

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
June 3, 2008

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:02 p.m., Tuesday, June 3, 2008, in the Board Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

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

Walter C. Zaremba was absent.

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

PRESENTATIONS

YORK COUNTY YOUTH COMMISSION

Farewell to Members of the 2007-2008 York County Youth Commission

Chairman Shepperd presented each of the members of the 2007-2008 Youth Commission with a bound and sealed copy of Resolution R08-40 adopted by the Board of Supervisors on May 6, 2008, commending them for their service to the County.

Introduction of 2008-2009 York County Youth Commissioners

Chairman Shepperd introduced and welcomed the following newly appointed members of the 2008-2009 York County Youth Commission and presented them with York County logo pins:

Kyle Fiest, Chairman	Dana Ryan, Vice Chairman
Priyanka Ranganathan, Secretary	Nicole Asher
Jillian Berardini	Rachel Donze
Letitia Fowler	Jinah Lee
Abby Moul	Anup Myneni
Brennan Pritchard	Michael Shin
Gabrielle Strike	Keith Waller
Cody Williams	

Quarterly Report

Mr. Kyle Fiest, Chairman of the 2007-2008 York County Youth Commission, made the 4th and final Quarterly Report of the 2007-2008 Youth Commission. He indicated the Commission had

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a very busy spring, stating many projects took place in May. He reviewed some of them, including the outdoor movie night on the Yorktown Greene, the Outstanding Youth Awards, the 5th Annual Town Hall Meetings at the high schools, and the Youth Commission's website. Mr. Fiest then discussed the Student Opinion Survey, stating that next year's Commission will be looking at new recreational activities and businesses. He thanked the Board of Supervisors for its continued support of the Youth Commission and Mr. Zaremba for his support for the current Commission.

Chairman Shepperd thanked Mr. Fiest for a good report. He stated the Commission spends a tremendous amount of time and effort to be the face of the youth in York County, and this group has done a tremendous job of representing the commission. He thanked the commissioners and stated he anxiously waited to see the results of this year's survey.

Meeting Recessed. At 6:25 p.m. Chairman Shepperd declared a short recess.

Meeting Reconvened. At 6:34 p.m. the meeting was reconvened in open session by order of the Chair.

WORK SESSION

UTILITIES AND STORMWATER CAPITAL IMPROVEMENTS PROGRAM

Mr. Brian Woodward, Chief of Utilities, briefed the Board on the current six-year Utilities Plan. He reviewed the project evaluation criteria for water projects and sewer projects, and then provided updates on the following projects:

York Point Phase I & II

Queens Lake Sanitary Sewer

Carver Place Sanitary Sewer

Wolftrap Road Sanitary Sewer

Burt's Road Water Line

Mr. Woodward then indicated design would start in FY2009 on Old Quaker Estates water project, Falcon/Loblolly sanitary sewer project, and the Acre Acres sanitary sewer project, and the Hornsbyville Road project would start design in FY2012.

Discussion followed on the septic tank problems in the Hornsbyville Road area with poorly draining soils.

Next Mr. Woodward reviewed the upper county water supply and the County's agreement for the Newport News Waterworks (NNWW) to take over the system. He stated the rehabilitation of Well No. 1 was complete, and the transfer should take place in the next 90 days. He noted that the County has a groundwater withdrawal permit, and staff has received comments from the Department of Environmental Quality (DEQ). He stated DEQ wants to reduce the term of the permit from 10 to 5 years since the County was transferring the system to NNWW, and staff was requesting it stay at 10 years. He noted that staff as also negotiating a cost-sharing relationship to extend water lines from Hubbard.

Mrs. Noll asked when the public meetings would be held regarding the transfer of the water supply to Newport News Waterworks.

Mr. Woodward stated he thought it would be sometime in July.

Discussion followed on the flow monitoring plan.

Mr. John Hudgins, Director of Environmental and Development Services, then briefed the Board members on the stormwater program. He discussed the financial status of the program and its current cash flow. He then reviewed the status of the FY08-09 projects.

Discussion followed on development causing pollution and the County's efforts to minimize future development's effects on the environment.

Mr. Hudgins then provided information on the proposed costs for the FY10 through FY14 projects. He stated nothing has been done other than to assess the problems and do some program estimation of what needs to be done for each area. Mr. Hudgins then reviewed the staffing of the Stormwater Division and the current fund projections for all stormwater programs for FY09 through FY14.

Discussion took place on instituting stormwater fees and efforts by the County staff to work on VDOT easements or other easements not owned by the County to keep the drainage problems from worsening.

Chairman Shepperd pointed out that it was important that the Board impart this information on VDOT easements to the County's legislative delegation to get the General Assembly to help alleviate the problems.

Mr. Hudgins reviewed several stormwater program issues, stating the new permit requirements were much more stringent and will be coupled with Total Maximum Daily Load (TMDL) requirements. He stated more resources for the program will be needed in the next six years.

Mrs. Noll asked Mr. Hudgins if he had an idea of how much it will cost.

Mr. Hudgins stated he did not know what kind of resources will be needed at this time, but there will at least be a need for another inspector for existing and new requirements.

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 2, 3, 4, and 5, respectively.

On roll call the vote was:

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

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 2. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

April 15, 2008, Regular Meeting
May 6, 2008, Regular Meeting

Item No. 3. STREET ACCEPTANCES: Resolution R08-76

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE CERTAIN STREETS IN INTERNATIONAL CENTER WILLIAMSBURG PHASE 1 INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

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WHEREAS, the following street, which is shown on a plat recorded in the Clerk's Office of the Circuit Court of York County, has 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 this street and found it 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 this street;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 3rd day of June, 2008, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the street 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 International Center Williamsburg Phase 1 and to the Residency Administrator of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted June 3, 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: International Center Williamsburg Phase 1

Reason for Change: New subdivision street

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

Street Name and/or Route Number

▶ **Bulifants Boulevard, State Route Number 1422**

Old Route Number: 0

- From: Route 603 (Mooretown Road)

To: 500 feet east of Route 603, a distance of: 0.09 mile.

Recordation Reference: Instrument # 040000566 recorded on 1/9/2004.

Right of Way width (feet) = 100 feet

▶ **Bulifants Boulevard, State Route Number 1422**

Old Route Number: 0

- From: 500 feet East of Route 603

To: Temporary Turnaround, a distance of: 0.11 mile.

Recordation Reference: Instrument # 040000566 recorded on 1/9/2004.

Right of Way width (feet) = 100 feet

Item No. 4. COMMENDATION OF RETIRING EMPLOYEE: Resolution R08-77

A RESOLUTION TO COMMEND THOMAS H. ASHE, CHIEF OF
GROUNDS MAINTENANCE AND CONSTRUCTION DIVISION, DE-

PARTMENT OF GENERAL SERVICES, ON THE OCCASION OF
HIS RETIREMENT

WHEREAS, Thomas H. Ashe, began employment January 22, 1980, and on June 30, 2008, is retiring from his present position as Chief, Grounds Maintenance and Construction after 28½ years of service; and

WHEREAS, during his tenure, Mr. Ashe was responsible for planning, developing, and constructing improvements on over 650 acres of County parks, including picnic shelters, rest-rooms, playgrounds, sports fields, tennis and basketball courts, parking lots, walking trails, and boating and fishing facilities; and

WHEREAS, Mr. Ashe also successfully provided grounds maintenance support to 278 acres of York County School Division lawns and athletic fields, 50 acres of County office grounds, nearly a mile of recreational beach, and over 23 miles of highway enhancements; and

WHEREAS, Mr. Ashe was directly involved in the preparation for, response to, and recovery from many disasters and countywide emergency incidents, including ice storms, major snow events, tornadoes, severe storms, Nor'easters, and hurricanes, including Hurricane Isabel in 2003; and

WHEREAS, Mr. Ashe was instrumental in organizing and providing countless man-hours of critical support for increasingly demanding and highly successful County events such as 4th of July celebrations, the 225th Anniversary of the Battle of Yorktown, and numerous beachfront and park events; and

WHEREAS, Mr. Ashe developed an extensive landscape enhancement plan for County facilities and parks, including the Riverwalk Landing development in Yorktown, all of which have garnered continuous recognition over the years; and

WHEREAS, Mr. Ashe played a pivotal role in the design of the new 60-acre, multi-million dollar, York County Sports Field Complex; and.

WHEREAS, Mr. Ashe has performed his duties as Chief, Grounds Maintenance and Construction with the highest level of commitment and integrity; and

WHEREAS, Mr. Ashe has earned admiration and respect from the Board of Supervisors and his colleagues for his dedication, enthusiasm, professionalism, sense of humor, and hard work;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of June, 2008, that it takes great pleasure in recognizing the significant achievements of Thomas H. Ashe and herewith expresses its sincere gratitude for the invaluable contribution he has made to York County throughout the past 28½ years.

BE IT FURTHER RESOLVED that the appreciation of the citizens of York County is hereby extended to Mr. Ashe for his service, and the heartfelt best wishes of this Board of Supervisors are extended to Mr. Ashe and his family for a long, well-deserved, and pleasurable retirement and continued success in future endeavors.

Item No. 5. HEAD START TRANSPORTATION AGREEMENT: Resolution R08-78.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE YORK COUNTY SCHOOL BOARD FOR TRANSPORTATION OF CHILDREN PARTICIPATING IN THE HEAD START PROGRAM AND PROGRAMS OPERATED BY THE DIVISION OF PARKS AND RECREATION

WHEREAS, the York County Board of Supervisors operates a Head Start program for income eligible York County preschoolers and their families; and

WHEREAS, York County Board of Supervisors operates recreation programs for its citizens; and

WHEREAS, children are transported to and from County or School sites and the safest method of transportation is by school bus

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of June, 2008, that the County Administrator be, and he is hereby, authorized to execute for and on behalf of the Board an agreement with the York County School Board, substantially in the same form transmitted to the Board by report of the County Administrator dated May 20, 2008, including necessary amendments thereto, for the provision of transportation of children participating in the Head Start and Parks and Recreation programs; provided that such agreement and all such amendments shall be approved as to form by the County Attorney.

OPEN DISCUSSION

Chairman Shepperd expressed his concern with the recently adopted mowing ordinance. He stated he understood that the ordinance provided more consistency, but he felt that it was designed principally for a single individual, and he had a lot of problems with that. He stated the County's ordinances should be applicable to everyone in spirit and design. Mr. Shepperd stated the ordinance should have been addressed and designed so that a resident could have some recourse if they had a neighbor who did not take care of his property. He indicated he brought up this matter as a point of discussion for a future Board meeting, stating he would like the Board to readdress this ordinance.

Mrs. Noll stated the ordinance was not designed and adopted for just one individual, and it had put teeth into the County's ordinance allowing County staff to cite other violations.

Mr. Wiggins indicated he agreed with revisiting the ordinance, stating he was not aware of this particular instance.

Mr. Hrichak also noted his agreement to revisit the ordinance at a future meeting of the Board.

CLOSED MEETING. At 7:37 p.m. Mr. Hrichak 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: (4) Wiggins, Hrichak, Noll, Shepperd
Nay: (0)

Meeting Reconvened. At 7:45 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 3rd day of June, 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) Hrichak, Noll, Wiggins, Shepperd
Nay: (0)

APPOINTMENT TO THE THOMAS NELSON COMMUNITY COLLEGE BOARD

Mrs. Noll moved the adoption of proposed Resolution R08-79 that reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTATIVE TO THE THOMAS NELSON COMMUNITY COLLEGE BOARD

WHEREAS, the term of Belinda H. Willis as a York County representative to the Thomas Nelson Community College (TNCC) Board expires on June 30, 2008; and

WHEREAS, Mrs. Willis is eligible to serve another term on the TNCC Board and has indicated her desire to do so;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of June, 2008, that Belinda H. Willis be, and she is hereby, reappointed to serve as a York County representative to the Thomas Nelson Community College Board for a term of four years, such term to begin July 1, 2008, and expire June 30, 2012.

On roll call the vote was:

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

APPOINTMENT TO THE VIRGINIA PENINSULA ALCOHOL SAFETY ACTION PROGRAM BOARD

Mr. Wiggins moved the adoption of proposed Resolution R08-80 that reads:

A RESOLUTION TO APPOINT YORK COUNTY'S REPRESENTATIVE TO THE PENINSULA ALCOHOL SAFETY ACTION PROGRAM POLICY BOARD

WHEREAS, the term of Mr. Russell McHatton as York County's representative on the Peninsula Alcohol Safety Action Program Policy Board expires on June 30, 2008; and

WHEREAS, Mr. McHatton is eligible to serve another term, but has chosen not to seek reappointment;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of June, 2008, that Merlin M. Renne be appointed as York County's representative on the Peninsula Alcohol Safety Action Program Policy Board for a term of three years, such term to begin July 1, 2008, and expire June 30, 2011.

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On roll call the vote was:

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

Meeting Adjourned. At 7:48 p.m. Chairman Shepperd declared the meeting adjourned to 7:30 a.m., Friday, June 6, 2008, in the Duke of York Motel Restaurant, Yorktown, for the purpose of conducting a joint meeting with York County's legislative delegation.



James O. McReynolds, Clerk
York County Board of Supervisors



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