MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
February 7, 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, February 7, 2006, in the East Room, York Hall, by Chairman Walter C. Zaremba.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zaremba, Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

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

WORK SESSION

FISCAL YEAR 2007 BUDGET—FY07 NEW PROGRAMS/PERSONNEL AND FY2007-2012 CAPITAL IMPROVEMENTS PROGRAM (CIP)

Mr. McReynolds stated that tonight staff planned to address questions that were left unanswered from the last work session concerning new personnel, programs, and equipment, and answer any other questions the Board might have after reviewing the material that was provided at the last work session. He indicated there would then be some brief comments on the CIP.

Mrs. Marycarol White, Director of Financial and Management Services, reviewed the questions from the last work session which provided information on:

- Quantifying the number of positions in each activity and when the last new position was added
- Sheriff's calls for service—quantify by deputy
- Fire Station #2 (Tabb)—further justification
- Library activity levels—quantify growth with increases in staff
- Library assistants—when were positions last evaluated
- Down Payment Assistance Program—provide more details on how program would work
- Voting machines—option for capital lease

During the review on the new personnel requests, new program requests, and new equipment requests, the following positions had revised staff recommendations:

Judicial Services—Commonwealth Attorney

1 FTE—Assistant Commonwealth Attorney I

- ½ upgrade to current position recommended ONLY if state share of funding is provided

Board consensus for revised recommendation

1 FTE—Administrative Assistant

- Position not recommended for funding in FY07

Board consensus for revised recommendation

Judicial Services—Victim-Witness Assistance Program
½ FTE—Victim Advocate
- ½ FTE upgrade recommended for funding in FY07 without position re-classification

Board consensus for revised recommendation

Community Services—Housing Assistance
Down Payment Assistance Program
- Proposal withdrawn at the request of the Department. May be re-submitted for FY08

General Administration—Electoral Board
Voting Machine Replacement
- Acquisition recommended through capital lease

After a discussion regarding the request for a full-time Computer Support Specialist/Crime Analyst in the Sheriff's Office, the Board deferred action on the position and other positions requested until it receives further information from the Sheriff.

After an extensive discussion regarding requested positions in the Department of Fire and Life Safety, the Board, by consensus, agreed that staff would proceed with plans to apply for a SAFER Grant to fund six EMS/Firefighter positions and go with staff recommendation on other positions.

After an extensive discussion concerning requested positions for the Library, the Board, by consensus agreed to proceed with staff recommendations except for the Library Clerk position, which the Board agreed to, and to see how they fit in with the library needs assessment.

Meeting Recessed. At 7:56 p.m. Chairman Zaremba declared a short recess.

Meeting Reconvened. At 8:04 p.m. the meeting was reconvened in open session by order of the Chair.

At this time Mrs. White continued with the review of the Non-General Fund personnel requests for existing programs.

Regarding the staff recommendation not to recommend a full-time Construction/Maintenance Worker II for the Sewer Fund, the Board asked that staff re-look at the request.

Discussion ensued on advertising for the public forum and future work sessions on the budget.

Mr. McReynolds then stated there were no major changes in the CIP based on input at the last work session. He stated the bids were just received bids for the Moores Creek Phase I project, but they are about 80 percent over the engineer's estimate. Staff has not had an opportunity to see why the engineer's estimate is so different from the bid. If those numbers hold true, Mr. McReynolds noted it might have serious implications for other drainage projects throughout the CIP.

Chairman Zaremba asked when the stormwater review normally takes place.

Mrs. White noted normally in the fall the review takes place; but given the current problems, staff will probably schedule the review sooner.

Mr. McReynolds indicated he did not feel it would impact the CIP other than the drainage projects themselves. He stated staff would have to look at timing and how to finance the projects.

Mr. Burgett noted that the people who frequent the Senior Center really like being in the shopping center, and staff is projecting funding in the future for a new place. He recommended moving that over to library needs in the northern portion of the county.

Mrs. Noll agreed with Mr. Burgett, stating if the County acquired another unit and expanded that way would be a better option.

Chairman Zaremba noted this could be part of the discussion when the Board talks about the needs assessment of the Library Board.

Mr. Burgett also suggested using the $30,000 for the study.

Mr. McReynolds noted the $30,000 was not recommended.

Mrs. Noll stated it should have been to plan for the future. She indicated she wants to make sure the Board knows how much things will cost and to survey the people in the northern part of the County to see if they would support another library.

Mr. Burgett noted his agreement with Mrs. Noll.

PROPOSED REGIONAL HAZARD MITIGATION PLAN

Ms. Leigh Morgan, representing Salter's Creek Consulting, briefed the Board on the purpose of the mitigation plan which is to reduce or eliminate the long-term risk to human life and property from natural hazards through building of public support for mitigation activities, developing effective public education policies regarding mitigation, and by obtaining disaster-related grants in the aftermath of a disaster. She noted the plan focuses on the areas of prevention, property protection, structural projects, natural resource protection, emergency services, and public information. Ms. Morgan stated that the elected boards and councils of each jurisdiction are being asked to review and officially adopt the plan, making it a governing document for their community. The plan is currently under review by the Virginia Department of Emergency Management and FEMA Region III. Ms. Morgan then reviewed the mitigation goals and objectives and the recommended action items for York County.

Discussion followed on the expensive cost in York County to meet some of the proposed goals.

Mr. Shepperd asked if the Board had to accept the recommendations in their entirety, or could it abstain from or reject certain portions.

Ms. Morgan stated the Board could accept or reject any portion, but each locality must approve its portion of the plan. She noted that FEMA will not allow any funding unless the mitigation plan is in place.

Discussion followed on the plan and its recommendations and how the plan will ensure that York County has a better opportunity to receive grant funding for losses in future disasters.

Chairman Zaremba asked when the Board would have the plan to look at in detail.

Ms. Morgan indicated she was expecting it to be sent to FEMA any day, and it has 45 days to review it. She stated she was hoping the localities would receive it within 90 days.

Chairman Zaremba asked what the Board was being asked for at this time.

Mr. McReynolds stated staff was looking for a consensus to move forward with the plan and using it as a guideline to develop a long-range plan to address some of these flooding issues in order to stay competitive to apply for other grants. He stated he felt it was a reasonable way to proceed to address these areas.

Mr. Carter further noted that the document has been sent to the state and hopefully will soon be sent to FEMA for review. The primary goal now is to determine if the plan addresses all the required elements. The Board still has the ability to say a particular item is not appropriate for York County and take it out. He stated that tonight was just an introduction to the process.

Ms. Morgan stated the Board only has to have one recommended action item. FEMA is looking at whether or not the process was followed in developing the plan.

By general consensus, the Board directed staff to move forward with development of the County's mitigation plan.

CONSENT CALENDAR

Mr. Burgett 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: (5) Noll, Bowman, Burgett, Shepperd, Zaremba
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 2. APPROVAL OF MINUTES

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

January 10, 2006, Adjourned Meeting

Item No. 3. TROLLEY GRANT: Resolution R06-12

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE SUCH DOCUMENTS AS ARE NECESSARY TO ACCEPT THE AWARD OF FEDERAL AND STATE GRANT FUNDS FOR A SECOND TROLLEY BUS FOR YORKTOWN AND TO CONSUMMATE A LEASE ARRANGEMENT WITH WILLIAMSBURG AREA TRANSPORT AND JAMES CITY COUNTY TO PROVIDE FOR THE PURCHASE AND OPERATION OF SAID VEHICLE, AND TO INDICATE THE BOARD'S INTENTION TO FUND THE ANNUAL OPERATING COSTS FROM THE TOURISM-DESIGNATED LODGING TAX REVENUES

WHEREAS, the Virginia Department of Rail and Public Transportation has approved an award of $229,600 in federal funds and $45,920 in state funds, to be matched by an estimated $11,480 in local funds, for the purpose of supporting the purchase of a second trolley bus to provide public transportation services to visitors to Yorktown; and

WHEREAS, because such federal and state funds must be directed to an existing recipient of Federal Transit Administration (FTA) funds, Williamsburg Area Transport, and existing recipient, has offered to serve as a pass-through entity to receive the grant, purchase the trolley bus, and lease it to York County; and

WHEREAS, James City County will act as the administrative, fiscal and purchasing agent for the project; and

WHEREAS, York County will be responsible for providing the local match for the procurement (estimated to be $11,480) and such funds as are necessary for the annual operation of the vehicle consistent with federal regulations; and

WHEREAS, the procurement of a second trolley bus will enhance visitor transportation services in Yorktown and will complement the Historic Triangle Shuttle that serves Yorktown, Williamsburg and Jamestown during peak visitor seasons;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 7th day of February, 2006, that the County Administrator be, and he is hereby, authorized to execute such documents as are necessary to accept the award of federal and state grant funds for a second trolley bus for Yorktown and to consummate a lease arrangement with Williamsburg Area Transport and James City County to provide for the purchase and operation of said vehicle;

BE IT FURTHER RESOLVED, that the Board does hereby indicate its intentions to fund the annual operating costs for the vehicle from the tourism-designated lodging tax revenues.

Item No. 4. REFUND OF TAXES: Resolution R06-13

A RESOLUTION TO AUTHORIZE A TAX REFUND TO QUEENS LAKE COMMUNITY ASSOCIATION, INC.

WHEREAS, York County Code § 21-7.3 requires approval from the Board of Supervisors for the payment of any refund of taxes, penalties and interest in excess of $2,500.00; and

WHEREAS, the York County Board of Supervisors adopted Ordinance No. 05-14(R) on December 8, 2005, which exempted the Queens Lake Community Association, Inc. from real and personal property taxes and also provided that property taxes assessed to and paid by the Association during 2005 in the amount of $8,369.58 be abated and refunded; and

WHEREAS, the Request for Tax Refund has been approved and recommended by the Commissioner of the Revenue, the Treasurer, and the County Attorney;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 7th day of February, 2006, that the Treasurer is authorized to refund to the Queens Lake Community Association, Inc. real property taxes in the amount of $8,369.58.

Item No. 5. STREET ACCEPTANCES: Resolutions R06-14 and R06-15

Resolution R06-14:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE CERTAIN STREETS IN RUNNING MAN, SECTION NINE-C, IN INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following streets, which are shown on a plat recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form LA-5A, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 7th day of February, 2006, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form LA-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Running Man, Section Nine-C, and to the Residency Administrator of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted February 7, 2006

The following Form LA-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form LA-5A

Local Assistance Division 6/2005

Project/Subdivision

Running Man, Section Nine-C

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street
Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Kanawah Run, State Route Number 1738
Description: ***From:*** Route 1851 (Kinnakeet Run)
To: Route 1854 (Potapsco Turn)
A distance of: 0.10 mile.
Right of Way Record: Filed with the Clerk of the Circuit Court on 2/25/2004, Instrument #040003631, and on 8/20/2001, Plat Book 13, Pages 344-347, with a width of 50 feet.

Kanawah Run, State Route Number 1738
Description: ***From:*** Route 1854 (Potapsco Turn)
To: Route 1856 (Messongo Run)
A distance of: 0.06 mile.
Right of Way Record: Filed with the Clerk of the Circuit Court on 2/25/2004, Instrument #040003631, with a width of 50 feet.

Kanawah Run, State Route Number 1738
Description: ***From:*** Route 1856 (Messongo Run)
To: Route 1857 (Manokin Turn)
A distance of: 0.11 mile.
Right of Way Record: Filed with the Clerk of the Circuit Court on 2/25/2004, Instrument #040003631, with a width of 50 feet.

Kanawah Run, State Route Number 1738
Description: ***From:*** Route 1857 (Manokin Turn)
To: Cul-de-sac
A distance of: 0.19 mile.
Right of Way Record: Filed with the Clerk of the Circuit Court on 2/25/2004, Instrument #040003631, with a width of 50 feet.

Potapsco Turn, State Route Number 1854
Description: ***From:*** Route 1738 (Kanawah Run)
To: Cul-de-sac
A distance of: 0.06 mile.
Right of Way Record: Filed with the Clerk of the Circuit Court on 2/25/2004, Instrument #040003631, with a width of 50 feet.

Pungo Turn, State Route Number 1855
Description: ***From:*** Route 1738 (Kanawah Run)
To: Cul-de-sac
A distance of: 0.13 mile.
Right of Way Record: Filed with the Clerk of the Circuit Court on 2/25/2004, Instrument #040003631, and on 9/21/2005, Instrument #050023235, with a width of 50 feet.

Messongo Run, State Route Number 1856

Description: ***From:*** Route 1738 (Kanawah Run)
To: Route 1717 (Brentmeade Drive)
A distance of: 0.08 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 2/25/2004, Instrument #040003631, and on 10/3/2000, Plat Book 13, Pages 179-180, with a width of 50 feet.

Manokin Turn, State Route Number 1857

Description: ***From:*** Route 1738 (Kanawah Run)
To: Cul-de-sac
A distance of: 0.09 mile.

Right of Way Record: Filed with the Clerk of the Circuit Court on 2/25/2004, Instrument #040003631, with a width of 50 feet.

Resolution R06-15:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE A CERTAIN STREET IN CHEYENNE HILLS INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following street, which is shown on plats recorded in the Clerk's Office of the Circuit Court of York County, has been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation has inspected this street and found it to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form AM-4.3, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 7th day of February, 2006, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the street described on the following Form AM-4.3 as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Cheyenne Hills and to the Residency Administrator of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted February 7, 2006

The following Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form AM-4.3 (11/28/2005)

Asset Management Division

Project/Subdivision

Cheyenne Hills

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street
Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Sonshine Way, State Route Number 1025
Description: ***From:*** Temporary Turnaround
To: End of cul-de-sac
A distance of: 0.09 mile.
Right of Way Record: Filed with the Clerk of the Circuit Court on 4/25/2002, Instrument #020007488, and on 3/8/1982, Plat Book 10, Pg. 93, with a width of 50 feet.

Item No. 6. PUBLIC SEWER EXTENSION AGREEMENT—HIDDEN HARBOR: Resolution R06-16

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

WHEREAS, Peninsula Property, 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 five 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 $29,000;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 7th day of February, 2006, that the Board approves the extension of the County's public sewer system to serve the proposed development, Hidden Harbor, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Peninsula Property, L.L.C., for the proposed extension; such agreement to be approved as to form by the County Attorney.

Meeting Adjourned. At 9:22 p.m. Chairman Zaremba declared the meeting adjourned to 8:00 a.m., Saturday, February 11, 2006, Great Wolf Lodge, for the purpose of conducting a retreat session.

James O. McReynolds, Clerk
York County Board of Supervisors

Walter C. Zaremba, Chairman
York County Board of Supervisors