MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
April 18, 2006

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, April 18, 2006, in the Board Room, York Hall, by Vice Chairman Kenneth L. Bowman.

Attendance. The following members of the Board of Supervisors were present: Sheila S. Noll, Kenneth L. Bowman, and James S. Burgett.

Walter C. Zaremba and Thomas G. Shepperd, Jr., were absent.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Reverend Carlton Bakkum, Grace Episcopal Church, gave the Invocation

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

HIGHWAY MATTERS

Mr. Jim Brewer, Residency Administrator, Virginia Department of Transportation (VDOT), appeared to discuss highway matters with the Board of Supervisors. He reported that the Ft. Eustis Boulevard extension project is 35 percent ahead of schedule. He reminded the Board and the staff of the upcoming Six-Year Plan meeting for 2007-12 that will be held at James City County on April 25. He stated it would be helpful for the County to attend the meeting to present its case in that it looks like the Plan might have a 38 percent reduction in Secondary System funding. He wanted to make the Board was aware that this might delay a couple of the projects for a year to two years. He noted the largest project that would be affected would be the Grafton Drive project. He added he did not think it would affect the Route 600 project as the funding was already in place.

Mr. Burgett asked if the paving schedule was available for this year. He asked if Vine Drive was on the schedule, and he asked Mr. Brewer to check and let him know the start time for Vine Drive.

Mr. Brewer stated he had not received the schedule from the contractor.

Mrs. Noll asked Mr. Brewer to look into the large hole on First Street coming out of the Langley Housing.

Mr. Bowman asked when the mowing schedule would start for the season.

Mr. Brewer stated he would check and let him know.

Mr. Bowman then asked about the status of the Grafton Drive Project.

Mr. Brewer stated that with the reductions in funding, the Grafton Drive Project might have to be delayed.

Mr. Bowman asked if Grafton Drive was part of the Burts Road project and how long would the project would be delayed.

Mr. Brewer noted that based on the current funding, and with a 38 percent reduction, he thought the ad date would be pushed out until 2008.

Mr. Bowman stated this project is a priority, as the intersection affects a lot of citizens coming onto Burts Road/Grafton Drive from the Glen Laurel area. He asked to be kept apprised of the progress of the project.

Mrs. Noll asked how much the 38 percent reduction would be to York County in dollars and cents.

Mr. Brewer stated it was $67 million state wide, but he had not broken the figures down for York County specifically.

Discussion followed regarding the impact of the reduction in transportation funding.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Mr. Bowman introduced and welcomed the following newly appointed members to Boards and Commissions and presented each with a Boards and Commissions Handbook and York County pin:

Donna A. Briede	Historical Committee
Mary Gatens	Historical Committee

CELEBRATE YORKTOWN COMMITTEE

Mr. Walt Akers, Chairman of the Celebrate Yorktown Committee, presented the County with a 225th Anniversary limited edition commemorative plate. He also apprised the Board that on April 7, 2006, the Fifes & Drums of Yorktown had received the certificate of occupancy for their new headquarters. He thanked the County, on behalf of the Fife & Drums, for its support.

2005 VOLUNTEER REPORT AND OUTSTANDING VOLUNTEER AWARDS

Mr. Rick Smethurst, Department of Community Services, gave a presentation on the 2005 Volunteer Program and the contributions made to the County. He stated there were nearly 2,500 individuals and over 120 different support groups that logged in over 91,000 hours of volunteer service, the equivalent of more than 43 full-time employees. He stated the monetary value to the County was over $2,039,000. Mr. Smethurst announced that the annual Volunteer Appreciation Day event would be held on Saturday, April 29, 2006, at Chisman Creek Park.

Mr. Bowman congratulated and thanked each of the following awardees and presented each with an engraved plate in recognition of their contributions to the County:

Coastal Design & Construction	Riverwalk Landing Grand Opening Support
Smurfit-Stone Container Corporation	Riverwalk Landing Grand Opening Support
Carole Ferro	Beautification Committee Chairman
Cheryl Guardia	4-H Volunteer Club Leader
Bonnie Karwac	York County Historical Museum, Board President
R. Anderson Moberg	EDA Chairman
Sheila Meyers	York County Arts Commission Chair
Sybil Przypek	Master Gardener Volunteer
Corrie Shaner	Senior Center of York Volunteer

John Sherry	Crossroads Tutor
Tidewater Appalachian Trail Club	Construction of New Quarter Park Hiking Trails
Dan and Dillon Wilbert	CERT Class Volunteers

HEAD START

Mrs. Anne Smith, Community Services Department, reiterated the County's long-standing commitment to early childhood developmental programs that promote school readiness, parent involvement, social skills for children, and encourages them to develop an appreciation of life-long learning. She said in spite of the fact that they know the quality of the services and the programs that the County delivers for early childhood developmental activities, they still measure outcomes and evaluate those programs on a regular basis.

Mrs. Belinda Willis, Manager of Children's Services Division, reported the findings of the study done by the Thomas Jefferson Public Policy Program at the College of William and Mary to evaluate one of the County's early childhood developmental programs, Head Start. Mrs. Willis presented the outcomes of the evaluation and study.

Discussion followed regarding the number of children annually funded through the Head Start program and the fact these children would not have the benefit of the early childhood developmental programs were it not for Head Start.

CITIZENS COMMENT PERIOD

No one appeared to speak to the Board at this time.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett reported that the County had completed a three-way real estate transaction for the acquisition of rights-of-way necessary for the Burts Road/Grafton Drive connection to Route 17. He reminded the Board that two years ago a contract had been signed to purchase the Ma Tate's property on Route 17 and a contingent contract with the owner of some of the adjacent property. He said that after the property had been acquired, there had been a two-year lag time between the two conveyances while VDOT completed its design of the intersection. He said the County conveyed part of the property that was acquired to John G. Martin, LLC, the owner of the property next door, in exchange for the right-of-way necessary for the connection along with a cash exchange to even up the values of the exchange. He added the project was ready to go forward.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the Board of its Regular Meetings scheduled for May 2 and May 16, and the joint meeting scheduled with the Planning Commission on May 23.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll discussed the changes in certain tax structures in the State and how they affect local governments and the citizens. She said she is very grateful for the citizens who have contacted her regarding the budget and tax rate and expressed her hope that they keep in touch with her and other Board members throughout the year and not just at tax season.

Mr. Burgett stated that a new business, SnoZone, was opening on Route 17 where there used to be an old abandoned gas station. He said the business had made many improvements, and it would be a wonderful addition to the community. He said the Board was pleased with the progress of Starbucks and Super Cuts going in at Lakeside Drive. He spoke of the Route 17

Revitalization Project to help the businesses along that corridor improve the aesthetics of their properties, and how more than 50 percent of the County's tax revenues come from businesses, which reduces other taxpayer costs. Mr. Burgett then noted the County's volunteers make a big difference and do it well, and it would be difficult for the County to run with them.

Mr. Bowman noted that the FY2007 budget was adopted at the last meeting and staff would soon have it ready for viewing on the County's Website. He also noted that the tax rate had been reduced by 12 cents. He then mentioned he had been honored to do the ribbon cutting at the new Med Care facility on Route 17, and he reiterated Mr. Burgett's comments on the Sno-Zone, stating the property had made a great transformation. Mr. Bowman announced that King Hodges had passed away and that it would be traumatic loss to the citizens of Seaford.

Meeting Recessed. At 6:57 p.m., Mr. Bowman declared a short recess.

Meeting Reconvened. At 7:05 p.m. the meeting was reconvened in open session by order of the Mr. Bowman.

PUBLIC HEARING

APPLICATION NO. UP-696-06, KAHN PROPERTIES EAST, LLC

Mr. Carter gave a presentation on Application No. UP-696-06 requesting a special use permit authorizing a 1,659-square foot fast-food restaurant (Starbucks) with drive-through service within a permitted retail center to be constructed at 800 Rochambeau Drive (Route 137) in the southeast quadrant of the Route 199/Mooretown Road interchange. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R06-43.

Mr. Bowman then called to order a public hearing on Application No. UP-696-06 that was duly advertised as required by law. Proposed Resolution R06-43 is entitled:

> A RESOLUTION APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A FAST FOOD RESTAURANT WITH DRIVE-THROUGH SERVICE AT 800 EAST ROCHAMBEAU DRIVE

Mr. Howard Jenkins, representing Kahn Development East, stated that Starbucks is one of America's favorite tenants. He said the Williamsburg facility would be the first Starbucks with a drive-thru. He said they had complied with all the parking ratios, and Starbucks would make the parking ratio even better as it is not a restaurant. He added that the drive-thru would keep a lot of the customers from parking in the lot.

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

Mr. Burgett then moved the adoption of proposed Resolution R06-43 that reads:

> A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A FAST FOOD RESTAURANT WITH DRIVE-THROUGH SERVICE AT 800 EAST ROCHAMBEAU DRIVE

WHEREAS, Kahn Properties East, LLC has submitted Application No. UP-696-06, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 14) of the York County Zoning Ordinance to authorize a 1,659-square foot fast food restaurant with drive-through service within a retail center (permitted as a matter-of-right) on a 3.06-acre parcel located at 800 East Rochambeau Drive (Route F137) in the southeast quadrant of the Route 199/Mooretown Road interchange and further identified as Assessor's Parcel No. 2-17-1 (GPIN B19b-4378-3286); and

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

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

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of April, 2006, that Application No. UP-696-06 be, and it is hereby, approved to authorize a 1,659-square foot fast food restaurant with drive-through service within a retail center (permitted as a matter-of-right) on a 3.06-acre parcel located at 800 East Rochambeau Drive (Route F137) in the southeast quadrant of the Rote 199/Mooretown Road interchange and further identified as Assessor's Parcel No. 2-17-1 (GPIN B19b-4378-3286); subject to the following conditions:

1. This use permit shall authorize an approximately 1,659-square foot fast food restaurant with drive-through service located at 800 East Rochambeau Drive (Route F137) and further identified as a portion of Assessor's Parcel No. 2-17-1.

2. The proposed fast food restaurant shall be permitted in the end unit of the proposed retail center and, except as modified herein, said site layout for the fast food restaurant shall be in substantial conformance with the plan titled "The Shops At Cedar Valley, Bruton District, York County, Virginia," prepared by Hankins and Anderson, Consulting Engineers, dated 5/18/05 and revised 8/31/05 and 11/21/05.

3. Construction and operation of the restaurant shall be in conformance with the performance standards set forth in Section 24.1-473, *Standards for drive-in, fast food and carry-out delivery restaurants*, of the Zoning Ordinance.

4. Rooftop HVAC, electrical and similar utilities shall be screened from view of Mooretown Road, Rochambeau Drive, and Humelsine Parkway.

5. In order to ensure the proper functioning of the circulation system, particularly the drive-thru aisle, the restaurant owner/management shall be responsible for making arrangements so that trash removal service does not occur during restaurant operating hours.

6. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, prior to application for site plan approval, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On roll call the vote was:

Yea: (3) Noll, Bowman, Burgett
Nay: (0)

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 2, 3, 4, 5, and 6, respectively.

On roll call the vote was:

Yea: (3) Bowman, Burgett, Noll
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 2. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

March 21, 2006, Regular Meeting
March 23, 2006, Adjourned Meeting

Item No. 3. RESCHEDULING THE JUNE, 2006, MEETINGS OF THE BOARD OF SUPERVISORS: Resolution R06-40

A RESOLUTION TO RESCHEDULE THE JUNE, 2006, MEETINGS OF THE YORK COUNTY BOARD OF SUPERVISORS

WHEREAS, the York County Board of Supervisors' Regular Meetings are held the first Tuesdays of each month at 6:00 p.m. in the East Room of York Hall, and the third Tuesdays of each month at 6:00 p.m. in the Board Room of York Hall, with the exception of July and November when there is only a meeting held on the third Tuesday of those months; and

WHEREAS, from time to time circumstances make it necessary to change the meeting date, time, or place of the Regular Meetings of the Board of Supervisors to accommodate other events in which the Board members are involved; and

WHEREAS, the Board wishes to change the meeting time and place of its June 6, 2006, Regular Meeting, in order to accommodate arrangements for the York County Youth Commission's reception for its new and retiring members prior to the meeting and its presentations scheduled during the meeting; and

WHEREAS, the Board also wishes to change the meeting date of its June 20, 2006, Regular Meeting, in order to provide a more even distribution of time between the last meeting in June and the one regular meeting scheduled for July 18; and

WHEREAS, Section 15.2-1416 of the Code of Virginia permits the governing body to change is date, time, or place of meeting, provided that it adopts an appropriate resolution and properly posts and advertises said resolution;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of April, 2006 that the June 6, 2006, Regular Meeting of the York County Board of Supervisors originally scheduled for 6:00 p.m. in the East Room of York Hall be, and it is hereby, rescheduled to 7:00 p.m. in the Board Room of York Hall.

BE IT FURTHER RESOLVED that the Regular Meeting of the York County Board of Supervisors scheduled to be held Tuesday, June 20, 2006, be, and it is hereby, rescheduled to be held Tuesday, June 27, 2006, at 6:00 p.m. in the Board Room of York Hall.

BE IT STILL FURTHER RESOLVED that the County Administrator be, and he is hereby, directed to post and advertise this resolution in accordance with Section 15.2-1416 of the Code of Virginia.

Item No. 4. EMPLOYEE OF THE QUARTER: Resolution R06-38

A RESOLUTION TO COMMEND JOANNE D. CHAPMAN, LANDSCAPE MAINTENANCE COORDINATOR IN THE DEPARTMENT OF GENERAL SERVICES AS EMPLOYEE OF THE QUARTER

WHEREAS, Joanne D. Chapman has been employed with the County since October, 2002, and currently holds the position of Landscape Maintenance Coordinator in the Department of General Services; and

WHEREAS, Ms. Chapman is a devoted member of the General Services staff and has shown an endless amount of dedication to her customers, peers, and community by imple-

menting an extremely successful Roadway Beautification Program; and

WHEREAS, as Landscape Coordinator, Ms. Chapman has spent many hours preparing purchase requests, identifying maintenance requirements, supervising staff, coordinating multiple maintenance contracts and ensuring quality control in order that the annual color plantings of seasonal flowers make a beautiful impression on County roadways; and

WHEREAS, Ms Chapman has managed the completion of the Route 199 landscaping project, effectively coordinating the efforts of various contractors, the Virginia Department of Transportation and the Virginia Peninsula Regional Jail work forces, she successfully resolved various landscape design issues and kept adjacent business owners informed during the installation process; and

WHEREAS, while currently managing landscape installation on Route 17 and 171, and is faced with many of the same challenges as the installation projects on Route 199, her drive, determination, and countless hours spent on these projects have resulted in a roadway beautification program for which the entire community can be proud; and

WHEREAS, Ms. Chapman is a dedicated employee who consistently performs above and beyond in all aspects of her job;

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 18th day of April 2006, that Joanne D. Chapman, be, and she is hereby congratulated upon her selection as Employee of the Quarter for the quarter ended December 31, 2005.

Item No. 5. PUBLIC SEWER EXTENSION AGREEMENT – FAIR CHASE RUN: Resolution R06-44

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS FAIR CHASE RUN, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Hampton Roads Development, L.L.C., has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve three new residential lots; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be $6,900;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 18th day of April, 2006, that the Board approves the extension of the County's public sewer system to serve the proposed development, Fair Chase Run, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Hampton Roads Development, L.L.C., for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 6. GRANT ACCEPTANCE – 2006-/2007 EVENTS PLANNING: Resolution R06-45

A RESOLUTION TO ACCEPT AND APPROPRIATE FY2005 STATE HOMELAND SECURITY GRANT FUNDS IN THE AMOUNT OF $20,000 TO ASSIST WITH PREPAREDNESS AND PLANNING EFFORTS IN SUPPORT OF THE 2006 AND 2007 YORKTOWN, WILLIAMSBURG AND JAMESTOWN EVENTS

WHEREAS, safety and security planning efforts are underway for the Yorktown, Williamsburg and Jamestown 2006 and 2007 events; and

WHEREAS, the York County Department of Fire and Life Safety, along with the York-Poquoson Sheriff's Office, are working in a cooperative fashion, along with similar agencies in James City County and the City of Williamsburg, on the safety and security plans; and

WHEREAS, the United States Department of Homeland Security is making funds available to assist with safety and security preparedness events; and

WHEREAS, the Virginia Department of Emergency Management (VDEM) has been designated as the state manager of these grants; and

WHEREAS, VDEM has provided $20,000 specifically for safety and security planning for the 2006 and 2007 events;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 18th day of April, 2006, that the County Administrator be, and he is hereby, authorized to accept these grant funds in the amount of $20,000, and that they be appropriated for use as specified in the grant award and to execute any necessary grant agreements, related contracts, or other documents, subject to approval as to form by the County Attorney, to provide such additional information as may be required by the terms of the grant, and to do all things necessary to implement the U. S. Department of Homeland Security Grant Program.

CLOSED MEETING. At 7:19 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; Section 2.2-3711(a)(3) pertaining to real property uses for a public purpose specifically pertaining to the acquisition of real property for public purpose; and Section 2.2-3711(a)(5) pertaining to a prospective business or industry or expansion of an existing business or industry where no previous announcement has been made.

On roll call the vote was:

Yea: (3) Burgett, Noll, Bowman
Nay: (0)

Meeting Reconvened. At 7:38 p.m. the meeting was reconvened in open session by order of the Vice-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 18th day of April, 2006, 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: (3) Noll, Bowman, Burgett
Nay: (0)

APPOINTMENT TO THE COLONIAL SERVICES BOARD

Mrs. Noll moved the adoption of proposed Resolution R06-41 that reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTATIVE TO THE COLONIAL SERVICES BOARD

BE IT RESOLVED by the York County Board of Supervisors this 18th day of April, 2006, that Diane Wojcieszak be, and she is hereby, appointed as a York County representative on the Colonial Services Board for a term of three years, such term to begin immediately and end on April 30, 2009.

On roll call the vote was:

Yea: (3) Bowman, Noll, Burgett
Nay: (0)

Meeting Adjourned. At 7:40 p.m. Mr. Bowman declared the meeting adjourned sine die.

James O. McReynolds, Clerk
York County Board of Supervisors

Walter C. Zaremba, Chairman
York County Board of Supervisors