

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
October 17, 2006

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:02 p.m., Tuesday, October 17, 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. Miss Ashley Livermon, York County Youth Commission, 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. Jim Brewer, Residency Administrator, Virginia Department of Transportation, provided the Board with project updates. He indicated that Route 1050 (Fort Eustis Boulevard) is still looking to be completed by December 1. He stated the Route 600 project is only about 10 percent complete. Mr. Brewer stated that only two York County roads are on the paving schedule this year--Oriana Road and Mansion Road.

Mr. Burgett stated he had received calls on the Yorktown Road diversion and getting the word out on how it is going to work. He suggested to Mr. Brewer that it would not hurt to go over it again with the public. He indicated he would forward the email to Mr. Brewer that he received so that he could see what he was talking about.

Chairman Zaremba asked Mr. Brewer what the biggest issue is in York County for VDOT.

Mr. Brewer indicated the biggest issue is drainage.

PRESENTATIONS

EMPLOYEE RECOGNITION PROGRAM

Chairman Zaremba presented Dorothy M. Julian, Department of Community Services, with her 20-year service pin and certificate.

YORK COUNTY YOUTH COMMISSION

Miss Jeri Dilts, Chairman of the York County Youth Commission, made the Commission's first quarterly report. She stated the Commissioners began the year with a 2-day orientation session, and she thanked Mr. Bowman, Mr. McReynolds, and Mrs. Anne Smith for welcoming them and providing them with an overview of local government. The next day the Commissioners participated in leadership building skills at Hampton Roads Academy. That weekend at Riverwalk Landing some of the Commissioners helped salvage 6,000 bricks displaced by Tropical Storm Ernesto, at which time they met youth volunteers from Naval Weapons Station. Miss Dilts stated that at the Commission's first meeting, the Commissioners established three sub-

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committees—Public Relations, Student Relations, and Special Projects. Officers were selected with Kelsey Andleton serving as Vice Chairman and Abby Moul as Secretary. During September several of the commissioners volunteered with the Senior Center fundraiser event. They sponsored the VoteTeam Virginia promotion which is a flyer distributed to high school government classes, and she thanked Mrs. Pam White, Registrar, for her assistance. Miss Dilts commended everyone's efforts to help them accomplish great things this coming year. She indicated that ideas the Commission has opted to pursue during the upcoming year include one annual day trip; different volunteer opportunities throughout the county; getting the word out about the Commission; sprucing up the Commission's website, obtaining articles from each high school for the site, and providing direct links for the students to the Board of Supervisors members. Miss Dilts indicated the Commissioners look forward to the 225th celebration this week, noting they will be passing out flags and helping with seating for the ceremonies, as well as helping with the juried art show.

Chairman Zaremba asked Miss Dilts what the Board of Supervisors could do better with respect to the youth of York County.

Miss Dilts stated the Commissioners are working on suggestions to send to the Board. She indicated they want to create a link on their website for students to contact the Board members directly. She stated they are hoping for a definite connection with the Board this year.

ZWEIBRÜCKEN STUDENT EXCHANGE PROGRAM

Ms. Sandy Hespe, Instructional Specialist, York County School Division, stated this year's program was a huge success, and it was a pleasure to meet a delightful group of students from Zweibrücken. She noted that Valerie Stitt was the chaperone this year, and she will share some of her experiences and introduce the students who went to Germany.

Ms. Stitt stated she and the students experienced life in a different country and a different family life. She noted they went on vacation with the host families to France, Austria, Switzerland, and Italy, as well as the local area of Zweibrücken. She expressed her hope that the funding for the program continues in the future because it is a wonderful opportunity for the students. Ms. Stitt then made a presentation to Mr. Zaremba of a gift from the Lord Mayor's office. She also presented slide show discs for each of the Board members of the trip this past summer.

Miss Olivia Mankowski, one of the exchange students, thanked the Board for allowing the students to go to Germany. She stated the family she stayed with was very nice, and they went on many group trips. She noted that during the two-week school break she went to Alps with the family spending four days exploring. She stated she learned how very similar she and her German counterpart were, but also how very different.

Ms. Stitt then introduced the following students who were with this year's exchange program:

Melissa Atherton	Tabb High School
Kaitlyn Florey	Grafton High School
Andrea Irby	Grafton High School
August Jenkins	York High School
Olivia Mankowski	Bruton High School
Thomas (TJ) Mercier	Grafton High School
Sarah Miers	Tabb High School
Hope Mills	Tabb High School
Kaitlyn Stitt	Tabb High School
Xiaoyi Yang	York High School

Ms. Hespe thanked the Board for its continued support of the exchange program. She thanked the parents of the students who hosted the students from Germany, as well as the Historical Committee members who were so supportive to both the American and German groups of students.

YORKTOWN DAY RESOLUTION

Delegate Melanie Rapp presented the Board with a joint resolution adopted by the General Assembly commemorating the 225th anniversary of the surrender at Yorktown by the British Troops. She also expressed her appreciation for the meeting the Board held last week with her and Delegate Gear to share the County's requests for this coming session of the General Assembly.

CITIZENS COMMENT PERIOD

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

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett noted that last week he and Assistant County Attorney Melanie Economou attended the Local Government Attorneys' Conference in Roanoke. He noted that work progresses on the cable TV ordinance draft. He stated he was not sure when a conference with outside counsel would be scheduled, but they are working on it; and as far as he knows, no other locality has adopted an ordinance yet.

Mr. Burgett asked when the ordinance is drafted, that some leverage with the other companies be put in it so that the County is not at their complete mercy. He stated he feels there should be County input, and they should give the County some things it wants. He stated he wants a fair deal for the County.

Mr. Barnett stated the General Assembly has already dictated to a certain extent what can and cannot happen, but the County will adopt an ordinance as optimal as the General Assembly will allow. He stated he does not know what else the companies will be looking for, but perhaps they will be willing to negotiate. He noted the County's ordinance cannot be more stringent than the current ordinance with Cox, and he is curious to see what they will want beyond what the current contract calls for. He then explained the timeframes involved for negotiations for the franchise.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded everyone of the four-day Yorktown 225th celebration coming up. He indicated the new trolley will be operating during the weekend, and noted that the \$275,000 vehicle only cost the County 5 percent local funding. Mr. McReynolds then reminded the Board members of their meeting on October 24 with the Economic Development Authority; a 6:00 p.m. reception with the Chairmen of the County's Boards and Commissions on November 14, possibly to be followed by a work session at 7:00. He stated the next regular meeting of the Board will be on November 21.

Mr. Shepperd asked for the status on the storm debris pickup.

Mr. McReynolds stated the crews are working on the final stages of the first pass and then they will be back out for a second pass. He stated staff was beginning to see some people cutting down trees and putting out things for pickup that do not qualify, and staff members are asking them not to do so.

Discussion followed on how to handle debris that does not qualify for the special storm debris pickup.

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MATTERS PRESENTED BY THE BOARD

Mr. Burgett noted he had an opportunity today to talk to Mrs. Edna Haggerty from Rainbrook Villa who thanked the Board for all the work on the Burts Road project. He noted how good Route 17 is looking, and he stated he hoped that people have noticed that the cars for sale and graffiti are absent from the community. He stated the County has a very aggressive program to get rid of these eyesores, it is working well, and he is very proud of the effort. Mr. Burgett encouraged citizens to give the county staff a call if they see any of these problems so that steps can be taken immediately to get rid of them.

Mr. Shepperd noted there was a high level of frustration in District 5 with the storm debris pickup because the cleanup started in District 1 where there was the most damage. He stated the piles of debris have set so long they have begun to compost on the ground. He noted also there was a comment that the County was not prepared. He explained that with Hurricane Isabel the County Administrator was lucky and guessed right, and there was a contract out early to have the debris picked up, and even then it was not enough. He stated this last time the guess was not right, and the County did not have the small army of contractors to pick up the debris. Mr. Shepperd noted that the County does not have a fleet of pickup trucks--only two knucklebooms that cost a lot of money--and what the taxpayers need to decide is how much trouble it is to drive their cars around the debris for six weeks versus having an increased tax rate that will be in effect forever by purchasing equipment that is used only in infrequent emergency situations. He stated that Isabel cost the County \$10.6 million, and it received a lot of it back from FEMA. Mr. Shepperd then addressed the problems with drainage, stating what he does not understand is why the Board of Supervisors continues to allow or not properly plan for the development of property, knowing that transportation and drainage will be impacted. He stated the Board needs to start thinking of how it can do a better job regarding drainage and roads so that it does not have to come back and pay millions to correct an over-building situation. He stated he thinks the Board has an obligation to stop this, and he proposed that the Board in its next planning effort tie the continued development with the roads and drainage, or the County will continue to pay exorbitant sums to correct the problems.

Chairman Zaremba suggested that what the Board was doing was trying to recover or recoup from decisions made years ago by previous boards. He stated that when a developer comes before the Board now, staff has reviewed the proposal and it has gone through the site plan review process.

Meeting Recessed. At 6:57 p.m. Chairman Zaremba declared a short recess.

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

PUBLIC HEARINGS

APPLICATION NO. ZM-104-06, YORK COUNTY BOARD OF SUPERVISORS

Mr. Carter gave a presentation on Application No. ZM-104-06 to reclassify various parcels in the County in accordance with amendments made to the Comprehensive Plan last year. He reviewed the zoning changes being proposed and recommended that the application be tabled to a work session.

Chairman Zaremba then called to order a public hearing on Application No. ZM-104-06 which was duly advertised as required by law. Proposed Ordinance No. 06-28 is entitled:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP
BY RECLASSIFYING VARIOUS PARCELS IN ACCORDANCE WITH
THE UPDATED COMPREHENSIVE PLAN TITLED CHARTING THE
COURSE TO 2025

Mr. Adrian Banks, 2 Commander Drive, Hampton, representing the Wilmore estate, stated there is a current problem on Route 17 with vacated general business properties. He stated his family has a good piece of property at the intersection of Route 134 and Big Bethel Road that they want to remain general business. He indicated it was zoned general business before the residential areas were zoned around it. The family has a seasonal business for Christmas trees, and light business would affect the current business and the future sale of the business. Mr. Banks noted there are several major interests in the property that would require it to remain general business, and he asked that the Board consider retaining the current zoning for the property so that they can use it at the highest and best use.

Mrs. Aurzelia W. Banks, 307 Cary's Chapel Road, stated the parcels at 3103 and 3107 Big Bethel Road have been in her family over 100 years, and they would like to see it remain general business. She noted they have a current seasonal business, and they have not had any complaints in 22 years. She asked that the Board allow the property to remain general business.

Mr. Carroll Fulks, 423 Airport Road, stated that when he moved to his property in 1983 there was a 60-acre farm on all sides. He indicated the City of Williamsburg kept purchasing property the property around him until the old railroad track going to Camp Peary was the only thing not land locking his property. The City has now bought that, and it is not interested in purchasing his property. Mr. Fulks asked that the Board leave his property alone.

Mr. Charlie Agee, Director of Community Affairs representing Philip Morris USA, expressed support for the Planning Commission recommendation to refrain from changing the zoning designation on the Philip Morris property. He stated that due to current strategic facility planning for the property, Philip Morris does not feel a rezoning is in its best interest at this time.

Mr. Howard J. Osborn, 3601 Seaford Road, indicated he has a problem with the Comprehensive Plan from the standpoint of the Resource Conservation rezoning. He stated he owns approximately 25 acres in Seaford, and if the property remains rural residential, which the PC has suggested that it be, it is fine; but there are people down the road who have acreage that is proposed to be rezoned to resource conservation, and he feels it is taking their property without due process. He stated there are 271 pieces of property being proposed for rezoning from some designation to resource conservation, and he feels it is unconstitutional. Mr. Osborn recommended that the Board do away with the resource conservation zoning designation, and the environmental laws on the books already support this suggestion.

Ms. Terri Chisman, 236 Hansford Lane, expressed her agreement with Mr. Osborn, stating her concern is losing retail sales value for the size of the buildings that could be put on the property because of setback. She asked that the Board leave the zoning designation in Seaford as rural residential instead of resource conservation. She stated she also has neighbors who feel they will be losing property value if their properties are rezoned to resource conservation. She also noted that she had heard if people had the right site plan, they could get around the Chesapeake Bay Act.

Mr. John R. Leaman, III, 18240 Leaman Lane, Windsor, indicated he owns two pieces of property on Waterview Road which were purchased in 1940 by his parents and have been in the family since. He stated the Board of Supervisors allowed the oil refinery and Vepco to come in the area which damaged the property, and then the Board zoned the property WCI. He stated he has tried to sell the property since it is commercial, but neither Dominion Power nor the refinery has made an offer, and there have been no offers from anyone else. Mr. Leaman stated if it was zoned residential he could sell it for \$1/2 million, or at least with WCI he could do something with it. He stated he did not want the property zoned resource conservation because it will depreciate the value of his property. He suggested that perhaps the County would like to purchase the property for what it thinks it is worth.

Mr. Daniel B. Simpson, 115 Wildey Road, expressed his support of the rezoning plan. For people who believe their values will decrease, he stated it is a matter of supply and demand; and there are more people being affected by this action whether they live on one of the properties or down the road. He stated the traffic and quality of life are affected by the rezonings for all. Mr. Simpson stated that the original plan was highlighted in the newspaper listing all the proper-

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ties to be rezoned in Seaford. Now after the Planning Commission meetings, it is recommended that only one property over 5 acres will be affected. He also asked about land on Raymond Drive not being included in the resource conservation zoning. Mr. Simpson stated he just wanted to let the Board know that he cares very much about Seaford, and he hopes the Board will rezone as recommended.

Ms. Sandra Matthews, 226 Hansford Lane, encouraged the Board to keep the Seaford area zoned rural residential. She stated she lost her house due to Hurricane Isabel, and she was able to rebuild. She noted that most of the Seaford residents do not want to see Seaford overbuilt, but it is an investment for their families to keep it rural residential.

Ms. Laurie Parker, spoke on behalf of her father Paul Randall who owns parcels at 3204 and 3206 Big Bethel Road, stating the downzoning of this property from general business to light business will significantly impact his financial future as a senior citizen and create a tax liability and affect potential buyers for the future. She stated Jack Davis of the Planning Commission stated the value of the property would not decrease, but Mr. Cross of the Planning Office told her the opposite. Ms. Parker stated she was concerned that the Planning Commission was giving different information that is significantly affecting her father, and she asked that the property remain zoned general business.

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

Mrs. Noll moved that the application be tabled.

On roll call the vote was:

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

INTRODUCTION OF SPECIAL GUESTS FROM ZWEIBRUCKEN, GERMANY

At this time Chairman Zaremba introduced Mr. and Mrs. Heinz Heller who had just arrived from Zweibrucken, Germany, to attend the four-day celebration of the 225th anniversary of the surrender at Yorktown. Mr. Heller is the Mayor of Zweibrucken, and Mr. Zaremba presented them with a set of souvenir coins commemorating the 225th anniversary. He also presented them with a key to the County and Yorktown on behalf of the County's 63,500 citizens, stating York County is very proud of its friendship with the people of Zweibrucken, Germany.

Mr. Heller thanked the Board for the invitation, stating they were very glad to be attending the celebration. He noted they were here 17 years ago, and Yorktown has changed greatly. He indicated it was a pleasure and an honor for them to be attending the special occasion taking place this week, that the 225th anniversary of the battle of Yorktown also commemorates the German regiment that was here. He stated they were valiant soldiers who took part in creating the American democracy. Mayor Heller expressed greetings from the Lord Mayor and citizens of Zweibrucken, and he presented Chairman Zaremba with a glass plate as a token of friendship from Zweibrucken.

APPLICATION NO. UP-707-06, PREMIER PROPERTIES USA, INC.

Mr. Carter gave a presentation on Application No. UP-707-06 requesting a special use permit authorizing an increase in the allowable area for the proposed wall signage associated with the "Target" store to be located in the previously approved "Marquis" retail center. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation for denial, and staff also recommended denial of the application.

Mr. Ryan Cronk, representing Premier Properties, informed the Board that as of last week Premier Properties was the proud owner of 230 acres in York County, and the company is very excited about the new retail center project. He noted that Premier was asking for a sign vari-

ance for the Target building which the Planning Commission has recommended against. He stated that at the Planning Commission meeting there were a couple of comments made that he wished to clarify. One comment was that Premier was not delivering what it promised. Mr. Cronk stated that Premier intends to fully fulfill its obligation with a first-class shopping experience. He also noted it was said that there was a Target store just up the road and why should there be another one. He stated the Marquis is a 1.3 million square foot proposed shopping center, and to fill that up, Premier has obtained the number one retailer in the country, and they want it to be the most shopped at Target in the area. He stated Premier feels the request for more sign area, 319 square feet, is congruent with the building being proposed. Mr. Cronk noted he understood that the sign ordinance had been changed since the two Wal-Mart facilities were constructed, and they have in excess of 500 square feet of signage. He stated that Premier feels strongly about having a sign on all four sides of the building. He explained that making these large buildings unique is a challenge, and putting a sign on all four sides makes it look like there is something in the building. He stated he did not want the buildings to look funny, but rather that there is action going on in them. Mr. Cronk stated the project is 100 percent interior oriented, and he spoke of how the signage will be mostly seen within the shopping center. He asked the Board to trust Premier not to do anything offensive. He indicated the increase is only 79 square feet. He also noted that he would come back requesting more signage for other anchors in the project if this request is approved.

Discussion followed concerning other anchor stores in the project and the signage to be requested for them.

Chairman Zaremba asked Mr. Cronk to define what he means by the retail center being a destination shopping center.

Mr. Cronk explained that in his business this is a 230-acre parcel sandwiched in between two tourist destinations having 1 million square feet of shopping opportunities. He stated it is a place where people go to get anything they want. It is a regional type shopping area. He stated that from a destination standpoint, it is something that people will want to spend time at.

Chairman Zaremba then called to order a public hearing on Application No. UP-707-06 that was duly advertised as required by law. Proposed Resolution R06-124 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE AN INCREASE IN THE ALLOWABLE SIGN AREA FOR THE TARGET RETAIL STORE TO BE LOCATED IN THE 'MARQUIS' RETAIL CENTER PROPOSED ON PROPERTY located at 165 AND 175 WATER COUNTRY PARKWAY

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

Mrs. Noll stated she has nothing against Target, and she understands they are a very good retailer, and the Board welcomes them to York County. She noted that Mr. Cronk had mentioned that at the Target in James City County the sign could not be read easily, and she stated the bulls eye tells her it is a Target store whether she can read the name or not because it is so well known. Mrs. Noll stated she hesitated to allow a larger sign because once one is done, the Board will be approached for others. She stated she does believe the Marquis will be a destination center, and she is not sure that a larger sign would matter.

Mr. Burgett expressed his agreement with Mrs. Noll concerning the Target bulls eye logo, and he asked why the signs have to be the same size. He suggested that some be made smaller than others. Because it is a destination center, he stated people will already know a Target is there. He also stated the Board is not against big box development. The Board set the limit at 80,000 square feet with a use permit to have control as to what the big box would look like. He stated the Board feels the Marquis project will be really good for York County, but he did not feel the signage issue was a deal killer.

Mr. Shepperd stated he had been struggling with this one, not just the signage issue, but supporting the project because it will generate a lot of tax revenue. He stated that when a

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business comes before the Board with experience and success, he feels the overall sense is that he is interfering with their eye for business, that they know more about it than he does. Mr. Shepperd stated he was concerned that the Board was applying a standard to such an extent that it was looking at the situation as a one-shoe-fits-all thing.

Mr. Bowman stated he liked the concept of the project. The Board has debated it back and forth, and the land has now been acquired which is more than a good faith effort on the part of Premier Properties. He stated he does not feel increased signage will have an impact on any residential development, and it is a destination development. He noted the 313 square foot request was a compromise from the original request. Mr. Bowman stated the ordinance is a guideline, and the Board should stay within the guideline; but like Mr. Shepperd, he stated he was also on the fence about this one.

Chairman Zaremba noted that the change in the sign ordinance came after much investigation and deliberation, and all the Board members agree this project is a shopping destination. The people will come here to shop regardless of the size of the signs on the buildings. He stated there is nothing like it in this area, and the County's citizens will go there because it is a place that meets their changing lifestyles. Mr. Zaremba stated the arguments for increased signage area are not persuasive in his mind.

Mrs. Noll then moved the adoption of proposed Resolution R06-124 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE AN INCREASE IN THE ALLOWABLE SIGN AREA FOR THE TARGET RETAIL STORE TO BE LOCATED IN THE 'MARQUIS' RETAIL CENTER PROPOSED ON PROPERTY located at 165 AND 175 WATER COUNTRY PARKWAY

WHEREAS, Premier Properties USA, Inc. has submitted Application No. UP-707-06 to request a Special Use Permit, pursuant to Section 24.1-712 of the York County Zoning Ordinance, to authorize an increase in the allowable sign area for the Target retail store to be located in the 'Marquis' retail center proposed on property located at 165 Water Country Parkway (Route 640) and a portion of 175 Water Country Parkway, and further identified as Assessor's Parcel Nos. 11-91 (GPIN No. H13b-3795-3227) and a portion of 11-4-3 (GPIN No. I13c-0012-1173); and

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

WHEREAS, the Planning Commission has recommended denial of the request; and

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

WHEREAS, the Board has given careful consideration to the public comments and the Planning Commission and staff recommendations with respect to this application and has determined that modest increases in area and height are warranted;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 17th day of October, 2006, that Application No. UP-707-06 be, and it is hereby, approved subject to the following conditions:

1. This use permit shall authorize a maximum of 313 square feet of wall signage to be installed on the Target retail building proposed in the 'Marquis' retail center to be located on property at 165 Water Country Parkway (Route 640) and a portion of 175 Water Country Parkway, and further identified as Assessor's Parcel Nos. 11-91 (GPIN No. H13b-3795-3227) and a portion of 11-4-3 (GPIN No. I13c-0012-1173). The design of such signs shall be subject to review and approval by the Marquis Design Review Committee established in conjunction with the original approval of the "Marquis" development (reference Resolution No. R05-201(R)).

2. All other signage for the subject property shall be in conformance with Condition No. 4 of Resolution No. R05-201(R) as adopted by the Board of Supervisors on December 20, 2005 and filed with the Clerk of Circuit Court on March 9, 2006 (Instrument No. 060005400).
3. 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 site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

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

APPLICATION NO. UP-708-06, SPRINTCOM, INC.

Mr. Carter gave a presentation on Application No. UP-708-06 requesting a use permit authorizing a 170-foot self-supporting communications tower with associated ground-mounted equipment located on a portion of property located at 2360 Hampton Highway. 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 R06-125.

Mr. Shepperd noted that everything is inside the tower, and all ground equipment will be inside the facility. He asked if anyone has an idea of what will knock them over.

Mr. Carter indicated they have to meet the building code which specifies the wind load requirements.

Discussion followed about any requirements for lighting or flagging on top of the pole and the coverage area of the monopole.

Ms. Lisa Murphy, attorney representing SprintCom, Inc., thanked County staff for working with SprintCom on this application. She spoke about the site and its history and reviewed the new technology requiring these towers. She noted that Cingular has expressed interest in co-locating on this tower. She discussed the many things that impact transmission signals and how the carriers map out their networks and their need for coverage. She stated that two-thirds of the current towers are on either VDOT, Dominion Power, or County structures. Ms. Murphy noted the request is in keeping with the Comprehensive Plan and satisfies the ordinances. Pertaining to the question regarding lighting, she stated the FAA does not require lights at 170 feet. She requested that the Board grant the use permit.

At this time the process of wind loading was discussed as well as further discussion on the proposed coverage area because of the new tower.

Chairman Zaremba then called to order a public hearing on Application No. UP-708-06 that was duly advertised as required by law. Proposed Resolution R06-125 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A 170-FOOT SELF-SUPPORTING MONOPOLE COMMUNICATIONS TOWER WITH ASSOCIATED GROUND-MOUNTED EQUIPMENT AT 2360 HAMPTON HIGHWAY

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Mr. Kenneth Moore, 104 Lewis Drive, stated he had talked with Mr. Kotarides, and he has no opposition to the tower as a neighbor. Mr. Moore complimented staff and Sprint working together to address this use. He stated he feels this particular location is a great use of the property.

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

Mr. Shepperd then moved the adoption of proposed Resolution R06-125 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A 170-FOOT SELF-SUPPORTING MONOPOLE COMMUNICATIONS TOWER WITH ASSOCIATED GROUND-MOUNTED EQUIPMENT AT 2360 HAMPTON HIGHWAY

WHEREAS, SprintCom, Inc., has submitted Application No. UP-708-06, which requests a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 17, No. 7), to authorize the establishment of a telecommunications tower up to 170' in height on the StorMoore mini-storage warehouse facility located at 2360 Hampton Highway (Route 134) to the south side, approximately 750 feet east of its intersection with Big Bethel Road (Route 600) and further identified as Assessor's Parcel No. 37-158 (GPIN# U02A-2406-3105); 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; and

WHEREAS, the Board has determined, pursuant to Section 15.2-2232 of the Code of Virginia, that the proposed communication tower location is substantially in accord with Charting the Course to 2025: The County of York Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 17th day of October, 2006 that Application No. UP-708-06 be, and it is hereby, approved for a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 17, No. 7), to authorize the establishment of a telecommunications tower up to 170' in height on the Stor Moore mini-storage warehouse facility located at 2360 Hampton Highway (Route 134) approximately 750 feet east of its intersection with Big Bethel Road (Route 600) and further identified as Assessor's Parcel No. 37-158 (GPIN# U02A-2406-3105), subject to the following conditions:

1. This use permit shall authorize the construction of a freestanding monopole communications tower with associated equipment on a parcel of land located at 2360 Hampton Highway (Route 134) and further identified as Assessor's Parcel No. 37-158.
2. The height of the tower, including the lightning rod, shall not exceed 170 feet.
3. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to commencement of land clearing or any construction activity on the subject property. Except as modified herein, said plan shall be substantially in conformance with the sketch plan submitted by the applicant titled "Sprint, Together with Nextel, Site Name: MRP Self-Storage, Site Number: NO60XC832-B", dated 8/25/06 and prepared by W-T Communication Design Group, LLC. As

part of the site plan submittal, the applicant shall prepare a frequency intermodulation study to determine the impact on current communication transmissions for the York County Departments of Fire and Life Safety and General Services, Sheriff's Office, School Division, and the Intrac Sewer Telemetry System. Should any equipment associated with this facility at any time during the operation of the tower be found by the County to cause interference with County communications, the applicant shall be responsible for the elimination of said interference within twenty-four (24) hours of receipt of notice from the County.

4. The tower shall be designed and constructed with antennas located inside the monopole only as depicted on Sheet C4 of the above-referenced sketch plan. No external antenna arrays shall be permitted.
5. Construction and operation of the tower shall be in conformance with the performance standards set forth in Sections 24.1-493 and 24.1-494 of the Zoning Ordinance.
6. The applicant shall submit to the County a statement from a registered engineer certifying that NIER (nonionizing electromagnetic radiation) emitted from the tower does not result in a ground level exposure at any point outside such facility that exceeds the maximum applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute.
7. A report from a registered structural or civil engineer shall be submitted indicating tower height and design, structure installation, and total anticipated capacity of the structure (including number and types of users that the structure can accommodate). These data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirement of EIA-222E, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
8. Advertising and signage on the tower shall be expressly prohibited, except for warning signs associated with the operation of the tower or its equipment.
9. Prior to site plan approval, the applicant shall submit written statements from the Federal Aviation Administration, Federal Communications Commission, and any other review authority with jurisdiction over the tower, stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.
10. If at any time use of the communications tower ceases, the owner of the subject property on which the tower is located shall dismantle and remove it within six (6) months after ceasing to use it, unless:
 - (1) A binding lease agreement or letter of intent with another wireless communications provider has been executed in which case an additional six (6) months shall be granted. If a letter of intent is provided, the execution date for a binding lease agreement shall not extend more than (12) months beyond the time the use of the tower ceases, or
 - (2) The County requests, in writing, that the tower be reserved for County use.
11. Accessory facilities shall not include offices, vehicle storage, or outdoor storage unless permitted by the district regulations.
12. Evidence shall be provided prior to receipt of a building permit that the Virginia State Corporation Commission has been notified that a communication facility is to be constructed.

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13. The communication tower shall be gray in color. Should Federal Aviation Administration requirements dictate special markings, tower lighting shall be used in lieu of multi-color painting. If painting is required, a tower maintenance plan shall be submitted to and approved by the County.
14. No microwave dishes, conical shaped antennae, or other dish shall be permitted on the tower.
15. The communications tower shall be structurally designed to accommodate no fewer than four (4) wireless users capable of supporting either PCS or cellular antenna arrays. If space is available, the County shall have the right of first refusal for leasing a space on the tower to place an antenna in support of operations consistent with the County's Department of Fire and Life Safety.
16. 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 site plan approval.

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

TAX EXEMPTION FOR THE COMMUNITY SERVICES COALITION, INC.

Mrs. Marycarol White, Director of Financial and Management Services, gave a presentation on proposed Ordinance No. 06-31 to exempt from taxation real and personal property owned by the Community Services Coalition, Inc.

Mr. Steve Montgomery, Treasurer of Community Services Coalition, Inc., the applicant, asked the Board to make two investments in the Coalition—provide tax exemption for the organization and appoint Board members to its Board of Directors. He spoke about the Coalition and its mission to the people of the County, citing the many programs which take place at the Community Services Building. Mr. Montgomery talked about the financial problems the Coalition has with the upkeep of the Community Services Building and its cash flow problems. He stated the building is aging, utility costs are up, and the tenant agencies need more space. He noted they are limited as to what they can charge the tenants for rent because of their missions, market realities, and budget. The rents were raised 5 percent on January 1, 2006, and they have done everything they can to reduce expenditures. Mr. Montgomery asked the Board to approve the tax exempt status for the Coalition which will grant it some financial relief. He also asked the Board to appoint one or two individuals to the Coalition's Board of Directors.

Discussion followed concerning the financial status of the Coalition.

Chairman Zaremba asked Mr. Montgomery if he had provided the Coalition's financial statements to the County's Finance Director.

Mr. Montgomery indicated he would do so as soon as possible.

Chairman Zaremba then called to order a public hearing on proposed Ordinance No. 06-31 which was duly advertised as required by law and is entitled:

AN ORDINANCE GRANTING EXEMPTION FROM REAL AND PERSONAL PROPERTY TAXATION PURSUANT TO CODE OF VIRGINIA

SECTION 58.1-3651 TO THE COMMUNITY SERVICES COALITION, INC., A VIRGINIA NON-PROFIT CORPORATION

Mr. Jim Icenhour, 101 Shinnecock, James City County, spoke on behalf of the Coalition's request for tax exemption. He noted he serves on the James City County Board of Supervisors as well as the Board of the Community Services Coalition. He stated it has been a very enlightening experience to see how much the organization provides for the community, and he endorsed Mr. Montgomery's request that one or two representatives from that area of the County serve on the Board of Directors. Mr. Icenhour stated he feels the Coalition has a unique situation because it would like to generate revenue, but it does not want to overcharge the people who are providing the services to the citizens.

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

Mrs. Noll stated that even though it is a non-profit organization, it is a business; and if there are problems, then funding has to be found for it. She expressed her surprise that the situation has gotten to this state.

Discussion followed on the status of the Coalition's capital budget.

Chairman Zaremba asked how many other organizations could the Board hear from asking for the same kind of relief.

Mrs. White indicated it was her understanding that the exemption option is open to any non-profit organization to petition to the Board of Supervisors, and it is up to the Board as to whether or not to grant the petition.

Mr. Burgett moved the adoption of proposed Ordinance No. 06-31 that reads:

AN ORDINANCE GRANTING EXEMPTION FROM REAL AND PERSONAL PROPERTY TAXATION PURSUANT TO CODE OF VIRGINIA SECTION 58.1-3651 TO THE COMMUNITY SERVICES COALITION, INC., A VIRGINIA NON-PROFIT CORPORATION

WHEREAS, the Community Services Coalition, Inc., has forwarded to the Board a request for real and personal property tax exemption; and

WHEREAS, §58.1-3651 of the Code of Virginia addresses such exemptions and requires that the local governing body advertise and conduct a public hearing and consider a series of questions prior to adopting an ordinance supporting the requested exemption; and

WHEREAS, the required public hearing has been advertised and conducted and the Board of Supervisors has duly examined and considered the questions contained in §58.1-3651(B) of the Code of Virginia;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 17th day of October, 2006, that Community Services Coalition, Inc., shall be exempt from real and personal property taxation by designation effective June 30, 2006.

BE IT FURTHER ORDAINED that it is recommended that the property of the Community Services Coalition, Inc., be classified as property used for charitable activities in accordance with those tax exemption categories set out in Code of Virginia § 58.1-3651.

BE IT FURTHER ORDAINED that continuance of the property tax exemption shall be contingent on the continued use of the properties for charitable activities in accordance with the purpose for which the exemption is granted.

On roll call the vote was:

Yea: (4) Shepperd, Bowman, Burgett, Zaremba

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Nay: (1) Noll

YORK COUNTY CODE AMENDMENT: TRANSIENT OCCUPANCY TAX

Mr. McReynolds briefly reviewed the purpose of proposed Ordinance No. 06-27 to amend the York County Code to delete the January 1, 2008, sunset clause for the Historic Triangle Area \$2 per room transient occupancy tax.

Mr. Bowman stated he represents the County on the Williamsburg Area Destination Marketing Committee (WADMAC), and the Committee has discussed upcoming opportunities for advertising. He stated a 30-second clip is being produced for the spring and summer to advertise the area, and there will also be a fall clip. He stated the money collected last year is going toward paying for those clips, and once the Committee has reviewed them, they will provide feedback to the localities. Mr. Bowman then provided the percentages for the 2004/2005 year, stating York County increased to 8.7 percent over 2005; James City County increasing just over 9 percent; and Williamsburg had a 1 percent decrease. He stated the Board members would be provided with a simplified version of the figures.

Mr. McReynolds indicated that collections for the County in 2006 were about \$1.1 million.

Chairman Zaremba then called to order a public hearing on proposed Ordinance No. 06-27 which was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 21-93 OF THE YORK
COUNTY CODE TO DELETE THE JANUARY 1, 2008, SUNSET
CLAUSE FOR THE HISTORIC TRIANGLE AREA \$2 PER ROOM
TRANSIENT OCCUPANCY TAX

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

Mrs. Noll stated she voted against it the first time and will vote against it again. She stated she feels the \$2 charge is unfair to those who rent a room for \$69 a night because they pay the same \$2 as those who pay \$200 a night. Mrs. Noll stated she would like it better if it were done on a percentage basis.

Mr. Burgett stated he supports this tax and has from the start. He feels it is accomplishing what the Board wants. He stated his objection is that the tax has a sunset clause and it could go away. He does not think the Board should remove the clause, but give the Board an opportunity to revisit it in 2007. Mr. Burgett stated his preference is to keep the sunset clause in the ordinance.

Mr. Shepperd stated he will support the ordinance. He stated if tourism taxes were compared around the US, this tax pales in comparison. He indicated he did not feel the Board was sticking it to anybody. The tourists come, and this is a smart way to take care of York County citizens and an investment in the community. Mr. Shepperd noted he feels this is a tax that should never go away.

Mr. Bowman indicated his agreement with Mr. Shepperd. York County will continue to be marketed as a destination, and the tax revenue is needed for the future goals of the WADMAC in marketing the area.

Mr. Bowman then moved the adoption of proposed Ordinance No. 06-27 that reads:

AN ORDINANCE TO AMEND SECTION 21-93 OF THE YORK
COUNTY CODE TO DELETE THE JANUARY 1, 2008, SUNSET
CLAUSE FOR THE HISTORIC TRIANGLE AREA \$2 PER ROOM
TRANSIENT OCCUPANCY TAX

BE IT ORDAINED by the York County Board of Supervisors this 17th day of October, 2006, that section 21-93 of the York County Code relative to the transient occupancy tax be, and it is hereby amended, to read and provide as follows:

Sec. 21-93. Levy; amount of tax.

- (a) In addition to all other taxes of every kind now or hereafter imposed by law, there is hereby imposed and levied on each and every transient a tax equivalent to five (5) percent of the total amount paid for room rental by or for any such transient to any hotel.
- (b) In addition to the tax provided for in subsection (a) above, commencing July 1, 2004 as provided in section 58.1-3823 (C) of the Code of Virginia, there is hereby levied and imposed an additional transient occupancy tax of two dollars (\$2.00) per room night for the occupancy of any overnight guest room rented by a transient. Such additional tax shall be collected from such transient at the time and in the manner provided by this section. The revenues collected from such additional tax shall be designated and expended solely for advertising the Historic Triangle area and shall be distributed and expended as provided in section 58.1-3823 (C) of the Code of Virginia.
- (c) As used herein, "advertising the Historic Triangle area" shall mean advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay of at least one night.

On roll call the vote was:

Yea:	(3)	Bowman, Shepperd, Zaremba
Nay:	(2)	Noll, Burgett

YORK COUNTY CODE AMENDMENT: BUSINESS LICENSE TAX SCHEDULES

Mr. Barnett briefly explained the purpose of proposed Ordinance No. 06-29 to amend the York County Code relative to business license tax schedules to delete certain gas and electric utilities in compliance with the Code of Virginia.

Chairman Zaremba called to order a public hearing on proposed Ordinance No. 06-29 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 14-26 OF THE YORK COUNTY CODE RELATIVE TO BUSINESS LICENSE TAX SCHEDULES TO DELETE CERTAIN GAS AND ELECTRIC UTILITIES, IN COMPLIANCE WITH THE CODE OF VIRGINIA

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

Mrs. Noll moved the adoption of proposed Ordinance No. 06-29 that reads:

AN ORDINANCE TO AMEND SECTION 14-26 OF THE YORK COUNTY CODE RELATIVE TO BUSINESS LICENSE TAX SCHEDULES TO DELETE CERTAIN GAS AND ELECTRIC UTILITIES, IN COMPLIANCE WITH THE CODE OF VIRGINIA

BE IT ORDAINED by the York County Board of Supervisors this 27th day of October, 2006, that section 14-26 of the York County Code relative to business license tax schedules be, and it is hereby amended, to read and provide as follows:

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

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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 (except as of January 1, 2001, electric suppliers, gas utilities and gas suppliers as defined in Code of Virginia 58.1-400.2 and pipeline distribution companies as defined in Code of Virginia section 58.1-2600) 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: (5) Bowman, Burgett, Shepperd, Noll, Zaremba
 Nay: (0)

MATTERS PRESENTED BY THE BOARD (Continued)

Mrs. Noll thanked staff for replacing all the flags along Route 17 in getting ready for the 225th celebration and for all the work getting ready for the celebration itself. She specifically expressed appreciation to Sandra Jones who was the Chairman of the festivities over the weekend. Mrs. Noll indicated it took two years of planning to bring the celebration to fruition.

Mr. Bowman stated he had attended the VML Mayors Conference and had a good time interacting with other elected officials from the state. He indicated they shared a lot of information concerning how to tackle problems all are facing. Mr. Bowman addressed the zoning issues due to the new Comprehensive Plan, stating he knew it was a very contentious subject in several areas, especially in Seaford going from rural residential to resource conservation. He stated it is an education process, and the Board has asked the citizens for input throughout the entire process. He stated that nothing has been decided at this time, and the Board wants to make sure everyone is educated on the process, so he has asked Mr. McReynolds to set up a meeting at Seaford Elementary School so that staff can provide more information to those citizens needing it and to address specific questions. Mr. Bowman stated it will be 3-4 months before a final decision is made, and he asked those who put the signs out to remove them so that they do not have to be looked at for the next 3 or 4 months.

Chairman Zaremba expressed his dismay that the York County School Division did not plan on closing the schools on Yorktown Day. He spoke of the history that occurred in Yorktown in 1781, noting the four-day celebration would include members of the French Embassy and representatives from the County's sister city Zweibrucken. He stated he would ask the School Board to consider next year making a field trip on the 19th of October so that the students can take part. Mr. Zaremba noted he had the privilege last night of representing York County at the Norfolk Naval Base on the French frigate DeGrasse which will be at the Naval Weapons Station for the celebration. He also noted that the minister of Defense will be here on Thursday with Senators Warner and Allen, and Congresswoman JoAnn Davis.

CONSENT CALENDAR

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

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 7. APPROVAL OF MINUTES

The minutes of the September 19, 2006, Regular Meeting were approved.

Item No. 8 PERSONNEL POLICIES AND PROCEDURES: Resolution R06-128.

A RESOLUTION TO AMEND AND READOPT AS COUNTY POLICY THE PERSONNEL POLICIES AND PROCEDURES MANUAL TO BECOME EFFECTIVE NOVEMBER 1, 2006

WHEREAS, it is the desire of the Board of Supervisors to consolidate and structure all formal personnel policies within the County into a single document subject to the annual review and approval of the Board of Supervisors; and

WHEREAS, the Board has caused such Personnel Policies and Procedures Manual to be developed and submitted for its consideration; and

WHEREAS, the Personnel Policies and Procedures Manual was approved and adopted by the Board by Resolution No. R91-287 on December 19, 1991, and the Board has subsequently reviewed and amended this Manual on an annual basis; and

WHEREAS, in accordance with County policy, staff has completed the required annual review of the Personnel Policies and Procedures Manual for the current year and the County

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Administrator has submitted certain revisions and changes to the Manual for consideration by the Board which are incorporated into a revised manual dated November 1, 2006;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of October, 2006, that the document identified as the York County Personnel Policies and Procedures Manual dated November 1, 2006, be adopted by the Board with an effective date of November 1, 2006.

Item No. 9. PURCHASE AUTHORIZATION: Resolution R06-131.

A RESOLUTION TO A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS FOR LANDSCAPE ENHANCEMENTS AT MERRIMAC TRAIL AND SECOND STREET AND TENNIS AND BASKETBALL RESURFACING

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 17th day of October, 2006, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

	<u>AMOUNT</u>
Landscape Enhancements: Merrimac Trail and Second St.	\$59,510
Tennis and Basketball Court Resurfacing	33,644

Item No. 10. PUBLIC SEWER EXTENSION AGREEMENT—AMBRITS POINT: Resolution R06-130.

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

WHEREAS, Ambrits Point York, 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 twelve new residential lots; and

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

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

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

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$27,600;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 17th day of October, 2006, that the Board approves the extension of the County's public sewer system to serve the proposed development, Ambrits Point, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Ambrits Point York, L.L.C., for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 11. BOARD POLICIES: Resolution R06-133.

A RESOLUTION TO ADOPT CERTAIN AMENDMENTS TO BOARD
POLICY NUMBERS BP94-03, BP94-06, BP94-08, BP94-10, AND
BP94-11

WHEREAS, the York County Board of Supervisors adopted the Board Policies Manual on October 20, 1994; and

WHEREAS, in accordance with Board Policy Number BP94-01, the County Administrator has conducted an annual review of the adopted Policies and has submitted recommendations for amendments; and

WHEREAS, the Board carefully considered the recommendations set forth in the County Administrator's report to the Board dated September 22, 2006, and has determined that they should be approved, subject to modification of BP94-11 to set the threshold for accident investigation at \$1,500 rather than \$3,000 as had been recommended;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 17th day of October, 2006, that Board Policy Numbers BP94-03, BP94-04, BP94-06, BP94-08, BP94-10 and BP94-11 be, and they hereby are, amended and adopted to read as set forth in the attachments to County Administrator's memorandum to the Board of Supervisors dated October 4, 2006.

CLOSED MEETING. At 10:51 p.m. Mr. Bowman moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(3) of the Code of Virginia pertaining to the acquisition of public property for a public purpose; Section 2.2-3711(a)(5) pertaining to a potential business or industry not yet announced.

On roll call the vote was:

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

Meeting Reconvened. At 11:14 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 FREE-
DOM 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;

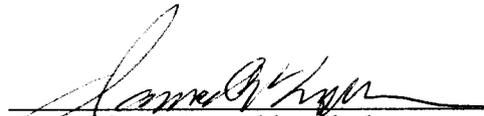
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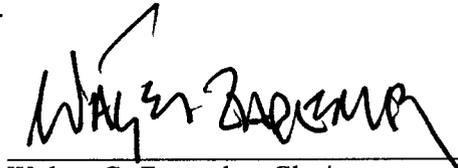
NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 17th day of October, 2006, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting 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) Noll, Bowman, Burgett, Shepperd, Zaremba
Nay: (0)

Meeting Adjourned. At 11:22 p.m. Chairman Zaremba declared the meeting adjourned to 6:30 p.m., Tuesday, October 24, 2006, in the Freight Shed for the purpose of conducting a joint meeting with the Economic Development Authority.


James O. McReynolds, Clerk
York County Board of Supervisors


Walter C. Zaremba, Chairman
York County Board of Supervisors