due to the construction at the Yorktown site, but upon its completion will be transferred back to the Yorktown Library. At the new Yorktown Library, a meeting/study room will be provided where people can do research; however, the historical collection will be on display and no longer housed in the closet.

Mr. Roane noted that the numbers shared earlier on the Williamsburg Library were very impressive and asked if they reflect all patrons or just York County patrons.

In response, Mr. Smith stated that the numbers reflect all patrons.

Mr. Zaremba thanked Mr. Smith for providing the statistics on the Williamsburg Library.

Mr. Smith then introduced Michelle Paxton, Youth Services Librarian, to provide details on the Youth Services Programs.

Ms. Paxton provided the following highlights on the 2021-2022 Youth Services Programs:

- Youth Services Programs serve infants through teens and their families totaling 422 programs for 2021-2022.
- The programs promote literacy, lifetime learning and provide resources within the Library as well as within the community
- The Library is now providing in-person programming with excellent attendance, with approximately 12,253 participating in 2021-2022.
- The number of teens participating in the programs provided 371 volunteer hours in 2021-2022.
- The Library provides several different children's programs such as story time, 1,000 books before kindergarten, STEAM (science technology, engineering, arts, mathematics), and more.
- New programs which just started this year include PAWS To Read program which includes using certified therapy dogs to lessen the stress of reading with children.
- Also offered are the preschool coding and homeschool programs, Fire and Life safety and the teeny tiny farm programs.
- Patrons participated in the Battle of the Books program in conjunction with the Williamsburg Regional Library and the Children's Book Week included several special events.
- Taking the Library outside of the walls included visiting Head Start at Bethel Manor, Griffin Yeates Center and Yorktown; the Battle of the Books to the schools; and more.

- The Summer Reading Program kicked off on June 28 with 30 teenager volunteers on hand to help.
- Other summer programs included partnering with the Parks and Recreation Department to hold a Safety Town with Fire and Life Safety, and Shells by the Seashore by the Virginia Living Museum.
- The finale for the summer programs will be held on August 13, from 10 a.m. to noon.
- A special collection of Vox Books, provided by the Library of Virginia containing bilingual read-along books were received in June.

In conclusion, Ms. Paxton stated it is so good to see people of all ages actively using and participating in Library services/programs.

Ms. Elizabeth Land, the Yorktown Library Branch Manager, provided the following information on the Library's outreach services:

- One of the primary focuses is going to senior living facilities of which we now serve six facilities throughout York County.
- Recognizing that many seniors, either in facilities as well as at home, need help navigating the web, the Library submitted a successful grant application to purchase devices and create technology classes to help seniors and others having difficulty using technology. In addition, the Library holds a Tech Tuesday and provides one-on-one appointments for seniors in the community and in senior living facilities.

Ms. Land then provided an update on the Yorktown Library expansion and renovation highlighting the following:

- During the construction period a smaller public library is available at the Grafton Annex offering curbside service for those who are unable to come inside.
- Not only is the old portion of the Library being renovated but also a 10,000 square foot addition is being added to expand services.
- The newly renovated/expansion will include study/meeting spaces, an adult reading room, a children's wing, a teen room, and a conference room that can be divided into two smaller rooms. All of these spaces will include technology to allow for presentations, watching movies, or Zoom meetings.
- A learning garden will be added which will be accessible from the children's wing.
- The old meeting room will be renovated into a makerspace to include 3D printers and laser cutters which will allow for technology training classes and will be very customizable so that the room can be used for other classes as well.
- The new Library will have a major focus on STEM, and cultural programming for all ages and we will continue partnering with community organizations.

In closing, Ms. Land stated that if construction continues as planned, furniture, books, and technology will be moving back into the building in October with a grand opening in November.

Mr. Zaremba applauded Ms. Land for the informative presentation and thanked her and all of the Library staff for a job well done.

Mr. Roane expressed a desire to hear more about the makerspace plans for the new Library.

In response, Ms. Land stated that the room will include a Glowforge, a Cricut (paper cutter), two 3D printers, and a sewing machine.

Mr. Roane stated that he is curious about the programs that will be focused on technology.

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Ms. Land stated initially staff will only be allowed to use the makerspace equipment, but they plan to meet with libraries at other locations to discuss how they utilize their makerspace.

Mr. Shepperd commended the Library team on their informative presentations. He also asked Ms. Land about her concerns relative to the timing of the Library's completion.

Ms. Land explained that her concerns include supply/material issues, furniture, and technology. She explained that although the needed items are ordered, receipt of them could take longer than what was originally projected.

Mr. Shepperd then asked if there is sufficient staff to operate the Library when completed and are there volunteers who also help at the Library.

In response, Ms. Land stated that they are currently hiring and will be hiring more in the future to ensure there is adequate staff for the newly renovated facility and associated programming. She also noted that they have excellent teen volunteers at the libraries and they are examining their volunteer program to determine if they want to expand it beyond teens.

Chairman Noll thanked the Library staff for moving all of the current programs forward while adding new programs despite the temporary closure of the Yorktown Library.

CITIZENS' COMMENT PERIOD

Mr. Richard Howell, 104 Horseshoe Drive, distributed some written information to the Board members. He then reminded the Board that they directed the Planning staff two years ago to develop guidelines to help them in the decision-making process as it relates to Short-Term Rentals (STRs). Subsequently, a group of York County citizens formed a team to support this effort and met with the Planning staff periodically for over a year to help them in this endeavor. He explained that the Planning staff had the citizen group make a presentation to the Planning Commission who decided there was no need for guidelines while acknowledging that the STR issue is growing. He noted that the information that was distributed provides eight general rules for your consideration relative to STR guidelines. Lastly, he asked, should the proposed rules meet with the Board's approval, will the Board take the proper steps to adopt and implement them.

Ms. Dana DeJager, 108 Horseshoe Drive, stated that she believes the community is protected by our zoning laws. She stated that the STR appears to be treated similarly to home occupations that have vague regulations. She recommended standardizing the regulations just as the group of citizens Mr. Howell referred to earlier suggested. In conclusion, she encouraged the Board to seek and establish standard regulations for STRs that will provide stability for the community and standard expectations for the business owners.

Ms. Nancy Rader, 5580 York Haven Lane, Gloucester, stated that she had not received any information relative to what the County plans to do with her property in relation to the Hickory Hills sewer project. She stated that she had resolved all issues with Dominion Energy, but she does not know what the County will do next.

Mr. Shepperd stated that this matter should be clarified now for the benefit of the public. He then asked Mr. Barnett if the property owner had agreed to the offered price for the required easement.

In response, Mr. Barnett stated that to his knowledge Ms. Rader was cognizant and agreeable to the easement agreement as well as the offered price.

Mr. Green noted too that at the last meeting on this subject the public hearing was closed, but added that it is up to Chairman Noll whether she wishes to reopen the hearing when this matter comes forward this evening.

Mr. Shepperd concurred with Mr. Green's comments and stated in such instances it is not abnormal for the Board to have an applicant come forward again after the public hearing is closed.

Ms. Rader expressed concern that although she has reached an agreement with the County and Dominion Energy, the project is going to proceed regardless of whether anyone else makes a claim on the property.

Mr. Barnett explained that all of the old plats of this property depict a street on this parcel identified as Old Free Road. As such, he stated that they must leave it open to ensure that there are no other unknown heirs involved with this property.

State Delegate A. C. Cordoza, 400 Old Point Avenue, Hampton, reintroduced himself as the current representative for the 91st District in the Virginia General Assembly. Since he represents portions of York County, Hampton and Poquoson, he wanted to let the Board and citizens know how they may reach him. He stated that his new office is located at 102 Pratt Street on Fort Monroe and that a grand opening, to which citizens will be invited, will be forthcoming shortly. In addition, he invited the Board members and citizens to contact him either in person or by calling his office at (757) 751-0929.

Mr. Ronnie Smith, 272 Barlow Road, stated that there is a proposal to widen Barlow Road between Carters Neck Road and Auburn Lane which will cost \$3.2 million for less than one mile of highway. He explained that there were only 16 accidents on this roadway from 2015 to 2021. He emphasized that widening this road would be an extremely expensive endeavor for such a short distance of roadway.

Chairman Noll added that she is happy to see that the needed improvements to the Route 17 and Rich Road intersection have been initiated as this has been a major traffic issue.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. James Barnett, County Attorney, made no comment.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. Neil Morgan thanked County staff for their hard work on the recent July 4th celebratory events and the citizens for their attendance at the festivities.

RECESS

Chairman Noll called a brief recess at 6:58 p.m.; the meeting reconvened at 7:09 p.m.

PUBLIC HEARINGS

APPLICATION UP-991-22, MERIT ANGLIN: Resolution R22-119.

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

Mr. Earl Anderson, Senior Planner, gave a presentation on Application No. UP-991-22, Merit Anglin to authorize the establishment of a tourist home to be located at 321 Oaktree Road. In conclusion, Mr. Anderson stated the Planning Commission considered this application on June 8, 2022. Subsequent to conducting a public hearing at which only the applicants spoke, the Planning Commission recommended approval on a vote of 6:0.

Mr. Roane stated that he noticed that there were two buildings on the property and asked which is the applicant's residence.

In response, Mr. Anderson stated that he is uncertain but that the applicants may respond to this question when they come forward.

Ms. Merit Anglin, 321 Oaktree Road, came forward in support of the application. She explained that she and her husband purchased the property to the rear of their lot for the purpose of

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establishing an in-law suite. She noted further that her entire family lives in Germany and the proposed suite would allow them to visit, but also would provide a place for her husband’s family to visit as well. In addition, she explained that they had invested quite a bit of money renovating the home which they hope to rent short-term whenever it is vacant to help offset their mortgage. Ms. Anglin stated that if approved, they plan to be very selective in choosing their renters so that their neighbors and they will not be adversely impacted.

Mr. Roane asked if she and her husband currently reside at 321 Oaktree Road or 317 Oaktree Road. In addition, he asked about the nature of the accessory structure located on her neighbor’s property.

In response, Ms. Anglin stated that they reside at 317 Oaktree Road and that the other structure on her neighbor’s property is a heated shed/barn.

Mr. Green asked if they were on city water or on well water.

Ms. Anglin stated that the house at 321 Oaktree Road is on well water and that her husband is currently proceeding to satisfy all of the applicable water standards.

Mr. Zaremba stated that he believes the application fits well into the specific neighborhood and that he will support the application.

Chairman Noll then called to order a public hearing on proposed Resolution R22-119 that was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE AN APPLICATION TO AUTHORIZE A TOURIST HOME IN AN EXISTING DWELLING AT 321 OAKTREE ROAD

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

Mr. Roane then moved the adoption of proposed Resolution R22-119.

On a roll call the vote was:

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

APPLICATION NO. YVA-48-22, C2J PROPERTIES, LLC: Resolution R22-121.

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

Ms. Jeanne Sgroi, Management Analyst, gave a presentation on Application No. YVA-48-22, C2J Properties, LLC to request Yorktown Village Activity approval to authorize the establishment of a tourist home within an existing single-family attached dwelling at 210 Ambler Street. In conclusion, Ms. Sgroi stated the Planning Commission considered this application on May 11, 2022. Subsequent to conducting a public hearing at which only one citizen spoke in opposition citing concern regarding the ambiguity of property ownership and management, the Planning Commission recommended approval on a vote of 3:1.

Mr. Shepperd asked if short-term renters have two cars will that interfere with the neighbor’s parking.

In response, Ms. Sgroi stated that the proposed parking for the STR is adequate and would not negatively impact the neighbors.

Mr. Zaremba pointed out the Planning Commission’s 3:1 vote on this application and expressed concern that the Commission has been experiencing a frequent number of Commissioner absenteeism at their meetings. However, based upon the expressed support of the applicant’s neighbors he stated that he will support this request.

Ms. Claudia Caso and her husband, Mr. Jacob Pultro, 212 Ambler Street, came forward in support of the application. Mr. Pultro stated that the property which is proposed to be rented short-term is located at 210 Ambler Street, and that the other five units in the Windmill Point

townhouse development have been notified of this request and all have expressed support for it. He explained that the owner of the subject property, Mr. Frank Wood, intends to rent the unit periodically and plans to use the proceeds to help maintain the property. He added that the unit has been vacant for the past few years; however, his family comes to visit periodically using this unit when they do so. Since they live in close proximity to the proposed rental unit Mr. Pultro stated that they will be able to effectively oversee and manage it. Ms. Caso added that since many of their neighbors do not reside in the development full-time, she and her husband have a vested interest in properly overseeing the property. She stated that they are trying to help Mr. Wood rent this vacant townhome part-time since, due to health issues, he now primarily resides in Richmond.

Mr. Roane asked if they have any plans to erect signs advertising this unit and if any structural changes are proposed that would make it look like a rental unit.

Ms. Caso stated that there will be no signage nor any changes to the appearance of the unit.

Mr. Green noted that one of the adjacent units owned by Mr. Cole is already a rental unit, making two out of the six units rentals.

In response, Mr. Pultro stated that Mr. Cole's unit is actually a bed and breakfast, but if this application is approved two of the six units will be rentals.

Ms. Caso added that initially Mr. Cole and Mr. Wood applied for and were granted the ability to rent their units; however, Mr. Wood never rented his because he primarily lived in it. Now, however, Mr. Wood needs the rental income to supplement the cost of the home.

Chairman Noll then called to order a public hearing on proposed Resolution R22-121 that was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE A YORKTOWN VILLAGE ACTIVITY APPLICATION
TO AUTHORIZE A TOURIST HOME WITHIN AN EXISTING SINGLE-FAMILY AT-
TACHED DWELLING AT 210 AMBLER STREET

Ms. Dana DeJager, 108 Horseshoe Drive, asked for confirmation that since the subject property is owned by an LLC, should the LLC be sold will the unit also be sold.

In response, Ms. Sgroi stated that is correct.

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

Mr. Shepperd then moved the adoption of proposed Resolution R22-121.

On a roll call the vote was:

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

HICKORY HILLS PUMP STATION REHABILITATION PROJECT: Resolution R22-107.

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

Mr. James Barnett, County Attorney, stated that Dominion Energy already owns a significant power line easement in the area and they now need to cross the subject property possibly owned by the Smith Estate in the area shown on the provided map in order to update/rehab the existing pump station. He then shared the backup legal information that he and Deputy County Attorney, Richard Hill, found when they conducted their own title search on the property. He pointed out that all of the information they found would lead one to believe that it is owned by the Percy Smith Estate. He stated that he would like the authority, which the approval of Resolution R22-107 would provide, to file a condemnation on the subject parcel if needed in order to allow the pump station rehab to move forward.

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Following Mr. Barnett’s presentation, a brief discussion on this matter occurred among the Board Members.

Since the public hearing was held and closed on this item at the previous Board meeting, Chairman Noll asked for a motion on the proposed Resolution R22-107 that was duly advertised as required by law and is entitled:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON AND TAKE A CERTAIN PERMANENT UTILITY EASEMENT IN CONNECTION WITH THE HICKORY HILLS PUMP STATION REHABILITATION PROJECT

Mr. Green then moved the adoption of proposed Resolution R22-107.

On a roll call the vote was:

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

AMEND YORK COUNTY CODE SECTION 9-21.1, CENTRAL ABSENTEE VOTER PRECINCTS:
Ordinance No. 22-13.

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

Mr. James Barnett, County Attorney, explained that the proposed ordinance presented for the Board’s decision is to correct an error that occurred with the recent adoption of the County’s Redistricting Ordinance. He added that working from an older version of the Voting Ordinances, the County Code was inadvertently amended to the way it stood prior to August 2020 when the ordinance was revised to add a satellite absentee voter precinct. As such the Code now only allows for one absentee precinct, that being the one at the Registrar’s main office.

Chairman Noll then called to order a public hearing on proposed Ordinance No. 22-13 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND CODE SECTION 9-21.1 OF THE YORK COUNTY CENTRAL ABSENTEE VOTER ELECTION PRECINCT ORDINANCE TO BRING IT INTO CONFORMANCE WITH THE YORK COUNTY CODE BY UPDATING REFERENCES TO CODE SECTION PERTAINING TO SATELLITE OFFICE AND CENTRAL ABSENTEE VOTER ELECTION PRECINCT

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

Mr. Shepperd then moved the adoption of proposed Ordinance No. 22-13.

On a roll call the vote was:

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

GRAND OAK: Resolution R22-125.

The matter was considered and **approved on a vote of 3:2**. A summary of the preceding is below.

Mr. Neil Morgan, stated that on two occasions in 2015 and 2019 the Board approved this project, which is a taxable age, restricted income limited development. The Developer has been working to obtain the financing and the issuance of revenue bonds from the Harrisonburg Housing Authority is necessary. He explained that since we do not have a housing authority, the developer had to go to another community in order to accomplish this task. In addition, he noted that legally we are required to hold two public hearings related to the financing of this project which we are holding concurrently this evening. He noted that there is no liability for the County and there is no money from the County involved in this matter. Mr. Morgan explained that there are two phases the Developer must complete, the first being does the County

see the need for income age-restricted housing and the second is do we agree that it is okay for the Harrisonburg Housing Authority to issue the necessary revenue bonds for the development.

Mr. Zaremba asked for clarification relative to the location of the proposed development and if the development would be occupied by Sentara Hospital staff.

Mr. Morgan stated that the development is to be located on Old Mooretown Road and will provide income and age-restricted housing only.

Mr. Barnett concurred with Mr. Morgan's comments relative to the two required phases needed for this development.

Chairman Noll opened the public hearing to consider the question if age and income restricted housing is needed in the County. Since no one came forward the public hearing was closed.

Chairman Noll then opened the public hearing to consider the question should the County approve the issuance of bonds by the Harrisonburg Redevelopment Housing Authority to help finance the proposed development. Since no one came forward, she closed the public hearing.

Chairman Noll asked for a motion on Resolution R22-125 that was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE THE ISSUANCE OF BONDS BY THE HARRISON-
BURG REDEVELOPMENT AND HOUSING AUTHORITY FOR THE GRANDE OAK
II APARTMENTS

Mr. Green then moved the adoption of proposed Resolution R22-125.

On a roll call the vote was:

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

PROPOSED VACATION OF SYCAMORE LANE, AND A PORTION OF PLATTED BOUNDARY ROAD: Resolution R22-90.

The matter was considered and **tabled on a vote of 3:1**. A summary of the preceding is below.

Mr. Neil Morgan, explained that this item involves an ongoing conflict in the neighborhood which staff has been seeking to resolve for some time. Specifically, property owners abutting Sycamore Lane and a portion of Boundary Road have requested that the County vacate the public's interest in these roads. This subdivision, prior to the County's first subdivision Ordinance, was created with 15 lots including a portion of the platted streets, Boundary Road and Sycamore Lane. He stated that a portion of Boundary Road up to approximately the common boundary line between numbers 101 and 103 were accepted into the state system and currently exists as an improved roadway. However, he added the portion fronting on 101 Boundary Road is open to public use, but is not in the state's system. Sycamore Lane has never been accepted by VDOT in the state highway system for maintenance so Sycamore Lane and the unaccepted portion of Boundary Road exist as best as can be determined as private roads, open to public use. He pointed out that for some years Sycamore Lane, and occasionally the end of Boundary Road, have been used by residents to gain access to the National Park Service property which lies beyond the end of the road. He noted that the Park Service has indicated that it does not want the public to have access to its property through these unofficial entrances. Now he noted that the owners of the six parcels that front on and/or abut Sycamore Lane have asked the County to vacate any interest that the public may have in Sycamore Lane so they can take steps to prevent further pedestrian and bicycle traffic using it to access adjacent Park Service property. In addition, the property owners of 101 Boundary Lane have also requested that the County do the same with respect to that portion of the roadway that extends beyond its current terminus of state maintenance. Vacation of the specified portions of these roadways can be accomplished following state criteria such as a public hearing, and a 60-day period for filing of any appeals. Although the County supports bicycle and pedestrian connectivity between park land and public roadways, these connections should be agreeable to and in coordination with the National Park Service. He stated that should the Board wish to vacate all of Sycamore Lane and the aforementioned portion of Boundary Road, you may do so by adopting

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proposed Resolution R22-90. If no appeals are submitted within the required 60-day period the roads will be deemed vacated and deeds recorded conveying to each of their respective property owners shares of the vacated roads.

Mr. Barnett stated that the subject roadways are public; however, although the County does not own these roadways they may be vacated in accordance with required procedures. In speaking with the affected property owners, he explained to them that vacation of the roadways would be dependent upon them submitting a subdivision plat to the County depicting the actual property lines showing the incorporation of this additional roadway property.

Mr. Roane asked the County Attorney, should the vacation occur, how would we prevent the property owners at 201 Sycamore from blocking access to the owners of the other lots on Sycamore.

In response, Mr. Barnett stated that the owner of 201 Sycamore Lane would not have the right to block access to the other owners because they would have the right of access and easement just by virtue of law and long-term use by those owners.

Mr. Shepperd asked for additional clarification on this matter.

Mr. Barnett explained the subject roadway actually will become a common driveway for the other homes on Sycamore Lane.

Chairman Noll then called to order a public hearing on proposed Resolution R22-90 that was duly advertised as required by law and is entitled:

A RESOLUTION PURSUANT TO CODE OF VIRGINIA SECTION 15.2-2006 VACATING THE PUBLIC RIGHT OF WAY OVER SYCAMORE LANE, AND OVER A PORTION OF BOUNDARY ROAD NEAR ITS TERMINUS, IN YORK COUNTY, VIRGINIA, AND BEING THAT PORTION OF SYCAMORE LANE FRONTING ON LOTS IDENTIFIED AS HAVING THE STREET ADDRESSES OF 101, 102, 103, 104, AND 105 SYCAMORE LANE AND 201 BOUNDARY ROAD, AND THAT PORTION OF BOUNDARY ROAD FRONTING ON THE LOT IDENTIFIED AS HAVING THE STREET ADDRESS OF 101 BOUNDARY ROAD, NEITHER SYCAMORE LANE NOR THE AFFECTED PORTION OF BOUNDARY ROAD BEING MAINTAINED AS PART OF THE STATE SECONDARY SYSTEM OF HIGHWAYS NOR OWNED BY THE COUNTY

Ms. Bev Powell, 105 Sycamore Lane, indicated that six other residents of Sycamore Lane are present and have authorized her to speak for them all. She stated that she has prepared a written document that outlines their request seeking vacation of these two specific roadways/roadway sections.

The following persons indicated that they are in support of the proposed vacation of Sycamore Lane and the end portion of Boundary Road:

- Ms. Sharon Bates, 201 Boundary Road
- Ms. Nancy Pucher, 103 Sycamore Lane
- Mr. Gary Powell, 105 Sycamore Lane
- Mr. Kent France, 104 Sycamore Lane

The following individuals expressed their opposition to the application:

- Mr. Daniel Eifes, 114 Boundary Road
- Ms. Brigitte Fox, 419 Maple Road
- Mr. Samuel Fox-Goens, 419 Maple Road
- Mr. Tristan Eifes, 114 Boundary Road
- Ms. Ruth Cleckner, 200 Boundary Road
- Mr. Tyrone Ward, 1708 Baptist Road
- Mr. Mark Marshall, 714 Baptist Road
- Ms. Hayley M. Crandall, 208 Spring Road
- Ms. Leah Clark, 105 Nancy Court
- Ms. Ruth Hammons, 107 Nancy Court
- Ms. Lynwood Goens, 419 Maple Road

- Mr. Steven Blair, 119 York Drive
- Mr. Jack Lassiter, 513 Church Road
- Ms. Emily Collins, 509 Dogwood Road
- Ms. Travis Snyder, 209 Spring Road
- Ms. Hayley M. Crandall, 280 Spring Road

The aforementioned individuals based their opposition based upon the following:

- Other locations in the County have free access to Park Service property so Lackey residents should also have this same right;
- Both subject roadways are public right-of-ways and should remain so;
- Residents in the area enter the Park Service property via both roadways to safely walk/jog or ride their bikes;
- Many children/teens use the Park tour roads to safely bike to school; and
- Since some of the residents on Boundary Road and Sycamore Lane have prohibited the public's access to the Park Service roads, many are accessing this property via the Veterans of Foreign Wars' property which is to be sold shortly.

During an in-depth discussion on the proposed vacation of Sycamore Lane and a portion of platted Boundary Road, the Board highlighted the following points:

- The roadways or portions thereof are not owned by the County; however, they are public right-of-ways as they were dedicated to public use by the person who recorded the subdivision plat.
- Both streets dead-end at park service property and so the public's right of passage ends at the terminus of each of these streets.
- The public has had access to both of these roads since the subdivision was platted in the 1940s.
- The subject roadways are neither maintained by the State nor the County.
- The Board does have the power to vacate these two public right-of-ways; however, if they are vacated they become private property.
- The presumption is that the abutting property owners to these areas own to the center-line of the road except for the owners of 101 Boundary Road which would own the full width of the road.
- The issue is a Park Service problem and should the Board consent to the vacation request, people will continue to use these roadways which will lead to more contention.
- Regardless of the decision of the Board it will not prevent people from entering the Park Service property from unidentified official access points.
- This is really a Park Service issue that the County cannot appropriately address on its own.
- It would be best to table the issue until the Park Service is prepared to step up and provide an official access to the tour roads in this vicinity.

Mr. Morgan pointed out that there are other access points to the Park property that can be used by joggers and/or cyclists. He added that there should be well-organized access to the Park Service property; however, the concern is where is the best access point and how long would it take the Park Service to develop the access.

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Mr. Barnett read a letter from Kim Hall, the previous Superintendent of the Colonial Historical National Park, to Mr. Daniel Eifes who spoke earlier this evening. In the letter, Mr. Barnett stated that it provides the general regulations for those wishing to use the Park, but it also stated that access to the Park tour roads from the end of Sycamore Lane is prohibited. Furthermore, it stated that the Park Service is open to discussions regarding increasing recreational access to the Park during open hours and with a park service pass.

Mr. and Mrs. Powell, 101 Boundary Road, stated that Sycamore Lane and Boundary Road do not end at the Park Service, they end before reaching the Park Service property. Mrs. Powell stated that there is a drainage way between the two properties and due to erosion several homes in their neighborhood have been flooding.

Mr. Shepperd then moved to table proposed Resolution R22-90.

On a roll call the vote was:

Yea: (3) Roane, Shepperd, Noll
Nay: (1) Green

Mr. Zaremba was attending via Zoom and did not reply due to a power outage from a storm during the meeting.

CONSENT CALENDAR

The Consent Calendar was considered and **approved on a vote of 4:0**. A summary of actions taken are below.

Mr. Shepperd and Mr. Roane asked for Item Number 9, Smart Scale Transportation Funding Application Endorsement to be pulled for further discussion.

Mr. Green asked that Item Number 10, the Construction Contract for the York-Poquoson Sheriff's Office Law Enforcement Building, be pulled also for further discussion.

Mr. Morgan interjected that Mr. Zaremba has lost his internet connection, but will continue to listen to the meeting and will text him if he has comments or questions.

Mr. Timothy Cross, Deputy Director of Planning and Development Services came forward to answer questions regarding Item Number 9.

Mr. Shepperd asked if the four proposed projects will be included in the State's 2024 Plan and if this will impact any of the current Smart Scale projects.

Mr. Cross stated that it will go into the Fiscal Year 2024-2029 Six-Year Plan that the Commonwealth Transportation Board will adopt next July. He also confirmed that these will not impact the current projects.

Mr. Roane asked, during the imminent repaving of Oriana Road, if the shoulders could be widened simultaneously.

Mr. Cross stated that it could not as the shoulder widening of Oriana Road is an out-year project in the Six-Year Plan.

Regarding Item Number 10, Mr. Green asked Sheriff's Department Major Ronald Montgomery to come forward and provide an update on the construction of the new Law Enforcement Building.

Major Montgomery explained that the new structure when completed would enable the Sheriff's Department to provide better, higher-quality law enforcement in the County and in the community at-large. In addition, he noted that it will provide virtual training for the officers and will include a community room that will enable civic organizations to hold meetings which will lead to more and better interaction with the citizens. He thanked the Board that this much-needed facility is now being erected. He also thanked Mr. Morgan for his support of this project and Mr. Joe Sisler, Deputy Director of Public Works, who had spent many hours in the planning and development of this project.

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

On roll call the vote was:

Yea: (5) Roane, Shepperd, Green, Noll

Nay: (0)

Mr. Zaremba was attending via Zoom and did not reply.

Item No. 7. APPROVAL OF MINUTES

Thereupon, the following minutes were approved and resolutions adopted:

May 20, 2022

June 7, 2022

Item No. 8. STORMWATER ENGINEERING SERVICES, ANNUAL CONTRACTS (RFP NO. P1742-EY): Resolution R22-122.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE MULTI-YEAR CONTRACTS WITH: AH ENVIRONMENTAL CONSULTANTS, INC., OF NEWPORT NEWS, VA; BLOSSOM CONSULTING AND ENGINEERING, OF WILLIAMSBURG, VA; BROWN AND CALDWELL, OF VIRGINIA BEACH, VA; MHE CIVIL ENGINEERS, LLC, OF YORKTOWN, VA; AND STANTEC CONSULTING SERVICES, INC, OF WILLIAMSBURG, VA, FOR STORMWATER ENGINEERING SERVICES ON AN AS NEEDED BASIS

Item No. 9. SMART SCALE TRANSPORTATION FUNDING APPLICATION ENDORSEMENT: Resolution R22-123.

A RESOLUTION OF SUPPORT FOR FOUR SMART SCALE TRANSPORTATION FUNDING REQUESTS TO BE SUBMITTED BY YORK COUNTY AND ONE REQUEST TO BE SUBMITTED BY THE HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION

Item No. 10. CONSTRUCTION CONTRACT FOR THE YORK-POQUOSON SHERIFF'S OFFICE (YORK COUNTY LAW ENFORCEMENT BUILDING): Resolution R22-126.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH OYSTER POINT CONSTRUCTION COMPANY OF NEWPORT NEWS, VA, FOR THE CONSTRUCTION OF A NEW YORK-POQUOSON SHERIFF'S OFFICE BUILDING

Item No. 11. REIMBURSEMENT FROM BOND PROCEEDS FOR EXPENDITURES MADE OR TO BE MADE IN CONNECTION WITH SCHOOL CAPITAL PROJECTS: Resolution R22-127.

A RESOLUTION OF THE BOARD OF SUPERVISORS OF YORK COUNTY DECLARING ITS INTENT TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS FOR SCHOOL PROJECTS

Item No. 12. DOMINION ENERGY RIGHT OF WAY AGREEMENT, SERVICE TO YORK COUNTY FACILITIES ON GOODWIN NECK ROAD: Resolution R22-129.

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A DEED CONVEYING AN ELECTRIC UTILITY EASEMENT TO DOMINION VIRGINIA POWER AT THE SITE OF 301 GOODWIN NECK ROAD AND 105 SERVICE DRIVE

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Item No. 13. REQUEST FOR REFUND OF REAL PROPERTY TAXES – J.R.H. ETUX: Resolution R22-130.

A RESOLUTION TO AUTHORIZE A TAX REFUND TO J.R.H. ETUX FOR THE TAX YEARS OF 2019-2021

MATTERS PRESENTED BY THE BOARD

No Comments.

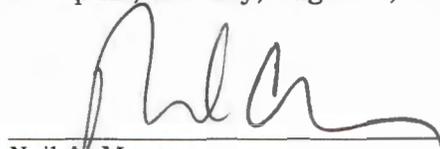
NEW BUSINESS

None.

CLOSED MEETING

None.

Meeting Adjourned. At 9:03 p.m. Chairman Noll declared the meeting adjourned sine die/to 6:00 p.m., Tuesday, August 2, 2022, in the East Room of York Hall.



Neil A. Morgan
County Administrator



Sheila S. Noll, Chairman
York County Board of Supervisors