

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
October 3, 2006

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:00 p.m., Tuesday, October 3, 2006, in the East Room, York Hall, by Chairman Walter C. Zaremba.

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

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

SHERIFF'S PRESENTATION (Not on Agenda)

Sheriff Danny Diggs presented the Board members with a Sheriff's badge commemorating the battle in Yorktown in 1781, and he expressed appreciation for the continued support of the Board of Supervisors.

BOY SCOUT TROOP 123 (Not on Agenda)

Chairman Zaremba recognized special visitors to the meeting—members of Boy Scout Troop 123 from Seaford. It was noted that the scouts were working on their Communications Badge.

**WORK SESSION**

PERSONNEL POLICIES AND PROCEDURES

Mr. McReynolds indicated that each year staff reviews various policies and procedures, and before the Board at this time were the personnel and board policies that have been amended to reflect current practice and to insure compliance with federal and state regulations. He stated the balance of the changes are minor housekeeping amendments.

Discussion followed on the timing of the annual review of the policies.

Mr. Burgett cited Section 6-9 on leave accruals, and he asked if the Fire and Life Safety employees were treated separately from other employees.

Mr. McReynolds explained that because of their work schedules and the fact that they are 24-hour employees, the firefighters accrue leave differently. He stated that over the process of a year, the amount of leave works out the same.

Mr. Bowman questioned why the probationary period in Section 7-6 was changed from one year to 18 months for firefighters.

Fire Chief Stephen Kopczynski stated that because of the way the training occurs, and based on the timing for the regional schools the trainees must attend, by the time they have actually worked in a fire station, it sometimes takes 18 months.

Discussion followed on the current staffing level of firefighters in the Department of Fire and Life Safety.

BOARD POLICIES

Mr. Burgett noted that the charge for the Comprehensive Plan has gone up to \$50. He stated it

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seems like a lot of money to him, and he asked if this was what it actually cost to produce the document.

Mr. McReynolds noted the cost includes binding, printing, and staff time.

Mrs. Noll stated the Comprehensive Plan is on the internet and can be downloaded if individuals do not wish to purchase the document.

Mr. Carter also noted that the Comprehensive Plan may also be purchased on a CD for \$5.00.

Mr. Shepperd addressed vehicle usage, noting his concern that the threshold went from \$500 to \$3,000 for accident investigations.

Mr. Carter indicated the main reason for the increase is the increased cost to make even minor repairs to the types of vehicles the County uses in its fleet. The Fleet Manager analyzed all accidents over the past year, and only six of those were above the threshold and warranted more investigation. Raising the threshold will alleviate the burden on him from looking into the more minor accidents. Mr. Carter stated the Fleet Manager will always be able to look into any accident that raises questions.

Mr. Shepperd stated that \$3,000 is more than a little damage even by today's standards, and he has concern with vehicles that represent the County that are not investigated when involved in an accident. He suggested the threshold be raised only to \$1,500, stating he feels supervisors need to be involved in an investigation for an accident involving \$1,500 or more.

Mr. Burgett, Mrs. Noll, and Mr. Bowman indicated their agreement with Mr. Shepperd's suggestion for a \$1,500 threshold.

#### BUDGET ISSUES

Mr. McReynolds stated the County is in an excellent financial position, and there have been no significant findings in the audit to date. At this time staff would like to go over some of the trends that have been talked about for several years, and are coming to pass, so that staff can start planning how to address them in the upcoming budget discussions. He indicated the issues staff would like guidance on are capital costs, changing demographics in population and school enrollment, and residential and commercial growth. Mr. McReynolds noted staff will also provide some recommendations for addressing these issues.

Mrs. Marycarol White, Director of Financial and Management Services, briefed the Board members on the population growth versus the average daily membership in the schools since the 1994-1995 school year. She stated the number of students is actually down about 1 percent this year. Staff is watching the numbers, but it is too early to know if this is the start of a trend.

Mr. McReynolds indicated staff suspects that because of the spike in property values, individuals with no children, rather than families with school age children are buying houses.

Discussion followed on the reduction in the number of students for the 06-07 school year and future projections.

Mrs. White then discussed the changing demographics of the population. According to the Comprehensive Plan and the Virginia Employment Commission, by the year 2030 the County's population over 65 will go to 30 percent versus today's 10 percent. School age children as a percentage of the total population will be declining. Some of the changes that are expected are already beginning, and one is the increased number of requests for EMS calls. They are becoming more age-dependent—1 in 4 houses within senior housing on an annual basis versus 1 in 28 houses requiring EMS calls in regular residential areas. Mrs. White stated that as the population ages, the County can expect to have more and more EMS calls, and this is a shift in demand for services that the County needs to provide. She then discussed the tax base, indicating FY2006 on a cash basis ended with 52 percent of revenue coming from non-residential taxpayers. Staff is projecting 53 percent for 2007. She stated the bad news is that there have been increased calls to the Sheriff's office associated with the growing commercial tax base

(shoplifting, larceny, check fraud, etc), and there is now a hospital in the County that requires more runs (accident investigations, etc).

Discussion followed on increased demands for services due to growth.

Mr. McReynolds noted that on a per capita basis, crime in York County is relatively low. He stated the statistics do not mean York County is becoming a hotbed of crime, but it does say that opening a new commercial center opens up more opportunities for shoplifting and other commercial crimes.

Mr. Burgett stated the bottom line is that the Board needs to put more money in the public safety area.

Mrs. White then displayed a chart showing the major uses for funds in the FY2007 budget. She noted that only 11 percent of the budget funds non-personnel costs of County programs. With staff's experience on construction bids, some of the capital projects may be underestimated by 20-30 percent or more. Staff will have to look at the Capital Improvements Program and perhaps put more money and debt service to those projects if they are to stay in the program.

Mr. Burgett stated the Board needs to look hard at school operations.

Chairman Zarembo indicated the Board needs to get a handle on projected revenue as soon as possible. He stated the Board members will need that information the next time they talk budget.

Mr. McReynolds noted that part of the purpose of tonight's presentation is to let the Board know that there will be some long-range impacts if the same trends are continued with respect to revenue and expenditure growth. He stated the Board's options would include adjusting programs internally or increasing taxes.

Discussion followed on when the Board could expect an update on the assessment process.

Mrs. White summarized the presentation, stating there will be an increased demand for fire and rescue services as the population ages, as well as an increased need for Sheriff's patrols, although the average daily membership in the schools will remain stable. She indicated the cost of capital projects will be a major concern. She then discussed options, stating to maintain current resource allocations would likely require a tax rate increase. To obtain any substantive benefit from cutting programs, the cuts would have to come from education and/or public safety. Mrs. White stated the final option would be to modify resource allocation priorities. She reviewed past revenues to the Schools, and stated now that enrollment numbers have slowed, staff feels it is appropriate to look at a different approach in allocating funds to the School Division. She indicated that with a stable average daily membership and changing demands because of growth and long-term changes in capital and debt needs, staff feels some resource shifting will have to be considered.

Chairman Zarembo stated that resource allocation is being discussed, but no one is talking about moving education away from the top of the priority list.

Mrs. Noll stated she feels the system used in the past for school funding has worked very well, but the Board has to look at the current formula because there are other areas in the County that need resources.

Mr. Shepperd indicated the School Board should hear the fact that the Board talked about it not being a fair distribution of resources when it agreed to the fixed formula for yearly increases. He stated the County programs have suffered, and the Board cannot continue with the current formula. He stated education will remain the County's top priority, but the Board has to take a hard look at the percentage figure to be given to the school division.

Mr. Burgett indicated he did not want to raise taxes.

Mr. Bowman expressed his agreement with Mr. Shepperd, stating that belt-tightening needs to take place on both sides. He noted that the schools get funding from various sources, and they can manipulate their numbers to make it work. The Board of Supervisors does not tell the School Division how to spend its money, but it needs to look at what is good for the County

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programs as well. Mr. Bowman stated he feels the County also needs to look at how it provides its services.

Mr. Burgett suggested that private sector provision of services might be something to look at.

**CONSENT CALENDAR**

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

On roll call the vote was:

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

Thereupon, the following minutes were approved and resolutions adopted:

**Item No. 4. APPROVAL OF MINUTES**

The minutes of the September 5, 2006, Regular Meeting of the York County Board of Supervisors were approved.

**Item No. 5. APPLICATION NO. UP-709-06, FAITH FOR LIVING: Resolution R06-122**

A RESOLUTION TO APPROVE A MINOR MODIFICATION OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT BY AUTHORIZING A TWO-YEAR EXTENSION OF THE DEADLINE FOR ESTABLISHING THE SPECIAL USE

WHEREAS, Faith for Living Deloris Borum Ministries, Inc., submitted Application No. UP 621-03, pursuant to Section 24.1-306 (Category 1, No. 8) of the York County Zoning Ordinance, which requested a Special Use Permit to establish a transitional home on property located at 124 Goodwin Neck Road (Route 173) and further identified as Assessor's Parcel No. 24-171 (GPIN# R07b-3925-2892); and

WHEREAS, on October 21, 2003, the York County Board of Supervisors approved said application through the adoption of Resolution No. R03-168(R); and

WHEREAS, pursuant to Section 24.1-115(c)(1) of the York County Zoning Ordinance, use permits automatically expire two years after adoption if the special use has not been established; and

WHEREAS, on September 20, 2005, the Board of Supervisors approved a minor modification of the above-referenced Special Use Permit, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, by authorizing a one-year extension of the deadline for establishing the special use; and

WHEREAS, Faith for Living Deloris Borum Ministries has submitted Application No. UP 709-06, which requests that the Board approve another minor modification to the above-referenced Special Use Permit, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, by authorizing an additional two-year extension of the deadline for establishing the special use;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of October, 2006, that Application No. UP 709-06, be, and it is hereby, approved to authorize a two-year extension of the October 21, 2006, deadline for establishing the special use on the subject property, thus making the new expiration date October 21, 2008.

BE IT FURTHER RESOLVED that all other terms of the Special Use Permit, as contained in Resolution No. R03-168(R), shall remain in full force and effect.

Item No. 6. GRAFTON DRIVE EXTENSION PROJECT: Resolution R06-129

A RESOLUTION TO ENDORSE AND APPROVE THE PROPOSED  
GRAFTON DRIVE - ROUTE 621 RECONSTRUCTION AND EX-  
TENSION PROJECT (0621-099-175, C502)

WHEREAS, Sections 33.1-23.1 and 33.1-23.4 of the Code of Virginia, as amended, provide the opportunity for each county to work with the Virginia Department of Transportation (VDOT) to develop a Six-Year Secondary System Construction Program in accordance with the allocation of Secondary System funds; and

WHEREAS, the York County Board of Supervisors has worked on an annual basis to accomplish this effort in accordance with VDOT policies and procedures, most recently with the adoption of the Six-Year Plan covering the period 2006/07 to 2011/12 and the Construction Priority List for 2006/07; and

WHEREAS, prior to its adoption of the proposed plan, Mr. James W. Brewer, Residency Administrator of VDOT, appeared before the Board to discuss the recommended projects and the construction priority list; and

WHEREAS, the proposed plan, which included the subject Grafton Drive project, was advertised for consideration at a public hearing conducted on December 20, 2005, providing all citizens of the County the opportunity to participate in the process and to make comments and recommendations concerning the proposed Program and Priority List; and

WHEREAS, subsequent to conducting the public hearing, the Board of Supervisors adopted Resolution No. R05-207 which approved the Six-Year Plan for Secondary Roads for the period 2006/07 to 2011/12 and the Construction Priority List for the period 2006/07 to 2011/12; and

WHEREAS, the approved Plan and Priority List established the Grafton Drive project as one of the top priorities for improvement;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of October, 2006, that it hereby endorses and approves the proposed VDOT road improvement project (Grafton Drive - 0621-099-175, C502) and respectfully requests that the Commonwealth Transportation Board and VDOT do all things necessary to move it forward to construction as expeditiously as possible.

**OPEN DISCUSSION**

Chairman Zarembo noted he has been getting a lot of feedback and requests pertaining to the way the final budget is presented to the citizens. He stated he has been hearing that they cannot read it or understand it. Mr. Zarembo asked Mr. McReynolds and Mrs. White to look at an easy way to pull out the essence of the budget and put it in layman's terms to make it easier for the citizens to understand.

Mr. McReynolds indicated the staff will certainly take a look at it. He noted that much of the summarized information is included the first several pages of the budget document, but it may not be formatted the way it needs to be to be clearly understood.

Mr. Bowman addressed the budget process, stating that most of the citizens know York County is the first to publish its budget. He stated many people watch what the County does because it turns out a good product. He expressed his appreciation for the FMS Department in its presentation of the highlights for us tonight. Mr. Bowman stated he agreed that the County needs a document that gives the citizens the basics on the budget rather than the entire set of figures. He then addressed the fire at Giant Industries over the weekend, stating the County's FLS personnel provided quick reaction and got it under control. Mr. Bowman then apprised the Board members of a meeting he attended with the Seaford Elementary School PTA last night concerning a lease of land in Seaford from the Nature Conservancy to the New Kent Hunt Club. He stated he had talked with the director of the Nature Conservancy in Richmond, and he provided information on the lease which he briefed to the PTA last night. He noted he has

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also asked the Director to provide a briefing to the concerned citizens, and he will ask staff to set up a meeting at Seaford Elementary School as soon as he finds out the time.

Mr. Shepperd noted that October 10 is the last day to register to vote for this year's election.

Mrs. Noll stated that York County's booth at SeaFest won for the third year in a row. She indicated they did a super job, and expressed her appreciation to those employees involved for the tremendous effort. She then noted she attended a Junior Master Gardeners' function last week and saw four different gardens at four elementary schools. She stated they are doing a great job at getting children involved in nature.

Chairman Zaremba reminded the Board members of their meeting with the County's legislative delegation on Monday, October 9, at the Riverwalk Restaurant in Yorktown. He then noted that there was an article in the Daily Press today concerning the 450 acres owned by Colonial Williamsburg bounded by Bypass Road and Route 132 to I-64 and Rochambeau Drive. He stated the article announced that 235 acres of that parcel have been conveyed by way of a conservation easement to the Williamsburg Land Conservancy so that there will be no construction along Route 132 and Rochambeau Drive, and it will protect the corridor that Williamsburg wants to protect. Mr. Zaremba then addressed recent correspondence with the Board of Directors of the Williamsburg Regional Library (WRL) concerning York County's contribution to the library. He stated the County annually contributes to this library system because of its benefits to citizens of York County. This has been done through a contribution of funds that otherwise would have been spent on County citizens for the service. He stated the WRL feels the funding should be increased, and the Board responded saying that in FY07 it has no intention of increasing the contribution, but it would be willing to have the County Administrator meet with the James City County Administrator and the Williamsburg City Manager to discuss the formula. Mr. Zaremba stated he received a letter from the WRL Board of Directors stating they will reduce some of the services currently provided to York County citizens.

Mr. McReynolds explained the reduced services include only 20 items, instead of 40, may be taken out per library card; only 5 items may be placed on hold instead of 10, and only 1 inter-library transfer will be allowed.

Chairman Zaremba noted there will be an editorial in the Virginia Gazette tomorrow that will be positive with respect to York County's contribution.

Mr. McReynolds then reported on the current status of the storm debris pickup that has been contracted for to help the County staff take care of the debris from the last storm. He stated six teams will be working for the next several weeks. Mr. McReynolds also reminded everyone that during October 19-22 big activities are planned in Yorktown for the 225th anniversary of the Victory of Yorktown, which is a signature event for the 400th anniversary of Jamestown.

**CLOSED MEETING.** At 7:36 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; and Section 2.2-3711(a)(3) pertaining to the acquisition of real property to be used for public purpose.

On roll call the vote was:

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

Meeting Reconvened. At 7:50 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Shepperd 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

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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 3rd 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) Burgett, Shepperd, Noll, Bowman, Zaremba  
Nay: (0)

APPOINTMENTS TO THE YORK COUNTY SENIOR CENTER BOARD

Mr. Burgett moved the adoption of proposed Resolution R06-126 that reads:

A RESOLUTION TO APPOINT REPRESENTATIVES TO THE SENIOR CENTER OF YORK BOARD

WHEREAS, Walter C. Zaremba and Robert Neely have submitted their resignations as members of the Senior Center of York Board;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of October, 2006, that Sarah C. Kennedy and Veronica M. Payne be, and they are hereby, appointed to the Senior Center of York Board, such terms to begin immediately and expire June 30, 2009.

On roll call the vote was:

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

APPOINTMENT TO THE YORK COUNTY HISTORICAL MUSEUM BOARD

Mrs. Noll moved the adoption of proposed Resolution R06-113 that reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE YORK COUNTY HISTORICAL MUSEUM

BE IT RESOLVED by the York County Board of Supervisors this 3rd day of October 2006, that Dave Meredith be, and he is hereby, appointed to the Board of Directors of the York County Historical Museum, such term to begin immediately and expire September 30, 2010.

On roll call the vote was:

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

RECOMMENDATION FOR APPOINTMENTS TO THE YORK COUNTY BOARD OF ZONING/SUBDIVISION APPEALS

Mrs. Noll moved the adoption of proposed Resolution R06-123 that reads:

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A RESOLUTION TO RECOMMEND THE APPOINTMENT OF AN  
INDIVIDUAL TO THE YORK COUNTY BOARD OF ZON-  
ING/SUBDIVISION APPEALS

WHEREAS, Donald W. Davis, Chairman of the York County Board of Zoning/Subdivision Appeals, has submitted his resignation from the Board effective November 1, 2006; and

WHEREAS, Mr. Davis' term of office does not expire until December 31, 2007; and

WHEREAS, the Board currently has two alternate members serving on the Board of Zoning/Subdivision Appeals who would be qualified to be appointed to complete Mr. Davis' term;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 3rd day of October, 2006, that Susan J. DeMeno, a current alternate member, be, and he/she hereby is, recommended for appointment to the York County Board of Zoning/Subdivision Appeals to complete the vacated term of Mr. Donald W. Davis, which is scheduled to expire December 31, 2007.

BE IT FURTHER RESOLVED that Robert T. Criner is hereby recommended for appointment as an alternate member to complete the alternate member term of Susan J. DeMeno which is scheduled to expire on May 24, 2010.

On roll call the vote was:

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

APPOINTMENT TO THE COLONIAL SERVICES BOARD

Mr. Bowman moved the adoption of proposed Resolution R06-127 that reads:

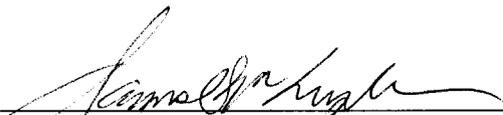
A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTA-  
TIVE TO THE COLONIAL SERVICES BOARD

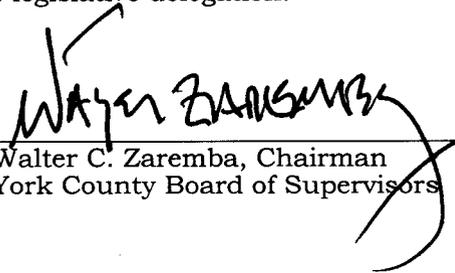
BE IT RESOLVED by the York County Board of Supervisors this 3rd day of October, 2006, that Minnie Sippio be, and she is hereby, appointed as a York County representative on the Colonial Services Board to fill the unexpired term of Diane Wojcieszak, such term to begin immediately and end on April 30, 2009.

On roll call the vote was:

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

Meeting Adjourned. At 7:52 p.m. Chairman Zaremba declared the meeting adjourned to 6:00 p.m., Monday, October 9, 2006, in The Landing, Riverwalk Restaurant, Yorktown, for the purpose of conducting a joint meeting with the County's legislative delegation.

  
James O. McReynolds, Clerk  
York County Board of Supervisors

  
Walter C. Zaremba, Chairman  
York County Board of Supervisors