

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
October 3, 2023

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:00 p.m., Tuesday, October 3, 2023, in the East Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

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

Also in attendance were Neil A. Morgan, County Administrator; Brian Fuller, Assistant County Administrator; Richard Hill, County Attorney; and Heather L. Schott, Assistant to the County Administrator/Deputy Clerk.

WORK SESSION

PROPOSED YORK CODE CHAPTER 18.1 TO MODIFY BILLING PROCEDURES FOR SEWER MAINTENANCE

Mr. Neil Morgan, County Administrator, stated that the Sewer Ordinance and the associated billing procedures have not been reviewed nor amended for quite some time. He noted that the sewer operation has grown significantly since the ordinance was written and the recent billing software upgrade brought this matter to our attention. He then asked Mrs. Theresa Owens, Director of Finance, and Ms. Amanda Cannon, Customer Service/Accounting Manager, to present the pertinent information on this agenda item.

During the presentation, the following details on the proposed Sewer Ordinance amendment were provided:

- The proposed ordinance change will require a public hearing.
- The last comprehensive review of the ordinance occurred in the early 1990s.
- Due to the age of the ordinance, both the Finance and Public Works Departments reviewed the ordinance while the new Avenity software was being installed.
- The number of sewer accounts has increased by significantly since the last review of the ordinance.
- The recommended changes are minor such as grammatical errors, definition changes, etc.; however, no fee changes are being suggested at this time.
- The amendments will provide more favorable water suspension terms that include:
 - The bimonthly service would be billed for one month that would be due within 30 days;
 - On the 45th day, a reminder will be sent for the bill that has not been paid;
 - On the 90th day, the next bi-monthly bill would be mailed and if they have not paid the first bimonthly bill a notice to suspend service would be mailed which is equivalent to a 90-day time period of non-payment;
 - At 100 days, a suspension of water notice would be sent to the resident; and
 - At approximately the 120th day, the billing department would contact the appropriate water supply company to suspend water/sewer service.
- Under the proposed ordinance, provision of hardship and payment plans for these bills would continue.

Mrs. Owens stated that with the installation of the new billing software, Avenity, the bill system is now called UtilityOne which went live on September 25th. Although in the past, bills were not mailed to those customers who had credits or who had zero balances, with the new system every household will be sent a bill to ensure they receive their new account number.

During the presentation, the following comments or questions were voiced by the Board.

October 3, 2023

Mrs. Owens, in response to a Board query, noted that an appeal to a water cut-off requiring the County Administrator to rule in this matter had only occurred one time. She commended Ms. Cannon and her team for getting the bills out using the new system on September 29th.

Mr. Roane asked if the County works through Newport News Waterworks in order to cut water off to those who are delinquent in paying their bill.

Mrs. Owens stated that the County primarily works through Newport News Waterworks.

Mr. Morgan added that they also work through Williamsburg and James City County Waterworks, depending upon the home's location.

Chairman Shepperd noted that the proposed amendments to the Sewer Ordinance are much kinder to the residents.

Mrs. Noll asked for more details on the new Avenity utility billing system.

In response, Mrs. Owens stated that the Avenity system includes a new online portal and is much more efficient enabling the billing department to disperse the bills much quicker.

Mr. Morgan reminded the Board that with the installation of the Tax and Utility Billing, Payroll, Accounts Receivable, Human Resources, and Purchasing elements, the financial software update is now complete.

Chairman Shepperd then opened the floor for additional Board comments and questions.

Mr. Green asked what the procedure would be to correct an erroneous cutoff of water on a Friday or over the weekend.

Mrs. Owens noted that water is never suspended for residents on a Friday.

Ms. Cannon explained that all cutoffs in the County occur on Mondays in order to give residents plenty of time to make a correction or payment on a bill so water/sewer service can be restored quickly. She also noted that door tags for non-payment only occur when mailed notices are returned or we suspect there might be a new customer that has not been notified of the bill. In cases of a new tenant whose sewer/water is cut off, it is restored immediately upon the County's notification at which time the County obtains authorization to add them to the account. She added that this is an excellent example of when a door tag is used to notify the occupant of the delinquent bill and the need to contact the County's utility billing department.

Mr. Roane asked if Avenity is a cloud-based service or if it is being done in-house.

Mrs. Owens stated that it is local, but would contact the Director of Information Technology, Tim Wyatt, for a definitive answer.

Mr. Roane asked if it is cloud-based, and who provides the service. He also asked the presenters to explain, for the citizens' benefit, the relationship between the County sewer and Hampton Roads Sanitation District (HRSD).

In response, Mrs. Owens stated that if you are on the County sewer system and you are on the water system, you receive three bills, a water bill from the appropriate water company; a bill from HRSD for treatment of the sewage; and a bill from the County for maintenance of the sewer lines.

Mr. Roane stated that at one time HRSD allowed a deduction in the bills for individuals who had a sprinkler system. He asked if this rule is something the County can alter or if there was an HRSD ruling over which we have no control.

Mrs. Cannon explained that this falls under the purview of HRSD and any water that goes through the system is charged by HRSD for treatment as they get their billing information from the water purveyor. However, the resident has the option to install a separate water meter for irrigation, which is expensive. Unfortunately, she added that HRSD eliminated their submeter program which allowed for irrigation systems.

Mr. Morgan added that since water is getting so expensive, more people are having shallow wells dug simply to use the water for irrigation purposes. He also noted that the time HRSD expended on keeping track of those who had irrigation systems was steadily increasing which also led to the elimination of the submeters.

Chairman Shepperd explained that the monies collected from the utility bills are placed in the Enterprise Fund to pay for maintenance/repair of the sewer system. He added that HRSD is under a significant number of consent decrees in order to minimize pollution of adjacent waterways which is directly related to their fee increases.

COMPREHENSIVE PLAN PRESENTATION

Mr. Neil Morgan, County Administrator, stated that Mr. Tim Cross, Deputy Director of Planning and Development Services, who had been the lead staff person on the Comprehensive Plan review process would shortly provide a presentation on this document. He pointed out that when the review started we did not anticipate the COVID Pandemic and other interruptions that delayed the process. He commended the citizen committee that the Board appointed to review the document and the staff as well who spent countless hours over the last few years reviewing and updating this important document. Prior to the commencement of Mr. Cross's presentation, Mr. Morgan asked Supervisor Green to make some comments on this process since he was the Board liaison to the citizen committee.

Mr. Green stated that the process took over four years and 40 meetings. He noted that Mr. Michael King was Chairman of the committee and Mr. Monty Jons was the Vice Chair with a host of dedicated citizens and a student representative, Jacob Rizzio. He publicly thanked all those who served on this committee for their dedication and hard work on this important document. He thanked Mrs. Noll for appointing him as liaison to this committee.

Mr. Roane asked how long it typically takes to review and update a Comprehensive Plan.

In response, Mr. Morgan stated that in his previous experience and in the County's previous updates, it typically takes approximately two years to complete this process.

Mr. Cross then commenced the presentation on the Charting the Course to 2040: The Draft York County Comprehensive Plan highlighting the following information:

- Every locality must have a comprehensive long-range plan for the physical development of the territory under its jurisdiction.
- The state requires each locality to review its plan every five years to determine whether it is advisable to amend the plan.
- The draft plan is ready for the Board of Supervisors' review with the next step being a public hearing on the plan and its ultimate approval by the Board.
- The Steering Committee that reviewed the plan was composed of appointees from each of the five districts along with representatives from the Planning Commission, Economic Development Authority, the Youth Commission, the business community, the real estate community, the Board liaison, and the Deputy County Administrator.
- We held 34 meetings with the first one occurring in November 2018 and the last occurring in April 2023.
- In addition to committee meetings, when in-house and exterior subject matter experts provided information, four public input meetings were held in May and June 2019 and two special land use forums were held in September 2021 in order to obtain input on the plan.
- A wide range of topics, trends, and themes were discussed at the committee meetings.
- The final draft plan was sent to the Planning Commission for its consideration in May 2023 with two public hearings being held to ensure every citizen had an opportunity to provide input on the plan.
- In total, 22 individuals addressed the Planning Commission via various venues and on September 13, 2023, the Planning Commission formally approved the plan and forwarded it to the Board for your review and consideration.
- The plan consists of eight elements including broadband which is now required by Virginia State Code.

- Although the plan is 300 pages long, it also includes a 39-page summary of the goals, objectives, and implementation strategies of all of the elements.
- Expansion of the County's dark fiber network is the main emphasis of the Broadband Element.
- Under the Economic Development Element, the need to amend the Zoning Ordinance to remove obstacles to adaptive reuse, to provide additional support to the County's many home-based businesses, and commissioning a study to identify companies to target to market under-utilized land in the Goodwin Neck/Waterview area were identified as important goals/objectives.
- Within the Environmental Element, provision of electric vehicle charging stations; investment in infrastructure and equipment in response to storm events; increased protection of homes and businesses from sea level rise/coastal flooding; and installation of stormwater improvement projects are identified as how the County is helping to protect and improve the environment. He pointed out that to require business and commercial sites to provide charging stations will require the adoption of a Zoning Ordinance amendment.
- Under the Historic Resources Element, public awareness of the County's historic resources for the benefit of the County and its citizens is encouraged to include updating of our historic resources inventory, establishment of additional historical signage, and utilization of global communication and internet assets to promote these assets.
- The preference for single-family detached housing in the County has pre-eminence; however, a variety of housing types should be available with an emphasis on infrastructure investment, housing rehab, affordable housing, and accessibility upgrades to assist seniors to remain in their homes.
- Relative to Public Facilities, the County currently meets triple-A standards; however, we will need to continue the task of upgrading to maintain this rating. In addition, enhancement of the visitor experience to Yorktown will require an ongoing investment in infrastructure. Relative to the County's recreational facilities, conversion of natural to synthetic turf fields is necessary to provide year-round use to keep up with the heavy demand.
- Under the Transportation Element, it was noted that using Virginia Department of Transportation (VDOT) funds, federal and local monies, roadway improvements continue in the County. Increased emphasis and support of active transportation improvements such as sidewalks and bikeways, using revenue sharing and other project funds, have resulted in the completion of many of these projects with many more in the pipeline.
- The Land Use Element maintains the approximate County build-out would allow our population to increase to 80,000. As a result of the input sessions, the proposed plan includes the need for a detailed development design for Lightfoot. Also, the importance of preserving conservation areas and promoting the redevelopment and/or adaptive reuse of vacant commercial and industrial sites is supported in the plan. Due to the vast amount of federal and private non-profit entities addressing conservation, the committee's general feeling that a County Open Space Conservation Board or Commission is needed.
- The current Land Use map depicts the various zoning categories of the entire County and reflects the changes in zoning, land use, or property ownership that have occurred since 2013. He noted that this land use map is different from the last Comprehensive Plan land use map in that the new plan the mixed-use overlay designation has been eliminated which was the result of the concern expressed by citizens over this designation. Although the designation was eliminated from the map, the opportunity for a mixed-use development was not eliminated.
- The proposed 2040 land use map shows little change to that of the 2034 map except it shows the elimination of the mixed-use overlay designation; a zoning change for the Harper Station project to General Business; and a change in the medium density zoning designation for York Manor to high density residential as it has already been developed as such.
- The vacant land by 2040 land use map depicts small pockets of low-density residential property in various areas of the County most of which are already slated for development with the majority of the remaining property being constrained by environmental factors. Based on the zoning in place, it appears the County could include up to 4,300 future housing units. He added that approximately 2,500 of these units are currently in the pipeline for development which translates into approximately 10,000 additional residents.

In conclusion, Mr. Cross reminded the Board that the Comprehensive Plan serves as a guide relative to budgeting, especially for CIP projects.

RECESS

Chairman Shepperd called a brief recess at 7:44 p.m.; the meeting reconvened at 7:48 p.m.

COMPREHENSIVE PLAN PRESENTATION (continued)

During and subsequent to the presentation the following comments or questions were posed.

Mr. Cross commended Ms. Jeanne Sgroi, Acting Public Affairs Director, who wrote the Broadband Element while she was a Planning and Development Services staff member.

In response to a Board query regarding dark fiber, Ms. Sgroi explained that lit fiber is powered by internet service providers and dark fiber is powered by the users. So in the case of dark fiber, the County actually initiates those light signals through the dark fiber networks to send information to the recipients.

Mr. Cross stated that this service was an item of great importance as students attended classes remotely from their respective homes during the pandemic and the extension of dark fiber is also important for our senior residents.

Mr. Roane asked how the County can ensure that residents have access to broadband internet service and a computer.

Mr. Cross stated that the term “ensure” is somewhat aspirational. However, there are organizations and grant programs that help people, who do not have resources, to access a computer and broadband. He added that the schools are also involved in helping students access these resources.

Mr. Morgan added that the Board approved and the County subsequently installed, through a vendor, dark fiber all the way to the north end of the County. This was done to connect some public buildings; however, over time private internet companies can connect to this in order to provide this resource to individual homes.

Mr. Roane stated that the Plan does not emphasize sufficiently the need to help home-based businesses successfully bridge the gap from a home business to a business site by offering co-opted maker space-type options. Secondly, he stated that greater importance should be placed on rehabbing old businesses for new uses.

In response, Mr. Cross stated that both of these issues are addressed in the draft Plan.

However, Mr. Roane stated that he would like to know the specifics in each case as to how these goals will be achieved.

Chairman Shepperd stated in the past to help businesses refurbish their buildings, grants were provided to make their sites/buildings more attractive.

Mrs. Noll added that the home-based businesses have grown because the County’s Economic Development Office has assisted them in getting their business started and helping it to grow.

Chairman Shepperd added that the Chamber also has a program to help new businesses with an incubation site until they are able to grow and obtain their own business space.

Mr. Roane asked how the Zoning Ordinance will need to be amended to require businesses to provide EV (electric vehicles) charging stations.

Mr. Cross stated that this would have to be carefully considered since the addition of charging station spaces could negatively or positively impact the required number of parking spaces.

October 3, 2023

During the conversation, Mr. Morgan made the Board aware that whenever you have general recommendations and vision statements, it involves County funds and poses the question of how much are we willing to spend on specific vision improvements.

Mrs. Noll suggested getting the Historical Committee involved in obtaining the necessary criteria to meet the state's requirements that will allow for additional historic markers.

Mr. Roane suggested to Mr. Brian Fuller, Assistant County Administrator, that the Youth Commission be tasked with updating the inventory of the County's historic resources.

When discussing the need for housing rehab, Mrs. Noll cautioned that there is a fine line between personal property rights and the need for safe housing upgrades.

In response, Mr. Fuller explained that the County's housing division now responds to those property owners who reach out to obtain assistance to make repairs/upgrades for which they are unable to do or fund.

When discussing the Transportation Element, Mr. Green noted that the continued extension of sidewalks and bike paths in the County is extremely popular with those residents who spoke during the public input sessions.

Mr. Zaremba asked to what extent a developer, who plans a neighborhood, partners with the County and VDOT relative to infrastructure outside of the development.

Mr. Cross responded that the regulations included in the Subdivision Ordinance outline the duties and responsibilities of the developer. However, he noted that the Code of Virginia does not allow localities to require offsite improvements. He also pointed out that if a development requires a rezoning, then the County can seek, not require, some offsite improvements particularly if the required rezoning could have negative impacts on the neighborhood.

Mr. Morgan added that the answer to Mr. Zaremba's question is in a County such as York, VDOT is the controlling entity for site plan approval as it relates to transportation.

During the Land Use Element discussion, Chairman Shepperd asked how the area plan for Lightfoot plays into the relationship between the Comprehensive Plan and the Zoning Ordinance.

Mr. Cross stated that some localities might pay a consultant to prepare such a plan and then the locality could create an overlay district.

Mr. Earl Anderson, Chief of Development Services, added in such an area plan case, the locality would want to heavily engage the citizenry so that when the request is forwarded to the governing body, it would be supported by residents in this area.

Chairman Shepperd expressed concern that should this occur in District 1, it also has to be supported by the other four districts. In other words, he stated the Board cannot support allowing something in one district and not in the others. He stressed that the Zoning Ordinance should dictate what should occur in such situations

Mr. Zaremba asked if an area plan for the Lightfoot area had been developed and if not, why not.

Mr. Morgan explained that the Comprehensive Plan must first be adopted and if this is included in the adopted plan then there would be an obligation to follow up on such a plan.

Mr. Roane asked how the build-out population of 80,000 for the County was calculated.

Mr. Cross stated that when the 1991 Comprehensive Plan was completed, the build-out population for the County was determined to be 135,000. After this plan was adopted, a lot of surveys/questionnaires were completed by the citizenry and a more detailed questionnaire was also sent to the Board of Supervisors, Planning Commissioners, and other Boards and Commissions. The survey included a question asking the recipients what they thought about the County's current land use plan allowing the population to grow to 135,000. As a result of

these surveys, the maximum population growth to 80,000 was the choice of the majority of the respondents.

Mr. Roane then asked if the current Zoning Ordinance would allow us to meet the 80,000 population target. He emphasized the need to control population growth so that we have the revenue to support and provide the needed services to our residents.

Mr. Zaremba referred to a briefing recently provided to him regarding the development company called North Point. He stated that both he and his successor have reviewed the information submitted by this developer for the Pottery site and have found some serious errors. As such, he requested that a Board work session be scheduled to consider this matter to ensure the County is not the victim of overbuilding on this site. He added that in the imminent future the results of his and Mr. Holroyd's analysis, showing the discrepancies in the North Point information, will be provided to the Board and County staff.

Chairman Shepperd thanked Mr. Cross for a thorough overview of the proposed 2040 Comprehensive Plan. He then pointed out that the four years reviewing and updating this Plan is the longest he had ever seen and he needs input from the Board relative to when they want a public hearing scheduled to formally consider this document. He then sought comments and/or questions from the Board relative to this matter.

Mr. Roane asked if it is possible for the public hearing on the Plan be held one evening with no action taken so that public comments can be heard, considered and possibly lead to Plan amendments that could be formally considered at the following meeting.

Chairman Shepperd confirmed that is indeed how the matter will be considered.

Mr. Roane stated that his real concern, and that of the majority of citizens with whom he has spoken is they do not want the County overdeveloped. His goal is to have a Comprehensive Plan and Zoning Ordinance that will ensure we grow only to the approximate 80,000 population goal.

Mr. Green stated that he thinks the proposed Plan is great and fully supports it. He too agreed that obtaining public input is key to ensuring the plan reflects the desires of the citizens and Board alike.

Mr. Zaremba expressed concern over the 600-acre parcel, currently occupied by the Pottery that is proposed for development as a mega warehouse. He noted that both he and his successor, Mr. Doug Holroyd, upon reviewing the development proposal, have found calculation errors and as such have developed a matrix revealing these errors which will be distributed to the Board tomorrow. He added that hopefully a Board work session can be scheduled to review this proposal in greater depth.

Chairman Shepperd expressed appreciation for Mr. Zaremba's concerns but asked that he provide specific input on the draft Comprehensive Plan before them this evening.

Mrs. Noll voiced appreciation for the staff and members of the Steering Committee who spent so much time and effort in producing the draft Comprehensive Plan. She stated that she thought the document was excellent and stressed that the Plan is a planning tool and is not set in stone.

Chairman Shepperd echoed Mrs. Noll's comments on the great job the County staff and the Steering Committee did on this document. He expressed hope that a public hearing would be held and the document adopted before the New Year.

RECESS

Chairman Shepperd called a brief recess at 7:44 p.m.; the meeting reconvened at 7:48 p.m.

CONSENT CALENDAR

October 3, 2023

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

As the Board had no comments or questions regarding these items, Chairman Shepperd asked for a motion.

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 3, 4, and 5, respectively.

On roll call the vote was:

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

Item No. 3. APPROVAL OF MINUTES

Thereupon, the following minutes were approved and resolutions adopted:

August 15, 2023, Regular Meeting.
September 5, 2023, Regular Meeting.

Item No. 4. KINGS VILLA SEWER RELINING, PHASE IV: Resolution R23-133.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH CORBY ENERGY SERVICES, INC., FOR THE KINGS VILLA SEWER RELINING, PHASE IV PROJECT

Item No. 5. RATIFICATION OF A DECLARATION OF A LOCAL EMERGENCY: Resolution R23-140.

RATIFICATION OF A DECLARATION OF A LOCAL EMERGENCY

NEW BUSINESS – none.

MATTERS PRESENTED BY THE BOARD

Chairman Shepperd opened the floor for Board comments.

Mr. Roane expressed his appreciation to Mr. Robert Krieger, Public Works Director, for responding so expeditiously to the various drainage, signage, and landscape issues he had recently brought to his attention. He then stated he had received feedback from citizens recognizing your team and he appreciates it also

Mrs. Noll reminded everyone that October is cancer awareness month and as such she encouraged everyone to take preventative tests or measures in order to catch the disease early.

Mr. Green encouraged citizens to celebrate Yorktown Day on October 19th commemorating our victory in the Revolutionary War.

Mr. Zaremba commended Mr. Cross for his excellent Comprehensive Plan presentation. He then stated that staff and the Board will shortly be considering the application for development of the 600-acre parcel currently occupied by the Pottery. He stressed the importance of reviewing the application and planning diligently to ensure that the information provided is accurate.

Chairman Shepperd informed the Board and public that the current transportation projects that are occurring in Hampton Roads are funded 96 percent by the Hampton Roads' localities which each accrues from its respective sales tax. This project, including the new tunnel, he stated is the largest infrastructure project that has ever occurred on the east coast. He further explained that the VDOT engineers and the Hampton Roads Transportation Accountability

Commission have developed a plan whereby if three-tenths of a percent is added to the sales tax, 84 and a half million dollars would be generated annually to improve the feeder routes tying into Interstate 64 throughout the Hampton Roads area. He stated that he is in support of this as it would solve a multitude of traffic issues throughout the Hampton Roads area. Secondly, he brought forth the Queens Lake project and reminded the Board that as supervisors we not only represent our respective District but the whole County as well. He expressed concern over the County taking responsibility for the dam and spillway in Queens Lake as there are countless Best Management Practices (BMPs) throughout the County that Homeowner Associations would like the County to maintain. He reminded everyone that a study was done some years ago relative to the cost of maintaining all of the BMPs in the County and at that time the price tag was \$4 million. He then asked Mr. Morgan for additional information on this matter.

Mr. Morgan stated that Chairman Shepperd is referring to a memo and draft agreement sent previously to the Board members. He noted that Queens Lake is somewhat unique in that when it was created there was no such thing as a BMP; however, the lake serves as a stormwater pond for Queens Lake and several other neighborhoods. He noted that the Queens Lake HOA initially endeavored to design and construct repairs to the dam that were triggered by a change in the dam status by the state which proved to be financially beyond their ability to fund. He stated that he learned early this summer after he found out that the HOA had attempted to bid on the dam, that the HOA had received wetlands, but they simply are unable to fund the needed repair work. As such from a project engineering design and phase construction standpoint, he stated that it is more rational for County engineers to oversee the project. He urged everyone to review the material and noted the condition upon which the County would agree to take the project lead to include a one-time capital contribution from the HOA. The project will cost approximately \$110,000 with an ongoing annual maintenance contribution of \$20,000. Also, he explained that in exchange for staff taking the lead on the project, the HOA would give the County all the easements necessary to construct and maintain the dam and spillway; however, the HOA would still be the fee simple owner. He added in the future the County will likely have to deal with numerous HOAs that are experiencing challenges with maintaining their stormwater commitments. He stated, if other HOAs approach the County in the future with such issues, the formula for the future in such incidents will be both a capital and an ongoing maintenance contribution. He added in the instance of Queens Lake, the County did receive \$1 million in state funds via a grant program. In conclusion, he stated that he hoped to bring this matter to the Board for formal consideration prior to his retirement date.

Chairman Shepperd stated that this project and similar ones will be possible to provide the County with additional Total Maximum Daily Load (TMDL) credits.

Chairman Shepperd added before we go into Closed Session there is a series of Resolutions that deal with appointments regarding Mark Bellamy.

Mr. Zaremba moved the adoption of proposed Resolutions R23-135, R23-136, R23-137, R23-138, and R23-139 which read:

INTERIM CHIEF ADMINISTRATIVE OFFICER APPOINTMENTS TO LOCAL/REGIONAL BOARDS, COMMISSIONS, AND AUTHORITIES. Resolutions R23-135, R23-136, R23-137, R23-138, and R23-139.

A RESOLUTION TO APPOINT THE INTERIM CHIEF ADMINISTRATIVE OFFICER
OF YORK COUNTY TO THE HAMPTON ROADS PLANNING DISTRICT
COMMISSION

WHEREAS, the position of the County Administrator will be vacated on January 1, 2024, due to the resignation of Neil A. Morgan;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of October, 2023, that Mark L. Bellamy, Jr., York County Interim County Administrator, be, and he is hereby, appointed to the Hampton Roads Planning District Commission for a term of two years, such term to begin January 1, 2024, and expire December 31, 2025.

October 3, 2023

A RESOLUTION TO APPOINT THE INTERIM CHIEF ADMINISTRATIVE OFFICER OF YORK COUNTY AND AN ALTERNATE YORK COUNTY REPRESENTATIVE TO THE VIRGINIA PENINSULA REGIONAL JAIL AUTHORITY BOARD OF DIRECTORS

WHEREAS, the position of County Administrator will be vacated on January 1, 2024, due to the resignation of Neil A. Morgan; and

WHEREAS, Mark L. Bellamy, Jr., has been appointed by the York County Board of Supervisors as the Interim County Administrator effective January 1, 2024; and

WHEREAS, there are occasions when the York County Administrator is unable to attend the VPRJA meetings, and representation at the meeting by a County staff member is necessary;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of October, 2023, that Mark L. Bellamy, Jr., York County Interim County Administrator, be, and he is hereby, appointed as a regular member of the Virginia Peninsula Regional Jail Authority Board;

BE IT FURTHER RESOLVED that Brian Fuller, Assistant County Administrator be, and he is hereby, appointed as an alternate member of the Virginia Peninsula Regional Jail Board.

A RESOLUTION TO APPOINT AN ALTERNATE MEMBER TO THE EASTERN VIRGINIA REGIONAL INDUSTRIAL FACILITY AUTHORITY

WHEREAS, the position of the County Administrator will be vacated on January 1, 2024, due to the resignation of Neil A. Morgan;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of October, 2023, that Mark L. Bellamy, Jr., York County Interim County Administrator, be, and he is hereby, appointed to the Eastern Virginia Regional Industrial Facility Authority for a term of four years, such term to begin January 1, 2024, and expire December 31, 2027.

A RESOLUTION TO APPOINT A MEMBER AND ALTERNATE MEMBER REPRESENTING YORK COUNTY ON THE WILLIAMSBURG AREA TRANSIT AUTHORITY BOARD OF DIRECTORS

WHEREAS, York County is a member of the Williamsburg Area Transit Authority and, pursuant to the enabling legislation and Bylaws for that Authority, is entitled to seat one (1) member on the Board of Directors and also to appoint an alternate; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of October, 2023, that the following individuals be, and they are hereby, appointed to the Board of Directors of the Williamsburg Area Transit Authority for the specified term:

Brian Fuller (Member)- January 1, 2024, to June 30, 2028

Jon Seiter (Alternate) - January 1, 2024 to June 30, 2028

A RESOLUTION TO APPOINT MARK L. BELLAMY, JR. AS INTERIM COUNTY ADMINISTRATOR; HEATHER L. SCHOTT AS DEPUTY COUNTY CLERK; AND DIANE C. INGRAM AS ASSISTANT DEPUTY CLERK FOR YORK COUNTY

WHEREAS, the position of County Administrator will be vacated on January 1, 2024, due to the resignation of Neil A. Morgan; and

October 3, 2023

WHEREAS, it is imperative that the position of County Administrator be filled on an interim basis to assure continued performance of the duties provided by law, including especially those set forth in Section 15.2-1541 of the Code of Virginia as amended, in order to maintain order and continuity of administration; and

WHEREAS, pursuant to Section 15.2-1502 of the Code of Virginia as amended, the Board of Supervisors is authorized to appoint a Deputy Clerk and an Assistant Deputy Clerk to aid the County Administrator in the performance of his duties.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of October, 2023, that Mark L. Bellamy, Jr. be, and is hereby, appointed to the position of Interim County Administrator for York County pursuant to Section 15.2-1540 of the Code of Virginia with such appointment to be effective on January 1, 2024.

On roll call the vote was:

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

CLOSED MEETING

At 8:24 p.m. Chairman Shepperd 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) Noll, Green, Roane, Zaremba, Shepperd
Nay: (0)

Mr. Roane moved the adoption of proposed Resolution SR-1 which 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 3rd day of October, 2023, 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) Green, Roane, Zaremba, Noll, Shepperd
Nay: (0)

Mr. Green moved the adoption of proposed Resolutions R23-130 which read:

APPOINTMENTS TO THE BEAUTIFICATION COMMITTEE. Resolution R23-130.

A RESOLUTION TO APPOINT MEMBERS TO THE 2024 YORK COUNTY BEAUTIFICATION COMMITTEE

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of October 2023, that the following individuals are hereby reappointed or newly

706

October 3, 2023

appointed as members to the York County Beautification Committee for 2024, such appointments to take effect January 1, 2024, and expire on December 31, 2024.

Jonay A. Campbell
Carole A. Ferro
Jana Flores
Joan P. Holloway
Thomas Langston
Lawrence J. Ritter
Kelly Satava
Blair Todd
Jean M. Troutman
Erika Wilson
Carlos Britos

On roll call the vote was:

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

Mr. Green moved the adoption of proposed Resolutions R23-97 which read:

APPOINTMENTS TO THE YORK COUNTY BOARD OF ZONING/SUBDIVISION APPEALS.
Resolution R23-97.

A RESOLUTION TO RECOMMEND THE APPOINTMENT OF MEMBERS TO THE
YORK COUNTY BOARD OF ZONING/ SUBDIVISION APPEALS

WHEREAS, the Board of Zoning/Subdivision Appeals is composed of five regular members and two alternates; and

WHEREAS, Marc Letendre, whose appointment on the Board expires December 31, 2023, has indicated he would like to be reappointed, if the Board so chooses; and

WHEREAS, Natalie Shepard was removed as an alternate member of the Board of Zoning/Subdivision Appeals effective August 1, 2023 due to the County's inability to contact her.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 3rd day of October, 2023, that the following individual be reappointed as a regular member with a term expiring December 31, 2028 and that the following individual be appointed as an alternate member of the Board of Zoning/Subdivision Appeals, effective immediately with the term expiring May 24, 2025.

- Marc Letendre
Regular Member
(Term begins immediately and expires December 31, 2028)
- James Reams
Alternate Member
(Term begins immediately and expires June 30, 2025)

On roll call the vote was:

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

Mr. Zaremba moved the adoption of proposed Resolutions R23-107 which read:

APPOINTMENT TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD. Resolution R23-107.

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTATIVE TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

WHEREAS, on October 31, 2023 the term of staff liaison, Captain Alan Sadler, on the Colonial Community Criminal Justice Board will expire; however, he has indicated he would be pleased to serve another term.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of October, 2023, that Alan Sadler be, and is hereby appointed as a York County representative on the Colonial Community Criminal Justice Board for a term of three years, such term to begin on November 1, 2023 and end on October 31, 2026.

On roll call the vote was:

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

Mr. Roane moved the adoption of proposed Resolutions R23-106 which read:

APPOINTMENTS TO THE COMMUNITY SERVICES GRANTS ADVISORY COMMITTEE.
Resolution R23-106.

A RESOLUTION TO APPOINT MEMBERS TO THE YORK COUNTY COMMUNITY SERVICES GRANT ADVISORY COMMITTEE

WHEREAS, on September 30, 2023, the terms of Walter Akers and Alexandria Payne on the Community Services Grant Advisory Committee will expire; and

WHEREAS, members of this committee may serve an unlimited number of terms; and

WHEREAS, Walt Akers has indicated he wishes to be reappointed, Alexandria Payne has notified County Administration that she no longer wishes to serve on this committee.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of October, 2023, that Walter Akers and Tonney Kaw-uh be, and is hereby, appointed to the York County Community Services Grant Advisory Committee representing Districts 2 and 3 for terms to begin October 1, 2023, and expire on September 30, 2025.

On roll call the vote was:

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

Mrs. Noll moved the adoption of proposed Resolutions R23-129 which read:

APPOINTMENTS TO THE YORK COUNTY LIBRARY BOARD. Resolution R23-129.

A RESOLUTION TO APPOINT TWO MEMBERS TO THE YORK COUNTY LIBRARY BOARD

WHEREAS, on December 31, 2023, the terms of Cynthia Colonna and Michelle Wind of the York County Library Board expire, and both wish to seek reappointment;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of October, 2023 that Cynthia Colonna and Michelle Wind are hereby reappointed as members to the York County Library Board to begin January 1, 2024, and end December 31, 2028.

On roll call the vote was:

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

October 3, 2023

Meeting Reconvened. At 8:30 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Roane moved the adoption of proposed Resolution SR-1 which 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 3rd day of October, 2023, 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) Noll, Green, Roane, Zaremba, Shepperd
Nay: (0)

Meeting Adjourned. At 8:31 p.m. Mrs. Noll declared the meeting adjourned sine die.

Neil A. Morgan
County Administrator

Thomas G. Shepperd, Jr., Chairman
York County Board of Supervisors