

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
August 5, 2008

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, August 5, 2008, in the East Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, George S. Hrichak, and Thomas G. Shepperd, Jr.

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

WORK SESSION

CONGRESSIONAL UPDATE

The Honorable Robert Wittman, United States House of Representatives, briefed the Board members on two big issues Congress was dealing with at the present time—the Comprehensive Energy Bill and the Chesapeake Bay. He stated the Speaker of the House and the President had been asked to call Congress back into session to vote on a Comprehensive Energy Bill because the country needs to look at its resources and the use of nuclear energy, as well as alternative sources of energy. He spoke of new technology that could make better use of current resources, and he stated the country also needs to look at conservation. Congressman Wittman indicated he was very concerned and realized the pressure that is put on local government with extra costs dealing with the energy crisis. He stated Congress was working hard to have the debate on the issue in a bipartisan manner, and both sides have good ideas. Mr. Wittman then spoke of a bill to renew efforts to clean up the Chesapeake Bay, stating Congress would be looking at every penny being spent to determine how the expenditures relate to water quality. He stated the bill would utilize cross-cut budgeting which requires all agencies to report all expenditures regarding Chesapeake Bay improvements, and they will then have to identify what they are accomplishing in terms of water quality or enhancements to the Bay. He stated money would then be moved to where it was doing the most good. Mr. Wittman stated the Bay needed to be looked at on an annual basis, and its implications would reach down to the state and local level so all will have a say in what is happening and where the money is going. He indicated this initiative should renew efforts to clean up the Bay, and there should be something soon to show for it or to allow evaluation of what is happening. Mr. Wittman also addressed other issues, stating that any bill that comes before Congress was looked at in terms of what effects there are on local government, and he was looking to make sure things are done keeping in mind the burden it places on local government.

Mrs. Noll addressed the transportation issue, noting the states were getting back about 92 percent of every federal gas tax dollar generated in Virginia. She stated she understood Congress was considering legislation to change that.

Congressman Wittman spoke of the formula that returns transportation funding to the state, stating he would like to see it changed, that Virginia should be a break-even state, and facilities should help pay for transportation. In the Defense Authorization Bill, he stated he had put in language to require the DOD to be part of paying for transportation because of the number of additional people it has on its bases. He also noted there was a transportation trust fund which should be invested to earn interest, but it was not being done at the Federal level. Mr. Wittman stated the transportation funds had been intermingled with the General Fund to be spent without having to pay interest. If it had been invested, he stated there would have been an additional \$22 billion available for transportation needs.

Mr. Wiggins indicated he had talked with Congressman Wittman about the Chesapeake Bay at a recent Chamber meeting, and he noted that one thing that would help York County would be more interpretation of the rules and regulations applying to the Chesapeake Bay. He stated York County has 200 miles of shoreline, and there are York County citizens who are testing to try and get the Bay cleaned up. Mr. Wiggins stated the County needs a lot of financial help because of the amount of shoreline it has.

Congressman Wittman stated there was some good news. He indicated the Farm Bill passed which would be a significant help to the Chesapeake Bay. He stated some funding for technical help to meet water quality standards was included in the bill, and it also provides help in putting a plan into place. Mr. Wittman indicated the bill was signed by the President, so dollars will be available immediately, and it will come from the Department of Agriculture to State agencies that will be working with the County.

Mr. Zaremba stated his concern was the economy. He stated there was a war going on, and there was the energy issue Congressman Wittman spoke of; but recently, the financial sector of the country seems to be under great stress with the number of foreclosures, and banks are shutting their doors. Mr. Zaremba asked Mr. Wittman what the Congress was doing relative to this issue.

Congressman Wittman stated before Congress adjourned there was a significant amount of discussion about things to be done. He stated there was talk about another stimulus package, but the best economic data was based on data that was a couple of months old. He noted that if a stimulus package was put into place, it was usually 8-10 months before it could be determined whether or not it was working. He then reviewed the root causes, noting that liquidity was not there, and banks were tight. He stated Congress could make sure it did not interrupt monetary policies that would make money less available by lending institutions. He indicated Congress also did not want to create competition for the dollars that are out there. He stated they needed to get spending under control and not interfere with putting processes in place that effected liquidity. Congress needs to encourage jobs and not add to the national deficit or create downward pressure on the dollar. Mr. Wittman stated there were also some thoughts on another stimulus package for new homebuyers with assistance loans for down payments.

Chairman Shepperd stated one of the things the people of this area are very proud of is the military. There are a lot of bases, and York County has its share, and their activities and families are supported by the County. He stated the County was also very proud of its education system, which is outstanding, and people want to live here because of it. Mr. Shepperd stated that part of the challenge is that for years York County has been subsidizing the federal government to the tune of about \$3 million a year in impact aid based on the federal government's own formula. He noted the County was ranked No. 1 in two of 4 categories, and in the other two categories the County was ranked No 2. He asked Congressman Wittman if he had any insight in terms of the County getting its due.

Congressman Wittman indicated there had been a significant amount of discussion in the House Armed Services Committee on a number of ideas of how to fix the problem. Like any other formula, he stated there has to be a balance. He stated Congress was trying to formulate something to level the playing field so that there weren't all winners or losers. He noted there was a bill which was taking this issue on, but he did not believe a bill would come up this year with the short time that was left. He stated it was on the agenda, and everyone realized it needed to be addressed. Mr. Wittman stated he would like to get some feedback from York County as to how to adjust the formula to make the system work better.

Chairman Shepperd indicated the Board would talk with the School Board, and he asked Mr. McReynolds to make contact with the School Superintendent and get Congressman Wittman the information he requested. He then thanked Congressman Wittman for attending the Board's meeting and taking his time to give the Board an update on Congressional activities.

2009 LEGISLATIVE PROGRAM

Mr. McReynolds reviewed the following items to be included in the proposed 2009 Legislative Program:

1. Real Estate Tax Rate. Do not restrict local government's ability to apply the real estate tax rate.
2. Taxing Authority. Allow local governments to apply a real estate exemption with a means test.
3. Unfunded Mandates. York County objects to the mandates required by the Commonwealth which are inadequately or wholly unfunded and further objects to the continuously decreasing levels of funding provided by the state for those requirements already imposed by the general Assembly.
4. State and Local Funding Partnerships. York County objects to the lessening of the Commonwealth's role in the vital state and local funding partnerships for critical services. The general Assembly should:
 - a. Continue operating and increase funding for statewide mental health systems, including long-term residential facilities for adults and adolescents; establish a juvenile corrections/forensics unit.
 - b. Do not divert children in need of mental health services from the state and locally funded mental health system to the Comprehensive Services Act (CSA); require Community Services Boards to make mental health services to children a priority.
 - c. Increase funding to localities for the costs of administering the CSA.
 - d. Oppose any local match for Medicaid.
 - e. Support through funding and regulation programs and initiatives to increase the affordability of housing in the Commonwealth.
 - f. Provide adequate funding for locally operated programs that are alternatives to secure juvenile detention or commitment to state corrections facilities.
 - g. Provide full funding for State Aid to Public Libraries, Constitutional Officers, Juvenile and Adult Corrections, and other areas of shared responsibility.
5. Transportation. It is the responsibility of the General Assembly to provide the Commonwealth with a state-wide transportation program for highway expansion and maintenance, to include bridges, overpasses, road-side ditches for drainage systems, and related infrastructure.
6. VDOT—Revenue Sharing.
 - a. Ensure adequate funding for the revenue sharing program and set aside at least \$20 million annually to be available exclusively for counties.
 - b. Direct VDOT to repeal the recently enacted policy prohibiting localities from using revenue sharing funds for highway landscaping.
7. Transportation Safety.
 - a. Amend Virginia's seat belt law (§46.2-1094 of the Code of Virginia) by repealing language that makes non-use of motor vehicle safety belt systems a secondary offense.
 - b. Amend the Code of Virginia to prohibit the possession of an open container of alcohol in a motor vehicle.
 - c. Amend the Code of Virginia to prohibit or restrict the use of hand-held cell phones and/or text message devices by drivers while operating a motor vehicle.

8. Building Maintenance Code Amendment. Provide localities with the authority to adopt a building maintenance code for either commercial or residential properties.
9. Standards of Quality. Maintain the state's support for education and fully fund the Standards of Quality.
10. Support for Tourism. Tourism is critical to Virginia's economy. Provide increased funding to adequately support the promotion and marketing of the Virginia tourism industry.
11. Support for Military and Federal Facilities. York County recognizes the importance of military and federal facilities as they relate to our national interest and the economic well being of our region and the entire Commonwealth. Provide adequate funding and support to help sustain the federal presence and compete for additional resources.

Mr. Zaremba asked Mr. McReynolds to explain what the SOQ was.

Mr. McReynolds stated that SOQ was the standards of quality which are criteria and requirements that school divisions must maintain at a minimum, and they include program/student-teacher ratios and other measures. He stated that last year there was an effort to change the way those standards were reevaluated or re-benchmarked, but they were not readjusted last year. He noted it was a two-year effort, and he thought it would be an issue again this year.

Mr. Zaremba indicated the reason he mentioned the SOQ was that 4-5 months ago when the state was putting together the 2010-2011 budget, the people at the state school level identified a shortfall of \$2 billion to meet the SOQ for the state. He indicated the requirement may exist, but without the funding, it put pressure on localities to raise taxes to pay for it.

Mr. McReynolds then noted there was one more proposed item to add dealing with the carrying of dangerous weapons on public property.

Mrs. Anne B. Smith, Director of Community Services, noted that there was a significant erosion of local authority, and one area was the prohibition of local governments trying to enforce ordinances against carrying dangerous weapons in public areas. She stated the Virginia Municipal League had proposed legislation that would allow local governments to prohibit the carrying of dangerous weapons in public buildings, libraries, recreation centers, and other public places.

Discussion followed.

Mr. McReynolds asked the Board if the items briefed were acceptable to include in the proposed program for finalization on September 2.

Mr. Zaremba stated there was strength in numbers, and there were 96 counties and 50-plus cities in Virginia, and many of them were doing the same thing. He stated if York County could get other jurisdictions to sign on to those issues in the County's plan, there would be a better chance of getting the changes York was requesting.

Mr. McReynolds indicated he had talked to several of his counterparts, and York County was usually the locality to start the process first.

Chairman Shepperd stated the Board needed to prioritize its requests because the General Assembly members always ask what was most important to the locality.

Mr. Wiggins stated he felt the County needed to get with the jurisdictions in the Historic Triangle and push a package for the three localities together.

Mrs. Noll suggested that the Board add a request to the program for the Chesapeake Bay money that Congressman Whitman talked about earlier.

Chairman Shepperd stated that between now and September 2 the Board would get the revised draft package and have several discussions, one being on transportation which concerns him, especially the recommendations from the Transportation Safety Commission.

GRASS AND WEEDS ORDINANCE

Chairman Shepperd reviewed the chronology of events since the adoption of the current grass and weeds ordinance amendment on April 15. He indicated he had toured various areas of the County thinking of how the rules would apply, and on June 17 he voiced concern about the ordinance. He then sought an opinion from the County Attorney concerning a temporary suspension of the ordinance. Mr. Shepperd stated he then asked the Board's support of a suspension of the ordinance, and on June 24 he notified the Board of the temporary suspension. He stated he then met with the Kiln Creek Homeowners' Association President in the Sanctuary, which led to this discussion regarding the concerns he had about the ordinance. He indicated he felt the ordinance was primarily aimed at a single issue which might fix one problem but has potential to cause others. He stated he saw no incentive for reforestation, and mowing around young trees was a challenge. Mr. Shepperd stated he felt this was an expenditure for one landowner to maintain his property for the benefit of others. He then spoke of what he considered to be reasonable considerations that needed to be addressed, stating he reviewed the parameters of 11 other jurisdictions to find that York County's 300-foot mowing requirement was twice that of any other jurisdiction, and its 6-foot tree height was 4.8 times higher. He stated that rural residential or zoning of greater density constitutes 93 percent of residential property, with a typical parcel size for rural residential having a front yard of 50 feet with a 180-foot back yard. He stated a typical R20 zoning has a 40-foot front yard with a 110-foot back yard. Other considerations Mr. Shepperd looked at included the fact that Kiln Creek has a unique relationship in that its recreational and open space credit is obtained partially from non-homeowner association property; there is a 25-foot landscape buffer easement on the Kiln Creek Country Club property; and when one buys property there, one has some obligation to the community. Mr. Shepperd questioned whether the citizens really wanted what Section 19-6(b)(2)(f) required. He then recommended the following changes to Ordinance No. 08-6:

- 150-foot mowing distance
- Tree height of 4 feet, but keep type 50 buffer at 6 feet
- Distinguish between commercial and residential
- Require construction site to be completely mowed, regardless of distance from buildings or roads
- Mowing required 50 feet from VDOT road right-of-way unless "forested" or Type 50 buffer
- Define building in Section 19-6(c)
- Conduct public hearing on September 16, 2008.

Mr. Wiggins stated he agreed with some of the things Mr. Shepperd said, but he felt that in order to get this ironed out, the Board had to get something out on the table. He stated the reason this issue arose was because the people of Kiln Creek believe that the Board of Supervisors has shirked its duties by not making Mr. Ashe continue with the 9-hole golf course and to keep its appearance like the 18-hole course. He stated he was led to believe that both of these golf courses were proffered for the community, but staff has told the Board the 9-hole course was not proffered. Mr. Wiggins stated he needed clarification from the County Attorney before he could make any decision on this issue.

Chairman Shepperd indicated that the issue was the lawn mowing ordinance itself and not the golf course.

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Mr. Hrichak stated he felt 300 feet impacted a lot of old properties, and 150 feet was more reasonable. He agreed that the ordinance was needed, and the definition of building needs to come into play as suggested.

Mrs. Noll stated that Mr. Myles had a letter sent to the Board today, and she asked that it be made a part of the minutes of this meeting. She stated that whether or not the extra nine-hole course was mandated, the residents expected it to be maintained in a certain manner. She indicated that 300 feet was a good figure, and she did not ever remember suspending implementation or reconsidering an ordinance after the fact because one citizen did not like it. Mrs. Noll stated the Board changed this ordinance because there was a need to protect all the citizens. She noted that everyone cannot be pleased at the same time, and the Board needs to focus on the big picture to do what is best for the County and its citizens. Mrs. Noll indicated she was standing firm on this issue, stating it did not call for a compromise; and a vote for compromise was for one individual and against many citizens who deserved the Board's support. She also spoke of all the emails, letters, and petitions that were received in support of the current ordinance, and she stated the Board had a responsibility to keep the faith with these residents and keep Ordinance No. 08-6 as it was. She agreed that the Board needed to make some changes in the future, but stated this particular ordinance needed to be upheld.

“Bartholomew D. Myles
164 Spoon Court
Yorktown, VA 23693

August 4, 2008

“Board of Supervisors - Hon. Thomas Shepperd, Chairman Hon. Walter Zaremba, V. Chr.
York County Hon. Sheila Noll, Hon. Donald Wiggins, Hon. George Hrichak

“Re: Staff's response to Board, Question #8 — Missing Information for August 5 meeting

“Dear Honorable Supervisors,

“When staff responded to question #8 from the Board, staff said in part the following:

“Thus, when the plans for the 9- hole golf course addition were approved in the early 1990s, the open space area represented by the 9- hole course was considered extra or non-required both in terms of open space and recreation area. As a result, while the Board of Supervisors “authorized” the development of the 9-hole golf course through approval of the Concept Plan (Master Plan and Area Plan actions through Ordinances No. 091-31 and R91-261), the approval did not “require” it to be developed. Therefore, now that use of the area for golf has been suspended, it is staff's position that it can simply exist as “open space” without being in violation of the original or subsequent planned development approval action.”

“Honorable Supervisors, staff's response to Question #8 was incomplete and failed to include the following information of which staff had knowledge:

- “1) There is no provision in the founding Resolution R9 1-261 for Sanctuary and the additional nine holes (particularly the four fairways bordering Sanctuary) that declares or designates those fairways to be “not required” or having a status differing from any other fairway or portion of the golf course. It is one thing for staff to declare the fairways bordering Sanctuary as ‘extra’ in 2008, but another matter for staff and the Board of Supervisors to neither include that declaration in the Resolution, nor prevent the developer from advertising Sanctuary as “Surrounded by lush golf greens, rolling hills and serene lakes” to potential homebuyers, and to not make it known to the public, to realtors, or to home buyers that the fairways were “extra” and expendable. Said another way, the staff and the Board knowingly allowed purchasers to buy homes at premium prices under the impression that Sanctuary was bordered by a golf course, like the other Villages in Kiln Creek, while staff and the Board knew and did not reveal the alleged status of the fairways to the home buyers. Honorable Supervisors, isn't that fraud?

- "2) On April 6, 2006, the Zoning Administrator wrote a letter to the owner of the golf course in which he stated "By virtue of being part of the Villages of Kiln Creek planned development, the additional golf holes were also subject to the same overall approval conditions for Kiln Creek." If staff is now saying the additional golf holes were "extra," why didn't the Zoning Administrator write that even though the additional golf holes are part of the Villages of Kiln Creek, they are considered "extra." and expendable in his letter in 2006. The answer is obvious. The Zoning Administrator's position was exactly how he wrote it in 2006. Now, he and the Board of Supervisors know that the Board had a duty to enforce the Proffered Conditions, unless he and the Board can find an excuse to get out of it. Hence, the "extra" fairways position is being used in 2008.
- "3) When basing its position on open space and recreational acreage requirements, staff and the Board of Supervisors is ignoring a significantly greater consideration. The creation and development of Kiln Creek was the joint effort of York County, Newport News and the developer. It included the marketing of Kiln Creek as a Planned Development Golfing Community. The sale of homes was based on the premise that there was a golf course, and this was particularly true for Sanctuary when one reads the sales brochure. I sent you a copy of the brochure on September 5, 2007. If the staff and Board of Supervisors wants to base its position on open space and recreational acreage requirements in 2008, than in 1991 through 2008 the Board had the fiduciary responsibility to make its position known to home buyers, particularly those buyers who purchased homes in Sanctuary.
- "4) If staff and the Board of Supervisors knew the fairways bordering Sanctuary were "extra" and expendable, then the staff and the Board of Supervisors had the fiduciary responsibility from 1991 to 2008 to insure that the developer and realtors provided home buyers with a Declaratory Statement that the fairways bordering Sanctuary were not protected by the Proffered Conditions concerning the use of the land as a golf course.
- "5) Whether through negligence, or intent, or the realization that providing the above information to potential home buyers from 1991 through 2008 would adversely affect sales, the failure of staff and the Board of Supervisors to do so precludes the Board from using the "extra" fairway position in 2008.

"Given the above five paragraphs, the staff and the Board of Supervisors have discredited and negated their claim that the fairways bordering Sanctuary be designated as "extra." Staff and the Board of Supervisors have knowingly allowed the fairways to deteriorate over the last fifteen months while they should have enforced the Proffered Conditions and taken action to prevent the existing condition of the fairways. Therefore, it is unacceptable for staff to write, "now that the use of the area for golf has been suspended, it is staff's position that it (the fairways) can simply exist as "open space" without being in violation of the original or subsequent planned develop approval action."

"Honorable Supervisors, the staff and the Boards had the duty to enforce the Proffered Conditions, and the Boards' inaction is an injustice to homeowners in Kiln Creek, particularly those homeowners in Sanctuary. Any reasonable person can readily see that injustice. The Board had, and still has, a responsibility to enforce the Proffered Conditions and is renegeing on that duty.

"I officially request that all the information presented above be included in the discussion of the Board of Supervisors at its meeting on August 5, 2008, and that a copy of this letter be included in the minutes of the meeting.

"Sincerely,

"Bartholomew D. Myles"

Mr. Zaremba noted the Board had revisited ordinances before because it did not always get them right the first time. He stated he had a series of questions to be answered before he could provide his position on this issue. He asked what was the County's mowing requirement before Ordinance No. 08-6 was adopted on April 15.

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Mr. Carter stated the requirement was for the area to be mowed as often as may be necessary to prevent breeding and harboring places for insects, reptiles, rodents, and other hazards that could endanger or may endanger the public health, safety, and welfare.

Mr. Zaremba asked if there was a height requirement.

Mr. Carter noted there was not in that provision, but there was another section that dealt with residential lawns of ½-acre or less, and that standard was 12 inches. He stated that consistently over the years the more general standard used was 12 inches as well.

Mr. Zaremba stated he had revisited the April 15 minutes, and it was clear to him that this ordinance had to do with the Sanctuary and was not necessarily addressing a countywide issue. He asked what precipitated the 300 feet versus any other distance.

Mr. McReynolds stated that over the course of a year or so Mrs. Noll and staff received concerns from residents in District 2 which addressed Kiln Creek in particular. He stated a February 13 email went out to Board explaining the issue and asking the Board how to address the issue.

Mr. Zaremba indicated he then looked at how the ordinance would impact his district. He asked what kind of violations had been reported since April 15.

Mr. Carter noted that the last time he checked was three weeks ago, and at that time Code Compliance indicated there were about 18 cases that had been reported all around the County and were in a pending status.

Discussion followed concerning enforcement of the ordinance.

Mr. Zaremba noted that when the Board enacted an ordinance, it was enacted for the entire county and was as reasonable as the Board can make it. He stated the people who benefit most from enforcement of the subject ordinance are adjacent property owners, and the concern he had was why should he want to force good citizens in the County who own these tracts of land to mow something 300 feet from the nearest residence rather than some lower distance. Mr. Zaremba asked what other jurisdictions were doing with respect to this issue, stating that information provided indicated none had anything greater than a 150-foot requirement. He stated that 300 feet appeared to be excessive, and he did not feel it was reasonable with respect to the entire county. Mr. Zaremba indicated he would consider 150 feet being more reasonable. With respect to the tree height, he expressed his agreement with the 6 feet quoted in Mr. Shepperd's suggestion. With respect to the requirement for mowing, he indicated he did not have a problem, stating the purchaser of the property had that responsibility when he bought the property, and the cost of mowing should not be an issue.

Chairman Shepperd moved that the temporary suspension of Ordinance No. 08-6 continue until a public hearing could be held on September 16, or before if possible, on amendments to the ordinance based on discussion held at this meeting.

On roll call the vote was:

Yea:	(4)	Zaremba, Wiggins, Hrichak, Shepperd
Nay:	(1)	Noll

Discussion then followed the amendments to be included in the ordinance to be considered at public hearing, and the Board agreed to consider the following amendments to the grass and weeds ordinance:

- 150-foot distance from primary residences/principal buildings
- 6-foot tree height
- Define the term "building"

- No discrepancy in requirements between residential and commercial
- Mowing required 50 feet from a VDOT right-of-way or any privately-owned right-of-way maintained by a homeowners' association
- Construction sites shall be mowed within 150 feet of an established building

After a brief discussion on when the amended ordinance could be developed, the Board agreed to change the format for its September 2 Regular Meeting agenda by adding a public hearing on the amendment to the grass and weeds ordinance to be held in the Board Room of York Hall at 6:00 p.m.

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted/as amended, Item Nos. 3, 4, and 5, respectively.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Hrichak, Shepperd
Nay: (0)

Thereupon, the following resolutions were adopted:

Item No. 3. STREET ACCEPTANCES: Resolution R08-95

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE CERTAIN STREETS IN THE BUNTING POINT ESTATES SUBDIVISION INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following streets, which are shown on a plat recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form AM-4.3, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 5th day of August, 2008, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form AM-4.3 as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Bunting Point Estates and to the Residency Administrator of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted August 5, 2008

The following Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Project/Subdivision: Bunting Point Estates
Reason for Change: New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Street Name and/or Route Number

▶ **Bunting Point Road, State Route Number 1467**

Old Route Number: 0

- From: Route 606 (Caltrop Neck Road)
- To: Route 1468 (Pickett Place), a distance of: 0.13 mile.

Recordation Reference: Instrument # 060021741 recorded on 9/8/2006
Right of Way width (feet) = 50 feet

▶ **Bunting Point Road, State Route Number 1467**

Old Route Number: 0

- From: Route 1468 (Pickett Place)
- To: End of Cul de sac, a distance of: 0.08 mile.

Recordation Reference: Instrument # 060021741 recorded on 9/8/2006
Right of Way width (feet) = 50 feet

▶ **Pickett Place, State Route Number 1468**

Old Route Number: 0

- From: Route 1467 (Bunting Point Road)
- To: End of Cul de sac, a distance of: 0.07 mile.

Recordation Reference: Instrument # 060021741 recorded on 9/8/2006
Right of Way width (feet) = 50 feet

Item No. 4. PURCHASE AUTHORIZATION: Resolution R08-97

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO PURCHASE A SEWER VACUUM TRUCK AND CHASSIS AND CONSTRUCT UPGRADES TO VACUUM STATIONS IN THE SEAFORD/DANDY AREA.

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

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 5th day of August, 2008, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

	AMOUNT
Sewer Vacuum Truck and Chassis	\$203,712
Seaford and Dandy Vacuum Station Upgrades	269,000

Item No. 5. VIRGINIA RETIREMENT SYSTEM (VRS) CONTRIBUTIONS: Resolution R08-98

A RESOLUTION OF AFFIRMATION OF AUTHORIZATION TO PICK UP THE EMPLOYEE'S CONTRIBUTION TO VRS FOR THE COUNTY OF YORK—55199 EMPLOYER CODE UNDER SECTION 414(h) OF THE INTERNAL REVENUE CODE

WHEREAS, the County of York provides its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking up member contributions to VRS; and

WHEREAS, VRS keeps track of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS; and

WHEREAS, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick-up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009; and

WHEREAS, in order to avail itself of the protection given under Notice 2006-43, the York County Board of Supervisors desires to affirm its intention to establish and maintain a pick-up arrangement through formal action by its governing body;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 5th day of August, 2008, that the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this resolution.

BE IT FURTHER RESOLVED that effective the first pay day on or after August 5, 2008, the County of York shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States.

BE IT STILL FURTHER RESOLVED that such contributions, although designated as member contributions, are to be made by the County of York in lieu of member contributions.

BE IT STILL FURTHER RESOLVED that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees.

BE IT STILL FURTHER RESOLVED that member contributions made by the County of York under the pick-up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement.

BE IT STILL FURTHER RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick-up contributions made by the County of York directly instead of having them paid to VRS.

BE IT STILL FURTHER RESOLVED that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of the County of York shall be picked up either through a reduction in the current salary of such employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by the County of York on behalf of such employee pursuant to the foregoing resolutions.

OPEN DISCUSSION

Mr. Hrichak indicated he would not be at the August 19 Regular Meeting, stating he would have to be out of town on business.

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August 5, 2008

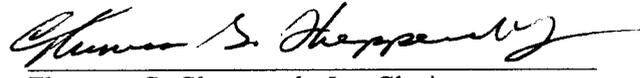
Mr. Zaremba reminded the County Administrator that when the Board approved the budget for 2009, it directed staff to start the budget process earlier this time around and that the Board should meet with the School Board early in the process.

Chairman Shepperd also addressed the budget, stating while the approach had been to look at the revenue piece, the Board and staff needed to continue stressing the actual expenditure side of the budget in order to cut down on spending.

Meeting Adjourned. At 7:55 p.m. Chairman Shepperd declared the meeting adjourned sine die.



James O. McReynolds, Clerk
York County Board of Supervisors



Thomas G. Shepperd, Jr., Chairman
York County Board of Supervisors