

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
February 19, 2008

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:05 p.m., Tuesday, February 19, 2008, in the Board 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.

Invocation. Mr. McReynolds gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Shepperd led the Pledge of Allegiance

PRESENTATIONS

OUTSTANDING YOUTH OF THE YEAR (Not on Agenda)

Chairman Shepperd explained that the Board had agreed to add consideration of proposed Resolution R08-29 to its agenda this evening in order to make a very special presentation.

Mrs. Noll moved the adoption of proposed Resolution R08-29 that reads:

A RESOLUTION TO COMMEND AND CONGRATULATE MEAGHAN HERRITY ON HER SELECTION AS THE 2008 YORK COUNTY OUTSTANDING YOUTH OF THE YEAR FOR COURAGE

WHEREAS, the York County Youth Commission and the Board of Supervisors established the Outstanding Youth of the Year Awards Program to recognize the accomplishments and achievements of York County's youth; and

WHEREAS, Meaghan Herrity was nominated and has been chosen by the Selection Committee to receive the 2008 Outstanding Youth of the Year Award for Courage, a quality widely recognized in this amazing young woman since April 2006, when, as a very athletic 14 year-old ninth grader at Grafton High School she began to experience body pains after a field hockey tournament which were soon accompanied by a general fatigue and weakness in her legs, when soon one morning she awoke and suddenly collapsed in panic, unable to move her legs at all; and

WHEREAS, after a local emergency room MRI revealed a spinal tumor, Meaghan was transported to Children's Hospital of The King's Daughters (CHKD) where the tumor was removed and Meaghan then spent 10 days in ICU, delirious and in excruciating pain, after which she was informed that the tumor was a grade IV glioblastoma multiforme, a cancerous brain tumor that had settled in her central nervous system, and that two more spinal tumors had been found; and

WHEREAS, after spending two more weeks in the oncology unit, hungry and fearful to fall asleep at night, Meaghan was flown to the Dana Farber Cancer Institute's program at Children's Hospital Boston where she endured an intensive three month long program that included daily radiation treatments at Brigham and Women's Hospital as well as daily physical and occupational therapy sessions at Spaulding Rehabilitation Hospital and 44 straight days of

chemotherapy, all of which collectively made her ill and in wrenching pain throughout the day and unable to sleep at night; and

WHEREAS, Meaghan recounts that although the physical therapy “drained every ounce of emotion and energy from my body, I begged for extra sessions and gave it everything I had,” and “immediately...began making leaps and bounds, such as sitting alone, a few steps here and there” and eventually “continued to make gains, and soon I was walking 22 feet straight!”; and

WHEREAS, upon Meaghan’s return home she began homebound instruction, and made remarkable progress until February of 2007 when her bi-monthly MRI showed that her one remaining tumor was growing, whereupon she began a new chemotherapy regimen through Duke University Hospital, and continues regular visits to CHKD; and

WHEREAS, according to her nominator Don Samuels, Meaghan “has shown an amazing amount of courage, optimism, and strength throughout her ordeal,” and that “those who know Meaghan have been inspired by her courage and feel blessed to be in her life,” a fact echoed by her former J.V. Field Hockey Coach, Mr. Phil Sheldon, who remembers her “always playing with all her being and ability, always giving 110% effort, and that without trying to, she served as a role model for her peers to follow her example and spirit,” which he says is the way she has responded to her disease, “handling it with the same tenacity she demonstrated on the field hockey field, and once again, without necessarily trying to, greatly inspiring others who face difficulties of whatever kind in their own lives;” and

WHEREAS, Meaghan demonstrates this tenacity in her schoolwork, where in spite of her many health-related demands and appointments, she has achieved an astounding 3.8 grade point average, has also somehow found the time to be on the Yearbook staff, has started a pediatric cancer charity drive at Grafton to help young patients endure their treatments, and has earned the profound respect of her peers who elected her to represent the Junior Class as their Homecoming Princess this year; and

WHEREAS, Meaghan also enjoys the admiration and deep love of her many friends, such as Katie who states that Meaghan is “the personification of courage,” who, “it is certain that this obstacle has only highlighted the heroic qualities in her,” or Shelby, who asserts that, “despite having to repeatedly endure agonizing treatments, she never fails to brighten a room with her optimistic and passionate view towards life,” and “her ability to overcome her critical condition and see the goodness in life and find a way to put others first is...one of the greatest displays of courage a person can show,” or Rachel, who shares that “Meags always has a grin on her face and greets everyone with a huge smile,” and “enlightens those surrounding her about an inconceivable strength required to overcome any obstacle,” or Charlie, who states that “Meaghan is easily the most courageous person I know...her constant bravery is inspiring,” or Taylor who says, “I’ve come to associate courage, as well as optimism and strength, with one of my best friends, Meaghan Herryty;” and

WHEREAS, Meaghan’s spirit is best revealed through her own words as related in her biography for English class: “Throughout my journey I have seen kids of all ages with the same setbacks and even worse prognoses but not once have I heard a complaint. Those kids inspire me to fight harder everyday and work hard to achieve my goals, because no matter how long it is, there’s always a light at the end of the tunnel.”

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of February, 2008, that Meaghan Herryty be, and she is hereby, congratulated and commended as York County’s 2008 Outstanding Youth of the Year for Courage.

BE IT FURTHER RESOLVED, that Meaghan be publicly recognized as a most worthy recipient of the Outstanding Youth Award for Courage, that she be extended the admiration and heartfelt appreciation of the Board of Supervisors for her tremendous inspiration and example to us all, that the Board’s prayers and best wishes go with her for good health and a continued life of giving to others, and that she know that this world is a better place because she has touched us through her triumphant living.

On roll call the vote was:

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

Chairman Shepperd talked about the Outstanding Youth of the Year Program which is jointly sponsored by the York County Youth Commission and the Board of Supervisors. He noted that the program provides four awards in the categories of Community Service, Compassion, Courage, and Overall Achievement. He noted that nominations were due last week, and it was usually a very difficult job to select recipients from all the outstanding nominees. He stated that in May a formal presentation will be made to all the recipients, but this year the Youth Commission and the Board of Supervisors felt the need to make an early presentation. Mr. Shepperd stated the selection committee felt that the nomination of Meaghan Herrity was so compelling that they immediately knew she was the best recipient for the award in the category of Courage and that it should be presented as soon as possible. He also noted that a scholarship of \$500 was also awarded to each award recipient, and he thanked the selection committee for their difficult task in reviewing and selecting the recipients. At this time Mr. Shepperd invited Meaghan and her parents, nominator, and friends to join him up front for the presentation.

After the citation was read by Youth Commissioner Dana Ryan, Chairman Shepperd presented Miss Herrity with a bound and sealed certified copy of Resolution R08-29, a scholarship certificate, and a Jefferson Cup in recognition of her achievements.

HIGHWAY MATTERS

Mr. Jim Brewer, Residency Administrator, Virginia Department of Transportation, appeared to discuss highway matters of interest to the Board. He reported that the Grafton Drive project is on time and on schedule and may be completed ahead of schedule some time in April. He also noted that potholes are everywhere, and VDOT staff was working on them.

Mr. Hrichak asked if there was a resolution to the access problem at the sno-cone place on Grafton Drive.

Mr. Brewer indicated as far as he knew it had been resolved with the construction engineer.

Mr. Wiggins spoke of his concern about the newly posted speed limits on Wolftrap Road from Goodwin Neck Road to Hornsbyville Road. He noted there were 50 MPH signs on portions of the road with others at 35 MPH and 45 MPH, and he could not understand how anyone could drive 50 MPH on Wolftrap Road. He asked Mr. Brewer to look at it and let him know what could be done about it.

Mr. Brewer stated VDOT cannot arbitrarily lower a speed limit. He stated that an engineering investigation had been performed, and the new signs were a result of that.

Mrs. Noll thanked Mr. Brewer and the repair crew for adding a signal light at the triangle on Cook Road, stating she felt it would greatly help drivers with the traffic signal at its intersection with Route 17. She asked if something will be done with regard to the rash of accidents on I-64 between Victory Boulevard and Williamsburg.

Mr. Brewer stated he would be glad to look at any suggestions the Board might have in that regard.

Mrs. Noll suggested that certain truck traffic should be limited to the middle of the night.

Mr. Zaremba spoke of several very large potholes that needed attention in his district that had been marked for repair. He asked that the repair be accelerated if possible.

Chairman Shepperd noted two potholes on Heavens Way and Flag Court that needed to be repaired.

PRESENTATIONS (Continued)**EMPLOYEE RECOGNITION PROGRAM**

Chairman Shepperd presented the following employees with their service pins and certificates:

Larry A. Perdue, Department of General Services	25 years
Gwyneth L. George, Department of Community Services	20 years

FISCAL YEAR 2009 BUDGET

Mr. McReynolds presented the proposed Fiscal Year 2009 Budget to the Board of Supervisors, reviewing the purposes of the budget and stating it meets the requirements of the Code of Virginia for a balanced budget. The total proposed FY09 General Fund budget is \$129.6 million, an 8.9 percent increase over the FY08 budget, and includes a recommended tax rate decrease of 4 cents from the current rate of \$.6975. Because of the impact of the recent reassessment, the proposed tax rate of \$.6575 results in an average effective tax rate increase of 3.24 cents. Mr. McReynolds then explained how the proposed budget was developed, stating the total staff requests totaled \$138.2 million. He then reviewed other details that drive the demands for service, including population growth, student enrollment, commercial growth, and changing demographics. He stated the proposed budget emphasizes the Board's priorities and direction to meet the demand for government services and, accordingly, significant emphasis has been placed on education, public safety, the new athletic field complex, economic development, and drainage improvements. Mr. McReynolds then reviewed the following highlights of the proposed budget:

- Reducing the real estate tax rate by 4 cents
- An increase of \$3.2 million in County support for the school division
- The opening of the County's new Athletic Field complex and upper county library
- The addition of 11.75 new General Fund positions in other functional areas
- A 2 percent adjustment to the County's pay plan
- Funding to support drainage improvements
- Funding to continue economic development efforts

Mr. McReynolds then displayed for the Board a breakdown of General Fund expenditures by functional area, showing that 43 percent of the total goes to education and is by far the largest single expenditure and priority, with Public Safety at 21 percent the second priority. He then reviewed the increase in expenditures included in the proposed budget for the categories of education, personnel, non-personnel, and capital improvements/debt. Mr. McReynolds then reviewed the revenue side of the proposed budget stating the primary sources of revenue are the general property taxes at \$78.1 million and other local taxes at \$30.9 million. Combined, these two categories account for 84.1 percent of the total \$129.6 million. He stated these two categories are expected to increase by \$6.6 million and \$2.6 million, respectively. He noted the greatest factor in the growth of real estate taxes is the impact of the County's general reassessment. Mr. McReynolds also noted that revenues from commercial activity are expected to remain strong, which has been accomplished by focusing on economic development. These efforts have accomplished the Board's goal of collecting at least 50 percent of local taxes from commercial activity in order to shift some of the burden of paying for the cost of government from the residential taxpayers to business taxpayers. Mr. McReynolds stated the County has an excellent bond rating and highly sought-after credit, and is in a strong financial position. He stated he believes the proposed budget as outlined represents a conservative estimate of the amounts necessary to continue the current level of service delivery and maintain the County's infrastructure at an acceptable level. Mr. McReynolds concluded his presentation by providing

information concerning the Board's upcoming public hearing and work sessions on the proposed budget prior to its scheduled adoption on April 1.

PUBLIC HEARINGS

APPLICATION NO. UP-735-08, MARK AND LORETTA MIMS

Mr. Carter gave a presentation on Application No. UP-735-08 to consider approval of a special use permit to authorize a detached accessory apartment at 143 Lawson Drive. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R08-16.

Mr. Hrichak indicated he knew of some concern in the neighborhood, and he asked if there was any limit to the number of people who could live in the apartment.

Mr. Carter stated the apartment is limited to one bathroom and bedroom and a total of 430 square feet which would limit occupancy.

Mr. Hrichak asked how the County's monitoring system works for use permits.

Mr. Carter explained that inspections occur during the month of the permit's issuance. He stated in this case next February staff would try to visit the property after contacting the property owner concerning the necessary inspection.

Chairman Shepperd noted he saw the petition that was signed, and the only comment made was that the apartment would bring down the value of the property. He asked Mr. Carter if he had any sense that this would happen.

Mr. Carter indicated there was nothing he was aware of that would cause a devaluation of the property, and he was not aware of it happening where other apartments were approved. In terms of there being adequate lot size to accommodate the structure, he stated there was no problem.

Chairman Shepperd then called to order a public hearing on Application No. UP-735-08 that was duly advertised as required by law. Proposed Resolution R08-16 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 143 LAWSON DRIVE

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

Mrs. Noll moved the adoption of proposed Resolution R08-16 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 143 LAWSON DRIVE

WHEREAS, Mark and Loretta Mims have submitted Application No. UP-735-08 to request a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize an existing detached garage accessory to a single-family detached home on a 0.44-acre parcel of land located at 143 Lawson Drive (Route 1532) and further identified as Assessor's Parcel No. 300-5-4-66 (GPIN# T04c-1280-2385) to be converted to a detached accessory apartment; and

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

WHEREAS, the Planning Commission recommends approval of this application; and

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

WHEREAS, the Board has given careful consideration to the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of February, 2008, that Application No. UP-735-08 be, and it is hereby, approved to authorize a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize an existing detached garage accessory to a single-family detached home on a 0.44-acre parcel of land located at 143 Lawson Drive (Route 1532) and further identified as Assessor's Parcel No. 300-5-4-66 (GPIN# T04c-1280-2385) to be converted to a detached accessory apartment subject to the following conditions:

1. This use permit shall authorize an existing detached garage accessory to a single-family detached home on a 0.44-acre parcel of land located at 143 Lawson Drive (Route 1532) and further identified as Assessor's Parcel No. 300-5-4-66 (GPIN# T04c-1280-2385) to be converted to a detached accessory apartment.
2. The apartment shall be contained within an existing structure located behind the principal dwelling as depicted on the sketch plans and in accordance with the floor plans submitted by the applicant, copies of which shall remain on file in the office of the Planning Division.
3. Construction and occupancy of the accessory apartment shall be in compliance with the performance standards set forth in Section 24.1-407 of the Zoning Ordinance.
4. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
5. The habitable floor area of the accessory apartment unit shall not exceed 730 square feet.
6. The accessory apartment unit shall contain no more than one (1) bedroom and no more than one (1) bathroom with tub and/or shower facilities.
7. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
8. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
9. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied, and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said ordinance. A court-certified copy of the document shall be submitted to the County at the time of building permit application.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of this resolution shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for a building permit for the accessory apartment.

On roll call the vote was:

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

APPLICATION NO. UP-736-08, PTP, LLC

Mr. Carter gave a presentation on Application No. UP-736-08 to consider approval of a special use permit to authorize a forestry operation at 601 East Rochambeau Drive. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R08-17.

Mr. Wiggins expressed his concern that the County does not know what is going to be developed on the subject property, and he wondered why a person would want to clear-cut the property when they do not have a plan or the property has not been sold.

Mr. Carter stated the applicant could better answer, but sometimes when site plans are submitted and approved, there is a rush to get a site cleared; and this might result in the lumber being burned or ground on site. He pointed out that the buffers required are greater than perimeter buffers required to be left on the site under a normal development situation. He stated there is a greater degree of attention under the use permit to keep the aesthetics.

Mrs. Noll noted that the requirements are more stringent for this type of clearing, and asked what requirements would be in effect if it was going to be developed.

Mr. Carter stated it would be the ones specified by the County's zoning ordinance for a normal development situation.

Mr. Zaremba spoke of Great Wolf Lodge and the impact such clear-cutting next to it would have. He stated the County does not know what kind of development might end up on the property, and he asked why the developer does not want to share what his plan was with the Board. He asked why the Board would want to take the risk that nothing takes place there that will be economically beneficial for the County, and Great Wolf Lodge is left with property next to it that is clear-cut. He stated if the Board was going to look at this application favorably, it would need to know what the plans are for the property.

Chairman Shepperd expressed his concern that the recommendation was to let the property reforest naturally rather than replanting. He stated no matter what method was used, it would take a very long time to reforest. He asked what the legal standing was for the staff's recommendation to measure the buffer from the mature tree lines.

Mr. Carter stated the Board always has the ability to place further conditions on such a use, and the applicant has no problems with the modification.

Mr. Wiggins noted this land was going to lay bare with no trees to take up the moisture, and he asked what will happen to the stormwater runoff from this property as opposed to what would be caused if the trees were there.

Mr. Carter explained that was the reason for the 200-foot overlay protection buffer. He stated there was still some infiltration value of the property without the trees. The problem was with impervious surfaces such as parking lots. He stated there will be some increased sheet flow, but the reservoir will remain protected.

Ms. Cindy Deakyne, representing the applicant, suggested planting grass seed to absorb some of the water.

Discussion then ensued with the applicant's representative concerning the applicant's plans to sell the property and the possibility of a current sales contract being considered.

Chairman Shepperd then called to order a public hearing on Application No. UP-736-08 that was duly advertised as required by law. Proposed Resolution R08-17 is entitled:

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A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A FORESTRY OPERATION AT 601 EAST ROCHAMBEAU DRIVE (ROUTE F-137)

Mr. James Noel, Director of Economic Development, stated he felt it was important to share the concerns of Great Wolf Lodge about the proposed clear-cutting and what it will do to their buffer. He stated the concern is for the image that Great Wolf Lodge wishes to portray, and it is felt the forestry operation will have a negative impact. He also pointed out the problem of accessing a development on this property from East Rochambeau Drive. He indicated if the property is all cut at this time, the opportunity for a buffer will be lost.

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

Mr. Wiggins stated he could not see any reason to allow the forestry operation at this time. He stated if there was a contract to sell the property, it could be worded so as to give all the value of the timber to the current owners. Mr. Wiggins indicated he could not vote for this property to stay wide open without proper BMPs installed.

Mr. Zaremba stated his concern was that the applicant was asking the County to accept the risk of having 29 acres converted from a nice green 29 acres to an open field that would not be very attractive, and the owner was asking the Board to accept that risk without contributing anything to satisfy its need for information as to what is being planned. Mr. Zaremba also noted his concern for Great Wolf Lodge and its stand on the proposal. He stated he would not vote in favor of the application under the circumstances presented at this time.

Mr. Hrichak then moved the adoption of proposed Resolution R08-17 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A FORESTRY OPERATION AT 601 EAST ROCHAMBEAU DRIVE (ROUTE F-137)

WHEREAS, PTP, LLC has submitted Application No. UP-736-08 to request a Special Use Permit, pursuant to Section 24.1-306 (category 2, number 10) of the York County Zoning Ordinance, to authorize a forestry operation to be conducted on an approximately 29.2-acre parcel of land located at 601 East Rochambeau Drive (Route F-137) approximately 4,000 feet north-east of its intersection with Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 2-39 (GPIN# C20c-1236-0152); and

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

WHEREAS, the Planning Commission recommends approval of this application; and

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

WHEREAS, the Board has given careful consideration to the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of February, 2008, that Application No. UP-736-08 be, and it is hereby, approved to authorize a forestry operation to be conducted on an approximately 29.2-acre parcel of land located at 601 East Rochambeau Drive (Route F-137) approximately 4,000 feet northeast of its intersection with Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 2-39 (GPIN# C20c-1236-0152), subject to the following conditions:

1. This Special Use Permit shall authorize a forestry operation to be conducted on an approximately 29.2-acre parcel of land located at 601 East Rochambeau Drive (Route F-137) approximately 4,000 feet northeast of its intersection with Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 2-39 (GPIN# C20c-1236-0152).

2. All activities shall comply with Sections 24.1-419, *Standards for Forestry Operations* and 24.1-376, *Watershed Management and Protection Area Overlay District*, of the York County Zoning Ordinance, including the retention of fifty (50') and twenty-five (25') foot buffers as required by the Forestry performance standards as well as the thirty-five foot (35') transitional buffer required along the southern property line as depicted on the submitted sketch plan titled "29.23 Acres of Land Standing in the name of Clarice M. L. & Robert F. Sherman" dated 11-24-04, prepared by LandTech Resources, Inc. and as supplemented by the notations and buffer alignment locations depicted on the high-lighted aerial photograph attached to the County Administrator's January 31, 2008 memorandum to the Board of Supervisors.
3. In conjunction with or within 60 days of the completion of the removal of the marketable timber, all debris, dead trees, branches or otherwise unmarketable woody material shall be removed from the site and the site shall be restored to a neat and orderly condition.
4. Once the forestry operation and site clean-up has been completed, and until such time as an approved development plan is being implemented, the site shall be allowed to re-forest by means of natural regeneration methods implemented and facilitated in accordance with the Virginia Department of Forestry best practices guidelines and recommendations.
5. Prior to any forestry/timbering activities being conducted on site, a Natural Resources Inventory prepared in accordance with Chapter 23.2-6 *Chesapeake Bay Preservation Areas* of the York County Code shall be submitted for County review and transmittal to any appropriate regulatory agencies.
6. An Erosion and Sediment Control Plan prepared in accordance with the provisions of Chapter 10 of the York County Code, *Erosion and Sediment Control*, shall be submitted to and approved by the County prior to any timber harvesting activity on the property.
7. A preliminary development plan showing ingress and egress to and from the site, including delineated sight distances, shall be submitted to the Virginia Department of Transportation (VDOT) for approval prior to any activity on site. Any entrance or roadway improvements identified as necessary by VDOT shall be completed by the applicant before any timbering operation begins. A Land Use Permit shall be secured from VDOT prior to work being performed within the state's right-of-way.
8. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to approval of any plans or permits.

BE IT FURTHER RESOLVED that this Special Use Permit is severable and invalidation of any word, phrase, clause, sentence, or paragraph shall not invalidate the remainder.

On roll call the vote was:

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

CITIZENS COMMENT PERIOD

Mr. Samuel L. Eure, Jr., 302 Penrith Crossing, asked why the tapes of Board of Supervisors meetings are destroyed after the minutes are approved. He indicated he felt the Marquis Library was in a strange place, and based on its size, it will cost more to operate than keeping up the current participation with the Williamsburg Regional Library. He stated the citizens should be aware of the way government is doing things. Mr. Eure than spoke about the school budget, stating what the School Board was asking for is reasonable. He encouraged the Board members to visit the schools.

Ms. Barbara Conley, 202 Trei's Trail, stated York County citizens enjoy a good quality of life, and they elect the Board of Supervisors to see that a certain level of quality is maintained if not improved. She indicated that tax dollars should be managed efficiently, and York County remains more stable than most localities. Families want to locate here, keep their kids in the schools, and are active volunteers in the community. Ms. Conley asked the Board of Supervisors to fully fund the schools budget.

Mr. Thomas J. Trebby, 200 Oak Point Lane, spoke of the increased property values due to the reassessment and use of recent sales as an indicator for setting the assessments. He noted that residential waterfront property is experiencing significant increases, and assessments are up 16 percent. He stated his assessment has gone up \$226,000 in two years. Mr. Trebby indicated he has met with the assessment staff, but he cannot get comparable sales data from the County. He stated he should be able to go to the County's website to get the information.

Chairman Shepperd asked Mr. McReynolds to contact Mr. Trebby regarding his assessment.

Mrs. Kyung Murphy, 208 Wildwood Drive, stated she was the mother of a kindergarten student and a 4-year old, and she understands that times are tough and many times there is not enough to go around. She stated she could accept reductions in the school budget if they were necessary, and she usually trusted the Board of Supervisors to make them. Mrs. Murphy spoke of her concern with the Capital Improvements Program with the new athletic fields and new library, stating she could not see the priority of funding for these facilities over fully funding the school budget. She stated the Board would be sending a message that the schools are not its biggest priority if it does not fully fund the school budget.

Ms. Suzanne Creasey, 131 Bastille Court, noted she had received a letter from Mr. Shepperd indicating it was the Board of Supervisors' intent to move forward with third library at the Marquis Center. She stated she had assumed that the letter meant her privileges at the Williamsburg Regional Library would cease, but she found out from Mr. Shepperd and Mr. Zarembo that that was not the case. She commended the Board for the vision to establish the new library, but said that more needs to be done. Mrs. Creasey stated her concern remains about the funding being spent on the library, indicating she could not imagine starting a new library for less than \$500,000 with another \$1,000,000 for staffing. She stated she felt staying with the Williamsburg Regional Library was a better decision at this time, and she asked the Board to put the decision on hold and take care of the more critical concerns of education and other critical services.

Mr. John Finn, 133 Little John Road, expressed concern about the new library, stating he has used the Williamsburg Regional Library for 22 years, and it was a great facility that the County may not be able to match. He stated he would appreciate some public discussion about a third library, and he would appreciate an agreement that will allow citizens to continue using the Williamsburg Regional Library.

Ms. Nancy Hummel, 111 Will Scarlet Lane, stated the Williamsburg Regional Library was one of the jewels of this area, and she used it twice a week. She stated it was within a half-mile radius of everything she used, and she also took classes there and attended meetings in the community room. Ms. Hummel indicated she was delighted that the Board was considering a library in the Bruton district, but she did not think it was needed at this time. She stated the County should donate its adequate share to the Williamsburg Regional Library and use the rest of the money for a homeless program in the County or use it for the schools or other needs.

Mrs. Margaret Rowe, 101 Hodges Cove Road, indicated she still had water problems, and she explained the problem with the private drainage ditch between her yard and her neighbor's property. She stated Cox put cable down the middle of it and filled it up, and now the water will not run through it. She indicated her neighbor next door is building a house, and the County is requiring that he put in so much dirt and a silt fence that when it rains the dirt goes down into the ditch and fills it up, and the water goes into her garage. Mrs. Rowe stated she has talked to Mr. McReynolds about the problem, and he said he would check into it. County personnel have looked at it, but they did not know which way the water should run. She indicated she now has snakes to contend with. Mrs. Rowe asked the County to help her with her water problem.

Chairman Shepperd indicated the stormwater management team would come out and look at Mrs. Rowe's issue.

Mr. Mike Prunty, 102 Chippokes Turn, stated he had heard that the average increase in assessments county-wide was about 16 percent, and he would like to find out if the County Administrator calculated a new lowered rate to off-set the increase in assessments in accordance with the Code of Virginia.

Chairman Shepperd indicated the Director of Financial and Management Services was present in the room, and she would answer his questions.

Mr. Stephen C. Pincus, 120 Leslie Lane, stated he had submitted a letter on February 12 to the Board of Supervisors and School Board dealing with his son Mark who was a special needs child. He stated Mark has come a long way, and he complimented the County and school system with assisting them. Mr. Pincus stated he moved to York County because it had a great deal to offer, and he has been very pleased with the strides his son has made, but he was still concerned. He stated that because of his class size, it is questionable that he is getting adequate individual instruction time. He encouraged the Board to look at the schools budget and approve it as proposed. Class size does matter, and there is a direct correlation between class size and student performance.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett provided the Board with a report on the actions of the General Assembly. He noted cross-over day has passed, and the number of bills being followed this year was much greater, although the General Assembly had fewer bills submitted. Mr. Barnett noted that all smoking bills are dead, but the Constitutional amendment to allow local governments to adopt a homestead exemption is still alive. Regarding the Hampton Roads Transportation Authority fees, everything has been defeated except for the remedial fees. He also noted that HB1009 will require that the tax rate be included in notices of reassessment which might be impossible. Mr. Barnett stated he would provide the Board with a shorter rundown of the bills soon.

Mr. Zaremba indicated this was a "do nothing" year for the General Assembly. Nothing was being passed that the citizens of the Peninsula wanted such as the payday loan legislation. He stated that instead of lowering the interest rates allowed, they are going to reduce the number of loans the borrower can take out.

Mr. Barnett noted there was still one surviving payday loan bill which would reduce the rate to 36 percent.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the Board of the March 4 Regular Meeting with work sessions scheduled on the 11th and 25th, and the other regular meeting on the 18th.

Chairman Shepperd noted the Board was still hearing comments regarding concerns over the assessments, and he asked if the 60-day window to submit appeals has passed.

Mr. McReynolds stated the Board of Equalization applications must be received by the last day of this month.

Discussion followed regarding appeals to the Circuit Court.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll stated the County has had many elections this year, and she thanked all the people who worked as election officials. She noted the County always needs election officials, and she encouraged those interested to apply. She stated that service to the community is vital, and the election officials are needed for the political process to move forward. Mrs. Noll stated it was very touching to have Meaghan Herrity before the Board this evening. She indicated her parents have done a wonderful job, and Meaghan's spirit was wonderful. Mrs. Noll stated she was very proud that the Youth Commission chose her this year as the recipient of the Outstanding Youth of the Year for Courage. Regardless of age, Mrs. Noll encouraged everyone to be aware of cancer and have all the necessary examinations.

Mr. Wiggins spoke of the many emails he has received in the past couple of weeks concerning the increase in assessments and school funding. He stated there is only a certain amount of available funding, and 44 percent goes to the schools. People did move to York County because of the school system, and they are having a lot of children that other people have to pay for also. Mr. Wiggins noted that 21 percent of the available funding goes to public safety. A survey was done on the Sheriff's Office in the newspaper this week, and the interview of four people revealed they thought the office was getting adequate funding. He indicated another survey said the Sheriff deserves whatever he asks for. Mr. Wiggins then addressed senior citizens on fixed incomes, stating the General Assembly would not give the Board of Supervisors the authority to do anymore than it was already doing. He stated the citizens of the county have to feel compassion for these people, and everyone needed to live within their means.

Mr. Zaremba stated the Board would have plenty of time during the budget process to discuss the budget and the nuances associated with it. Every year the flashpoint has been the school division portion of the proposed budget, and he reminded the citizens that he had a son in the school system when he moved here 24 years ago, and the school system has gotten better over those 24 years. The Board of Supervisors has doubled the County contribution to the school budget over the last 5-6 years, and York County children have better test scores than any other school division in the area. Mr. Zaremba asked the concerned citizens to review two recent editorials out of the Daily Press entitled "Go Lean" and "Budget Choices" which point out these are rough times, and the Board has to be careful of every dollar it spends. For at least the past 12 years, the Board's top priority has been the schools. He then addressed the new Marquis library, stating he wished to clarify information that was put out. He stated there was some confusion with some of the language in the letter, and the concern was that the letter suggested the York County residents would be cut off from using the Williamsburg Regional Library system once the new library opened, which could not be further from the truth. He stated the third library will be a compliment to the regional system that currently exists, and it will add to the citizens' capability to use libraries in the greater Williamsburg area. Mr. Zaremba stated the Board would keep everyone advised of what will be put into place in terms of numbers of books that can be taken out as well as ancillary services.

Chairman Shepperd also addressed the library letter, stating the Board simply wanted to get the word out about establishing a new library. He stated the conditions developed in this particular case where it became an opportunity to provide the citizens with more library services. He noted that the County was eventually reaching a point with expenditures that it would become more advantageous to have a County-owned facility in the upper end of the County. Mr. Shepperd stated it would be hard to convince him that there was not a need for another library. He stated the residents of York County not being able to use the Williamsburg Regional Library had never been a consideration because of the establishment of this new library, and the Williamsburg mayor saw no reason to restrict York County citizens from using it. He noted also that a new library was being created on Route 5 to further support the northern end. Mr. Shepperd then addressed the reassessments, stating he could not defend them, yet he felt the staff did their best job. He stated he thinks the County can expect there may be a decrease by the next assessment, and interest rates have changed. Mr. Shepperd stated he also had a problem with development issues. He noted that he and staff had discussed being trapped by state law in allowing development of property with total disregard for the infrastructure around it. He noted the County was going to add more developments that cannot be supported. He stated the Board has got to do something to apply to the state for some relief, or the situation will get extremely dangerous. He felt the Board needed to ask the staff to ap-

proach people about some relief, and the Board needs to be able to control certain aspects of development in terms of roads and drainage.

Mr. Zaremba suggested that the Board hold a work session on this matter. He stated the Board cannot solve the problem tonight, but it certainly is important enough to warrant a work session for some informed discussion on alternatives with staff input.

By consensus the Board agreed to discuss the matter at a future work session.

CONSENT CALENDAR

Mr. McReynolds asked that proposed Resolution R08-30 to support funding of an education building for Eastern Virginia Medical School be added to the Consent Calendar.

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 3, 4, and 5, respectively, and to include the addition of proposed Resolution R08-30.

On roll call the vote was:

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

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 3. APPROVAL OF MINUTES

The minutes of the January 15, 2008, Regular Meeting of the York County Board of Supervisors were approved.

Item 4. STREET ACCEPTANCE: Resolution R08-22

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE CERTAIN STREETS IN THE WOODS ON MANSION ROAD 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 19th day of February, 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 The Woods On Mansion Road and to the Residency Administrator of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted February 19, 2008

The following VDOT 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: The Woods On Mansion Road**Reason for Change: New subdivision street**Pursuant to Code of Virginia Statute: **§33.1-229****Street Name and/or Route Number****► Pawpaw Place, State Route Number 1848**

Old Route Number: 0

- From: Route 675 (Mansion Road)
To: Route 1719 (Pasture Lane), a distance of: 0.13 mile.

Recordation Reference: Instrument No. 060004000 recorded on 2/17/2006

Right of Way width (feet) = 50 feet

► Pawpaw Place, State Route Number 1848

Old Route Number: 0

- From: Route 1719 (Pasture Lane)
To: End of cul-de-sac, a distance of: 0.04 mile.

Recordation Reference: Instrument No. 060004000 recorded on 2/17/2006

Right of Way width (feet) = 50 feet

► Pasture Lane, State Route Number 1719

Old Route Number: 0

- From: Route 1848 (Pawpaw Place)
To: Route 1878 (Silkwood Turn), a distance of: 0.10 mile.

Recordation Reference: Instrument No. 060004000 recorded on 2/17/2006

Right of Way width (feet) = 50 feet

► Pasture Lane, State Route Number 1719

Old Route Number: 0

- From: Route 1878 (Silkwood Turn)
To: Route 1879 (Tulipwood Turn), a distance of: 0.05 mile.

Recordation Reference: Instrument No. 060004000 recorded on 2/17/2006

Right of Way width (feet) = 50 feet

► Pasture Lane, State Route Number 1719

Old Route Number: 0

- From: Route 1879 (Tulipwood Turn)
To: Route 1717 (Brentmeade Drive), a distance of: 0.05 mile.

Recordation Reference: P.B. 12, Pgs. 360-362 recorded on 3/14/1996, and Instrument No. 060004000 recorded on 2/17/2006

Right of Way width (feet) = 50 feet

► Silkwood Turn, State Route Number 1878

Old Route Number: 0

- From: Route 1719 (Pasture Lane)
To: End of cul-de-sac, a distance of: 0.06 mile.

Recordation Reference: Instrument No. 060004000 recorded on 2/17/2006

Right of Way width (feet) = 50 feet

► **Tulipwood Turn, State Route Number 1879**

Old Route Number: 0

- From: Route 1719 (Pasture Lane)
To: End of cul-de-sac, a distance of: 0.07 mile.

Recordation Reference: Instrument No. 060004000 recorded on 2/17/2006

Right of Way width (feet) = 50 feet

Item No. 5. ABANDONMENT OF A PORTION OF BRICK CHURCH ROAD: Resolution R08-24

A RESOLUTION TO AUTHORIZE THE PUBLICATION AND POSTING OF A NOTICE OF THE BOARD OF SUPERVISORS' INTENT TO ABANDON THE SEGMENT OF STATE ROUTE 622 (BRICK CHURCH ROAD) BEGINNING 250 FEET WEST OF ROUTE 17 AND EXTENDING APPROXIMATELY 2,150 FEET TO ITS TERMINUS AT ROUTE 173

WHEREAS, Grafton Christian Church has requested that the York County Board of Supervisors consider the abandonment of the segment of State Route 622 (Brick Church Road) that separates the properties owned by the church located in the vicinity of the Denbigh Boulevard-Route 17 intersection; and

WHEREAS, the subject segment of Route 622 serves only the church and is not required for access to any other properties; and

WHEREAS, the Board of Supervisors has determined that the subject segment of roadway and the segment beyond that extends to Route 173 serves no public necessity and is no longer necessary as a part of the Secondary System of State Highways; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 19th day of February, 2008, that the County Administrator be, and he is hereby, directed to post and publish notice of the Board's intent to abandon, pursuant to §33.1-151 of the Code of Virginia of 1950, as amended, the segment of Brick Church Road beginning 250 feet west of Route 17 and extending a distance of approximately 2,150 feet to its terminus at Route 173, as depicted on the map attached to the County Administrator's February 8, 2008, report to the Board.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Commissioner of the Virginia Department of Transportation.

SUPPORT FOR EASTERN VIRGINIA MEDICAL SCHOOL (EVMS) FUNDING: Resolution R08-30
(Added to Consent Calendar)

A RESOLUTION TO SUPPORT FUNDING OF AN EDUCATION BUILDING FOR EASTERN VIRGINIA MEDICAL SCHOOL

WHEREAS, the two branches of the General Assembly have before it approval of a \$1.6 billion bond referendum for higher education, the Senate referendum bill having included \$59 million to build a classroom building at Eastern Virginia Medical School (EVMS), the first new education building in 30 years, and the House of Delegates referendum bill deleting the \$59 million sought by the EVMS from the bond referendum and sale; and

WHEREAS, the proposal is to construct a building of classrooms and laboratories and to modernize the existing facilities, and these improvements are necessary to meet the growing demand for more doctors; the Association of American Medical Colleges (AAMC) having recommended that enrollment be raised by 30 percent to meet this growing demand; and that the present enrollment at EVMS is 330 students, and the improvements would permit enrollment to be increased by 100 students, thus meeting the AAMC recommendation; and

WHEREAS, the Governor has recommended the \$1.6 billion bond referendum and requested the General Assembly to approve the referendum so it may be on the November 2008 ballot; the Governor has noted physician shortages as a reason for the improvements; and the Governor has recommended that EVMS, the Medical College of Virginia in Richmond, and a proposed medical school at Virginia Tech to be located at Roanoke each receive \$59 million from the bond sale, and EVMS is the only school of the three proposed recipients which has been proposed for exclusion; and

WHEREAS, EVMS is an essential part of the medical care system in Hampton Roads, without which the physician shortage would increase, the costs of health care will rise, and the attraction of new businesses and the retention of existing businesses will be significantly impacted; and

WHEREAS, the exclusion of EVMS from the bond referendum proceeds would be unfair to the school, and the community and region which relies upon the availability of quality, accessible, and economic health care and trained medical professionals from facilities such as EVMS, many of whom stay and practice in the Hampton Roads area;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of February, 2008, that it does hereby recognize the critical importance of the existence of and continuing presence of Eastern Virginia Medical School to the County of York and the Hampton Roads area and their residents in providing quality health care by trained medical professionals.

BE IT FURTHER RESOLVED that the improvements sought by EVMS are necessary and appropriate in response to recommendations of interested parties.

BE IT STILL FURTHER RESOLVED that the Board of Supervisors affirms its support of EVMS and requests that, accordingly, the Virginia General Assembly pass the Senate version of the \$1.6 billion referendum including \$59 million to go to EVMS for construction of a building which will have new classrooms, new laboratories, and upgrading of equipment.

BE IT STILL FURTHER RESOLVED that in the event the designated proceeds from the bond issue are reduced or increased, each of the three receiving schools shall each receive the same amounts.

CLOSED MEETING. At 9:08 p.m. Mr. Zarembo 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.

On roll call the vote was:

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

Meeting Reconvened. At 9:27 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE 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 19th day of February, 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) Noll, Wiggins, Hrichak, Zaremba, Shepperd
Nay: (0)

APPOINTMENTS TO THE YORK COUNTY HISTORICAL COMMITTEE

Mr. Zaremba moved the adoption of proposed Resolution R08-21 that reads:

A RESOLUTION TO APPOINT THREE VOTING MEMBERS TO THE
YORK COUNTY HISTORICAL COMMITTEE

WHEREAS, Steven Adcox and Paige Archer have resigned as Voting Members of the York County Historical Committee, and

WHEREAS, there are currently four (4) vacancies for Voting Members of the Committee,

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of February, 2008, that K. Nechelle Coates, Robert C. Hood, and John Short be, and they are hereby, appointed to the York County Historical Committee as Voting Members.

On roll call the vote was:

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

APPOINTMENT TO THE YORK COUNTY WETLANDS AND CHESAPEAKE BAY BOARDS

Mr. Hrichak moved the adoption of proposed Resolution R08-23 that reads:

A RESOLUTION TO APPOINT AN ALTERNATE MEMBER TO THE
YORK COUNTY WETLANDS AND CHESAPEAKE BAY BOARDS

WHEREAS, Nathan Smith, alternate on the York County Wetlands Board and Chesapeake Bay Board, resigned on December 29, 2007;

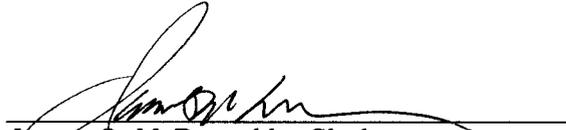
NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of February, 2008, that Shirley Estes be, and she is hereby appointed as an alternate to the York County Wetlands Board and Chesapeake Bay Board for the remainder of Nathan Smith's term, such term to expire on September 30, 2009.

On roll call the vote was:

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

February 19, 2008

Meeting Adjourned. At 9:42 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