

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
August 17, 2021

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:02 p.m., Tuesday, August 17, 2021, in the Board Room, York Hall, by Chairman W. Chad Green.

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 Neil A. Morgan, County Administrator; Mark L. Bellamy, Jr., Deputy County Administrator; and James E. Barnett, County Attorney.

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

Pledge of Allegiance to the Flag of the United States of America. Mrs. Noll led the Pledge of Allegiance.

PRESENTATIONS

VIRGINIA DEPARTMENT OF TRANSPORTATION

Rossie Carroll, Residency Administrator, Virginia Department of Transportation (VDOT), gave a quarterly update on work completed and scheduled throughout York County. He stated VDOT has completed 500 of the 714 maintenance work orders that were received this period and the outstanding work orders are mainly for drainage. He added that there is a great deal of drainage work that needs to be accomplished throughout the County. He then gave a list of projects VDOT is currently working on as well as upcoming projects which include some of the following:

Current Projects

- Interstate 64 widening project
- Big Bethel Road
- Tabb High School bus loop
- Joshua Lane off of Route 60 Bypass

Upcoming Projects

- Theater Road
- Water Country Parkway, Route 199 towards Penniman Road
- Cook Road
- Old York Hampton Highway

Mrs. Noll thanked Mr. Carroll for frequently updating the Board and stated when she first started on the Board they were fortunate if VDOT presented once a year.

Mr. Zarembo commended VDOT and the undertaking of projects referred to by Mr. Carroll. He then asked about the status of the crosswalk on Bypass Road.

Mr. Carroll responded that the speed limit has been incrementally reduced in that area, starting with a 45 mph speed limit, then reducing it to 35 mph and decreasing it again to 25 mph when you get into the City of Williamsburg. He added VDOT is working with the County using safety funds to add pedestrian crosswalks at signalized intersections with beacons that pair with the crossing to control the light. In conclusion, he stated that VDOT has developed a plan

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with assistance from the Central Office Traffic Engineering Division. He expects to receive the final plans any day now for Waller Mill and Palace Lane.

Mrs. Noll asked if they were the only two locations and if any crosswalks are planned for Victory Boulevard.

Mr. Carroll replied yes these are the only two; however, they are looking into other areas as well.

Mr. Roane had questions about the work being completed in front of Tabb Elementary School and Yorktown Road and asked how far the work would extend past this area.

Mr. Carroll stated the milling and paving work runs from Route 134 to Tide Mill Road.

Mr. Roane mentioned in his previous conversation with Mr. Carroll concerning the ditches that need attention on Old Lakeside Drive and stated he now has some additional items to put on VDOT's radar.

Mr. Carroll responded it is on their schedule but the drainage problem list is very long. He added that they try to prioritize the list and run mini excavators and truck ditchers trying to get caught up.

Mr. Roane added he had received emails from citizens concerned about some secondary roads in the County having no shoulders, being relatively narrow and causing speeding concerns. He stated one resident had sent a picture of where a large dump truck dropped off the asphalt since there was no shoulder and nearly went into the ditch tearing up the asphalt making the street even narrower.

In response Mr. Carroll explained most narrow roads do not have edge lines and if they have a center line the road is at least 18 feet wide. He added there are a few opportunities for road-way improvements if it is the priority of the Board, but VDOT cannot do a reclamation and extend the width of the pavement without a project. Mr. Carroll stated you cannot just extend pavement when you are paving a road, it will not last. In order to effectively widen a road, he stated that it will require some type of trench widening project. He noted that VDOT's annual trench widening budget is minimal and if right-of-way acquisition is necessary that could limit what can be done. He then asked Mr. Roane for a list of streets and stated that he will follow up with him.

Mr. Shepperd questioned when the section of Victory Boulevard by the Lutheran Church is supposed to go out for bid so he can tell his constituents.

Mr. Carroll stated VDOT does a Plans, Specifications and Estimate (PS&E) and then authorizes the County to put it out for bid. He added that he is expecting to receive the report within the next two weeks. He pointed out the advertisement states October 19, 2021, but there may be an opportunity to advertise sooner. The County is waiting on VDOT to review the plan, confirm the price looks good, and give them the authority to advertise.

Mr. Morgan voiced that realistically with the bids due in the middle of winter, the work will likely not be completed until early spring 2022.

Mr. Shepperd mentioned the VDOT crew cut the ditch from Chris Slade in the Woods of Tabb neighborhood to the County line on the north side of Cary's Chapel, but did not see the south side of the road being done.

Mr. Carroll said he would look into the concern.

Mr. Shepperd concurred with Mrs. Noll stating he greatly appreciated the great work VDOT is doing for the County.

Mr. Carroll replied that the County staff makes it very easy, by being able to pick up the phone and talk things out with them.

Chairman Green commended VDOT on the 70 percent completion of jobs, but he wanted to talk about the other 30 percent still outstanding, stating they are probably in his district. He is concerned with the Waterview Road drainage issue and wanted to make sure it was still on the books to be completed. He added Hornsbyville Road is still unsafe and anything they can do will be an improvement. Chairman Green also commented on the repaving work to be completed in the spring on Cook Road and York Hampton Highway and also clearing the shoulders for bikes. He then voiced his concern about Mr. Hall who came to the last Board meeting having some drainage issues in the ditch in his front yard and asked Mr. Carroll to give it some attention and any help would be greatly appreciated.

CITIZENS' COMMENT PERIOD

Tom Chamberlain, 270 Barlow Road, Williamsburg thanked VDOT for completing some road work he had previously reported. He then spoke about the lack of participation from citizens at Board of Supervisors' and Comprehensive Plan Review meetings and asked the people that are watching to please come and speak up. Mr. Chamberlain then stated the Comprehensive Plan meetings are scheduled for September 1, 2021 at Bruton High School and September 15, 2021 at Tabb Library. He also asked if the notice for the Comprehensive Plan meeting could be placed on the bottom of the County website for more visibility. Mr. Chamberlain closed stating that he applied for the open seat on the Planning Commission and would appreciate if the Board would consider his application.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett had no report at this time.

Mr. Zaremba inquired if the Virginia Association of Counties (VACo) had pushed back on the Governor's decision to overturn the local School Board's decision on the mask mandate.

In response, Mr. Barnett replied he had not seen anything from either the Virginia Municipal League (VML) or VACo addressing that issue.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. Morgan reported on COVID-19 reiterating what he shared with the Board late last week. He stated the amount of cases in Virginia have gone up quite a bit and it is now at a weekly rate that is the highest since February. Mr. Morgan added the hospitals have reported approximately 20 percent of the people in hospitals in this area with COVID symptoms have been vaccinated and have only mild or no symptoms. The concern is the potential for serious cases with the unvaccinated. He continued stating the County is asking the employees to wear masks when in public spaces or common areas in the buildings. Mr. Morgan also shared that based on Riverside Regional Health System's data, which combines the State Health Department and the Department of Defense (DOD) information, their projection is that 76 percent of the York County citizens that are eligible to be vaccinated have been, putting York County near the top when it comes to Hampton Roads.

Mr. Zaremba stated after speaking with Mr. Carroll about the project at the intersection of Bulifants Boulevard and Mooretown Road, he had informed him it was in the County's hands at this time. As such, he questioned Mr. Morgan on the timeline as to when they might see construction.

Mr. Morgan responded that the contract for the construction of the light was awarded at the last Board meeting and it is approximately a fourteen month project. He explained the reason it takes so long is because the mast arms have to be specially fabricated based on the structural design, length, and wind load, stating traffic signals are inherently complicated. Mr. Morgan then added the County hired a consultant and persuaded VDOT to allow the County to proceed even though the warrants have not been met, under the premise that by the time it actually gets built, the warrants will be met. He closed by stating they could have the light there in twelve to fourteen months, but VDOT has the final say when it will be turned on.

CONSENT CALENDAR

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

Item No. 6, FIRING RANGE UPGRADE IN CONJUNCTION WITH HAMPTON ROADS CRIMINAL JUSTICE TRAINING ACADEMY (HRCJTA): Resolution R21-113 was postponed.

Mr. Roane inquired about Item No. 5, Walkway and Bikeway Projects, and how long until they are finished and in use.

Mr. Morgan replied, under VDOT's current projections, the money does not become available for four to five years. However, he noted there are a lot of other projects in the pipeline that the County applied for years ago that are now coming to fruition. With the federal infrastructure legislation, he stated that some of the money might come sooner. He added based on the schedule and given the processes we have to go through with design review, it will probably be done in six years.

Mr. Roane voiced his concern over the timeframe and how things evolve and priorities change as time progresses. As such a given project does not necessarily have the same level of importance as it once did. He stressed the importance of spending the money wisely and building things that are going to be useful.

Mr. Morgan explained some of the processes involved in being a part of the programs that receive some federal and state money, adding there are opportunities to make adjustments. He stated over the years the larger, wealthier communities would always max out the request whereas the smaller communities could only afford a smaller match limiting the number and size of their projects. He pointed out that it is a program where the rich get richer because they have the funds to provide the match required by the state and/or federal government. Mr. Morgan added in recent years the Board has stated that we need to get all the transportation items in the queue consistent with the Comprehensive Plan and proceed.

Mr. Roane then stated his takeaway was that when it comes down to groundbreaking, there is some ability to make adjustments.

Mr. Morgan, concurred they have made adjustments in the past or even stopped a project.

Mr. Roane stated we do not want to spend good money if it does not make sense, and given the locations of the projects he did not see where there will be any dramatic change in the environment. He added he wants to make sure the County does the smart thing, five to six years from now when it is actually time to do something.

In response Mr. Shepperd explained how it comes with really understanding the slow pace that this process works and the County has to get in the plan, adding it is the first step for consideration for any kind of cost sharing. He then gave examples of projects that took years in the making, citing significant road projects taking 30 years, secondary road programs taking 15 years and the bike path down Victory Boulevard that started around 2008, stopped because the recession hit and now being initiated again in 2021. Mr. Shepperd added once you get on the list you protect it because the big cities will take it away if you back off, so we guard them very closely.

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 4, 5, respectively.

On roll call the vote was:

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

Item No. 4. APPROVAL OF MINUTES

Thereupon, the following minutes were approved and resolutions adopted:

June 15, 2021, Regular Meeting
July 20, 2021, Regular Meeting

Item No. 5. WALKWAY AND BIKEWAY PROJECTS: Resolutions R21-106 and R21-107.

A RESOLUTION TO ENDORSE A PROPOSED SIDEWALK CONSTRUCTION PROJECT UNDER THE FEDERAL TRANSPORTATION ALTERNATIVES SET-ASIDE PROGRAM

A RESOLUTION TO APPROVE AND ENDORSE YORK COUNTY'S FY 2023 REQUESTS FOR FUNDING THROUGH THE REVENUE SHARING PROGRAM ADMINISTERED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION AND TO APPROPRIATE FUNDS RECEIVED

MATTERS PRESENTED BY THE BOARD

Mrs. Noll stated she had no comments.

Mr. Zaremba shared three reports that he had compiled for the members of the Board regarding Critical Race Theory (CRT) and then read an excerpt from one of the articles. He then expressed his concern regarding what York County is teaching relative to CRT. Furthermore, he stated the Board of Supervisors has an implied responsibility since what happens in York County not only impacts public safety and the beauty of the County, but also the Schools.

Mr. Roane reported he had the privilege to speak with the new inductees of the York County Youth Commission at their annual kickoff meeting. He stated that one of the things he stressed was the importance of engagement with the community, staff of York County, the School Superintendent and the Board, beginning now, into college and the rest of their lives. He suggested they go door-to-door in their neighborhoods and talk to people who have young children in the school system and bring back their concerns to the Board.

Mr. Shepperd spoke about the pressure reducing sewer system in the area near Tabb High School, stating Hampton Roads Sanitation District (HRSD) has been working to develop a concept on how they can install the station and the two tanks. HRSD has completed a design and are giving the public an opportunity to come and talk to them about their proposal. He stated on September 9, 2021 at Tabb High School from 5:00 pm to 7:00 pm in the common area, HRSD will have staff with stations set up for the public to review the material, understand the design and express their concerns. He added this will not be a gathering with someone giving a briefing, the idea of the stations is to keep people from congregating. In response to Mr. Zaremba's comments Mr. Shepperd stated he has done some research, and the experts and teachers at college talk about CRT being a format for graduate level work. He added that he has not heard any talk about it at the grade school or even the undergraduate levels. Mr. Shepperd also stated as a grandparent he wants history to be taught totally unvarnished and gave many examples of the horrific things that have happened in our country.

Discussion followed between Mr. Zaremba and Mr. Shepperd regarding CRT.

PUBLIC HEARINGS

APPLICATION NO. UP-967-21, MAGRUDER/TABB ANIMAL HOSPITAL: Resolution R21-93(R)

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

Timothy C. Cross, Deputy Director of Planning and Development Services, gave a presentation on Application No. UP-967-21 to authorize a veterinary hospital without outside runs at 3525 Hampton Highway. Mr. Cross concluded the Planning Commission considered this application on June 9, 2021. Subsequent to conducting a public hearing at which the Yorkshire Downs Master Association President stated that he personally supports the application and the Association of Directors has no objection, the Planning Commission recommended approval on a vote of six to zero.

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Chairman Green then called to order a public hearing on proposed Resolution R21-93(R) that was continued from the July 20, 2021 meeting and is entitled:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL USE PERMIT TO AUTHORIZE A VETERINARY HOSPITAL WITHOUT OUTSIDE RUNS AT 3525 HAMPTON HIGHWAY

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

Mr. Shepperd then moved the adoption of proposed Resolution R21-93(R).

On roll call the vote was:

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

AMEND YORK COUNTY CODE SECTION 21-93: Ordinance No. 21-11.

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

Mr. Barnett gave a brief presentation on proposed Ordinance No. 21-11 stating that there is now a wording change that is required by state statute. The 2020 General Assembly adopted Senate Bill 588 indicating localities that adopt a transient occupancy tax in excess of two percent must apply the additional amount towards tourism.

Mr. Roane questioned if the \$2.00 is already going to Tourism.

In response Mr. Barnett explained the \$2.00 tax is governed by its own statute and indicates precisely what we will do. He explained we have a five percent tax as has been authorized and under the statute the additional three percent extra amount has to go for tourism. He added the General Assembly statute states you actually have to include this verbiage in the Ordinance, therefore the additional language has been added.

Chairman Green then called to order a public hearing on proposed Ordinance No. 21-11 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND COUNTY CODE SECTION 21-93 TO PROVIDE THAT THE ADDITIONAL TWO DOLLAR PER ROOM NIGHT TRANSIENT OCCUPANCY TAX AUTHORIZED BY CODE OF VIRGINIA SECTION 58.1-3823(C) SHALL BE DISTRIBUTED AND EXPENDED SOLELY FOR TOURISM AND TRAVEL, MARKETING OF TOURISM, AND RELATED INITIATIVES

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

Mrs. Noll then moved the adoption of proposed Ordinance No. 21-11.

On roll call the vote was:

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

AMEND YORK COUNTY CODE TAX SECTIONS: Ordinance No. 21-15.

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

Mr. Morgan gave a presentation on proposed Ordinance No. 21-15 stating this proposal does two things; one it reduces the interest rate for people that are late on payments to the County from ten percent to six percent; and two the County will waive the fee for bad checks, not

because the check bounced but because of it being keyed incorrectly. He added during the pandemic a lot more people were paying electronically and the County received complaints from people that received a bad check fee, and as he understands the way the system works we can differentiate which type of transaction occurred.

Chairman Green then called to order a public hearing on proposed Ordinance No. 21-15 that was duly advertised as required by law and is entitled:

AN ORDINANCE AMENDING COUNTY CODE SECTIONS 2-2, 18.1-79, 18.1-81, 19-75, 21-3, 22-112, AND 22-114, ESTABLISHING THE INTEREST RATE ON PAYMENTS MADE TO THE COUNTY AND ELIMINATING FEES FOR CERTAIN ELECTRONIC CHECKS RETURNED FOR NO ACCOUNT/UNABLE TO LOCATE OR INVALID ACCOUNT NUMBER

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

Mr. Roane then moved the adoption of proposed Ordinance No. 21-15.

On roll call the vote was:

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

NEW BUSINESS

None.

CLOSED MEETING. At 7:20 p.m. Mrs. Noll 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.

On roll call the vote was:

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

Meeting Reconvened. At 7:33 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll 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

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 17 day of August, 2021, 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)

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

APPOINTMENT TO THE YORK COUNTY PLANNING COMMISSION: Resolution R21-108.

Mr. Shepperd moved adoption of proposed Resolution R21-108 that reads:

A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY PLANNING COMMISSION

WHEREAS, on July 6, 2021, Bruce Sturk resigned as an at-large member of the Planning Commission, effective immediately; and

WHEREAS, the Board desires to make an appointment to fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 17th day of August, 2021, that it does hereby appoint the following individual as an at-large member of the York County Planning Commission to serve a term beginning immediately and expiring June 30, 2023:

Joseph Smith

On roll call the vote was:

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

Meeting Adjourned. At 7:37 p.m. Chairman Green declared the meeting adjourned to the Work Session at 6:00 p.m., Tuesday, September 7, 2021, at the Yorktown Freight Shed.

Neil A. Morgan
County Administrator

W. Chad Green, Chairman
York County Board of Supervisors