MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
June 27, 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, June 27, 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. Pastor Walter Johnson, Zion Prospect Baptist Church, gave the Invocation.

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

HIGHWAY MATTERS

Mr. Bill Evans, Assistant Residency Administrator, Virginia Department of Transportation (VDOT), appeared to discuss highway matters with the Board of Supervisors. He updated the Board on the construction on the Fort Eustis Boulevard extension, stating it was 70 percent complete and was currently ahead of schedule. He then briefly covered some maintenance issues and stated that VDOT is working on several different drainage issues around the County as a result of the recent heavy rains. He indicated the Department had been receiving a lot of phone calls recently for no parking signs. He noted those calls had been referred back to the County for a formal request from the County, and VDOT would review the requests for specific action. He also said the Big Bethel Road project should go to ad the 28th of this month. Mr. Evans also informed Mrs. Noll that he had the email she had sent to Mr. Brewer regarding the Malcolm Court yield sign, and it was being reviewed at this time.

Mr. Burgett stated he had asked Mr. Brewer to look into a stoplight at the intersection of Dare Road and Lakeside Drive. He said he needed a decision as to whether or not a determination had been made regarding the need for a stoplight so he could give the citizens an answer. He said when Mr. Cade was at the last meeting there was discussion about widening Route 17. He noted there were some updates, and he knew design stopped concerning the right-of-way. Mr. Burgett asked if that was the only part of the project that had stopped.

Mr. Evans stated that as far as he was aware, it was just the design. He said he could not speak specifically to that because he was not well versed on Route 17, but he would follow up with an email to Mr. Burgett.

Mr. Burgett asked that the Board be kept in the loop on any changes to Route 17. He also asked to be informed of the contractor who would be paving Vine Street as soon as the information became available.

Mr. Evans said he would check on that tomorrow and follow up with an email to Mr. Burgett.

Mr. Bowman asked Mr. Evans to let Mr. Brewer know that the Board would like to have an update on the progress and status of the Route 17 project. He said it could be done in an email, but he would prefer having Mr. Brewer give a short presentation at the next Board of Supervisors' meeting he attends.

PRESENTATIONS

WETLANDS AND CHESAPEAKE BAY BOARDS ANNUAL REPORT

Mr. Adam C. Frisch, Chairman of the York County Wetlands and Chesapeake Bay Boards, presented the Boards' annual report. He noted the Board of Supervisors created the Chesapeake Bay Board in May of 2005 to hear exceptions and appeals to Chapter 23.2 of the York County Code. He said the Board's primary goal is to provide relief in special cases where the exact application and the terms of the Chesapeake Bay Act may be unduly restrictive and result in unnecessary, undue hardship. Mr. Frisch stated the Chesapeake Bay Board had 635 applications submitted in the fiscal year that was about to end, and 12 applications made it to the Board for review. There were four violations and seven exception requests. He stated last year the Board levied civil charges in the amount of $1,000 on one of the violators. Mr. Frisch then reviewed the process for when an applicant wants to build within a resource protection area. He stated the Board goes onsite for every application and meets with the applicant and then, in a Board setting, reviews the documents and make a ruling. Mr. Frisch then turned to the Wetlands Board, stating its goal is to preserve and prevent the despoliation and destruction of wetlands within its jurisdiction while accommodating necessary economic development in a manner consistent with wetlands preservation. He stated that in the past year there were 105 wetlands applications submitted, and 19 were heard by the Board. There were six violations, two of which were completely abated, and four have restorations in progress. He stated the Board had 19 permit requests, and it levied $2,000 in civil charges on one of the violators. He then displayed photos of some of the projects currently under consideration. Mr. Frisch noted there is a new regulation that has been put forth by the Virginia Marine Resources Commission on Wetlands Mitigation and Compensation that now requires Wetlands Boards to avoid impacts to vegetative wetlands, and the Board is now required to mitigate on site if wetlands impacts do occur. He said the current policies for inland fees are 1 percent above the going rate in a titled wetlands bank, and the County Attorney has recommended that the Board recommend an ordinance change to the York County Code so that it is clear to everyone.

Discussion followed concerning the authority of the Wetlands Board and Chesapeake Bay Board, the mitigation process, and the application process.

CITIZENS COMMENT PERIOD

Mr. Jim Denkert, 107 Quest Court, requested that the Board of Supervisors immediately stop funding and stop all work on the Route 17 initiative to improve businesses. He said this has turned into a government-funded initiative to improve privately owned businesses. He stated the Board had committed half a million dollars of taxpayer money for the sole purpose of making those businesses look better. He said he had sent each member of the Board an email on the 15th of May specifically requesting their consideration of this and an answer, but not one Board member had replied to him. He asked the Board to stop spending taxpayers' money and giving it to privately owned business. Mr. Denkert said he had no problem with the goals of the program, noting they were worthy goals, and he supported improving the looks of Route 17. He said the businesses should pay their own bills for new signs and to paint their buildings, that it was not the citizens' responsibility to pay for it.

Ms. Maria Pulsonetti, 115 Aberfeldy Way, said she had a problem with a neighbor who continues to park his vehicle in front of her house. She stated he has two vehicles, and he parks one in the garage and one in front of her home; and the vehicle he parks in front of her house leaves grease and oil stains. She said she has purchased products to clean the oil stains; but as soon as she gets them clean, he parks his vehicle in front of her house again creating a new stain. She spoke of other solutions to the problem she had attempted, but with no success. Ms. Pulsonetti indicated it is a quality of life issue, but there are also safety concerns. She stated she had spoken with her neighbor about the problem, and he said there are no restrictive parking signs, so it is a public road and he can park wherever he wants. Ms. Pulsonetti asked the Board to put up no parking signs on her street to alleviate this problem.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett reported that he had sent out an email several weeks ago in preparation for the 2007 Legislative Program. He said he had received one response and asked if the Board members or department heads have ideas for items to include in the 2007 Legislative Program. He noted the first work session on the program is August 1, and he would need time to take the suggestions in and put them into a package for the Board to review at that work session. Mr. Barnett then reviewed the new legislation that will be implemented on July 1, noting one is the new state law on cable television ordinances. He stated the County will probably get notice from Verizon that they would like to come in to the County. He said he had contacted the Virginia Municipal League's counsel, and he attended a work session with VML and a number of other local government attorneys to start hammering out a model cable television ordinance. He stated they hope to have a draft ordinance ready by next week. and he will provide it to the Board as soon as it is received.

Mrs. Noll said she would like to see the ordinance as soon as possible because the Board would need to time to digest it and filter it and see if there is anything to add to it before the companies approach the Board.

Mr. Barnett stated that each locality will probably have to modify the ordinance to some degree, at least those who already have a franchise agreement in place with a company.

Mrs. Noll suggested this topic for a work session because the Board needs to understand its limitations as well as what the ordinance can and cannot say.

Mr. Burgett stated this is an important ordinance, and he wants to make sure the County's ordinance does not have a lot of flexibility which would allow the companies to dictate to the County.

Mr. Barnett said VML was trying to create a maximum ordinance that was in the confines of the statue which already restricts the County to a pretty significant degree, but allows the County to take certain actions to make certain demands of the cable company. He stated if the County wishes to negotiate something less in return for something else the cable company wants to give, the County would have that option.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds noted there would be only one regular meeting in July scheduled for July 18. He reminded everyone that there are a lot of activities scheduled in the County on July 4th, and the celebration would end with the usual fireworks show. He reported that the Friday night concert series had been a great success, and plans are to continue the program beginning on July 28 running through August 18.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll spoke of an article in the newspaper recently about the Route 17 revitalization. She referred to the Route 17 Corridor Master Plan, noting that copies of the plan are in the York County Public Libraries. She expressed her wish that anyone who is interested in the revitalization of Route 17 should read the executive summary, as it provides a lot of information as to where the Board is focusing its efforts. She said the County does not work in a vacuum, and there is a long-term vision for the Route 17 corridor that is evidenced by the 1996 study. She said that from this study came the need for the formation of the Route 17 Revitalization Committee that works with the citizens and businesses on the subject. She noted that from this study came the landscaping plan that is being implemented throughout that area, and it is an ongoing effort of the Board. Also from the study came the underground utility fund that is contained in the Capital Improvements Program, as well as changes to the Comprehensive Plan to permit mixed use and create village-like nodes along the corridor and improve signage. Mrs. Noll stated the Route 17 Revitalization Committee has validated many of the visionary ideas that came as a result of the study that was accepted in 1996. She said that given the funding and the fiscal responsibilities, the Board is moving forward with the Route 17 revitalization.

Mrs. Noll then shared information about the recent trip to Zweibrücken, Germany, by the York County delegation.

Mr. Burgett also talked about the newspaper article in the Daily Press, stating it said some nice things, but it did not tell the real story, and it contained a statement to the effect that there was no vision for York County. He echoed Mrs. Noll comments concerning the 1996 master plan, and he noted he had represented the York County Business Association in providing citizen input to that plan. He stated at the Board of Supervisor's Retreat in 2003, the Board tasked staff to get on with the projects, and a work session was held to spell out the requirements of what the Board wanted the Route 17 Revitalization Committee to accomplish. The Committee developed a plan according to the guidance given by the Board, and the plan states exactly what the citizens and the Board wanted Route 17 to look like. He indicated there has been vision on this project, and it has been a very high priority with the Board and with the citizens. Mr. Burgett also indicated the plan won a national award from the National Association of Counties and that presentations had been made to Isle of Wight County and James City County, as well as other localities that have taken what York County has done and adapted it for projects in their areas. He stated the plan also led to the establishment of an overlay district to make York County's main street even more attractive. Mr. Burgett then mentioned he had some calls regarding a rezoning that is coming up, and some 500 or so letters have gone out regarding the rezoning. He asked if citizens who received the letters have questions to give the Board members a call and they will put them in touch with the right people to explain what is happening. Mr. Burgett then mentioned he had attended his first meeting as the Board's representative to the Transportation Safety Commission, and Judi Riutort, York County Fire and Life Safety Department, spoke on hurricane safety.

Mr. Bowman echoed what Mrs. Noll and Mr. Burgett had said about the Route 17 Revitalization project. He indicated the newspaper was trying to do a series, but they were not outlining details and really explaining what is going on because of space limitations. He stated what he got from the article was that York County is doing a very good job as far as the revitalization project. He said the project has set the standard and is an example to other localities, causing them to look at what they need to do as far as tying in to the Route 17 project. Gloucester and Newport News are looking to revitalize their portions of Route 17, and the project will continue on across the James River headed south. He then mentioned another article that was in the paper the same day about Jim Reindfleisch, York County Department of Environmental Services, stating that he had done a fabulous job working the mosquito control program in the County. He stated there are great programs going on in York County, and he thanked the Daily Press for its coverage. Mr. Bowman then talked about the Friday night events in Yorktown on the Riverwalk and what a great turnout there has been. He also noted he recently had the opportunity to be a guest of General Wallace, Commanding General of TRADOC at Fort Monroe, attending a function along with the Mayors of Newport News and Hampton.

Meeting Recessed. At 6:59 p.m., Mr. Bowman declared a short recess.

Meeting Reconvened. At 7:07 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

APPLICATION NO. ZM-101-06, PETER V. HENDERSON

Mr. Carter gave a presentation on Application No. ZM-101-06 requesting reclassification of an approximately 8.28-acre portion of a 13.24-acre parcel located at 5800 Mooretown Road from Limited Industrial to Rural Residential to incorporate the acreage into a planned residential family subdivision that will encompass the subject property and adjacent acreage owned by the applicant. 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 Ordinance No. 06-13.

Mr. Bowman then called to order a public hearing on Application No. ZM-101-06 that was duly advertised as required by law. Proposed Ordinance 06-13 is entitled:

AN ORDINANCE TO RECLASSIFY APPROXIMATELY 8.28 ACRES ON MOORETOWN ROAD (ROUTE 603) FROM IL (LIMITED INDUSTRIAL) TO RR (RURAL RESIDENTIAL)

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

Ms Noll then moved the adoption of proposed Ordinance No. 06-13 that reads:

AN ORDINANCE TO RECLASSIFY APPROXIMATELY 8.28 ACRES ON MOORETOWN ROAD (ROUTE 603) FROM IL (LIMITED INDUSTRIAL) TO RR (RURAL RESIDENTIAL)

WHEREAS, Peter V. Henderson has submitted Application No. ZM-101-06, which requests amendment of the York County Zoning Map by reclassifying from IL (Limited Industrial) to RR (Rural Residential) an approximately 8.28-acre portion of a 13.24-acre parcel located at 5800 Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 5-14-B (GPIN# C18c-1888-1048); 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 carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 27th day of June, 2006, that Application No. ZM-101-06 be, and it is hereby, approved to amend the York County Zoning Map by reclassifying from IL (Limited Industrial) to RR (Rural Residential) an approximately 8.28-acre portion of a 13.24-acre parcel located at 5800 Mooretown Road (Route 603), further identified as Assessor's Parcel No. 5-14-B (GPIN# C18c-1888-1048) and more fully described as follows:

> All of that certain area of land situated on Mooretown Road and located within the Bruton District of the County of York, Virginia and identified as 8.28 □ acres and being more fully described as: Commencing at a point, said point being on the northeasterly right of way of Mooretown Road, 1370' □ south of the intersection of Mooretown Road and Angus Lane and being a corner to property now or formerly standing in the name of the City of Williamsburg; thence leaving the right of way of Mooretown Road, N 84°52'29"E, a distance of 682.18' to a point, being the point of beginning for the rezoning area; thence N 01°47'53"E, a distance of 362.77' to a point; thence S 88°12'07"E, a distance of 269.65' to a point; thence S 69°12'07"E, a distance of 200.00' to a point; thence S 78°12'07"E, a distance of 600.00' to a point; thence N 80°32'53"E, a distance of 534.58' to a point; thence S 57°25'31"W, a distance of 868.92' to a point; thence N 09°44'39"W, a distance of 295.64' to a point; thence S 84°52'29"W, a distance of 803.46' to the point of beginning, all as shown on a map titled "Map Showing Proposed Area for Rezoning 8.28 Ac.+/- Prepared for Peter V. Henderson/Et Als" by AES Consulting Engineers dated March 2, 2006.

On roll call the vote was:

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

AMENDMENT TO YORK COUNTY CODE: CHAPTER 4, ANIMALS AND FOWL

Mr. Barnett gave a presentation on proposed Ordinance No. 06-7 to amend various sections of Chapter 4 of the York County Code pertaining to dangerous or vicious dogs.

Mr. Burgett asked if a dog would be considered dangerous if it charged an individual, not biting them, but causing them to fall and injure themselves.

Mr. Barnett said there is an ordinance that says dogs are not allowed to roam free. He said as to whether or not the dog could be deemed a dangerous dog by inflicting injury by virtue of the charge, he had never seen that type of case, so he did not want to give a definitive answer.

Mr. Burgett asked if animal control could take the dog into custody in the above-mentioned situation.

Mr. Barnett said he did not know, that he would research and get back to Mr. Burgett.

Mrs. Noll asked if anything had been added regarding certain breeds of dogs.

Mr. Barnett quoted section 4-37(b) of the Code that stated no canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed and that ownership of a particular breed in not prohibited.

Mr. Bowman then called to order a public hearing on proposed Ordinance No. 06-7 that was duly advertised as required by law and is entitled:

> AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 4, ANIMALS AND FOWL, YORK COUNTY CODE, TO BRING IT INTO CONFORMANCE WITH THE CODE OF VIRGINIA DUE TO LEGISLATION ADOPTED BY THE 2006 VIRGINIA GENERAL ASSEMBLY

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

Mrs. Noll then moved the adoption of proposed Ordinance No. 06-7 that reads:

> AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 4, ANIMALS AND FOWL, YORK COUNTY CODE, TO BRING IT INTO CONFORMANCE WITH THE CODE OF VIRGINIA DUE TO LEGISLATION ADOPTED BY THE 2006 VIRGINIA GENERAL ASSEMBLY

BE IT ORDAINED by the York County Board of Supervisors, this 27th day of June, 2006, that Chapter 4 of the York County Code, be and it is hereby amended to read and provide as follows, such amendment to become effective as of July 1, 2006:

Sec. 4-33. Definitions.

For the purpose of this article, and unless otherwise required by the context, the following words and terms shall have the meanings respectively ascribed to them by this section:

Dangerous dog. Any canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. However, when a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite or (ii) both animals are owned by the same person, (iii) if such attack occurs on the property of the attacking or biting dog's owner or custodian, or (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

Treasurer. Includes the treasurer of the county or other officer designated by law to collect taxes in the county.

Vicious dog. Any canine or canine crossbreed that has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of bodily function; or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or on or before July 1, 2006, by an animal control officer pursuant to prior law that it is a dangerous dog, provided that its owner has been given notice of that finding.

* * *

Sec. 4-37. Dangerous and Vicious dogs.

(a) Any law-enforcement officer or animal control officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the county for the issuance of a summons requiring the owner or custodian, if known, to appear before the general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. If a law-enforcement officer successfully makes an application for the issuance of a summons, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or vicious. The animal control officer shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harborer of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Code of Virginia § 3.1-796.119. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2 of the Code of Virginia. The County or the Commonwealth shall be required to prove its case beyond a reasonable doubt.

(b) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian, or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous dog, or a vicious dog.

(c) If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

(d) The owner of any animal found to be dangerous dog shall, within ten days of such finding, obtain a dangerous dog registration certificate from the animal control officer or treasurer for a fee of fifty dollars in addition to other fees that may be authorized by law. The animal control officer or treasurer shall also provide the owner with a uniformly designed tag that identifies the animal as a dangerous dog. The owner shall affix the tag

to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained. The animal control officer shall provide a copy of the dangerous dog registration certificate and verification of compliance to the State Veterinarian.

(e) All dangerous dog registration certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, (ii) that the animal has been neutered or spayed, and (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation. All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least $100,000 that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability insurance, to the value of at least $100,000.

(f) While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

(g) The owner of any dog found to be dangerous shall register the animal with the Commonwealth of Virginia Dangerous Dog Registry, as established under Code of Virginia § 3.1-796.93:3, within 45 days of such a finding by a court of competent jurisdiction.

The owner shall also cause the animal control officer to be promptly notified of (i) the names, addresses, and telephone numbers of all owners; (ii) all of the means necessary to locate the owner and the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) tattoo or chip identification information or both; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

(h) After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the animal control authority to be notified if the animal (i) is loose or unconfined; or (ii) bites a person or attacks another animal; or (iii) is sold, given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within 10 days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.

(i) Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:

(1) Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and injures or kills a cat or dog that is a companion animal belonging to another person; or

(2) Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a human being or attacks a human being causing bodily injury; or

(3) Class 1 misdemeanor if any owner or custodian whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton and culpable as to show a reckless disregard for human life, and is the proximate cause of such dog or other animal attacking and causing serious bodily injury to any person.

The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

(j) The owner of any animal that has been found to be a dangerous dog who willfully fails to comply with the requirements of this section is guilty of a Class 1 misdemeanor.

(k) All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund in the treasury of the County for the purpose of paying the expenses of any training course required under Code of Virginia § 3.1-796.104:1.

* * *

Sec. 4-46. Application; applicant must be county resident.

(a) Any person may obtain a dog license by making oral or written application to the treasurer, accompanied by the amount of the license tax and the certificate of vaccination required by section 4-69 of this article, or evidence satisfactory to the treasurer that such certificate has been obtained. The treasurer shall have authority to license only dogs of resident owners or custodians who reside within the boundary limits of this county and may require information to establish the location of the residence of any applicant.

(b) It shall be unlawful for any person to make a false statement in, or present any false evidence with, an application submitted under this section, in order to secure a dog license to which he is not entitled.

* * *

Sec. 4-48. When tax due and payable.

The license tax imposed by section 4-47 of this article shall be due and payable not later than thirty (30) days after a dog has reached the age of four (4) months, or not later than thirty (30) days after an owner acquires a dog four (4) months of age, and each year thereafter.

* * *

Sec. 4-51. Issuance, composition and contents of license.

(a) Upon receipt of a proper application and the prescribed license tax, the treasurer shall issue a dog license; provided that no such license shall be issued for any dog, unless there is presented to the treasurer a certificate of vaccination, or other evidence satisfactory to the treasurer that such dog has been inoculated or vaccinated against rabies by a currently licensed veterinarian or a currently licensed veterinarian technician who was under the immediate and direct supervision of a licensed veterinarian on the premises issued pursuant to section 4-69 of this article in accord with the provisions of such section. Upon issuance of the license, the treasurer shall make notation of the date of issuance of the license on the certificate of vaccination or other document, and return the certificate or other document to the applicant. It shall be unlawful for any person to present a certificate of vaccination for a dog other than that for which it was issued.

(b) Each dog license shall consist of a license tax receipt and a metal tag. Such receipt shall have recorded thereon the amount of the tax paid, the name and address of the owner or custodian of the dog, the date of payment, the year for which issued, the serial number of the tag and whether the license is issued for a male, or a female, whether spayed or neutered, or for a kennel. The metal tag issued hereunder shall be stamped or otherwise permanently marked to show the name of the county and the calendar year for which issued and shall bear a serial number.

(c) The information thus received shall be retained by the treasurer, open to public inspection, during the period for which such license is valid. The treasurer may establish substations in convenient locations in the county and appoint agents for the collection of the license tax and issuance of such licenses.

* * *

Sec. 4-69. Inoculation of cats and dogs.

(a) It shall be unlawful for any person to own, keep, possess, board or harbor any cat or dog over the age of four (4) months within the county, unless such cat or dog has been inoculated against rabies by a currently licensed veterinarian or by a licensed veterinarian technician who was under the immediate and direct supervision of a licensed veterinarian on the premises, and the term of effectiveness of such inoculation has not expired.

(b) Any person bringing a cat or dog into the county from another jurisdiction shall conform to this section within ten (10) days after bringing such cat or dog into the county.

(c) At the time of inoculation as required by this section, a certificate of inoculation shall be issued to the owner. Such certificate shall at a minimum show the signature of the veterinarian, the animal owner's name and address, the species of the animal, the sex, the age, the color, the primary breed, the secondary breed, whether or not the animal is spayed or neutered, the vaccination number, the expiration date, and the locality in which the owner resides.

(d) A violation of any provision of this section shall be punished by imposition of a civil penalty as is set out in section 1-10 of this Code.

On roll call the vote was:

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

AMENDMENT TO YORK COUNTY CODE: CHAPTER 14, BUSINESS, PROFESSIONAL, AND OCCUPATIONAL LICENSE TAX

Mr. Barnett gave a presentation on proposed Ordinance No. 06-14 to amend section 14-26 of the York County Code pertaining to the Business, Professional, and Occupational license tax and limiting the amount of tax in any year on gas retailers.

Mr. Bowman then called to order a public hearing on proposed Ordinance No. 06-14 that was duly advertised as required by law and is entitled:

> AN ORDINANCE TO AMEND YORK COUNTY CODE SECTION 14-26, RELATING TO TAX SCHEDULES UNDER YORK COUNTY'S BUSINESS, PROFESSIONAL AND OCCUPATIONAL LICENSE TAX, TO PROVIDE THAT AS TO GAS RETAILERS, THE AMOUNT OF TAX IN ANY YEAR MAY BE LIMITED BY THE OPERATION OF CODE OF VIRGINIA § 58.1-3706, AS AMENDED BY THE 2006 GENERAL ASSEMBLY

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

Mr. Burgett expressed his displeasure with this action of the General Assembly, stating if this could be done for gas retailers, everyone who pays BPOL taxes should be included.

Mr. Bowman said there had been strong lobbying at the General Assembly, and this might be something to bring up with the local delegates this fall.

Mr. Burgett then moved the adoption of proposed Ordinance No. 06-14 that reads:

> AN ORDINANCE TO AMEND YORK COUNTY CODE SECTION 14-26, RELATING TO TAX SCHEDULES UNDER YORK COUNTY'S BUSINESS, PROFESSIONAL AND OCCUPATIONAL LICENSE TAX, TO PROVIDE THAT AS TO GAS RETAILERS, THE AMOUNT OF TAX IN ANY YEAR MAY BE LIMITED BY THE OPERATION OF CODE OF VIRGINIA § 58.1-3706, AS AMENDED BY THE 2006 GENERAL ASSEMBLY.

BE IT ORDAINED by the York County Board of Supervisors, this 27th day of June, 2006, that section 14-26, York County Code, be and it is hereby amended to read and provide as follows, such amendment to be effective as of July 1, 2006:

Sec. 14-26. Tax schedules.

Except as otherwise provided in this chapter, every person whose gross receipts from a business, profession or occupation subject to licensure exceeded $100,000 during the preceding license year shall pay a tax levied on such gross receipts in accordance with the following schedule:

(a) *Contractors.* Every person conducting or engaging in the business of contracting and persons constructing on their own account for sale shall pay an annual license tax of sixteen cents ($0.16) per one hundred dollars ($100.00) of gross receipts in the preceding license year. The term "contractor" shall be defined and construed in accordance with the provisions of section 14-27.

(b) *Retail sales.* Every person conducting or engaging in the business of retail sales shall pay an annual license tax of twenty cents ($0.20) per one hundred dollars ($100.00) of gross receipts in the preceding license year, unless, as to gas retailers, the amount of tax in any year is limited by operation of Code of Virginia section 58.1-3706. The term "retail sales" shall be defined and construed in accordance with the provisions of section 14-27.

(c) *Financial, real estate, and professional services.* Every person conducting or engaging in the business of financial, real estate and/or professional services shall pay an annual license fee of fifty-eight cents ($0.58) per one hundred dollars ($100.00) of gross receipts in the preceding license year. The term "financial, real estate, and professional services" shall be defined and construed in accordance with the provisions of section 14-27.

(d) *Repair, personal, business, and other services.* Every person conducting or engaging in the business of repair, personal or business service or any other business or occupation not specifically listed or excepted herein shall pay an annual license tax of thirty-six cents ($0.36) per one hundred dollars ($100.00) of gross receipts in the preceding license year. The term "repair, personal, business and other services" shall be defined and construed in accordance with the provisions of section 14-27.

(e) *Wholesale merchants.* Every person conducting or engaging in the business of a wholesale merchant shall pay an annual license fee of five cents ($0.05) per one hundred dollars ($100.00) of gross purchases in the preceding license year.

(f) *Telephone and telegraph companies.* Every person providing telephone and telegraph

communications in the county shall pay for the privilege an annual license tax equal to one-half of one percent (0.5%) of the gross receipts during the preceding license year from business accruing to such person from any such business in the county. Charges for long distance calls shall not be considered receipts from business in the county.

(g) *Heat, light, power, water, and gas companies.* Every person furnishing heat, light, power, water or gas for domestic, commercial, governmental or industrial consumption in the county shall pay for the privilege an annual license tax equal to one-half of one percent (0.5%) of the gross receipts of such business derived from within the county during the preceding license year.

On roll call the vote was:

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

AMENDMENT TO YORK COUNTY CODE: CHAPTER 21, FOOD AND BEVERAGE TAX

Mr. Barnett gave a presentation on proposed Ordinance No. 06-9 to amend section 21-156 of the York County Code pertaining to the extent to which a gratuity or service charge paid in connection with the purchase of a meal may be taxed. He said there was a mistake in the Ordinance in Sec.21-156(b). He stated the word "not" should be added in the line to say it is not a part of the selling price. He said with that change, it essentially said if an 18 percent mandatory gratuity was added to the meal it would not be taxed, but if there were a mandatory charge of 25 percent, the 5 percent would be included in the meal tax.

A brief discussion followed regarding the clarification.

Mr. Bowman then called to order a public hearing on proposed Ordinance No. 06-9 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 21-156, YORK COUNTY CODE, PERTAINING TO THE COUNTY'S TAX ON FOOD AND BEVERAGES, TO AMEND THE EXTENT TO WHICH A GRATUITY OR SERVICE CHARGE PAID IN CONNECTION WITH THE PURCHASE OF A MEAL MAY BE TAXED, AS REQUIRED BY LEGISLATION ADOPTED BY THE 2006 VIRGINIA GENERAL ASSEMBLY

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

Mrs. Noll then moved the adoption of proposed Ordinance No. 06-9(R) that reads:

AN ORDINANCE TO AMEND SECTION 21-156, YORK COUNTY CODE, PERTAINING TO THE COUNTY'S TAX ON FOOD AND BEVERAGES, TO AMEND THE EXTENT TO WHICH A GRATUITY OR SERVICE CHARGE PAID IN CONNECTION WITH THE PURCHASE OF A MEAL MAY BE TAXED, AS REQUIRED BY LEGISLATION ADOPTED BY THE 2006 VIRGINIA GENERAL ASSEMBLY

BE IT ORDAINED by the York County Board of Supervisors, this 27th day of June, 2006, that section 21-156, York County Code, be and it is hereby amended to read and provide as follows, such amendment to become effective as of July 1, 2006:

Sec. 21-156. Tips and service charges.

(a) Where a purchaser provides a gratuity for an employee or employees of a seller, and the gratuity is wholly in the discretion of the purchaser, the gratuity is not subject to the tax imposed by this article, whether paid in cash to the employee or added to the bill and charged to the purchaser's account, provided, in the latter case, the full amount of the gratuity is turned over to the employee by the seller.

(b) A mandatory gratuity or service charge that is added to the price of the meal by the seller, and required to be paid by the purchaser, is not a part of the selling price of the meal and is exempt from the tax imposed by this article, but only to the extent that such mandatory charge does not exceed 20% of the sale price.

On roll call the vote was:

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

AMENDMENT TO YORK COUNTY CODE: CHAPTER 21, PERSONAL PROPERTY TAXATION

Mr. Barnett gave a presentation on proposed Ordinance No. 06-12 to amend section 21-2 of the York County Code to exempt from personal property taxation certain pollution control equipment and facilities.

Mrs. Noll asked if this statute still had to be on the books even though it did not affect any businesses in York County.

Mr. Barnett stated that even though it may not apply today, someone else may come in with a business that it would affect, and the County should be consistent with the State statute.

Mr. Bowman then called to order a public hearing on proposed Ordinance No. 06-12 that was duly advertised as required by law and is entitled:

> AN ORDINANCE TO AMEND YORK COUNTY CODE SECTION 21-2, TO BRING IT INTO CONFORMANCE WITH SENATE BILL 417 AS ADOPTED BY THE 2006 GENERAL ASSEMBLY, EXEMPTING FROM LOCAL PERSONAL PROPERTY TAXATION CERTAIN POLLUTION CONTROL EQUIPMENT AND FACILITIES AS SPECIFIED IN THE LEGISLATION

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

Mrs. Noll then moved the adoption of proposed Ordinance No. 06-12 that reads:

> AN ORDINANCE TO AMEND YORK COUNTY CODE SECTION 21-2, TO BRING IT INTO CONFORMANCE WITH SENATE BILL 417 AS ADOPTED BY THE 2006 GENERAL ASSEMBLY, EXEMPTING FROM LOCAL PERSONAL PROPERTY TAXATION CERTAIN POLLUTION CONTROL EQUIPMENT AND FACILITIES AS SPECIFIED IN THE LEGISLATION.

BE IT ORDAINED by the York County Board of Supervisors, this 27th day of June, 2006, that section 21-2, York County Code, be and it is hereby amended to read and provide as follows, such amendment to become effective as of July 1, 2006:

Sec. 21-2. Partial exemption of certified pollution control equipment and facilities.

(a) Certified pollution control equipment and facilities, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other such classification of real or personal property and such property shall be partially exempt from local taxation. Certified pollution control equipment and facilities consisting of equipment used in collecting, processing, and distributing or generating electricity from landfill gas or synthetic or natural gas recovered from waste, including equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and other vegetative cover for reuse as landfill gas or synthetic or natural gas recovered from waste, placed in service on or after July 1, 2006, shall be exempt from local taxation pursuant to subsection d of Section 6 of Article X of the Constitution of

Virginia.

(b) As used in this section, the term "certified pollution control equipment and facilities" shall be deemed to mean any property, including real or personal property, equipment, facilities or devices used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the commonwealth and which property the state certifying authority having jurisdiction with respect to such property has certified to the state department of taxation as having been constructed, reconstructed, erected or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination. As used in this section, the term "state certifying authority" shall be deemed to mean the State Water Control Board, for water pollution, and the State Air Pollution Control Board, for air pollution, the Department of Mines, Minerals and Energy, for coal, oil, and gas production; and the Virginia Waste Management Board, for waste disposal, landfill gas, and synthetic or natural gas recovery from waste facilities, and shall include any interstate agency authorized to act in a place of a certifying authority of the state.

(c) Certified pollution control equipment and facilities, as defined herein, excluding such equipment and facilities owned by public service corporations, as defined by section 56-2, Code of Virginia, shall be taxed, beginning January 1, 1979, and thereafter, at the current tax rate on machinery and tools for the calendar year appearing in Column 1 below multiplied by the percentage figure listed in Column 2 below. In accordance with section 58-514.2, Code of Virginia, certified pollution control equipment and facilities, as defined herein, owned by public service corporations shall be taxed, beginning January 1, 1979, and thereafter at the current tax rate on real estate for the calendar year appearing in Column 1 below multiplied by the percentage figure listed in Column 2 below:

Column 1 *Calendar Year*	*Column 2* *Tax Rate as Percentage of Current Tax Rate on Machinery and Tools*
1979	Ninety-five percent (95%)
1980	Ninety percent (90%)
1981	Eighty-five percent (85%)
1982 and each tax year thereafter	Eighty percent (80%)

(d) Eligible nonpublic service corporation property owners shall report to the commissioner of the revenue, as of January first of each calendar year, the owner's cost of certified pollution control equipment and facilities. The commissioner of the revenue shall assess nonpublic service corporation owned certified pollution control equipment and facilities at a ratio of twenty-five percent (25%) of the owner's cost. The assessed value of certified pollution control equipment and facilities owned by public service corporations shall be determined by the state corporation commission in accordance with section 58-503.1, Code of Virginia.

On roll call the vote was:

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

CONSENT CALENDAR

Mr. Burgett asked to discuss Item No. 8, questioning why the generators cost $27,000 each and if this amount was correct.

Mr. Peters said the amount was correct, that it was the cost based on current generator prices.

Mr. Burgett asked if there were currently generators at each fire station.

Mr. Peters said the stations each had small generators that are 15KW, but they are only hooked to isolated circuits and provide only enough power for short power outages. They take care of the bay doors, and they might take care of some critical outlets. Lights and most of the HVAC equipment is not covered by the generators at this time. He noted that additional things have been added to the facilities over time, such as outlets in the bays that support refrigeration equipment for critical medications. He stated it would not be cost effective to try and maintain the current generators and bring in additional circuits because it would not provide any more capacity. Mr. Peters stated the selected generator will take care of all the requirements.

Discussion followed regarding the disposition of the current generators.

Mr. Bowman asked if the purchase of the generators had been included in this year's budget.

Mr. Peters said they were included in the Capital Improvements Program.

Mr. Bowman asked if the generators were diesel and would they be permanently wired and mounted to the buildings.

Mr. Peters stated they would be permanently wired and mounted to the buildings.

Mr. Burgett asked what the red trailer was used for that was frequently parked at York County fire stations.

Chief Kopczynski indicated the County did not procure the trailer, that is was part of the Regional Metropolitan Medical Response System that serves 16 localities. He added it was not equipped as the trailer that would be purchased if authorized. He said the trailer in question was to provide Public Safety Fire Education, mostly for children within the County. It would be a basic fire tool that most fire departments have, and the County has desired to purchase one for many years but was not high on the priority list. A federal grant had been sought to fund the purchase, along with matching funds from state grant funds and some donated funds. He stated it would be a mobile trailer that would be used to take to school activities and public displays where children could go and learn about fire safety.

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

On roll call the vote was:

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

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 7. APPROVAL OF MINUTES

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

May 16, 2006, Regular Meeting
May 23, 2006, Adjourned Meeting

Item No. 8. PURCHASE AUTHORIZATION: Resolution R06-89

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO PURCHASE VACUUM SEWER VALVES AND EMERGENCY GENERATORS

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of $30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, they involve the expenditure of $30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 27th day of June, 2006, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

	AMOUNT
Vacuum Sewer Valves	$ 61,220
Emergency Generators	166,527

Item No. 9. BUDGET AMENDMENT: Resolution R06-81

A RESOLUTION TO AUTHORIZE AND APPROPRIATE FUNDS FOR FISCAL YEAR 2006 IN THE SOLID WASTE MANAGEMENT FUND

WHEREAS, in January, 2005, under a new solid waste collection contract, York County residents were given the option of either a basic curbside collection service that included two 95-gallon wheeled carts, or a service that offered one 95-gallon wheeled cart. In addition, for the first time County residents who subscribed to the trash pickup service were given the benefit of delivering unlimited solid waste to the County Transfer Station, without paying a tipping fee; and

WHEREAS, during FY2006 the tonnage being delivered is higher than anticipated, thereby driving up the costs for disposal without an offsetting revenue benefit from the County residents dropping off solid waste, creating unanticipated expenses of $185,000 in solid waste disposal costs; and

WHEREAS, an additional appropriation of $185,000 is required in the Solid Waste Management Fund to support the disposal costs;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 27th of June, 2006, that $185,000 be, and hereby is, appropriated in the Solid Waste Management Fund for support of disposal costs in Fiscal Year 2006.

Item No. 10. ACCEPTANCE OF GRANT FOR MOBILE TRAILER: Resolution R06-90

A RESOLUTION TO ACCEPT AND APPROPRIATE U. S. DEPARTMENT OF HOMELAND SECURITY, OFFICE FOR DOMESTIC PREPAREDNESS ASSISTANCE TO FIREFIGHTERS, PREVENTION GRANT FUNDS IN THE AMOUNT OF $38,500 AND TO AUTHORIZE THE COUNTY ADMINISTRATOR TO DO ALL THINGS NECESSARY TO PROCURE A MOBILE FIRE SAFETY EDUCATION TRAILER

WHEREAS, the York County Department of Fire and Life Safety sought and has been awarded Federal grant funding in the amount of $38,500 for a mobile fire safety education trailer commonly known as a "Safe House;" and

WHEREAS, funds previously appropriated are available to provide the necessary grant match and to further support the initiative; and

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of $30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the procurement of the mobile fire safety education trailer, in the amount of approximately $58,000, is necessary and desirable, it involves the expenditure of $30,000 or more, and that all applicable laws, ordinances and regulations shall be complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 27th day of June, 2006, that grant funds in the amount of $38,500 from the U. S. Department of Homeland Security, Office for Domestic Preparedness, Assistance to Firefighters, Prevention Grant Program be accepted and appropriated.

BE IT FURTHER RESOLVED that the County Administrator be, and he is hereby, authorized to execute procurement arrangements for the mobile fire safety education trailer project in the amount of approximately $58,000.

Item No. 11. SPONSORSHIP OF AMENDMENT TO ZONING ORDINANCE: Resolution R06-91

A RESOLUTION TO SPONSOR AN APPLICATION TO AMEND SECTION 24.1-104, DEFINITIONS, SECTION 24.1-306, TABLE OF LAND USES, ARTICLE 4, DIVISION 10 – PERFORMANCE STANDARDS FOR BUSINESS AND PROFESSIONAL USES, AND SECTION 24.1-606, MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS OF CHAPTER 24.1, ZONING (YORK COUNTY CODE) TO: DEFINE PAYDAY LOAN ESTABLISHMENTS; ESTABLISH A SPECIAL USE PERMIT REQUIREMENT FOR TATTOO PARLORS, PAWN SHOPS AND PAYDAY LOAN ESTABLISHMENTS; AND, TO ESTABLISH PERFORMANCE STANDARDS RELATED TO THE LOCATION OF SUCH ESTABLISHMENTS

WHEREAS, based on the results of a countywide public opinion survey, the Board of Supervisors has determined that the terms of Chapter 24.1, Zoning, of the York County Code should be amended to include revised definitions and regulations pertaining to tattoo parlors, pawn shops and payday loan establishments; and

WHEREAS, the Board finds that consideration of such amendments would be consistent with good zoning practice;

NOW, THERFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 27th day of June, 2006, that it does hereby sponsor an application to amend Sections 24.1-104 and 306, to add a new Section 24.1-470.1, and to amend Section 24.1-606(k) of the Zoning Ordinance to read as set forth below;

BE IT FURTHER RESOLVED that the following proposed wording be, and it is hereby, forwarded to the York County Planning Commission for review and recommendation in accordance with applicable procedures.

Sec. 24.1-104. Definitions.

***

Payday loan establishment. A place of business engaged in offering small, short-maturity loans on the security of (i) a check, (ii) any form of assignment of an interest in the account of an individual or individuals at a depository institution, or (iii) any form of assignment of income payable to an individual or individuals, other than loans based on income tax refunds. For the

purposes of this chapter, such establishments shall not be construed to be "banks" or "financial institutions."

***

Sec. 24.1-306. Table of land uses.

P=PERMITTED USE S=PERMITTED BY SPECIAL USE PERMIT	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
USES	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 11 – BUSINESS / PROFESSIONAL SERVICE												
1. Broadcasting Studio								P	P		P	P	P
2. Barber/Beauty Shop							P	P	P		P		P
3. Apparel Services (Dry Cleaning/Laundry retail) Laundromat, Tailor, Shoe Repair, Etc.)							P	P	P		P	P	P
4. Funeral Home (may include cremation services								S	P		P		
4a. Cremation Services (human or pets)									S			S	S
5. a) Photographic Studio							S	P	P		P	P	P
b) Film Processing Lab								S	P		P	P	P
6. Household Items Repair									P		P	P	P
7. ~~Personal Services (~~Fortune Teller, ~~Tattoo, Pawn Shop, Etc.)~~									S				
7.1 Tattoo Parlor												S	
7.2 Pawn Shop									S				
8. a) Banks, Financial Institutions							P	P	P		P		
b) Freestanding Automatic Teller Machines							P	P	P	S	P		
8.1 Payday Loan Establishments									S				
9. Offices						S	P	P	P		P	P	P
10. Hotel & Motel								S	P	S	P		
11. Timeshare Resort						S			S	S	S		
12. Restaurant/Sit Down								P	P		P		
13. Restaurant/Brew-Pub									P		P		
14. Restaurant/Fast Food								S	P		S		
15. Restaurant/Drive In								S	P		S		
16. Restaurant - Carry-out/Delivery only							S	P	P		S		
17. Catering Kitchen/Services							S	P	P		S		
18. Nightclub								S	S		S		
19. Commercial Reception Hall or Conference Center							S	S	P	S	P		
20. Small-Engine Repair (lawn and garden equipment, outboard motors, etc.)									P	P		P	P
21. Tool, Household Equipment, Lawn & Garden Equip-									P		P	P	P

ment, Rental Establishment													
22. Establishments Providing Printing, Photocopying, Blue-printing, Mailing, Facsimile Reception & Transmission or similar business services to the general public, and business and professional users								P	P		P	P	P
23. Professional Pharmacy							P	P	P		P		

***

Add a new Section 24.1-470.1, as follows:

Sec. 24.1-470.1. Standards for tattoo parlors, pawn shops and payday loan establishments.

(a) Tattoo parlors, pawn shops or payday loan establishments shall not be located on property that is within ½ mile (2,640 feet) of property occupied by: a place of worship; a public, parochial or private school (K thru 12); a public library; or, a public park or athletic field or facility.

(b) No tattoo parlor shall be located such that its principal façade or any wall or freestanding signage associated with the establishment is visible from any Primary System road in the County.

***

Sec. 24.1-606. Minimum off-street parking and loading requirements.

(k) Category 11 – *Business / Professional Service*

USE	OFF-STREET PARKING-SPACES	OFF-STREET LOADING SPACES
(1) Funeral home or mortuary	One (1) space per four (4) seats or seating spaces in the main chapel or parlor;	None
(2) Financial institution with drive-in windows	One (1) space per 350 square feet of floor area; plus Eight (8) stacking spaces for the first drive-in window; plus Two (2) stacking spaces for each additional window.	None
(3) Financial institutions without drive-in windows.	One (1) space per 350 square feet of floor area.	None
(4) Freestanding ATM	Four (4) spaces per machine	None
(4.1) Payday loan establishment	One (1) space per 350 square feet of floor area	None
(4.2) Tattoo parlor	One (1) space per 200 square feet of gross floor area, or two (2) spaces per client chair, whichever is greater	None

(5) Medical or dental clinic/office	Two (2) spaces per examination or treatment room; plus One (1) space per 350 square feet of administrative office space.	None
(6) Offices – business or professional	One (1) space per 350 square feet of floor area but in no case less than three (3) spaces.	One (1) space per building or per building grouping capable of being served by a single space.
(7) Personal Service Establishments (Barber/beauty shops, apparel services, ~~tattoo shops~~, etc.)	One (1) space per 200 square feet of gross floor area, or two (2) spaces per client chair, whichever is greater	None
(8) Motel, hotel, motor lodge	One (1) space per sleeping room or suite for first 100 units; plus • 0.9 spaces per sleeping room or suite for units 101 through 200 • 0.8 spaces per sleeping room or suite for units 201 through 300 • 0.7 spaces per sleeping room or suite for units in excess of 300; plus One space for each 250 square feet of floor area used for meeting rooms and for the preparation, serving or consumption of food or beverage, but not including storage and refrigeration areas.	One (1) space; plus One (1) additional space for on-site restaurant
(9) Timeshare resort	1.3 spaces per unit.	None
(10) Restaurant: Sit Down and Brew Pub	One (1) space per 100 square feet of total gross floor area; NOTE: *Outdoor dining area shall be included in the calculations.*	One (1) space
(11) Restaurant: Fast Food or Drive-In	One and one-half (1 1/2) spaces per 100 square feet of gross floor area inclusive of outside dining area; plus Eleven (11) stacking spaces for the first drive-in window; plus Three (3) stacking spaces for each additional drive-in window.	One (1) space
(12) Restaurant: Drive-Through Only	Five (5) spaces; plus Eighteen (18) stacking spaces for the first drive-in window; plus	One (1) space

	Three (3) stacking spaces for each additional drive-in window.	
(13) Nightclubs, bars, taverns, dance halls	One (1) space for every 60 square feet of floor area, excluding kitchen areas	One (1) space
(14) Commercial reception hall or conference center	One (1) space for every four (4) seats or sixty (60) square feet of assembly area	One (1) space
(15) All other Category 11 uses	One (1) space per 350 square feet of gross floor area	One (1) space, unless waived by the zoning administrator in consideration of the specific nature of the use.

***

CLOSED MEETING. At 7:45 p.m. Mr. Burgett 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; and Section 2.2-3711(a)(7) pertaining to consultation with legal counsel.

On roll call the vote was:

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

Meeting Reconvened. At 8:05 p.m. the meeting was reconvened in open session by order of the Vice-Chairman.

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 27th day of June, 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, Burgett, Bowman
Nay: (0)

APPOINTMENT TO THE YORK COUNTY WETLANDS BOARD AND CHESAPEAKE BAY BOARD

Mrs. Noll moved the adoption of proposed Resolution R06-94 that reads:

A RESOLUTION TO REAPPOINT A MEMBER TO THE YORK COUNTY WELTNADS BOARD AND CHESAPEAKE BAY BOARD

WHEREAS, the term of Diane K. Short on the York County Wetlands Board and Chesapeake Bay Board expires on June 30, 2006; and

WHEREAS, Diane K. Short has indicated she wishes to be reappointed to the York County Wetlands and Chesapeake Bay Board;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 27th day of June, 2006, that Diane K. Short be, and she is hereby, reappointed to the York County Wetlands Board and Chesapeake Bay Board for a term of five years, such term to begin on July 1, 2006, and expire on June 30, 2011.

On roll call the vote was:

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

Meeting Adjourned. At 8:07 p.m. Mr. Bowman moved that the meeting be adjourned sine die.

James O. McReynolds, Clerk
York County Board of Supervisors

Walter C. Zaremba, Chairman
York County Board of Supervisors