

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
December 2, 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, December 2, 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; and James E. Barnett, County Attorney.

WORK SESSION

PRELIMINARY FISCAL YEAR 2010 BUDGET OUTLOOK

Presentation of Fiscal Year 2008 Audit Report

Mr. McReynolds introduced Mr. John Montoro of Cherry, Bekaert & Holland, to present to the Board the County's Fiscal Year 2008 Audit Report.

Mr. Montoro presented the results of the audit for Fiscal Year ended June 30, 2008. He stated the County was given an unqualified opinion on financial statements for this fiscal year as prepared by the County's staff. He stated the auditors review and document internal controls, and they spent more time on this during the audit. He indicated this year's financial statements were similar to last year's with no significant changes. Mr. Montoro stated there were no disagreements with management and no significant audit adjustments.

Mr. Zarembo asked Mr. Montoro if there was any room for improvement.

Mr. Montoro stated although there was always room for improvement, they did not find any deficiencies this year.

Chairman Shepperd expressed appreciation to Mr. Montoro for coming and giving the Board this report. He noted that County staff was doing a great job.

FY2010 Budget Outlook

Mr. McReynolds then moved into the budget outlook, stating he would be talking about trends and projections rather than specific dollars. He reviewed the big picture, stating that overall revenues in FY09 appear to be on budget, but staff was taking steps to generate a capacity for any shortfall and required additions in FY10. He noted the County would be looking at additional State reductions in FY10 as well as additions to the budget for fixed costs. He then reviewed the County's revenue sources, noting only .1 percent comes from the Federal Government, 10.4 percent comes from the State, and 89.5 percent comes from local taxes. Overall, he stated Federal and State revenues were under budget for FY09, but local revenues were on budget, and he provided a breakdown by major category. Mr. McReynolds next reviewed the FY10 revenue analysis, stating the latest information on State revenue indicates a shortfall that could be as much as \$3.2 billion, and funding for shared services might be cut as much as 15

to 20 percent. In terms of revenue from real estate taxes, he indicated FY09 appears to be on budget, and FY10 should have some additional new construction which will add to the revenue base. The latest sales information shows residential values at or slightly over assessments, and commercial sales are over assessments for the year 10 percent or more. Mr. McReynolds stated that due to new construction, FY10 real estate taxes are expected to show minimal growth. He then reviewed personal property taxes, stating FY09 was ahead of budget with a significant increase in business personal property. He noted that local sales taxes and BPOL taxes for 2010 are expected to be down from FY09, but the meals taxes, lodging taxes, and other local taxes should be level with FY09. Anticipated issues for the FY2010 budget include new debt service, full-year operation of the new athletic complex, school funding needs, debt service, general price increases, and the decrease in state funding, and Mr. McReynolds indicated the anticipated additional requirements could be from \$2.8 to \$4.0 million. In conclusion, Mr. McReynolds stated that FY2010 local revenues are currently expected to be level with FY2009, and fixed costs and State reductions may result in the addition of \$2.8 to \$4.0 million in costs. He stated it was anticipated that the recommended budget would address the additional requirements through position vacancies/hiring freezes, delayed CIP projects, budget reductions, and possible revenue enhancements such as a fee for medical transports. He stated the proposed budget would not include a recommendation for a tax rate increase.

Chairman Shepperd expressed his concern about the State pulling revenue away from the localities, and the localities being left with the funding requirements. He stated the State has made promises, but now it is going to be chipping away and renegeing on these promises. He stated he will be very interested in hearing what the State will be doing, and the Board has to be sensitive to this situation because the localities will wind up paying for it some way.

Mr. Zaremba asked to what extent was the school budget in the numbers shown since 35 percent comes from the County with the bulk coming from the State.

Mr. McReynolds stated the figures shown this evening were strictly County. Based on information coming out of the state, Mr. McReynolds stated the Governor has indicated he will hold the schools harmless to the extent he can, but that probably will not be the case for next year. He stated the Governor will look at taking \$400 million from the rainy day fund for some of the shortfall. Mr. McReynolds stated staff did not know anything more than what was in the newspapers.

A brief discussion ensued concerning fuel prices and having a regional contract which gives the County the lowest possible price.

Chairman Shepperd asked if the Board was to assume the County was going to have to pick up the entire shortfall in State funding.

Mr. McReynolds indicated it depended on how the County deals with the shortfall. He stated if it is an unfunded mandate, then the County has no choice, but if it is in an area where the Board has options, then it can choose not to provide the service. He provided an example such as the elimination of a grant, stating if the State does not provide funding for the arts or the Constitutional Officers, the Board might choose not to fund the shortfall.

Discussion followed on a proposal to set a fee for ambulance service and the possibility of looking at making changes to the Fire and Life Safety system that would make positive budget impacts.

Mr. Wiggins asked how much revenue would be expected from ambulance service fees.

Mr. McReynolds indicated about \$1 million.

Chairman Shepperd suggested that in preparation for 2010 the Board should get the staff to assess this proposal and come back with answers to the Board's questions.

Mr. Zaremba asked when the next round of budget discussions that had more specific dollar information would be held.

Mr. McReynolds indicated it would probably be in late January.

Discussion followed on Enterprise Funds and when they would be addressed, as well as the delayed or redefined CIP projects.

CONSENT CALENDAR

Mrs. Noll expressed concern with proposed Resolution R08-146 to cancel the Board's December 16 Regular Meeting. She stated there were two items the Board could have acted on that could possibly have an economic impact on the applicants.

Chairman Shepperd stated he discussed this with the County Administrator, and he asked if there would be any impairment to the businesses in question, and it was his understanding there would be no impairment. He stated he made the call based on a sense of the Board through the County Administrator, and four of the Board members decided there was not enough business to warrant the meeting.

Mr. Zaremba asked what the timeline was for the efficiencies study contract.

Mr. McReynolds indicated a preliminary report should be received in mid-January, and final results should be provided in the spring.

Mr. Zaremba suggested that perhaps there would be some outcomes from this study that will affect the preparation of the FY10 budget. He stated he would like to see the design for the analysis for the study. He stated he was interested in what the contractor was being asked to do and how he will be doing it.

Mr. McReynolds indicated he would provide the Board members with a description of the scope of services.

Mrs. Noll expressed her concern about proposed Resolution R08-137 and building height increases. She stated she felt the County ordinances ought to say more clearly that the height increases will only be in flood plain areas. She asked that staff make a notation for inclusion of this wording when the Board considers it during public hearing. She noted she would call Mr. Carter to clarify.

Mrs. Noll then moved that the Consent Calendar be approved as submitted, Item Nos. 1, 2, and 3, respectively.

On roll call the vote was:

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

Thereupon, the following resolutions were adopted:

Item No. 1. SPONSORSHIP OF AMENDMENTS TO THE YORK COUNTY SUBDIVISION AND ZONING ORDINANCES: Resolution R08-137

A RESOLUTION TO SPONSOR AN APPLICATION TO AMEND CHAPTER 20.5, SUBDIVISIONS, YORK COUNTY CODE, TO INCORPORATE STATE CODE CHANGES CONCERNING THE TERM OF VALIDITY FOR PRELIMINARY PLANS AND FINAL PLATS AND TO AMEND CHAPTER 24.1, ZONING, TO INCORPORATE STATE

December 2, 2008

CODE CHANGES PERTAINING TO ENFORCEMENT AND PENALTIES, ILLEGAL AND NONCONFORMING BUILDINGS, AND THE EFFECT OF VARIANCES, TO CLARIFY, REVISE AND SUPPLEMENT THE PROVISIONS ALLOWING INCREASES IN SINGLE-FAMILY DWELLING UNIT HEIGHTS, TO REVISE THE TABLE OF LAND USES TO LIST HOME IMPROVEMENT CENTERS AS A PERMITTED USE IN THE GB DISTRICT, AND TO CLARIFY AND SUPPLEMENT THE PROVISIONS DEALING WITH NONCONFORMING USES AND STRUCTURES

WHEREAS, it has come to the attention of the Board of Supervisors that certain sections of Chapters 20.5 and 24.1 of the York County Code are in need of clarification and adjustment; and

WHEREAS, the suggested revisions to Chapters 20.5 and 24.1 are outlined in the County Administrator's report to the Board dated November 18, 2008 and made a part of this resolution by reference; and

WHEREAS, in the interest of good zoning and land use practice, the Board wishes to sponsor an application to allow these proposed amendments to be reviewed and considered in accordance with applicable procedures for subdivision ordinance and zoning ordinance amendments;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of December, 2008, that it does hereby sponsor an application for amendment of various sections of Chapter 20.5, Subdivisions, and Chapter 24.1, Zoning, of the York County Code as described and shown in the County Administrator's report to the Board dated November 18, 2008 and its attachments;

BE IT FURTHER RESOLVED that the proposed amendments be, and they hereby are, referred to the York County Planning Commission for review, public hearing, and recommendation in accordance with applicable procedures.

Item No. 2. PURCHASE AUTHORIZATION: Resolution R08-145

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO A COUNTYWIDE EFFICIENCY AND EFFECTIVENESS STUDY

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

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 2nd day of December, 2008, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

	<u>AMOUNT</u>
Countywide Efficiency and Effectiveness Study (not to exceed)	\$ 75,000

Item No. 3. CANCELLATION OF A REGULAR MEETING OF THE BOARD OF SUPERVISORS:
Resolution R08-146

A RESOLUTION TO PROVIDE FOR THE CANCELLATION OF THE
REGULAR MEETING OF THE YORK COUNTY BOARD OF SU-
PERVISORS SCHEDULED FOR DECEMBER 16, 2008

WHEREAS, a regular meeting of the York County Board of Supervisors is scheduled for Tuesday, December 16, 2008; and

WHEREAS, Section 15.2-1416 of the Code of Virginia permits the Board of Supervisors to change its date, time, or place of a meeting provided that it adopts an appropriate resolution and properly posts and advertises said resolution; and

WHEREAS, the Board wishes to cancel the December 16, 2008, Regular Meeting;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of December, 2008, that the Regular Meeting of the York County Board of Supervisors scheduled for 6:00 p.m., Tuesday, December 16, 2008, to be held in the Board Room of York Hall, is hereby cancelled.

OPEN DISCUSSION

Mr. Hrichak wished the citizens and County staff a happy holiday season.

Mr. Wiggins stated that he and Mrs. Noll went to the Mason's dedication of their new building last Saturday, and they have a wonderful new building. He noted there was a building beside their new building that had been torn down, and there was a large pile of rubbish that has been there for months. Mr. Wiggins asked Mr. McReynolds to have staff contact the property owner to have him remove the rubbish. He also wished everyone a Merry Christmas and Happy New Year.

Mrs. Noll reminded everyone that tomorrow night from 6-8 p.m. at the Hampton Convention Center a VDOT meeting on the future of the Hampton Roads Bridge Tunnel would take place, and she encouraged participation, stating the meeting provided an opportunity to find out what the options were and how much they will cost. Mrs. Noll then noted that on Friday night there will be the tree lighting ceremony, and the market place on Saturday morning. She wished everyone a very Merry Christmas, Hanukah, Kwanza, and a Happy New Year.

Mr. Zaremba expressed his agreement with the previous Board comments with regard to the holidays. He encouraged the citizens to be safe during the holidays and tune in on January 6 because 2009 promises to be a very important year. He stated the Board members have some rough times ahead, but they expect to deal with them and meet all requirements and provide services to the citizens. Mr. Zaremba then introduced Mr. Ryan Wolson, a student at Bruton High School who is in the School of the Arts Mentorship program. He noted he had been asked to be his mentor for the rest of the school year, and the Board will be seeing a lot of him next year.

Chairman Shepperd stated the holiday season was a chance to be with family and friends, and he hoped everyone would enjoy the season. He indicated the key was to do it safely and in a smart and safe manner. He encouraged the citizens to attend the Tree Lighting Ceremony on Friday and the Lighted Boat Parade on Saturday, as well as what the local businesses were doing down at Riverwalk and the arts and crafts. Mr. Shepperd then noted this was his last meeting as Chairman, and he thanked his fellow supervisors and the staff for helping the Board through a challenging year. He stated the County was going to face some interesting challenges next year, and the Board has to figure out how to balance out funding for many key issues. He also expressed his hope that the Board would be able to address next year how assessments are done in the County. Mr. Shepperd noted there were some environmental issues that needed to be addressed in many of the County's areas, noting the citizens were taking a tremendous interest in what was happening in the County in terms of these issues. He noted another big issue to address next year was security from the intrusion of crime in the

December 2, 2008

community. He stated that York County was a wonderful place to live with a high quality of life, good employment, and a great place to raise a family. Mr. Shepperd stated it takes a dedicated government and community to make it happen, and he thanked the Board for his time as Chairman.

Mr. Zaremba stated on behalf of the Board that it had great leadership during the past year, and Mr. Shepperd represented the Board very well with all the organizations he was involved in on its behalf. He stated the Board members appreciate Mr. Shepperd's leadership and thanked him for the twelve months of his stewardship.

Mr. McReynolds noted the Board's Rules of Procedures had been emailed out to the Board, and he asked the Board members to review the Rules for any amendments prior to December 17.

CLOSED MEETING. At 7:31 p.m. Mr. Zaremba moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; and Section 2.2-3711(a)(3) pertaining to the acquisition of real property.

On roll call the vote was:

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

Meeting Reconvened. At 8:13 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Zaremba moved the adoption of proposed Resolution SR-1 that reads:

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of December, 2008, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

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

APPOINTMENTS TO THE TRANSPORTATION SAFETY COMMISSION

Mr. Hrichak moved the adoption of proposed Resolution R08-139 that reads:

A RESOLUTION TO APPOINT TWO MEMBERS TO THE YORK
COUNTY TRANSPORTATION SAFETY COMMISSION

WHEREAS, Ralph Smith has submitted his resignation from the York County Transportation Safety Commission, leaving an unexpired term that will end December 31, 2010; and

WHEREAS, William Cooper will complete his first full term on the York County Transportation Safety Commission on December 31, 2008; and

WHEREAS, the Board has carefully considered the qualifications of candidates who have expressed interest in the Transportation Safety Commission;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of December, 2008, that the following individuals be, and are hereby, appointed to serve on the York County Transportation Safety Commission for terms to begin and expire as provided below:

Denise Spencer	Remainder of unexpired term to begin immediately and end December 31, 2010)
William J. Cooper	(Term to begin January 1, 2009, and expire December 31, 2011)

On roll call the vote was:

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

APPOINTMENTS TO THE YORK COUNTY EMPLOYEE GRIEVANCE PANEL

Mr. Hrichak moved the adoption of proposed Resolution R08-142 that reads:

A RESOLUTION TO APPOINT ONE REGULAR AND ONE
ALTERNATE MEMBER TO THE EMPLOYEE GRIEVANCE PANEL

WHEREAS, Mr. Paul W. Garman has resigned from the Employee Grievance Panel; and

WHEREAS, Mr. Stephen Roth's term as an alternate member on the Employee Grievance Panel will expire on December 31, 2008; and

WHEREAS, Mr. Roth is eligible for reappointment and has indicated that he desires to continue to serve on the Employee Grievance Panel as either a regular or alternate member; and

WHEREAS, the Board has reviewed and considered Mr. Roth's application as well as the applications of other citizens interested in serving in this capacity;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 2nd day of December, 2008, that Stephen Roth be, and he is hereby, appointed as a regular member to the Employee Grievance Panel to fill the unexpired term of Paul W. Garman, such term to begin immediately and expire September 30, 2010.

BE IT FURTHER RESOLVED that Sewell M. Rowley, Jr., be appointed as an alternate member to the Employee Grievance Panel, such term to begin January 1, 2009, and expire December 31, 2011.

December 2, 2008

On roll call the vote was:

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

APPOINTMENTS TO THE REGIONAL ISSUES COMMITTEE

Mrs. Noll moved the adoption of proposed Resolution R08-138 that reads:

A RESOLUTION TO APPOINT CITIZEN MEMBERS TO THE REGIONAL ISSUES COMMITTEE

WHEREAS, the Board wishes to appoint two citizen representatives to serve on the Regional Issues Committee;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 2nd day of December, 2008, that the following individuals be, and are hereby, appointed to serve the terms as indicated below on the Regional Issues Committee:

Shirley Estes Term: January 1, 2009, to December 31, 2010

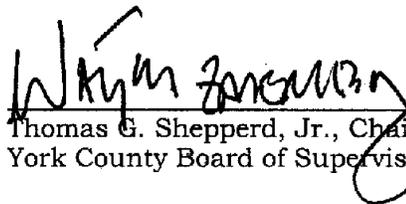
Jeannette Hanie Term: January 1, 2009, to December 31, 2010

On roll call the vote was:

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

Meeting Adjourned. At 8:21 p.m. Chairman Shepperd declared the meeting adjourned to 6:00 p.m., Tuesday, January 6, 2009, in the Board Room, York Hall, for the purpose of conducting the Board's 2009 Organizational Meeting.


James O. McReynolds, Clerk
York County Board of Supervisors


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

NOTE: In accordance with Section 15.2-1241 of the Code of Virginia, the minutes of this meeting were read at the February 3, 2009, Regular Meeting of the Board of Supervisors, and Chairman Zaremba was directed to sign such.