

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
September 16, 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, September 16, 2008, in the Board Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

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

Walter C. Zaremba and Sheila S. Noll were absent.

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

Invocation. Pastor Walter Johnson, Zion Prospect Baptist Church, 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. Todd Halacy, Residency Administrator, Virginia Department of Transportation, appeared to discuss highway matters of interest to the Board. He reported he had accepted the official appointment as the new Williamsburg Residency Administrator and was looking forward to a continued working relationship with the citizens and staff of York County. He then addressed questions Mr. Shepperd had last month regarding the turning lane on Hampton Highway in the Villas on Shady Banks vicinity. He stated VDOT had conducted a 12-hour directional count which showed a total of 51 vehicles turning left at this crossover which equated to approximately one vehicle turning every four minutes based on the 55 mile per hour speed limit and the length of the current turn lane. He stated the Department concurred with the County's recommendation to extend the left turn lane, and Residency staff would work with County staff to determine funding options so that they might be able to pursue the improvement. He also addressed Mr. Shepperd's concerns regarding the Route 17 corridor signalization, stating VDOT had recently completed another 12-hour traffic count for all 20 signalized intersections from the Newport News city line to the Coleman Bridge. He noted new timing plans had been implemented on 6 of the intersections since the study was completed, and VDOT was currently working on retiming the remaining 14 intersections. Mr. Halacy then noted that the VDOT widening project on Route 17 was set for advertisement in the summer of 2010, stating the project would add capacity and would also upgrade 7 of the 20 signalized intersections along the corridor. He noted their recommendation would be to work with County staff to identify federal and state funding that would allow VDOT to upgrade the remaining 13 signals to create an integrated signalization system. Regarding the traffic impacts on Lakeside Drive, Oriana Road, and Route 17 from the new York County sports complex, Mr. Halacy stated County staff had done extensive planning with those concerns in mind and had hired an engineering consultant to conduct an in-depth traffic impact study. He stated VDOT and the County all recognize that the intersection of Lakeside/Oriana/Route 17 will need to continue to be monitored once the new facility is opened to ensure the intersections function properly, and VDOT would coordinate that effort with the Route 17 widening project so that some of the concerns would be addressed with that project as well. Lastly, Mr. Halacy reported that Branscome Construction had begun milling and overlaying Route 17 from Brick Church Road to Green Drive, and Goodwin Neck Road from the intersection of Route 17 to Lotz Drive, and the work should be completed by the end of the month.

Mr. Hrichak asked Mr. Halacy to look into the left-turn driveway access into Bank of America on Lakeside Drive, stating eastbound traffic on Lakeside has to cross the westbound traffic to turn left into the driveway. He stated he had received a lot of complaints from citizens about rear end accidents and congestion.

Mr. Halacy stated the location would be evaluated to see if there was anything VDOT could do to improve the flow.

Mr. Wiggins asked Mr. Halacy to check out the culvert pipe at 1730 Back Creek Road that was installed by VDOT several years ago. He stated Mr. Diggs had contacted the office in Seaford because the culvert was causing water to drain on his property, but nothing had been done to correct the problem. He also asked Mr. Halacy to have the foliage at Route 199 and Route 60 cut back again so drivers could safely see to make a left-hand turn.

Mr. Halacy stated he would check into the culvert pipe and make sure the foliage was cut back.

Chairman Shepperd stated the residents in the Villas on Shady Banks would be really happy to have the turn lane extended, and he asked Mr. Halacy when the extension might take place.

Mr. Halacy stated VDOT would first have to identify the money for the extension of the turning lane, but hopefully it would take place soon.

Chairman Shepperd congratulated Mr. Halacy on his appointment, stating the Board was looking forward to continuing to work with him.

PRESENTATIONS

RELAY FOR LIFE—AMERICAN CANCER SOCIETY

Mr. Mike Mellon, Chairman of the York-Poquoson Relay for Life event, thanked the Board of Supervisors for its support to the Relay for Life Program and presented the Board with a certificate of appreciation from the American Cancer Society.

EMPLOYEE RECOGNITION PROGRAM

Chairman Shepperd congratulated the following employees for their years of service with the County, and presented them each with service pins and certificates:

- Coleen D. Cason Financial & Management Services 20 years
- Brian K. Woodward Environmental & Development Services 20 years

NEIGHBORHOOD OF THE YEAR AWARDS

Mr. McReynolds announced the winners of the Neighborhood of the Year Awards, and Chairman Shepperd presented Neighborhood of the Year Award signs to representatives of the following homeowners' associations:

- Kiln Creek Safety
- Running Man Neighborhood Cooperation and Spirit
- Yorkshire Downs Beautification

NATIONAL ASSOCIATION OF COUNTIES (NACO) AWARDS

Mr. McReynolds provided information on the award program and the York County nominations, and Chairman Shepperd presented the award certificates for the 2008 NACo Achievement Awards to the following recipients:

Agnes Evans, Master Gardener
(on behalf of James Orband
Virginia Cooperative Extension)

Plant Health Clinics

Carol White
Department of Financial and
Management Services

Budget-in-Brief

Battalion Chief Tom Schwalenberg
Department of Fire and Life Safety

Virginia Peninsula Coalition
for EMS Education

Captain Andy Barden
Department of Fire and Life Safety

Mobile Pump Training

Senior Firefighter Robert Phaup
Department of Fire and Life Safety

Fire Station 4 ½

Cheryl Sonderman, Gary Freeman,
Bonnie Karwac, Sandra Jones
Department of Community Services

Building Community with a
Cultural Revolution

WETLANDS/CHESAPEAKE BAY BOARDS ANNUAL REPORTS

Mr. David A. Rolston, Chairman of the York County Wetlands and Chesapeake Bay Boards, presented the Boards' annual reports. He stated the Wetlands Board had 68 applications submitted in the fiscal year that ended June 30, 2008, and 17 applications made it to the Board for review with three violations. Mr. Rolston stated the Chesapeake Bay Board had 416 applications submitted, and 10 applications made it to the Board for review, with staff handling the others. Mr. Rolston noted the Board also dealt with 16 violations of the Chesapeake Bay Act, and 58 best management practice (BMP) location sites or actions were directed to be put into place. He explained that staff has to monitor the BMPs throughout the year to make sure they are responsibly kept, and he spoke of the increasing responsibilities and demands of the 2.5 staff members and praised them for their work and also their support of the Wetlands and Chesapeake Bay Boards.

A brief discussion followed regarding appeals.

Chairman Shepperd thanked Mr. Rolston and the York County Wetlands and Chesapeake Bay Boards and staff for their outstanding work in trying to balance out the requirements to meet the environmental rules and laws of the acts and the state and trying to do it smartly and in accordance with the wishes of the homeowner.

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

Meeting Reconvened. At 7:04 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

APPLICATION NO. UP-748-08, DAVID S. ALIFF

Mr. Carter made a presentation on Application No. UP-748-08 to consider approval of a special use permit to authorize an accessory apartment on the second floor of a detached garage in connection with an existing single-family home located at 312 Fielding Lewis Drive. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R08-107.

Mr. Hrichak questioned how the County knows the apartment was not being rented to non-family members.

Mr. Carter stated the applicant is required to record what is basically a covenant to establish the fact that the apartment is only to be used by family members, and periodically the County staff does a review of the use permits. He stated staff normally knows if an accessory apartment is being rented to a non-family member by the neighbors calling and reporting what is going on, and then there is an investigation.

Mr. Wiggins questioned what would happen if the property were sold.

Mr. Carter stated the right goes with the land, so when the property transferred, the accessory apartment authorization would also transfer, and the condition about not renting to non-family members transfers as well.

Mr. David Aliff, 312 Fielding Lewis Drive, the applicant, appeared to answer any questions or address any concerns the Board might have regarding his application.

Chairman Shepperd asked if it was going to be a five-car garage.

Mr. Aliff stated he hoped so.

Chairman Shepperd then called to order a public hearing on Application No. UP-748-08 that was duly advertised as required by law. Proposed Resolution R08-107 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 312 FIELDING LEWIS DRIVE

Chairman Shepperd stated he had received a letter from the president of the Brandywine Homeowners' Association which did not object to the application, but it did raise a couple of questions. He noted one of the questions regarding the occupancy of the apartment being monitored had already been answered. He expressed his appreciation to Homeowners Association for submitting the letter.

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 R08-107 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 312 FIELDING LEWIS DRIVE

WHEREAS, David S. Aliff has submitted Application No. UP-748-08 to request a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize an accessory apartment on the second floor of a detached garage in connection with an existing single-family home on a 0.38-acre parcel of land located at 312 Fielding Lewis Drive (Route 1551) and further identified as Assessor's Parcel No. 30-24-61 (GPIN# T07d-2664-0243); 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 16th day of September, 2008, that Application No. UP-748-08 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 an accessory apartment on the second floor of a detached garage in connection with an existing single-family home on a 0.38-acre parcel of land located at 312 Fielding Lewis Drive (Route 1551) and further identified as Assessor's Parcel No. 30-24-61 (GPIN# T07d-2664-0243) 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 0.38-acre parcel of land located at 312 Fielding Lewis Drive (Route 1551) and further identified as Assessor's Parcel No. 30-24-61 (GPIN# T07d-2664-0243).
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 600 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. A copy of this resolution shall be attached to the deed restriction as an exhibit. 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: (3) Wiggins, Hrichak, Shepperd
Nay: (0)

YORK POINT SEWER PROJECT

Mr. Barnett made a presentation on proposed Resolution R08-109 to declare the intent of the York County Board of Supervisors to enter and take necessary property easements in conjunction with the York Point sewer project.

Chairman Shepperd then called to order a public hearing on proposed Resolution R08-109 that

was duly advertised as required by law and is entitled:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON AND TAKE CERTAIN PERMANENT UTILITY EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS IN CONNECTION WITH THE YORK POINT SEWER PROJECT, PHASE 2

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

Mr. Wiggins then moved the adoption of proposed Resolution R08-109 that reads:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON AND TAKE CERTAIN PERMANENT UTILITY EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS IN CONNECTION WITH THE YORK POINT SEWER PROJECT, PHASE 2

WHEREAS, it is necessary to obtain certain easements in connection with the York Point Sewer Project, Phase 2; and

WHEREAS, for various reasons, the County is not able to obtain from the owners 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, plats of the interests in real property to be acquired have been prepared by Precision Measurements, Inc. and appraisals 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 16th day of September, 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 York Point Sewer Project, Phase 2, 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 plats attached to the memorandum of the County Attorney dated September 2, 2008, and incorporated herein by this reference:

Tax Map Parcel 026H-1-E, GPIN V08C-1645-2270

A permanent utility easement and a temporary construction easement as shown on a plat entitled "Plat of Utility Easement Acquisition From: W.H. Presson, Sr., et als, To: County of York, Virginia, Project: York Point Sewer Project," dated April 18, 2008, prepared by Precision Measurements, Inc. and designated as a "Utility Easement Hereby Conveyed to York County, 8,174 sq. ft. or 0.188 acre," and "Temporary Construction Easement Hereby Conveyed to York County, 682 sq. ft. or 0.016 acre." Value offered to owner: \$131.00.

Tax Map Parcel 026-00-00-54, GPIN V08D-2755-1720

A permanent utility easement as shown on a plat entitled "Plat of Utility Easement Acquisition From: Heirs of Lynne Gerrard Wildey, To: County of York, Virginia, Project: York Point Sewer Project" dated April 30, 2008, prepared by Precision Measurements, Inc. and designated as a "Utility Easement Hereby Conveyed to York County, 2,643 sq. ft. or 0.061 acre." Value offered to owner: \$119.00.

Tax Map Parcel 026-00-00-046, GPIN V08D-2501-1450

A permanent utility easement as shown on a plat entitled "Plat of Utility Easement Acquisition From: Stephen D. Ashe & Cheryl J. Ashe, To: County of York, Virginia, Project: York Point Sewer Project" dated April 30, 2008, prepared by Precision Measurements, Inc. and designated as a "Utility Easement Hereby Conveyed to York County, 601 sq. ft. or 0.014 acre." Value offered to owner: \$5,749.00.

Tax Map Parcel 026-00-00-042, GPIN V08C-2468-1541

A permanent utility easement as shown on a plat entitled "Plat of Utility Easement Acquisition From: Stephen D. Ashe & Cheryl J. Ashe, To: County of York, Virginia, Project: York Point Sewer Project" dated April 30, 2008, prepared by Precision Measurements, Inc. and designated as a "Utility Easement Hereby Conveyed to York County, 601 sq. ft. or 0.014 acre." Value offered to owner: \$2,709.00.

Tax Map Parcel 026-00-00-024, GPIN V08A-2068-4515

A permanent utility easement as shown on a plat entitled "Plat of Utility Easement Acquisition From: Belinda J. McConnell, To: County of York, Virginia, Project: York Point Sewer Project," dated April 30, 2008, prepared by Precision Measurements, Inc. and designated as a "Utility Easement Hereby Conveyed to York County, 100 sq. ft. or 0.002 acre." Value offered to owner: \$109.00.

Tax Map Parcel 026-00-00-030, GPIN V08A-2269-4861

A permanent utility easement as shown on a plat entitled "Plat of Utility Easement Acquisition From: Belinda J. McConnell, To: County of York, Virginia, Project: York Point Sewer Project," dated April 30, 2008, prepared by Precision Measurements, Inc. and designated as a "Utility Easement Hereby Conveyed to York County, 400 sq. ft. or 0.009 acre." Value offered to owner: \$266.00.

Tax Map Parcel 026-00-00-020, GPIN V09D-2592-0057

A permanent utility easement as shown on a plat entitled "Plat of Utility Easement Acquisition From: Edward W. Gibbs, Sr., Trustee, To: County of York, Virginia, Project: York Point Sewer Project," dated April 30, 2008, prepared by Precision Measurements, Inc. and designated as a "Utility Easement Hereby Conveyed to York County, 934 sq. ft. or 0.021 acre." Value offered to owner: \$1,149.00.

Tax Map Parcel 026-10-00-000A, GPIN V08D-3414-0790

A permanent utility easement and a temporary construction easement as shown on a plat entitled "Plat of Utility Easement Acquisition From: William C. Green, To: County of York, Virginia, Project: York Point Sewer Project," dated April 30, 2008, prepared by Precision Measurements, Inc. and designated as a "Utility Easement Hereby Conveyed to York County, 3,297 sq. ft. or 0.076 acre," and a "Temporary Construction Easement Hereby Conveyed to York County, 2,448 sq. ft. or 0.056 acre." Value offered to owner: \$8,065.00.

Tax Map Parcel 026-10-00-000B, GPIN V08D-3265-0741

A permanent utility easement and a temporary construction easement as shown on a plat entitled "Plat of Utility Easement Acquisition From: William C. Green & William T. Green, To: County of York, Virginia, Project: York Point Sewer Project," dated April 30, 2008, prepared by Precision Measurements, Inc.,

and designated as a "Utility Easement Hereby Conveyed to York County, 588 sq. ft. or 0.014 acre." Value offered to owner: \$1,564.00.

Tax Map Parcel 026-00-00-064, GPIN V08D-3544-2074

A permanent utility easement and a temporary construction easement as shown on a plat entitled "Plat of Utility Easement Acquisition From: William T. Green, et als, To: County of York, Virginia, Project: York Point Sewer Project," dated April 30, 2008, prepared by Precision Measurements, Inc. and designated as a "Utility Easement Hereby Conveyed to York County, 14,803 sq. ft. or 0.340 acre," and a "Temporary Construction Easement Hereby Conveyed to York County, 13,861 sq. ft. or 0.318 acre." Value offered to owner: \$3,835.00.

Tax Map Parcel 026G-04-00-000A, GPIN V08A-0534-3975

A permanent utility easement and a temporary construction easement as shown on a plat entitled "Plat of Utility Easement Acquisition From: Joseph A. Buffa, et ux, To: County of York, Virginia, Project: York Point Sewer Project," dated May 2, 2008, prepared by Precision Measurements, Inc. and designated as a "Utility Easement Hereby Conveyed to York County, 12,307 sq. ft. or 0.285 acre," and a "Temporary Construction Easement Hereby Conveyed to York County, 9,923 sq. ft. or 0.228 acre." Value offered to owner: \$3,526.00.

Tax Map Parcel 026-00-00-011, GPIN V09D-3028-0118

A permanent utility easement as shown on a plat entitled "Plat of Utility Easement Acquisition From: Teresa J. Chisman, To: County of York, Virginia, Project: York Point Sewer Project," dated April 30, 2008, prepared by Precision Measurements, Inc. and designated as a "Utility Easement Hereby Conveyed to York County, 50 sq. ft. or 0.001 acre." Value offered to owner: \$62.00.

Tax Map Parcel 026-00-00-013, GPIN V09D-2903-0060

A permanent utility easement as shown on a plat entitled "Plat of Utility Easement Acquisition From: Teresa J. Chisman, To: County of York, Virginia, Project: York Point Sewer Project," dated April 30, 2008, prepared by Precision Measurements, Inc. and designated as a "Utility Easement Hereby Conveyed to York County, 50 sq. ft. or 0.001 acre." Value offered to owner: \$62.00.

Tax Map Parcel 026-00-00-062A, GPIN V08D-3369-0573

A permanent utility easement as shown on a plat entitled "Plat of Utility Easement Acquisition From: David J. Holland, To: County of York, Virginia, Project: York Point Sewer Project," dated April 30, 2008, prepared by Precision Measurements, Inc. and designated as a "Utility Easement Hereby Conveyed to York County, 469 sq. ft. or 0.011 acre." Value offered to owner: \$1,888.00.

Tax Map Parcel 026G-08-00-A, GPIN V08A-1235-3647

A permanent utility easement and a temporary construction easement as shown on a plat entitled "Plat of Utility Easement Acquisition From: Heirs of Christopher C. DeAlba, To: County of York, Virginia, Project: York Point Sewer Project," dated April 25, 2008, prepared by Precision Measurements, Inc. and designated as a "Utility Easement Hereby Conveyed to York County, 11,375 sq. ft. or 0.261 acre," and a "Temporary Construction Easement Hereby Conveyed to York County, 7,874 sq. ft. or 0.181 acre." Value offered to owner: \$113.00.

Tax Map Parcel 026G-08-00-B, GPIN V08A-1502-3949

A permanent utility easement and a temporary construction easement as shown on a plat entitled "Plat of Utility Easement Acquisition From: Heirs of Christopher C. DeAlba, To: County of York, Virginia, Project: York Point Sewer Project," dated April 30, 2008, prepared by Precision Measurements, Inc., and

designated as a "Utility Easement Hereby Conveyed to York County, 2,701 sq. ft. or 0.062 acre," and a "Temporary Construction Easement Hereby Conveyed to York County, 2,797 sq. ft. or 0.064 acre." Value offered to owner: \$783.00.

Tax Map Parcel 026G-07-00-005, GPIN V08A-0404-3444

A permanent utility easement and a temporary construction easement as shown on a plat entitled "Plat of Utility Easement Acquisition From: Elaine Robin Tyburski, To: County of York, Virginia, Project: York Point Sewer Project," dated May 1, 2008, prepared by Precision Measurements, Inc. and designated as a "Utility Easement Hereby Conveyed to York County, 2,423 sq. ft. or 0.056 acre," and a "Temporary Construction Easement Hereby Conveyed to York County, 1,456 sq. ft. or 0.033 acre." Value offered to owner: \$4,200.00.

Tax Map Parcel 026H-01-00-011E, GPIN V08B-2595-2644

A permanent utility easement as shown on a plat entitled "Plat of Utility Easement Acquisition From: Charles M. Conley, To: County of York, Virginia, Project: York Point Sewer Project," dated April 30, 2008, prepared by Precision Measurements, Inc. and designated as a "Utility Easement Hereby Conveyed to York County, 208 sq. ft. or 0.005 acre." Value offered to owner: \$586.00.

Tax Map Parcel 026H-02-00-002, GPIN V08A-1888-3042

A permanent utility easement as shown on a plat entitled "Plat of Utility Easement Acquisition From: Robert K. St. Clair, et ux, To: County of York, Virginia, Project: York Point Sewer Project," dated April 30, 2008, prepared by Precision Measurements, Inc. and designated as a "Utility Easement Hereby Conveyed to York County, 1,365 sq. ft. or 0.031 acre." Value offered to owner: \$1,734.00.

BE IT 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 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: (3) Hrichak, Wiggins, Shepperd
Nay: (0)

CHILD DEVELOPMENT RESOURCES, INC., LEASE AGREEMENT

Mr. McReynolds made a presentation on proposed Resolution R08-108 to authorize the execution of a lease agreement with Child Development Resources, Inc., for office space in the Griffin-Yeates Center building.

Chairman Shepperd then called to order a public hearing on proposed Resolution R08-108 that was duly advertised as required by law and is entitled:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A LEASE AGREEMENT WITH CHILD DEVELOP-

September 16, 2008

MENT RESOURCES, INC., A NONPROFIT VIRGINIA CORPORATION, FOR OFFICE SPACE IN THE GRIFFIN-YEATES CENTER BUILDING LOCATED ON GOVERNMENT ROAD COMMENCING ON NOVEMBER 1, 2008, AND ENDING OCTOBER 31, 2009

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 R08-108 that reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH CHILD DEVELOPMENT RESOURCES, INC., A NONPROFIT VIRGINIA CORPORATION, FOR OFFICE SPACE IN THE GRIFFIN-YEATES CENTER BUILDING LOCATED ON GOVERNMENT ROAD COMMENCING ON NOVEMBER 1, 2008, AND ENDING OCTOBER 31, 2009

WHEREAS, Child Development Resources, Inc., a nonprofit Virginia Corporation, operates the First Steps program whose purpose is to provide an early childhood educational experience and positive learning opportunities on behalf of economically disadvantaged and other qualified County citizens, and which is located in the Griffin-Yeates Center on Government Road; and

WHEREAS, Child Development Resources, Inc., has been implementing a federal grant that provides Early Head Start home based services to parents of infants and toddlers and has asked to rent an office with approximately 200 square feet also located within the Griffin-Yeates Center on Government Road to serve as a base of operations for personnel involved in the implementation of that grant; and

WHEREAS, the County desires to make available approximately 200 square feet of office space between Room 6 and Room 10 within the Griffin-Yeates Center located at 1490 Government Road, which is a building owned by the County of York, by the execution of a Lease Agreement for a term of one year with Child Development Resources, Inc.; and

WHEREAS, charges for that space shall be at a rate of \$2,208 per year with the proceeds from such rental to be dedicated to the County Children's Food Services program; and

WHEREAS, a public hearing on the proposed Lease Agreement, as required under the Code of Virginia, has been properly advertised and conducted on September 16, 2008;

NOW, THEREFORE BE IT RESOLVED by the York County Board of Supervisors this, the 16th day of September, 2008, that the County Administrator be, and he is hereby, authorized to execute a Lease Agreement with Child Development Resources, Inc., for approximately two hundred (200) square feet of office space between Room 6 and Room 10 within the Griffin-Yeates Center, for a term commencing November 1, 2008, and ending October 31, 2009, and in consideration of the sum of \$2,208 per year.

BE IT FURTHER RESOLVED that proceeds from such rental shall be dedicated to the County Children's Food Service program.

On roll call the vote was:

Yea: (3) Wiggins, Hrichak, Shepperd
Nay: (0)

ISSUANCE OF GENERAL OBLIGATION SCHOOL BONDS

Mrs. Marycarol White, Director of Financial and Management Services, gave a presentation on proposed Resolution R08-114 to authorize the issuance of general obligation school bonds to finance certain capital projects for public school purposes.

Mr. Hrichak questioned which budget the bonds came under.

Mr. McReynolds stated it came under the County's budget, and the County was responsible for the debt. He indicated that under the State code and the way that the County is structured, the County issues the debt, the schools get the buildings and the County pays for them. He added that the money is transferred to a number of different funds, but the debt service comes out of the general fund into the school debt service fund.

Chairman Shepperd then called to order a public hearing on proposed Resolution R08-114 that was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$5,775,000 GENERAL OBLIGATION SCHOOL BONDS OF THE COUNTY OF YORK, VIRGINIA TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING FOR THE FORM AND DETAILS THEREOF

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

Mr. Wiggins then moved the adoption of proposed Resolution R08-114 that reads:

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$5,775,000 GENERAL OBLIGATION SCHOOL BONDS OF THE COUNTY OF YORK, VIRGINIA TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING FOR THE FORM AND DETAILS THEREOF

WHEREAS, the Board of Supervisors (the "Board") of the County of York, Virginia (the "County") has determined that it is necessary and expedient to borrow an amount not to exceed \$5,775,000 and to issue its general obligation school bonds to finance certain capital projects for school purposes; and

WHEREAS, the Board held a public hearing on September 16, 2008, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.2-2606, Code of Virginia of 1950, as amended (the "Virginia Code"); and

WHEREAS, the School Board of the County has requested by resolution the Board to authorize the issuance of the Bonds and has consented to the issuance of the Bonds; and

WHEREAS, the Bond Sale Agreement (as defined below) shall indicate that \$5,500,000 is the amount of proceeds requested (the "Proceeds Requested") from the Virginia Public School Authority ("VPSA") in connection with the sale of the Bonds; and

WHEREAS, VPSA's objective is to pay the County a purchase price for the Bonds which, in VPSA's judgment, reflects the Bonds' market value (the "VPSA Purchase Price Objective"), taking into consideration such factors as the amortization schedule the County has requested for the Bonds, the amortization schedules requested by other localities, the purchase price to be received by VPSA for its bonds and other market conditions relating to the sale of VPSA's bonds; and

WHEREAS, such factors may result in the Bonds having a purchase price other than par and consequently (i) the County may have to issue a principal amount of Bonds that is greater than or less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the Bonds set forth in section 1 below does not exceed the Proceeds Requested by at least the amount of any discount, the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF YORK, VIRGINIA:

1. Authorization of Bonds and Use of Proceeds. The Board hereby determines that it is advisable to contract a debt and to issue and sell general obligation school bonds of the County in the aggregate principal amount not to exceed \$5,775,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

2. Sale of the Bonds. It is determined to be in the best interest of the County to accept the offer of VPSA to purchase from the County, and to sell to VPSA, the Bonds at a price determined by VPSA and accepted by the Chairman of the Board or the County Administrator and upon the terms established pursuant to this Resolution. The County Administrator and the Chairman of the Board, or either of them, and such officer or officers of the County as either of them may designate, are hereby authorized and directed to enter into the Bond Sale Agreement with the VPSA providing for the sale of the Bonds to VPSA in substantially the form on file with the County Administrator, which form is hereby approved ("Bond Sale Agreement").

3. Details of the Bonds. The Bonds shall be issuable in fully registered form in denominations of \$5,000 and whole multiples thereof; shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2008B" (or such other designation as the County Administrator may approve) shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 (each an "Interest Payment Date"), beginning July 15, 2009, at the rates established in accordance with paragraph 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts established in accordance with paragraph 4 of this Resolution. The Interest Payment Dates and the Principal Payment Dates are subject to change at the request of VPSA.

4. Principal Installments and Interest Rates. The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by VPSA, provided that each interest rate shall be no more than ten one-hundredths of one percent (0.10%) over the interest rate to be paid by VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further, that the true interest cost of the Bonds does not exceed six percent (6%) per annum. The County Administrator is further authorized and directed to accept the aggregate principal amount of the Bonds and the amounts of principal of the Bonds coming due on each Principal Payment Date ("Principal Installments") established by VPSA, including any changes in the Interest Payment Dates, the Principal Payment Dates and the Principal Installments which may be requested by VPSA provided that such aggregate principal amount shall not exceed the maximum amount set forth in paragraph one and the final maturity of the Bonds shall not be later than 21 years from their date. The execution and delivery of the Bonds as described in paragraph 8 hereof shall conclusively evidence such Interest Payment Dates, Principal Payment Dates, interest rates, principal amount and Principal Installments as having been so accepted as authorized by this Resolution.

5. Form of the Bonds. The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

6. Payment; Paying Agent and Bond Registrar. The following provisions shall apply to the Bonds:

(a) For as long as VPSA is the registered owner of the Bonds, all payments of principal of, premium, if any, and interest on the Bonds shall be made in immediately available funds to VPSA at or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption;

(b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds; and

(c) U.S. Bank National Association, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Bonds.

7. Prepayment or Redemption. The Principal Installments of the Bonds held by the VPSA coming due on or before July 15, 2018, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before July 15, 2018, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by the VPSA coming due after July 15, 2018, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature after July 15, 2018, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2018, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2018 to July 14, 2019, inclusive.....	101%
July 15, 2019 to July 14, 2020, inclusive.....	100.5
July 15, 2020 and thereafter	100;

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption. The County Administrator is authorized to approve such other redemption provisions, including changes to the redemption dates set forth above, as may be requested by VPSA.

8. Execution of the Bonds. The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto. The manner of such execution may be by facsimile, provided that if both signatures are by facsimile, the Bonds shall not be valid until authenticated by the manual signature of the Paying Agent.

9. Pledge of Full Faith and Credit. For the prompt payment of the principal of, and the premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of, and the premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

10. Use of Proceeds Certificate; Non-Arbitrage Certificate. The Chairman of the Board and the County Administrator, or either of them and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Non-Arbitrage Certificate, if required by bond counsel, and a Use of Proceeds Certificate setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Use of Proceeds Certificate and the County shall comply with the covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for federal income tax purposes.

11. State Non-Arbitrage Program; Proceeds Agreement. The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The County Administrator and the Chairman of the Board, or either of them and such officer or officers of the County as either of them may designate, are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, VPSA, the investment manager, and the depository substantially in the form on file with the County Administrator, which form is hereby approved.

12. Continuing Disclosure Agreement. The Chairman of the Board and the County Administrator, or either of them, and such officer or officers of the County as either of them may designate are hereby authorized and directed (i) to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12 and (ii) to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

13. Filing of Resolution. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

14. Further Actions. The County Administrator, the Chairman of the Board, and such other officers, employees and agents of the County as either of them may designate are hereby authorized to take such action as the County Administrator or the Chairman of the Board may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

15. Effective Date. This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of the County of York, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the Board of Supervisors held on September 16, 2008, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present. The front page of this Resolution accurately records (i) the members of the Board of Supervisors present at the meeting, (ii) the members who were absent from the meeting, and (iii) the vote of each member, including any abstentions.

WITNESS MY HAND and the seal of the Board of Supervisors of the County of York, Virginia, this 16th day of September, 2008.

Clerk, Board of Supervisors
of the County of York, Virginia

(SEAL)

EXHIBIT A

(FORM OF TEMPORARY BOND)

NO. TR-1

\$ _____

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
COUNTY OF YORK
General Obligation School Bond
Series 2008B

The COUNTY OF YORK, VIRGINIA (the "County"), for value received, hereby acknowledges itself indebted and promises to pay to the VIRGINIA PUBLIC SCHOOL AUTHORITY the principal amount of _____ Dollars (\$_____), in annual installments in the amounts set forth on Schedule I attached hereto payable on July 15, 2009 and annually on July 15 thereafter to and including July 15, 20__ (each a "Principal Payment Date"), together with interest from the date of this Bond on the unpaid installments, payable semi-annually on January 15 and July 15 of each year commencing on July 15, 2009 (each an "Interest Payment Date;" together with any Principal Payment Date, a "Payment Date"), at the rates per annum set forth on Schedule I attached hereto, subject to prepayment or redemption as hereinafter provided. Both principal of and interest on this Bond are payable in lawful money of the United States of America.

For as long as the Virginia Public School Authority is the registered owner of this Bond, U.S. Bank National Association, Richmond, Virginia, as bond registrar (the "Bond Registrar") shall make all payments of principal, premium, if any, and interest on this Bond, without presentation or surrender hereof, to the Virginia Public School Authority, in immediately available funds at or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption. If a Payment Date or date fixed for prepayment or redemption is not a business day for banks in the Commonwealth of Virginia or for the Commonwealth of Virginia, then the payment of principal, premium, if any, or interest on this Bond shall be made in immediately available funds at or before 11:00 a.m. on the business day next preceding the scheduled Payment Date or date fixed for prepayment or redemption. Upon receipt by the registered owner of this Bond of said payments of principal, premium, if any, and interest, written acknowledgment of the receipt thereof shall be given promptly to the Bond Registrar, and the County shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the County are irrevocably pledged for the payment of the principal of and the premium, if any, and interest on this Bond. The resolution adopted by the Board of Supervisors authorizing the issuance of the Bonds provides, and Section 15.2-2624 of the Code of Virginia of 1950, as amended, requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal, premium, if any, and interest on this Bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended, and resolutions duly adopted by the Board of Supervisors of the County and the School Board of the County to provide funds for capital projects for school purposes.

This Bond may be exchanged without cost, on twenty (20) days written notice from the Virginia Public School Authority at the office of the Bond Registrar on one or more occasions for one or more temporary bonds or definitive bonds in marketable form and, in any case, in fully registered form, in denominations of \$5,000 and whole multiples thereof, having an equal aggregate principal amount, having principal installments or maturities and bearing interest at rates corresponding to the maturities of and the interest rates on the installments of principal of this Bond then unpaid. This Bond is registered in the name of the Virginia Public School Authority on the books of the County kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for definitive Bonds as hereinabove provided, such definitive Bonds to be registered on such registration books in the name of the assignee or assignees named in such assignment.

The principal installments of this Bond coming due on or before July 15, 2018 and the definitive Bonds for which this Bond may be exchanged that mature on or before July 15, 2018 are not subject to prepayment or redemption prior to their stated maturities. The principal installments of this Bond coming due after July 15, 2018, and the definitive Bonds for which

September 16, 2008

this Bond may be exchanged that mature after July 15, 2018 are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2018, upon payment of the prepayment or redemption prices (expressed as percentages of principal installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2018 to July 14, 2019, inclusive.....	101%
July 15, 2019 to July 14, 2020, inclusive.....	100.5
July 15, 2020 and thereafter	100;

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without the prior written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.

THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK

September 16, 2008

IN WITNESS WHEREOF, the Board of Supervisors of the County of York, Virginia, has caused this Bond to be issued in the name of the County of York, Virginia, to be signed by its Chairman or Vice-Chairman, its seal to be affixed hereto and attested by the signature of its Clerk or any of its Deputy Clerks, and this Bond to be dated November __, 2008.

COUNTY OF YORK, VIRGINIA

[SEAL]

ATTEST:

By: _____
Clerk, Board of Supervisors of the
County of York, Virginia

By: _____
Chairman, Board of Supervisors of the
County of York, Virginia

On roll call the vote was:

Yea: (3) Hrichak, Wiggins, Shepperd
Nay: (0)

CONSENT CALENDAR

Chairman Shepperd stated that during the recent hurricane, the Governor declared a state of emergency in order to be prepared for any possible problems; and then under the authority given to Mr. McReynolds by the Board, the County declared a state of emergency which would now be approved by a retroaction. He expressed his appreciation to Mr. McReynolds and County staff for their preparations in setting up the Emergency Operations Center.

Mr. Hrichak moved that the Consent Calendar be approved as submitted, Item Nos. 5, 6, and 7, respectively.

On roll call the vote was:

Yea: (3) Wiggins, Hrichak, Shepperd
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 5. APPROVAL OF MINUTES

The minutes of the August 19, 2008, Regular Meeting of the York County Board of Supervisors were approved.

Item No. 6. COMMENDATION OF RETIRING EMPLOYEE: Resolution R08-110

A RESOLUTION TO COMMEND AND CONGRATULATE JERRY VARNER, ASSISTANT DIRECTOR OF THE YORK/POQUOSON DEPARTMENT OF SOCIAL SERVICES, ON THE OCCASION OF HIS RETIREMENT

WHEREAS, Jerry D. Varner retired from his position as Assistant Director at the York/Poquoson Department of Social Services on June 30, 2008; and

WHEREAS, Mr. Varner was hired as a Social Worker at the Department of Welfare on May 25, 1970, promoted to Senior Social Worker in 1971, Social Work Supervisor in 1972, and to Assistant Director in 1981; and

September 16, 2008

WHEREAS, during his 38-year career at the York/Poquoson Department of Social Services, Mr. Varner served under three Directors; and

WHEREAS, during his tenure, he saw the Department grow from a small group of workers to its current 63 employees; initiated the implementation of computers in the agency, to eventually include personal computers for each worker; and served as a liaison between the State Department of Social Services and the local agency; and

WHEREAS, Mr. Varner served as Interim Director at two different times in his career due to the illness and absence of a Director; and

WHEREAS, over the years, Mr. Varner has been a friend to the citizens and workers of the County of York, providing essential needs to the various citizens who were in need of services from the Department, and being supportive to the workers who served the citizens as well; and

WHEREAS, Mr. Varner is known as a compassionate, caring individual; never quitting before the job was done (and to him, the job was never done), assisting various community and civic groups in outreach to the citizens in need, and helping his co-workers in their mission as well; and

WHEREAS, his dedication to his job, his integrity, and his personal attention gave the citizens of York County the best possible service they could have, and gave his co-workers the support they needed;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of September, 2008, that Jerry D. Varner be, and he is hereby, commended for his dedication, his loyalty, and his commitment throughout his more than 38 years of public service to the citizens of York County.

BE IT FURTHER RESOLVED that the heartfelt best wishes of the York County Board of Supervisors are hereby extended to Mr. Varner and to his family for a long, happy, and pleasurable retirement.

Item No. 7. RATIFICATION OF LOCAL DECLARATION OF EMERGENCY: Resolution R08-112

RATIFICATION OF A DECLARATION OF A LOCAL EMERGENCY

WHEREAS, the Board of Supervisors of the County of York does hereby find that due to the projected landfall of Tropical Storm Hanna on September 6, 2008, the County of York was faced with a condition of extreme peril which necessitated that the County Administrator, acting as the Director of Emergency Services, declare a local emergency at 12:00 p.m. on September 5, 2008, in order to provide mitigation, preparedness, and activities to protect life and property; and

WHEREAS, the emergency is deemed to have ended as of 3:00 p.m., September 6, 2008;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of September, 2008, that the act of the Director of Emergency Services in declaring a local emergency is hereby confirmed as are all actions taken pursuant to this declaration.

CITIZENS COMMENT PERIOD

Mr. William T. Hicok, 105 Montague Circle, appeared before the Board representing citizens of York County who are opposed to the building of a new branch library at the Marquis Shopping Center at this time. He stated they were currently circulating a petition opposing the new branch and asking the County to fund the existing Williamsburg Regional Library to a level that would restore full library privileges to York County cardholders. He noted a copy of their paper petition had been provided to the Supervisors with 392 signatures, and an online version

had collected 103 signatures representing a total of nearly 500 signatures. He stated they were in opposition to the York County Marquis project because it seemed to be an expensive alternative to an efficient and cost effective system that was already in place; the level of services that would be provided at the new branch might not be comparable; spending for a branch library that seems a bad idea in difficult times; and an expenditure of taxpayers' dollars on this project seemed unwarranted. Mr. Hicok stated this project was accomplished essentially without any consultation with the citizens of York County, and they feel the project and the planning had not met the standards of open government. He requested the issue of the Marquis Library and the continuation of support to the Williamsburg Regional library system be placed on the agenda for next month's Board of Supervisors meeting, at which time they wished to make a full presentation in opposition to the project. He also requested that a well publicized open meeting be held on this issue in a venue large enough to accommodate residents from around the County before the end of the calendar year.

Mr. Robert DuCote, 108 Saxon Road, spoke in opposition to the proposed library at the Marquis Shopping Center, and stated he was on the committee that had been formed to express opposition to the library. He stated they felt the Board and the citizens of York County would be better served at this time to renegotiate a formal written agreement and continue the relationship with the Williamsburg Regional Library. He stated they do want a library in upper York County but not at the Marquis Shopping Center. He encouraged the Board to consider deferring further consideration of the shopping center location for the library and negotiate a new written agreement to continue with the Williamsburg for at least two or three more years. He also requested that his committee be allowed to make a presentation at the next Board meeting.

Mr. John Michael Finn, 133 Little John Road, spoke in opposition of the Marquis Shopping Center library and presented four summary points for the Board's consideration. He stated that to his knowledge no consultation was done with the citizens of upper York County before the project was announced as complete, that the York citizens still had not been fully informed as to the details of this agreement of the reasoning used to justify it, that the users of the library system were horrified at the prospect of losing their current access to the Williamsburg Regional Library, and the additional costs associated with the new library did not seem justified at this time in light of the fact that the County was unable to fully fund the school system at the level needed to provide a competitive education in the current level economy. He added there was virtually no confidence that the library would be competitive with the Williamsburg Library nor would the location be as good.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett stated he had no report but would be happy to answer any questions the Board members might have.

Chairman Shepperd asked for the target date for submitting the Board's legislative package.

Mr. McReynolds stated it should be in final form for the Board's consideration at the October 7 regular meeting or it could be continued to the next meeting.

Chairman Shepperd stated he wanted York's legislative representatives to have the County's program in time to digest what the Board was asking for.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds stated that because of impending Tropical Storm Hanna, the County did activate the EOC at four o'clock that morning and staff stood by ready to respond if it became necessary. He stated the County did not have to respond in a large way, and there were only a few downed trees and some minor flooding. He stated as Mr. Shepperd had indicated, he was very pleased with the staff effort and was very glad it turned out to be just a drill. He thanked the staff members and the participants from the other agencies. Mr. McReynolds then reminded the Board and the citizens of the Board's next regular meetings to be held on October 7 and 21.

MATTERS PRESENTED BY THE BOARD

Mr. Hrichak, in Mr. Zaremba's absence, mentioned the budget season was approaching and the Board was looking to keep costs down and innovative ways to reduce the County's cost over the next year.

Mr. Wiggins encouraged the citizens to come out and participate in International Coastal Cleanup Day this Saturday, September 20, by either joining the group that would be meeting on the Colonial Parkway or by cleaning the costal waterways where they live. He stated the cleanup of debris not only makes York's shoreline more attractive, but also helps save the lives of countless seabirds, fish, and other marine life.

Chairman Shepperd spoke of the impact of the current economy on the upcoming budget season process. He then addressed his concerns regarding the environment, stating it was the responsibility of the citizens of the County to take an active part in cleaning up and protecting the environment and the Bay. With regards to the library issue, Mr. Shepperd stated he was glad that the gentlemen had come forward this evening to speak about their concerns regarding the Marquis library, but he was disheartened by some of the numbers that were being thrown out, and he wondered where they came from. He also stated the library system was not a new item but had been vetted for years, and numerous reports had been given to the Board by the Library Board in reference to this issue. He then voiced his concerns regarding tax assessments and the need for the Board to address the issue. Mr. Shepperd spoke on the Board's deliberations on the issues, stating that he felt the citizens would be wise to have their facts in order when they came before the Board.

Meeting Adjourned. At 7:50 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