

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
September 19, 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, September 19, 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, and Thomas G. Shepperd, Jr.

James S. Burgett was absent.

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

Invocation. Pastor Lynn Howard, Crossroads Community Church, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America.

HIGHWAY MATTERS

Mr. Bill Evans, Assistant Residency Administrator, Virginia Department of Transportation (VDOT), appeared to discuss highway matters with the Board of Supervisors. He updated the Board on the Fort Eustis Boulevard project, stating it was about 80 percent complete and still on schedule to be completed by December 1, 2006. He said the Big Bethel Project is underway and in the grubbing stage and is due to be completed by June 30, 2007.

Mr. Bowman indicated the "no left turn" sign that kept people from trying to cut across Route 17 at its intersection with Burts Road had disappeared.

Mr. Evans said he would have the Seaford area office look into the matter, and he would get back to Mr. Bowman.

Mr. Zaremba noted that Mr. Brewer was attending the opening of the Jack Massie Bridge in the James City County/Williamsburg area this evening which was built in preparation of the 400th birthday of Jamestown.

Mr. McReynolds said that on behalf of Mr. Burgett, he wanted to express his appreciation to VDOT for the paving that is to be done on Vine Drive in the next couple of weeks.

PRESENTATIONS

EMPLOYEE RECOGNITION PROGRAM

Chairman Zaremba congratulated Sheree L. Fox, Commissioner of the Revenue, for her 20 years of service with the County, and he presented her with a service pin and certificate.

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARD AND COMMISSIONS

Chairman Zaremba introduced and welcomed Dr. Charles Taylor, as the newest appointee to the Economic Development Authority and presented him with a Boards and Commissions Handbook and York County pin.

THOMAS NELSON COMMUNITY COLLEGE

Dr. Charles Taylor, President of Thomas Nelson Community College, thanked the Board of Supervisors for the appointment of the current two TNCC Local Board members who represent York County, Ms. Belinda Willis and Dr. Joe Shipes. He said they were very pleased at Thomas Nelson Community College to have the partnership with York County, and the college is growing as an institution. In 2004 they had about 12,200 students, and the college now has grown to over 13,000 students in just a two-year period. He then provided an update on York County enrollment, stating 1,265 individuals from York County are attending TNCC, which is close to 15 percent of the TNCC student population. Of the students graduating, nearly 38 percent go on to 4-year institutions and another 20 percent go on to technical or career service programs. Dr. Taylor then gave an overview of the dual enrollments programs with the local high schools, stating it was critical for the residents to realize the partnerships between the high schools and TNCC. He stated that with high school students coming out with 18 to 20 hours of college credits, it is saving the taxpayers and the citizens in tuition costs when students are taking the credits out of the high school. He stated the college believes those numbers will continue to grow as the program continues to develop. Dr. Taylor then highlighted the national and state Workforce Development Centers and urged this initiative to be continued in the York County area. He discussed the new facility being built which will be the beginning of the new historic triangle campus which covers a part of York County. Construction should begin in June 2007 and the doors to open around the fall of 2008. He noted the college has developed a new nursing program in the Williamsburg area with a grant from the Williamsburg Community Health Foundation, and the college is strengthening its partnerships with the College of William and Mary for a co-enrolled program where students are enrolled in TNCC and at the College of William and Mary at the same time, saving students a lot of dollars. He noted the college does much the same with Old Dominion University through a seamless teacher education program that is called a step program in the sciences and mathematics teaching education area where students are also dual enrolled. Dr. Taylor stated York County has been a strong supporter of the college, and the local board believes that strong leadership will continue.

Mrs. Noll said she would like to commend Thomas Nelson on its dual enrollment program that they now have with Old Dominion University and the College of William and Mary. She added that it makes it easier for the students who are presently enrolled in the programs at Thomas Nelson to move into the four-year programs after completing their two-year programs at Thomas Nelson.

Dr. Taylor stated Thomas Nelson has matriculation agreements with the majority of the public four-year institutions in the State and other private institutions as well so that students can seamlessly transfer.

Discussion followed regarding enrollment, facility capacity, funding and transitioning to a four-year school.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the Board of its Regular Meetings scheduled for October 3 and October 17. He also announced the Board would meet with the General Assembly delegation to review its legislative priorities on October 9, and October 24 would be the annual meeting with the Economic Development Authority.

Mr. Shepperd asked if the schedule for the storm cleanup would be addressed tonight.

Mr. McReynolds said the County started on September 18 picking up the yard debris, the limbs and branches, and such that the citizens have brought to the edge of the road. He stated that progress was being made, but there had been a huge response to the program; and it will take longer to work through the neighborhoods than staff had originally projected. He stated it was proceeding fairly smoothly. He noted there were some citizens who were putting out bagged leaves out on the curb, and he asked that those bags be held until the leaf collection program begins later in the fall. He said the County was glad to provide the pickup services and asked that the citizens bear with the County a little longer as it might take a longer than the two-week period that was initially planned.

Discussion followed regarding the timeframe to complete the debris pickup and the types and sizes of storm debris that were to be included.

Mr. Zaremba asked Mr. Hudgins to put something on Channel 46 to make sure the citizens understand what it is the County will and will not pickup. He then indicated he had received several calls recently from citizens who live in the upper County stating that Aqua Virginia, which is putting in the new water system in Queens Lake, has not been working for about 3 or 4 weeks. He asked if they have not been on site because of the storm.

Mr. Hudgins said he would find out what the problem was and report back to the Board.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll stated she attended a meeting at ODU last weekend where Senator Marty Williams pulled together as many of the delegates and senators he could possibly get from the Hampton Roads area to see where they stood with regard to transportation and a possible transportation authority. Delegate Chris Jones, a delegate from the Chesapeake area, along with a couple of delegates from Virginia Beach and Delegate Glen Oder tried to work out a compromise in the form of a transportation authority which will include tolls. She suggested that the citizens write to their delegates and senators to let them know how they feel on this subject.

Mr. Shepperd said Mrs. Noll made good comments about the transportation situation. He said the Hampton Roads Planning District Commission has a whole list of proposals that have been batted around back and forth on transportation, and the third crossing issue is something that everyone will hear more and more about. He said on September 13 he attended a gang awareness program that was put on by the Sheriff's Office. Sheriff Diggs and Captain Frank Crotty made a two-hour presentation concerning gang activity, but it was not well attended. He said the County has no resident gang activity, the proximity to gang activity in Hampton and Newport News is a concern. He encouraged citizens to attend the program on September 20 at the Williamsburg Regional Library at 6:30 p.m. and on September 21 at Poquoson City Hall.

Mr. Bowman spoke of the Regional Issues Committee and its suggestion for the localities to try and synchronize their Comprehensive Plans and look at better ways to accomplish land use decisions and other major issue items. Mr. Bowman then spoke of the rezoning issues that are taking place now that are a spin-off of the Comprehensive Plan. He stated the Planning Commission has been working on them for the last few months, and the Board should receive the recommendations for action within the next couple of months. He noted that in Seaford there is an issue with rezoning some of the land from rural residential to resource conservation. There is a considerable land mass there that is not developed and would be impacted by that rezoning. Mr. Bowman stated a lot of Seaford citizens are very passionate about the rezoning proposal, but it looks to be about a 50-50 for and against split at this time. He noted that the recommendation was not meant to divide Seaford or any community, but to give the Board an opportunity to look to the future and manage build out, transportation, and utilities. He added that all York County citizens will have an opportunity to come before the Board next month and address any of the rezoning issues. Mr. Bowman then indicated he had seen the new wayfinding signs in preparation for Yorktown's 225th anniversary and Jamestown's 400th anniversary next year. The signs were designed with a group of people from York County, James City County, and Williamsburg, and they give directions for the celebrations without a lot of confusion.

Mr. Zaremba spoke of an article in Money magazine for October 2006 that addressed the best places to live across the country. He stated that the Greater Williamsburg area is the fourth best place in the country to live. The article specifically mentioned the City of Williamsburg and the counties of James City and York County as making up the geographical area of the Greater Williamsburg area. He said he was sure the Board and staff were happy to recognize that the County falls in one of the top five places across this nation with respect to the best place to live.

Meeting Recessed. At 6:58 p.m., Chairman Zaremba declared a short recess.

September 19, 2006

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

PUBLIC HEARINGS

APPLICATION NO. ZT-105-06, YORK COUNTY BOARD OF SUPERVISORS

Mr. Carter gave a presentation on proposed Application No. ZT-105-06 to amend Chapter 24.1 of the York County Code pertaining to Performance Standards for Business and Professional Uses, Minimum Off-Street Parking and Loading requirements, payday loan establishments, tattoo parlors, and pawn shops; establishing performance standards prohibiting the location of such establishments within 2,640 feet of places of worship, public, parochial or private schools, public libraries, or public parks/athletic fields; and establish off-street parking requirements for such uses. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 06-21.

Mrs. Noll asked how many payday loan establishments were currently in the County,

Mr. Carter said a precise count had not been done, but he thought there were at least four.

Mrs. Noll asked how many tattoo parlors there are in the County.

Mr. Carter stated there are two on Route 17.

Mrs. Noll asked about the number of pawnshops.

Mr. Carter stated there is one on Route 17; and one had been proposed in the upper County, but it never made it to actual operation.

Mr. Shepperd asked if these current businesses could operate if the ordinance passed.

Mr. Carter displayed a map of the general business areas and the limited industrial areas in the County for the Board members, stating the general business areas were the areas where pawnshops and payday loan establishments could apply for a special use permit. The limited industrial areas are the areas in which a property could be considered for a tattoo parlor.

Mr. Shepperd said he knew there were other general business areas and asked why the establishments would not be permitted in those areas.

Mr. Carter explained that the ordinance states no site that is within one-half mile of a church, school, playground, park, or library could be considered eligible, which took many of the existing general business or limited industrial areas out of the realm of possibility. He added that the Board could consider different criteria, and there was nothing necessarily magic about the distance, but the distance was the one tested in the citizen opinion survey and the one the Board discussed back in February.

Discussion followed on zoning districts where pawnshops, payday loan establishments, and tattoo parlors would be allowed.

Chairman Zaremba then called to order a public hearing on Application No. ZT-105-06 that was duly advertised as required by law. Proposed Ordinance No. 06-21 is entitled:

AN ORDINANCE TO APPROVE AN APPLICATION TO ESTABLISH
A PLANNED DEVELOPMENT AT 4300 MOORETOWN ROAD CON-
SISTING OF A 63-ACRE SENIOR HOUSING-INDEPENDENT LIV-
ING DEVELOPMENT AND A 7.7-ACRE COMMERCIAL CENTER

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

Mrs. Noll then moved the adoption of proposed Ordinance No. 06-21 that reads:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-105-06 TO AMEND SECTION 24.1-104, DEFINITIONS, SECTION 24.1-306, TABLE OF LAND USES, ARTICLE 4, DIVISION 10 - PERFORMANCE STANDARDS FOR BUSINESS AND PROFESSIONAL USES, AND SECTION 24.1-606, MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS OF CHAPTER 24.1, ZONING (YORK COUNTY CODE) TO: DEFINE PAYDAY LOAN ESTABLISHMENTS; ESTABLISH A SPECIAL USE PERMIT REQUIREMENT FOR TATTOO PARLORS, PAWN SHOPS AND PAYDAY LOAN ESTABLISHMENTS; AND, TO ESTABLISH PERFORMANCE STANDARDS RELATED TO THE LOCATION OF SUCH ESTABLISHMENTS

WHEREAS, the York County Board of Supervisors has sponsored this application to give consideration to amendments to Chapter 24.1, Zoning, of the York County Code to include revised definitions and regulations pertaining to tattoo parlors, pawn shops and payday loan establishments; and

WHEREAS, the Board has determined that consideration of such amendments would be consistent with good zoning practice and with the results of a community-wide public opinion survey; and

WHEREAS, said application has been referred to the Planning Commission for review, public hearing and recommendation in accordance with applicable procedures; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing and has recommended approval of the proposed amendments; and

WHEREAS, the Board has carefully considered the recommendations of the Commission and staff and has determined that approval of the proposed amendments would be consistent with policies promoting protection and enhancement of the character and appearance of the County's commercial corridors and areas;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors, this the 19th day of September, 2006, that it does hereby approve Application No. ZT-105-06 to amend Sections 24.1-104 and 306, to add a new Section 24.1-470.1, and to amend Section 24.1-606(k) of the Zoning Ordinance to read as set forth below;

Sec. 24.1-104. Definitions.

Payday loan establishment. A place of business engaged in offering small, short-maturity loans on the security of (i) a check, (ii) any form of assignment of an interest in the account of an individual or individuals at a depository institution, or (iii) any form of assignment of income payable to an individual or individuals, other than loans based on income tax refunds. For the purposes of this chapter, such establishments shall not be construed to be "banks" or "financial institutions."

Sec. 24.1-306. Table of land uses.

USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	D						
							NB	LB	GB	WCI	EO	IL	IG
CATEGORY 11 - BUSINESS / PROFESSIONAL SERVICE													
1. Broadcasting Studio								P	P		P	P	P

2. Barber/Beauty Shop							P	P	P		P		P
3. Apparel Services (Dry Cleaning/Laundry retail) Laundromat, Tailor, Shoe Repair, Etc.)							P	P	P		P	P	P
4. Funeral Home (may include cremation services)								S	P		P		
4a Cremation Services (human or pets)									S			S	S
5. a) Photographic Studio							S	P	P		P	P	P
b) Film Processing Lab								S	P		P	P	P
6. Household Items Repair									P		P	P	P
7. Fortune Teller									S				
7.1 Tattoo Parlor												S	
7.2 Pawn Shop									S				
8. a) Banks, Financial Institutions							P	P	P		P		
b) Freestanding Automatic Teller Machines							P	P	P	S	P		
8.1 Payday Loan Establishments									S				
9. Offices					S		P	P	P		P	P	P
10. Hotel & Motel								S	P	S	P		
11. Timeshare Resort					S				S	S	S		
12. Restaurant/Sit Down								P	P		P		
13. Restaurant/Brew-Pub									P		P		
14. Restaurant/Fast Food								S	P		S		
15. Restaurant/Drive In								S	P		S		
16. Restaurant - Carryout/Delivery only							S	P	P				
17. Catering Kitchen/Services							S	P	P		S		
18. Nightclub								S	S		S		
19. Commercial Reception Hall or Conference Center							S	S	P	S	P		
20. Small-Engine Repair (lawn and garden equipment, outboard motors, etc.)									P	P		P	P
21. Tool, Household Equipment, Lawn & Garden Equipment, Rental Establishment									P		P	P	P
22. Establishments Providing Printing, Photocopying, Blueprinting, Mailing, Facsimile Reception & Transmission or similar business services to the general public, and business and professional users									P	P		P	P
23. Professional Pharmacy							P	P	P		P		

Add a new Section 24.1-470.1, as follows:

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

- (a) Tattoo parlors, pawn shops or payday loan establishments shall not be located on property that is within 1/2 mile (2,640 feet) of property occupied by: a place of worship; a public, parochial or private school (K thru 12); a public library; or, a public park or athletic field or facility.
- (b) No tattoo parlor shall be located such that its principal façade or any wall or freestanding signage associated with the establishment is visible from any Primary System road in the County.

Sec. 24.1-606. Minimum off-street parking and loading requirements.(k) Category 11 – *Business/Professional Service*

USE	OFF-STREET PARKING SPACES	OFF-STREET LOADING SPACES
(1) Funeral home or mortuary	One (1) space per four (4) seats or seating spaces in the main chapel or parlor;	None
(2) Financial institution with drive-in windows	One (1) space per 350 square feet of floor area; plus Eight (8) stacking spaces for the first drive-in window; plus Two (2) stacking spaces for each additional window.	None
(3) Financial institutions without drive-in windows.	One (1) space per 350 square feet of floor area.	<u>None</u>
(4) Freestanding ATM	Four (4) spaces per machine	None
(4.1) Payday loan establishment	One (1) space per 350 square feet of floor area	None
(4.2) Tattoo parlor	One (1) space per 200 square feet of gross floor area, or two (2) spaces per client chair, whichever is greater	None
(5) Medical or dental clinic/office	Two (2) spaces per examination or treatment room; plus One (1) space per 350 square feet of administrative office space.	None
(6) Offices – business or professional	One (1) space per 350 square feet of floor area but in no case less than three (3) spaces.	One (1) space per building or per building grouping capable of being served by a single space.
(7) Personal Service Establishments (Barber/beauty shops, apparel services, etc.)	One (1) space per 200 square feet of gross floor area, or two (2) spaces per client chair, whichever is greater	None
(8) Motel, hotel, motor lodge	One (1) space per sleeping room or suite for first 100 units; plus <ul style="list-style-type: none"> • 0.9 spaces per sleeping room or suite for units 101 through 200 • 0.8 spaces per sleeping room or suite for units 201 through 300 • 0.7 spaces per sleeping room or suite for units in excess of 300; plus One space for each 250 square feet of floor area used for meeting rooms and for the preparation, serving or consumption of food or beverage, but not including storage and refrigeration areas.	One (1) space; plus One (1) additional space for on-site restaurant
(9) Timeshare resort	1.3 spaces per unit.	None
(10) Restaurant: Sit Down and Brew Pub	One (1) space per 100 square feet of total gross floor area; NOTE: <i>Outdoor dining area shall be included in the calculations.</i>	One (1) space
(11) Restaurant: Fast Food or Drive-In	One and one-half (1 1/2) spaces per 100 square feet of gross floor area inclusive of outside dining area; plus Eleven (11) stacking spaces for the first drive-in window; plus Three (3) stacking spaces for each additional drive-in window.	One (1) space

(12) Restaurant: Drive-Through Only	Five (5) spaces; plus Eighteen (18) stacking spaces for the first drive-in window; plus Three (3) stacking spaces for each additional drive-in window.	One (1) space
(13) Nightclubs, bars, taverns, dance halls	One (1) space for every 60 square feet of floor area, excluding kitchen areas	One (1) space
(14) Commercial reception hall or conference center	One (1) space for every four (4) seats or sixty (60) square feet of assembly area	One (1) space
(15) All other Category 11 uses	One (1) space per 350 square feet of gross floor area	One (1) space, unless waived by the zoning administrator in consideration of the specific nature of the use.

On roll call the vote was:

Yea: (4) Noll, Bowman, Shepperd, Zaremba
Nay: (0)

AMENDMENT TO SOLID WASTE ORDINANCE

Mr. Mc Reynolds said that during work sessions held on June 6 and August 1 staff made presentations regarding the solid waste program, and the Board discussed some of the details and the issues, specifically the financial situation of the solid waste fund. At the conclusion of the second meeting, the Board gave staff direction to move forward with proposed rate increases, and before the Board tonight is an ordinance that would put those rate increases into place if adopted. He indicated Mr. Hudgins had a brief presentation on some of the details associated with the solid waste program and the need for the increases.

Mr. John Hudgins, Director of Environmental and Development Services, gave a presentation on proposed Ordinance No. 06-22 to amend Chapter 19 of the York County Code to extend the payment remittance period for credit customers for transfer station disposal services; to decrease the waiting period for the curbside collection of yard debris; and to increase all solid waste disposal and collection fees in York County.

Mr. Shepperd said he noticed that staff was suggesting that the Board reduce from a 90-day period to a 30-day period for the yard debris pickup. He asked if the \$250 fee would be reduced.

Mr. Hudgins said it would not. He noted it was an improvement to the program as staff found the three-month waiting period was fairly drastic since the intent of the program is to provide inexpensive yard debris collection.

Mrs. Noll indicated she noticed that the County had not increased the rate since 1999 and that the increase is not unreasonable.

Mr. Bowman said he liked what staff had come up with, and it was something the Board could live with.

Mr. Zaremba asked if this was a solution for FY07 only or a solution to carry through FY08 and beyond.

Mr. Hudgins said the rate increase should carry the County through FY08 assuming that the anticipated rate increases that are projected in FY08 for curbside recycling are less than expected. He indicated staff would report to the Board this fall during the budget process as to whether or not more is necessary.

Discussion followed regarding the services provided the County by the BFI contract versus the services provided by VPPSA.

Chairman Zaremba then called to order a public hearing on proposed Ordinance No. 06-22 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND CHAPTER 19 OF THE YORK COUNTY CODE, SOLID WASTE, GARBAGE, AND WEEDS TO EXTEND THE PAYMENT REMITTANCE PERIOD FOR CREDIT CUSTOMERS FROM 10 DAYS TO 30 DAYS FOR TRANSFER STATION DISPOSAL SERVICES; TO DECREASE THE WAITING PERIOD FROM 90 DAYS TO 30 DAYS FOR THE CURBSIDE COLLECTION OF YARD DEBRIS; AND TO INCREASE ALL SOLID WASTE DISPOSAL AND COLLECTION FEES IN YORK COUNTY, INCLUDING ALL FEES CHARGED FOR ROADSIDE TRASH COLLECTION AND TIPPING FEES FOR DUMPING AT THE YORK COUNTY TRANSFER STATION ON GOODWIN NECK ROAD

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

Mrs. Noll then moved the adoption of proposed Ordinance No. 06-22 that reads:

AN ORDINANCE TO AMEND CHAPTER 19 OF THE YORK COUNTY CODE, SOLID WASTE, GARBAGE, AND WEEDS TO EXTEND THE PAYMENT REMITTANCE PERIOD FOR CREDIT CUSTOMERS FROM 10 DAYS TO 30 DAYS FOR TRANSFER STATION DISPOSAL SERVICES; TO DECREASE THE WAITING PERIOD FROM 90 DAYS TO 30 DAYS FOR THE CURBSIDE COLLECTION OF YARD DEBRIS; AND TO INCREASE ALL SOLID WASTE DISPOSAL AND COLLECTION FEES IN YORK COUNTY, INCLUDING ALL FEES CHARGED FOR ROADSIDE TRASH COLLECTION AND TIPPING FEES FOR DUMPING AT THE YORK COUNTY TRANSFER STATION ON GOODWIN NECK ROAD

BE IT ORDAINED by the York County Board of Supervisors this the 19th day of September, 2006, that Chapter 19 of the York County Code be, and it is hereby, amended to read as follows:

ARTICLE II. DISPOSAL FACILITIES

Sec. 19-24. Charges and permits for use of county disposal facilities.

- (a) Use of county-owned disposal facilities shall be subject to the following fees and charges:
- (1) Individual households and qualified small businesses, as defined in section 19-62, which have elected to receive county solid waste collection services and are current in payments for such services may personally or by employees or officers in the case of businesses dispose of their own solid waste, including incidental construction debris generated from their own premises, at a county disposal facility at no additional charge. All other persons including contractors retained by households or by small businesses on county solid waste collection services who dispose of solid waste at the county transfer station for compensation shall pay a fee of fifty-two dollars (\$52.00) per ton. This fee shall be prorated for amounts of waste that do not constitute an even ton; provided, however, that a minimum fee of five dollars (\$5.00) per vehicle shall be charged. All fees required to be collected at the time of disposal shall be rounded to the nearest

whole dollar. Fees that are collected on a monthly basis pursuant to the provisions of subsection (6) of this section shall be for the exact amount of the fee incurred.

- (2) There shall be no charge for the disposal of recyclable items, as listed in section 19-70(a), at designated county disposal facilities.
- (b) Persons disposing of waste requiring special handling (including food processing wastes), shall at a minimum pay the applicable tipping fees plus the following amounts:
- (1) \$52.00 - 0 to 3,999 pounds
 - (2) \$62.50 - 4,000 to 6,000 pounds
 - (3) \$80.00 - Over 6,000 pounds
 - (4) Additional fees may be required by the county administrator as set forth in paragraph (d) of this section. Animal carcasses will not be accepted at the county's transfer station.
- (c) Prior to the acceptance of industrial or food-processing waste, or any other solid waste requiring special handling, the person desiring to dispose of the same shall secure a permit from the county administrator. Prior to the issuance of such permit, the county administrator shall determine the compatibility of the specific refuse with the method of disposal utilized. In determining such compatibility, the county administrator shall consider disposal volume, difficulty of handling, employee safety, likelihood of equipment damage, and any unusual health and environmental problems and current state and federal regulations. The disposal charge for any such material shall be as a minimum the amount set out in paragraph (b) above, but shall be higher as necessary to cover all cost associated with the special handling requirements, the potential damage to landfill equipment, environmental effects, state and federal rules and regulations regarding the waste and other factors as may be appropriate for such waste. Based on these considerations, the county administrator may require additional special handling charges as necessary from time to time for use at county disposal facilities.
- (d) In the event the disposal facility's scale is inoperative, charges for disposal shall be based upon weight data previously generated for the vehicle hauling such waste and the nature of the waste. The weight data shall consist of not fewer than fifteen (15) previous weigh-ins by the vehicle carrying such waste and shall be modified by a visual inspection of the vehicle if such is feasible. For vehicles for which no history of previous weight data exists or for which insufficient data exists, the following rates shall apply:
- (1) *Uncompacted refuse*: The charge shall be twenty-five dollars (\$25.00) per cubic yard of truck capacity.
 - (2) *Compacted refuse*: The charge shall be thirty-five dollars (\$35.00) per cubic yard of truck capacity.
- (e) Charges imposed under the provisions of this chapter shall be due and may be paid upon entering the disposal facility. At the discretion of the county administrator, bills may be rendered not less than monthly. All bills rendered after the date of adoption of this chapter shall be due and payable upon presentation and at the place designated by the county. If not paid within thirty (30) days, the bill will be considered delinquent and a penalty of ten (10) percent or twenty-five dollars (\$25.00), whichever is greater, will be added to the original amount due. Interest at the rate of ten (10) percent per annum shall be charged on the aggregate of the payment and the penalty due beginning with the date the penalty is applied. If any bill shall not be paid within forty-five (45) days of the billing date, then disposal privileges shall be terminated.

ARTICLE V. SOLID WASTE COLLECTION SERVICE

Sec. 19-67. Bulky item and special yard waste collection.

(a) Bulky Item Collection:

- (1) Occupants who receive county collection service and who desire to have bulky items collected must call the county in advance in accordance with a collection schedule to be published by the county administrator. Each household and qualified small business which has elected to receive collection services from the county is entitled to have three (3) bulky items collected per collection, four (4) times each calendar year. Single family detached and duplex residences which have elected not to receive county service may call the county in advance to receive bulky items collected, for such fee as is established by the board.
- (2) New occupants of a household who elect to receive county collection services are permitted a one (1) time special bulky item collection of up to thirty (30) boxes.
- (3) Individual households and qualified small businesses, which have elected not to receive county service, may call the county to arrange for special bulky item collections for a fee of thirty dollars (\$30.00) per pick up. The county reserves the right to limit the amount of bulky items collected per pick up.

(b) Special Yard Waste Collection

- (1) Yard Waste that is collected by the County through special collection shall be as defined in section 19.62. In addition, limbs or tree trunks shall not exceed 8" (inches) in diameter nor be longer than 10' (feet) in length. York County residents and qualified small businesses shall pay a fee of \$25.00 per pick-up and shall be limited to one collection every thirty days per household or qualified business. Each applicant requesting additional pickups within the thirty-day period of the initial pickup shall pay a fee of \$250 for each additional pickup.
- (2) York County households or qualified small businesses may transport their own yard waste and tree trunks or limbs up to 24" in diameter and up to 10' long to the VPPSA facility. Tree Service or other commercial contractors transporting such wastes will be charged the VPPSA fee per Section 19-24.1.

Sec. 19-73. Fees and charges.

- (a) Households and qualified small businesses who have elected to receive services from the county shall pay in arrears to the county bi-monthly fees and charges for such services in the following amounts:

	Standard Fee	Reduced fee for those who qualify under Section 19-78
Regular service fee	\$32.00	\$24.50
Low generator fee	\$24.50	\$22.00
Extra charge for those who elect service pursuant to subsection 19-66(e)(1)	\$24.50	\$22.00
Extra charge for those who elect service pursuant to subsection 19-66(e)(2)	\$32.00	\$22.00

	Standard Fee	Reduced fee for those who qualify under Section 19-78
Extra charge for those who elect service pursuant to subsection 19-66(e)(3)	\$54.00	\$44.00
Extra charge for additional containers per month:	\$16.00	\$16.00

- (b) The above rates shall be effective November 1, 2006.
- (c) All fees and charges for collection service shall be the responsibility of the owner of the premises served. If someone other than the owner occupies the premises, and such person is a recipient of the service and is responsible for the payment of such charges through agreement with the owner and the county, the county will bill such person with the consent and at the written direction of the owner. However, the owner of the premises served shall be responsible for billings of services even if the owner is not the recipient of the service.

On roll call the vote was:

Yea: (4) Bowman, Shepperd, Noll, Zaremba
 Nay: (0)

AUTHORITY TO CREATE COMMUNITY DEVELOPMENT AUTHORITIES

Mrs. Carol White, Director of Financial and Management Services, gave a presentation on proposed Ordinance No. 06-24 to assume the power to consider petitions for the creation of Community Development Authorities.

Chairman Zaremba then called to order a public hearing on proposed Ordinance No. 06-24 that was duly advertised as required by law and is entitled:

AN ORDINANCE ELECTING TO ASSUME THE POWER TO CONSIDER PETITIONS FOR THE CREATION OF COMMUNITY DEVELOPMENT AUTHORITIES

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

Mr. Shepperd said this is an option for a very localized capability for taxing the property that is involved, and it requires a majority of holders of the property to agree to it. He indicated it can be confusing, but the Board of Supervisors has not created a regional taxing authority; it is just a process by which the Board is allowing businesses a process by which they are able to enhance the business property.

Mrs. Noll said this was just an enabling legislation and that it did not necessarily mean that the Board will ever go through with it; but in order to do it in the future, the Board must first have this enabling legislation.

Mr. Zaremba asked Mrs. White to briefly clarify for the public as Mr. Shepperd suggested what the project is and just a bit on the bond related nature of the CDA.

Mrs. White briefly reviewed the bond-related nature of the CDA and its relationship to a project/business.

Mr. McReynolds also pointed out that any bonds that would be issued through the Community Development Authority would not be considered debt of the County, but would ultimately be the debt of the developer. The County would be held harmless more or less, and the developer

would be responsible for anything that was not available from the sales tax proceeds to pay any debt.

Mrs. White added that if by some chance the developer defaulted and could not make the debt service payments at the time the debt is issued, the County would place a lien on that property, so the final avenue for the County would be to have a tax sale and sell the property.

Mr. Zaremba asked if the County's lien would be secondary to any bank loans that might be on the property.

Mr. McReynolds stated that as he understood it, it carries the same weight as any other tax lien, so it would come first.

Mrs. Noll asked if this would any effect on the County's bond rating.

Mrs. White stated it did not impact the County's bond rating.

Mr. Zaremba said he thought it was important to identify the development that was driving this particular initiative.

Mr. McReynolds indicated it had been discussed in connection with the Premier Properties' Marquis Project, adjacent to Water Country.

Mrs. Noll then moved the adoption of proposed Ordinance No. 06-24 that reads:

AN ORDINANCE ELECTING TO ASSUME THE POWER TO CONSIDER PETITIONS FOR THE CREATION OF COMMUNITY DEVELOPMENT AUTHORITIES

WHEREAS, the Virginia Water and Waste Authorities Act, Chapter 51, Title 15.2, Code of Virginia of 1950, as amended (the "Act") empowers any county, by ordinance, to elect to assume the power to consider petitions for the creation of community development authorities in accordance with the Act; and

WHEREAS, following a public hearing held in accordance with the Act, the Board of Supervisors of the County of York, Virginia has determined that it is in the best interest of the County of York, Virginia (the "County") for the County to elect to assume such power to consider petitions for the creation of community development authorities.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVSORS OF THE COUNTY OF YORK, VIRGINIA:

1. The County hereby elects to assume the power to consider petitions for the creation of community development authorities in accordance with the Act.
2. This Ordinance shall become effective upon adoption.

On roll call the vote was:

Yea: (4) Shepperd, Noll, Bowman, Zaremba
Nay: (0)

SCHOOL BOND FINANCING

Mrs. White gave a presentation on proposed Resolution R06-118 to authorize the issuance of general obligation school bonds of the County to be sold to the Virginia Public School Authority to finance certain capital projects for school purposes. She said that the 2007 capital budget for the school division that was adopted by the Board in April included the renovation of Yorktown Middle School with the source of funds for the project to come from the issuance of up to \$11.8 million dollars of Virginia Public School Authority Bonds. The School Board has passed the required resolution requesting that the Board of Supervisors issue the bonds, and the

September 19, 2006

Virginia Public School Authority (VPSA) application process now requires that the Board of Supervisors conduct the public hearing to solicit citizen comments relating to the proposed bond sale.

Mr. Shepperd asked if the Board's action tonight would actually authorize the issuance of the bonds.

Mrs. White said it would.

Mr. Shepperd asked if the bonds issued would go against the County's debt.

Mrs. White said they would.

Mr. Shepperd asked who issues the bonds if the Board authorizes the issuance, and is it done through the School Board.

Mrs. White said the VPSA, which is a state entity, actually issues the bonds. She said it is a group issuance, and many jurisdictions across the state participate in the sale. Because it is a much larger bond sale than any individual locality could do alone, they can get better rates; and the County cannot issue general obligation debt without a referendum other than through the VPSA for school purposes.

Mr. Shepperd asked if this was in line with the school planning for renovation of schools and just part of the process.

Mrs. White said Mr. Shepperd was correct.

Mr. Shepperd said the concern he had was the debt load, but the County schools had the highest priority. He asked Mrs. White to confirm that the County's financial status has the highest rating possible for a community the size of York County.

Mrs. White said Mr. Shepperd's statement was correct.

Chairman Zarembo then called to order a public hearing on proposed Resolution R06-118 that was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
NOT TO EXCEED \$11,865,000 GENERAL OBLIGATION SCHOOL
BONDS OF THE COUNTY OF YORK, VIRGINIA TO BE SOLD TO
THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING
FOR THE FORM AND DETAILS THEREOF

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

Mrs. Noll then moved the adoption of proposed Resolution No. 06-118 that reads:

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
NOT TO EXCEED \$11,865,000 GENERAL OBLIGATION SCHOOL
BONDS OF THE COUNTY OF YORK, VIRGINIA TO BE SOLD TO
THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING
FOR THE FORM AND DETAILS THEREOF

WHEREAS, the Board of Supervisors (the "Board") of the County of York, Virginia (the "County") has determined that it is necessary and expedient to borrow not to exceed \$11,865,000 and to issue its general obligation school bonds to finance certain capital projects for school purposes.

WHEREAS, the Board held a public hearing on September 19, 2006, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.2-2606, Code of Virginia of 1950, as amended (the "Virginia Code").

WHEREAS, the School Board of the County has requested by resolution the Board to authorize the issuance of the Bonds and has consented to the issuance of the Bonds.

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate that \$11,300,000 is the amount of proceeds requested (the "Proceeds Requested") from the Virginia Public School Authority (the "VPSA") in connection with the sale of the Bonds.

WHEREAS, the VPSA's objective is to pay the County a purchase price for the Bonds which, in VPSA's judgment, reflects the Bonds' market value (the "VPSA Purchase Price Objective"), taking into consideration such factors as the amortization schedule the County has requested for the Bonds, the amortization schedules requested by other localities, the purchase price to be received by VPSA for its bonds and other market conditions relating to the sale of VPSA's bonds.

WHEREAS, such factors may result in the Bonds having a purchase price other than par and consequently (i) the County may have to issue a principal amount of Bonds that is greater than or less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the Bonds set forth in section 1 below does not exceed the amount of the discount the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF YORK, VIRGINIA:

1. Authorization of Bonds and Use of Proceeds. The Board hereby determines that it is advisable to contract a debt and to issue and sell general obligation school bonds of the County in the aggregate principal amount not to exceed \$11,865,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

2. Sale of the Bonds. It is determined to be in the best interest of the County to accept the offer of VPSA to purchase from the County, and to sell to the VPSA, the Bonds at a price determined by the VPSA and accepted by the Chairman of the Board or the County Administrator and upon the terms established pursuant to this Resolution. The County Administrator and the Chairman of the Board, or either of them, and such officer or officers of the County as either of them may designate, are hereby authorized and directed to enter into the Bond Sale Agreement with the VPSA providing for the sale of the Bonds to the VPSA in substantially the form on file with the County Administrator, which form is hereby approved ("Bond Sale Agreement").

3. Details of the Bonds. The Bonds shall be issuable in fully registered form in denominations of \$5,000 and whole multiples thereof; shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2006" (or such other designation as the County Administrator may approve) shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 (each an "Interest Payment Date"), beginning July 15, 2007, at the rates established in accordance with paragraph 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts established in accordance with paragraph 4 of this Resolution. The Interest Payment Dates and the Principal Payment Dates are subject to change at the request of VPSA.

4. Principal Installments and Interest Rates. The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by the VPSA, provided that each interest rate shall be no more than ten one-hundredths of one percent (0.10%) over the interest rate to be paid by the VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further, that the true interest cost of the Bonds does not exceed six percent (6%) per annum. The County Administrator is further authorized and directed to accept the aggregate principal amount of the Bonds and the amounts of principal of the Bonds coming due on each Principal Payment Date ("Principal

Installments") established by the VPSA, including any changes in the Interest Payment Dates, the Principal Payment Dates and the Principal Installments which may be requested by VPSA provided that such aggregate principal amount shall not exceed the maximum amount set forth in paragraph one and the final maturity of the Bonds shall not be later than 21 years from their date. The execution and delivery of the Bonds as described in paragraph 8 hereof shall conclusively evidence such Interest Payment Dates, Principal Payment Dates, interest rates, principal amount and Principal Installments as having been so accepted as authorized by this Resolution.

5. Form of the Bonds. The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

6. Payment; Paying Agent and Bond Registrar. The following provisions shall apply to the Bonds:

(a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal of, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption;

(b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds; and

(c) SunTrust Bank, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Bonds.

7. Prepayment or Redemption. The Principal Installments of the Bonds held by the VPSA coming due on or before July 15, 2016, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before July 15, 2016, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by the VPSA coming due after July 15, 2016, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature after July 15, 2016, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2016, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2016 to July 14, 2017, inclusive	101%
July 15, 2017 to July 14, 2018, inclusive	100.5
July 15, 2018 and thereafter	100;

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption. The County Administrator is authorized to approve such other redemption provisions, including changes to the redemption dates set forth above, as may be requested by the VPSA.

8. Execution of the Bonds. The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto. The manner of such execution may be by facsimile, provided that if both signatures are by facsimile, the Bonds shall not be valid until authenticated by the manual signature of the Paying Agent.

9. Pledge of Full Faith and Credit. For the prompt payment of the principal of, and the premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of, and the premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

10. Use of Proceeds Certificate; Non-Arbitrage Certificate. The Chairman of the Board and the County Administrator, or either of them and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Non-Arbitrage Certificate, if required by bond counsel, and a Use of Proceeds Certificate setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Use of Proceeds Certificate and the County shall comply with the covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for federal income tax purposes.

11. State Non-Arbitrage Program; Proceeds Agreement. The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The County Administrator and the Chairman of the Board, or either of them and such officer or officers of the County as either of them may designate, are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager, and the depository substantially in the form on file with the County Administrator, which form is hereby approved.

12. Continuing Disclosure Agreement. The Chairman of the Board and the County Administrator, or either of them, and such officer or officers of the County as either of them may designate are hereby authorized and directed (i) to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12 and (ii) to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

13. Filing of Resolution. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

14. Further Actions. The County Administrator, the Chairman of the Board, and such other officers, employees and agents of the County as either of them may designate are hereby authorized to take such action as the County Administrator or the Chairman of the Board may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

15. Effective Date. This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of the County of York, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on September 19, 2006, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing

September 19, 2006

resolution, a quorum was present. The front page of this Resolution accurately records (i) the members of the Board of Supervisors present at the meeting, (ii) the members who were absent from the meeting, and (iii) the vote of each member, including any abstentions.

WITNESS MY HAND and the seal of the Board of Supervisors of the County of York, Virginia, this 19th day of September, 2006.

Clerk, Board of Supervisors
of the County of York, Virginia

(SEAL)

EXHIBIT A

(FORM OF TEMPORARY BOND)

NO. TR-1

\$ _____

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
COUNTY OF YORK
General Obligation School Bond
Series 2006

The COUNTY OF YORK, VIRGINIA (the "County"), for value received, hereby acknowledges itself indebted and promises to pay to the VIRGINIA PUBLIC SCHOOL AUTHORITY the principal amount of _____ Dollars (\$ _____), in annual installments in the amounts set forth on Schedule I attached hereto payable on July 15, 2007 and annually on July 15 thereafter to and including July 15, 20__ (each a "Principal Payment Date"), together with interest from the date of this Bond on the unpaid installments, payable semi-annually on January 15 and July 15 of each year commencing on July 15, 2007 (each an "Interest Payment Date"; together with any Principal Payment Date, a "Payment Date"), at the rates per annum set forth on Schedule I attached hereto, subject to prepayment or redemption as hereinafter provided. Both principal of and interest on this Bond are payable in lawful money of the United States of America.

For as long as the Virginia Public School Authority is the registered owner of this Bond, SunTrust Bank, Richmond, Virginia, as bond registrar (the "Bond Registrar") shall make all payments of principal, premium, if any, and interest on this Bond, without presentation or surrender hereof, to the Virginia Public School Authority, in immediately available funds at or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption. If a Payment Date or date fixed for prepayment or redemption is not a business day for banks in the Commonwealth of Virginia or for the Commonwealth of Virginia, then the payment of principal, premium, if any, or interest on this Bond shall be made in immediately available funds at or before 11:00 a.m. on the business day next preceding the scheduled Payment Date or date fixed for prepayment or redemption. Upon receipt by the registered owner of this Bond of said payments of principal, premium, if any, and interest, written acknowledgment of the receipt thereof shall be given promptly to the Bond Registrar, and the County shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the County are irrevocably pledged for the payment of the principal of and the premium, if any, and interest on this Bond. The resolution adopted by the Board of Supervisors authorizing the issuance of the Bonds provides, and Section 15.2-2624 of the Code of Virginia of 1950, as amended, requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal, premium, if any, and interest on this Bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of 1991,

Chapter 26, Title 15.2, Code of Virginia of 1950, as amended, and resolutions duly adopted by the Board of Supervisors of the County and the School Board of the County to provide funds for capital projects for school purposes.

This Bond may be exchanged without cost, on twenty (20) days written notice from the Virginia Public School Authority at the office of the Bond Registrar on one or more occasions for one or more temporary bonds or definitive bonds in marketable form and, in any case, in fully registered form, in denominations of \$5,000 and whole multiples thereof, having an equal aggregate principal amount, having principal installments or maturities and bearing interest at rates corresponding to the maturities of and the interest rates on the installments of principal of this Bond then unpaid. This Bond is registered in the name of the Virginia Public School Authority on the books of the County kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for definitive Bonds as hereinabove provided, such definitive Bonds to be registered on such registration books in the name of the assignee or assignees named in such assignment.

The principal installments of this Bond coming due on or before July 15, 2016 and the definitive Bonds for which this Bond may be exchanged that mature on or before July 15, 2016 are not subject to prepayment or redemption prior to their stated maturities. The principal installments of this Bond coming due after July 15, 2016, and the definitive Bonds for which this Bond may be exchanged that mature after July 15, 2016 are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2016, upon payment of the prepayment or redemption prices (expressed as percentages of principal installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2016 to July 14, 2017, inclusive	101%
July 15, 2017 to July 14, 2018, inclusive.....	100.5
July 15, 2018 and thereafter	100;

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without the prior written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.

THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK

IN WITNESS WHEREOF, the Board of Supervisors of the County of York, Virginia, has caused this Bond to be issued in the name of the County of York, Virginia, to be signed by its Chairman or Vice-Chairman, its seal to be affixed hereto and attested by the signature of its Clerk or any of its Deputy Clerks, and this Bond to be dated November __, 2006.

COUNTY OF YORK, VIRGINIA

(SEAL)

ATTEST:

By: _____
Chairman, Board of Supervisors of the
County of York, Virginia

Clerk, Board of Supervisors of the County
of York, Virginia

September 19, 2006

On roll call the vote was:

Yea: (4) Noll, Bowman, Shepperd, Zaremba
Nay: (0)

VACATION AND CONVEYANCE OF A PORTION OF MILL LANE

Mr. Barnett gave a presentation on proposed Ordinance No. 06-23 to vacate a portion of Mill Lane lying to the west of Beechwood Drive and adjacent 116 Beechwood Drive, and proposed Resolution R06-116 to convey approximately 8,800 square feet of land owned by the County being that portion of platted Mill Lane lying to the west of Beechwood Drive in Harwood Mills Subdivision to Charter Hall Builders. He suggested that the words "pursuant to Code of Virginia § 15.2-2006" be added to the ordinance so that it reads ". . . BE IT ORDAINED by the York County Board of Supervisors, this 19th day of September, 2006, that Mill Lane is hereby vacated pursuant to Code of Virginia § 15.2-2006 from its western terminus to the point of its intersection with the right-of-way for Beechwood Drive."

Chairman Zaremba then called to order a public hearing on proposed Ordinance No. 06-23 that was duly advertised as required by law and is entitled:

AN ORDINANCE VACATING A PORTION OF MILL LANE, AN UN-IMPROVED STUB STREET PLATTED AS PART OF HARWOOD MILLS SUBDIVISION, BEING THAT PORTION OF PLATTED MILL LANE LYING TO THE WEST OF BEECHWOOD DRIVE AND LYING ADJACENT TO PROPERTY HAVING THE STREET ADDRESS OF 116 BEECHWOOD DRIVE

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

Mrs. Noll then moved the adoption of proposed Ordinance No. 06-23(R) that reads:

AN ORDINANCE VACATING A PORTION OF MILL LANE, AN UN-IMPROVED STUB STREET PLATTED AS PART OF HARWOOD MILLS SUBDIVISION, BEING THAT PORTION OF PLATTED MILL LANE LYING TO THE WEST OF BEECHWOOD DRIVE AND LYING ADJACENT TO PROPERTY HAVING THE STREET ADDRESS OF 116 BEECHWOOD DRIVE

WHEREAS, Mill Lane was created by the recordation of a plat for Harwood Mills subdivision, Section B on April 26, 1958 in Plat Book 6, page 13 among the land records of York County; and

WHEREAS, that portion of Mill Lane lying to the west of Beechwood Drive has remained a platted but unimproved street, originally created in contemplation of its extension to serve as a connection from Route 17 to Beechwood Drive, which no longer appears practical or advisable; and

WHEREAS, following the holding of a public hearing, the Board of Supervisors desires to vacate the unimproved portion of Mill Lane pursuant to Code of Virginia § 15.2-2006.

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors, this 19th day of September, 2006, that Mill Lane is hereby vacated pursuant to Code of Virginia § 15.2-2006 from its western terminus to the point of its intersection with the right-of-way for Beechwood Drive.

BE IT FURTHER ORDAINED by the York County Board of Supervisors that Ordinance No. 05-20, adopted by this Board on July 19, 2005, vacating the same portion of Mill Lane pursuant to Code of Virginia § 15.2-2272, but never recorded among the land records of York County, is rescinded to the extent inconsistent herewith.

On roll call the vote was:

Yea: (4) Bowman, Shepperd, Noll, Zaremba
Nay: (0)

Chairman Zaremba then called to order a public hearing on proposed Resolution R06-116 that was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO CONVEY APPROXIMATELY 8,800 SQ. FT. OF LAND OWNED BY THE COUNTY OF YORK, BEING THAT PORTION OF PLATTED MILL LANE LYING TO THE WEST OF BEECHWOOD DRIVE IN HARWOOD MILLS SUBDIVISION, SECTION B, TO CHARTER HALL BUILDERS, FOR THE SUM OF \$30,000

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

Mrs. Noll then moved the adoption of proposed Resolution R06-116 that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO CONVEY APPROXIMATELY 8,800 SQ. FT. OF LAND OWNED BY THE COUNTY OF YORK, BEING THAT PORTION OF PLATTED MILL LANE LYING TO THE WEST OF BEECHWOOD DRIVE IN HARWOOD MILLS SUBDIVISION, SECTION B, TO CHARTER HALL BUILDERS, FOR THE SUM OF \$30,000

WHEREAS, this Board, acting pursuant to Code of Virginia § 15.2-2006, and following a duly advertised public hearing, has vacated that portion of Mill Lane lying to the west of Beechwood Drive, consisting of a platted but unimproved stub street adjacent to property having the street address of 116 Beechwood Drive; and

WHEREAS, Charter Hall Builders, being the owner of property located at 116 Beechwood Drive and lying immediately adjacent to and north of Mill Lane has requested that the County convey the vacated portion of Mill Lane to it for the sum of \$30,000; and

WHEREAS, following the holding of a duly advertised public hearing pursuant to Code of Virginia § 15.2-1800, this Board has determined that it is in the public's interest to convey the vacated portion of Mill Lane to Charter Hall Builders.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of September, 2006, that the County Administrator is authorized to execute an agreement with Charter Hall Builders for the conveyance of all of that property contained within vacated Mill Lane, for the sum of \$30,000, and thereafter to execute such deeds and other documents as may be reasonably necessary to complete settlement on the conveyance, all such documents to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (4) Shepperd, Noll, Bowman, Zaremba
Nay: (0)

PARKING PROHIBITION: GLEN LAUREL WAY

Mr. Carter gave a presentation on proposed Ordinance No. 06-25 to amend Section 15-48(a) of the York County Code to add Glen Laurel Way to the list of Secondary System streets where parking is prohibited. He stated this request was brought to the Board by the Glen Laurel Homeowners Association to address problems caused by student parking in their neighborhood. He noted that staff also contacted Grafton Woods because of the thought that perhaps the regulation on the south side of Grafton High School might simply transfer the problem to

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the north side. The Grafton Woods Association did consider the matter and ultimately determined that they did not want to have Falling Spring Run included in that same type of restriction. He indicated the association feels that they are able to deal with the problem, and they indicated that many more of their residents depend on Falling Spring Run for on-street parking.

Mr. Bowman said he had received a couple of emails from Grafton Woods because of the issues that are taking place with Glen Laurel, and their fear is that this will just transfer the problem to the other side of the school. He said he did not want to create a burden on this neighborhood just because the County is looking at restricting the parking in another.

Mr. Shepperd asked if the state allows the County to blanket an area with no parking.

Mr. Carter said the Board of Supervisors has the general authority to establish no parking provisions anywhere within the County.

Discussion followed.

Mr. Shepperd said staff had done its due diligence in the sense that it has gone out and asked the affected nearby communities whether they want to participate in this parking prohibition. He said he was sure the Board would want to help Glen Laurel; and if another community was affected by this action, then they could go through the same procedure.

Chairman Zaremba then called to order a public hearing on proposed Ordinance No. 06-25 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 15-48, PARKING PROHIBITED OR RESTRICTED IN SPECIFIC PLACES, OF THE YORK COUNTY CODE, TO ADD GLEN LAUREL WAY (ROUTE 1069) TO THE LIST OF AREAS WHERE PARKING IS PROHIBITED

Mr. Malcolm Mann, 101 Rustling Oak Ridge, representing Glen Laurel Homeowners Association, stated he was present to support the proposed ordinance. He said the association had received many complaints from its residents about speeding, litter, the students fighting amongst themselves, and loud music. He said that as president of the homeowners associations, the residents had asked him to do something about the problem that had been going on for about three years. He added it had gotten to the point that last year they had about 50 cars a day parking on Glen Laurel Way, and they were crossing private property. He said they had tried to restrict that with no trespassing signs, but it had no effect.

Mr. Shepperd asked Mr. Mann if he had advertised this action to his community.

Mr. Mann said it had been posted on the association's bulletin board that there would be a meeting tonight to discuss the ordinance. He said they had also sent out a survey to the people on the association's email list, and the survey was very positive. He said he felt confident if the ordinance was passed it would take care of the problem.

Ms. Arlene Connell, 162 Songbird Trail, said she lives in Glen Laurel and was a member of its board and she wanted to thank the Board of Supervisors and staff for taking the time to listen to the concerns that the citizens have in the community. She said they would love to be able to have the kids to park there, but because of their disrespect to the community, the residents, and the danger it has proposed, they saw no other alternatives. She thanked the Board for considering this proposed ordinance for adoption.

Mr. Zaremba asked what was the cost of a parking permit to park on school grounds.

Mr. Barnett said the permits cost \$100, and they are generally restricted to seniors and to other students who have the need to be there early or whose schedules are not accommodated by the bus schedule.

Mr. Barnett suggested that the ordinance be changed to include the hours of 7:00 a.m. to 3:00 p.m., Monday through Friday, rather than "weekdays," to make the ordinance more precise.

Mr. Zaremba asked if the association had any problem with making the change to the ordinance.

Mr. Mann said they did not have a problem with the change.

Mr. Bowman said his concern is whether or not these kids will now go to such areas as the businesses across the street or even on Falling Spring Run. He said he really was concerned about where this would go to in the next phase.

Mr. Zaremba said he suspected Mr. Bowman was right, and before long the Board would be hearing from the Grafton Woods Homeowners Association. He said he hoped the School Board takes up the issue since it is obviously directly related to school-related responsibilities.

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

Mr. Bowman then moved the adoption of proposed Ordinance No. 06-25(R) that reads:

AN ORDINANCE TO AMEND SECTION 15-48, PARKING PROHIBITED OR RESTRICTED IN SPECIFIC PLACES, OF THE YORK COUNTY CODE, TO ADD GLEN LAUREL WAY (ROUTE 1069) TO THE LIST OF AREAS WHERE PARKING IS PROHIBITED

WHEREAS, the Glen Laurel Homeowners Association has requested that the York County Board of Supervisors designate Glen Laurel Way as a street where parking is prohibited between the hours of 7:00 am and 3:00 pm, Monday through Friday; and

WHEREAS, pursuant to Section 46.2-1220 of the Code of Virginia, the Board has the authority to regulate the parking, stopping and standing of vehicles within its limits; and

WHEREAS, based on the request of the Homeowners Association and the problems and concerns that have been cited regarding non-resident parking on Glen Laurel Way, and subsequent to conducting a duly advertised public hearing, the Board has determined that establishment of the requested parking restriction would be appropriate;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this 19th day of September, 2006, that Section 15-48(a) of Chapter 15, Motor Vehicles and Traffic, York County Code, be and it is hereby amended to add subsection (9) as follows:

Sec. 15-48. Parking prohibited or restricted in specified places.

- (a) *Secondary system highways.* No person shall park a vehicle in any of the following places within any part of the state secondary system of highways in the county:
- (1) On Comte de Grasse Street (a portion of State Route 1002) in Yorktown;
 - (2) On Read Street (State Route 1004) between Main and Water Streets in Yorktown;
 - (3) On Ballard Street (a portion of State Route 1001);
 - (4) On Buckner Street (State Route 1007) between Main and Water Streets in Yorktown;
 - (5) On Water Street (in part a portion of State Route 1002) in Yorktown between Comte de Grasse Street, on the east and its intersection with the Colonial National Historical Park access ramp opposite the Yorktown Victory Center on the west, excepting the south side of Water Street between Read Street and a point approximately 340 feet east of Ballard Street;
 - (6) On Mathews Street (Route 1001) between Route 17 and Water Street (Route 1002);

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- (7) On the Back Creek Park recreational access road (State Route 1291) from State Route 173 eastwardly approximately one thousand eight hundred feet (1,800') to its terminus at a cul-de-sac;
- (8) On the New Quarter Park recreational access road (State Route 1314) from State Route 1330 northwardly approximately one and two-tenths (1.2) miles to its terminus.
- (9) On Glen Laurel Way (State Route 1069) between the hours of 7:00 am and 3:00 pm, Monday through Friday.

On roll call the vote was:

Yea: (4) Noll, Bowman, Shepperd, Zaremba
 Nay: (0)

PARKING PROHIBITION: RUNNING MAN AND VICTORY MEADOWS

Mr. Carter gave a presentation on proposed Ordinance No. 06-26 to amend Section 15-48(b) of the York County Code to add all streets in the current, and any future, sections of the Running Man and Victory Meadows subdivisions to the list of specific areas where parking of certain classifications of commercial, recreational, and passenger carrying vehicles on public streets.

Chairman Zaremba then called to order a public hearing on proposed Ordinance No. 06-26 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 15-48, PARKING PROHIBITED OR RESTRICTED IN SPECIFIC PLACES, OF THE YORK COUNTY CODE, TO ADD THE RUNNING MAN AND VICTORY MEADOWS SUBDIVISIONS TO THE LIST OF SPECIFIC AREAS WHERE THE PARKING OF COMMERCIAL, RECREATIONAL AND PASSENGER-CARRYING VEHICLES ON PUBLIC STREETS IS PROHIBITED

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

Mr. Shepperd then moved the adoption of proposed Ordinance No. 06-26 that reads:

AN ORDINANCE TO AMEND SECTION 15-48, PARKING PROHIBITED OR RESTRICTED IN SPECIFIC PLACES, OF THE YORK COUNTY CODE, TO ADD THE RUNNING MAN AND VICTORY MEADOWS SUBDIVISIONS TO THE LIST OF SPECIFIC AREAS WHERE THE PARKING OF COMMERCIAL, RECREATIONAL AND PASSENGER-CARRYING VEHICLES ON PUBLIC STREETS IS PROHIBITED

WHEREAS, the York County Board of Supervisors has determined that the parking of large vehicles along certain streets, other than for temporary periods to allow deliveries, may present safety hazards for other vehicles and for pedestrians and may contribute to premature failure of road surfaces designed to accommodate primarily passenger vehicles; and

WHEREAS, pursuant to Section 46.2-1222 of the Code of Virginia, the Board has adopted an ordinance that prohibits the parking of certain classifications of vehicles on certain secondary system highways in designated areas of the County; and

WHEREAS, pursuant to a request made on behalf of the residents of the subject neighborhoods, and the investigation of the streets and parking characteristics of that development, the Board has determined that it would be appropriate and desirable to add both the Running Man and Victory Meadows subdivisions, as delineated and described in the County

Administrator's report to the Board dated September 6, 2006, to the list of areas subject to the special parking restrictions;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this 19th day of September, 2006, that Section 15-48(c)(3) of Chapter 15, Motor Vehicles and Traffic, York County Code, be and it is hereby amended to add subsections gg. and hh. as follows:

gg. Running Man
hh. Victory Meadows

BE IT FURTHER ORDAINED that said restrictions apply to all streets within such subdivisions that are currently in the State Secondary System of Highways and to any additional streets within developing sections at such time as they are officially accepted into the Secondary System by the Virginia Department of Transportation.

On roll call the vote was:

Yea: (4) Bowman, Shepperd, Noll, Zaremba
Nay: (0)

RIGHT-OF-WAY ABANDONMENT

Mr. Carter gave a presentation on proposed Resolution R06-119 to abandon the segments of Route 1122 and Route 640 located on the south side of Route 199 adjacent to Water Country, USA, to facilitate the commercial entrance improvements and site development to be undertaken in conjunction with the proposed Marquis retail center.

Mr. Zaremba asked what specific segments of the roads were included in the abandonment.

Mr. Carter said Route 640 would be abandoned beyond the pavement that is associated with the entrance to Water Country. He said Route 1122 would be abandoned from the back property line of the parcel which has actually been acquired by Premier Properties all the way to its end, and the end is about midway back into the parcel that Premier would develop.

Mr. Zaremba asked what was not being abandoned at this time.

Mr. Carter said that the portion of Route 1122 from the edge of Route 199 to the back parcel line of the Marquis property and the portion of Route 640 from Route 199 to the place where the Water Country entrance actually enters onto Water Country's property.

Mr. Zaremba asked who currently owns the property where Marquis will be located.

Mr. Carter said all of the property that is the proposed site of the Marquis development is currently owned by Busch Properties, except for a small parcel that had been landlocked for years if not for the unimproved 1122 right-of-way. He stated that Premier had purchased that property within the past six months.

Mr. Zaremba said that Busch Properties was a component of Anheiser Busch, and he asked Mr. Carter if that was correct.

Mr. Carter said that was correct.

Mr. Bowman asked again where the proposed new entry into Water Country was located.

Mr. Carter said it would come in off of Route 199, and a new driveway would basically parallel the parking lot so they would have quite a long on-site stacking arrangement which is the problem that they are trying to solve to keep cars from backing up onto Route 199.

Mr. Bowman asked when the current entrance would be closed and if it would be after they had constructed the new entrance.

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Mr. Carter said that Water County is having discussions with Premier Properties about maintaining an employee and emergency access entrance from the entrance into the Marquis project onto the Water Country site. He said there would continue to be a connection, but it would be for employees and emergency use only.

Discussion followed regarding access into the Marquis property versus entrance into Water Country.

Chairman Zaremba then called to order a public hearing on proposed Resolution R06-119 that was duly advertised as required by law and is entitled:

RESOLUTION TO ABANDON CERTAIN SEGMENTS OF STATE
ROUTE 640 (WATER COUNTRY PARKWAY/OLD YORK ROAD)
AND STATE ROUTE 1122

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

Mrs. Noll then moved the adoption of proposed Resolution R06-119 that reads:

RESOLUTION TO ABANDON CERTAIN SEGMENTS OF STATE
ROUTE 640 (WATER COUNTRY PARKWAY/OLD YORK ROAD)
AND STATE ROUTE 1122

WHEREAS, Premier Properties has requested that the York County Board of Supervisors consider the abandonment of the entire lengths of State Route 1122 (Old Williamsburg-Yorktown Road) and State Route 640 (Water Country Parkway/Old York Road) located on the south side of Route 199 adjacent to Water Country, USA in order to facilitate the development of adjoining property for a major retail center; and

WHEREAS, public notices were posted as prescribed by the terms of Section 33.1-151, Code of Virginia, announcing the Board of Supervisors' intention to abandon and announcing a public hearing to receive comments concerning abandoning the sections of road described below from the Secondary System of Highways; and

WHEREAS, the subject segment of Route 1122 is a 30-foot right-of-way approximately 3,400 feet in length; and

WHEREAS, the subject segment of Route 640 is a variable width right-of-way approximately 2,000 feet in length; and

WHEREAS, the adjacent property owners and the Commissioner of the Virginia Department of Transportation were provided notice of the intent to abandon the subject segments of road; and

WHEREAS, after due consideration of the comments of adjacent property owners and the Virginia Department of Transportation and all evidence available, the Board of Supervisors has determined that existing and proposed development can be adequately served by a private commercial driveway and that portions of the subject roads serve no public necessity and, accordingly, hereby deems the following segments of roadway are no longer necessary as a part of the Secondary System of State Highways:

- Route 640 – from a point approximately 470 feet south of Route 199 to its end; and
- Route 1122 – from a point approximately 525 feet south of Route 199 to its end.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 19th day of September 2006, that pursuant to §33.1-151 of the Code of Virginia of 1950, as amended, it does hereby abandon the segments of Route 640 and Route 1122 described above and as further depicted on the plat made a part of this Resolution by reference and entitled "Exhibit Expressing Limits of State Route 640 & State Route 1122 to Remain Public – Whittakers Mill Tract," prepared by Landmark Design Group and dated July 27, 2006;

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Williamsburg Residency Administrator of the Virginia Department of Transportation.

On roll call the vote was:

Yea: (4) Shepperd, Noll, Bowman, Zaremba
Nay: (0)

LEASE AGREEMENT FOR CHILD DEVELOPMENT RESOURCES, INC.

Mr. McReynolds gave a presentation on proposed Resolution R06-109 to authorize the execution of a yearly lease agreement with Child Development Resources, Inc., for the office space in the Griffin-Yeates Center Building.

Chairman Zaremba then called to order a public hearing on proposed Resolution R06-109 that was duly advertised as required by law and is entitled:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH CHILD DEVELOPMENT RESOURCES, INC., A NONPROFIT VIRGINIA CORPORATION, FOR OFFICE SPACE IN THE GRIFFIN-YEATES CENTER BUILDING LOCATED ON GOVERNMENT ROAD

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

Mr. Bowman then moved the adoption of proposed Resolution R06-109 that reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH CHILD DEVELOPMENT RESOURCES, INC., A NONPROFIT VIRGINIA CORPORATION, FOR OFFICE SPACE IN THE GRIFFIN-YEATES CENTER BUILDING LOCATED ON GOVERNMENT ROAD

WHEREAS, Child Development Resources, Inc., a nonprofit Virginia Corporation, operates the First Steps program whose purpose is to provide an early childhood educational experience and positive learning opportunities on behalf of economically disadvantaged and other qualified County citizens and which is located in the Griffin-Yeates Center on Government Road; and

WHEREAS, Child Development Resources, Inc., has been implementing a federal grant that provides Early Head Start home based services to parents of infants and toddlers and has asked to rent an office with approximately 200 square feet also located within the Griffin-Yeates Center on Government Road to serve as a base of operations for personnel involved in the implementation of that grant; and

WHEREAS, the County desires to make available approximately 200 square feet of office space between Room 6 and Room 10 within the Griffin-Yeates Center located at 1490 Government Road, which is a building owned by the County of York, by the execution of a Lease Agreement for a term of one year with Child Development Resources, Inc.; and

WHEREAS, charges for that space shall be at a rate of \$2,004 per year with the proceeds from such rental to be dedicated to the County Children's Food Services program; and

WHEREAS, a public hearing on the proposed Lease Agreement, as required under the Code of Virginia, has been properly advertised and conducted on September 19, 2006;

NOW, THEREFORE BE IT RESOLVED by the York County Board of Supervisors this, the 19th day of September, 2006, that the County Administrator be, and he is hereby, authorized to execute a Lease Agreement with Child Development Resources, Inc. for approximately two hundred (200) square feet of office space between Room 6 and Room 10 within the Griffin-

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Yeates Center, for a term commencing November 1, 2006 and ending October 31, 2007, and in consideration of the sum of \$2,004 per year.

BE IT FURTHER RESOLVED that proceeds from such rental shall be dedicated to the County Children's Food Service program.

On roll call the vote was:

Yea: (4) Noll, Bowman, Shepperd, Zaremba
Nay: (0)

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 11 and 12, respectively.

On roll call the vote was:

Yea: (4) Bowman, Shepperd, Noll, Zaremba
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 11. APPROVAL OF MINUTES

The minutes of the August 15, 2006, meeting of the York County Board of Supervisors were approved.

Item No. 12. SPEED LIMIT PROVISIONS - THE GREENLANDS

A RESOLUTION TO REQUEST THAT THE VIRGINIA DEPARTMENT OF TRANSPORTATION INSTALL APPROPRIATE SIGNS, AS STIPULATED IN SECTION 46.2-878.2 OF THE CODE OF VIRGINIA, TO ESTABLISH INCREASED PENALTIES FOR SPEEDING ON CERTAIN STREETS WITHIN THE GREENLANDS SUBDIVISION AND TWO ADJACENT INTERSECTING STREETS IN THE COVENTRY SUBDIVISION

WHEREAS, Section 46.2-878.2 of the Code of Virginia authorizes the posting of certain residential streets for an increased fine of \$200, in addition to other penalties prescribed by law, for vehicles exceeding the maximum established speed limit; and

WHEREAS, the Virginia Department of Transportation (VDOT) is responsible for administering the regulations established to implement this law and will entertain requests for establishing the restrictions upon receipt of a formal request and resolution from the Board of Supervisors; and

WHEREAS, residents of The Greenlands subdivision have requested that said restrictions be imposed on streets within their developments; and

WHEREAS, the York County Board of Supervisors perceives that a speeding problem exists based on the observations of the residents; and

WHEREAS, streets in the original sections of The Greenlands have been previously designated for the increased penalties and consistency and continuity will be served if the interconnecting streets within the subdivision and in the adjacent Coventry subdivision are also designated; and

WHEREAS, the Board of Supervisors has reviewed this proposal and believes that the designated roads meet the eligibility requirements prescribed by VDOT;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of September, 2006, that the Virginia Department of Transportation be, and it is hereby, requested to approve and install signs pursuant to Section 46.2-878.2 of the Code of Virginia, to designate the following streets or street segments as those on which a fine of \$200 in addition to other penalties prescribed by law may be imposed for violations of the posted speed limit:

The Greenlands

- Blevins Run (Route 1668) from Kerr Lane (Route 1686) to end
- Kerr Lane (Route 1686) from Jara Lane (Route 1687) to Eric Nelson Run (Route 1496)
- Eric Nelson Run (Route 1496) from Tristen Drive (Route 1665) to Kerr Lane (Route 1686)
- Jara Lane (Route 1687) from Hilda Hollow (Route 1497) to end
- Malcolm Court (Route 1666) from Tristen Drive (Route 1665) to end
- Quincy Court (Route 1667) from Tristen Drive (Route 1665) to end
- Lance Way (Route 1498) from Blevins Run (Route 1668) to Richter Lane (Route 1491)
- Sheldon Court (Route 1492) from Richter Lane (Route 1491) to end
- Donovan Court (Route 1493) from Richter Lane (Route 1491) to end
- Brian Wesley Court (Route 1494) from Richter Lane (Route 1491) to end

Coventry

- Blackberry Bend (Route 1764) from Coventry Boulevard (Route 1763) to Peachtree Lane (Route 1766)
- Peachtree Lane (Route 1766) from Coventry Boulevard (Route 1763) to Blackberry Bend (Route 1764)

BE IT FURTHER RESOLVED that the County Administrator is requested to forward a copy of this resolution and any necessary supporting documentation to the Virginia Department of Transportation for its review and approval.

NEW BUSINESS

LEGISLATIVE PROGRAM FOR 2007

Mr. McReynolds briefly reviewed the County's proposed Legislative Program for 2007.

Mrs. Noll stated the Board members had a lot of input into the Legislative Program, and they were looking forward to the dinner with the County's legislators to formally present them with the Program. She then moved the adoption of proposed Resolution R06-120 that reads:

A RESOLUTION APPROVING THE COUNTY'S 2007 LEGISLATIVE PROGRAM

WHEREAS, because of the applicability of Dillon's Rule in Virginia, York County is dependent upon the General Assembly to adopt specific enabling legislation in many instances in order to enable the County to provide efficient and effective services and government to its citizens; and

WHEREAS, the County has developed a Legislative Program for the consideration of the 2005 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its legislative program, and believes that it is in the best interests of the citizens of York County;

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NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of September, 2006, that this Board hereby approves the County's 2007 Legislative Program, and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that copies of this Resolution and the County's 2007 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

On roll call the vote was:

Yea: (4) Shepperd, Noll, Bowman, Zaremba
Nay: (0)

Meeting Adjourned. At 8:32 p.m. Chairman Zaremba declared the meeting adjourned sine die.


James O. McReynolds, Clerk
York County Board of Supervisors


Walter C. Zaremba, Chairman
York County Board of Supervisors