

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
May 20, 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, May 20, 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. Pastor M. A. Truckenmiller, Breakthrough Worship Center, 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 (VDOT), appeared to discuss highway matters of interest to the Board. He introduced his replacement, Todd Halacy, the new Residency Administrator.

Mrs. Noll stated she had talked with Mr. Brewer before the meeting about the \$200 penalty signs for The Greenlands that were approved in May of 2007 but not yet installed. She asked Mr. Halacy if she should give him the information or if he just wanted to check VDOT records.

Mr. Halacy stated he would go back to the records and check on it.

Mrs. Noll thanked Mr. Brewer for his service and said he would be missed.

Mr. Wiggins stated he really appreciated working with Mr. Brewer at VDOT. He noted that the lady with the green house who lives across the street from the new drug store at the intersection of Goodwin Neck Road and Route 17 is having problems with the white plastic pipes in the asphalt of the turn lane right in front of her house. He asked Mr. Brewer to look into the matter and let him know what could be done about it. He told Mr. Halacy he was looking forward to working with him.

Mr. Zarembo stated Mr. Brewer would be missed and that he had been most responsive to the citizens of District 1 as well as all the citizens across York County. He wished Mr. Halacy the best of luck in his new position.

Chairman Shepperd thanked Mr. Brewer for his responsiveness to the Board which had increased the respect the Board had for VDOT. He also thanked Mr. Brewer for being such a tremendous team player in responding to the concerns of the citizens of York County. He wished Mr. Brewer all the best in his next venture and welcomed Mr. Halacy to the program.

### **PRESENTATIONS**

#### **OUTSTANDING YOUTH AWARDS**

Chairman Shepperd presented bound and sealed copies of resolutions adopted by the Board of Supervisors commending the following students as recipients of the County's Outstanding Youth Awards for 2008:

Chris Jordan	Community Service
Jeffrey Grabowski	Compassion
Ryan Hartman	Overall Achievement

Chairman Shepperd indicated that the fourth award for the category of Courage had been presented to Meaghan Herrity on February 19th, but noted, sadly, she had passed away. He stated she was a remarkable young lady, and her presence and her courage were very inspiring.

**CITIZENS COMMENT PERIOD**

Mr. Thomas J. Trebby, 200 Oak Point Lane, appeared before the Board to talk about his concerns with the County Assessor's office and not being able to get prior year real estate value information on the County's website. He spoke of the assessments that took place on York Point Drive, asking why they did not raise the assessments on the canal where Mr. Bowman, a former member of the Board of Supervisors, lives.

**COUNTY ATTORNEY REPORTS AND REQUESTS**

Mr. Barnett indicated he had a new law clerk, Brynn DeHay, interning in his office, and he invited the Board members to come by his office and meet her.

**COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. McReynolds reminded the Board and the citizens of the Board's next regular meetings to be held on June 3 and 17.

Chairman Shepperd stated there were several questions that were asked by asked Mr. Trebby that he would like to take a look at and see if they could get some answers particularly to the one about zeroing out the prior assessment. He stated he would like to understand what the issue was there.

Mr. McReynolds explained that during each assessment cycle, when going from the current cycle to the next cycle, as the data is moved forward that field is zeroed out, and that has been the practice for a number of years. He indicated he asked the staff in the Real Estate Assessor's Office to tell him what it would take to have a programming change to have that information remain on the website. Mr. McReynolds indicated the information was available by calling the Real Estate Assessment Office.

Discussion followed regarding the process for posting the prior as well as current assessments on the website.

Mr. Wiggins indicated he has never seen the citizens so outraged by the reassessment as they have been this session, and he stated he felt it was because some of the assessments were totally out of line. He stated he felt the Board needed to take a strong look at the cases where the assessment is totally wrong.

Mrs. Noll indicated that was the job of the Board of Equalization.

Mr. McReynolds added that the appeals of decisions by the Board of Equalization are to the Circuit Court.

**MATTERS PRESENTED BY THE BOARD**

Mrs. Noll thanked staff for another good issue of the Citizens News. She noted that Market Days had started last Saturday, and it turned out to be very nice. She then noted she had

been fortunate to represent the Navy League at Tabb High School on Friday night for a special awards ceremony for the Junior Navy ROTC. She said the young people won the District 5 Award for Excellence.

Meeting Recessed. At 6:50 p.m. Chairman Shepperd declared a short recess.

Meeting Reconvened. At 7:01 p.m. the meeting was reconvened in open session by order of the Chair.

### **JOINT PUBLIC HEARING**

#### **SECONDARY ROAD SYSTEM SIX-YEAR PLAN, FY2009 THROUGH FY2014**

Mr. Carter gave a presentation on proposed Resolution R08-73 to approve a project priority listing for secondary road construction for the six-year period FY2009 through FY2014 and to approve a construction budget for FY2009. He stated this was a joint public hearing held by the Board of Supervisors and VDOT as required by State Code. He also explained the candidate projects list and asked that the Board provide any additional project suggestions by June 17.

Mr. Brewer stated the six-year plan as presented by Mr. Carter was a good plan, and he would be looking at the possibility of moving up some of the ad dates.

Mrs. Noll stated she noticed that some of the candidate projects had been scoped out but not all of them, so the Board had no idea what the other ones would cost. She asked that they scope them all out and then come back to the Board with the cost.

Chairman Shepperd then called to order a public hearing on proposed Resolution R08-73 that was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE A PROJECT PRIORITY LISTING  
FOR SECONDARY ROAD CONSTRUCTION FOR THE SIX-YEAR  
PERIOD FY2009 THROUGH FY2014 AND TO APPROVE A CON-  
STRUCTION BUDGET FOR FY 2009

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

Mrs. Noll then moved the adoption of proposed Resolution R08-73 that reads:

A RESOLUTION TO APPROVE A PROJECT PRIORITY LISTING  
FOR SECONDARY ROAD CONSTRUCTION FOR THE SIX-YEAR  
PERIOD FY2009 THROUGH FY2014 AND TO APPROVE A CON-  
STRUCTION BUDGET FOR FY 2009

WHEREAS, the York County Board of Supervisors has been requested to give consideration to a proposed program of secondary road improvements contained in the six-year plan; and

WHEREAS, the Williamsburg Residency Administrator of the Virginia Department of Transportation has provided a recommended program which the Board of Supervisors has carefully considered; and

WHEREAS, the projects on this list have been determined by the York County Planning Commission to be in conformance with the York County Comprehensive Plan; and

WHEREAS, the Board and the Virginia Department of Transportation have jointly conducted a duly advertised public hearing on the proposal in accordance with applicable procedures; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of May, 2008, that the Board does hereby adopt the following project priorities for the Six-Year Secondary Road Plan during the six-year period of FY2009 through FY2014:

1. **Big Bethel Road** – intersection improvements at Route 134 and Route 171.
2. **Grafton Drive** – reconstruct and re-align Grafton Drive/Dare Road/Route 17 intersection to accommodate connection of Grafton Drive and Burts Road.
3. **Lakeside Drive** – intersection and turning lane improvements between Route 17 and Dare Road.
4. **Penniman Road** – reconstruct and repave from Alexander Lee Parkway to Fillmore Drive.
5. **Burts Road** – connect with Grafton Drive on a new corridor alignment parallel to Route 17.
6. **Yorkville Road** – improve 90-degree curve.
7. **Cook Road** – provide 20% local match for CMAQ-funded project to construct bicycle lanes between the northern intersection of Surrender Road and Ballard Street.
8. **Water Country Parkway** – relocate/re-align to eliminate s-curve and reconstruct to improve access to economic priority area.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby approves the Secondary System Construction Budget for FY 2009 as presented by the Williamsburg Residency Administrator of the Virginia Department of Transportation.

BE IT STILL FURTHER RESOLVED that the Residency Administrator be, and he is hereby, commended for his assistance and support in addressing the transportation needs of the County.

BE IT STILL FURTHER RESOLVED that the County Administrator be, and he is hereby, authorized to sign and execute all such documents as are necessary to evidence the Board's approval of the Construction Budget and the Six-Year Plan.

On roll call the vote was:

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

**PUBLIC HEARINGS**

**CHILD DEVELOPMENT RESOURCES, INC., (CDR) LEASE AGREEMENT**

Mrs. Anne B. Smith, Director of Community Services, gave a brief presentation on proposed Resolution R08-57 to authorize the execution of a lease agreement with CDR for the operation of an early childhood care and developmental service in the Griffin-Yeates Building.

Chairman Shepperd then called to order a public hearing on proposed Resolution R08-57 that was duly advertised as required by law and is entitled:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A SUPPORT AGREEMENT WITH CHILD DEVELOPMENT RESOURCES, INC., A NONPROFIT VIRGINIA CORPORATION, PROVIDING \$186,352 IN ANNUAL FUNDING FOR THE OPERATION OF EARLY CHILDHOOD CARE AND DEVELOPMENTAL SERVICES IN THE GRIFFIN-YEATES CENTER LOCATED ON GOVERNMENT ROAD

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

Mr. Hrichak then moved the adoption of proposed Resolution R08-57 that reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A SUPPORT AGREEMENT WITH CHILD DEVELOPMENT RESOURCES, INC., A NONPROFIT VIRGINIA CORPORATION, PROVIDING \$186,352 IN ANNUAL FUNDING FOR THE OPERATION OF EARLY CHILDHOOD CARE AND DEVELOPMENTAL SERVICES IN THE GRIFFIN-YEATES CENTER LOCATED ON GOVERNMENT ROAD

WHEREAS, it is in the public interest to continue to make available an early childhood educational experience and positive learning opportunities on behalf of economically disadvantaged and other qualified County citizens; and

WHEREAS, Child Development Resources, Inc., a nonprofit Virginia corporation, has provided such services by operation of a program called First Steps;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of May, 2008, that the County Administrator be, and he is hereby, authorized to execute a Support Agreement approved as to form by the County Attorney with the Child Development Resources, Inc., for the operation of the First Steps program for the period July 1, 2008, until June 30, 2009.

On roll call the vote was:

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

#### PROHIBITION OF THROUGH TRUCK TRAFFIC

Mr. Carter gave a presentation on proposed Resolution R08-74 to request that VDOT prohibit through truck traffic on Harris Lane and Copeland Lane.

Chairman Shepperd then called to order a public hearing on proposed Resolution R08-74 that was duly advertised as required by law and is entitled:

A RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION AND COMMONWEALTH TRANSPORTATION BOARD TO ESTABLISH A PROHIBITION OF THROUGH TRUCK TRAFFIC ON COPELAND LANE AND HARRIS LANE

Ms. Kathleen Johnson, 114 Copeland Lane, addressed the Board regarding her concerns with the traffic issues on Copeland Lane. She stated traffic increased greatly when the extension of Ft. Eustis Boulevard opened, and she is now unable to back out of her driveway in the morning to go to work. She added that the situation has become dangerous for playing children also. Ms. Johnson urged the Board to approve the request to prohibit through truck traffic and to urge VDOT to seriously consider installing traffic bumps to slow down the traffic.

Mr. Sid Collins 1200 Old York-Hampton Highway, appeared before the Board regarding his concerns with traffic issues. He stated cars speeding down Old York-Hampton are constantly running into his driveway while trying to make the turn onto Copeland Lane. He stated he would not let his grandson get near the street, and the residents would appreciate anything that could be done to slow down or stop the traffic on little residential streets.

Ms. Stephanie Davenport, 105 Copeland Lane, addressed the Board in support of the prohibition of through truck traffic on Copeland Lane. She spoke of her concerns with the traffic issues and the fact that she cannot let her 11 year-old child cross the road without her standing there because there is so much traffic. She stated her three children should be able to ride

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their bicycles on the residential road, and something should be done before somebody gets hurt.

Mr. David Sleighter, 108 Copeland Lane, appeared before the Board in support of the prohibition of through traffic on Copeland Lane. He spoke of the noise from the constant traffic that adversely affected his handicapped daughter, stating she has seizures a lot of times due to the noise that the trucks make as they go down the street and the noise from the increasing number of cars. He noted there was a huge increase in traffic the day the Ft. Eustis Boulevard extension opened.

Mr. Wiggins stated people are cutting through this area which cuts off a very short distance for them, and the residents should not have to put up with the increased traffic. He asked if giving VDOT a push would be the next step.

Discussion followed on the different traffic calming measures for this situation to be addressed with VDOT.

Mr. Zaremba then moved the adoption of proposed Resolution R08-74 that reads:

A RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF  
TRANSPORTATION AND COMMONWEALTH TRANSPORTATION  
BOARD TO ESTABLISH A PROHIBITION OF THROUGH TRUCK  
TRAFFIC ON COPELAND LANE AND HARRIS LANE

WHEREAS, residents of Copeland Lane have requested that consideration be given to the establishment of a "No Through Trucks" restriction on that street; and

WHEREAS, because of its proximity and characteristics, the Board has determined that similar consideration should be given to Harris Lane; and

WHEREAS, in accordance with the "Guidelines for Considering Requests for Restricting Through Trucks on Secondary Highways" established by the Commonwealth Transportation Board, the Board of Supervisors must formally request the establishment of such restrictions subsequent to conducting a duly advertised public hearing; and

WHEREAS, the Board of Supervisors has reviewed this proposal in light of the criteria established by the Virginia Department of Transportation pertaining to the eligibility of streets for such restrictions and is of the opinion that a sufficient number of the required criteria can be met; and

WHEREAS, the designated alternate routes of travel in lieu of the restricted routes would be:

- Route 634 (Old York-Hampton Highway) to Route 718 (Hornsbyville Road)

WHEREAS, in accordance with the required VDOT procedures, the Board has conducted a duly advertised public hearing concerning this proposal.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 20th day of May, 2008, that the Virginia Department of Transportation and Commonwealth Transportation Board be, and they are hereby, requested to consider the establishment of a "No Through Trucks" prohibition on the following routes:

- Route 1214 (Harris Lane) and Route 1215 (Copeland Lane) between Route 634 (Old York-Hampton Highway) and Route 718 (Hornsbyville Road)

BE IT FURTHER RESOLVED that the following be considered and designated as the alternate routes for through truck traffic;

- Route 634 (Old York-Hampton Highway) to Route 718 (Hornsbyville Road)

BE IT STILL FURTHER RESOLVED that the Board of Supervisors commits that it will request the York County Sheriff's Department to monitor and enforce compliance with said

restrictions should they be approved and established by the Virginia Department of Transportation and Commonwealth Transportation Board.

On roll call the vote was:

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

YORK COUNTY CODE AMENDMENT: INCREASE IN LATE CHARGE FOR OVERDUE SOLID WASTE AND WATER ACCOUNTS.

Mr. Barnett gave a presentation on proposed Ordinance No. 08-5 to amend Sections 19-75 and 22-112 of the York County Code to increase the late charge for overdue solid waste accounts and water accounts.

Discussion followed regarding the proposed late charge increase.

Chairman Shepperd then called to order a public hearing on proposed Ordinance No. 08-5 that was duly advertised as required by law and is entitled:

AN ORDINANCE AMENDING YORK COUNTY CODE SECTIONS 19-75 AND 22-112 TO INCREASE THE LATE CHARGE FOR OVERDUE SOLID WASTE ACCOUNTS AND WATER ACCOUNTS FROM TEN PERCENT (10%) OR FIVE DOLLARS (\$5.00), WHICHEVER IS GREATER, TO TEN PERCENT (10%) OR TEN DOLLARS (\$10.00), WHICHEVER IS GREATER

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

Mrs. Noll then moved the adoption of proposed Ordinance No. 08-5 that reads:

AN ORDINANCE AMENDING YORK COUNTY CODE SECTIONS 19-75 AND 22-112 TO INCREASE THE LATE CHARGE FOR OVERDUE SOLID WASTE ACCOUNTS AND WATER ACCOUNTS FROM TEN PERCENT (10%) OR FIVE DOLLARS (\$5.00), WHICHEVER IS GREATER, TO TEN PERCENT (10%) OR TEN DOLLARS (\$10.00), WHICHEVER IS GREATER

BE IT ORDAINED by the York County Board of Supervisors, this 20th day of May, 2008, that sections 19-75 and 22-112, York County Code, be and they are hereby amended to read and provide as follows:

**Sec. 19-75. When bills to be paid; overdue accounts.**

The fees and charges established in this article shall be due upon receipt of the statement rendered by the county and shall be considered delinquent thirty (30) days following the billing date. A late charge of ten percent (10%) of the amount due or ten dollars (\$10.00), whichever is greater, shall be added to all service charges when they are first considered delinquent. Interest at the rate of ten percent (10%) per annum shall be charged on the aggregate of the payment and penalty due beginning with the date the penalty is applied. If any bill shall not be paid within thirty (30) days of the billing date, the account may be forwarded to the treasurer for collection, and county collection services to the property shall cease.

\* \* \*

**Sec. 22-112. When bills to be paid; overdue accounts.**

- (a) Water service charges shall be due upon receipt of the statement rendered by the county and shall be considered delinquent thirty (30) days following the billing date. A late charge of ten (10) percent of the amount due or ten dollars (\$10.00), whichever is greater, shall be added to all service charges when they are first considered delinquent.

Interest at the rate of ten (10) percent per annum shall be charged on the aggregate of the payment and penalty due beginning with the date the penalty is applied. If any bills shall not be paid within forty-five (45) days of the billing date, the water supply to the premises shall be discontinued as provided for in section 22-115 of this chapter.

- (b) In lieu of discontinuing water service as provided for in paragraph (a) of this section, the county administrator may enter into agreements by which the owners of the premises for which bills for service are unpaid may be allowed to pay the amount owed including the penalty and interest owed in installment payments, such agreements to contain such other reasonable terms and conditions as may be necessary to ensure payment, and to be approved as to form by the county attorney. Such agreement shall provide that late payment of any installment payment or a failure to pay current amounts due shall result in immediate discontinuance of the water supply to the premises.
- (c) Any unpaid water connection fee or any installment thereof, or any unpaid service charge, together with any penalty and interest, shall become a lien superior to the interest of any owner, lessee, or tenant, and next in succession to county taxes on the real estate benefitted by any such facilities. Such lien may be discharged by payment to the county of the total amount of such lien, together with penalty and interest accrued thereon to the date of payment. If any such charges remain unpaid for a period of sixty (60) days from the billing date, the county administrator shall within thirty (30) days certify such charges as being unpaid to the Clerk of the circuit court, who shall docket the same in the appropriate lien books of the circuit court.

On roll call the vote was:

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

#### CONVEYANCE OF THE LODGE ROAD PUMP STATION SITE

Mr. Barnett made a presentation on proposed Resolution R08-46 to authorize the execution of an agreement with the Hampton Roads Sanitation District (HRSD) for conveyance of the Lodge Road pump station site to the HRSD, and the conveyance of the Rolling Hills pump station to the County.

Chairman Shepperd then called to order a public hearing on proposed Resolution R08-46 that was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE HAMPTON ROADS SANITATION DISTRICT FOR THE CONVEYANCE OF THE LODGE ROAD PUMP STATION SITE TO THE HAMPTON ROADS SANITATION DISTRICT, TOGETHER WITH CERTAIN APPURTENANT ACCESS AND UTILITY EASEMENTS, AND THE CONVEYANCE BY THE HAMPTON ROADS SANITATION DISTRICT OF THE ROLLING HILLS PUMP STATION TO THE COUNTY

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

Mr. Hrichak then moved the adoption of proposed Resolution R08-46 that reads:

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE HAMPTON ROADS SANITATION DISTRICT FOR THE CONVEYANCE OF THE LODGE ROAD PUMP STATION SITE TO THE HAMPTON ROADS SANITATION DISTRICT, TOGETHER WITH CERTAIN APPURTENANT ACCESS AND UTILITY EASEMENTS, AND THE CONVEYANCE BY THE HAMPTON ROADS SANITATION DISTRICT OF THE ROLLING HILLS PUMP STATION TO THE COUNTY

WHEREAS, the Hampton Roads Sanitation District (HRSD) has proposed the mutual exchange of certain pump station sites within the County, whereby the County would convey to HRSD a sewage pump station site located near the southern terminus of Lodge Road near its intersection with State Route 199, together with certain access and utility easements, in exchange for which HRSD shall convey to the County a certain pump station site known as the Rolling Hills pump station located within Country Club Acres subdivision in York County; and

WHEREAS, this matter has been duly advertised for a public hearing pursuant to Code of Virginia § 15.2-1800, and this Board finds that the proposed conveyance is in furtherance of the public interest.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of May, 2008, that the County Administrator is hereby authorized to execute and perform an agreement with the Hampton Roads Sanitation District substantially similar in form to the draft agreement attached to the County Administrator's memorandum of January 15, 2008, by which the parties would exchange title to the Lodge Road sewer pump station now owned by the County and the Rolling Hills sewer pump station owned by the Hampton Roads Sanitation District.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the York County Board of Supervisors, that the County Administrator is authorized to execute a deed or deeds, and other documents, each to be approved as to form by the County Attorney, conveying to the Hampton Roads Sanitation District a certain parcel containing a pump station and shown as "Lot 2" on a plat entitled "Subdivision of Property of York County Board of Supervisors (Lodge Road Pump Station) dated August 1, 2007, and last revised on December 7, 2007, made by Precision Measures, Inc., which plat is incorporated herein by reference, such conveyance to be subject to the retention by the County of a certain 20' sanitary sewer easement on Lot 2 as shown on the referenced plat, together with a 30' access easement and a 20' utility easement across the County's adjacent property also as shown on the plat, and further to assign to HRSD the right to maintain those utility lines located within an easement shown on a plat recorded in Plat Book 13, page 206 among the land records of the York County Circuit Court lying between Lots 113 and 114 of Williamsburg Bluffs subdivision, Section II, Phase 2, on those terms and conditions set out in the memorandum of the County Administrator dated January 15, 2008.

On roll call the vote was:

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

#### EASEMENTS FOR THE BRANDYWINE DRAINAGE IMPROVEMENTS PROJECT

Mr. Barnett made a presentation on proposed Resolution R08-66 to declare the intent of the York County Board of Supervisors to enter and take necessary easements across certain properties pertaining to the Brandywine drainage improvements project.

Chairman Shepperd then called to order a public hearing on proposed Resolution R08-66 that was duly advertised as required by law and is entitled:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON  
AND TAKE CERTAIN PERMANENT DRAINAGE EASEMENTS AND  
TEMPORARY CONSTRUCTION EASEMENTS IN CONNECTION  
WITH THE BRANDYWINE DRAINAGE PROJECT

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

Mrs. Noll then moved the adoption of proposed Resolution R08-66 that reads:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON AND TAKE CERTAIN PERMANENT DRAINAGE EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS IN CONNECTION WITH THE BRANDYWINE DRAINAGE PROJECT

WHEREAS, it is necessary to obtain certain easements in connection with the Brandywine drainage project; and

WHEREAS, for various reasons, the County is not able to obtain from the owner of such property clear title to the interests in real estate necessary, or no agreement has been reached as to the consideration to be paid for the said interests; and

WHEREAS, a plat of the interests in real property to be acquired has been prepared by Precision Measurements, Inc. and valuations of such interests have been prepared; and

WHEREAS, § 15.2-1905 (C), Code of Virginia, authorizes the Board to adopt a resolution following a public hearing on the matter declaring its intent to enter and take specified properties, rights-of-way or easements for such purposes as constructing, installing, expanding, maintaining, or repairing sewer facilities.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of May, 2008, that the Board finds that it is necessary for the protection and preservation of the public health, safety and welfare, and for the timely completion of the Brandywine drainage project, for the County, its officers, employees and agents to enter upon and take the interests in real property described below prior to the initiation of condemnation proceedings.

BE IT FURTHER RESOLVED that the interests to be taken, and the compensation and damages, if any, offered by the County for each are the following, which interests are more particularly described on the plat attached to the memorandum of the County Attorney dated April 22, 2008, and incorporated herein by this reference:

Property of Robert E. Baggett  
Tax Map Parcel 25N-01-00-001, GPIN T07C-0682-2283

A permanent drainage easement and a temporary construction easement as shown on a plat entitled "Plat of Easement Acquisition From: Robert E. Baggett, To: County of York, Virginia, Project: Brandywine Drainage Improvements" dated December 21, 2005, revised January 11, 2007, prepared by Precision Measurements, Inc. and designated as "Permanent Drainage Easement Hereby Conveyed to York County, 835 sq. ft. or 0.019 acres," and "Temporary Construction Easement Hereby Conveyed to York County, 1,335 sq. ft. or 0.031 acres." Value offered to owner: \$240.00.

BE IT STILL FURTHER RESOLVED that the Chairman of the Board of Supervisors, the County Treasurer and the County Attorney are hereby authorized and directed, for and on behalf of the County, to execute a certificate of deposit to be recorded in the Office of the Clerk of the Circuit Court for York County, certifying the amount set forth above as the fair value, and damages if any, of the interests to be taken, will be paid the owners in accordance with the provisions of State law and upon order of the Court.

BE IT STILL FURTHER RESOLVED that the County Attorney be, and he is hereby, authorized, if necessary and appropriate, at any time following the date of this Resolution, to institute condemnation proceedings in the name of the Board of Supervisors to acquire title to the interests in the property described above, including, if necessary, any other easements or restrictions that may affect the easements sought to be acquired, and to do all things necessary as a prerequisite thereto.

On roll call the vote was:

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

LEASE AGREEMENT WITH SCHOOL BOARD

Mr. Barnett made a presentation on proposed Resolution R08-47 to authorize the execution of a lease agreement with the School Board for two parcels of property owned by the County and located adjacent to Queens Lake Middle School and York High School, and authorizing the execution of a deed conveying to the School Board a parcel of land located adjacent to Dare Elementary School. He noted that Mr. Zaremba had spoken with him earlier suggesting that additional language be added indicating that if the leased properties were used for any purposes other than those specifically approved, it would constitute a default, and the lease could be terminated.

Discussion followed on the additional language proposed by Mr. Zaremba.

Mr. Barnett indicated he would draft the additional language for the lease agreement and make sure that all the Board members have seen it prior to it being executed.

Chairman Shepperd then called to order a public hearing on proposed Resolution R08-47 that was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH THE COUNTY SCHOOL BOARD OF YORK COUNTY WHEREBY THE COUNTY WILL LEASE TO THE SCHOOL BOARD TWO PARCELS OF PROPERTY OWNED BY THE COUNTY AND LOCATED ADJACENT TO QUEENS LAKE MIDDLE SCHOOL AND YORK HIGH SCHOOL, CONSISTING OF APPROXIMATELY 7.13 ACRES, AND 2.2 ACRES, RESPECTIVELY, AND FURTHER AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A DEED AND OTHER DOCUMENTS CONVEYING TO THE SCHOOL BOARD A PARCEL LOCATED ADJACENT TO DARE ELEMENTARY SCHOOL CONSISTING OF APPROXIMATELY 4.0 ACRES

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

Mrs. Noll then moved the adoption of proposed Resolution R08-47 that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH THE COUNTY SCHOOL BOARD OF YORK COUNTY WHEREBY THE COUNTY WILL LEASE TO THE SCHOOL BOARD TWO PARCELS OF PROPERTY OWNED BY THE COUNTY AND LOCATED ADJACENT TO QUEENS LAKE MIDDLE SCHOOL AND YORK HIGH SCHOOL, CONSISTING OF APPROXIMATELY 7.13 ACRES, AND 2.2 ACRES, RESPECTIVELY, AND FURTHER AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A DEED AND OTHER DOCUMENTS CONVEYING TO THE SCHOOL BOARD A PARCEL LOCATED ADJACENT TO DARE ELEMENTARY SCHOOL CONSISTING OF APPROXIMATELY 4.0 ACRES.

WHEREAS, by a deed dated October 31, 1986 and recorded in Deed Book 463, page 339, the County acquired a parcel of property (the QLMS parcel) consisting of approximately 7.13 acres and located adjacent to the campus for Queens Lake Middle School owned by the County School Board of York County (the School Board); and

WHEREAS, by a deed dated March 1, 1993, and recorded in Deed Book 714, page 731, the County acquired a parcel of property (the DES parcel) containing approximately 2.21 acres, and located adjacent to the campus for Dare Elementary School on property owned by the School Board; and

WHEREAS, by a deed dated December 4, 1997, and recorded in Deed Book 983, page 271, the County acquired a parcel of property (the YHS parcel) containing approximately 4.0

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acres and located adjacent to the campus of York High School on property owned by the School Board; and

WHEREAS, it has been determined to be in the public interest that the QLMS parcel and the YHS parcel should be leased to the School Board and that the DES parcel should be conveyed in fee simple to the School Board.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this 20th day of May, 2008, that the County Administrator is authorized to execute a lease agreement with the County School Board of York County, for the above-referenced QLMS and YHS parcels located adjacent to Queens Lake Middle School and York High School, consisting of approximately 7.13 acres and 2.2 acres, respectively, for indefinite terms to extend for so long as such parcels shall continue to be used by the York County School Board for school and educational purposes, free of consideration, to be used by the School Board for athletic and recreational facilities, for the expansions of school buildings and other facilities, and for other educational purposes, provided that any such lease agreement shall be approved as to form by the County Attorney.

BE IT FURTHER RESOLVED that the County Administrator is authorized to execute a deed or deeds and other documents to convey to the York County School Board in fee simple, with special warranty of title, without consideration, but with costs of recordation to be paid by the School Board, that parcel identified above as the DES parcel, such deed or deeds and other documents to be approved as to form by the County Attorney.

On roll call the vote was:

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

REAUTHORIZATION OF BOARD OF SUPERVISORS' SALARIES

Mr. Barnett explained the purpose of proposed Ordinance No. 08-9 to continue the current salaries of the members of the York County Board of Supervisors as required by the Code of Virginia.

Chairman Shepperd then called to order a public hearing on proposed Ordinance No. 08-9 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO CONTINUE THE SALARIES OF MEMBERS OF THE YORK COUNTY BOARD OF SUPERVISORS AT THE SUM OF \$9,000.00 PER ANNUM, PLUS AN ADDITIONAL SALARY OF \$1,800.00 FOR THE BOARD CHAIRMAN AND AN ADDITIONAL SUM OF \$1,200.00 FOR THE BOARD VICE-CHAIRMAN, EFFECTIVE JULY 1, 2008

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

Mr. Hrichak then moved the adoption of proposed Ordinance No. 08-9 that reads:

AN ORDINANCE TO CONTINUE THE SALARIES OF MEMBERS OF THE YORK COUNTY BOARD OF SUPERVISORS AT THE SUM OF \$9,000.00 PER ANNUM, PLUS AN ADDITIONAL SALARY OF \$1,800.00 FOR THE BOARD CHAIRMAN AND AN ADDITIONAL SUM OF \$1,200.00 FOR THE BOARD VICE-CHAIRMAN, EFFECTIVE JULY 1, 2008

BE IT ORDAINED by the York County Board of Supervisors this 20th day of May, 2008, that the salaries of members of the York County Board of Supervisors be established at the sum of \$9,000.00 per annum, plus an additional sum of \$1,800.00 for the Board Chairman and an additional sum of \$1,200.00 for the Board Vice-Chairman, effective July 1, 2008.

On roll call the vote was:

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

CONVEYANCE OF POWER LINE EASEMENT TO VIRGINIA ELECTRIC AND POWER COMPANY

Mr. Barnett gave a presentation on proposed Resolution R08-65 to authorize the execution of a right-of-way agreement conveying to Virginia Electric and Power Company a power line easement across property owned by York County and located at Fire Station No. 4.

Chairman Shepperd then called to order a public hearing on proposed Resolution R08-65 that was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A RIGHT OF WAY AGREEMENT CONVEYING TO VIRGINIA ELECTRIC AND POWER COMPANY A POWER LINE EASEMENT ACROSS PROPERTY OWNED BY YORK COUNTY AND LOCATED AT 901 GOOSLEY ROAD, YORKTOWN, VIRGINIA, BEING THE LOCATION OF YORK COUNTY FIRE STATION NO. 4

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

Mrs. Noll then moved the adoption of proposed Resolution R08-65 that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A RIGHT OF WAY AGREEMENT CONVEYING TO VIRGINIA ELECTRIC AND POWER COMPANY A POWER LINE EASEMENT ACROSS PROPERTY OWNED BY YORK COUNTY AND LOCATED AT 901 GOOSLEY ROAD, YORKTOWN, VIRGINIA, BEING THE LOCATION OF YORK COUNTY FIRE STATION NO. 4

WHEREAS, in connection with the renovation of Yorktown Middle School, the York County School Board desires to erect recreational lighting and in connection therewith the Virginia Electric and Power Company has requested a power line easement across a portion of that parcel of real property owned by the County and located at 901 Goosley Road, Yorktown, Virginia, and being the location of York County Fire Station No. 4; and

WHEREAS, following a public hearing, this Board has determined that it is in the public interest to grant the requested easement.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this 20th day of May, 2008, that the County Administrator is authorized to execute a right of way agreement and other documentation as may be required to convey to Virginia Electric and Power Company an easement across property located at 901 Goosley Road, such conveyance to be without consideration, any such right of way agreement or other document to be approved as to form by the County Attorney.

On roll call the vote was:

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

APPLICATION NO. ZM-118-08, YORK COUNTY SCHOOL BOARD

Mr. Carter made a presentation on proposed Ordinance No. 08-08 to reclassify from General Business (conditional) to General Business (conditional) two parcels located at 413 and 415 Grafton Drive, subject to conditions voluntarily proffered. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of

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approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 08-8.

Mr. Hrichak asked if there were residences on either side of the parking lot.

Mr. Carter stated on the side closest to the driveway going into the school site there was a residence. He stated it was zoned general business, so it was a nonconforming residence, but it was occupied as a residence.

Mr. Hrichak asked if there would be any screening between the parking lot and that residence.

Mr. Carter stated that the 10 feet along the southern property line would have to be landscaped.

Mrs. Noll questioned the screening and asked if they were going to put up a fence so that the school buses on Grafton Drive could not be seen. She also asked if it was going to be a low planting.

Mr. Carter stated there were several fairly large trees on the frontage currently. He stated that with the way the parking lot was configured, staff believes all of those could be retained. He said they would have to be supplemented to meet the ratios that the ordinance spelled out for the Type 25 transitional buffer.

Mrs. Noll asked if the buses would still be seen from the street.

Mr. Carter stated that to some extent the buses would be visible, although the trees there at present are evergreen, and they provide a pretty good screen from Grafton Drive. There would also be the required 10-foot landscaped areas on both the northern and the southern property lines.

Mr. Shepperd asked if there would be a BMP requirement since an acre was being paved.

Mr. Carter stated the drainage would be directed into the already existing stormwater facilities on the School site and would be required to be handled by the existing facilities at the school complex.

Chairman Shepperd then called to order a public hearing on proposed Application No. ZM-118-08 that was duly advertised as required by law. Proposed Ordinance No. 08-8 is entitled:

AN ORDINANCE TO APPROVE A REQUEST TO REZONE APPROXIMATELY 1.05 ACRES LOCATED AT 413 AND 415 GRAFTON DRIVE (ROUTE 621) FROM GB (GENERAL BUSINESS) CONDITIONAL TO GB CONDITIONAL SUBJECT TO VOLUNTARILY PROFFERED CONDITIONS

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

Mr. Hrichak then moved the adoption of proposed Ordinance No. 08-8 that reads:

AN ORDINANCE TO APPROVE A REQUEST TO REZONE APPROXIMATELY 1.05 ACRES LOCATED AT 413 AND 415 GRAFTON DRIVE (ROUTE 621) FROM GB (GENERAL BUSINESS) CONDITIONAL TO GB CONDITIONAL SUBJECT TO VOLUNTARILY PROFFERED CONDITIONS

WHEREAS, on April 15, 2003, the York County Board of Supervisors approved Application No. ZM-73-03 to amend the York County Zoning Map by reclassifying seven parcels on the west side of Grafton Drive (Route 621) from LB (Limited Business) to GB (General Business) subject to voluntarily proffered conditions set forth in Ordinance No. 03-12; and

WHEREAS, the York County School Board has submitted Application No. ZM-118-08, which requests, pursuant to Section 24.1-114(h) of the York County Zoning Ordinance, to

amend the conditions applicable to the parcels located at 413 Grafton Drive and 415 Grafton Drive, approximately 190 feet northwest of its intersection with Amory Lane (Route 630), further identified as Assessor's Parcel Nos. 29-10 (GPIN R07d-4699-0015) and 29-9 (GPIN R07d-4631-0095); 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 Planning Commission has determined, pursuant to Section 15.2-2232 of the Code of Virginia, that the proposed parking lot location is substantially in accord with Charting the Course to 2025: The County of York Comprehensive Plan; and

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

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 20th day of May, 2008, that Application No. ZM-118-08 be, and it is hereby, approved to amend the proffered conditions set forth in Ordinance No. 03-12, adopted by the Board on April 15, 2003, applicable to the parcels located at 413 Grafton Drive (Route 621) and 415 Grafton Drive, approximately 190 feet northwest of its intersection with Amory Lane (Route 630), further identified as Assessor's Parcel Nos. 29-10 (GPIN R07d-4699-0015) and 29-9 (GPIN R07d-4631-0095), to read and provide as follows, in accordance with the proffer statement signed by Steven R. Staples, a copy of which shall remain on file in the Planning Division:

We hereby voluntarily proffer that the development of the property owned by the York County School Board proposed for reclassification under this application shall be in substantial accordance with the site plan titled "Grafton School Complex Bus Parking Lot Addition, County of York, Virginia," prepared by PRISM Contractors & Surveyors, Inc. and dated January 15, 2007, and that the applicant agrees to install a front yard landscape buffer meeting the requirements for a Type 25 Transitional Buffer along Grafton Drive.

BE IT FURTHER ORDAINED that this condition shall supersede the proffered conditions set forth in Ordinance No. 03-12, adopted by the Board on April 13, 2003, as they apply to the two parcels referenced above.

BE IT STILL FURTHER ORDAINED that in accordance with Section 24.1-114(e)(1) of the York County Zoning Ordinance, a certified copy of this Ordinance 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.

On roll call the vote was:

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

APPLICATION NO. UP-741-08, SARAH GREEN

Mr. Carter gave a presentation on Application No. UP-741-08 Consider to approval a use permit authorizing a detached accessory apartment in connection with an existing single-family detached home located at 413 Railway Road. 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 R08-59.

Chairman Shepperd called to order a public hearing on Application No. UP-741-08 that was duly advertised as required by law. Proposed Resolution R08-59 is entitled:

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A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 413 RAILWAY ROAD

Mr. Robert Carroll, 401 Railway Road, representing the applicant, appeared to answer any questions the Board might have.

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

Mr. Hrichak then moved the adoption of proposed Resolution R08-59 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 413 RAILWAY ROAD

WHEREAS, Sarah Green has submitted Application No. UP-741-08 to request a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached home on a 0.70-acre parcel of land located at 413 Railway Road (Route 620) and further identified as Assessor's Parcel No. 25-425C (GPIN# U07a-0680-4170); 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 20th day of May, 2008 that Application No. UP-741-08 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, for a detached accessory apartment in conjunction with a single-family detached home on a 0.70-acre parcel of land located at 413 Railway Road (Route 620) and further identified as Assessor's Parcel No. 25-425C (GPIN# U07a-0680-4170) subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached home on a 0.70-acre parcel of land located at 413 Railway Road (Route 620) and further identified as Assessor's Parcel No. 25-425C (GPIN# U07a-0680-4170).
2. The apartment shall be contained within a structure to be located behind the principal dwelling as depicted on the sketch plan and in accordance with the floor plans and elevations 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 630 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 with the Clerk of the Circuit Court, a deed restriction on the property stipulating that the subject accessory apartment will be used, occupied, and maintained in accordance with standards and restrictions set forth in this resolution. A court-certified copy of the document shall be submitted to the County at the time of building permit application.

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

#### **CONSENT CALENDAR**

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 12, 13, 14, 15, and 16, respectively.

Thereupon, the following resolutions were adopted:

#### **Item 12. CHILD DEVELOPMENT RESOURCES (CDR), INC., SUPPORT AGREEMENT: Resolution R08-58**

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A SUPPORT AGREEMENT WITH CHILD DEVELOPMENT RESOURCES, INC., A NONPROFIT VIRGINIA CORPORATION, PROVIDING \$186,352 IN ANNUAL FUNDING FOR THE OPERATION OF EARLY CHILDHOOD CARE AND DEVELOPMENTAL SERVICES IN THE GRIFFIN-YEATES CENTER LOCATED ON GOVERNMENT ROAD

WHEREAS, it is in the public interest to continue to make available an early childhood educational experience and positive learning opportunities on behalf of economically disadvantaged and other qualified County citizens; and

WHEREAS, Child Development Resources, Inc., a nonprofit Virginia corporation, has provided such services by operation of a program called First Steps;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of May, 2008, that the County Administrator be, and he is hereby, authorized to execute a Support Agreement approved as to form by the County Attorney with the Child Development Resources, Inc., for the operation of the First Steps program for the period July 1, 2008, until June 30, 2009.

#### **Item 13. ARTS FUNDING FOR FY2009: Resolution R08-56**

A RESOLUTION TO APPROVE FY2009 COUNTY AND STATE FUNDING FOR LOCAL ARTS ORGANIZATIONS

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WHEREAS, the Board of Supervisors appropriated \$64,000 in support of local cultural arts organizations in the FY2009 budget and the County is expected to receive an estimated \$5,000 grant from the Virginia Commission for the Arts to supplement the County's appropriations for the arts; and

WHEREAS, the York County Arts Commission was appointed by the Board of Supervisors to review funding requests from cultural arts organizations and to make recommendations to the Board concerning the distribution of budget appropriations to the arts; and

WHEREAS, the Arts Commission has undertaken a careful and thorough review of all applications from arts groups, in some cases interviewing and otherwise observing and interacting with these organizations; and

WHEREAS, the Arts Commission has completed its review of the funding requests for FY2009 and has developed recommendations for funding allocations for each organization using the total available arts-related funds contained in the approved FY2009 York County Budget; and

WHEREAS, allocations from grant funding from the Virginia Commission for the Arts, will be made to the Fifes and Drums of York Town, the Yorktown Arts Foundation, Virginia Symphony, Celebrate Yorktown Committee, Peninsula Community Theatre, and the York County Public Library upon receipt of those funds from the Commonwealth;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of May, 2008, that the determination made by the York County Arts Commission be, and they hereby are, approved and that the following organizations receive funding in the following amounts under the York County Arts Commission Grant Program:

Arc of Greater Williamsburg	\$ 1,600
Celebrate Yorktown Committee/Concerts	\$ 1,300
Celebrate Yorktown Committee/Symphony	\$ 2,000
Chesapeake Bay Wind Ensemble	\$ 200
Coventry Elementary School PTA	\$ 400
Cultural Alliance of Greater Hampton Roads	\$ 500
Ferguson Center for the Arts	\$ 500
Fifes and Drums of York Town	\$ 8,000
First Night of Williamsburg	\$ 800
Flute Frenzy	\$ 300
Grafton Middle School PTA	\$ 800
Jamestown 4-H Center	\$ 400
Jamestown/Yorktown Foundation	\$ 4,800
Peninsula Community Theatre	\$ 1,000
Poquoson Island Players	\$ 600
Public Times Chorus	\$ 1,700
Riverwalk Landing Business Association	\$ 2,200
Senior Center of York	\$ 200
Theatre IV	\$ 2,600
This Century Art Gallery	\$ 1,500
Virginia Chorale	\$ 500
Virginia Living Museum	\$ 600
Virginia Opera	\$ 6,000
Virginia Premiere Theatre	\$ 500
Virginia Shakespeare Festival	\$ 2,000
Virginia Stage Company	\$ 1,500
Virginia Symphony	\$ 3,150
WHRO	\$ 700
Watermen's Museum	\$ 3,000
Williamsburg Area Chamber of Commerce (Arts Map)	\$ 1,000
Williamsburg Choral Guild	\$ 400
Williamsburg Consort	\$ 800
Williamsburg Music Club	\$ 700
Williamsburg Parks and Recreation	\$ 600

Williamsburg Players	\$ 1,500
Williamsburg Regional Library	\$ 800
Williamsburg Symphonia	\$ 1,000
Williamsburg Youth Orchestra	\$ 1,400
York County Historical Committee	\$ 250
York County Historical Museum	\$ 1,100
York County Public Library	\$ 1,550
York River Symphony	\$ 1,200
Yorktown Arts Foundation	\$ 4,250
Yorktown Chorale	\$ 600
Young Audiences of Virginia	\$ 2,500

TOTAL: \$69,000

Item 14. VIRGINIA COOPERATIVE EXTENSION: Resolution R08-63

A RESOLUTION TO AUTHORIZE THE EXECUTION OF AN AGREEMENT TO PROVIDE FOR THE OPERATION OF THE VIRGINIA COOPERATIVE EXTENSION OFFICE FOR FY2009

WHEREAS, Virginia Cooperative Extension Service has long served York County citizens by offering a wide array of services ranging from youth activities to horticultural guidance that protects our wetlands and greater environment, as well as providing access to a broader network of technical information and resources through Virginia's Land Grant University System at both VPI and Virginia State University; and

WHEREAS, County and Extension staff plan and coordinate services throughout the year to prevent duplication of effort and to assure that Extension activities extend and enhance County programs; and

WHEREAS, the Board of Supervisors authorized funding for this activity in the FY2009 approved budget sufficient to continue participation in this program and to provide an adequate level of service to the citizens of York County.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of May, 2008, that the County Administrator be, and he is hereby, authorized to execute for and on behalf of the Board, a Memorandum of Understanding with Virginia Cooperative Extension, including any necessary amendments thereto, that has been approved as to form by the County Attorney and which is substantially in the same form as that which was transmitted to the Board by report of the County Administrator dated April 18, 2008, for the provision of Virginia Cooperative Extension within the County.

Item 15. EMERGENCY HOME REPAIR PROGRAM: Resolution R08-70

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO TAKE ALL ACTIONS NECESSARY TO CONTINUE TO IMPLEMENT THE EMERGENCY HOME REPAIR PROGRAM AND TO ACCEPT AND APPROPRIATE ANY GRANT FUNDS AWARDED TO THE COUNTY BY THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

WHEREAS, the York County Board of Supervisors has a long standing commitment to assisting the County's low income citizens in meeting essential housing needs; and

WHEREAS, the County has administered an Emergency Home Repair Program since 1989 and this program represents a valuable resource for the County's citizens; and

WHEREAS, the requirement for matching funds can be achieved through program and resources currently budgeted or administered by the County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of May, 2008 that the County Administrator be, and he is hereby, authorized to accept funding in the amounts offered the County by the Virginia Department of Housing and Community Development, execute any necessary grant agreements, related contracts, or other documents, subject to approval as to form by the County Attorney, and to do all things necessary to implement the Emergency Home Repair Program.

BE IT FURTHER RESOLVED that the County Administrator is authorized to accept any subsequent offer of funding that would not exceed available resources for any required matches and to increase amounts appropriated in the FY09 budget if and when funds become available and to advise the Board of all such actions in writing.

Item 16. COMMENDATION OF RETIRING EMPLOYEE: Resolution R08-75

A RESOLUTION TO COMMEND JUDITH N. RIUTORT, YORK COUNTY DEPARTMENT OF FIRE AND LIFE SAFETY DEPUTY COORDINATOR OF EMERGENCY MANAGEMENT, FOR THE SERVICES RENDERED TO THE CITIZENS AND VISITORS OF YORK COUNTY

WHEREAS, Judith N. "Judi" Riutort began employment with the County of York on October 5, 1992, as the Deputy Coordinator of Emergency Management; and

WHEREAS, Ms. Riutort was well educated for her role with the County, having graduated from Sewickley Valley Hospital School of Nursing in 1962 with a Nursing Diploma; from West Virginia University, Morgantown, West Virginia, in 1980 with a Bachelor of Arts Degree in Geography/Planning; and once more from West Virginia University in 1982 with a Masters Degree in Public Administration with a concentration in Policy Analysis; and

WHEREAS, Ms. Riutort also brought to her role with the County vast experience gained from her extensive work as a Registered Nurse; as a member and President of the Monongalia County, West Virginia Planning Commission; as a member and Treasurer of the Monongalia County, West Virginia, Emergency Medical Services Authority; as a Field Researcher and Planner for the Newport News Police Department; as an Improvement Coordinator for the Hampton Redevelopment and Housing Authority; as a Deputy Coordinator of Emergency Management and Police Planner for the City of Hampton; and many other community development planning roles; and

WHEREAS, Ms. Riutort continuously added to and improved her professional knowledge and skills by completing course work and attending conferences, seminars, symposia, workshops, briefings, exercises, planning sessions, after-action critiques and "hot-washes;" and

WHEREAS, Ms. Riutort was recognized by the Federal Emergency Management Agency Emergency Management Institute in 2002 for her commitment to standards in excellence in emergency management having completed the Professional Development Series curriculum; and

WHEREAS, during her tenure as Deputy Coordinator of Emergency Management with York County, Ms. Riutort developed and continuously updated, trained, exercised, and revised the County's Emergency Operations Plans and in-depth supporting annexes such as the Hurricane Response Plan, the Terrorism Response Plan, and the Radiological Response Plan, among many others, to ensure that local officials would have the most current guidance for their actions in preparing for and leading York County through the effects of a natural or manmade community wide disaster; and

WHEREAS, during the same period, Ms. Riutort 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 thunderstorms and microburst events, Nor'easters, and hurricanes, including Hurricane Isabel in 2003; and

WHEREAS, Ms. Riutort's critical thinking and planning skills have been relied upon to assist York County and the region in many critical initiatives such as disaster coordination

planning, video teleconferencing capabilities among EOCs, disaster evacuation planning, shelter planning and operations, special needs planning, essential commodity/medication distribution planning, pet sheltering, and a number of other programs that impacted York County, the Hampton Roads region, and the Commonwealth of Virginia; and

WHEREAS, Ms. Riutort has been successful in aggressively seeking, competing for, being awarded, and managing millions of dollars in grant support for the County and the region's emergency management programs, that have directly or indirectly benefitted York County and its citizens; and

WHEREAS, during this same period, Ms. Riutort was instrumental in many key collaborative efforts throughout the region, including the Hampton Roads Emergency Management Committee and the Hampton Roads Planning District Commission Regional Emergency Management Technical Advisory Committee; and

WHEREAS, Ms. Riutort has earned and enjoyed the friendship and respect of her co-workers and peers in York County, as well as throughout the Hampton Roads region and the Commonwealth of Virginia; and

WHEREAS, Ms. Riutort's belief in the power of effective and comprehensive emergency management planning, preparation, mitigation, response and recovery programs, as well as her skill, energy, and compassion as a practitioner of her profession has resulted in a legacy of preparedness for York County, its citizens and visitors, and has directly contributed to York County being a better and safer place to live and work; and

WHEREAS, Judith N. Riutort, Deputy Coordinator of Emergency Management will retire from service with York County on June 1, 2008;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of May, 2008, that Judith N. Riutort be, and she is hereby, commended for her professionalism and devotion to duty in serving the citizens, businesses, and visitors of the County as the Deputy Coordinator of Emergency Management for over 15 years.

BE IT FURTHER RESOLVED that the appreciation of the citizens of York County is hereby extended to Ms. Riutort for her service, and the heartfelt best wishes of this Board are extended to her and her family for a well-deserved abundance of happiness and continued success in their future endeavors.

On roll call the vote was:

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

**MATTERS PRESENTED BY THE BOARD** (Continued)

Mr. Zaremba noted there had been a lot of rain lately, and in the upper County many trees had fallen down on cars and houses. He suggested to property owners that they walk their properties, especially if they had a good number of trees, making sure that none of them are leaning over their cars, garages, or houses; and if there are, they can have them taken down before they become a problem. Mr. Zaremba then indicated he had the privilege of making opening remarks this past Friday to the Commonwealth's professional firefighters who held their annual convention at Great Wolf Lodge. He noted that the governor was there and made appropriate comments about what he was doing to better the overall lot of firefighters across the Commonwealth. He also commended Steve Kopczynski and his staff for the excellent job of hosting the conference.

Chairman Shepperd indicated he spent some time last Friday with Congressman Whitman discussing issues of defense and federal impact aid. He indicated the Congressman was not completely aware of the problems, and he stated he had asked Superintendent Staples to put together some data on the historical figures for Congressman. He then noted that Anchor Pools which had burned down is now rebuilt, and he attended the recent grand opening. On May 12 he stated he presented a volunteer award to Mrs. Martha Downey, the library system's longest

serving volunteer with over 37 years of service. Mr. Shepperd noted that the Business Appreciation event was held on the 13th at the Freight Shed, noting that in York County the businesses pay about 52 percent of the taxes. He then noted that on the 15th of May the Parks and Recreation Advisory Board set up a tour that he attended with various members of the board and staff, visiting New Quarter Park. Mr. Shepperd then apprised the Board of his meeting today with the Peninsula Mayors and Chairs, indicating there was some good discussion regarding budgets and the cost of education. He also updated the Board members on efforts by the localities across the United States to keep military installations and facilities from moving out of their jurisdictions.

**CLOSED MEETING.** At 8:28 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.

On roll call the vote was:

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

Meeting Reconvened. At 9:20 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 20th day of May, 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)

APPOINTMENT TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

Mr. Zaremba moved the adoption of proposed Resolution R08-69 that reads:

A RESOLUTION TO APPOINT A YORK COUNTY DEFENSE ATTORNEY TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

WHEREAS, York County has four appointments to the Colonial Community Criminal Justice Board (CCCJB) and one seat is currently vacant; and

WHEREAS, the CCCJB has asked that York County restrict appointments to fill this vacancy to only practicing defense attorneys; and

WHEREAS, prolonged and extensive efforts have been expended to recruit candidates meeting such criteria for consideration by the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of May, 2008, that Shawn Overbey be, and is hereby, appointed to the Colonial Community Criminal Justice Board to be effective May 30, 2008, and end June 1, 2011.

On roll call the vote was:

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

APPOINTMENT TO THE YORK COUNTY ECONOMIC DEVELOPMENT AUTHORITY

Mr. Zaremba moved the adoption of proposed Resolution R08-67 that reads:

A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY  
ECONOMIC DEVELOPMENT AUTHORITY

WHEREAS, on June 30, 2008, the term of Bradley E. Berrane will expire on the York County Economic Development Authority;

WHEREAS, Mr. Berrane has expressed a desire to serve another four-year term on the York County Economic Development Authority;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors on this 20th day of May, 2008, that Bradley E. Berrane be, and he is hereby, reappointed to serve on the York County Economic Development Authority 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: (5) Hrichak, Zaremba, Noll, Wiggins, Shepperd  
Nay: (0)

APPOINTMENT TO THE STORMWATER ADVISORY COMMITTEE

Mrs. Noll moved the adoption of proposed Resolution R08-68 that reads:

A RESOLUTION TO APPOINT MEMBERS TO THE STORMWATER  
ADVISORY COMMITTEE

WHEREAS, the terms of Michael Bossie, Jan Briedé, Robert Brodel, Lou Lafrenaye, Sean Fisher, Barbara Hambrook, Leslie Smith and Kenneth Taylor will expire on June 30, 2008; and

WHEREAS, each member has requested to be reappointed; and

WHEREAS, the Committee is in need of one new member each for Districts 1, 2 and 4;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of May, 2008, that the following individuals be, and they are hereby, reappointed as voting members to the York County Stormwater Advisory Committee, such appointments to take effect July 1, 2008, and expire on June 30, 2010:

May 20, 2008

Michael Bossie  
Robert Brodel  
Barbara Hambrook  
Leslie Smith

Jan Briedé  
Lou Lafrenaye  
Kenneth Taylor

BE IT FURTHER RESOLVED that the following individuals be, and they are hereby, appointed as voting members to the York County Stormwater Advisory Committee to represent Districts 2, 3, and 4, such appointments to take effect July 1, 2008, and expire on June 30, 2010:

Gary Cusack, District 2

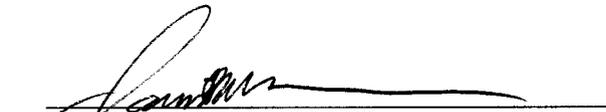
Robert A. Seifert, District 4

Helmut Walter, District 3

On roll call the vote was:

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

Meeting Adjourned. At 9:23 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