

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
October 7, 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, October 7, 2008, in the East Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

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

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

WORK SESSION

AMENDMENTS TO THE YORK COUNTY ZONING ORDINANCE

Mr. Carter made a presentation reviewing the one proposed zoning ordinance map amendment and text amendments to be advertised for public hearing.

Mr. Hrichak questioned why York County has a problem with building height when Newport News has the same fire and rescue equipment and allows a higher building height.

Mr. Stephen P. Kopczynski, Fire Chief, explained what his department feels are reasonable fire protection measures to take with specific equipment at certain building heights. He stated there are different regulations for commercial and industrial development.

Mrs. Noll asked if there was anything the County could do to protect the character of a neighborhood when people tear down older homes and build newer, bigger homes.

Mr. Carter stated staff could look into what might be done.

Mr. Zarembo asked about exposed dumpsters and if there are requirements for enclosing. He asked why the County did not mandate the developer to enclose them.

Mr. Carter indicated the County can require enclosure. He stated a slight change was made in the ordinance about a year ago stating not only do they have to be screened from a public right-of-way, but they also must be screened from any public area within a development

Mr. Zarembo asked staff to look into requiring dumpster enclosure in most cases.

Chairman Shepperd addressed the stockpiling of soil and asked why it pertained only to dirt. He stated he felt the regulations should be uniform for stockpiling of anything.

Mr. John Hudgins, Director of Environmental and Development Services, noted that leaves, trees, and that type of debris was considered solid waste while dirt was not.

Discussion followed regarding consistency of the regulation and the ordinance providing clear definitions of materials that could be stockpiled.

Chairman Shepperd then expressed his concern with allowing septic systems within the 500-

foot buffer with the approval of a watershed owner. He stated there was potential pollution of the Bay, and 500 feet was not that far from water sources.

Mr. Carter explained the rationale behind staff's recommendation, stating every time the waterworks owner indicated no objection, the Board of Zoning/Subdivision Appeals approved the request. He stated if this was to be the action in every case, it did not seem necessary to go to the Board of Zoning/Subdivision Appeals if waterworks approval was the key point. Mr. Carter opined that no one would be able to use this process in the Williamsburg watershed because the City was very conservative in terms of what occurred around its watershed.

Chairman Shepperd stated he was not confident that the waterworks were doing all they could to protect the environment when he saw an arbitrary 500-foot number without scientific background. He stated he felt there was a better solution, especially when dealing with septic tanks.

Mr. Zaremba spoke of the changed technology of septic tanks and how much better they were today.

Mr. Hudgins stated the septic system was more than a tank and drain field, and he explained the pre-treatment systems which were far superior to what there was in the past.

Chairman Shepperd asked Mr. Hudgins if he was in agreement with the 500 feet.

Mr. Hudgins stated he was if an approval could be obtained from the waterworks because they guard the watershed.

Mr. Wiggins asked about the distance between septic tank and the tributary stream.

Mr. Hudgins stated it would depend on the subsoil characteristics, and he did not think a permit could be obtained that close to the water.

Discussion followed on how the distance of 500-foot buffer was decided.

Chairman Shepperd stated he did not hear any scientific analysis of the area soil, and he did not want to end up with more problems in the future.

Mrs. Noll stated she felt the scientific analysis would be done by the owner of the waterworks.

Mr. Carter added that any septic system would have to be approved by the health department.

Chairman Shepperd stated he felt the Board had a greater responsibility to the public, and he wanted to know scientifically that the 500 feet was appropriate. He suggested that the requestor test the soils.

Mr. Zaremba suggested that staff go back to the watershed owners to see what the rationale was for them to agree with a septic system within 500 feet of their watershed.

Mr. McReynolds stated staff would do that and get the science behind the Health Department approval for septic systems.

Mrs. Noll questioned the lack of construction progress on the corner property at Route 17 and Oriana Road, asking if there was a time limit on that site. She stated the land has been disturbed, but no development was taking place.

Mr. Carter stated if something was not done soon, the owner runs the risk of losing vested rights.

Mr. Wiggins asked about placing accessory buildings on a second lot when the two lots are

owned by one owner.

Mr. Carter explained the requirement was to have the two lots merged into one if the improvements on each could not stand alone on individual lots. He indicated it would require a lot line vacation plat.

Mr. Wiggins asked if it would be possible to change the boundary line.

Mr. Carter indicated it would through a boundary line adjustment, which would require a new survey.

Chairman Shepperd asked when the zoning changes would come back to the Board for public hearing and adoption.

Mr. McReynolds indicated the issue of septic tanks and a 500-foot buffer could be removed for future consideration, and staff could go forward with advertising the rest as soon as practical.

Meeting Recessed. At 8:06 p.m. Chairman Shepperd declared a short recess.

Meeting Reconvened. At 8:16 p.m. the meeting was reconvened in open session by order of the Chair.

BOARD POLICIES

Mr. McReynolds indicated that most of the changes to the Board Policies this year were for clarification and compliance.

Mr. Carter reviewed the changes to Board Policies BP04-03, BP04-08, BP04-09, BP04-10, and BP04-11, and the addition of new Board Policy BP08-23.

Discussion followed concerning fees for various recreational activities on athletic fields.

Mr. Carter indicated the next step in the process was to adopt the amendments and new policy by formal resolution at a future meeting.

Mr. McReynolds stated if the Board had no objections, the Board policies would be placed on the Board's next agenda for approval.

FIREARMS DISCHARGE REGULATIONS

Mr. Carter indicated the Board had a work session in May and was sent follow-up documentation based on the Board's desire to set up a zoning-based regulation. He noted that since that material was sent out in July, there was a recent incident next to Mt. Vernon Elementary School. He added that the School Division and County staff had discussed this incident and, as a result of those discussions, staff had added a proposal for firearms discharges to be prohibited within 1,500 feet of any school site. Mr. Carter stated everything else was the same as that which came out of the May 6 work session. He then reviewed a map depicting the zoning-based restrictions for firearms discharges and the 1,500-foot school site restriction.

Discussion followed regarding the reason for the 1,500-foot distance recommended from a school site.

Chairman Shepperd stated the issue for the Board is that 1,500 feet would end all hunting in York County except for a area in Seaford. He noted that discharging a weapon would only be allowed at a range or gun club or to protect a life.

Mr. Wiggins stated there was no property in York County suitable for hunting.

Mr. Zaremba noted that the ordinance allows the use of a .22 caliber weapon which basically negates the amendment because a .22 caliber rifle shot can kill at a far distance. He asked if the Board needed to eliminate the .22 caliber weapon exemption. He stated he was not going to approve an ordinance if the Board felt it would not do the job with respect to safety.

Chairman Shepperd agreed that a .22 caliber rifle would shoot across the river, but the shot coming out of a shotgun shooting birds would not get past the end of the parking lot behind York Hall. Mr. Shepperd stated the boundary the Board was putting in this ordinance was designed to stop any kind of hunting. He asked if this ordinance pertained to duck hunting in a blind in the Poquoson River.

Mr. Carter stated the ordinance was based on the zoning of the land with further restrictions by residential areas.

Mr. Barnett indicated he would have to do some checking on discharging weapons over water.

Mr. Carter noted that under current regulations there were certain areas in the County where firearms discharge was prohibited with a .22 caliber weapon, and there was an overriding stipulation stating anything greater than a .22 caliber weapon cannot be fired anywhere in the County.

Mr. Zaremba stated he felt there needed to be some logic for the .22 caliber exception.

Mr. Wiggins agreed that the use of a .22 caliber weapon needed to be examined.

Chairman Shepperd stated his recommendation was to look at distinguishing between types of weapons in defining what was permissible or not. He indicated that once the 1,500-foot restriction was placed in the ordinance, there was very little area left where anyone could hunt with any kind of weapon. He asked the Board members if they wanted to restrict in certain neighborhoods or restrict by zoning areas.

Mrs. Noll noted the State feels that 1,000 feet from a school site was adequate for the safety of the children.

Mr. Wiggins stated that if someone shot a .22 caliber toward a school within 1,000 feet, they still might kill someone. He noted that 1,000 feet would be good for a shotgun, but a .22 caliber rifle would carry more than 1,500 feet.

Chairman Shepperd stated the Board must address the .22 caliber weapon and decide if hunting in York County was going to be prohibited.

Mr. Zaremba asked staff what the surrounding jurisdictions did and how their regulations were comparable with York's.

Mr. Carter explained that James City County's regulation was the only local jurisdiction he was aware of, and its ordinance prohibits the discharge of any firearm or air- or gas-operated weapon within 300 feet of a dwelling or commercial building or within 50 feet of a recorded subdivision. He also noted that some northern Virginia localities restrict based on the size of the parcel and distance from dwelling units.

Chairman Shepperd stated the issue was public safety, and the Board has to determine what it feels is reasonable. He stated the schools say there will be a reaction by them if they hear a gun, and 1,500 feet will stop all gunshots near a school.

Mr. Wiggins stated he felt that 1,500 feet was a reasonable distance, noting that things have

changed in York County tremendously, and the Board has to react to that.

Chairman Shepperd stated the ordinance would take care of the schools, but the issue of the zoning indicates the County is dense enough in its population that in the future there would be no need to restrict by neighborhood because the zoning-based restrictions would take care of it. He asked the other Board members if they should continue to look at each neighborhood individually or go to zoning-based restrictions.

Mr. Wiggins indicated he agreed with the neighborhoods continuing to asking for exemption.

Mr. Hrichak stated he felt 1,000 feet from a school was adequate, and he suggested that hunters provide notice to the schools that they are going to hunt.

Chairman Shepperd asked if the Board could mandate notification to a school if the hunting was going to take place within 1,500 feet of a school.

Mr. Carter indicated that staff had proposed a provision allowing permission to be obtained from the owner of any dwelling units within 300 feet in an RR area if someone wanted to discharge a firearm. He stated the ordinance could be written to require permission of the school to discharge a firearm within 1,500 feet of the school.

Chairman Shepperd recommended that the ordinance remain the way it was with a 1,000 foot distance, and have each community come and ask for exemption.

Mr. Wiggins stated the ordinance should prohibit the firing of rifles and allow shotguns only.

Chairman Shepperd reviewed the consensus of the Board to prohibit firearms discharge within 1,000 feet from County schools; shotguns only—no rifles; and every neighborhood must request the Board of Supervisors to list it as a restricted area.

Mr. Carter suggested that before the ordinance was advertised for public hearing the Board authorize a press release to invite the neighborhoods to make their wishes known regarding the ordinance.

Mr. McReynolds indicated the notice would also be run on Channel 46.

CONSENT CALENDAR

Mrs. Noll asked that Item No. 7 be removed from the Consent Calendar.

Mr. Zaremba moved that the Consent Calendar be approved as amended, Item Nos. 4, 5, and 6, respectively.

On roll call the vote was:

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

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 4. APPROVAL OF MINUTES

The minutes of the September 2, 2008, Regular Meeting of the York County Board of Supervisors were approved.

Item No. 5. PURCHASE AUTHORIZATION: Resolution R08-111

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A MAINTENANCE CONTRACT FOR THE FLOATING PIERS AT THE YORKTOWN WATERFRONT AND REPAIR MAN-HOLES IN THE LOWER END OF THE COUNTY

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

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 7th day of October, 2008, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

	<u>AMOUNT</u>
Floating Piers Maintenance Services (3-year contract)	\$ 58,500
Manhole Rehabilitation	127,746

Item No. 6. STREET ACCEPTANCES: Resolutions R08-118 and R08-119

Resolution R08-118:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE A CERTAIN STREET IN THE FELGATES WOODS SUBDIVISION INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

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 7th day of October, 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 Felgates Woods and to the Residency Administrator of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted October 7, 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 addition 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: Felgates Woods

Reason for Change: New subdivision street

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

Street Name and/or Route Number

► **Queensbury Lane, State Route Number 1113**

Old Route Number: 0

- From: Route 1113 (Queensbury Lane)
To: Route 1113 (Queensbury Lane-loop), a distance of: 0.71 mile.
Recordation Reference: Instrument # 060002871 recorded on 2/6/06 and P.B. 8, Pg. 339 recorded on 5/23/72
Right of Way width (feet) = 50 - 62 feet

Resolution R08-119:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF
TRANSPORTATION TO INCLUDE CERTAIN STREETS IN CREEK-
SIDE LANDING, SECTIONS 2, 3 AND 4 INTO THE SECONDARY
SYSTEM OF STATE HIGHWAYS

WHEREAS, the following streets, which are shown on plats recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form AM-4.3, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 7th day of October, 2008, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form AM-4.3 as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Creekside Landing, Sections 2, 3 and 4 and to the Residency Administrator of the Virginia Department of Transportation.

October 7, 2008

In the County of York

By resolution of the governing body adopted October 7, 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 addition 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: Creekside Landing, Sections 2, 3 and 4**Reason for Change: New subdivision street**Pursuant to Code of Virginia Statute: **§33.1-229****Street Name and/or Route Number****▶ Spinnaker Way, State Route Number 1386**

Old Route Number: 0

- From: Route 1394 (Yardarm Court)
To: End of Cul-de-Sac, a distance of: 0.10 mile.
Recordation Reference: Instrument # 040025153 recorded on 12/3/04 and Instrument #040010760 recorded on 5/25/04
Right of Way width (feet) = 50 feet

▶ Yardarm Court, State Route Number 1394

Old Route Number: 0

- From: Route 1386 (Spinnaker Way)
To: End of Cul- de- Sac, a distance of: 0.12 mile.
Recordation Reference: Instrument # 040025153 recorded on 12/3/04 and Instrument #040010760 recorded on 5/25/04
Right of Way width (feet) = 50 feet

▶ Corvette Drive, State Route Number 1395

Old Route Number: 0

- From: Route 1385 (Schooner Boulevard)
To: Route 1396 (Merchant Man Court), a distance of: 0.22 mile.
Recordation Reference: Instrument # 030038624 recorded on 12/9/03; Instrument #040010760 recorded on 5/25/04; and Instrument # 040025153 recorded on 12/3/04
Right of Way width (feet) = 50 feet

▶ Merchant Man Court, State Route Number 1396

Old Route Number: 0

- From: Route 1395 (Corvette Drive)
To: End of Cul- de- Sac, a distance of: 0.14 mile.
Recordation Reference: Instrument # 040025153 recorded on 12/3/04
Right of Way width (feet) = 50 feet

▶ Galleon Court, State Route Number 1397

Old Route Number: 0

- From: Route 1395 (Corvette Drive)
To: End of Cul- de- Sac, a distance of: 0.05 mile.
Recordation Reference: Instrument # 040025153 recorded on 12/3/04

Right of Way width (feet) = 50 feet

▶ **Corvette Drive, State Route Number 1395**

Old Route Number: 0

- From: Route 1396 (Merchant Man Court)
To: Route 1398 (Yacht Court), a distance of: 0.06 mile.
Recordation Reference: Instrument # 040025153 recorded on 12/3/04
Right of Way width (feet) = 50 feet

▶ **Corvette Drive, State Route Number 1395**

Old Route Number: 0

- From: Route 1398 (Yacht Court)
To: End of Cul-de-Sac, a distance of: 0.19 mile.
Recordation Reference: Instrument # 040025153 recorded on 12/3/04
Right of Way width (feet) = 50 feet

▶ **Yacht Court, State Route Number 1398**

Old Route Number: 0

- From: Route 1395 (Corvette Drive)
To: End of Cul- de- Sac, a distance of: 0.09 mile.
Recordation Reference: Instrument # 040025153 recorded on 12/3/04
Right of Way width (feet) = 50 feet

Item No. 7. COMMUNITY STANDARD FOR WHOLESOME ENVIRONMENT: Proposed Resolution R08-122 (Removed from Consent Calendar)

Mrs. Noll stated she did not believe the County needed this resolution, indicating the mores of the family and children are taken care of by parents and not legislated by government. She stated no other locality in Virginia has such a statement, and it was something that was not necessary. Mrs. Noll stated she felt it was a form of censorship because the Board would be pushing its values on someone else, and it was not government's job to do this. She indicated York County was a wonderful place to raise a family, and the Board did a good job of protecting the safety of its residents.

At Mr. Wiggins' request, Chairman Shepperd read aloud the proposed resolution.

Mr. Hrichak asked Mr. Barnett if there was anything in the resolution that would cause a problem in the future.

Mr. Barnett stated he could not see any reason not to adopt the resolution in that it could come into play with prosecutions dealing with obscenity and that it could be looked at by a court in the future. Mr. Barnett stated that as long as the resolution was only applied to that extent, he saw no reason not to adopt it.

Mr. Zaremba noted that the resolution did not have the force of law in terms of compliance. He stated it was purely voluntary. He noted he did not disagree with Mrs. Noll in that the Board should not be forcing its standard of morality on the families of York County, but he did not feel the resolution did that. He stated he felt it basically stated what he believed was the mentality and expectations of most of the citizens currently living in York County.

Mr. Wiggins then moved the adoption of proposed Resolution R08-122 that reads:

A RESOLUTION TO ADOPT A COMMUNITY STANDARD TO PROMOTE A WHOLESOME ENVIRONMENT FOR CHILDREN AND FAMILIES IN THE COUNTY OF YORK

WHEREAS, The United States Supreme Court has ruled that citizens may establish

their own local standard for materials considered objectionable; and

WHEREAS, the County of York acknowledges the existence of both Federal laws and laws of the Commonwealth of Virginia relating to crimes involving morals and decency; and

WHEREAS, children in their formative years are not yet emotionally or mentally prepared to make sound and informed judgment regarding sexually explicit materials; and

WHEREAS, children, without the ability and maturity to reason, often readily deem to be acceptable inappropriate sexually explicit displayed images, and then often emulate what they have seen; and

WHEREAS, the public display of sexually explicit materials is therefore an intrusion on the natural development of children;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 7th day of October, 2008, that it does hereby adopt a community standard for a wholesome environment for the County's children and their families as follows:

1. York County, Virginia, promotes a community standard that reflects and encourages a wholesome environment for children and families; and
2. York County, Virginia, hereby adopts a community standard that reflects and promotes a wholesome environment for children and families and shall work toward becoming a model community in the voluntary establishment and support of that community standard; and
3. York County, Virginia, strongly encourages all businesses, schools, public and private professional institutions in York County, Virginia to adopt a similar child-appropriate standard and that all citizens become aware of this community standard and uphold and protect it for the good of the entire community, particularly for the future of our children.
4. York County, Virginia, expects full compliance with all applicable State and Federal laws relating to this community standard.

On roll call the vote was:

Yea:	(4)	Wiggins, Hrichak, Zaremba, Shepperd
Nay:	(1)	Noll

OPEN DISCUSSION

Mrs. Noll indicated that October was Breast Cancer Awareness Month. and she urged women to get their mammograms. She also noted that the County has a prescription drug program, and people could save money if they get a card, which was easy to do at locations throughout the County.

Mr. Zaremba expressed his appreciation for the wonderful job that staff and the Planning Commission did with respect to the zoning amendments.

Chairman Shepperd noted that registration for voting in this year's elections has ended, but indicated that citizens who would be out of town on Election Day could still vote through absentee voting. He stated the Registrar's office was in Yorktown on Ballard Street, and citizens could call the County to get the hours for absentee voting.

CLOSED MEETING. At 9:32 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) Wiggins, Hrichak, Zaremba, Noll, Shepperd
Nay: (0)

Meeting Reconvened. At 9:42 p.m. the meeting was reconvened in open session by order of the Chair.

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 7th day of October, 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) Hrichak, Zaremba, Noll, Wiggins, Shepperd
Nay: (0)

APPOINTMENT TO THE BOARD OF ZONING/SUBDIVISION APPEALS

Mrs. Noll moved the adoption of proposed Resolution R08-120 that reads:

A RESOLUTION TO RECOMMEND THE APPOINTMENT OF TWO BOARD MEMBERS AND TWO ALTERNATE MEMBERS TO THE YORK COUNTY BOARD OF ZONING/SUBDIVISION APPEALS

WHEREAS, Ms. Cynthia I. Barbeau and Ms. Susan J. DeMeno have submitted their resignations from the Board of Zoning/Subdivision Appeals; and

WHEREAS, the Board of Supervisors wishes to make recommendations to the Judge of the Circuit Court regarding the filling of these vacancies;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 7th day of October, 2008, that it does hereby recommend the appointment of Julius Coats and Harvey Weinstein, who are currently serving as alternate members of the Board of Zoning/Subdivision Appeals, to immediately fill the unexpired terms of Ms. Cynthia I. Barbeau and

