MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
November 21, 2006

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:04 p.m., Tuesday, November 21, 2006, in the Board 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.

Invocation. Dr. John Huelskoetter, Yorktown Baptist Church, gave the invocation.

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

HIGHWAY MATTERS

Mr. William Evans, Assistant Residency Administrator, appeared to discuss highway matters of interest to the Board. He stated the Fort Eustis Boulevard project is 100 percent complete and will be open December 1. The Route 600 project is 15 percent complete with a completion date of June 30, 2007. He stated there was no reason to believe it would not be complete on that date because the crews are working in spite of the weather.

Mr. Shepperd asked Mr. Evans to pass along his public acknowledgement of the great work Mike Cade was doing in his district, and he appreciated all the work the crews have been doing.

Mr. Bowman spoke of the Dandy Loop section where Goodwin Neck Road comes into Dandy Loop Road. He stated the road is very narrow, and because of construction on Middle Road, a lot of trucks have torn up the area where the roads meet, and the whole pavement is starting to crumble and is unsafe. He asked that the Residency take a look at it and evaluate to see what can be done. Mr. Bowman noted that in the same area there is a yield sign coming out of Dandy Loop onto Goodwin Neck Road. It has become a hazard area because people do not look both ways when entering the road. He stated the citizens are asking that a stop sign be looked at instead of a yield sign.

Mr. Evans indicated that would require a small traffic study. He asked for Mr. Bowman to email him with the request, and he will get the appropriate parties to look at it.

Mr. Bowman noted that Suffolk also did a study on Wolf Trap Road, and he appreciated the quick turnaround. He stated Mr. McReynolds would be providing a formal response to the citizen who requested the study.

Chairman Zaremba noted that because of growth in the commercial area of Lightfoot, Mooretown Road, East Rochambeau Drive, and Airport Road are seeing a sustained increase in traffic. He stated they are currently two-lane roads, and Airport Road, in particular, is a roller coaster. He noted that something will have to be done soon with respect to widening those roads. Mr. Zaremba wished everyone at VDOT a Happy Thanksgiving.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Chairman Zaremba introduced and welcomed the following new appointees to the Senior Center of York Board and presented each with a Boards and Commissions Handbook and York County pin:

Veronica M. Payne Sarah C. Kennedy

EMPLOYEE RECOGNITION PROGRAM

Chairman Zaremba congratulated the following employees for their years of service with the County, and presented them each with service pins and certificates:

James R. Dishner	Fire and Life Safety	30 years
Germaine M. Hite	Financial & Management Services	25 years

YORK COUNTY LITTLE LEAGUE

Chairman Zaremba, after introductions, read aloud and presented Proclamation P06-13 to the team members of the York County Little League commending and congratulating them upon their performance during the 2006 Little League championships.

FISCAL YEAR 2006 AUDITED FINANCIAL STATEMENT

Ms. Marycarol White, Director of Financial and Management Services, Introduced Krista N. Ross, Audit Manager for Cherry, Bekaert & Holland to present the report and findings of the County's FY06 audit.

Ms. Ross presented the report on the County's financial statements and communicated the required audit comments. She stated the County has received an unqualified opinion on all aspects of the audit, an unqualified opinion on the assessment of internal controls and compliance, an unqualified opinion with compliance of specifications of cities, counties, and towns, and an unqualified opinion on major federal programs of grants received. She stated the County has done a good job. Ms. Ross noted that as auditors, they are independent of the County of York and have no conflict of interest with the Board of Supervisors or employees of the County. She stated there were no significant changes in accounting policies that the County is required to comply with, and there were no significant audit adjustments noted during the audit.

RECOGNITION OF VISITING SCOUT TROOP (Not on Agenda)

Chairman Zaremba recognized Boy Scout Troop 54 from the Tabb District who were visiting the Board meeting this evening.

Mr. Bill Boyd stated the members of the troop were present to observe the Board, watching how the Board members interact with the people of York County and the people they are presenting to, in working on their communications merit badge. He also noted there were two scouts present working on their Citizenship in the Community badge toward their Eagle Scout rank.

CITIZENS COMMENT PERIOD

Mrs. Pam Pouchot, spoke to the Board members concerning the recent election and the people voting not to change the definition of marriage in Virginia. She asked the Board to work with the Sheriff's Office to enforce the laws of the County, specifically County Code Sections 16-22

and 16-24, and make cohabitation and adultery a Class I felony. She also asked any member of the Board who had been divorced to step down from office.

Mr. William W. Cole, 209 Ambler Street, apprised the Board members of the new self-guided tour of Yorktown booklet that the Celebrate Yorktown Committee had authored and printed.

Mrs. Addie Jeanette Best, 119 Baptist Road, asked for the Board's help with VDOT. She indicated she had discussed the drainage problems with Mr. Hudgins and Mrs. Bennett, but she would like something from VDOT in writing showing what the easement on her property is for and how much they want for it so she does not run into problems later on.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett had no report to make at this time.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded everyone that December 1 is the date for the Christmas Tree Lighting ceremony, and December 2 is the Lighted Boat Parade. He said people interested could contact the Information Office or visit the County's website for more information. Mr. McReynolds reminded the Board members of the upcoming December 5 and December 19 Board meetings, indicating they would be the last ones of the year. He then wished everyone a Happy Thanksgiving.

Meeting Recessed. At 6:56 p.m. Chairman Zaremba declared a short recess.

Meeting Reconvened. At 7:04 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

APPLICATION NO. UP-710-06, BAY HAVEN GRILLE

Mr. Carter gave a presentation on Application No. UP-710-06 requesting approval of a use permit to authorize a nightclub to be operated as part of an existing restaurant located at 6500A George Washington Memorial Highway within The Shoppes at Yorktown shopping center. 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 R06-140.

Mr. Shepperd asked how many nightclubs are in York County.

Mr. Carter indicated there is one approved through special use permit in the Market Place II Shopping Center in the Busch Gardens area. He stated there are others that predate the current ordinance such as the Cactus on Route 17.

Mr. Shepperd stated he would be interested in knowing Mr. Carter's insight as to a comparison of the nightclubs in York County in relation to the issues seen in nightclubs in Newport News.

Mr. Carter stated York County does not have the issues that exist in Newport News. He stated that by definition the County's ordinance is strict because it says if a facility goes beyond 11:00 p.m. with music it is considered a nightclub. He noted that the applicant would just like to provide some music and extend its hours to 1:00 a.m.

Mr. Shepperd indicated people need to draw a distinction between York County's definition of a nightclub and those seen in Newport News where there have been lots of problems. He stated part of the County's restriction helps control that. The term "nightclub" will be different from

municipality to municipality. He asked if the York County clubs have a history of any criminal activity going on outside the premises.

Mr. Carter stated staff checked with the Sheriff's Office, and there have been a few drunk-in-public situations, but no serious incidents attributed directly to the nightclub. He did note there was an incident at this facility involving a firearm, but he did not think there have been any serious incidents in York County facilities.

Mr. Burgett asked how the neighbors felt about the application.

Mr. Carter stated the only speaker at the Planning Commission meeting was the owner of a house on one of the out-parcels on Goodwin Neck Road, and his concern was that it would adversely affect other tenants in the shopping center. Mr. Carter stated the Planning Commission encouraged the applicant to speak to the other tenants. He noted the nearest residential neighbor was over 500 feet away.

Mrs. Noll stated she felt the Planning Commission did a very good job on this application.

Ms. Erin Fox, 883 Melrose Terrace, Newport News, the applicant, stated the restaurant's one-year anniversary was December 2. She stated they have a very classy establishment serving lunch and dinner, and they are a restaurant first and a bar second. She indicated they have a good established base of customers, and they would like live entertainment. Ms. Fox stated they have a great staff who provide good service, and they feel they are ready now to take the next step to providing musical entertainment for their customers. She stated they contacted all the tenants in the shopping center, and the one resident mentioned earlier contacted them also and asked them to sign a petition against the permit. She indicated the shopping center tenants were advised not to go either way, but she did get a letter from the operations manager from the Harley Davidson shop in support of their application. Ms. Fox explained that dinner hour music would be a solo guitar player or something very low key. There will be no dance floor. The live music will occur on weekends after dinner service ends at 10:00 p.m. when the stores are closed. She stated there will be security for the facility.

Discussion followed concerning the definition of the term "nightclub" and the public's perception of the term.

Chairman Zaremba called to order a public hearing on Application No. UP-710-06 that was duly advertised as required by law. Proposed Resolution R06-140 is entitled:

> A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A NIGHTCLUB WITHIN AN EXISTING RESTAURANT AT 6500A GEORGE WASHINGTON MEMORIAL HIGHWAY WITHIN THE SHOPPES AT YORKTOWN SHOPPING CENTER

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

Mr. Shepperd stated this use permit is more for entertainment than a nightclub. Nightclubs have gotten bad reputations because of bad behavior. He stated he agreed this facility is not anything like that at all, and everyone has seen that it does not take a nightclub situation for someone to get intoxicated. Mr. Shepperd suggested that the Board may want to consider modifying the term in the Zoning Ordinance in order to convey what the Board is really talking about because the current definition conjures up bad connotations.

Mr. Bowman then moved the adoption of proposed Resolution R06-140 that reads:

> A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A NIGHTCLUB WITHIN AN EXISTING RESTAURANT AT 6500A GEORGE WASHINGTON MEMORIAL HIGHWAY WITHIN THE SHOPPES AT YORKTOWN SHOPPING CENTER

WHEREAS, Bay Haven Grille, Inc., has submitted Application No. UP-710-06, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 18) of the York

County Zoning Ordinance, to authorize establishment of a nightclub in an existing 4,500-square foot restaurant located within the Shoppes at Yorktown shopping center at 6500A George Washington Memorial Highway and located on the south side of Goodwin Neck Road (Route 173) approximately 500 feet east of its intersection with George Washington Memorial Highway (Route 17) on property identified as Assessor's Parcel No. 24-75-1 (GPIN R07b-3488-2875); 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 RESOLVED by the York County Board of Supervisors this the 21st day of November, 2006, that Application No. UP-710-06 be, and it is hereby, approved to authorize establishment of a nightclub in an existing 4,500-square foot restaurant located within the Shoppes at Yorktown shopping center located at 6500A George Washington Memorial Highway on property identified as Assessor's Parcel No. 24-75-1 (GPIN R07b-3488-2875) subject to the following conditions:

1. This use permit shall authorize a nightclub in an existing 4,500-square foot restaurant located within the Shoppes at Yorktown located at 6500A George Washington Memorial Highway.

2. The restaurant/nightclub floor layout shall be in substantial conformance with the sketch plan submitted by the applicant and received by the Planning Division on August 31, 2006, except as modified herein or as may be necessary to comply with applicable Building and Fire Prevention codes.

3. Prior to issuance of a Certificate of Occupancy for the nightclub use, a detailed parking tabulation for the shopping center shall be submitted to and approved by the Department of Environmental and Development Services. The tabulation shall take into account all current uses as well as the proposed use with their corresponding parking requirements.

4. Noise from the proposed restaurant/nightclub shall be contained within the subject shopping center unit, and noise shall not be audible outside the confines of the restaurant/nightclub.

5. The hours of operation of the facility shall be limited to 11:00 a.m. to 1:00 a.m. daily.

6. There shall be no loitering of patrons outside the facility or in the adjacent parking lot, and the applicant shall be responsible for monitoring the immediate area to prevent loitering.

7. Parking lot lighting shall remain active until at least one hour after closing time for the facility.

8. The applicant shall be responsible for removal of any trash or debris from their portion of the parking lot daily.

9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, 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 prior to issuance of a Certificate of Occupancy for the nightclub use.

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

On roll call the vote was:

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

APPLICATION NO. UP-711-06, JUDITHANNE G. SMITH

Mr. Carter gave a presentation on Application No. UP-711-06 requesting approval of a use permit to authorize a 548-square foot detached accessory apartment on a parcel of land located at 1507 Lakeside Drive, approximately 75 feet northeast of its intersection with Old Lakeside Drive. 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 R06-141.

Mr. Bowman indicated that during discussion of the application by the Planning Commission it seemed like there was some concern about the breezeway, and he asked if it will be attached to the house.

Mr. Carter stated it would be connected only by the deck. The applicant prefers the external access.

Ms. Judithanne G. Smith, the applicant, stated it was her understanding that the house and the apartment are not considered attached because there is no enclosed-space connection. She indicated the apartment is for her son so he will have a place to live while going to school and working.

Chairman Zaremba called to order a public hearing on Application No. UP-711-06 that was duly advertised as required by law. Proposed Resolution R06-135 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 1507 LAKESIDE DRIVE

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

Mr. Burgett then moved the adoption of proposed Resolution R06-135 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 1507 LAKESIDE DRIVE

WHEREAS, Judithanne G. Smith has submitted Application No. UP-711-06 to request a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 0.48-acre of land located at 1507 Lakeside Drive (Route 620) and further identified as Assessor's Parcel No. 30-39-A1 (GPIN #T06A-2497-3108); 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 RESOLVED by the York County Board of Supervisors this the 21st day of November, 2006, that Application No. UP-711-06 be, and it is hereby, approved to authorize a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 0.48-acre of land located at 1507 Lakeside Drive (Route 620) and further identified as Assessor's Parcel No. 30-39-A1 (GPIN #T06A-2497-3108); subject to the following conditions:

1. This use permit shall authorize a the establishment of a detached accessory apartment in conjunction with a single-family detached dwelling on a 0.48-acre of land located at 1507 Lakeside Drive (Route 620) and further identified as Assessor's Parcel No. 30-39-A1 (GPIN #T06A-2497-3108);.

2. The apartment shall be contained within a proposed structure to be located on the northern side of the subject property as indicated on the sketch plan submitted by the applicant titled "Development Plan, Lot A1, Subdivision of the property of Harold & Mary Andersen, York County, Virginia" prepared by Campbell Land Surveying, Inc. dated May 26, 2006. The accessory apartment floor plan shall be in conformance with the floor plans and elevations submitted by the applicant titled "1605 Lakeside Drive, Yorktown, VA, Garage Revision – add 2nd floor", prepared by ND Architects – Poquoson, VA except as modified herein.

3. Construction and occupancy of the accessory apartment shall be in compliance with the performance standards set forth in Section 24.1-407 of the Zoning Ordinance.

4. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.

5. The habitable floor area of the accessory apartment unit shall not exceed 600 square feet.

6. The accessory apartment unit shall contain no more than one (1) bedroom.

7. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.

8. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.

9. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.

10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, 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 prior to application for a building permit.

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

On roll call the vote was:

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

VACATION OF DRAINAGE EASEMENT—MICHAEL COMMONS, PHASE III

Mr. Barnett gave a presentation on proposed Ordinance No. 06-30 to vacate a portion of an existing drainage easement previously granted to the County in connection with International Center Williamsburg, Phase II, to facilitate the development of Michael Commons, Phase III.

Chairman Zaremba opened a public hearing on proposed Ordinance No. 06-30 which was duly advertised as required by law and is entitled:

> AN ORDINANCE VACATING A PORTION OF AN EXISTING DRAINAGE EASEMENT, PREVIOUSLY GRANTED TO THE COUNTY IN CONNECTION WITH INTERNATIONAL CENTER WILLIAMSBURG, PHASE II, TO FACILITATE THE DEVELOPMENT OF MICHAEL COMMONS, PHASE III

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

Mrs. Noll then moved the adoption of proposed Ordinance No. 06-30 that reads:

> AN ORDINANCE VACATING A PORTION OF AN EXISTING DRAINAGE EASEMENT, PREVIOUSLY GRANTED TO THE COUNTY IN CONNECTION WITH INTERNATIONAL CENTER WILLIAMSBURG, PHASE II, TO FACILITATE THE DEVELOPMENT OF MICHAEL COMMONS, PHASE III

WHEREAS, by Instrument No. 050002172, Bulifant's, LP, conveyed to the County a drainage easement across the northernmost border of Parcel 12 of International Center Williamsburg, Phase II; and

WHEREAS, it has been determined that the initial easement conveyed to the County by the developer was larger than that needed to meet the drainage requirements for Phase II, and the excess portion of the drainage easement may be returned to assist in the development of the property as a portion of Michael Commons, Phase III; and

WHEREAS, it appears in the public interest that such easement shall be vacated;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this 21st day of November, 2006, that a portion of the existing drainage easement across Parcel 12 of International Center Williamsburg, Phase II, is VACATED as shown on that plat entitled "PLAT OF DRAINAGE EASEMENT VACATION FOR COUNTY OF YORK, VIRGINIA, PROJECT: MICHAEL COMMONS PHASE III, BRUTON DISTRICT, YORK COUNTY, VIRGINIA," dated September 18, 2006, made by LandTech Resources, Inc.

On roll call the vote was:

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

CONSENT CALENDAR

Mr. Shepperd spoke concerning Item No. 9, the request for a "Watch for Children" sign. He stated the reason for the request for the sign is due to the reluctance of VDOT to put in place traffic calming procedures in this area. He stated the community is in a state of desperation, and the Board will probably see more of these requests. Mr. Shepperd stated the staff raised the question of these requests leading to a proliferation of signs, and it is a very good point. The Board has said if a neighborhood wants a sign, the neighborhood pays for it. He stated the other aspect of this request is safety for school buses. He noted that a bus cannot go through

the one area of Mansion Road where a new development is going in and the road is only 15 feet wide. Mr. Shepperd asked the Board to support this request for signage.

Mrs. Noll stated Mr. Shepperd brought up a very good point in that VDOT is trying to tie development with land use issues. She stated the state will not accept a road that is inadequate to handle the traffic that the subdivisions will generate, and staff needs to discuss this with VDOT. Mrs. Noll stated something has to be done with the road, and she would hope it will be the developer of the new homes who will be required to do it.

Discussion followed on the acceptance of a road prior to development of the area.

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 4, 5, 6, 7, 8, 9, and 10, respectively.

On roll call the vote was:

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

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 4. APPROVAL OF MINUTES

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

October 3, 2006, Regular Meeting
October 9, 2006, Adjourned Meeting
October 17, 2006, Regular Meeting
October 24, 2006, Adjourned Meeting
November 14, 2006, Adjourned Meeting

Item No. 5. PURCHASE AUTHORIZATION: Resolution R06-143

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT TO CONSTRUCT THE LEWIS DRIVE WATER PROJECT

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 procurement is necessary and desirable, it involves 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 21st day of November, 2006, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

	AMOUNT
Lewis Drive Water Project	$100,000

Item No. 6. WILLIAMSBURG AREA COMPREHENSIVE PLANS COORDINATION: Resolution R06-132.

A RESOLUTION TO ENDORSE AND SUPPORT THE RECOMMENDATIONS OF THE REGIONAL ISSUES COMMITTEE CONCERNING A PROCESS FOR COORDINATION OF THE 5-YEAR CYCLES FOR REVIEWING AND UPDATING THE COMPREHENSIVE PLANS

OF JAMES CITY COUNTY, YORK COUNTY, AND THE CITY OF WILLIAMSBURG

WHEREAS, the Code of Virginia requires that all jurisdictions prepare and adopt a Comprehensive Plan addressing physical development within its jurisdictional limits for the purpose of guiding and accomplishing coordinated, adjusted, and harmonious development that will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity, and general welfare of its inhabitants; and

WHEREAS, the Code also requires that such Plans be reviewed every five years and updated if necessary; and

WHEREAS, James City County, York County, and the City of Williamsburg have adopted Comprehensive Plans, and each has established procedures for compliance with the 5-year review requirement; and

WHEREAS, the Regional Issues Committee, which is composed of representatives from James City County, York County and the City of Williamsburg, among others, and serves as a forum for discussion of land use, transportation, infrastructure and development issues that affect and influence the Greater Williamsburg area, has noted that the 5-year Comprehensive Plan review cycles currently occur at different times in each jurisdiction; and

WHEREAS, in the interest of promoting closer coordination and communication concerning Comprehensive Plan issues that cross jurisdictional boundaries, the Regional Issues Committee has recommended that James City County, York County, and the City of Williamsburg adjust their 5-year review cycles so that each can consider its next review and update in 2010, and then every five years thereafter; and

WHEREAS, to promote inter-jurisdictional discussion of Comprehensive Plan related matters, the Regional Issues Committee has recommended that the 5-year review cycles include three joint meetings of the respective Planning Commissions, with one of those meetings being a public forum format to allow citizen comments; and

WHEREAS, as an additional measure to promote full understanding and integration of regional data, the Committee has recommended that the three jurisdictions explore opportunities for jointly-conducted baseline studies and analyses of such things as demographics, transportation and the economy; and

WHEREAS, these recommendations have been reviewed and discussed by the York County Board of Supervisors and have been found to have merit;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of November, 2006, that the recommendations of the Regional Issues Committee concerning Comprehensive Plan review cycle coordination, as referenced herein and as set forth in the report from the Regional Issues Committee dated August 23, 2006, be, and they hereby are, supported and endorsed as a procedural framework to be followed by York County for its 2010 Comprehensive Plan review cycle.

Item No. 7. Public Sewer Extension Agreement—Kings Creek Plantation, The Estates: Resolution R06-136

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS KINGS CREEK PLANTATION SPH THE ESTATES, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Kings Creek Plantation, 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 fifty-two new time-share units; 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 $68,650;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of November, 2006, that the Board approves the extension of the County's public sewer system to serve the proposed development, Kings Creek Plantation SPH The Estates, and that the County Administrator be, and he is hereby, authorized to execute a public sewer extension agreement with Kings Creek Plantation, L.L.C., for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 8. Street Acceptances: Resolution R06-141

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE CERTAIN STREETS IN THE LAKES AT DARE, SECTIONS SIX-A, SIX-B, AND SIX-C, SUBDIVISION INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following streets, which are shown on plats 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 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 21st day of November, 2006, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets 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 The Lakes at Dare, Sections Six-A, Six-B, and Six-C, and to the Residency Administrator of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted November 21, 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
The Lakes at Dare, Sections Six-A, Six-B & Six-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

Water Fowl Drive, State Route Number 1180
Description: *From:* Egret Court (Route 1186)
To: Pintail Place (Route 1179)
A distance of: 0.10 mile.
Right of Way Record: Filed with the Clerk of the Circuit Court on 11/30/2001, Instrument No. 010019757, with a width of 50 ft.

Water Fowl Drive, State Route Number 1180
Description: *From:* Pintail Place (Route 1179)
To: Loon Court (Route 1178)
A distance of: 0.11 mile.
Right of Way Record: Filed with the Clerk of the Circuit Court on 2/7/2002, Instrument No. 020002033, with a width of 50 ft.

Water Fowl Drive, State Route Number 1180
Description: *From:* Loon Court (Route 1178)
To: Dare Road (Route 621)
A distance of: 0.22 mile.
Right of Way Record: Filed with the Clerk of the Circuit Court on 7/8/2003, Instrument No. 030020441, with a width of 50 ft.

Pintail Place, State Route Number 1179
Description: *From:* Water Fowl Drive (Route 1180)
To: End of Cul-de-sac
A distance of: 0.20 mile.
Right of Way Record: Filed with the Clerk of the Circuit Court on 11/30/2001, Instrument No. 010019757, with a width of 50 ft.

Loon Court, State Route Number 1178
Description: *From:* Water Fowl Drive (Route 1180)
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 2/7/2002, Instrument No. 020002033, with a width of 50 ft.

Seagull Point, State Route Number 1177
Description: *From:* Water Fowl Drive (Route 1180)
To: End of Cul-de-sac
A distance of: 0.05 mile.
Right of Way Record: Filed with the Clerk of the Circuit Court on 2/7/2002, Instrument No. 020002033, with a width of 50 ft.

Item No. 9. Watch for Children Sign Request: Resolution R06-144

A RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INSTALL "WATCH FOR CHILDREN" SIGNS AT THE END OF MANSION ROAD IN THE OVERLOOK POINT SUBDIVISION

WHEREAS, Section 33.1-210.2 of the Code of Virginia provides for the installation and maintenance of signs by the Virginia Department of Transportation alerting motorists that children may be at play nearby, upon receipt of a request from the local governing body; and

WHEREAS, Section 33.1-210.2 further provides that funding for the fabrication and installation of such sign be provided from Secondary System allocations for the jurisdiction or from other funds provided by the governing body; and

WHEREAS, the York County Board of Supervisors has received a request to support the installation of such a signs at the end of Mansion Road in the Overlook Point subdivision; and

WHEREAS, the Board has determined that such signs are warranted given the location of the subdivision at the dead-end of Mansion Road and the fact that the volume of non-neighborhood traffic using its streets as a Mansion Road turnaround may have safety implications for young residents;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of November, 2006, that the York County Board of Supervisors does hereby request the Virginia Department of Transportation to install and maintain two "Watch for Children" signs on the southbound lane of Mansion Road in or near the Overlook Point subdivision – one approximately 250 north of the intersection of Mansion Road, Eston's Run and Overlook Point, and the other at that intersection.

BE IT FURTHER RESOLVED that the Board's endorsement of this request is contingent on funds for the fabrication and installation of such signs being provided by the Overlook Point Homeowner's Association and/or residents of the community.

Item No. 10. Commendation of Retiring Employee: Resolution R06-145

A RESOLUTION TO COMMEND MAYNARD A. DILLARD, YORK COUNTY DEPARTMENT OF FIRE AND LIFE SAFETY FIRE-FIGHTER (RETIRED), FOR THE SERVICES RENDERED TO THE CITIZENS AND VISITORS OF YORK COUNTY

WHEREAS, Maynard A. Dillard began employment with the County of York on November 25, 1974, as a career firefighter; and

WHEREAS, Firefighter Maynard A. Dillard served for years as a senior driver/pump-operator on "C" Shift, and was respected by the men and women who worked with and learned from him; and

WHEREAS, throughout his career, he served the citizens, businesses, and visitors of York County with distinction and honor, routinely contributing to their safety and prosperity, and upholding the high ideals and standards of the American fire service; and

WHEREAS, he was recognized for his efforts in responses to numerous serious emergency indents, many of which resulted in lives saved;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of November, 2006, that Maynard A. Dillard be, and he is hereby, commended for his professionalism and devotion to duty in serving the citizens, businesses, and visitors of the County for over 31 years.

BE IT FURTHER RESOLVED that the appreciation of the citizens of York County is

hereby extended to Maynard A. Dillard for his service, and the heartfelt best wishes of this Board are extended to him and his family for a well-deserved abundance of happiness and continued success in their future endeavors.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll stated she had an opportunity at the VACo meeting at The Homestead to listen to speakers with regard to transportation, and the hope is dim to nothing that there will be anything significant out of the General Assembly next year in terms of dedicated money for transportation. She noted that public transportation is not faring well either, and she asked the citizens to let their legislators know how they feel about transportation issues and improving the funding for transportation. Mrs. Noll spoke of the Thanksgiving season, stating there will be people who do not have their families together this year. She asked the citizens to think of the service families that are separated from each other because everyone should be very thankful for their time and sacrifices.

Mr. Shepperd stated the holiday time of year has come very quickly, and every year it is a time targeted for crime. He noted that in his district there have been a rash of break-ins, and he impressed upon the citizens that the first line of defense is the individual, and they need to pay attention to their activities and be aware of what is going on around them. He then stated the second line of defense is the neighbors. He encouraged the citizens not to assume everything is ok, but to call the Sheriff's Office if something looks suspicious. He also encouraged the citizens to participate in the crime watch program. Mr. Shepperd then spoke of gang activity, noting the citizens cannot tolerate this type of activity, and everyone must pay attention. He asked them to be aware and step up to protect their community and families. Mr. Shepperd expressed his thanks to the generation before him because they have given us what we now have.

Mr. Burgett stated there is nothing like Thanksgiving and out-of-town guests to really underscore how nice it is to live in York County. Route 17 looks good and the community is clean, and there are so many activities in which the residents can be involved. He stated the County has a very active, wonderful, professional staff that insures there are many things to do in the community, and they deserve everyone's accolades. Mr. Burgett wished everyone a Happy Thanksgiving.

Mr. Bowman stated he attended the groundbreaking ceremony for the Marquis shopping center, and it will be a fabulous project to be open by November of next year. He stated that last night he spoke to the Williamsburg Exchange Club and provided them with a short video of the 225th ceremony. He stated they thoroughly enjoyed it, and it will soon air on Channel 46. Mr. Bowman stated that Youth Week is coming up, and November 30 is the parent meeting night. This year the speaker is an award winning former football player at William and Mary, and he encouraged all parents and students in York County to attend this free presentation. Mr. Bowman wished everyone a happy and safe Thanksgiving, and he asked that everyone keep the country's servicemen and women in their thoughts and prayers and let them know how much they are appreciated.

Chairman Zaremba indicated that Citizens News would be delivered soon, and there is a very nice summary of the things that went on during the 225th Anniversary Celebration. Channel 46 has already started to show highlights of the celebration. He also noted the centerfold of Citizens News is chocked full of things for the citizens to do. Mr. Zaremba then stated it is Thanksgiving and the most heavily traveled weekend of the year, and he asked everyone to travel safely and think about the young men and women serving the country overseas.

CLOSED MEETING. At 8:09 p.m. Mr. Bowman 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)(5) pertaining to a prospective business or industry not yet announced; and Section 2.2-3711(a)(7) pertaining to consultation with legal counsel.

On roll call the vote was:

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

Meeting Reconvened. At 8:32 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of November 21, 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: (5) Bowman, Burgett, Shepperd, Noll, Zaremba
Nay: (0)

RECOMMENDATION FOR APPOINTMENT TO THE BOARD OF ZONING/SUBDIVISION APPEALS

Mr. Burgett moved the adoption of proposed Resolution R06-137 that reads:

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

WHEREAS, the term of Cynthia I. Barbeau on the York County Board of Zoning/Subdivision Appeals expires on December 31, 2006; and

WHEREAS, Mrs. Barbeau was first appointed to the Board of Zoning/Subdivision Appeals on August 24, 2000; and

WHEREAS, Mrs. Barbeau is eligible for reappointment to said Board and has indicated she wishes to serve another term;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 21st day of November, 2006, that Cynthia I. Barbeau be, and she hereby is, recommended for appointment to the York County Board of Zoning/Subdivision Appeals, such term to begin January 1, 2007, and expire December 31, 2011.

On roll call the vote was:

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

APPOINTMENTS TO THE HEAD START POLICY COUNCIL

Mr. Shepperd moved the adoption of proposed Resolution R06-142 that reads:

A RESOLUTION TO APPOINT REPRESENTATIVES TO THE YORK COUNTY HEAD START POLICY COUNCIL

WHEREAS, a vacancy exists on the York County Head Start Policy Council due to the resignation of Tiffany Hennington; and

WHEREAS, the U.S. Department of Health and Human Services have requested that Samantha Smiley have non-voting, liaison status; and

WHEREAS, Dr. Phyllis Milne's term expired, October 26, 2006 ; and

WHEREAS, Ms. Tiffany Little, Mr. Mario Kokolis, Ms. Sally Chiappazzi, Ms. Mary Minor, Ms. Laura Bronstein, and Mr. Nicholas Corsi have indicated their willingness to serve another term for which they are eligible;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of November, 2006, that Mr. Anthony Rainey be, and is hereby, appointed to the York County Head Start Policy Council for a one year term to begin on November 14, 2006, and expire November 30, 2007.

BE IT FURTHER RESOLVED that Ms. Tiffany Little, Mr. Mario Kokolis, Ms. Sally Chiappazzi, Ms. Mary Minor, Ms. Laura Bronstein, and Mr. Nicholas Corsi be, and they are hereby, reappointed as community representatives to the York County Head Start Policy Council for another term of one year, such term to begin November 14, 2006, and expire November 30, 2007.

On roll call the vote was:

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

Meeting Adjourned. At 8:37 p.m. Chairman Zaremba declared the meeting adjourned sine die.

James O. McReynolds, Clerk
York County Board of Supervisors

Walter C. Zaremba, Chairman
York County Board of Supervisors