

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
November 15, 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, November 15, 2022, in the Board Room, York Hall, by Chairman Sheila S. Noll.

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

Also in attendance were Mark L. Bellamy, Jr., Deputy County Administrator; James E. Barnett, Jr., County Attorney; and Heather L. Schott, Assistant to the County Administrator.

Invocation. Reverend David Magruder, Zion United Methodist Church, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Cub Scout Pack 104 - Edgehill led the Pledge of Allegiance.

**PRESENTATIONS**

**HOLIDAY EVENTS IN YORKTOWN**

Mr. Darren Williams, Waterfront Operations and Event Planner and Mr. Kevin Ritchie, Event Planner, came forward to make a presentation on behalf of the Economic and Tourism Development Department and many of our community partners.

Before providing information on the County's holiday events, Mr. Williams shared with the Board the many successful events that had been held during the fall season which included the following:

- Completed the 18<sup>th</sup> season of the *Rhythms on the Riverwalk Concert* series which included many of the concert favorites such as Good Shot Judy and this year three new acts were added;
- After a two-year hiatus, the Virginia Symphony Orchestra returned to the waterfront sponsored by the Celebrate Yorktown Committee (CYC) of the Yorktown Foundation who worked very hard to make this event a tremendous success;
- The Riverwalk Landing piers were exceedingly active this summer and fall with tall ships and other visiting vessels such as the U.S. Naval Academy, Annapolis yard patrol crafts and the Nao Trinidad that brought thousands of visitors to the waterfront;
- During our Maritime Festival an exhibition of workboats at the piers was held providing visitors with a better understanding and appreciation of how workboats play into our regional culture;
- In October, the cruise ships returned to the waterfront providing much activity for the area attractions in Yorktown;
- Also in October the fall-themed market was initiated with the Fall Festival being the kick-off event, followed by the River Market and also the Vintage Market returned to the McReynolds Athletic Complex (MAC) in November;
- The Sea Shanty Festival, sponsored by the Watermen's Museum, was held simultaneously with the re-enactment of the Yorktown Tea Party;

November 15, 2022

- This upcoming Saturday, a Harvest Festival will be held with live log carving demonstrations and more;
- Unfortunately due to inclement weather both the Wine Festival and Yorktoberfest Beer Festival were both canceled and rescheduled in November with outstanding attendance;
- Also this fall included the premiere of the Yorktown episode of *The Follow The Frenchman* YouTube series which highlighted the importance of Lafayette's return to Yorktown in October of 1824;
- Included in the October calendar was the return visit of the Zweibrucken delegation which the staff of Tourism and Economic Development had the pleasure of offering a tour; and
- Kick-off for the Holiday Season has already begun as the Public Works' crews install greenery and ribbons on the light poles and on Monday the Christmas tree at the waterfront will be decorated.

Mr. Ritchie continued the presentation by sharing the many Holiday Season events that include:

- The season kicks off with the Annual Christmas Tree Lighting Ceremony on December 2, sponsored by the York County Historical Committee, which will include additional activities such as performances by a school choir, the Tradoc Military Brass Band, and a visit by Santa;
- The following day kicks off our two-day, December 3 and 4, Christmas Market on Main Street featuring 80 vendors, strolling entertainment, a chestnut roasting demonstration and much more;
- On Saturday of the two-day event photos with Santa can be taken on the back of the old 1955 Dodge vintage fire truck;
- The Lighted Boat Parade, sponsored by the Yorktown Foundation, will also return this year on December 3 at 7:00 p.m. which will include cider, hot cocoa and a bonfire;
- Also on December 4 at 4:00 p.m. the free Cookies with Santa event will be held, sponsored by the Gallery at York Hall;
- New this year is an enchanted evening on Main Street to be held on December 9 from 5 p.m. to 9 p.m. to include live animals, ice carving, strolling entertainment and more;
- A brief video was then played advertising The Enchanted Evening on Main Street created by the Public Affairs Office;
- The final holiday event will be the Mistletoe Market at the waterfront on December 10 from 9 a.m. to 3 p.m. to include live entertainment, opportunities to shop and visit with Santa in a model train exhibit at the Freight Shed; and
- In addition, some of our community partners will hold free events in York County such as Christmas Time at the American Revolution Museum; Wreaths Across America, sponsored by the Yorktown Chief Petty Officer Association and the Colonial National Historical Park; and an event will be held to learn about Scandinavian influences on modern Christmas culture at the Watermen's Museum.

Mr. Ritchie stated that anyone interested in obtaining additional information on upcoming events may visit the County's website, [www.visitorktown.org](http://www.visitorktown.org), or social media platforms. In conclusion, he stated that the York County Economic and Tourism Development Department is honored to bring these holiday events and celebrations to our residents.

Mr. Green asked about the cost of participating in the aforementioned events.

Mr. Ritchie and Mr. Williams simultaneously responded that there is no charge for any of the aforementioned activities.

Chairman Noll thanked the Celebrate Yorktown Committee for sponsoring the Virginia Symphony Orchestra's performance in Yorktown and all the Gallery volunteers for all they do for the County.

Mr. Roane pointed out that members of the York County Youth Commission (YCYC) will be stationed in the Freight Shed at the Christmas Tree Lighting to assist residents in writing letters to our deployed troops.

Both Mr. Williams and Mr. Richie offered their gratitude to the YCYC also for their assistance on many occasions.

Mr. Zaremba asked everyone to join him in a round of applause for Mr. Williams and Mr. Richie for a job well.

Both gentlemen pointed out that it is a team effort and should be shared with the entire staff of Tourism and Economic Development.

#### **CITIZENS' COMMENT PERIOD**

Ms. Shirley Cooper, 716 Albemarle Circle, Newport News, praised the Board of Supervisors for the excellent job they had done and continue to do to make York County an incredible place in which to live and visit. She particularly pointed out how beautiful and scenic the waterfront is and commended Ms. Sharon Owen for the amazing job she does at the Gallery. In closing, she thanked the Board for providing a small grant that was used to compile a Yorktown Cookbook that was freely distributed last year.

Mr. Alan Schulenberg, 506 Mary Bierbauer Way, stated that he recently became aware of a property transaction at 1210 George Washington Memorial Highway. He contacted Chairman Noll who indicated that the property could be developed without a special permit or citizen input contingent upon the provision and maintenance of a 35-foot transitional buffer. He expressed concern over the parcel's development as it would eliminate green space, negatively impact the rural character of the area, produce noise and light pollution, and likely decrease his property values. In closing, he requested that a hundred-foot landscaped buffer to remain naturally forested be required and that it be recorded as an easement to prevent its development in perpetuity.

Mr. Mark Williams, 414 Wolf Trap Road, #63, stated that he appreciated the Board's service to the County. He then expressed concern regarding the amount of debris on the County's roadways. He noted that this debris is the cause of many flat tires experienced by citizens, as well as the Sheriff's and Fire Department's vehicles. He suggested that the Virginia Department of Transportation (VDOT) be contacted to ensure they perform a thorough cleaning of our streets.

Mr. Tom Chamberlain, 270 Barlow Road, Williamsburg stated that a few months earlier the Board had approved the renovation of a pre-existing structure into a moderately priced apartment complex. He explained that the development never occurred as the property owner received a better offer for the property which is now being developed into luxury apartments. He explained that his chief concern is that the County's Economic Development Authority gave the former owner \$30,000 of taxpayer money to tear down the old structure to build new moderately priced apartments; however, instead luxury apartments are being constructed without the benefit of public input. In addition, he noted another example of an unapproved home being constructed in the Tranquility subdivision without proper approval.

Ms. Mary Delpalacio, 502 Mary Bierbauer Way, reiterated the concerns previously expressed by Mr. Alan Schulenberg. She stated that the development of 1210 George Washington Memorial Highway came as a shock and she is concerned about the preservation of this beautiful piece of property. She too requested a 100-foot buffer between the property in question and the adjoining neighborhood to preserve the rural nature of this area.

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

Mr. James Barnett, County Attorney, stated that at the second Board meeting in December he will likely have a preliminary list of the bills to be presented to the 2023 General Assembly.

November 15, 2022

Thus far, he added that there were only a minimal number of bills that have been filed; however, after Thanksgiving, the list should increase dramatically. He added, in advance of the second December meeting, he will forward information to the Board on any items of interest.

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

Mr. Mark Bellamy, Deputy County Administrator, pointed out that via payroll deductions and special fundraising events held by staff, the County has already reached 80 percent of our United Way goal of \$30,000. He also pointed out that the recent visit by the Zweibrucken delegation had been a tremendous success and, on behalf of the County Administrator and himself, he commended Brian Fuller, Kristi Olsen-Hayes, Sheri Newcomb, Darren Williams, Kevin Ritchie, and other staff members for their efforts in making our guests' visit very enjoyable. He also announced that the new Library dedication ceremony, which is open to the public, will be held on December 20. He also noted that once the Library's resources have been restored to the building, another celebration will be held later. Lastly, he announced that Tabb Elementary School has been designated as a Blue Ribbon School by the Virginia Department of Education which is a tremendous honor.

### **MATTERS PRESENTED BY THE BOARD**

Mr. Zaremba, in response to Mr. Chamberlain's earlier comments, stated that he too had noticed that the facility that has been built at the subject site is indeed impressive. However, since the Board had previously approved modestly priced apartments for this particular site, he stated that staff will review the structure's compliance with the appropriate County regulations. Secondly, he pointed out that York County prides itself on its transparency.

Mr. Green asked staff to contact VDOT to request that they sweep the streets to remove all the destructive devices on our roadways. He also reminded everyone that the County's Economic Development Authority (EDA) had provided the owners of the property, formerly known as the George Washington Inn, a grant since they proposed moderately priced apartments for this site. However, since luxury apartments are now being erected, he asked that the EDA contact the owners to be reimbursed for this grant.

Mr. Roane commended Dockmaster James Scruggs, and the Economic and Tourism Development Department staff for their hard work recruiting and scheduling various cruise ships such as the Nao Trinidad and other vessels to dock at our piers.

Mr. Shepherd stated that he too receives complaints from residents regarding metal debris on the roadways. He suggested that residents who witness an accumulation of metal on the streets contact their District Supervisor who will notify VDOT. Regarding affordable housing, he noted that many homes built in the County were originally described as affordable housing; however, over time property assessments have drastically increased since so many people want to live in the County. Next he addressed the speakers who had expressed concern over the development of a piece of property adjacent to their neighborhood. In regards to this matter, he stated that the Virginia State Code spells out and protects the rights of property owners. In addition, he noted that the Board, in the Comprehensive Plan, designates areas for specific types of development and what can occur in each in order to protect the property of citizens as well as businesses. He stated anyone wishing to purchase property needs to do their homework by investigating how the adjacent property is zoned and what type of development is included in that specific zone. He also noted that the reason so many people want to reside in the County is because of our outstanding school system. He stated that Tabb Elementary School being chosen as a Blue Ribbon School is a clear indication that our School Division is outstanding. Also he noted that York County Schools are number three in the Commonwealth out of 130 school divisions and number one in the Hampton Roads region with 97 percent on-time graduation rate.

Chairman Noll thanked all the County poll workers for a job well done during the recent election and encouraged others to offer their gratitude to them as well. She pointed out that the Chairman and Vice Chairman of the School Board and the Board of Supervisors, the County

Administrator and the School Superintendent meet quarterly to share their concerns and to update each other on the latest news and events occurring. She noted that both groups have a better understanding of the needs and concerns of the other and can work together for the good of our children and citizens. She commended the members of the Historical Committee for the recent excellent Veterans Day Commemoration held in York Hall. She encouraged more citizens to attend this annual ceremony honoring our veterans who have sacrificed to protect our citizens and nation. She pointed out that over the past four and half years enough plastic bags have been donated to the County to make nine benches placed at various public locations. She noted that it takes 500 pounds of plastic bags to make one bench and she encouraged citizens to continue donating these bags in the appropriate receptacles located at our libraries. She encouraged both men and women to be proactive by getting regular breast/chest examinations. She also encouraged individuals who had run for public office and for political parties that erected signs prior to the election to please remove them. Having recently attended the Virginia Association of Counties (VACo) Conference which held a session on sports tourism, she expressed excitement over the possibility that a sports facility, sponsored by Williamsburg, James City County and York County, may come to fruition. Lastly, she encouraged parents to get involved in the school system, as a good education for our children is paramount.

### **RECESS**

Chairman Noll called a brief recess at 7:02 p.m.; the meeting reconvened at 7:09 p.m.

### **PUBLIC HEARINGS**

APPLICATION NO. SE-26-22, SMM SOUTHEAST LLC D/B/A SIMS METAL MANAGEMENT.  
Resolution R22-157.

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

Mr. Timothy C. Cross, Deputy Director of Planning and Development Services, gave a presentation on Application No. SE-26-22, SMM Southeast LLC d/b/a Sims Metal Management to authorize an expansion of a nonconforming metal recycling plant located at 2114-A George Washington Memorial Highway. In conclusion, Mr. Cross stated that the Planning Commission considered this application on March 9 and continued the hearing to the April 13 meeting at the property owner's request and continued the public hearing again to the May 11 meeting, at the applicant's request. Subsequent to conducting a public hearing at which seven individuals spoke, the Planning Commission recommended approval on a vote of 3:1.

Mr. Zaremba expressed concern that only four members of the Planning Commission were present at the last meeting to vote on this application. He noted that had the three absent members been present, the outcome could have been quite different.

Mr. Roane asked if the applicant plans to paint both sides of the shipping containers and if so what color paint will they use. He also asked if the containers are placed directly on the ground or on a solid surface.

In response, Mr. Cross stated that the outside perimeter will be painted buff tan which is the color VDOT uses on its sound walls. He added that the Sims representative can address the safety issues and how the containers are stacked. In addition, he noted that these containers will be welded together and all the gaps sealed which would prevent them from toppling or being moved in a severe weather event.

Mr. Shepherd asked if the County had ever received a noise complaint from this area prior to Sims acquiring this property.

In response, Mr. Cross stated that he was unaware of any complaints at that time.

November 15, 2022

Mr. Shepherd stated that this situation has evolved over the years as housing developments and subdivisions were established adjacent to industrial parks and/or existing businesses before the existing zoning regulations. However, the last couple of decades he noted the Board has tried to limit the expansion of such businesses as is before the Board this evening. Mr. Shepherd then asked if the original industrial use was reviewed and approved by the County.

Mr. Cross stated that the original site plan for the business was submitted in 2000 when recycling plants were a permitted use in the General Business zoning district. As such, the plant was established as a matter of right use. He added that in 2005, the code was amended removing recycling plants from the list of permitted uses in the GB district.

Mr. Shepherd stated that the existing use of the property is a legal non-conforming operation. He also noted that several meetings regarding this matter were held prior to the Planning Commission's vote recommending approval by a 3:1 vote.

Mr. Cross explained that this request was presented to the Planning Commission in March at which time the applicant, Blackie's, requested that it be tabled. Again in April, this application was tabled at the new applicant's, Sims Metal, request. He pointed out that public comments on the application were received at all three associated Planning Commission meetings and at a community meeting, sponsored by the County, which he felt was beneficial.

Discussion followed on the community meeting.

Mr. Shepherd then asked if the applicant had been approached to determine if this business could be located further north in the County, away from residential areas and more accessible to interstate 64. He stated that he understood the community meeting was not good since the concerned citizens in attendance did not find the request acceptable. In addition, the scientific analysis, relative to the noise issue, he explained does not prove that the level of noise will be reduced by the shipping containers. He also noted that according to VDOT it takes 200 feet of trees to attenuate traffic noise from Interstate 64 so the two rows of trees also proposed on-site will not decrease the noise.

Mr. Cross stated, that to his knowledge, no one has discussed moving the business further north away from residential areas. He also clarified that the proposed trees are for aesthetics only.

Mr. Shepherd asked the County Attorney what benefit is the Noise Ordinance if we cannot determine the origin of the noise and if someone is found guilty of this offense what is the penalty.

In response, Mr. James Barnett, County Attorney, stated that the burden of proof is on the County to determine if the applicant is the source of the noise. For a first offense, the owner is fined; however, on the second offense the fine increases and increases again should a third offense occur. In addition, he stated that the County also has the option to take the matter to the Circuit Court and ask for an injunction to halt the unlawful conduct.

As such, Mr. Shepherd stated that the Noise Ordinance can then be an effective tool to ensure that the noise level of the business does not increase.

In closing, Mr. Cross reiterated that he believed the community meeting had been successful since everyone at that time voiced their concerns and had their questions addressed. In addition, after the meeting staff received no phone call or emails from any adjacent property owners. He noted that over the three public hearings, six to seven individuals expressed concern over the noise that emanates from the business which should be addressed by the request for the shipping containers.

Mr. Shepherd, although not in full agreement, stated that regardless Sims Metal will have to comply with the Noise Ordinance.

Mr. Jeremy Laws, business partner for Sims Southeast and for the subject facility as well, came forward in support of the request. He explained that Sims Metal, in response to the May 4, 2021 Notice of Violation (NOV) issued to Sims Metal, appealed this notice in order to seek a mutually acceptable resolution to the issues detailed in the NOV. He explained that Sims Metal has effectively used sound containers in several other locations, as proven by no complaints by the properties on the other side of the containers and by engineers that have performed sound surveys on both sides. He stated that the containers are interlocked and welded together so that they cannot tip over. In addition, a level base for the containers is composed of a riprap bed with crush and run gravel above that ensures that the containers will not tip over. He stated the purpose of this application is not to grow the business, but rather to install a sound attenuation barrier using the shipping containers. If approved, he stated the containers will be painted buff tan and the proposed trees will be planted on the other side serving as a visual attenuation.

Chairman Noll asked about the size of the evergreens to be planted for a visual barrier.

Mr. Laws noted that the height had not yet been determined.

Chairman Noll asked that a minimum height of ten feet for the evergreens be added to the list of conditions.

Mr. Roane asked why the applicant had reduced the barrier height from three containers to two containers.

Mr. Laws stated that the sound survey performed on the site indicated that three containers does not attenuate the sound any more than two. As such, he added that it seemed prudent to leave the height at two containers thereby minimizing the visual impairment. However, should the Board decide they prefer three high, he stated he is happy to do so.

Mr. Green commended Mr. Law for reaching out to the neighboring properties regarding this request and being proactive in resolving any issues they may have.

Chairman Noll then called to order a public hearing on proposed Resolution R22-157(R) that was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL EXCEPTION TO  
AUTHORIZE AN EXPANSION OF A NONCONFORMING METAL RECYCLING  
PLANT AT 2114-A GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17)

Mr. Mark Williams, 414 Wolf Trap Road #63, asked about the County's current Noise Ordinance and the hours when it is effective. He added that depending on the Noise Ordinance requirements, the business may not be in violation at all. In closing, he suggested that whatever you do on one side of the barrier, you should do likewise on the other side.

Chairman Noll stated that as long as the business's noise level is 65 decibels or less it is not in violation of the Noise Ordinance.

Mr. Chris Woodward, 100 Jethro Lane, expressed support for the business and their request to attenuate the noise it produces. In addition, he stated that this metal recycling business helps the environment and the community.

Mr. Barnett suggested that since the proposed ordinance does not reference compliance with the County's Noise Ordinance, he suggested adding condition number eight to read as follows: that the operation shall comply at all times with the County's Noise Ordinance, Section 16-19 et. Seq. of the County Code. He further noted that this will ensure that the proposed noise attenuation will result in compliance with the County's Noise Ordinance.

November 15, 2022

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

Mr. Green then moved the adoption of Resolution R22-157(R) as amended.

Mr. Shepherd stressed that the County will ensure that the business complies with the Code and the resolution being considered this evening which he will support.

On a roll call the vote was:

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

APPLICATION NO. UP-998-22, Wayne Harbin. Resolution R22-158.

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

Ms. Jeanne Sgroi, Management Analyst, gave a presentation on Application No. UP-998-22, Wayne Harbin to authorize the establishment of a tourist home in an existing single-family detached dwelling located at 106 Shirley Road. In conclusion, Ms. Sgroi stated the Planning Commission considered this application on September 14, 2022. Subsequent to conducting a public hearing at which four individuals spoke, the Planning Commission recommended approval on a vote of 4:0.

Mr. Roane asked if staff had received any indication on how often the applicant anticipates renting the property.

In response, Mrs. Sgroi, stated that staff had not received this information.

Mr. Roane also asked for clarification relative to the proposed condition that the owner is required to reside in the nearby property while the rental property is in use. Specifically he wanted assurance that the property owner would not just own the nearby property, but actually reside in it whenever the rental property is occupied.

The applicant, Mr. Wayne Harbin, 125 Shirley Road, came forward in support of his application. He stated that he did not realize that he must actually physically reside in his nearby home when the rental property is occupied. In addition, he asked that he be allowed to have five cars parked at the rental home rather than four which is included in the conditions. In conclusion, he asked that the condition that he remain in the home the entire time someone is renting the home be removed.

Mr. Shepherd asked Mr. Harbin to explain specifically what he is asking for.

Mr. Harbin stated that it is an unusual request to require him to reside at the home the entire time the rental home is occupied and as a contractor that must travel, it would make it quite difficult for him to do so. He stressed that he can pick and choose who will rent the home to eliminate problem renters and that his relatives will be the primary renters. He pointed out that he held a meeting with the neighbors and everyone seemed to support his request.

Mr. Barnett stated that the Code does have some flexibility in that it states that the owner/proprietor of a tourist home shall reside either in the home or adjacent property or shall designate a responsible party.

Mr. Roane stated that it appears that either he, as the homeowner, or some responsible party should be designated to be responsible for the renters should a problem arise.

Mr. Shepherd asked about the parking situation that Mr. Harbin had alluded to earlier.



In response, Mr. Harbin stated he would like to increase the allowable number of cars on-site to five in case relatives come to see the renters.

Mr. Green commended Mr. Harbin on being proactive by speaking to his neighbors about the request and gaining their support. However, he also explained that he typically votes no on this type of request.

Mr. Shepherd asked, if the Board so chooses, may they change the condition from four to five cars allowed to park on the property.

Mr. Barnett stated that the Board can do this by changing condition number four by saying a maximum of five cars are allowed on-site, thereby revising the Resolution to R22-158(R).

Chairman Noll then called to order a public hearing on proposed Resolution R22-158 that was duly advertised as required by law and is entitled:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO AUTHOR-  
IZE A TOURIST HOME IN AN EXISTING DWELLING AT 106 SHIRLEY ROAD

Mr. Chris Woodward, 100 Jethro Lane, stated that he opposes the proposed tourist home. He added that he can support anyone purchasing the subject home for personal use or constructing a new home adjacent to his property, but he is in opposition to Airbnbs in his neighborhood. He stated that if the Board approves this one, it is unlikely that similar future requests will be denied.

Ms. Diane Howell, 104 Horseshoe Drive, Williamsburg expressed concern that the Board now has solid guidelines relative to short-term rentals in the County, but the Board appears to be waiving on this request. Historically, she stated for short-term rentals when the owner is not on-site a responsible party is designated to oversee it and the public and the County are notified of this individual, so the neighbors do not have to police the situation. In conclusion, she stated that people buy their homes in residentially zoned neighborhoods with no thought that a mini hotel may be established next door.

Mr. Cross explained that the resolution before the Board this evening is stricter than that which is included in the performance standards for short-term rentals. He also noted that should the Board wish to approve the resolution with the following amendments: five cars are permitted on-site and the property owner may designate another responsible party if he plans to be out of town, the Board will need to adopt an amended resolution, R22-158(R).

Mr. Barnett then suggested that the following language be used in the motion should the Board wish to amend and approve this request: "The owner-operator of the tourist home shall reside at 125 Shirley Road during times of all tourist home rentals or comply with County Code Section 24.1-409".

Mr. Harbin stated that Shirley Road is not a typical neighborhood since there are several businesses located on this roadway.

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

Mr. Green then moved the adoption of revised Resolution R22-158(R).

On a roll call the vote was:

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

November 15, 2022

Mr. Roane asked that in the future, staff determine and include the required language should the applicant want to have the ability to designate another responsible party for their short-term rental should they be unavailable.

REQUEST FOR PROPERTY TAX EXEMPTION FROM ROBINSON COMMUNITY RESOURCE PARTNERSHIP, INC., PROPERTY AT 312 WALLER MILL ROAD. Ordinance No. 22-16.

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 in previous years such requests were considered and granted by the General Assembly. However, some time ago the State Code was amended so that the locality considers and grants exemptions to nonprofit organizations, a list of which can be found in Section 58.1-3651 of the State Code. He explained that he had communicated with the applicant, Robinson Community Resources Partnership, Inc. (RCRP), who had identified their tenant as Child Development Resources (CDR) which is an eligible 501C3 organization. In conclusion, he stated that a representative from the applying agency was present and could answer any questions the Board might have.

Chairman Noll then called to order a public hearing on proposed Ordinance No. 22-16 that was duly advertised as required by law and is entitled:

AN ORDINANCE GRANTING AN EXEMPTION FROM REAL AND PERSONAL PROPERTY TAXATION PURSUANT TO CODE OF VIRGINIA SECTION 58.1-3651 TO ROBINSON COMMUNITY RESOURCES PARTNERSHIP, INC. FOR PROPERTY LOCATED AT 312 WALLER MILL ROAD IN YORK COUNTY

Ms. Virginia Crone, Chair of the Robinson Community Resource Partnership, Inc. (RCRP) Board, stated that the property has been leased to CDR which hopes to expand its presence at that location. Lastly, she stated that she would be happy to answer any questions the Board might have.

Mr. Zaremba asked if CDR is currently renting the subject property. In addition, he asked for confirmation that the RCRP is receiving money for the building being occupied by the CDR.

Ms. Crone stated that the CDR has already executed a long-term lease with the RCRP. Moreover, she explained that the rent received from CDR is less than 50 cents a square foot and that what they receive from the CDR covers the cost of insuring the building. In addition, she noted that the CDR is able to claim the difference between the market rent and the actual rent they pay for a non-federal share towards the federal government grants they receive.

Mr. Paul Scott, Executive Director of CDR, stated that the CDR is the beneficiary of this very low-cost lease. He explained that COVID has made the planned renovation project for the RCRP building more costly than originally planned. As such, he added that the CDR Board will meet in the near future to modify the plan to make it more affordable. He noted that it is hoped everything will be in place shortly so the project will begin which is expected to take one year to complete. Although the building is currently vacant until the project begins, Mr. Scott stated that it is being put to good use by the Drug Enforcement Administration (DEA) and Special Weapons and Tactics (SWAT) teams that are using it for training. Once the renovation is complete, he added the CDR will relocate all of our sites into this one building located in York County. The redesign for the building he pointed out will allow for a large training space which will be brought forward in the future for the Board's consideration.

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 Ordinance No. 22-16.

On a roll call the vote was:

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

### CONSENT CALENDAR

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

Chairman Noll asked if a Board member would like to ask questions about or offer comments on any of the consent items.

Mr. Roane asked that Item No. 6 be pulled for additional discussion. He expressed appreciation to Mr. Richard Sutton, Chief of Operations, and Mr. Timothy Warthan, Utilities Operations Superintendent, for taking the time to provide him with an in-depth understanding of the Brandywine Pump Station Rehabilitation Project as well as the County's overall sewage system infrastructure. After conversing with both gentlemen, he stated that he fully supports this project.

Mr. Zaremba moved that the Consent Calendar be approved as submitted, Item Nos. 4, 5, 6, 7, 8, 9, 10, and 11, respectively.

On roll call the vote was:

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

### Item No. 3. APPROVAL OF MINUTES

Thereupon, the following minutes were approved and resolutions adopted:

September 20, 2022  
 October 4, 2022

### Item No. 5. PROCUREMENT REQUEST: FLEET MANAGEMENT: Resolution R22-161.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO PURCHASE ONE FORD F-350 SUPER CREW CAB TRUCK

### Item No. 6. BRANDYWINE PUMP STATION REHABILITATION: Resolution R22-163.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH SHAW CONSTRUCTION CORP FOR BRANDYWINE PUMP STATION REHABILITATION AND TO PURCHASE FLYGT PUMPS FOR THE PROJECT FROM EXYLEM WATER SOLUTIONS USE, INC.

### Item No. 7. RETIREMENT OF J.D. "DANNY" DIGGS AS SHERIFF FOR YORK COUNTY AND THE CITY OF POQUOSON: Resolution R22-166.

A RESOLUTION AUTHORIZING THE COUNTY ATTORNEY TO PETITION THE CIRCUIT COURT, PURSUANT TO CODE OF VIRGINIA 24.2-228.1(B), TO REFRAIN FROM ORDERING A SPECIAL ELECTION BY VIRTUE OF RETIREMENT AND RESIGNATION OF YORK-POQUOSON SHERIFF J.D. "DANNY" DIGGS AND TO APPROVE MAJOR RONALD MONTGOMERY TO SERVE AS SHERIFF FOR THE REMAINDER OF THE TERM

November 15, 2022

Item No. 8. COMMEND PERSONNEL WHO RESPONDED TO THE STATE OF FLORIDA IN RESPONSE TO HURRICANE IAN: Resolution R22-165.

A RESOLUTION TO COMMEND PERSONNEL OF THE YORK COUNTY DEPARTMENT OF FIRE AND LIFE SAFETY FOR THEIR EXTRAORDINARY EFFORTS AS MEMBERS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY-VIRGINIA TASK FORCE 2 URBAN SEARCH AND RESCUE TEAM WHILE DEPLOYED TO THE STATE OF FLORIDA IN RESPONSE TO THE DEVASTATING EFFECTS OF HURRICANE IAN

Item No. 9. EMPLOYEE OF THE QUARTER: Resolution R22-60.

A RESOLUTION TO COMMEND DAVID BROOKS, CUSTOMER SUPPORT SPECIALIST AS THE EMPLOYEE OF THE QUARTER

Item No. 10. COMMENDATION OF A RETIRING EMPLOYEE: Resolution R22-164.

A RESOLUTION TO COMMEND MICHAEL W. DUNSTON, LIEUTENANT, YORK COUNTY DEPARTMENT OF FIRE AND LIFE SAFETY, ON THE OCCASION OF HIS RETIREMENT FROM COUNTY SERVICE


Item No. 11. VIRGINIA AMERICA 250 COMMISSION: Resolution R22-168.

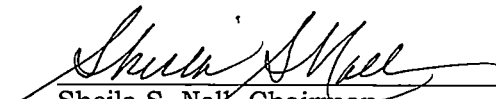
A RESOLUTION TO SUPPORT THE VIRGINIA AMERICA 250 (VA250) COMMISSION

**CLOSED MEETING**

None.

Meeting Adjourned. At 8:35 p.m. Chairman Noll declared the meeting adjourned sine die.

  
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Neil A. Morgan  
County Administrator

  
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Sheila S. Noll, Chairman  
York County Board of Supervisors