

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
January 15, 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, January 15, 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.

HIGHWAY MATTERS

Mr. Jim Brewer, Residency Administrator, Virginia Department of Transportation, appeared to discuss highway matters of interest to the Board. He reported that because there had been a problem with people mistaking the signal on Route 17 for the Cook Road signal, a new signal head had been installed on the mast pole on Cook Road at the Route 17 intersection. He noted a number of stop signs had been installed in Queens Lake at the request of the State Police due to accidents. There had been a request for speed limit signs in the Coventry subdivision and also a request to update the pavement markups on Rochambeau at Wal-Mart. Mr. Brewer then provided the Board with an update regarding the Devolution Statute that allows boards of supervisors to request to enter into an agreement with the Commonwealth Transportation Commissioner to assume responsibility for any portion of the state secondary system of highways within their county's boundaries. He said VDOT had partnered with Stafford and James City Counties to evaluate options to assume responsibilities for the secondary road system within their boundaries. Mr. Brewer added there is more detailed information, including developed guidelines, on VDOT's website under the business center.

Mr. Zarembo asked Mr. Brewer to keep the Board posted on how the process goes with these two localities.

Mr. Wiggins asked about leaf cleaning in the ditches on the back roads in Seaford, noting when it rains hard the leaves get washed down into the ditches and drainage areas that the County has to clean.

Mr. Brewer stated VDOT is not in the leaf cleaning business; however, if the ditches begin to block up to heights that start causing problems for the roadway itself, then VDOT would have to clean it out.

Mr. Zarembo reported a pothole on the stretch of Route 199 between the Kings Creek time-shares and Cheatam Annex, and he asked about the timeline for the VDOT crew to make the repair once the problem had been identified and marked.

Mr. Brewer said normally they try to take care of them within a couple of weeks.

Mr. Shepperd addressed the lack of adequate the traffic calming measures in the County through the current VDOT program. He noted that VDOT has a brochure on the subject, but the program is not aggressively pursued or supported by VDOT. He spoke of the problems that Running Man is having due to a new section of housing and motorists using it for a cut through. He stated the residents of the area are extremely frustrated by VDOT's lack of doing

January 15, 2008

anything to alleviate the problem. Mr. Shepperd suggested that he meet with VDOT representatives to discuss what can be done.

Mr. Brewer indicated that certainly something could be done, and he suggested that the Board or Mr. McReynolds write a letter that he could get to the right people and set up some meetings to see if the policy could be changed.

Mr. Shepperd said he would address the matter among the Board members and get back to Mr. Brewer. He added he wanted to express his appreciation to Mr. Brewer because he understood the limitations of having to work within the policy and limited funding.

CITIZENS COMMENT PERIOD

Mr. Kyle P. Adams, 1561 Briarfield Road, spokesperson for the Transportation Recall Action Network, appeared to ask the Board to follow the lead of Newport News and draft its own independent resolution calling on the Virginia General Assembly to abolish the Hampton Roads Transportation Authority and state abusive drivers' fees.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett provided a summation of information he had already provided to the Board on the bills of the Virginia General Assembly that he is tracking. He said he would keep the Board updated as the list grows. Mr. Barnett then reviewed some of the legislation that has been introduced dealing with the following subjects:

- Creation of a redistricting commission
- Prohibition on negotiating collectively with unions
- Statewide smoking ban
- Firearms regulations for libraries
- Payday loans
- Exemption or deferral on 20 percent of the value of residential real estate
- Local government authority to tax residential property at a lower rate
- Elimination of civil remedial fees
- Repeal of the Transportation Authority bill

Mr. Barnett added there had been a bill patroned by Delegate Gear to take York County and Poquoson specifically out of the Transportation Authority bill.

Mr. Wiggins asked if the bill to authorize local governments to reduce the tax rate by 20 percent passed, and if the referendum passes, would it give the Board the latitude of working with just senior citizens to lower their tax rate, or would it apply to everyone in the County.

Mr. Barnett said if he read the legislation correctly, it would actually have to be applied across the board, but it would be a local option. He added there are also numerous bills which target a needs basis or a specific-age basis.

Mr. Wiggins asked to be provided with a list of the specific bills.

Mr. Zaremba said that the Board's legislative package specifically requested the authority to implement a Homestead provision for a needs-based requirement. He asked if any of York's delegation had submitted a bill based on a needs basis.

Mr. Barnett said he did not recall any needs-based bills that were patroned by York's delegation as the main patron, but he would check.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the Board of the joint meeting with the School Board on January 22nd. He also reminded the Board of the upcoming February 5 and February 19 Regular Meetings.

MATTERS PRESENTED BY THE BOARD

Mr. Wiggins addressed the tax assessments and gave a brief description of how County assessors derive the figures. He said it was confusing for a lot of the citizens, and the Board members had been inundated with phone calls and emails for the past couple of weeks regarding tax assessments. He urged citizens who felt there was an error in their assessment to contact the assessor and appeal or challenge the assessment.

Mr. Zaremba noted that the Board has entered its FY2009 budget cycle, and it had occasion to meet last night with the School Board and the school administration to receive a first look at what the School Board perceives to be its major requirements, which he reviewed briefly. He stated the Board is certainly proud of the accomplishments of the School Division since he could not think of any division within the Commonwealth that meets or exceeds the accomplishments of York's School Division in terms of school accreditation, SOL scores, and excellence. Mr. Zaremba reminded the citizens that the Board must also provide funding to other programs and services that the citizens not only expect but demand, such as fire and life safety and public safety. He stated that the two boards will meet again on January 22, and it is hoped that they will have a better picture in terms of numbers. He noted it is going to be a tough year, as it will be nationally with respect to the economy. Mr. Zaremba encouraged the citizens to let the Board know their concerns and interests as the Board goes through the budget process.

Mrs. Noll empathized with Mr. Shepperd regarding the need for more flexibility in VDOT's traffic calming measures, stating the process is not an overnight occurrence and takes working with County staff, the resident engineer, the engineers in Richmond, and the citizens to get adequate traffic calming measures for a particular area approved and working. She then noted that this year marks the 250th birthday of the Marquis de Lafayette in Yorktown.

Mr. Shepperd addressed the Hampton Roads Transportation Authority, stating everyone agrees there is a traffic problem in the area, and the transportation bill is an unfair, not well thought out plan that is unjust and needs to be repealed. He stated the majority of the region's transportation issues centers on the interstate transportation system which supplies not only York County and the region, but it also supplies the State and a good deal of the nation's transportation. He then provided the Board with some information he received as a member of the Hampton Roads Planning District Commission regarding the current housing market in Hampton Roads and its long-term effect on assessments.

Meeting Recessed. At 6:56 p.m. Chairman Shepperd declared a short recess.

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

PUBLIC FORUM**PROPOSED FISCAL YEAR 2009 BUDGET**

Chairman Shepperd called to order a public forum on the proposed Fiscal Year 2009 budget.

Ms. Robin Bledsoe, representing the Avalon Center, appeared to explain the services of Avalon, a center for women and children that provides services to victims of domestic violence and sexual assault. She said with County funding received last year, 19 County residents were served in the 19 bed emergency shelter, 10 County residents were served in the 6 transitional apartments, and their outreach program served 103 County residents. She noted that in addition to the regular funding request, they had also submitted a grant request for a workforce development program that is in the process of being developed, and they are also requesting help to pay for childcare.

Mrs. Bonnie Karwac, York County Historical Museum, indicated the volunteer docents had greeted almost 4,000 visitors in 2007. She stated their volunteer artifacts corps had finally finished washing 270 boxes of artifacts from the Chiskiak Watch dig and were now supporting the local DAR Chapter with a dig at the Custom House. She spoke of the Museum's mission,

and indicated they were starting capital improvements on the Museum on Main Street with the assistance of a State grant the Museum received and an exhibit on the digs and artifacts from the Taylor Farm that was done in Tabb. She asked the Board members to support this endeavor.

Mr. Tim Smith, representing the York County Historical Committee, expressed the Committee's appreciation for the Board's support over the years. He noted that during the year the Committee had sponsored many of the County's historical events, and helped co-sponsor the Yorktown Zweibrücken Exchange Program. He added they also sponsored the Memorial Day Services, Veterans Day Services, participation in the July Fourth parade, and had helped on Yorktown Day. He stated the Committee has the same request for 2008 as it did in 2007.

Ms. Nancy Fazzone, representing the Rita Welsh Adult Literacy Program, spoke of the program's mission to provide individualized literacy instruction to those needing it. She stated there is no charge for the instruction, and anyone 18 years of age who lives or works in the greater Williamsburg area is qualified to receive services. This fiscal year 12 percent of those receiving services lived in York County, and they have received more than 400 hours to date.

Mr. Johann Davisson, representing the York-Poquoson American Red Cross, thanked the Board for its past support. He stated last year 785 volunteers contributed 7,500 hours of volunteer time to run the organization. He noted they provided training to 6,500 citizens of York County and Poquoson, responded to 10 single family fires, and helped 40 people with food, lodging, and shelter in those circumstances.

Mr. Louis Rossiter, 276 William Way, volunteer member of the Center for Excellence in Aging and Geriatric Health, reported that last year the Center received grant funding from the Williamsburg Health Care Foundation and loans from Sentara and Riverside to begin a research program to build a clinical research capability in the community. He added that this effort currently operates with five contracts to work with physicians locally at Riverside and Sentara to study new drug development, especially for older adults. He said they are doing studies on the new type of dementia and Alzheimer's drugs. He said the Center also operates two specialized geriatric services, a memory assessment clinic, in collaboration with Riverside, and a driving evaluation service. He noted that requests for funding had also been made to Williamsburg and James City County.

Mr. Steve Terveer, representing the Foodbank of the Virginia Peninsula, said its distribution program serves as a regional clearing house for donated and purchased foods and related items. In turn, these are distributed to qualified non-profit organizations that provide food to the less fortunate on the Peninsula. He said the populations they target are those who are at 185 percent of the poverty level or below, and according to the U.S. Census Bureau, 50,000 people in the nine jurisdiction service area live at the poverty level, and an additional 78,000 come in at the 185 percent level. Mr. Terveer said the Foodbank has been accomplishing its mission out of a substandard facility with inadequate refrigeration and freezer space, a non-covered loading dock, and far less dry storage space than is needed. He noted that in the last fiscal year they distributed over 8.5 million pounds of food. He reported that after much planning and extensive research, a \$7 million dollar capital campaign was underway in order to build a new facility for the Foodbank. At the current time they have been successful in securing pledges of \$5.5 million, with the City of Hampton pledging \$1 million and the City of Newport News \$2 million. Mr. Terveer requested that York County provide capital funding in the amount of \$25,000 payable over 5 years, noting that in the past fiscal year the Foodbank distributed close to 200,000 pounds food in York County to eight non-profit member organizations.

Mr. Leigh Houghland, representing Big Brothers/Big Sisters of Greater Williamsburg, explained how some of its programs operate and benefit children. He mentioned the many positive results this organization offered, and he described the programs for at-risk children. He noted in 2007 about 40 clients in York County were served by mentors and were in two different school programs. Mr. Houghland said they anticipate approximately 71 clients from York County in 2008. He said he would appreciate the Board's consideration for their request of \$5,000 funding to the Big Brothers/Big Sisters of Greater Williamsburg.

Mr. Charles Mitri, representing the York County Library Board, expressed appreciation for the Board's strong support of the Library, which serves approximately 66,000 patrons. He explained how its services and programs operate and benefit the citizens and children of York

County. He said there were other initiatives being undertaken to establish a closer, collaborative working relationship with York County public schools and the Department of Community Services.

Ms. Carolyn Kincaid, representing the Volunteer Center of the Virginia Peninsula, asked the Board to support the development of a volunteer reception center program that would provide critical assistance to the community through skilled and unskilled volunteers to mitigate the effects of a disaster in the community. She stated the program is modeled after Florida's volunteer reception centers and is a proven national process used around the country when working with unaffiliated volunteers.

Ms. Barbara Boles, representing the Yorktown Custom House, appeared to request \$1,000 funding for historic preservation for artifacts that were found during a mini-dig while making drainage repairs in the garden of the Custom House. She said the items from the mini-dig are presently being conserved in Colonial Williamsburg. She added that they plan to continue the archeological dig and are presently at the Civil War level. Ms. Boles said the museum opened in 1930 and has never charged an entrance fee.

Mrs. Sheila Myers, representing the York County Arts Commission, stated the Arts Commission was founded in 1989 to serve as an advisory board to the Board of Supervisors. She indicated there would be over 50 grant requests this year, and each organization was worthy of funding. Mrs. Myers spoke of the impact that arts funding has on the area, stating for every dollar spent on the arts, at least two are received back.

Ms. Nadia Williams, representing the Historic Triangle Substance Abuse Coalition, thanked the Board for the funding provided in 2007, stating the Coalition is committed to creating and maintaining a drug free, safe, and healthy community. She noted the Coalition was requesting continued support for the underage drinking prevention tip line.

Mr. Jim McReynolds, representing Meals on Wheels, thanked the Board for its support and the impact the funding has had on senior citizens this past year. He stated the program has been active since 1973 and has met an urgent community need by providing one hot meal to needy seniors each day. He stated no one is refused service because of an inability to pay. He noted 5,700 meals were served to those who might have gone hungry in 2007, which was a 21 percent increase over last year. Mr. McReynolds stated that York County funding is the majority of the program's total revenue. He added the real heroes are the volunteer drivers who provide face-to-face contact with recipients each day to make sure they get their meals. He said continued county funding is vital to their program.

Ms. Paula Ogiba, Executive Director of the Retired and Senior Volunteer Program (RSVP), stated the County has 100 RSVP volunteers who served 17,500 hours in the community in FY07, and she urged the Board to continue funding the program in FY09.

Ms. Karla Sprouse, representing the First Steps Program, stated the Program provides services for infants and toddlers in York County who need a helping hand, and the program makes a substantial difference in their development and their parents' efforts toward self-sufficiency. She asked the Board to continue its funding support in FY09.

Ms. Lisa R. Thomas, interim Executive Director of Child Development Resources (CDR), thanked the Board for the staff support to CDR from the Department of Community Services. She stated the funding and staff support is a far-sighted investment for the children and for the Colonial Services Board, which provides contract services. She stated the program serves the needs of 250 infants and toddlers each year. Ms. Thomas asked that the Tots Line and the CHIP program be included in the Board's budget this coming year. She stated that investing in child services provides beneficial long-term outcomes.

Ms. Pat Bell, representing the Williamsburg Hotel/Motel Association, asked the Board for consideration of its request for additional funds to support the Destination Marketing Campaign directed by the Williamsburg Area Destination Marketing Committee (WADMC). She noted 2007 proved to be an exhilarating year for the Historic Triangle's tourism industry with a much needed bump in hotel occupancy levels and double digit growth in attraction visitation. She noted that through October of 2007 York County had realized a 17.7 percent increase in room tax collections as well as a 10 percent increase in meal taxes. Ms. Bell said the Association's

funding request was to support the marketing efforts of WADMC and to help ensure a robust 2008 Destination Marketing Campaign.

Ms. Mildred Russinko, representing the Senior Center of York Board, described the Senior Center as being a successful three-way partnership between the County, the Peninsula Agency on Aging, and the citizens of York County. She said that during 2007 the Center celebrated its 16th anniversary and welcomed over 18,319 visitors to the Center. She also said since the Center opened in 1991, there have been over 200,000 visitors to the Center. She thanked the Board and staff for their efforts to support the Center and its goals.

Mr. Scott D. Krasche, representing LTD Management Company, Inc., a hotel management corporation, appeared to support the Destination Marketing Campaign.

Ms. Leah Griffith, representing the Colonial Community Criminal Justice Board (CCCJB), stated that over the past three years, York County's incident numbers had decreased from 3,004 to 2,749, suggesting that the collaborative efforts among the CCCJB and member localities are making a positive difference. After reviewing the CCCJB accomplishments, Ms. Griffith asked the Board for its continued support to provide public safety within the local communities.

Mr. Bill Massey, Director of the Peninsula Agency on Aging (PAA), stated the Agency has provided services to senior citizens of York County for 34 years, and the Board of Supervisors has provided financial support for every one of those years. He stated at the present time the PAA provides meals and transportation support and day care support. In 2007 the County provided \$14,000 in support of the work they do and PAA returned \$143,000 in services to County seniors. He added that with the growing senior population in York County, there is an increased need for helping family care givers. Mr. Massey stated this is an area that needs additional support, and the area localities need to look at supporting this type of service.

Mr. Jason Samuels, representing Foster Grandparents, stated Foster Grandparents normally has over 100 grandparent volunteers, and they celebrate their 36th anniversary this year. He requested that York County continue to fund this program which impacts the overall development of the children it serves. Mr. Samuels stated the program served over 2,000 children last year.

Mrs. Heather Steinmiller, 100 Longwood Circle, spoke regarding the value of teachers and budgeting for teachers' salaries. She stated she has two children in York County schools and is very proud to be the librarian at York High School.

Ms. Elaine Garber, 706 Bypass Road, representing Colonial Hospitality and Bypass Industries, stated they own and operate two hotels on Bypass Road and were in support of the hotel association's request for funding for WADMC. She noted how important tourism is for the area, not just for the money it brings into the area, but also for the jobs it provides.

Ms. Helen Panos, 1995 Richmond Road, representing Fireside Corporation, appeared in support of the Hotel Association's request for funding to support the Williamsburg Area Destination Marketing Committee's 2008 marketing campaign.

Mrs. Kim Voska, 107 Dawn Place, president of the York Education Association, spoke about the York County School Division budget concerns, specifically how York County teachers are underpaid, student teacher ratios are too high, class sizes are exorbitantly large, and how a seven-year technology refurbishment is grossly ineffective. She said had attended the joint work session between the Board of Supervisors and the York County School Board, and noted that a teacher's worth is priceless. According to her calculations, a new teacher is worth roughly \$67,812. Mrs. Voska said York County teachers are a tremendous bargain, and they want competitive salary and benefits.

Mr. J. P. Smith, 102 Sussex Court, asked the Board for fiscal responsibility, not budget cuts. He stated he recognizes the situation before the Board and the decisions it has to make. He noted the enrollment in the schools did not become lower as the Board had projected, but increased. He asked the Board to take its responsibility as elected officials and understand the decisions they make and the impacts those decisions have. He said the citizens elect a board of experts for the School Board, and they expect them to demonstrate fiscal responsibility, and for the Board of Supervisors to sustain their expertise.

Mr. Phil Emerson, representing the Jamestown-Yorktown Foundation, stated the request for the Yorktown Victory Center was to support funding for costumes, materials, and other supplies for its outdoor living history areas at the museum and also the development of a web-based curriculum program for the museum. He indicated they are an active partner in the community in education, in tourism, and also now one of the largest employers, employing over 600 individuals. He noted 2007 was a banner year for the Center with paid admissions of \$253,000, up 25 percent. He asked the Board to look closely at the proposal before it, as it sends a critical message for the Foundation to have York County at the table as again they seek support from the Commonwealth and from private donors.

Ms. Joy Cipriano, 605 E. Woodland, stated her concern was not about her tax assessment or her property values but the use of tax money. She said she has a child at Grafton Bethel Elementary School and one at Grafton Middle School and she wanted the school system to be the absolute best. She expressed her concern that York County needs to have the best teachers and technology that is current.

Mr. Samuel Eure, a York County teacher, stated the State of Virginia's treatment of teachers and the compensation of teachers is below standard, ranking 31st in the State in teachers pay over the last three years. He said teachers make every other profession possible. He added that quality teachers produce quality children.

Ms. Carol Bauer, 314 Brook Lane, talked about the importance of technology in the schools being the same for all. She stated that when the schools do SOL testing online, they have to stop the virtual high school, online training, and other projects in the classrooms so that they have the bandwidth for the SOLs to go through. She asked the Board to please consider funding the technology request for the schools.

Mr. Chris Canavos, 1 Blunt Court, Canavos Properties, appeared as a business owner in York County and the greater Williamsburg area to support and ask for strong support for the Hotel Association's request for money to be allocated to the WADMC. He said this money would provide the needed funding and positioning to improve the tourism market.

Mr. Aaron Small, 108 Ewell Place, representing the Leadership Historic Triangle (LHT) Class of 2007, stated they were seeking financial support for their PIPE fund which stands for "providing indoor plumbing for everyone". He said that during their research for a project, the 2007 LHT discovered that the most recent census recorded 82 homes within the three jurisdictions of James City and York Counties, and the City of Williamsburg, that do not have indoor plumbing. He added that of those 82 homes, 17 were in York County. He stated there is state funding available to install indoor plumbing into homes of low income families, but the current level of state funding allocated for each house is about \$25,000 to \$35,000, and it is often not enough to tackle the difficult installation of alternative septic systems which can cost upwards of \$20,000 to \$50,000. Mr. Small indicated they had developed the PIPE fund that would provide gap funding and would be used to supplement the state provided funds and local match funds.

Mr. Page Minter, Chairman York County School Board, stated funding for the schools is a great draw on local funds, and unless citizens are directly impacted by services, it is sometimes hard for them to support funding as an average citizen. He noted that records indicate only 30 percent of residents in the County have children who attend school. Mr. Minter said the schools provide higher property values and economic opportunities for business draw to the County. He stated that both the School Board and the Board of Supervisors have a responsibility as a partnership to provide quality schools to the citizens.

Mr. Abbitt Woodall, representing Housing Partnerships, said Housing Partnerships is a local emergency home repair program that provides critical home repair services. He explained the program utilizes volunteer labor to complete emergency home repair services to low-income residents in the counties of York and James City and the City of Williamsburg. He stated the mission of Housing Partnerships is to maintain affordable housing and to ensure that citizens who want to continue to live in the County have that option.

Ms. Pam Gaspard, Kindergarten teacher at Bethel Manor Elementary School, stated she understands the tight budget, and she asked the Board to invest in the number one commodity of

January 15, 2008

York County, the children, by fully funding the school system so that the teachers can help students become the best that they can be and reach their full potential.

There being no one else present who wished to speak regarding the proposed FY09 budget, Chairman Shepperd closed the public forum.

Meeting Recessed. At 8:47 p.m., Chairman Shepperd declared a short recess.

Meeting Reconvened. At 8:56 p.m., the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

APPLICATION NO. YVA-27-07, ALBERT G. PIANALTO AND ROBERT J. ANDRADE, II

Mr. Carter gave a presentation on Application No. YVA-27-07 requesting the subdivision of a parcel to create two lots and to use a 10-foot setback rather than the normally required 25 feet on property located at 121 Smith Street in Yorktown. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of denial 6:0, and staff also recommended denial of the application.

Mr. Shepperd noted the Park Service would like a 10-foot offset from the earthworks, and he asked if the offset was something different than the easement.

Mr. Carter stated the easement covers the entire property and basically says that the Park Service has to approve development of the property; and as part of its development approval process, they want to protect the integrity of the redoubt. They are saying that the way to do that is to keep development at least 10 feet away from it.

Mr. Shepperd asked if the Park Service could then veto any development where there is an adjacent historical site.

Mr. Carter said theoretically yes.

Discussion followed concerning the easement and the required 25-foot setback.

Mr. Shepperd asked Mr. Smith to come forward to answer some questions on the historical easement.

Mr. P. Daniel Smith, Superintendent of the Colonial National Historical Park, stated the Park Service acquired a scenic easement over this entire parcel in 1977. When the Park Service acquires less than a fee simple interest in a piece of property, it is for certain reasons, and this one was done to preserve the scenic assets of the earthworks. He explained that scenic easements are very general in nature, and the Park Service has scenic easements nation wide. Major Supreme Court cases of Virginia within the last five years have upheld the Park Service's scenic easements in Virginia as defensible and as carrying a legal weight over ownership of property. He stated in this instance the contours and the location of the revolutionary war earthwork impact where the footprint of a building could be placed on this property. Mr. Smith stated the Park Service could not support the building of a house on proposed parcel A.

Mr. Shepperd asked if the Park Service position makes this application moot with it having full easement rights across the property. He stated that subdivision of this property would appear to be of no value because a house could not be built on the lot even if it is created.

Mr. Smith said they were not trying to deny the building of one residence on that property.

Mr. Hrichak asked how many other undeveloped lots are in the area that would be affected if the setback was changed to 10 feet, and would this be setting a precedent for the development of those lots.

Mr. Carter said there is one undeveloped lot down the hill, there is another undeveloped lot on the opposite side of the street up the hill from the Douglas House, and there is an undeveloped

lot on Bacon Street. Any setback variation would have to be approved by the Board of Supervisors, so the Board has the ability to review each on a case-by-case basis. Looking at the lay of the land on all the others, Mr. Carter stated that of the four, this is the one that would perhaps warrant some relief. He also noted that a proposal like this would normally have gone before the Historic York Design Review Committee, but did not happen in this case because the question of whether there was going to be one or two dwellings on the property needed to be answered first before anything could be submitted to the Review Committee. Mr. Carter stated he felt it would be within reason for the Board to defer any action on a setback variance request until such time as the applicant has actually proposed a specific house plan that has been before the Design Review Committee to see exactly what is approvable under its guidelines in terms of new construction and how that would relate to the lot and the need for any setback relief.

Mr. Hrichak asked how long the process would take.

Mr. Carter stated the committee meets every month or on demand, so it would be a matter of how long it takes the applicant to prepare a plan and get it to the committee. He stated it could be done in as little as 45 days.

Mrs. Noll asked if the decision on the setback would determine the size of the house or the layout.

Mr. Carter stated it was a catch 22 kind of thing. He suggested that going down to as little as 10 feet does not appear necessary and may not even be appropriate given the way the guidelines are worded. The Bennett House is a prominent older structure which is only back about 10 feet, so that would suggest maybe something a bit more than 10 feet would be better, and that still gives a reasonably sized footprint.

Chairman Shepperd called to order a public hearing on Application No. YVA-27-07 that was duly advertised as required by law. Proposed Resolution R08-2 is entitled:

A RESOLUTION TO APPROVE AN APPLICATION TO SUBDIVIDE A
0.32-ACRE PARCEL OF LAND TO CREATE TWO LOTS AND USE
A 10-FOOT FRONT SETBACK RATHER THAN THE NORMALLY
REQUIRED 25-FEET LOCATED AT 121 SMITH STREET IN THE
VILLAGE OF YORKTOWN

Mr. Robert Andrade, 311 Ballard Street #4B, the applicant, discussed the two issues included in his application, that of a request for a 10-foot setback instead of the required 25 feet, and a subdivision of the property. The most prominent feature of this property is the earthwork, and the most buildable area is the southern end of the property which runs up along that earthwork. He stated the setback is well behind the Bennett's House which is the 10 foot setback, so they are behind the house significantly. He indicated the request also gives them 31 feet of buildable lot, including the 10-foot setback off of the earthwork, which is plenty of room to build a house that will fit into the lot. With respect to the property subdivision, he stated there is a 40-foot right-of-way, which separates this lot from the houses to the south; and he feels they could easily put two structures on the property as he had indicated. He explained how he feels there is more than the required setback from the earthwork. Mr. Andrade stated he was of the opinion that the proposed homes would not be out of scale, size or character with the surrounding development or other developments in Yorktown. He stated he understands that that the scenic easement deed covers more than just the setback from the earthwork, and he is willing to work with the Park Service to come up with a plan that will satisfy both him and the Park Service. Because each request of this application carries its own weight, Mr. Andrade requested that the Board of Supervisors vote on each request of the application individually, the setback relief and the property subdivision.

Mr. Wiggins asked Mr. Andrade if he bought the lot with the intention of subdividing it.

Mr. Andrade stated it was talked about, but it was not his main intention.

Mr. Hrichak asked Mr. Andrade if he included the 20-foot southern extension when he calculated the lot coverage.

Mr. Andrade stated he did, and he realized that without the extra 20 feet they could not build

two houses.

Ms. Betty McPherson, 226 Bacon Street, owner of the lot at 313 Smith Street, stated she was very opposed to the setback modification. She added she is also very opposed to subdividing the property and thinks it would be too many buildings on one tiny long piece of property. She noted her concern about the stormwater that would come off of the 12-foot bluff at the back of his houses. She explained there are no underground sewer systems, and her lot is sloping. Ms. McPherson said she is very concerned about losing the site of the revolutionary redoubt that is over 225 years old.

Ms. Lauren Belvin, 139 Smith Street, expressed her opposition to the subdivision. She stated she was not opposed to the building of a modest sized house on what would be lot B. She noted there is no way a house could be built on lot A and avoid doing harm to the earthwork.

Mr. George Bennett, 119 Smith Street, expressed his opposition to the subdivision. He stated if the lot were subdivided now knowing all the restrictions in the village and the historical nature, he could wind up with a lot he could not develop at all.

Ms. Linda Bennett, 119 Smith Street, stated she thinks the 25-foot setback would be extreme, but somewhere within the 10- to 25-foot range could be workable depending on the exact plan that was presented. She stated she strongly feels that subdividing the lot would not benefit either the current property owners or any other property owners on the street or in the Village. Such approval for these things would set a precedent, and it would be difficult to reverse that or to change as other proposals are presented to the Board. Ms. Bennett stated she thinks it is up to not only the residents but York County government as well to set an example for maintaining the unique character of Yorktown and preserving it for local enjoyment and for all the people who visit.

Mr. Joe Ruff, 208 Smith Street, stated he was present to watch the process and see how it worked. He stated he owns one of the three buildable lots that were talked about. He noted that when he went and looked at the property before he bought it, he walked the property with the current owner at the time, and she showed him the historic easement that Mr. Smith talked about. He indicated that Mr. Carter had described the variance process to him, but said a variance was probably not going to happen.

Mr. P. Daniel Smith, 605 Main Street, Superintendent of the Colonial National Park, stated the responsibility of a superintendent of any unit of the National Park System is to protect the history and the culture of this nation. He stated he must make a strong statement to protect this revolutionary war earthwork, and he was not trying to be arbitrary or capricious with either of the owners. He stated in 1977 the Park Service invested money to protect that earthwork, and that was his main reason for being here at this time. He indicated the Park Service wants to work with the property owner to find a buildable footprint. Mr. Smith noted that key design issues would normally be addressed through the architectural review board first, and their guidelines are excellent for what the Park Service is trying to do to maintain the character of the Village of Yorktown.

Ms. Angier Brock, 220 Bacon Street, spoke in opposition to the subdivision, stating she was having a hard time understanding how subdividing and placing several structures on the property would open the earthwork up for view or keep it more open for view the way one structure might do.

Mr. Albert Pianalto, 4100 Rockridge Place, Chester, stated he was co-owner of the lot. He spoke about the location of the easement line, and stated one of the subdivided lots would be 95 feet wide and one would be 90 feet wide, and he did not feel they would be jammed together as so many people have talked about this evening. In order to move forward and spend a lot of money for design, he stated they needed to know soon if they can subdivide and what size structure could be built. He stated they were requesting permission to subdivide because they felt the structures could fit there, and they could be built in the style that is fitting of Yorktown.

Ms. Lynn Douglas, 212 Smith Street, addressed a statement made by the applicant about her garage being 38 percent of the total building lot. She said that was a misstatement, and the garage is 38 percent of the house footprint, not the building lot footprint. She added that their garage and house together are less than 25 percent of the footprint of their lot, and she wanted that clarified. She also noted that when they undertook the process of building their home in

2001/2002, the design guidelines were not yet approved, but were still in draft stage. Ms. Douglas said they wanted to fit in with the guidelines and the character of Yorktown.

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

Mr. Shepperd asked if staff was addressing the requirement for some sort of BMP in this particular case, or was the project at the proper stage to do so.

Mr. John Hudgins, Director of Environmental and Development Services, stated the erosion and sediment inspector would review the design of the site when the building permit is secured.

Mr. Shepperd asked if the Board could divide the application into two parts, one for the subdivision and one for the setback.

Mr. Carter indicated the Board could consider the application in two parts. He stated the resolution could be amended to reflect the Board's action on each part.

At this time the Board discussed how it wanted to address the application and considered its options.

Mr. Zaremba stated he could not approve the subdivision for all of the reasons stated tonight. He indicated he questioned whether or not the 40-foot easement was ever going to take place, and he believed that two buildings on the property would jeopardize the scenic view. With the setback, he stated he felt it was unreasonable to expect somebody to build a living facility with as narrow a width as that, and he suggested that the County and the applicant and the Park Service meet to work out the issue of the setback. Mr. Zaremba stated he was not prepared tonight to agree to a 10-foot setback, but he felt that something between 10 and 25 was workable.

Mrs. Noll expressed her agreement with Mr. Zaremba on this point, stating she also does not feel a subdivision is a viable option. She stated she also feels the 25-foot setback was too much given the character of the area. She indicated she could go for an adjustment, and 10 to 12 feet would be about where she thought it should be, but that was something the Board would have to leave up to staff, the architect, and the Historic Yorktown Architectural Review Board to look into.

Mr. Hrichak expressed his agreement also with Mr. Zaremba and Mrs. Noll. He stated he felt the architectural review board, the County staff, and everyone involved needed to get together and come up with a setback that makes everybody happy.

Mr. Wiggins added his agreement to that of the other Board members.

Mr. Shepperd addressed the contingency factor of the 20 feet of right-of-way the applicant hopes to obtain, stating he feels that waiting to vote on something based on a subdivision or any aspect of the application if it is hinging on the 20 feet is a non-starter. He stated until that issue is complete, the Board does not know where that will go. He indicated the other part that he could not get past was the Park Service's objection to the structure on proposed Lot A. He stated to him it makes the subdivision a non-starter from the beginning. Mr. Shepperd stated he agreed that there needs to be some work between the homeowner and the Park Service to allow the owner to do something. He indicated one of the owners also stated they were at a decision point, and he wondered if the applicant would stand the Board tabling the application for a month.

Mr. Carter recommended that the Board table the application and give staff the opportunity to sit down with the applicant and the Park Service and get something on paper in terms of a dimension of a building, something more definitive in terms of the size and shape of the building that they would like to put on the property. He stated staff could then come back to the Board, even before it goes to the Design Guidelines committee, and the Board could act on it if it felt comfortable with it, or it could say no and table it again and have some more discussion. He stated he felt a 30-day tabling was reasonable or leave it open ended as to when the application comes back.

Mr. Zaremba asked if the Board could vote on the subdivision and table the rest of the applica-

tion until such time as the applicant is ready to come back to the Board

Mr. Barnett stated the Board could split the application as suggested. He stated that as a zoning matter he suggested that the Board not vote on the setback until it was willing to say exactly where the setback line needs to be.

Discussion followed on the setback line.

Mrs. Noll moved that the application be tabled.

On roll call the vote was:

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

APPLICATION NO. ST-12-07, YORK COUNTY BOARD OF SUPERVISORS

Mr. Carter gave a presentation on Application No. ST-12-07 to amend Chapter 20.5 of the York County Code to revise the special provisions for family subdivisions. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval 6:0, and staff recommended approval of the application through the adoption of proposed Ordinance No. 08-1.

Chairman Shepperd called to order a public hearing on Application No. ST-12-07, which was duly advertised as required by law. Proposed Ordinance No. 08-1 is entitled:

AN ORDINANCE TO APPROVE AMENDMENTS TO CHAPTER 20.5,
SUBDIVISIONS, YORK COUNTY CODE, SECTION 20.5-34, SPE-
CIAL PROVISIONS FOR FAMILY SUBDIVISIONS

Mrs. Betty Radwan, 131 Dorothy Drive, stated she was the person who wrote the letter requesting the change. She indicated the property had been in her family for four generations, and she is an only child and has no children of her own. She stated that at the time she requested this she really wanted to build a handicapped accessible house on this property. She stated she felt the current ordinance was discriminating to her because she did not have children. Mrs. Radwan stated she did have a husband to subdivide to, and it was their hope to build themselves a home that they would live in for the rest of their lives. She stated if she did not have husband and had she a brother or sister, she would want to be able to share it with them, so she did not think it was an unreasonable request.

Mr. Robert Duckett, 302 Sommerville Way, representing the Peninsula Housing & Building Association, spoke in support of proposed Ordinance 08-1. He stated the changes in eligibility proposed are minor, and the Association agrees with the staff recommendation that the eligibility changes will not open the floodgates. The Association opposes resolutions that would establish a 15-year ownership requirement or the 15-year holding requirement for family subdivisions as they are considered excessive.

Mr. Robert Green, 111 Paradise Point, stated he was present to support his cousin. He noted he had just gone through the family subdivision with a three-year wait period. He stated he would hate to see it change from three years as anything longer would be a hardship on any citizen.

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

A brief discussion followed.

Mr. Hrichak moved the adoption of proposed Ordinance No. 08-1 that reads:

AN ORDINANCE TO APPROVE AMENDMENTS TO CHAPTER 20.5,
SUBDIVISIONS, YORK COUNTY CODE, SECTION 20.5-34, SPE-
CIAL PROVISIONS FOR FAMILY SUBDIVISIONS

WHEREAS, Chapter 20.5, Subdivisions, of the York County Code provides opportunities for the creation of new parcels of land through the "family subdivision" provisions, thus exempting such subdivisions from certain normally applicable development standards; and

WHEREAS, Section 20.5-34 sets forth certain eligibility requirements pertaining to the individuals to whom family-subdivided lots may be conveyed and the length of time such lots must be held by such family member; and

WHEREAS, the County has the authority to expand the eligibility standards to include additional family members; and

WHEREAS, enabling legislation also allows consideration of time limits for initial and subsequent ownership of family-subdivided parcels; and

WHEREAS, the Board of Supervisors has sponsored an application to allow various alternatives to be reviewed and considered by the Planning Commission; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on the application and has forwarded its recommendation to the Board for consideration; and

WHEREAS, the Board has conducted a duly advertised public hearing and has considered the comments and recommendations of staff and citizens;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 15th day of January, 2008, that it does hereby approve amendments to Section 20.5-34, Special Provisions for Family Subdivisions, Chapter 20.5, Subdivisions, of the York County Code as set forth below:

Sec. 20.5-34. Special provisions for family subdivisions.

A single division of a lot or parcel is permitted for the purpose of sale or gift to a member of the immediate family of the property owner. For the purposes of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, eighteen years (18) of age or older, or an emancipated minor under section 16.1-331 et seq., Code of Virginia, or parent of the owner, or the spouse or siblings of an owner having no natural or legally defined offspring. Such subdivision shall be subject to the following provisions:

- (a) Only one (1) such division shall be allowed per family member, as defined above, and shall not be made for the purpose of circumventing this chapter. Lots created under this section shall be titled in the name of the immediate family member for whom the subdivision is made for a period of no less than three (3) years following the recordation of the subdivision plat unless such lots are subject to an involuntary transfer such as foreclosure, death, judicial sale, condemnation or bankruptcy.
- (b) The minimum width, yard, and area requirements of all lots, including the remaining property from which the lot is subdivided, shall be in accordance with the applicable provisions of the zoning ordinance. Land proposed for subdivision shall be suitable for platting in accordance with section 20.5-66.
- (c) The provisions of this section shall apply only to those properties having a single-family residential zoning district classification.
- (d) For property not served with public water and public sewer, each lot shall have a primary and reserve septic system and a water source approved by the health department with evidence of such approval shown on the subdivision plat. If public water and public sewer facilities are available, as defined in this chapter, to the property proposed to be subdivided then all proposed lots shall be served by such facilities in accordance with applicable provisions of the Code.
- (e) Each lot or parcel of property shall front a public road or shall front upon a private driveway or road which is in a permanent easement of right-of-way not less than twenty feet (20') in width. Such right-of-way shall include a driveway within it consisting of, at a minimum, an all-weather surface of rock, stone or gravel, with a minimum depth of three inches (3") and a minimum width of ten feet (10'). The right-of-way shall be main-

tained by the adjacent property owners in a condition passable by emergency vehicles at all times. A notation to this effect shall be placed on the face of the final plat and this provision shall also be included in the deeds by which the subdivision is effected. Passable condition refers not only to the surface, but also to horizontal and vertical clearance. An erosion and sediment control plan with appropriate surety shall be submitted for approval if the proposed right-of-way and driveway construction disturbs more than two thousand five hundred (2,500) square feet.

- (f) Drainage and utility easements shall be dedicated to the county when deemed necessary by the agent to accommodate drainage and/or sanitary sewer facilities, whether for current or future needs, in accordance with applicable provisions of the county code.
- (g) For property which fronts on an existing street or streets whose rights-of-way are, in accordance with section 20.5-70(c), deficient in width, one-half (½) of the right-of-way width deficiency shall be dedicated by the subdivider at the time of plat recordation.
- (h) The corners of all lots created shall be marked with iron pipes as provided for in section 20.5-78.
- (i) No parcel created by family subdivision shall be further subdivided unless such division is in full compliance with all requirements of this chapter.
- (j) A final plat shall be submitted to the agent for approval as provided in section 20.5-30 of this chapter along with an affidavit describing the purposes of the subdivision and identifying the members of the immediate family receiving the lots created. Any plan submitted shall be subject to the fees set forth in section 20.5-13. All physical improvements, including, but not limited to, public water, public sewer, and all-weather access drives shall be incorporated into a subdivision agreement and appropriately guaranteed in accordance with article VII of this chapter.

On roll call the vote was:

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

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 3, 4, 5, 6, 7, and 8, respectively.

On roll call the vote was:

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

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 3. PURCHASE AUTHORIZATION: Resolution No. R08-4

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO PURCHASE DISCHARGE PUMPS AND TO ENTER INTO A FIVE-YEAR LEASE OF NETWORK STORAGE EQUIPMENT

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, and 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 15th day of January, 2008, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

	<u>AMOUNT</u>
Discharge Pumps	\$ 56,115
Network Storage	\$ 144,470

Item No. 4. REIMBURSEMENT FOR MERGER OF POQUOSON AND YORK 911 CENTERS:
Resolution No. R08-8

A RESOLUTION TO AUTHORIZE AND APPROPRIATE \$197,667 IN THE GENERAL FUND FOR FISCAL YEAR 2008 FOR THE PERSONNEL AND NON-PERSONNEL OPERATING COSTS OF FIVE DISPATCHERS AND AN ADDITIONAL \$87,500 FOR ONE-TIME OPERATING AND CAPITAL COSTS RELATED TO THE MERGER OF THE CITY OF POQUOSON 9-1-1 EMERGENCY DISPATCH CENTER INTO THE COUNTY OF YORK 9-1-1 EMERGENCY DISPATCH CENTER

WHEREAS, the County of York and the City of Poquoson entered into a Cost Reimbursement Agreement for the merger of the 911 Dispatch Operations in November 2007; and

WHEREAS, the amount for the first year is \$197,667 representing 8/12ths of the first year personnel and non-personnel operating costs of \$296,500 to which the City of Poquoson agreed; and

WHEREAS, one-time capital and other costs in the amount of \$87,500 have been identified as part of the transition;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th of January, 2008, that \$197,667 and \$87,500, respectively, hereby is, appropriated in the General Fund for the purpose of the County of York and the City of Poquoson's 911 dispatch operations merger in Fiscal Year 2008.

Item No. 5. APPLICATION NO. UP-737-08, DEANNA NEWINGHAM; LOTZ REALTY CO., INC.:
Resolution No. R08-6

A RESOLUTION TO APPROVE THE RENEWAL OF AN AUTHORIZATION FOR A NON-RESIDENT EMPLOYEE IN A REAL ESTATE OFFICE OPERATED AS A HOME OCCUPATION WITHIN AN EXISTING SINGLE-FAMILY DETACHED RESIDENCE LOCATED AT 218 RYANS WAY.

WHEREAS, Deanna Newingham submitted Application No. UP-611-02, pursuant to Section 24.1-306 (Category 3, No. 2) of the York County Zoning Ordinance, which requested a Special Use Permit to establish a real estate office as a home occupation within an existing single-family detached residence located at 218 Ryans Way and further identified as Assessor's Parcel No. 30-77-1 (GPIN U04a-0713-3909) and to authorize one non-resident employee; and

WHEREAS, on January 21, 2003, the York County Board of Supervisors approved said application through the adoption of Resolution R03-4(R); and

WHEREAS, pursuant to Section 24.1-115(c)(2) of the York County Zoning Ordinance, said use permit contained provisions to permit one (1) non-resident employee for a term not to exceed five (5) years; and

WHEREAS, Deanna Newingham has submitted Application No. UP-737-08, which requests that the above-referenced Special Use Permit be amended, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, to authorize continued service of one (1) non-resident employee and neighboring property owners have submitted letters of support for the request;

January 15, 2008

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of January, 2008, that Application No. UP-737-08, be, and it is hereby, approved to authorize for an additional 5-year term the continued service of one (1) non-resident employee associated with the real estate office operated as a home occupation within an existing single-family detached residence located at 218 Ryans Way and further identified as Assessor's Parcel No. 30-77-1 (GPIN U04a-0713-3909).

Item No. 6. OSPREY PROPERTY COMPANY—VHDA FINANCING: Resolution No. R08-9

A RESOLUTION IN SUPPORT OF VIRGINIA HOUSING DEVELOPMENT AUTHORITY FINANCING FOR THE PROPOSED HERITAGE COMMONS SENIOR HOUSING INDEPENDENT LIVING FACILITY AT 236 COMMONS WAY

WHEREAS, Osprey Property Company proposes to construct, pursuant to a Special Use Permit authorized by the York County Board of Supervisors, a senior housing independent living facility on property located at 236 Commons Way and further identified as Assessor's Parcel No. 9-9-2 (GPIN# D15c-1545-1450); and

WHEREAS, Osprey Property Company has requested that the Board make certain findings related to the financing of the project; and

WHEREAS, the York County Board of Supervisors desires to make the determination required by Section 36-55.30:2.B of the Code of Virginia of 1950, as amended, in order for the Virginia Housing Development Authority to finance the economically mixed project (the "Project") known as Heritage Commons and described in Exhibit A, as included in the attachments to the County Administrator's January 4, 2008 memorandum and incorporated as part of this resolution by reference;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of January, 2008, that it does hereby determine that:

- 1) The ability to provide residential housing and supporting facilities that serve persons or families of lower or moderate income will be enhanced if a portion of the units in the Project are occupied or held available for occupancy by persons and families who are not of low and moderate income; and
- 2) Private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe, and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the surrounding area of the Project and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

Item No. 7. ABANDONMENT OF A PORTION OF BRICK CHURCH ROAD: Resolution No. R08-7

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 770 FEET TO ITS TERMINUS

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 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 15th day of January 2008, that the County Administrator be, and he is hereby, directed to post and publish notice of the Board's intent to abandon the section of Brick Church Road delineated on the map attached to the County Administrator's January 4, 2008 report to the Board, pursuant to §33.1-151 of the Code of Virginia of 1950, as amended.

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

NEW BUSINESS

APPROVAL OF 2007 MINUTES

Mr. Barnett explained that since Mr. Shepperd was not the Chairman at the time of the subject meetings held in 2007, the Code of Virginia required that the minutes be read prior to their approval and that the current Chairman be authorized to sign them.

Chairman Shepperd polled the Board members, determining that each of them had read the following meeting minutes:

December 4, 2007, Regular Meeting

December 18, 2007, Regular Meeting

Mrs. Noll then moved that the minutes of the above-listed 2007 Board of Supervisors' meeting be approved and that Chairman Shepperd be authorized to sign such.

On roll call the vote was:

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

CLOSED MEETING. At 10:55 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; Section 2.2-3711(a)(3) pertaining to the disposition of publicly held real property; and Section 2.2-3711(a)(7) pertaining to consult with legal counsel on a specific legal matter requiring the provision of legal advice by counsel.

On roll call the vote was:

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

Mrs. Noll left the meeting at 11:30p.m.

Meeting Reconvened. At 11:39 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Wiggins 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

January 15, 2008

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 15th day of January, 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: (4) Wiggins, Hrichak, Zaremba, Shepperd
Nay: (0)

APPOINTMENT TO THE HAMPTON ROADS PLANNING DISTRICT COMMISSION

Mr. Hrichak moved the adoption of proposed Resolution R08-11 that reads:

A RESOLUTION TO APPOINT THE CHIEF ADMINISTRATIVE OFFICER OF YORK COUNTY TO THE HAMPTON ROADS PLANNING DISTRICT COMMISSION

BE IT RESOLVED by the York County Board of Supervisors this the 15th day of January, 2008, that James O. McReynolds, York County Administrator, be, and he is hereby, appointed to the Hampton Roads Planning District Commission for a term of two years, such term to begin immediately, and expire December 31, 2009.

On roll call the vote was:

Yea: (4) Hrichak, Zaremba, Wiggins, Shepperd
Nay: (0)

APPOINTMENT TO THE HAMPTON ROADS PLANNING DISTRICT COMMISSION

Mr. Hrichak moved the adoption of proposed Resolution R08-12 that reads:

A RESOLUTION TO APPOINT A MEMBER OF THE YORK COUNTY BOARD OF SUPERVISORS TO THE HAMPTON ROADS PLANNING DISTRICT COMMISSION

BE IT RESOLVED by the York County Board of Supervisors this the 15th day of January, 2008, that Thomas G. Shepperd, Jr., be, and he is hereby, appointed as York County's elected official representative to the Hampton Roads Planning District Commission for a two-year term to begin immediately and expire December 31, 2009.

On roll call the vote was:

Yea: (4) Zaremba, Wiggins, Hrichak, Shepperd
Nay: (0)

Meeting Adjourned. At 11:44 p.m. Chairman Shepperd declared the meeting adjourned to 6:00 p.m., Tuesday, January 22, 2008, in the East Room, York Hall, for the purpose of conducting a joint meeting with the York County School Board.


James O. McReynolds, Clerk
York County Board of Supervisors


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