

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
August 18, 2020

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, August 18, 2020, in the Board Room, York Hall, by Chairman W. Chad Green.

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

This meeting is called to order. It is August 18, 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, and readopted on June 16, 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](http://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 Neil A. Morgan, County Administrator; James E. Barnett, Jr., County Attorney; Heather L. Schott, Legislative Assistant, and a small number of senior County staff.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zaremba, Sheila S. Noll, W. Chad Green, Jeffrey D. Wassmer, and Thomas G. Shepperd, Jr.

Also in attendance were Neil A. Morgan, County Administrator; Mark L. Bellamy, Jr., Deputy County Administrator; Vivian A. Calkins-McGettigan, Deputy County Administrator; and James E. Barnett, County Attorney.

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

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

## **PRESENTATIONS**

### **PREPARING FOR THE 2020 PRESIDENTIAL ELECTION**

Walter Latham, General Registrar, updated the Board on the 2020 Session of the General Assembly changes to Virginia's election laws for the 2020 Presidential Election, noting tonight

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his presentation would focus on five of the changes and how they impact York County, and how York County is preparing to meet these new requirements. He noted York County was also addressing security concerns and ensuring the health and safety of voters and election officials during a pandemic. He then reviewed the following five changes to the election laws:

- No-excuse absentee voting
- Annual/Permanent absentee list
- Voter identification requirements
- Deadline for returning an absentee ballot
- Notification of denial of voter registration

He stated there are other concerns affecting the County's preparation for elections this year which include increased physical security and cybersecurity protocols for the administration of elections while addressing health and safety precautions arising due to the pandemic. He then gave a brief review of No-Excuse Absentee Voting that allows any voter to vote absentee in person or by mail without providing a reason. He explained the impact of No-Excuse Absentee Voting on the County would likely lead to a large increase of by-mail or in-person absentee voters. The Registrar's Office is preparing for the No-excuse absentee voting by hiring additional staff, holding intensive training, and purchasing a high-speed scanner. In addition, the County will be maintaining two locations for in-person voting located at Washington Square Shopping Center (Grafton) and Victory Village Shopping Center (Lightfoot). He pointed out the County is having to purchase hardware and software to process in-person absentee voters. He then reviewed the change to the Annual / Permanent Absentee list as follows:

- Beginning on July 1, 2020, all voters may apply for an absentee ballot annually, and they will get all ballots for which they are qualified for that calendar year.
- Beginning July 1, 2021, the Permanent Absentee List goes into effect. Voters can apply for each election, or they can apply for an ongoing status to receive ballots for all elections in the future.

Mr. Latham stated they anticipate having a large number of voters designate themselves to be on the Annual (and then Permanent) Absentee List which would mean that for every election (including primary and special elections), they will likely have a large number of absentee ballots that will be mailed automatically. He will be requesting additional funds in future fiscal years to mail absentee ballots to voters on the Annual/Permanent Absentee List. Next he reviewed the new Voter Identification Requirements stating that beginning on July 1, 2020, voters are no longer required to have a photo ID, but must have one of the IDs listed in State Law, or else they will have to complete an ID Confirmation Statement or provisional ballot. Below is a list of acceptable voter IDs:

- Voter confirmation documents received after registering to vote
- Virginia DMV-issued Driver's License or Identification Card
- Valid United States Passport
- Any ID card issued by the US, Virginia, or a local Virginia government
- Any student ID card issued by a US university or community college
- Valid student ID issued by a public school or private school in Virginia
- Employer-issued photo ID card
- Any current utility bill, bank statement, government check, paycheck, or other government document with your name and address
- An ID Confirmation Statement

Mr. Latham explained this will require additional training for election officials in order to follow the law regarding allowable IDs and alternative forms of identification. He noted that beginning with the November 3, 2020, election, ballots postmarked by Election Day, and that are received by noon the third day after the election, must be counted. He stated they are likely to have a large number of ballots that will be coming in after Election Day that have to be counted neces-

sitating adequate staff and equipment to do so and added they will not have complete preliminary results on Election Night and possibly not until the following week. He noted that as of July 1, 2020, the Registrar's Office is required to notify applicants of a denial of voter registration within five days *"in writing and by email or telephone if such information was provided by the applicant."* This will require additional staff time to contact applicants whose voter registration applications have been denied. He added that the Electoral Board and the County's IT department have been cooperating to ensure York County meets the security requirements that have been adopted by the State Board of Elections. He stated the Department of Elections and York County staff have been very helpful in ensuring that sufficient PPE, hand sanitizer, and disinfectants are available for the polling places and they are continuing to evaluate ways to maintain health and safety in our office and at the polling places. For more information or questions, contact the Registrar's Office at 757-890-3440 or by email at: [registrar@yorkcounty.gov](mailto:registrar@yorkcounty.gov).

Mrs. Noll stated she thought that it was unfortunate the candidates might not know for several days whether or not they had won the election. She asked for suggestions.

Mr. Latham stated people may vote anyway they choose, but the more residents who vote in person early so their ballots can be tabulated before Election Day and the more people who vote on Election Day so it can be part of the initial count will help reduce the wait for the final election outcome.

Discussion continued on the following related topics: the County's two satellite offices where residents can vote before Election Day, absentee mailing campaigns, the checks and balances the Registrar's Office has in place to help with fraud, how to apply for absentee voting, ID authentication that has to be provided in order to register to vote, and the two Constitutional issues which will also be on November ballot.

Mr. Wassmer commented this was precedent setting and York County citizens are fortunate to have Mr. Latham's leadership in this matter as well as his commendable staff. He noted he had dealt with them on every Board of Supervisor election and everyone was always very helpful and professional. He stated that whenever someone talks to him regarding voter fraud, he assures them that the Registrar has an amazing organization coupled with the IT staff. He spoke of the School Board election where there had been a one vote difference between the two candidates and the recount showed the same results with the one vote difference. He stated he has a great deal of confidence and faith in the Registrar and his staff.

Chairman Green asked if the State would be paying for all the increased measures and if they had earmarked the funds to provide for these increased measures or if the County taxpayer would be footing the bill.

Mr. Latham stated he thought the majority of the necessary funds would be supported by the York County tax payers; however, noting there might be some CARES Act funding available this year to help fund these measures.

#### BRIEFING REGARDING ACTIONS RELATED TO CARES ACT FUNDS

Mr. Morgan introduced Deputy Director of Finance, Carolyn Cuthrell, and Gregory Gillette, Grants Coordinator, who would make the presentation. The presentation consisted of an overview of the deployment of the CARES Act funds. A similar presentation will be given in November when more details are available. The presentation is intended to give a substantive overview with a caveat that there are still projects, programs, and ideas incomplete at this time. He explained that Theresa Owens, the County's Finance Director, has led a committee that has supported this effort. Mr. Morgan explained when the Board appropriated the first CARES Act funding, the authority was given for him to be able to exceed the \$50,000 contract limit when necessary to meet the deadline. Mr. Morgan explained he will be providing a written update on this, but as of this moment he is aware of three transactions that fall into this category: one is authorization to replace all of the furniture in the 911 Center so the new Center will incorporate appropriate social distances; the second instance was for the Fire Department turnout gear; and the third was the installation of dark fiber cable from our Operations Center to the Yorktown Library. He thanked the Finance Staff and everyone who had been working on this.

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Carolyn Cuthrell, Deputy Director of Finance, provided an overview of CARES Act funding, which included a review of the summary of funding, eligible expenditures, and a brief summary of processes and challenges. She agreed that more details on the CARES Act Funding initially received in June will be provided as well as an overview of the expenditures. The County held a public hearing on July 21, to appropriate the funding received from the State as a result of the CARES Act passed in March. She stated the majority of the funding came from the State as part of the Coronavirus Relief Funding and the other funding the County has received came from the following funding sources:

<u>Funding Source</u>	<u>Amount</u>
Coronavirus Relief Funds-First Allocation	\$5,957,167
Coronavirus Relief Funds-Second Allocation	5,957,167
Housing and Urban Development-Community Development Block Grant	*1,230,000
Headstart Funding	102,820
Department of Elections	68,555
Assistance to Firefighters Grant-COVID 19 Supplemental	54,000
Department of Justice-Coronavirus Emergency Supplemental Funding	45,881
<b>Total</b>	<b>\$13,415,590</b>

As previously mentioned, the biggest portion of the funding is the Coronavirus Relief Funding, noting the County has received two allocations of approximately 5.9 million each. The funding is to be used for eligible expenses that were necessary expenditures related to COVID19 and were not accounted for in the budget most recently approved on March 27, 2020. The expenditures must be incurred for the time period from March 1, 2020 through December 30, 2020. She then provided a brief summary of the process used to determine how to best use these resources. She stated staff developed broad categories of eligible expenditures that Mr. Gillette will discuss in more detail later in the presentation this evening. The developed categories of eligible expenditures are listed below:

- Schools
- Building modifications
- Business assistance
- Technology
- Other expenses reasonably necessary to enable government function

She noted that staff did not want to return any of the money if there are unmet needs in the County.

Mr. Greg Gillette, Grants Coordinator, provided an overview of the projects funded or that are planned to be funded with the CARES Act funding. He stated 2 million dollars had been allocated to the School Division to support distance learning needs, noting computers had been ordered and the School Division planned to deploy them for the fall semester. He stated many building modifications had been made to protect the health of employees and the public including

- Installation of hands free fixtures in various restrooms throughout the County.
- Plexiglas dividers had been installed in locations where employees interact with the public and also in areas where employees are in closer proximity to one another and could at times not be socially distanced.

- The Emergency Communications Center is in the process of replacing consoles and reconfiguring the floor plan to allow for social distancing and enhance the delivery of public safety knowledge.
- The Emergency Communications Center would also reconfigure an office to allow for social distancing and would include the installation of a sliding glass window to limit face to face contact and the installation of antimicrobial counters in the kitchen.

Mr. Gillette explained the total cost of the Emergency Communications Center renovations is \$700,000. He stated with many County employees working remotely from home, the ability to manage security systems remotely was more important than ever. He explained this includes access control and video surveillance which could be custom tailored both remotely and in real time, and would allow linking access to video footage for tracing potential COVID contacts. He noted these enhancements would be at the County Administration Building, Public Safety Building, and Social Services Building and are expected to cost approximately \$75,000. The manual gate at Vehicle Maintenance will be replaced with a motorized gate for hands-free access. He stated James W. Noel, Jr., Director of Economic Development, had briefed the Board last month regarding the County's Business Assistance Program that is being funded with the Coronavirus Relief Funds. He stated the Business Recovery Assistance provides reimbursement up to \$3,000 dollars for rent, utilities, and reopening cost for any York County business impacted by the pandemic. He stated the County planned to augment the Information Technology Infrastructure with the purchase of Zoom licenses for remote attendance of public meetings. He also noted, where feasible, employees are teleworking has caused additional strains on Information Technology resources such as CPU consumption, network bandwidth, digital storage, and in some cases supplying employees with a laptop or second desktop computer to facilitate telework. He stated the IT staff had done an excellent job in using the funding to improve the telework capabilities to enable compliance with COVID 19 public health precautions. He stated IT had expanded its use of DUO, a two factor authentication application that employees use to access the County's network remotely.

He then reviewed the following:

**Other Expenses Reasonably Necessary**

- Credit card fees - \$250,000
- Unemployment - \$150,000
- Health insurance claims - \$250,000
- Emergency assistance - \$20,000
- School resource officers - \$115,000
- Employee distance learning reimbursement - \$200,000
- Tourism - \$108,000
- Library - \$35,000
- Parks & Recreation - \$62,000
- Fire & Life Safety - \$326,000-First Allocation
- Fire & Life Safety - \$200,000-Second Allocation
- Fire & Life Safety - \$48,000

He next reviewed the Initial Expenditure Plan, stating it includes the second allocation:

<b><u>Initial Expenditure Plan</u></b>		
<b><u>Survey Category</u></b>		<b><u>Amount</u></b>
Public Health & Safety Employees		\$4,400,000

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Operations of Government Services		2,791,950
Schools		2,000,000
Telework for Government Operations		1,225,300
Building Modifications		1,107,100
Small Business Assistance		250,000
Other Categories		140,000
	Total	\$11,914,350
<b>Summary-1st Allocation</b>		
<b>Category</b>		<b>Amount</b>
Schools		\$1,000,000
Building Modifications		605,000
Business Assistance		250,000
Technology		495,000
Other Necessary Expenditures		1,550,000
	Total	\$3,900,000

Mr. Gillette stated the projects and expenditures previously mentioned total approximately 5.4 million dollars. He stated the committee is working with the County Administrator to plan for the use of the remaining funds. He stated a significant amount of the remaining funds would be used to reimburse the County for a portion of Public Safety, Public Health, and other employees whose services were substantially dedicated to mitigating or responding to the COVID 19 Public Health Emergency. He stated this will allow the committee to improve the County's Fiscal Year's 2020 and 2021 Year End Surplus to better position the County for the future. They are still working through the guidance to determine how much will be eligible, but based on the most recent guidance from the Treasury Department, staff feels confident that the remaining funding can be used for these payroll costs. He stated the County received a second allocation on August 10th but since this funding exceeds one percent of the County's budget a public hearing will be required. He noted that while current Corona funds are not allowed to offset lost revenue under the current eligibility requirements, they are closely watching negotiations between the House, the Senate, and the White House officials and whether localities may be allowed to replace revenue with current Coronavirus Relief Funds in a future stimulus. Mr. Gillette stated the Coronavirus Relief Fund guidance is being revised continuously and the committee will remain flexible in our approach and continue to update the County Administrator and the Board on significant changes.

Mr. Zarembo spoke about bonuses that had been approved by the Olde Towne Medical Center Board for all employees and he asked if the County was planning to give bonuses to the Fire and Life Safety Department, the Sheriff's Department, or any employees directly involved with COVID 19.

Mr. Morgan stated bonuses are specifically not allowed under the CARES Act portion made to localities. He stated there is a provision that allows hazardous duty pay for certain categories of employees, but there had been considerable disagreement in the guidance as to who qualifies. The County is carefully considering and has a placeholder for some modest hazardous duty pay that would be limited to the uniformed public safety personnel. He stated the County is pursuing several different strategies intended to help employees more broadly. Instances of

this broad help includes a program for employees to be reimbursed money they have spent in order to get their kids educated because of virtual learning at many of the School Divisions. Early in the pandemic, alpha employees who were not able to use their vacation leave, may be eligible to sell a week of leave back to the County which would be similar to receiving a bonus, but is directly related to them not being able to use that leave during the crisis. In addition, he stated improving the County's bottom line for the year and its overall financial position is the single best thing to do for employees because adequate reserves in healthcare placed the County in a stronger financial position.

Mr. Zaremba asked if the hazardous duty pay would be brought to the Board for approval.

Mr. Morgan stated his general approach would be to advise the Board of what the plan of action is before implementing it and if the Board objected it could be deleted. He reminded the Board of the tight deadline associated with the CARES Act funds.

Mr. Shepperd asked if there was anyway to get the \$250,000 credit card fees back under the CARES Act fund.

Mr. Morgan reminded Mr. Shepperd that the County had waived the credit card fees for residents during the pandemic and was an allowable expense for which the County may reimburse itself for that amount of the cost.

Mr. Shepperd stated people were allowed to delay paying their personal property taxes.

Mr. Morgan stated they had reduced the penalty and interest until the end of September to two percent from the traditional ten percent.

Mr. Shepperd asked if any of that could be written off.

Mr. Morgan stated not directly; but by reimbursing ourselves for some of the things that we have on the list, we will essentially put an equivalent amount of money back into the County's bank account.

#### **CITIZENS COMMENT PERIOD**

No one appeared to address the Board at this time.

#### **COUNTY ATTORNEY REPORTS AND REQUESTS**

Mr. Barnett stated the Special Session of the General Assembly had convened today, noting there is some speculation that it could last four or five weeks. He stated bills had begun posting about a week ago with a real flood starting yesterday and today. He stated he would keep the Board updated on any bills of interest that come up. He noted there are multiple bills regarding the Governor's ability to declare a long-term State of Emergency without the General Assembly approving. He is working on a report regarding the General Assembly's actions.

Chairman Green asked Mr. Barnett to please keep the Board informed.

#### **COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. Morgan commented on the associated challenges that have emerged in 2020, such as Tropical Storm Isaias. While it was not particularly significant, the storm had actually generated a great deal of debris. He added that pickup of the debris may seem slow to residents, but is because the County has approximately 1,000 debris pickup orders backlogged that will likely take 6 to 8 weeks before all of the debris is removed. He stated the County is diligently working, including Saturdays, on debris pickup and he thanked the residents for their patience. He stated that shortly following the Tropical Storm, the County received 9 inches of rain in 72 hours from Thursday to Saturday and County crews and VDOT have been out trying to deal with the most egregious drainage problems. He knew some of the residents had noticed that drainage investments the County had made over the years proved invaluable during this last heavy rain.

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Chairman Green noted he was made aware of several of those drainage issues by constituents and also by driving around the County.

**PUBLIC HEARINGS**

APPLICATION NO. UP-955-20, GALOSI ENTERPRISES LLC

Mr. Timothy C. Cross gave a presentation on Application No. UP-955-20 to request a Special Use Permit to authorize the establishment of a gun shop in an existing multi-tenant retail building on a 0.6-acre parcel of land located at 110 Dare Road (Route 621).

Mr. Wassmer asked how many gun shops or dealers there are in in County.

Mr. Cross stated he was aware of only one commercial stand-alone gun dealer, adding there are a few shops where guns are sold as an accessory use, i.e. Dick's Sporting Goods. He noted the County does have one or two home occupations with people who are either repairing/servicing guns and/or selling them which have been approved by the Board over the years.

Mr. Christopher Galosi, addressed the Board as the applicant, stating he has been in business as a federally licensed arms dealer for 15 years and has a very good reputation with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). He stated if he ever has any problems he will reach out directly to ATF or Virginia State Police Fire Arms Transaction Center. In conclusion, he stated he had been audited several times and never had any issues.

Mr. Shepperd stated he had read in Mr. Galosi's application that he deals with antique firearms.

Mr. Galosi stated he deals with antique firearms, but also with military and law enforcement class three firearms. He noted that he has a quite a few customers in Virginia Beach and that he wants to expand and has outgrown his shop. Mr. Galosi wants to sell military antique memorabilia items and modern firearms, but refuses to sell guns are of inferior quality.

Mrs. Noll asked Mr. Cross if there had been objections to this application.

Mr. Cross stated he had received no objections.

Chairman Green stated he had received a comment from, Mr. Early, who was one of Mr. Galosi's business neighbors in the shopping center. He stated that Mr. Early's concerns is whether the guns are going to be safeguarded after hours and if there were going to be enhanced safety measures installed on the front doors and windows. As such Mr. Green asked Mr. Galosi what his plans are to ensure the safety of the firearms.

Mr. Galosi stated there is going to be a state-of-the-art alarm system installed and that he is currently in the process of working with the landlord to decide whether they want to do bars or a gate so the police can actually look into the shop or perhaps use some type of unbreakable polymer glass. He added that at the minimum the guns would be locked up at night in at least a TL15 safe. He stated since he will have a high end alarm system, if there is glass breakage or a motion sensor that goes off, the system will call the Sheriff. He noted there will also be video cameras in place.

Chairman Green then called to order a public hearing on Application No. UP-955-20 that was duly advertised as required by law. Proposed Resolution R20-103 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT FOR A GUN SHOP AT 110 DARE ROAD (ROUTE 621)

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 Resolution R20-103 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT FOR A GUN SHOP AT 110 DARE ROAD (ROUTE 621)

WHEREAS, Galosi Enterprises LLC has submitted Application No. UP-955-20 to request a Special Use Permit, pursuant to Section 24.1-306 (category 10, no. 20) of the York County

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Zoning Ordinance, to authorize the establishment of a gun shop within an existing multi-tenant retail building on a 0.6-acre parcel of land located at 110 Dare Road (Route 621) and further identified as Assessor's Parcel No. 29-32-C (GPIN S06a-1626-3580); and

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

WHEREAS, the Planning Commission recommends approval 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 18th day of August, 2020, that Application No. UP-955-20 be, and it is hereby, approved to authorize the establishment of a gun shop within an existing multi-tenant retail building on a 0.6-acre parcel of land located at 110 Dare Road (Route 621) and further identified as Assessor's Parcel No. 29-32-C (GPIN S06a-1626-3580), subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of an approximately 1,100-square foot gun shop within an existing multi-tenant retail building on a 0.6-acre parcel of land located at 110 Dare Road (Route 621) and further identified as Assessor's Parcel No. 29-32-C (GPIN S06a-1626-3580).
2. The applicant shall obtain a Federal Firearms License from the Bureau of Alcohol, Tobacco, Firearms and Explosives prior to the issuance of a York County Business License for the gun shop.
3. 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 application for a building permit.

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

APPLICATION NO. PD-54-20, BUILD SENIOR LIVING LLC

Mr. Cross gave a presentation on Application No. PD-54-20 requesting an amendment to an approved Planned Development, The Reserve at Williamsburg, pursuant to Sections 24.1-361(c)(2) and 362(c)(7) of the York County Zoning Ordinance, to authorize the establishment of an 89-unit senior housing-assisted living facility on an approximately 6.7-acre parcel of land located at 120 Reserve Way.

Mr. M. Vernon Geddy, the applicant's representative, stated that Mr. Howard Price, AES Consulting Engineers; and Mr. Shahid Imran, CEO of Build Senior Living, were also available to answer any questions the Board might have. He stated Build Senior Living is a senior living developer based in Brighton, Michigan and they have been in business for 13 years, and own and operate quality assisted living facilities primarily in Florida and Michigan. He stated they are now moving into Virginia and other mid-Atlantic states. Mr. Geddy stated they all obviously agree with the staff's report and the unanimous Planning Commission recommendation of approval of this application. He stated there had been no interest in commercial development on this site over the past 14 years. The market had shown this area to be an excellent low impact use of the site and would complement the Verenda, the age restricted independent living development apartment complex directly across the street. The project proposes 63 assisted-living units and 26 memory care rooms with many amenities. He noted in addition to

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the many amenities there are also programs and activities, social and educational programs, fitness, and spiritual programs for the residents with trained staff on site 24 hours a day. He stated the applicant had a market feasibility study completed prior to undertaking this project in which it concluded that there is a very strong market for this type of facility making this a very feasible project. Moreover, he pointed out that the study had highlighted the desirability for assisted living especially in upper York County, the City of Williamsburg, and most of James City County.

Mr. Zaremba stated that the BMP was not functioning properly and there is a major problem beneath the surface.

Mr. Geddy said in response when he had said the BMP was functioning properly he had been referring to the one immediately adjacent to this property which is functioning properly. He noted the BMP in the back that serves a single-family development is the one that has had the sinkhole and other problems.

Chairman Green then called to order a public hearing on Application No. DP-54-20 that was duly advertised as required by law. Proposed Ordinance No. 20-21 is entitled:

AN ORDINANCE TO AMEND THE CONDITIONS OF APPROVAL FOR THE RESERVE AT WILLIAMSBURG PLANNED DEVELOPMENT ON MOORETOWN ROAD BY AUTHORIZING AN 89-UNIT ASSISTED LIVING FACILITY AT 120 RESERVE WAY

Mr. Mike Dozier, 324 Mershon Way, spoke against the application and stated concerns with traffic, the retention pond, and EMS which he thought should be addressed before moving forward with this application.

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

Mr. Wassmer then moved the adoption of proposed Ordinance No. 20-21 that reads:

AN ORDINANCE TO AMEND THE CONDITIONS OF APPROVAL FOR THE RESERVE AT WILLIAMSBURG PLANNED DEVELOPMENT ON MOORETOWN ROAD BY AUTHORIZING AN 89-UNIT ASSISTED LIVING FACILITY AT 120 RESERVE WAY

WHEREAS, the York County Board of Supervisors on September 5, 2006 approved Application No. PD-17-06 to authorize the establishment of a Planned Development consisting of a 63-acre independent living senior housing development with a 7.7-acre commercial center on property located on the east side of Mooretown Road approximately 2,030 feet west of the intersection of Mooretown Road (Route 603) and Waller Mill Road (Route 713) and further identified as Assessor's Parcel Nos. 5-18-1 (GPIN D16c-0176-0313), 5-18-2 (GPIN D16c-0531-0677), 5-18-3 (GPIN D16c-1123-1278), 5-18-4 (GPIN D16c-1211-0942), 5-18-5 (GPIN D16c-1552-0671), 5-18-6 (GPIN D15a-0393-4728), and 5-18-7 (D15a-0315-434); and

WHEREAS, Build Senior Living LLC has submitted Application No. PD-54-20 to amend the conditions of approval for the above-referenced Planned Development, set forth in Ordinance No. 06-18(R) and revised by Ordinance Nos. 09-20, 12-9, 13-10, and 13-17, by authorizing the establishment of a senior housing-assisted living facility on a 6.7-acre parcel located at 120 Reserve Way and further identified as Assessor's Parcel No. 5-18-6 (GPIN D15a-0393-4728); and

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

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

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

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

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 18th day of August, 2020, that Application No. PD-54-20 be, and it is hereby, approved to amend the conditions of approval for the above-referenced Planned Development, set forth in Ordinance No. 06-18(R) and revised by Ordinance Nos. 09-20, 12-9, 13-10, and 13-17, by authorizing the establishment of a senior housing-assisted living facility on a 6.7-acre parcel located at 120 Reserve Way and further identified as Assessor's Parcel No. 5-18-6 (GPIN D15a-0393-4728), as set forth below:

**1. Age Restrictions**

The 7.3-acre parcel located at 121 Reserve Way and further identified as Assessor's Parcel No. 5-18-1 shall be developed and operated as age-restricted senior housing in accordance with the definitions of Senior Housing-Independent Living Facility. The 6.7-acre parcel located at 120 Reserve Way, further identified as Assessor's Parcel No. 5-18-6, may be developed and operated as age-restricted senior housing in accordance with the definition of Senior Housing-Assisted Living Facility. Furthermore, no resident of any of the units on these parcels shall be under the age of nineteen (19).

**2. General Layout, Design, and Density**

- a) A site plan, prepared in accordance with the provisions of Article V of the Zoning Ordinance, shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance prior to the commencement of any land clearing or construction activities on the site. Said site plan shall be in substantial conformance with the conceptual plans titled "Master Plan Amendment for The Reserve at Williamsburg," prepared by AES Consulting Engineers and dated April 2, 2012, revised May 1, 2013, and June 16, 2020, except as modified herein. Substantial deviation, as determined by the Zoning Administrator, from the general design and layout as depicted on the "Non-Binding Illustrative Plan" or amended herein shall require resubmission and approval in accordance with all applicable provisions as established by the York County Zoning Ordinance. Limited deviations from the "Non-Binding Illustrative Plan" as depicted on the plan titled "Master Plan Amendment" prepared by AES Consulting Engineers, dated April 2, 2012, revised May 1, 2013, and June 16, 2020, shall be permitted.
- b) Architectural design of all residential structures, including the clubhouse, shall be in substantial conformance with the building elevations submitted by the applicant and titled "Architectural Renderings: The Reserve at Williamsburg," dated May 12, 2006, "BLDG, 'A'-Verena at Williamsburg," dated July 1, 2009, and "The Reserve at Williamsburg: Townhome Elevations," dated March 29, 2012, and the townhouse and single-family detached house elevations submitted by the applicant as part of the "Master Plan/Planned Development Amendment For The Reserve at Williamsburg" prepared by AES Consulting engineers and dated May 1, 2013, copies of which shall be kept on file in the York County Planning Division.
- c) The layout and design of the residential development shall be in conformance with the performance standards for senior housing set forth in Section 24.1-411 of the York County Zoning Ordinance, except as modified herein.
- d) The commercial parcel located at 120 Reserve Way, further identified as Assessor's Parcel No. 5-18-6, shall be developed in accordance with either the standards for nonresidential uses within the PD district set forth in Section 24.1-361(h) of the Zoning Ordinance or the performance standards for senior housing set forth in Section 24.1-411 of the Zoning Ordinance, except as modified herein. Commercial uses in the development shall be consistent with the list of uses permitted in the EO-Economic Opportunity district, subject to the exclusions contained in the proffer statement submitted by the applicant and referenced herein. Furthermore, under no circumstance shall tattoo parlors, pawn shops or payday loan establishments be permitted on the property.
- e) The maximum number of residential, exclusive of senior housing-assisted living, units shall be 459.

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- f) The maximum building height shall be 69 feet for rental apartment buildings and 72 feet for condominium apartment buildings.
- g) The minimum building separation for single-family detached, townhouse, and duplex units shall be twenty feet (20').
- h) In areas designated for single-family detached homes, the minimum distance between any principal building and any public or private street right-of-way shall be twenty feet (20'), provided that such single-family structure includes a covered front porch having a depth of at least four feet (4') and an area of at least fifty square feet (50 s.f.). In the event a front porch is not provided on the structure, the minimum setback shall be thirty feet (30').
- i) In areas designated for townhouses, the minimum distance between any principal building and any public or private street right-of-way shall be twenty feet (20').
- j) Freestanding signage for the residential portion of the project shall be limited to a single monument-type community identification sign along Mooretown Road measuring no greater than 32 square feet in area and six feet (6') in height. Signage for the commercial parcel shall be in accordance with the provisions for LB-Limited Business districts, as established in Section 24.1-703 of the Zoning Ordinance.
- k) For any rental apartment building, a minimum of one (1) off-street parking space per residential unit shall be required and no additional spaces shall be required for visitor parking provided that, pursuant to Section 24.1-604(b) of the Zoning Ordinance, an area equal to one-half of the difference between the number of parking spaces provided and the number that would otherwise be required in accordance with the requirements set forth in the Zoning Ordinance shall be reserved for a period of five (5) years following the issuance of a Certificate of Occupancy for such building and shall be maintained as landscaped open space during that time.

### 3. Streets and Circulation

- a) In order to provide for safe, convenient, and continuous pedestrian circulation throughout the development, a four-foot (4') wide sidewalk shall be constructed on at least one side of all private residential streets within the development and shall include pedestrian connections to off-road walkways and walking trails and to the commercial center.
- b) Street lighting shall be provided at each street intersection and at other such locations determined by the subdivision agent to maximize vehicle and pedestrian safety. The design of the street lighting shall be consistent with the design and character of the development.
- c) The developer shall install a 200-foot left-turn lane with a 200-foot taper and appropriate transitions on southbound Mooretown Road at the main road, as well as northbound right turn and/or taper lanes on Mooretown Road at both the main road and the commercial center driveway, if such additional driveway is determined to be acceptable in accordance with Zoning Ordinance requirements. Construction of all turn lanes shall be in accordance with the requirements and design standards of the Virginia Department of Transportation (VDOT) and shall occur prior to the issuance of a Certificate of Occupancy for any development on the commercial center parcel further identified as Assessor's Parcel No. 5-18-6.
- d) The main entrance shall include one dedicated left-turn lane and one dedicated right-turn lane for egress.
- e) The spacing from the edge of Mooretown Road to the first internal access point shall be 200 feet or greater, unless otherwise approved by the Virginia Department of Transportation.

- f) Pursuant to Section 24.1-255(b) of the Zoning Ordinance, the developer shall provide a transit bus shelter, the design and location of which shall be subject to the approval of the Williamsburg Area Transit Authority.
- g) Pursuant to Section 24.1-252(b)(2) of the Zoning Ordinance, the entrance to the commercial center depicted on the referenced plan shall be permitted only if the need for and safety of such is substantiated by a traffic impact analysis prepared in accordance with Section 24.1-251(b) of the Zoning Ordinance.

4. Utilities and Drainage

- a) Public sanitary sewer service shall serve this development, the design of which shall be subject to approval by the County Administrator or his designated agent in consultation with the Department of Environmental and Development Services and in accordance with all applicable regulations and specifications. The applicant shall grant to the County all easements deemed necessary by the County for the maintenance of such sewer lines.
- b) A public water supply and fire protection system shall serve the development, the design of which shall be subject to approval by the County Administrator or his designated agent in consultation with the Department of Environmental and Development Services and the Department of Fire and Life Safety in accordance with all applicable regulations and specifications. The applicant shall grant to the County or the City of Williamsburg all easements deemed necessary by the County for maintenance of such water lines.
- c) The development shall be served by a stormwater collection and management system, the design of which shall be approved by the County Administrator or his designated agent in consultation with VDOT and in accordance with applicable regulations and specifications. Any easements deemed necessary by the County for maintenance of the stormwater system shall be dedicated to the County; however, the County shall bear no responsibility for such maintenance.
- d) The property owners' association(s) shall own and be responsible for the perpetual maintenance of all stormwater retention facilities serving the Planned Development.

5. Open Space and Recreation

- a) The location and arrangement of open space shall be generally as depicted on the plan titled "Master Plan for The Reserve at Williamsburg," prepared by AES Consulting Engineers, dated February 28, 2006, and revised May 12, 2006 and April 2, 2012 and revised May 1, 2013.
- b) On the property located at 121 Reserve Way and further identified as Assessor's Parcel No. 5-18-1, a minimum of 200 square feet of common active/passive outdoor recreation area per dwelling unit shall be provided. On the other residential properties within the development, a minimum of 25% of the combined gross area shall be reserved as open space in accordance with the provisions of Section 24.1-361(e) of the Zoning Ordinance, and 10% of the combined gross area shall be reserved and developed specifically as a recreation area or areas set aside for the common use of the residents of the Planned Development. Outdoor recreation area(s) within the Planned Development shall include, at a minimum, the following facilities and amenities:
  - Swimming pool (outdoor)
  - Covered pavilion
  - Barbecue/picnic area
  - Walking trails
  - Fountains (2)
  - Benches (10)
  - Trellises (3)
  - Yard game areas
  - Gazebos (2)

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- c) Indoor recreational amenities shall consist of, at a minimum, a combined total of 8,250 square feet of indoor recreation space, including 2,775 square feet in the rental apartments and 2,475 square feet in the condominium/rental apartments and a 3,000-square foot clubhouse/recreation center, each with an exercise room, multi-purpose community room, bistro-style (non-commercial) kitchen, fireplace, and other amenities as set forth in written materials supplied by the applicant and dated May 12, 2006.
- d) All common and public improvements within the development shall be subject to the standards governing timing, performance agreements, and surety requirements set forth in Sections 24.1-362(b)(3) and (4) of the Zoning Ordinance.
- e) The location and manner of development for the recreation area shall be fully disclosed in plain language to all home purchasers in this development prior to closing.
- f) All common open space and recreational facilities shall be protected and perpetual maintenance guaranteed by appropriate covenants as required in the York County Zoning Ordinance and submitted with development plans for the project.

#### 6. Fire and Life Safety

- a) In conjunction with the site plan submittals for this project, the developer shall submit a detailed description of the proposed features of the project and building design related to protection and safety of the residents, as well as operational procedures to ensure and facilitate the safety of the residents in the event of fire or other emergencies.
- b) All rental and condominium apartment units shall be equipped with an approved (NFPA 13) fire suppression system throughout (including attic areas), underground vault(s), PIV(s), and FDC(s).

#### 7. Assisted Living Facility

- a) Senior housing-assisted living shall be a permitted use on the 6.7-acre parcel located at 120 Reserve Way and further identified as Assessor's Parcel No. 5-18-6 subject to the senior housing performance standards set forth in Section 24.1-411 of the York County Zoning Ordinance, except as modified herein, and in accordance with the narrative set forth in the "Community Impact Assessment for The Reserve at Williamsburg Parcel 6" prepared by AES Consulting Engineers, dated March 2, 2020 as revised through April 6, 2020.
- b) A site plan for the assisted living facility, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the Division of Development Services prior to the commencement of development or land clearing activities on the subject property. Said site plan shall be in substantial conformance with the sketch plan titled "Master Plan for The Reserve at Williamsburg Parcel 6 (Assisted Living and Memory Care Facility)" prepared by AES Consulting Engineers and dated March 2, 2020, a copy of which shall remain on file in the office of the Planning Division.
- c) Common open space shall be provided as generally depicted on the referenced sketch plan. Limited encroachments into the fifty-foot (50') perimeter buffer required by Section 24.1-411(e) of the Zoning Ordinance shall be permitted as depicted on the sketch plan; however, in no event shall the perimeter buffer width be reduced below ten feet (10').
- d) Front, side, and rear yards shall be provided around the building in a manner that provides a minimum of 25 feet of landscaped open space surrounding the building except where yards of lesser width are depicted on the sketch plan.
- e) The facility shall be equipped with a full-facility emergency generator.
- f) The assisted living facility and the memory care facility shall each be assigned a distinct name, address, or other identifier to assist personnel responding to a fire or medical emergency.

- g) Exterior doors shall be labeled in accordance with the York County fire code official's instructions.
- h) No portion of the entrance on Mooretown Road depicted on the sketch plan shall be permitted within the restricted access easement along Mooretown Road.
- i) Pursuant to Section 24.1-376(e)(4) of the Zoning Ordinance, the proposed dumpster pad depicted in the southeastern corner of the property on the referenced sketch plan shall be either placed under roof or relocated beyond 700 feet of the adjacent tributary stream.

#### 8. Proffered Conditions

The reclassification shall be subject to the conditions voluntarily proffered by the property owners in the proffer statement titled "Conditions Voluntarily Proffered for the Reclassification of Property Identified as Tax Parcel Nos. 5-18-1 (GPIN D16c-0176-0313), 5-18-2 (GPIN D16c-0531-0677), 5-18-3 (GPIN D16c-1123-1278), 5-18-4 (GPIN D16c-1211-0942), 5-18-5 (GPIN D16c-1552-0671), 5-18-6 (GPIN D15a-0393-4728), and 5-18-7 (D15a-0315-434)," signed by Michael Milhaupt and dated November 7, 2013.

#### 9. Restrictive Covenants

Prior to final plan approval, the applicant shall submit restrictive covenants for review by the County Attorney for their consistency with the requirements of Section 24.1-497 of the Zoning Ordinance.

BE IT FURTHER ORDAINED, pursuant to Section 24.1-114(e) of the Zoning Ordinance, that a certified copy of this ordinance 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.

On roll call the vote was:

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

#### MODIFICATION OF RESTRICTED ACCESS EASEMENT

Mr. Morgan gave a brief presentation on proposed Ordinance No. 20-20 to vacate an approximately eleven-foot portion of an existing restricted access easement at 120 Reserve Way along the east side of Mooretown Road (Route 603).

Chairman Green then called to order a public hearing on Application No. UP-955-20 that was duly advertised as required by law. Proposed Ordinance No. 20-20 is entitled:

AN ORDINANCE TO VACATE AN APPROXIMATELY ELEVEN-FOOT PORTION OF AN EXISTING RESTRICTED ACCESS EASEMENT AT 120 RESERVE WAY ALONG THE EAST SIDE OF MOORETOWN ROAD (ROUTE 603)

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. 20-20 that reads:

AN ORDINANCE TO VACATE AN APPROXIMATELY ELEVEN-FOOT PORTION OF AN EXISTING RESTRICTED ACCESS EASEMENT AT 120 RESERVE WAY ALONG THE EAST SIDE OF MOORETOWN ROAD (ROUTE 603)

WHEREAS, on September 5, 2006, the York County Board of Supervisors approved Application No. PD-17-06 to authorize the establishment of a Planned Development, The Reserve

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at Williamsburg (the project), on approximately 70.7 acres of land located on the east side of Mooretown Road approximately 2,030 feet west of the intersection of Mooretown Road (Route 603) and Waller Mill Road (Route 713); and

WHEREAS, the subdivision plat for the project, titled "Plat of Subdivision – The Reserve at Williamsburg" and dated July 25, 2007, approved by the County on July 15, 2008 and recorded as Instrument Number 080016943 on July 23, 2008, shows a 10' restricted access easement conveyed to York County across the 6.73-acre parcel identified on said plat as Parcel 6, further identified as Assessor's Parcel No. 5-18-6 (GPIN D15a-0393-4728), extending from the northern property boundary to a point 24 feet north of the southern property boundary; and

WHEREAS, a developer now proposes to develop Parcel 6 as an assisted living facility, and this Board has approved an amendment to the Planned Development approval for the project for such purpose, which development requires a 35-foot wide access road from Mooretown Road onto parcel 6; and

WHEREAS, this Board, following a duly advertised public hearing, has determined that the modification of the limited access easement is reasonable and would be of benefit to the public and would be consistent with good zoning practice;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 18th day of August, 2020, that the County Administrator, or his designee, is authorized to execute such plats, deeds, or other documents as may be reasonably necessary to modify the restricted access easement shown on the subdivision plat recorded as Instrument Number 080016943, to create a space 35 feet in width along Mooretown Road for purposes of access to Parcel 6 of the project, located at 120 Reserve Way and further identified as Assessor's Parcel No. 5-18-6 (GPIN D15a-0393-4728), any such plats, deeds, or other documents to be approved as to form by the County Attorney.

On roll call the vote was:

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

#### PROPOSED COUNTY CODE AMENDMENT – SECTION 9-21.1

Mr. Morgan gave a brief presentation on proposed Ordinance No. 20-19 to amend York County Code Section 9-21.1 to provide for a satellite voting location at 6614 Mooretown Road, Suite A, for the receipt of in-person absentee ballots, and establishing two central absentee voting precincts in the County. He added this action establishes the north district Registrar branch office as an eligible site for voting outside the regular order just like the other office at Washington Square. He stated it was just as Mr. Latham had described in his presentation that it allows the County to have both of those sites available for future elections.

Mr. Shepperd asked Mr. Morgan how the word was getting out about the two locations, stating he had not known about this until he read the agenda.

Mr. Morgan stated he was sure more could be done, but noted quite a bit of information had been sent out, i.e. when the Board voted to approve the location, when it had been announced that the office was open, when it was placed on social media as well as on the County's website, and had been published in the Citizen's News.

Mr. Shepperd inquired about placing signage out front.

Mr. Morgan replied that signage had already been located there.

Mr. Shepperd stated something significant needs to be done to draw attention to the newest site to keep residents of District 1 from coming down to Washington Square.

Mr. Morgan stated that was one of the reasons for Mr. Latham's presentation tonight. He stated they felt with the Presidential Election coming up this was an opportunity to make sure everyone was aware of the north district location. He stated staff is open for suggestions.

Chairman Green asked Mr. Latham if he had any ideas to increase public awareness about this new satellite office

Mr. Latham stated they have it on the Registrar's website and in addition to being in Citizens News, he was hoping it spread by the citizens. In addition, he is planning to talk about it more on social media and on Facebooks.

Mr. Shepperd asked about putting it also in the newspaper, on TV channels, and on the radio stations as he felt it was not in a readily noticeable place.

Mr. Morgan suggested having Mr. Latham work with Public Affairs to see what else can be done to promote this information. He said they had been planning to have a balloon like celebration of both offices, but that had been delayed due to COVID.

Chairman Green then called to order a public hearing on the Proposed County Code Amendment-Section 9-21.1 that was duly advertised as required by law. Proposed Ordinance No. 20-19 is entitled:

AN ORDINANCE AMENDING YORK COUNTY CODE SECTION 9-21.1 TO PROVIDE FOR A SATELLITE VOTING LOCATION AT 6614 MOORETOWN ROAD, SUITE A, FOR THE RECEIPT OF IN-PERSON ABSENTEE BALLOTS, AND ESTABLISHING TWO CENTRAL ABSENTEE VOTING PRECINCTS IN THE COUNTY

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

Mr. Shepperd then moved the adoption of proposed Ordinance No. 20-19 that reads:

AN ORDINANCE AMENDING YORK COUNTY CODE SECTION 9-21.1 TO PROVIDE FOR A SATELLITE VOTING LOCATION AT 6614 MOORETOWN ROAD, SUITE A, FOR THE RECEIPT OF IN-PERSON ABSENTEE BALLOTS, AND ESTABLISHING TWO CENTRAL ABSENTEE VOTING PRECINCTS IN THE COUNTY

**Sec. 9-21.1. Satellite office; Central absentee voter election precincts.**

- (a) There are hereby established for the County two central absentee voter precincts for all elections as defined by § 24.2-101, Code of Virginia. The polling places of the central absentee voter precinct shall be located at, or in close proximity to, the registrar's office located at (1) 5322 George Washington Memorial Highway, Yorktown, and at the registrar's office at (2) 6614 Mooretown Road, Suite A, in York County.
- (b) The registrar's office located at 6614 Mooretown Road, Suite A, is designated as a satellite office where in-person absentee ballots may be collected, as provided in § 24.2-701.2, Code of Virginia. The registrar may conduct all official business pertaining to elections at the satellite location.
- (c) The central absentee voter precincts shall conform in all aspects with § 24.2-712, Code of Virginia.

On roll call the vote was:

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

AT&T TOWER SITE

Mr. Morgan gave a presentation on proposed Resolution R20-93 to authorize the County Administrator to execute a second amendment to an existing tower lease agreement dated April 5, 2000, subsequently amended on March 21, 2012 with Cingular Wireless PCS, LLC, located adjacent to York High School at 9300 George Washington Memorial Highway; to increase the

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size of the leased premise by 4'x10' for a concrete pad and the rights to install a generator on the premise with right to access. Rent shall increase by \$300.00 per month following the commencement of the installation within the new premises area.

Chairman Green then called to order a public hearing on AT&T Tower Site that was duly advertised as required by law. Proposed Resolution R20-93 is entitled:

A RESOLUTION TO AUTHORIZE THE EXECUTION OF A SECOND AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC, TO INCREASE THE SIZE OF THE LEASED PREMISE BY 4'X10' AT THE TOWER SITE LOCATED AND OWNED BY THE COUNTY AT 9300 GEORGE WASHINGTON HIGHWAY

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 R20-93 that reads:

A RESOLUTION TO AUTHORIZE THE EXECUTION OF A SECOND AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC, TO INCREASE THE SIZE OF THE LEASED PREMISE BY 4'X10' AT THE TOWER SITE LOCATED AND OWNED BY THE COUNTY AT 9300 GEORGE WASHINGTON HIGHWAY

WHEREAS, the County of York and New Cingular Wireless PCS, LLC, entered into a certain AT&T Site Lease dated April 5, 2000, subsequently amended on March 21, 2012, and;

WHEREAS, New Cingular Wireless PCS, LLC, has requested that the County execute the request to increase the size of the leased premise by 4'x10' for concrete pad and the rights to install a generator on the premise with right to access, and;

WHEREAS, the rent shall increase by \$300.00 per month following the commencement of the installation within the premise area.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of August, 2020, that the County Administrator is authorized to execute a second amendment to the Tower Lease Agreement to increase the size of the leased premise by 4'x10' at the tower site for the purpose of the installation of a generator.

On roll call the vote was:

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

**CONSENT CALENDAR**

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

On roll call the vote was:

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

Thereupon, the following minutes were approved and resolutions adopted:

**Item No. 6. APPROVAL OF MINUTES**

The minutes of the July 21, 2020, Regular Meeting of the York County Board of Supervisors were approved.

Item No. 7. COMMENDATION OF RETIRING EMPLOYEE: Resolution R20-102

A RESOLUTION TO COMMEND RICHARD L. SMETHURST, RECREATION SUPERVISOR II, OF THE DIVISION OF PARKS AND RECREATION, DEPARTMENT OF COMMUNITY SERVICES, ON THE OCCASION OF HIS RETIREMENT FROM COUNTY SERVICE

WHEREAS, Mr. Smethurst began his employment on September 10, 1984, as a Recreation Supervisor, in the Department of Leisure Services; and

WHEREAS, in 1987, Mr. Smethurst transferred to the Department of General Services, where he remained and carried many responsibilities for facilities maintenance and construction; and

WHEREAS, Mr. Smethurst during his tenure with Department of General Services was responsible for the Americans With Disabilities Act (ADA), Facility Maintenance, and assisted with the development of the School and Park Master Plans; and

WHEREAS, in 1997, the Community Services Department was fortunate to secure his services to fill the Recreation Supervisor II position in the Division of Parks and Recreation; and

WHEREAS, Mr. Smethurst has been responsible for overseeing every youth sports program offered by the Division: soccer, baseball, and basketball and has implemented training for volunteer coaches; and

WHEREAS, Mr. Smethurst was responsible for the County employee picnics, volunteer recruitment, and recognition events; and

WHEREAS, he also served as a key representative in carrying out the County's components for the 4<sup>th</sup> of July celebrations, the 225<sup>th</sup> Anniversary of the Battle of Yorktown, and L'Hermione visit; and

WHEREAS, Mr. Smethurst amongst countless assignments was responsible for serving as a liaison and advisor to the York County Youth Commission, Historical Committee, Safety Committee, and the Parks and Recreation Advisory Board; and

WHEREAS, Mr. Smethurst has assisted with County facilities in many roles, operating and capital improvements plan budgets, volunteer programs, Senior Center of York, publications and annual reports all while being a great support for both the public and staff within the County; and

WHEREAS, Mr. Smethurst has performed his duties as Recreation Supervisor II with the highest level of commitment and integrity; and

WHEREAS, Mr. Smethurst has provided 35 years of dedication, attention to detail, and loyal service to York County and its citizens while gaining the utmost respect and admiration of his fellow employees, as well as the citizens and professionals he has dealt with and served over his career.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 18th day of , 2020, that Richard L. Smethurst be, and he is hereby recognized for the achievements and the invaluable contributions made to York County throughout his past 35 years of employment.

BE IT FURTHER RESOLVED that the Board's heartfelt best wishes be, and they are hereby, extended to Mr. Smethurst for a long, well-deserved, and pleasurable retirement.

Item No. 8. COMMENDATION OF RETIRING EMPLOYEE: Resolution R20-99

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A RESOLUTION TO COMMEND AND CONGRATULATE SARAH A. VANCE, ADMINISTRATIVE COORDINATOR, IN THE OFFICE OF COUNTY ADMINISTRATION ON THE OCCASION OF HER RETIREMENT FROM COUNTY SERVICE

WHEREAS, Sarah A. Vance began employment with the County on September 19, 1994, as a Secretary I in the Department of Community Services; and

WHEREAS, she was promoted on July 22, 1996, to a Secretary III and later reclassified as an Administrative Assistant III; and

WHEREAS, during her time in Community Services, Ms. Vance was responsible for an array of functions including preparation of Board materials, contracts, procurement, handling personnel records, and handling the Board Bank for a large number of the County Boards and Commissions; and

WHEREAS, Ms. Vance participated and contributed countless hours in the Zweibrucken Exchange programs by coordinating, participating, and providing decorations at the welcome and farewell receptions, hospitality rooms, and related events; and

WHEREAS, she served as a dedicated member of the Safety Town Steering Committee and worked tirelessly in the registration, setup, preparation, and purchasing of items related to the program; and

WHEREAS, during Hurricane Isabel, Ms. Vance worked in the Emergency Operations Center and provided information to the public while manning the phones and matched volunteers with County functions that responded to the storm; and

WHEREAS, on October 17, 2005, Ms. Vance was promoted to the position of Administrative Coordinator in County Administration; and

WHEREAS, during her tenure in County Administration, she has supported the Board of Supervisors, County Administrator, Deputy County Administrators, and Senior Legislative Assistant; and

WHEREAS, Ms. Vance has assisted with numerous events while employed with the County and include the groundbreaking ceremony of the Tabb Library, Charles Brown Park opening, Merrimac Center opening, Riverwalk Landing opening, Hermione tall ship reception, re-dedication of the McReynolds Athletic Complex, and ribbon cutting ceremony for Fire Station 1; and

WHEREAS, she has excelled in her role and is always willing to help wherever necessary; and

WHEREAS, after 26 years of devoted service, Sarah A. Vance will retire on September 30, 2020;

NOW, THEREFORE, BE IT RESOLVED, by the York County Board of Supervisors this the 18th day of August, 2020, that Sarah A. Vance be, and she is hereby, congratulated and commended for her hard work, dedication, support, and her professionalism during her tenure with the County of York.

BE IT FURTHER RESOLVED that the Board extend their very best wishes to Ms. Vance, for a long, well-deserved pleasurable retirement.

Item No. 9. COMMENDATION OF RETIRING EMPLOYEE: Resolution R20-94

A RESOLUTION TO COMMEND BO GARY DIXON, SIGN TECHNICIAN FOR THE FACILITY MAINTENANCE DIVISION, DEPARTMENT OF PUBLIC WORKS, ON THE OCCASION OF HIS RETIREMENT FROM COUNTY SERVICE

WHEREAS, Bo Gary Dixon, began employment March 30, 1987, and retired on June 30, 2020, as the Facility Maintenance Sign Technician after 34 years of dedicated service; and

WHEREAS, during his tenure, Mr. Dixon was single handedly responsible for the fabrication, installation and maintenance of all (over 2000) York County street signs, both public and private; and

WHEREAS, Mr. Dixon fabricated and installed the road entrance signs to York County itself as well as all park, fishing pier and boat ramp signage; and

WHEREAS, Mr. Dixon fabricated, installed and maintained all Colonial Yorktown signs to include custom green & white street signs, keyed location maps, parking and trolley stop signs, regulation & rule signs; and

WHEREAS, Mr. Dixon alone fabricated every desk nameplate, door number and ADA braille sign in all York County facilities and most school facilities; and

WHEREAS, Mr. Dixon fabricated event advertising posters and banners for Economic Development Authority and Parks & Recreation; and

WHEREAS, Mr. Dixon fabricated and installed County interior and exterior building identification lettering; and

WHEREAS, it is probable that the signs on most of the County facilities were constructed by Bo Dixon; and

WHEREAS, Mr. Dixon has performed his duties as Facility Maintenance Sign Technician with the highest level of commitment and integrity and was recognized by the Mid-Atlantic Chapter of the American Public Works Association in 2013 for non-public contact customer service; and

WHEREAS, Mr. Dixon has earned admiration and respect from the Board of Supervisors and his colleagues for his dedication, enthusiasm, professionalism, sense of humor, and hard work;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of August, 2020, that Bo Gary Dixon be, and he is hereby recognized for the significant achievements made while employed with the County and they express their sincere gratitude for the invaluable contribution he has made to York County throughout the past 34 years.

BE IT FURTHER RESOLVED that the appreciation of the citizens of York County is hereby extended to Mr. Dixon for his service, and the heartfelt best wishes of this Board of Supervisors are extended to Mr. Dixon for a long, well-deserved, and pleasurable retirement and continued success in future endeavors.

Item No. 10. COMMENDATION OF RETIRING EMPLOYEE: Resolution R20-95

A RESOLUTION TO COMMEND DAVID M. DAVIS, INVENTORY COORDINATOR, FOR THE DEPARTMENT OF PUBLIC WORKS ON THE OCCASION OF HIS RETIREMENT

WHEREAS, David M. Davis, began employment April 22, 1996, and on June 30, 2020, retired from his present position as Inventory Coordinator after 24 years of service; and

WHEREAS, Mr. Davis' services and attention to detail helped to improve the Division of Utilities Inventory Program and stock areas; and

WHEREAS, Mr. Davis worked diligently to ensure that the Utilities staff members and other divisions in Public Works were provided with prompt and thorough service; and

WHEREAS, Mr. Davis was most recently an employee of the Division of Infrastructure Management and was dedicated to insuring that stock areas were set up and maintained, rules for obtaining parts and materials were followed including the inclusion of county wide Personal Protective Equipment stocking and supply;

August 18, 2020

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 18th day of August, 2020, that David M. Davis be, and he is hereby commended and appreciated for his commitment to the County throughout the past 24 years.

BE IT FURTHER RESOLVED that the Board extend their very best wishes to Mr. Davis for a long, well-deserved pleasurable retirement.

Item No. 11. EMPLOYEES OF THE QUARTER: Resolution R20-100

A RESOLUTION TO COMMEND BONNIE K. DAME, OPERATIONS COORDINATOR AND DOUGLAS F. DEACH, FLEET SUPERINTENDENT, DIVISION OF FLEET SERVICES, DEPARTMENT OF PUBLIC WORKS, AS EMPLOYEES OF THE QUARTER

WHEREAS, Ms. Bonnie K. Dame has been employed with the County since November 7, 1988 where she began as a Secretary and was promoted to Operations Coordinator August 18, 2014, Mr. Douglas F. Deach, Fleet Superintendent has been employed since May 19, 1997 where he began as a Grounds Equipment Technician and was promoted to Fleet Superintendent March 5, 2018; and

WHEREAS, Ms. Dame and Mr. Deach have diligently supported York County staff and citizens for 32 years and 23 years respectively; and

WHEREAS, Ms. Dame oversees most of the day to day office and fuel site operations in the Fleet Services Division. Ms. Dame has grown her knowledge consistently in order to become an expert systems administrator for the division's software system, AssetWorks; and

WHEREAS, when new employees begin, Ms. Dame takes the time to train them on the different functions and options within the system in order to perform their jobs at optimum efficiency, all the while performing her own job duties at an expert level; and

WHEREAS, Ms. Dame is the key manager for the fuel system and is very adept at handling any and all requests and issues that may arise at our County fuel sites; and

WHEREAS, Ms. Dame takes special care and consideration to support the needs of the County, while also being attuned to the needs of her fellow co-workers and often works late and comes in on weekends to ensure that the Fleet Services' operations are running smoothly; and

WHEREAS, Mr. Deach transitioned from a Grounds Equipment Technician to a Heavy Equipment Technician and after many years in that position he was promoted to Superintendent, where he exemplifies leadership for all employees to model; and

WHEREAS, Mr. Deach works constantly and consistently with many vendors to negotiate rates which help to save the County money when we must outsource vehicle repairs. Mr. Deach is available to take service calls at all hours if there is an accident; or an incident with a disabled vehicle, and

WHEREAS, Mr. Deach holds twenty-five different automotive and Emergency Vehicle Technician (EVT) certifications at this time. When a new vehicle model is purchased by the County, he continually takes initiative to learn the skills needed to become certified so that he may assist the service technicians when there is an issue; and

WHEREAS, Mr. Deach assists the service technicians with staying up to date on their certifications and personally took on new ASE's to keep Fleet Services certified as an ASE Blue Seal of Excellence for the seventeenth consecutive year; and

WHEREAS, the dedication and commitment to excellence displayed by Ms. Dame and Mr. Deach over many years has had a significant, positive impact on many County employees who utilize Fleet Services - including first responders, utilities, grounds maintenance, tourism and many others; and

WHEREAS, both Ms. Dame and Mr. Deach give more than is expected of their job positions and have been instrumental in continuous improvements to our Fleet Services Division; their actions have resulted in improved organization, efficiencies, service standards, and recordkeeping techniques; and

August 18, 2020

WHEREAS, Ms. Bonnie K. Dame and Mr. Douglas F. Deach are both highly regarded and respected employees who work closely together to exemplify the highest quality of service and demonstrate exceptional job performance, setting an example for all County staff to strive towards; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this 18th day of August, 2020, that Bonnie K. Dame and Douglas F. Deach, are hereby congratulated upon their selection as Employees of the Quarter for the quarter ending June 30, 2020.

Item No. 12. DECLARATION OF A LOCAL EMERGENCY: Resolution R20-105

RATIFICATION OF A DECLARATION OF A LOCAL EMERGENCY

WHEREAS, the Board of Supervisors of the County of York does hereby find that due to the projected approach Tropical Storm Isaias on August 5, 2020, the County of York is faced with a condition of extreme peril which necessitated that the County Administrator, acting as the Director of Emergency Services, declare a local emergency at 9:00 a.m. on August 4, 2020, in order to provide mitigation, preparedness, and activities to protect life and property;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 18th day of August, 2020, that the act of the Director of Emergency Services in declaring a local emergency is hereby confirmed as are all actions taken pursuant to this declaration.

**MATTERS PRESENTED BY THE BOARD**

Mr. Zaremba reminded the Supervisors that about six week ago he had invited them all to come to District 1 for coffee and a tour to see all the wonderful things that are being done for the citizens of the County. He stated he was still waiting for them to take him up on his offer as the invitation still stands.

Mr. Shepperd expressed his concerns about the poor quality of the recording of the gentlemen who had called in to leave public comments, stating something needs to be done to improve the quality of the transmissions so that the comments can be heard.

Chairman Green stated that last month the County had lost a titian, a former member of the Board of Supervisors, Mr. Don Wiggins who had served 12 years on the Board, had been a true advocate for the people and a true servant leader. He stated that because of the current COVID issues there had been a very small graveside funeral, but the family is planning to have a memorial service when things improve. He expressed condolences to his wife, Carolyn and his family from the Board and staff.

**CLOSED MEETING.** At 8:33 p.m. Mr. Zaremba moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions and the employment of a specific public officer/appointee/employee.

On roll call the vote was:

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

Meeting Reconvened. At 8:38 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Zaremba moved the adoption of proposed Resolution SR-1 that reads:

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

August 18, 2020

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

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of August, 2020, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

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

APPOINT MEMBERS TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

Mr. Shepperd moved the adoption of proposed Resolution R20-87(R) that reads:

A RESOLUTION TO APPOINT MEMBERS TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

WHEREAS, on May 31, 2020, the term of Thomas Byrne expired and he does not wish to be reappointed; and

WHEREAS, Circuit Court Judge Michael McGinty has resigned from his position on the Board due to a conflict and it is necessary in order to comply with the Code of Virginia to appoint the 9th Circuit Court Chief Judge B. Elliott Bondurant to fill the vacancy.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this day 18th of August, 2020, that Andrew Engemann be, and he is hereby, appointed to the Colonial Community Criminal Justice Board for a term of three years, such term to begin retroactively on June 1, 2020, and end May 31, 2023.

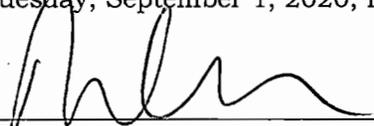
BE IT FURTHER RESOLVED that Chief Judge B. Elliott Bondurant be, and he is hereby, appointed to the Colonial Community Criminal Justice Board to fill the vacancy created by the resignation of Circuit Judge Michael McGinty, for a term of three years such term to begin retroactively on June 1, 2020, and end May 31, 2023.

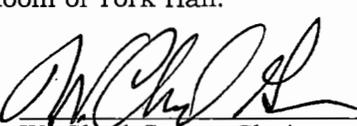
BE IT STILL FURTHER RESOLVED that Captain Tommy West be, and he is hereby, appointed to the Colonial Community Criminal Justice Board to fill the term of Captain Dennis Ivey, such term to begin on November 1, 2020, and end October 31, 2023.

On roll call the vote was:

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

Meeting Adjourned. At 8:41 p.m. Chairman Green declared the meeting adjourned to 6:00 p.m., Tuesday, September 1, 2020, in the Board Room of York Hall.

  
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Neil A. Morgan  
County Administrator

  
\_\_\_\_\_  
W. Chad Green, Chairman  
York County Board of Supervisors