

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
September 2, 2008

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:02 p.m., Tuesday, September 2, 2008, in the Board Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

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

Sheila S. Noll was absent.

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

PUBLIC HEARING

GRASS AND WEEDS ORDINANCE

Chairman Shepperd recapped the discussions held by the Board members on the grass and weeds ordinance to date. He then called to order a public hearing on proposed Ordinance No. 08-13 that is entitled:

AN ORDINANCE TO AMEND SECTION 19-6, MAINTENANCE OF PREMISES; DUTY OF OWNER, OF CHAPTER 19 - SOLID WASTE, GARBAGE AND WEEDS - OF THE YORK COUNTY CODE TO MODIFY THE PROVISIONS REQUIRING GRASS AND WEEDS ON DEVELOPED OR UNDEVELOPED PROPERTY TO BE MAINTAINED AT A HEIGHT OF TWELVE INCHES OR LESS BY: CHANGING THE DISTANCE LIMITS FOR REQUIRED MOWING FROM WITHIN 300 FEET TO WITHIN 150 FEET OF A PRINCIPAL BUILDING, ESTABLISHING A REQUIREMENT FOR MOWING WITHIN 50 FEET OF CERTAIN STREET RIGHTS-OF-WAY; AND CONFORMING THE PENALTY PROVISIONS TO THE CODE OF VIRGINIA

Mr. L. G. Burcher, 701 Patrick's Creek Road, stated the proposed ordinance left nothing for the farmers. He indicated the way it was written, he would have to cut his soybeans down since they are 43 inches high. Mr. Burcher stated the Board was eliminating gardeners and farmers from having gardens, and people in subdivisions will not be able to grow anything.

Mr. Jack Hill, 304 Fairway Lane, stated he was bothered by the fact that reforestation was not a considerable item that anyone wanted to address. He noted the area under consideration has 800 trees per acre planted, and if they were mowed around too closely, it would knock down some of them or clip them so they would not live. Mr. Hill stated more trees are needed, not less; and the Board needed to consider what is done and what is not done when addressing the issue of mowing.

Mr. Bob Ashe, 402 Cheadle Loop Road, spoke to register his opposition to the amendment as written. He stated he grows a garden, and many vegetables exceed 12 inches in height. He noted it was worrisome that someone has to monitor and govern this type of ordinance, and he did not like his tax dollars being spent frivolously. Mr. Ashe stated he was against the ordinance as it was written, and it would cause friction between neighbors and friends.

Mr. Adrian Evans, 311 Fairway Lane, spoke expressing his opposition to the proposed ordinance. He stated he would rather not discourage any landowner from planting trees which benefit those in the future.

Ms. Ann King Barker, 1601 Old York-Hampton Highway, commended the Board of Supervisors for its wisdom and courage to provide the citizens an opportunity to speak on this issue. She stated that given the current economic conditions in the nation, to implement and enforce the proposed amendment would cause more expense and an expensive level of bureaucracy that was not needed. She stated it was apparent that the County government was already overburdened and unable to enforce the prior grass and weeds ordinance. Ms. Barker then spoke regarding reforestation, stating that to require mowing around seedlings was disturbing to her. She indicated when land was reforested, the seedlings needed undergrowth or underbrush to help maintain moisture in the soil to stimulate their growth. Ms. Barker asked the Board to refrain from imposing harsh restraints that are not needed and rescind the amendment.

Mr. Mark DellaPosta, 1300 Duncan Drive, stated he did not understand why the ordinance was being changed because it worked for many years without complaints. He asked what had prompted the change, and how was the Board going to ensure that it was implemented throughout the county.

Ms. Mary Leedon, 611 Wildey Road, stated she found it amazing that, in an economic downturn when people were struggling, the Board would find another way to put burdens on developers. She stated the Board should be helping them instead of hindering their progress.

Mr. Don Ligon, 302 Quarter Track, stated he was opposed to the amendment. He stated the Board asked for the trees, and the residents would like to see them in Kiln Creek. He indicated they were just asking for a little time to let the trees grow.

Mr. Bobby Ashe, 108 Coinjock Run, expressed his objection to the current amendment, stating he does government contracting and maintains bases from Florida to Georgia, and part of that maintenance was cutting grass. He indicated an arbitrary limit of 12 inches will cause undue burden on the citizens, and it will cost more to do business here. He stated he felt that any rule should be equally applied to everyone, but this amendment will pit neighbors against each other. Mr. Ashe stated that specifications for cutting must be more specific in terms of blade height versus seed heads, and it should not be an arbitrary height of 12 inches.

Mr. Maywood L. Wilson, 403 Calthrop Neck Road, indicated he maintained beehives on his property in District 5, and they require weeds as a source of pollen to sustain them through the winter. He stated that honeybees provide a food source for humans. This ordinance would require him to mow the property that he uses to feed his bees, and he would not be able to produce his normal annual production. Mr. Wilson explained that weeds act as a filter to the air humans breathe to remove carbon dioxide, and he urged the Board to repeal instead of amend the ordinance.

Mr. Michael Davenport, 103 Todd Court, stated that more forestation and less short grass is what it is all about to control the water going into the drainage systems and keeping sedimentation out of the Bay. He stated there is a shortage of revenue, yet the Board of Supervisors was proposing to add something that would cost the citizens more unnecessarily. Mr. Davenport stated the ordinance needed to be repealed.

Mr. Howard Osborne, 3601 Seaford Road, expressed his opposition to the proposed ordinance. He spoke of the 25 acres he owns which fronts on Seaford Road and Hansford Lane, stating there was a deep ditch, and the County was always mowing between the ditch and the road. He asked why he would have to mow to a 12-inch height if it was a piece of property with no aesthetic value. He stated it costs too much to run the equipment to do it, and he asked what brought about the ordinance. Mr. Osborne stated he felt the ordinance only addressed a few, and there should be a referendum if there was a real problem.

Ms. Teresa Chisman, 232 and 236 Hansford Lane, stated the ordinance struck her as backward when citizens were being asked to conserve resources, and this ordinance says she should be squandering them. She spoke of the high cost of fuel, stating if she reduced the amount of grass she had available for her stock, then she would be paying more for shipping hay as well as having to purchase it. Ms. Chisman noted she would also need to use more

water, noting the length of roots of grass was directly proportionate to the grass above ground. She stated if grass is able to grow tall enough, it can go to seed and renew itself.

Ms. Nancy E. Nunn, 700-725 Railway Road, stated she wanted to make sure the Board knew what this ordinance would do to one of the last working farms in York County. She stated cattle need more than 12 inches of grass, and last year they had to grain feed because of the drought. She stated if she had to go below 12 inches, she would have to shut down her farm because she would not be able to afford to feed her cattle.

Mr. William Harris, 209 Rock Creek Court, stated the ordinance should be applicable to residential housing. There are homeowners who maintain their properties in good condition, and now behind their property lines there are 6-8 feet of weeds growing. He stated he felt the property owners were owed some relief, and he asked that the ordinance be focused on residential housing.

Mr. Bob Hansford, 4088 Cheadle Loop Road, stated he had horses for 50 years with pasture, and he was against this amendment.

Mr. Dick Ashe, 632 Hampton Highway, stated he was the one for which the ordinance was being proposed. He stated if he had bought a home in The Sanctuary, he would be unhappy also. He stated when he bought the property the weeds were 4-6 feet high. The previous owner gave the residents a 25-foot buffer to compensate for loss of the 9-hole golf course. Mr. Ashe stated the ordinance was a rodent, pest, and snake ordinance, and no complaints have been received by the County. He indicated the complaints were purely visual, and he felt that Kiln Creek should be grandfathered. He stated he complied with all the best practices and with the Virginia Forestry Division. He indicated he planted 10,000 trees and was not told he had to cut between them, which he was told he now needed to do and which will impede the growth of the trees. Mr. Ashe recommended that the proposed ordinance not be adopted; and if it was adopted, it should be done so according to the staff recommendation.

Mr. Philip Doggett, 223 West Woodland Drive, stated he was opposed to this ordinance. He indicated his concern was for small animals that need a place to harbor, and the tall grass gives them this opportunity. He asked that the Board take this into consideration.

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

Discussion followed concerning the rationale for proposing the subject amendment.

Mr. Zaremba asked Mr. Carter if there was anything in the ordinance that would exempt property owners who were raising bees or horses from having to cut their property.

Mr. Carter stated there were a number of exceptions such as land being farmed for crop production. He said there could be farming operations in other zones that predate the zoning ordinance. Mr. Carter stated the subject was grass and weeds, and the ordinance would not apply to vegetable gardens. He stated wetlands were exempted, and he gave other examples of exemptions.

Mr. Zaremba noted that the ordinance also contained an exception covering extenuating circumstances recognized by the County Administrator.

Discussion followed on how the previous ordinance, prior to April 15, was enforced. Discussion was also held on reforestation and the length of time it takes seedlings to get to the required 6-foot height.

Chairman Shepperd asked Mr. Carter if it was not the intent of the ordinance to apply mainly to platted subdivisions. He noted the Board has heard from groups in and out of subdivisions, and the main question is what was the intent of the Board in coming forward with this amendment. He stated he felt it was to maintain some integrity within platted subdivisions.

Mr. Carter stated that the areas of problems in the past have been with platted subdivisions, and by default it has been the focus of the ordinance over the years.

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Chairman Shepperd indicated he had originally proposed a 50-foot distance from the roads based on entering The Sanctuary in Kiln Creek, and that 50 feet would apply to the whole County. He then recommended that the Board identify it within 50 feet in a platted subdivision which would eliminate it from un-platted property.

Mr. Carter stated that using the term "platted subdivision" could mean anything from Running Man to a family subdivision.

Chairman Shepperd stated he would then recommend eliminating the 50 feet. He stated he did not want people living on Big Bethel, Cary's Chapel, and Calthrop Neck having to cut 50 feet for a quarter of a mile. He stated in a rural setting the taller grass was better looking, and it was ridiculous to apply it to all.

Mr. Zaremba questioned how it would effect the County's commercial corridors by taking out the 50 feet.

Mr. Carter explained that some are platted and some are not. He stated if it was an occupied, non-residential property, then the ordinance would not apply at all regardless of the 50 foot issue. For a vacant non-residential property, he noted the first 50 feet would have to be mowed unless the 50 feet were taken out. Mr. Carter stated even if the 50 feet were taken out, the owner could be required to mow that which was within 150 feet of the building which would most likely include the frontage along the road.

Discussion followed on the exact wording of the amendment to effect Mr. Shepperd's recommendations.

Mr. Zaremba then moved the adoption of proposed Ordinance No. 08-13(R) that reads as follows:

AN ORDINANCE TO AMEND SECTION 19-6, MAINTENANCE OF PREMISES; DUTY OF OWNER, OF CHAPTER 19 – SOLID WASTE, GARBAGE AND WEEDS – OF THE YORK COUNTY CODE TO MODIFY THE PROVISIONS REQUIRING GRASS AND WEEDS ON DEVELOPED OR UNDEVELOPED PROPERTY TO BE MAINTAINED AT A HEIGHT OF TWELVE INCHES OR LESS BY: CHANGING THE DISTANCE LIMITS FOR REQUIRED MOWING FROM WITHIN 300 FEET TO WITHIN 150 FEET OF A PRINCIPAL BUILDING, ESTABLISHING A REQUIREMENT FOR MOWING WITHIN 50 FEET OF CERTAIN STREET RIGHTS-OF-WAY; AND CONFORMING THE PENALTY PROVISIONS TO THE CODE OF VIRGINIA

WHEREAS, it has come to the attention of the Board of Supervisors that the current terms of Section 19-6 of the York County Code do not properly identify the areas and circumstances under which the Board wishes to require that grass and weeds on undeveloped and developed property be mowed to control the condition and appearance of such areas; and

WHEREAS, the Board wishes to consider amendments that would modify the current requirements;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors, this the 2nd day of September, 2008, that Section 19-6, Maintenance of Premises; Duty of Owner, of Chapter 19 – Solid Waste, Garbage and Weeds – of the York County Code be, and it is hereby, amended to read as follows:

Sec. 19-6. Maintenance of premises; duty of owner.

- (a) *Duty to maintain free from health and safety endangering substances and nuisances.* It shall be the duty of the owners of real property in the county to maintain such property at all times free from any accumulation of solid waste, trash, garbage, refuse, litter or other substances which might endanger the health or safety of other residents of the county or otherwise constitute a nuisance.

- (b) *Duty to cut grass, weeds, and other foreign growth, on undeveloped property.* It shall be the duty of the owners of undeveloped real property in the county to provide for the cutting of grass, weeds and other foreign growth on such property or any part thereof as provided for in this section. For purposes of this section, a property shall be deemed to be undeveloped if it is not occupied by a principal building or structure, with such terms having the meaning as prescribed in Chapter 24.1-Zoning, of this Code. Moreover, the common open space of any subdivision or development, or space which is required to be maintained as such in connection with any subdivision or development, as the term "common open space" is defined in Chapter 24.1 of this Code, shall be deemed undeveloped regardless of the presence of any structures located thereon.
1. Mowing on the portions of such property located 150 feet or less from an existing principal building or structure on any surrounding property shall occur as frequently as necessary to maintain the grass/weeds at a height of twelve (12) inches or less.
 2. Mowing of property shall occur as frequently as necessary to maintain the grass/weeds at a height of twelve (12) inches or less within fifty (50) feet of the road right-of-way line in the following cases:
 - a. any property abutting an existing public street/road within the Virginia Department of Transportation system which was platted and constructed as part of a subdivision development; or
 - b. any property abutting an existing private street which was platted and constructed as part of a subdivision development and which is owned and maintained by a property owner's association; or
 - c. any property zoned for commercial or industrial use and which abuts a road in the Virginia Department of Transportation Primary System.
- (c) *Duty to cut grass on developed real property.*
1. It shall be the duty of the owners of vacant developed real property to cut any grass or lawn area within 150 feet of the principal building on the property, within 150 feet of any principal building on an adjoining property, or within fifty (50) feet of such streets/roads as described in subsection (b)2, above, as frequently as necessary to maintain it at twelve inches (12") in height or less. For the purposes of this subsection, the presence of a principal building on the property shall cause the property to be deemed "developed."
 2. In the case of occupied residential property, the owner shall be obligated to cut such grass or lawn areas as frequently as necessary to maintain it at twelve inches (12") in height or less and in accordance with the distances prescribed above, or to a maximum coverage of one-half acre, whichever is less.
- (d) In addition to the mowing required by the preceding sections, mowing shall be required on such other property as is determined by the County Administrator, in consultation with the Division of Animal Control, to be a breeding and harboring place for insects, reptiles or rodents, or to constitute any other hazards that endanger or may endanger the public health, safety or welfare.
- (e) The mowing requirements set forth in subsections (b), (c) and (d) above shall not apply to:
1. property that is being actively farmed for crop production or maintained as pasture land for livestock grazing purposes;
 2. protected wetland areas or other environmentally sensitive and regulated areas;
 3. areas being maintained and designated as natural "hazards" on an active and operational golf course;

4. the forest "floor" in any mature wooded area where the predominant tree height is four (4) feet or greater;
 5. an area being re-forested which meets the survival rate standards of the Virginia Department of Forestry and where the trees have reached a height of four (4) feet or greater;
 6. any areas that are within the distance from principal buildings or structures specified above, but which are separated from said principal buildings or structures by a mature wooded buffer area at least fifty (50) feet in width and being sufficiently dense in plant material to meet the Type 50 Transitional Buffer standards of the York County Zoning Ordinance;
 7. areas within fifty (50) feet of streets/roads prescribed above but which are separated from the adjacent roadway by an area parallel to the roadway in which trees and/or bushes of sufficient density and maturity as to screen direct views of the grass/weeds beyond; and
 8. any areas where the County Administrator determines mowing to be unnecessary or impractical due to extenuating circumstances such as, but not limited to, topography, accessibility, or the adequacy of buffering for adjacent principal buildings or structures.
- (f) *Authority of administrator to investigate and cause work to be done.* The county administrator may investigate conditions existing on any real property in the county at any time and, upon a determination that the owner of such property stands in violation of his duty as provided in this section, written notice shall be provided to the owner and to the person primarily responsible if different from the owner of such property stating the facts which constitute a violation of paragraphs (a), (b) or (c) above and directing the owner to take such action as may be necessary to rectify such conditions within fifteen (15) days of the date of the notice and, if the owner shall fail to comply with the terms of the notice, then the county administrator shall cause to be done such work as may be necessary to abate the offending condition by agents or employees of the county.
- (g) *Billing and collection of expenses.* All expenses resulting from the correction of a violation by the agents or employees of the county shall be billed to the owner and shall, unless paid in full within fifteen (15) days, be certified by the county administrator to the county treasurer who shall collect such amount as taxes and levies are collected; and all charges not so collected shall constitute a lien against such property.
- (h) *When notice deemed served.* Any notice required by this section shall be conclusively deemed to have been served when mailed by certified or registered mail to the current owner at the address shown on the land records of the commissioner of the revenue of the county.
- (i) *Penalty for violation.* A violation of subsections (b), (c)1., and (d) shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which a violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period. A violation of subsection (c)2. above shall be punishable by a civil penalty not to exceed one hundred dollars (\$100.00).

On roll call the vote was:

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

Meeting Recessed. At 7:58 p.m. Chairman Shepperd declared a short recess.

Meeting Reconvened. At 8:08 p.m. the meeting was reconvened in open session by order of the Chair.

INTRODUCTION OF NEW INFORMATION OFFICER

Mr. McReynolds introduced Ms. Christie Phillips who started as the County's Information Officer on September 2nd.

WORK SESSION

2009 LEGISLATIVE PROGRAM

Mr. McReynolds indicated that staff was prepared to answer any questions the Board might have on the proposed legislative program. He noted that a narrative regarding dangerous weapons was added to the program as requested.

Mr. Hrichak expressed his concern about the addition of a request regarding dangerous weapons being added. He stated if a criminal wants to come into a county building, a law was not going to stop him; and he was opposed to keeping citizens who are legally able to carry firearms from doing so.

Chairman Shepperd noted that a criminally intended person would not abide by such a law, and he asked how the County would enforce it.

Mr. Zaremba asked if there were any prohibitions to keep someone from carrying a weapon into the US Capitol.

Mr. Barnett noted that in Richmond a person must have a permit to carry a concealed weapon into the visitor galleries and committee meetings at the State Capitol, and one house has adopted a law that states members may not carry weapons into the building.

Mr. Zaremba asked Mr. Barnett to confirm his statement, indicating that whatever was good for the state elected officials should be good for local representation as well. He stated there should be consistency for everyone.

Chairman Shepperd indicated he and Mr. Hrichak would like to see the item removed from the legislative program.

Mr. Zaremba asked that it not be removed until after hearing back from Mr. Barnett. He then stated he had hoped that the Board would have gotten some reconciliation with other local jurisdictions with their programs.

Mr. McReynolds stated he had discussions with several of his peers and sent the Board's proposed program out to the Peninsula jurisdictions to see if there was any interest in jointly addressing any of the cited issues. He noted that he received only one response from Williamsburg on the tourism issue.

Chairman Shepperd addressed the issue of requiring seatbelts, stating he felt government has a tendency to tell people what they ought to be doing and not give adults the chance to make up their own minds. He stated he considered it to be a nuisance law, and as an adult he should be able to make the decision to wear a seatbelt or not.

Discussion followed regarding the seatbelt use and its correlation with safety.

Mr. Zaremba stated he disagreed with Mr. Shepperd's position for the opposite arguments.

Mr. Wiggins also disagreed with Mr. Shepperd, stating that knowing there was a 50 percent better chance of surviving a crash was worth anything he might give up to have his own way.

Mr. Hrichak stated he agreed that everyone should wear them, but it was harassment to enforce it.

Chairman Shepperd then addressed the open container issue. He stated the law would make a person drink all their wine in a restaurant if they purchased a bottle or they would have to leave it. He stated he felt it would encourage more alcohol use or consumption.

Mr. Hrichak stated the law would only effect alcohol found in the passenger areas of a vehicle. He indicated it would not apply to placing a container in the trunk of the car. He then addressed the comments Congressman Wittman had made to the Board at an earlier meeting regarding consolidating responsibility for the Chesapeake Bay under one agency. He stated it might be prudent to support a state agency to oversee that funding gets to the places that really need it.

Chairman Shepperd suggested that Mr. Barnett draft something for the Board's consideration to add to its legislative program regarding Congressman Wittman's suggestion.

Mr. McReynolds asked if the Board wanted to include stormwater runoff as well to the above item.

Discussion followed concerning the status for implementation of federal stormwater runoff regulations.

TERM LIMITS FOR BOARDS AND COMMISSIONS

Mr. McReynolds briefed the Board members on the current list of boards and commissions to which the Board of Supervisors makes appointments, showing the terms for each and whether or not there were any term limits. He also noted the staff members who were currently serving on a board or commission as a resident of York County, and he provided the Board with information received from other jurisdictions on how they handle terms and term limits.

Chairman Shepperd stated the two main issues to discuss deal with appointees who have served for a very long time, and appointees who are staff members making recommendations to the Board.

Mr. Zaremba indicated he thought a two-term limit was fairly standard across the country where the population base would support it. He stated the question is whether or not the County has the citizen interest to support such a turnover. He also indicated he felt there was an absolute need for staff expertise sitting on some of the boards such as the Marquis Community Development Authority and perhaps the Wetlands and Chesapeake Bay Boards.

Mr. Hrichak stated he did not feel County employees should be in leadership positions on these committees, and the County has a backlog of people wanting to get on them. He stated he would also like to see appointments made by district when at all possible. Mr. Hrichak stated he supported standardized terms at 3 years each, and if there are no applicants, the Board could appoint the incumbent for another term.

Mr. Wiggins stated he did not agree with having a County employee on an appeals board because it could leave an impression that there was a conflict of interest.

Chairman Shepperd addressed the terms and the size of the boards, stating his sense was that the County's boards are fair, and the citizens need to know that they are being represented fairly. He asked if the other Board members felt County employees should be in leadership positions or not on a County board or commission at all.

Mr. Hrichak stated that at a minimum a County employee should not be in a leadership position.

Mr. Wiggins indicated a County employee should not serve on an appeals board of any kind.

Discussion followed regarding term limits and the size of the boards or commissions.

Chairman Shepperd stated new members of the community need to be brought into the boards and commissions. He stated he did not know the rationale behind the number of years for

each committee's term. He proposed that the Board agree that every board or commission have a term limit of no more than two terms. He stated the current appointees who were at or beyond two terms should be allowed to finish their terms, and then they are done. He asked if the Board was at the point to address an employee's role as a member of a board or commission.

Mr. Zaremba suggested that staff should be asked to come back and give the Board the rationale for why the County ought to be represented on the Marquis Community Development Authority and the Wetlands and Chesapeake Bay Boards by staff.

Chairman Shepperd then summarized the Board's current agreement and direction to staff, stating the Board needed the rationale for staff membership on a board or commission; it had consensus for staff members not serving on appeals boards, but would not preclude them from participating on a board; terms to be set at three years where possible; a two-term limit would be set on each board or commission if not otherwise provided for in the State code; and there was consensus to provide a waiver to the two-term limit so as not to prohibit the Board from appointing an individual for a longer period of time if it sees necessary.

CONSENT CALENDAR

Mr. Zaremba moved that the Consent Calendar be approved as submitted, Item No. 4.

On roll call the vote was:

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

Thereupon, the following minutes were approved:

Item No. 4. APPROVAL OF MINUTES

The minutes of the August 5, 2008, Regular Meeting were approved.

OPEN DISCUSSION

CLOSED MEETING. At 8:56 p.m. Mr. Zaremba moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; Section 2.2-3711(a)(3) pertaining to the acquisition of real property for a public purpose.

On roll call the vote was:

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

Meeting Reconvened. At 9:20 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

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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 2nd day of September, 2008, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

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

APPOINTMENT TO THE PENINSULA AGENCY ON AGING BOARD

Mr. Zaremba moved the adoption of proposed Resolution R08-99 that reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTATIVE TO THE PENINSULA AGENCY ON AGING, INC., BOARD

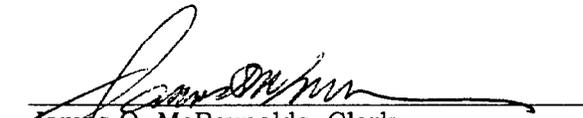
WHEREAS, a vacancy for a York County representative on the Peninsula Agency on Aging, Inc., Board exists due to the term expiration of Dr. Gnanmani Arul, whose term expires on September 30, 2008;

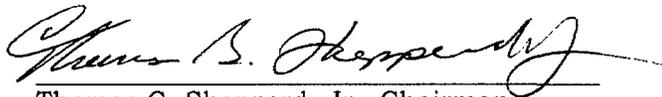
NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of September, 2008, that Winifred Bragg be, and is hereby, appointed to the Peninsula Agency on Aging, Inc., Board for a term of three years, such term to begin October 1, 2008, and expire September 30, 2011.

On roll call the vote was:

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

Meeting Adjourned. At 9:23 p.m. Chairman Shepperd declared the meeting adjourned sine die.


James O. McReynolds, Clerk
York County Board of Supervisors


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