

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
April 21, 2015

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:01 p.m., Tuesday, April 21, 2015, in the Board Room, York Hall, by Chairman Thomas G. Shepperd.

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

Also in attendance were J. Mark Carter, Interim County Administrator; Vivian A. Calkins-McGettigan, Deputy County Administrator; and James E. Barnett, County Attorney.

RECOGNITION OF BOY SCOUT TROOP 306 and TROOP 226. (Not on Agenda)

At this time Chairman Shepperd recognized members of Boy Scout Troop 306, St. Joan of Arc and Troop 226, Providence United Methodist Church.

Invocation. Reverend Carleton Bakkum, Grace Episcopal Church, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Boy Scout Troop 306 and Troop 226 led the Pledge of Allegiance

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Chairman Shepperd introduced and welcomed the following newly appointed members to Boards and Commissions and presented each with a Boards and Commissions Handbook and York County pin:

Elaine Cardwell	Bicycle Advisory Committee
Baljit Gill	Colonial Behavioral Health Board

2014 VOLUNTEER REPORT AND AWARDS PRESENTATION

Mr. Dave Meredith, Department of Community Services, gave a presentation on the 2014 Outstanding Volunteer Report and the contributions made to the County. He noted there were 46,399 volunteer hours, which was equivalent to 22 full-time employees, and the monetary value to the County was \$1,362,564.

Mr. Meredith then recognized the following the six individuals and one organization receiving awards:

Dave Hazzard, Dave Brown and Thane Harpole	New Quarter Park Archaeology Site Volunteers
Nancy Beaton, Ed Foudriat, and Bruce Jensky	Senior Center of York Volunteers
Shakari Fowler	Head Start Program Volunteer

MATTERS PRESENTED BY THE BOARD

Mr. Wiggins stated mosquito weather was starting up, and he had noticed while walking through his neighborhood there were a lot of ditches that were clogged up with debris. He noted this causes water to back up in the ditches, and if the ditches were full of water, there would be mosquitos. He stated VDOT would not clean the leaves out of the ditches as that responsibility falls on the homeowners, but he noted VDOT would come out and clean out the culvert under the driveways if the culvert pipes become stopped up. Mr. Wiggins stated he was going to talk to each of his neighbors in the coming week or so and explain to them what they need to do in regard to the leaves and debris in their ditches. He expressed his hope that everyone listening tonight would get out and clean their ditches.

Mrs. Noll stated how nice it was to know volunteerism was alive and well in the York County. She noted she had not figured out how much money the volunteers had saved the County on the tax rate, but it looked like it was a fairly good amount. She stated the report did not include the volunteers in the schools, churches, or faith-based organizations. She thought York County had a wonderful citizenry because many citizens put in time that the Board did not even know about. Mrs. Noll then spoke of the seminar provided yesterday by the Economic Development Authority for all the businesses on Route 17 or affected by the construction on Route 17. She noted staff had personally delivered flyers to each of the business owners and spent time talking with the business owners, but only 13 business owners attended the seminar. Mrs. Noll stated she knew Route 17 had been a stickler for a while, but the businesses have to be proactive; and she had been pleased to see that at least 13 businesses were proactive.

Mr. Zaremba emphasized that the public hearing on the County's proposed Fiscal Year 2016 Budget was being held April 23 at 7:00 p.m. He stated the County's budget was built to support the quality of life of the residents of the County, and every citizen had an opportunity to make a comment regarding where the budget was at this point and time. He stated the expectation was that the FY16 budget would be approved the first week of May. He stated the proposed budget was a product of about six months of work and was built from the bottom up based on a finite number of dollars of revenue that was expected to come into the coffers of the County the next fiscal year beginning July 1. He noted York County had consistently received accolades from the Virginia Association of Counties on how well the budget has been prepared and how frugal the County was with respect to not only staying on top of taxpayer dollars, but providing the services that collectively make the quality of life in any municipality. He reiterated that the citizens still had an opportunity to be involved in the budget process, and he asked them to communicate with the Supervisors by attending the public hearing or through emails and phone calls.

Mr. Hrichak reported the construction on Lakeside Drive was finishing up, and he had been receiving calls asking why there were no signs up on the side streets of Lakeside Drive. He stated the contractor had removed those signs when they started the construction and was going to hold them for the County to reinstall after the construction was complete. He indicated the contractor did not hold the signs in the best of conditions, so the County was billing the contractor and remaking the signs that would be installed shortly. He stated the recent rain over the past couple of days had caused some severe flooding at the intersection of Patricks Creek Road and Lakeside Drive; VDOT had been made aware of the problem and would be sending their engineers out to look at it to find some resolution. Mr. Hrichak commended staff on the budget, stating there was very little new revenue this year, and staff had met all the needs of the schools and the County. He stated when he reviewed the presentation from last week on the donations to the various state, contractual, regional, tourism, civic and cultural organizations, it was proposed to give York-Poquoson Social Services \$2,000 more than they had requested. While he thought it was nice to exceed their budget request, Mr. Hrichak felt the amount should be held to the request, and the additional \$2,000 should be put into the CIP. He spoke of the meeting the Board had on the CIP and the funding challenges facing the County in the next couple of years, stating he felt any extra money should be added to the CIP. Mr. Hrichak also proposed giving the Greater Williamsburg Tourism and Chamber Alliance only \$25,000 of the additional \$50,000 that had been budgeted to them, stating that taking back \$2,000 from Social Services along with the \$25,000 from GWTCa would allow a combined total of \$27,000 that could be put into the CIP. He thought every little bit of savings would help cut down on the tax rate increases in the future.

Meeting Recessed. At 6:58 p.m. Chairman Shepperd declared a short recess.

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

PUBLIC HEARINGS

APPLICATION NO. UP-856-15, ARTISAN MEADS LLC

Mr. Cross gave a presentation on Application No. UP-856-15 to approve a Special Use Permit, pursuant Section 24.1-283(e) of the York County Zoning Ordinance, to authorize the establishment of a facility for the production of mead (an alcoholic beverage made from fermented honey and water) as a home occupation with one non-resident employee.

Mr. Wiggins asked if there had been any opposition to the application from the neighbors.

Mr. Cross stated that earlier in the application process, staff had received an email from one of the next door neighbors expressing concerns about a variety of things, but none that staff saw as issues. He stated the concerns had been about the waste that would be generated, the possibility of an explosion, which was not a possibility, impact on wildlife and insect numbers in the area, and just a general concern about whether an alcohol production facility was appropriate in a residential area. He noted staff also received an email and a phone call from the people who own the vacant parcel behind the property. Mr. Cross thought the owners actually lived in Newport News, and he noted it has been on the market for four years according to the owners, and they were concerned that having this kind of business will further hinder their efforts to sell that property. He stated after the Planning Commission's meeting, the owners of the property called staff again to reiterate those concerns. Mr. Cross stated when staff had been at the site taking pictures and shooting video, they had run into one of residents who lived at the end of the street, and he had asked what was being proposed. He stated when staff explained a meadery was proposed, the gentleman did not have any objections to the application.

Mr. Zaremba stated Mr. Cross had commented earlier there was no possibility of any sort of an explosion or safety issue.

Mr. Cross explained this operation would not be using carbonation, cooking, or pasteurization that could normally cause an explosion as in some other kinds of home brewing operations.

Mr. Zaremba asked what the role of the ABC would be with this operation.

Mr. Cross stated there were a number of permitting agencies, and the ABC was one of them along with the Virginia Department of Agricultural and Consumer Services and the Health Department. He also noted the federal government gets involved through the Alcohol & Tobacco Tax and Trade Bureau, so there was a whole litany of inspection processes the applicants would have to go through to get the operation off the ground.

Mr. Zaremba asked where their product would be available for purchase.

Mr. Cross stated their product could be purchased on the internet, noting the state actually had a website, Virginia Winery Distribution Company, and sales would be made through the website, and the product then would be delivered to the local wine stores.

Mr. Hrichak noted Mr. Cross had mentioned waste, but he felt there would not be a lot of waste from this operation.

Mr. Cross noted his agreement, explaining when the Utilities Division had looked at the application, they had spoken with the applicants; and based on that information and communication, the Utilities Division determined there would be no problem with just letting the waste go into the County sewer system. Mr. Cross stated there would not be a high volume of waste,

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and it had been described as having the consistency of diluted oatmeal, adding there would be nothing toxic in the waste.

Mr. Hrichak asked if there was any need to be concerned with noise issues.

Mr. Cross stated the hours of operation typically pertained to when there was on-premise customer client contact, and the applicants would just be working in the garage producing the product.

Chairman Shepperd stated he understood there would be no cooking; but as he was not familiar with mead production, he knew it was the fermentation process that produced the alcohol. He stated this would be an enclosed operation, but he thought the process had to be done at certain temperatures, and he asked how the temperature would be maintained in the building.

Mr. Cross stated the applicants would be able to answer that question.

Chairman Shepperd stated the read-ahead material gave a range of production of 13 to 26 fermenters and looking at the top end of this operation, he thought it could possibly be over 3,000 gallons of production. He asked what the maximum production would be for this operation.

Mr. Cross stated that question had also come up at the Planning Commission meeting, and he knew the applicant was prepared to answer that question tonight because they had answered it at the Planning Commission Meeting.

Chairman Shepperd stated he was assuming there would be some yeast involvement in the production, and he asked if it would produce an odor. He noted the larger the production, the more likely it would be to produce some odor that might not be pleasant to everybody.

Mr. Cross stated that question had also come up at the Planning Commission meeting, and the applicants had indicated they had never experienced any odor problem with the mead they had produced. He noted those types of problems typically resulted from a bacterial infection, or not using the proper nutrients or enough nutrients, and these were problems the applicants would be addressing, but they had not encountered these problems with the process they would be using.

Mr. Wiggins asked what the alcohol content of the mead would be.

Mr. Cross stated he did not know as that had not come up at the Planning Commission meeting.

Mr. John Ragan, 117 Whites Lane, and Mr. Zeb Johnston, 34 Whites Lane, Newport News, spoke as the applicants. Mr. Ragan stated they would love to be considered the first meadery in Hampton Roads, starting in York County.

Mr. Wiggins asked what the alcohol content of the mead would be like.

Mr. Johnston stated the alcohol content of the mead would be about 12 and ½ percent, noting the ABC allowed a variance of about 1 and ½ percent; but if the content goes over 14 percent, it would put them into a higher tax range, so they definitely wanted it to stay below 14 percent.

Mrs. Noll asked what the ratio was of water to honey and to yeast in the production.

Mr. Johnston stated it is about 25 percent honey, 75 percent water, and about 1 percent yeast.

Mrs. Noll asked if the applicants had produced mead before or if this was something new.

Mr. Johnston stated he was a beekeeper and had been selling his local honey at the Yorktown Market every Saturday throughout the summers, and some of his customers had come to him a couple of years ago and asked if he had heard about mead or if he made it. Two weeks later he started making mead and saw it as a wonderful business opportunity.

Mrs. Noll noted the County had a lot of beekeepers so they could keep them in business.

Mr. Johnston stated they would be purchasing a lot of the honey from local beekeepers and throughout the state.

Mrs. Noll asked if there would be bee hives on the property.

Mr. Johnston stated there would be no bee hives on the property.

Chairman Shepperd stated Mrs. Noll had made a good point about the meadery being an outlet for local beekeepers, noting there was a very active beekeeping operation on the Peninsula. He asked if there were any issues in terms of public safety.

Mr. Regan stated he would have a 6-year old on the property, and he did not have any safety concerns.

Chairman Shepperd asked the applicants if they would be producing mead year round.

Mr. Johnston stated they would be producing year round and had a heat pump set up through the one window that would be heating and cooling the garage during production. He noted they would also have some direct cooling on the fermenters to keep them just below 70 degrees, which would be the bulk of the cooling to keep the fermentation at the right temperature.

Mr. Regan noted it would be a floor unit, stand up heat pump.

Chairman Shepperd noted he did not see a large draw for electricity with the production, stating most of it seemed like a natural process.

Mr. Regan stated the garage had some heavy duty electrical, but they would not be using it.

Chairman Shepperd stated from a public safety perspective, there were no issues or concerns with the production; and he asked if there were any concerns with odors.

Mr. Johnston stated most of it would be Co2 which was breathed as part of the air; and for the optimistic 3,000 gallon production, it would be about the equivalent of .8 persons, less than one person standing in the garage and breathing 24/7. He noted the smell was very honey-like rather than like alcohol.

Mrs. Noll asked if bees produced honey year round.

Mr. Johnston stated the bulk of the honey production was during April, May, and June when the flowers came out; but there was a very small amount of flowers year round.

Mr. Wiggins asked if the mead would be bottled in the garage into sizes like a bottle of wine. He asked when they would sell the mead since they would not be selling it on the premises.

Mr. Johnston reiterated the State had set up the Virginia Winery Distribution Company which provided small wineries with a venue to get around the distribution of the three tier system where you are a manufacturer, a distributor, or a retailer. The State created the Virginia Winery Distribution Company to allow a person to be a self-distributor, and the retailers and manufacturers link up on the website; the financial transaction and the sale actually happens on the website and then the producers act as an agent for the Virginia Winery Distribution Company when they take the product to the local retailer.

Chairman Shepperd then called to order a public hearing on Application No. UP-856-15 which was duly advertised as required by law, and proposed Resolution R15-30 is entitled:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL
USE PERMIT TO AUTHORIZE A MEADERY AS A HOME OCCU-
PATION WITH ONE NON-RESIDENT EMPLOYEE AT 117 WHITES
LANE

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

Mr. Hrichak moved the adoption of proposed Resolution R15-30 that reads:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL USE PERMIT TO AUTHORIZE A MEADERY AS A HOME OCCUPATION WITH ONE NON-RESIDENT EMPLOYEE AT 117 WHITES LANE

WHEREAS, Artisan Meads, LLC, has submitted Application No. UP-856-15 requesting a Special Use Permit to authorize the establishment of a meadery as a home occupation with one non-resident employee within an existing detached garage located on a 0.29-acre parcel at 117 Whites Lane (private road) and further identified as Assessor's Parcel No. 25-186 (GPIN T09b-2938-3556); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the York County 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 carefully considered 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 21st day of April, 2015, that Application No. UP-856-15 be, and it is hereby, approved to authorize a Special Use Permit for the establishment of a meadery as a home occupation with one non-resident employee within an existing detached garage located on a 0.29-acre parcel at 117 Whites Lane (private road) and further identified as Assessor's Parcel No. 25-186 (GPIN T09b-2938-3556) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a meadery (a facility for the production of mead) as a home occupation with one non-resident employee within an existing detached garage located on a 0.29-acre parcel at 117 Whites Lane (private road) and further identified as Assessor's Parcel No. 25-186 (GPIN T09b-2938-3556).
2. One (1) non-resident employee shall be permitted. This authorization of a non-resident employee shall expire four (4) years from the date of approval of this application. Nothing in this approval shall be construed to preclude the operator of the home occupation from applying for a new use permit to authorize a non-resident employee in accordance with the procedures set forth in Section 24.1-283(e)(3) of the Zoning Ordinance.
3. The home occupation shall be conducted in accordance with the provisions of the York County Zoning Ordinance, Sections 24.1-281 and 24.1-283(e), except as modified herein.
4. No on-premises sales of goods or materials to the general public shall be permitted.
5. The home occupation shall be conducted within the existing 653-square foot garage in accordance with the procedures set forth in the applicant's project narrative titled "Artisan Meads LLC: Supplemental Information for the York County Special Use Permit application," a copy of which shall remain on file in the office of the Planning Division.
6. The home occupation shall be conducted in accordance with all applicable state and federal licensing, permitting, and regulatory requirements.

7. In accordance with the terms of the Zoning Ordinance, at least one (1) off-street parking space shall be provided on the premises to accommodate the non-resident employee. This space shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
8. Approval of this Special Use Permit shall not be construed to supersede or negate the effect and application of any private covenants that may be applicable to the proposed use/activity nor the authority of any property owner's association to enforce compliance with any applicable covenants.
9. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of this resolution shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court no later than thirty (30) days following approval of the Special Use Permit.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On roll call the vote was:

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

APPLICATION NO. UP-857-15, PENNY CAZIER

Mr. Cross gave a presentation on Application No. UP-857-15 to approve a Special Use Permit, pursuant Section 24.1-306 (Category 3, No. 2) of the York County Zoning Ordinance, to authorize the establishment of a natural health consultant office with on-premises retail sales and customer/client contact as a home occupation in a single-family detached home at 108 Bonito Drive.

Mrs. Penny Cazier, 108 Bonito Drive, the applicant, stated she started taking herbs in 1997 and started studying natural health in 1999. She stated her passion was helping people improve their health with herbs and better diets. She stated she sometimes has clients who come after work; and if the hours could be extended to 7:00 p.m., it would cover some people who might be coming after work. Mrs. Cazier asked if that change could be made on the application, and she thanked the Board for considering her application.

Mr. Wiggins asked if there had been any opposition to the application from her neighbors.

Mrs. Cazier stated she had spoken with each neighbor, and they had signed a sheet stating they had no problems, complaints, or opposition to the application.

Mrs. Noll stated she could see changing the time to 7:00 p.m. during the weekday but did not feel it would be necessary on Saturday.

Mrs. Cazier agreed it would not be necessary on Saturday.

Mr. Zaremba asked if there was any state or federal permitting or licensing required beyond a County business license.

Mrs. Cazier stated at this time there was no licensure for natural health practitioners, and only training was required.

Mr. Hrichak stated the applicant lived in his neighborhood, and he felt the home business would have no impact on the neighborhood. He also agreed with the weekday hours being changed to 9:00 a.m. – 7:00 p.m., Monday through Friday.

Chairman Shepperd asked Mr. Cross if staff had any objection to the addition of the extra hour on weekdays.

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Mr. Cross stated there was no objection, noting the use permit would be consistent with a lot of other home occupations the Board had previously approved.

Chairman Shepperd then called to order a public hearing on Application No. UP-857-15 which was duly advertised as required by law, and proposed Resolution R15-31 is entitled:

A RESOLUTION TO APPROVE AN APPLICATION TO AUTHORIZE THE ESTABLISHMENT OF A NATURAL HEALTH CONSULTANT OFFICE WITH ON-PREMISES RETAIL SALES AND CUSTOMER/CLIENT CONTACT AS A HOME OCCUPATION AT 108 BONITO DRIVE

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

Mr. Zaremba moved the adoption of proposed Resolution R15-31(R) that reads:

A RESOLUTION TO APPROVE AN APPLICATION TO AUTHORIZE THE ESTABLISHMENT OF A NATURAL HEALTH CONSULTANT OFFICE WITH ON-PREMISES RETAIL SALES AND CUSTOMER/CLIENT CONTACT AS A HOME OCCUPATION AT 108 BONITO DRIVE

WHEREAS, Penny Cazier, has submitted Application No. UP-857-15 requesting a Special Use Permit, pursuant to Section 24.1-306 (Category 3, No. 2) of the York County Zoning Ordinance, to authorize the establishment of a natural health consultant office as a home occupation with on-premises retail sales and customer/client contact in a single-family detached home on a 0.57-acre parcel located at 108 Bonito Drive (Route 1266) and further identified as Assessor’s Parcel No. 25-11-3-67 (GPIN T07a-2021-2594); 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 carefully considered 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 21st day of April, 2015, that Application No. UP-857-15 be, and it is hereby, approved to authorize a Special Use Permit, pursuant to Section 24.1-306 (Category 3, No. 2) of the York County Zoning Ordinance, subject to the following conditions:

1. This use permit shall authorize the establishment of a natural health consultant office as a home occupation with on-premises retail sales and customer/client contact in a single-family detached home on a 0.57-acre parcel located at 108 Bonito Drive (Route 1266) and further identified as Assessor’s Parcel No. 25-11-3-67 (GPIN T07a-2021-2594).
2. The home occupation shall be conducted in accordance with the provisions of the York County Zoning Ordinance, Sections 24.1-281 and 24.1-283(b), except as modified herein.
3. The floor area of the home office shall not exceed two hundred (200) square feet, and shall be designed as depicted on the floor plan submitted by the applicant and received by the Planning Division on February 2, 2015, a copy of which shall remain on file in the office of the Planning Division.

4. No person other than individuals residing on the premises shall be engaged in the home occupation.
5. The business shall be operated in accordance with the description set forth in the applicant's letter received February 2, 2015 as a part of the application submission, except as may be modified by these Special Use Permit conditions. No more than one (1) client (individual or family group) at any one time shall be served within the applicant's home in compliance with all other conditions of this resolution and applicable performance standards.
6. The property's driveway shall be available and used for client parking. The applicant shall ensure that scheduling of client visits is limited such that parking demand does not exceed two (2) vehicles at any time and shall ensure that clients do not park off the premises.
7. Appointments shall be limited to Mondays through Fridays from 9:00 AM to 7:00 PM and Saturdays from 9:00 AM to 6:00 PM.
8. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
9. Approval of this Special Use Permit shall not be construed to supersede or negate the effect and application of any private covenants that may be applicable to the proposed use/activity nor the authority of any property owner's association to enforce compliance with any applicable covenants.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of this resolution shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to issuance of a Certificate of Occupancy for the home office use.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On roll call the vote was:

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

LEASE WITH YORKTOWN SAILING CHARTERS, LLC

Mr. Noel gave a presentation on proposed Resolution R15-41 to authorize the Interim County Administrator to execute a lease between the County and Yorktown Sailing Charters, LLC, for the lease of certain docking space at the Riverwalk Landing T-Pier for the masted vessels "Alliance" and "Serenity" for passenger excursions.

Mrs. Noll asked if the lease would come back before the Board every year for renewal.

Mr. Noel stated the lease would be renewed by mutual consent.

Mrs. Noll stated the Board would be approving the lease for a year this evening even though it could get stretched out for four more years, and she asked if the Board would continue to see the lease for the other years.

Mr. Barnett stated because the lease allowed for extensions of time, it would not have to come back before the Board. He stated the extensions on the previous lease had not come back before the Board even though it had similar provisions. He thought staff, after checking with the Board, would approve the extensions administratively.

Mr. Zaremba asked what was driving the modest increase in rates.

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Mr. Noel stated as the economy had gotten better, staff felt it appropriate to have a modest increase in the rent. He noted when the economy had been down, rents at Riverwalk had been reduced. Mr. Noel stated there was a 3 percent escalator in quite a few of the leases with the tenants at Riverwalk.

Further discussion took place regarding the lease rates for the vessels.

Chairman Shepperd asked if this operation paid BPOL tax and if they were taxed as a boat docking in the County.

Mr. Noel stated it was his understating they were being taxed, but he would let Captain Loshe answer those questions specifically.

Captain Loshe stated he was not familiar with BPOL taxes, and they had not paid BPOL taxes. He stated they love being docked at the York County pier, and it was a good symbiotic relationship between York County and Yorktown Sailing Charters, which he hoped would continue.

Chairman Shepperd asked Mr. Noel to get answers to his questions regarding taxes.

Chairman Shepperd then called to order a public hearing on proposed Resolution R15-41 which was duly advertised as required by law, and is entitled:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A LEASE BETWEEN THE COUNTY AND YORKTOWN SAILING CHARTERS, LLC, FOR THE LEASE OF CERTAIN DOCKING SPACE AT THE RIVERWALK LANDING T-PIER FOR THE MASTED VESSELS "ALLIANCE" AND "SERENITY" FOR PASSENGER EXCURSIONS

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

Mrs. Noll moved the adoption of proposed Resolution R15-41 that reads:

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A LEASE BETWEEN THE COUNTY AND YORKTOWN SAILING CHARTERS, LLC, FOR THE LEASE OF CERTAIN DOCKING SPACE AT THE RIVERWALK LANDING T-PIER FOR THE MASTED VESSELS "ALLIANCE" AND "SERENITY" FOR PASSENGER EXCURSIONS

WHEREAS, the County previously entered into a lease agreement dated April 30, 2010, subsequently amended, with Yorktown Sailing Charters, LLC (Yorktown Sailing Charters) whereby the three-master schooner Alliance, and the two-masted schooner Serenity, were rented dock space at the Riverwalk Landing T-Pier in Yorktown for the purpose of the embarkation and disembarkation of passengers for river cruises; and

WHEREAS, the lease has expired, and the Board wishes to enter into a new lease agreement; and

WHEREAS, this matter has been duly advertised for a public hearing pursuant to Code of Virginia § 15.2-1800; and

WHEREAS, it is the opinion of this Board that it is in the public interest to enter into a new lease agreement with Yorktown Sailing Charters as proposed in the Interim County Administrator's memorandum of April 8, 2015.

NOW, THEREFORE, BE IT RESOLVED, by the York County Board of Supervisors this the 21st day of April, 2015, that the Interim County Administrator be, and is hereby, authorized to execute a lease with Yorktown Sailing Charters, LLC, for use of the Riverwalk Landing

T-Pier for the term and for the monthly rents set out in the Interim County Administrator's memorandum of April 8, 2015, such lease to be approved as to form by the County Attorney.

On roll call the vote was:

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

CONSENT CALENDAR

Mrs. Noll addressed Item No. 5, regarding the purchase approval to buy new voting machines for the County. She stated she wanted to make the citizens aware that there had been some problems with voting machines in other areas; and due to those problems, the State indicated the County's Winvote machines could no longer be used. Mrs. Noll asked if anyone from the Electoral Board would like to speak to this issue.

Mr. Phillip Wolf, Electoral Board member, stated the Electoral Board had known this was coming, noting they had a timetable that seemed to be widely agreed to be appropriate. He explained the machines were tested thoroughly before they were put into use; but during their testing cycles, they had noticed the degradation of some of the machines, and they had to pull them because they were no longer capable of holding up.

Mrs. Noll stated she asked Mr. Wolf to speak regarding this purchase because she wanted the citizens to understand that replacing the voting machines had nothing to do with the Electoral Board, but it was a requirement by the Virginia Code that obligated the governing body of the County to acquire the new machines. Mrs. Noll stated the Electoral Board had done an excellent job and continues to do an excellent job along with the volunteers as well.

Chairman Shepperd stated the purchase price of the voting machines was going to be \$232,095, and he had been told the funding was in the budget.

Mr. Zaremba asked Mr. Wolf to explain how the new voting machines would physically change the way the citizens will vote.

Mr. Wolf stated with the current system, votes were cast by filling in a bubble with a pencil and walking to an optical reader which registered the vote, and then the ballot was dropped into the box. He stated the Winvote machine was for people with disabilities that required some type of accessible system where the voter could use a touch screen, and the vote would only be recorded digitally on a thumb drive that was removed at the end of the day.

Mr. Hrichak moved that the Consent Calendar be approved as submitted, Item Nos. 4, 5, 6, and 7, respectively.

On roll call the vote was:

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

Thereupon the following minutes were approved and resolutions adopted:

Item No. 4. APPROVAL OF MINUTES

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

March 17, 2015, Regular Meeting

March 23, 2015, Adjourned Meeting

April 21, 2015

Item No. 5. PURCHASE AUTHORIZATION: Resolution R15-40

A RESOLUTION TO AUTHORIZE THE INTERIM COUNTY ADMINISTRATOR TO DO ALL THINGS NECESSARY TO COMPLETE PROCUREMENT OF REPLACEMENT OF VOTING MACHINES

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$50,000 or more be submitted to the Board for its review and approval; and

WHEREAS, this expenditure in the aggregate exceeds the \$50,000 'limit'; and the County Administrator has determined that the following procurements are necessary and desirable, they involve the expenditure of \$50,000 or more, and comply with all applicable laws, ordinances, and regulations;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of April, 2015, that the Interim County Administrator be, and hereby is, authorized to execute procurement arrangements with Election Systems & Software, LLC in the amount of \$232,095, as follows:

	<u>AMOUNT</u>
Voting Machines	\$232,095

Item No. 6. Outstanding Youth Awards Scholarship Program: Resolutions R15-34 – R15-37

Resolution R15-34

A RESOLUTION TO COMMEND AND CONGRATULATE HANNAH SPEIGHT ON HER SELECTION AS THE 2015 YORK COUNTY OUTSTANDING YOUTH OF THE YEAR FOR COMMUNITY SERVICE

WHEREAS, the York County Youth Commission and the Board of Supervisors established the Outstanding Youth of the Year Awards Program to recognize the accomplishments and achievements of York County's youth; and

WHEREAS, Hannah Speight has been chosen by the Selection Committee to receive the 2015 Outstanding Youth of the Year Award for Community Service; and

WHEREAS, Hannah Speight has consistently demonstrated a genuine desire and commitment to serve others; and

WHEREAS, in spite of this Tabb High School junior's demanding schedule taking college preparatory courses in which she earned the highest academic honors her first two years and is striving for the same this year, she participated in a full slate of extracurricular activities including lettering in basketball and golf, singing in the Jazz Choir and cheerleading, and also freely giving her time in serving others while touching and inspiring many; and

WHEREAS, Hannah's service through school activities has included participating in car washes and baking cookies for the local fire department to thank them for what they do each and every day, extensive service with her church working with the youth to deliver over 1,500 boxes of food to the less fortunate over Easter weekend, feeding the homeless and picking up trash over the past two years on mission trips to Nashville and Pittsburgh, and volunteering to work at her church's Vacation Bible School during the summer; and

WHEREAS, Hannah's true passion for others lies in her indefatigable service with the Juvenile Diabetes Research Foundation (JDRF), a commitment that began for her and her family after Hannah was diagnosed at age 7 with Juvenile or Type I Diabetes, a disease affecting 5 percent of all diabetics, requiring a strict regimen of daily insulin self-testing, injections,

and round-the-clock vigilance by exhausted parents rotating shifts at night to test children to insure their insulin level is within acceptable limits; and

WHEREAS, Hannah has participated in numerous community service fundraising projects over the years in support of JDRF funded research, such as working the hotdog and root beer float sidewalk sale at a local grocery, working the face painting table at the JDRF walk, working side by side with her parents to sponsor the annual "Walk for Hannah" Golf Tournament, an event that has raised close to \$36,000 in the past four years for Type I diabetes research, participating in November with family and friends in a local "Walk to Cure Diabetes," where "Team Hannah" raised over \$1,000, and participating in the annual "Hope Gala" sponsored by the Hampton Roads JDRF chapter, a huge annual event in which Hannah helped in the jewelry auction in 2014 through which \$430,000 was raised for Diabetes research and at which both Hannah and her mother were privileged to be featured in a heartwarming video that undoubtedly helped the event to soar to \$430,000; and

WHEREAS, Hannah's dedicated service with JDRF, her knowledge, understanding, and firsthand experience managing this disease from a young elementary school student and throughout her teenage years, along with her maturity, sensitivity and compassion for others, has led to her selection for the past three years as a Youth Ambassador for the program, representing JDRF in its fundraising efforts for a cure and working with staff at various fundraising events, and also to her recent selection by endocrinologists at CHKD to participate in JDRF's Mentorship Program through which Hannah offers advice, comfort, and support to newly diagnosed youth about the rigors and life-saving necessity of controlling highs and lows in their blood glucose levels; and

WHEREAS, the JDRF director praises Hannah for leading the most normal life in spite of the demands of managing her own disease, admires her uncomplaining and positive attitude, her sense of humor, active lifestyle and superb leadership, and praises her availability to always "be there" to encourage children and their parents in the unique and compassionate way that only Hannah can;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of April, 2015, that Hannah Speight, be, and she is hereby, commended and congratulated for being selected as York County's 2015 Outstanding Youth of the Year for Community Service.

BE IT FURTHER RESOLVED that Hannah Speight be publicly recognized as a most worthy recipient of the Outstanding Youth Award for Community Service, that she be extended the sincere admiration and appreciation of the Board of Supervisors for her exemplary service, and that she take pride in the fact that the world is indeed a better place because of her efforts to help those in need and the inspiration she has given many others to do likewise.

Resolution R15-35

A RESOLUTION TO COMMEND AND CONGRATULATE JULIA SMITH ON HER SELECTION AS THE 2015 YORK COUNTY OUTSTANDING YOUTH OF THE YEAR FOR COMPASSION

WHEREAS, the York County Youth Commission and the Board of Supervisors established the Outstanding Youth of the Year Awards Program to recognize the accomplishments and achievements of York County's youth; and

WHEREAS, Julia Smith has been chosen by the Selection Committee to receive the 2015 Outstanding Youth of the Year Award for Compassion; and

WHEREAS, Julia Smith exemplifies the meaning of the word compassion, consistently and caringly extending herself to help others; and

WHEREAS, as a senior at Tabb High School, Julia has a demanding course load there and at the Governor's School for Science and Technology, excelling academically as the third ranked student in her class, as a member of three honor societies, as an Advanced Placement

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Scholar with Distinction, and also participating in Marching and Symphonic Bands, the Model United Nations program, and other extracurricular activities, including community service work with the Youth Volunteer and Key Clubs, tutoring students in Spanish, and as a summer volunteer at Riverside and Mary Immaculate Hospitals; and

WHEREAS, as busy as she is, Julia routinely *makes the time* to go out of her way to help and encourage people however she can, a characteristic she developed in middle school where, as a quiet and shy newcomer in a larger school, she would often sit alone at lunch since it took time for her to make new friends; but, from that difficult transitional experience, Julia developed a compassion for others that has continued as she has overcome her own shyness and adopted the policy that whenever she sees anyone sitting alone who appears to be new or lonely, she will go over, introduce herself and her friends and see if the person is interested in sitting with her or her group, a practice which has brightened many students' lives by connecting them with others; and

WHEREAS, Julia's compassion also extends to the elderly and the sick, which also led her to do everything she could for her grandmother when she became stricken with cancer, and for whom Julia made a beautiful poster commemorating special events in her life, played the piano and sang to her to keep her spirits up, and spent her free time during the summer and over Christmas break trying to make her last months as comfortable as possible; and Julia has shown this same tender care for others during church youth visits to York Convalescent Center and also to an elderly woman at her church who suffered a stroke over a year ago that left her bedridden at home, spending time singing the woman's favorite songs to her and talking with her to support and encourage her however she can; and

WHEREAS, last summer Julia went on a mission trip to Peru where her team helped local Peruvian ministers run a Bible School, teaching Sunday School, singing and meeting with university students for Bible study, and where Julia, though not totally fluent in Spanish, served as unofficial translator for her team, and then enjoyed conversing with children and their parents long after programs would end, taking time through her sometimes broken Spanish in getting to know them on a personal level, asking questions about their families and culture, and endearing herself to them for her efforts, staying in touch with several of the young people she met, tutoring them in English via Skype; while there, she grew especially close to a little girl with disabilities that her host family had adopted, loving to spend what spare time she had playing with her, all of which began to open her eyes to the very hard lives that so many have and the great needs of the less fortunate in the world, all of which became contributing factors for her goal now of becoming a doctor and Christian medical missionary with immediate plans this summer of earning certification as an EMT in order to gain more practical experience in medical care to be able to help others more effectively; and

WHEREAS, Julia serves at her church as assistant pianist and a frequent vocal soloist, making a profound impact on everyone else despite being a very quiet person, determined to make others feel a part in subtle but heartfelt ways, just naturally reaching out to others and connecting with them and encouraging them, just as she began doing for students in the cafeteria years ago and last summer in Peru;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of April, 2015, that Julia Smith be, and she is hereby, congratulated and commended by the York County Board of Supervisors as York County's 2015 Outstanding Youth of the Year for Compassion.

BE IT FURTHER RESOLVED that Julia Smith be publicly recognized as a most worthy recipient of the Outstanding Youth Award for Compassion, that she be extended the sincere admiration and appreciation of the Board of Supervisors as she continues to live a life of exemplary care and concern for others, and that the Board's best wishes go with her as she makes an impact in this world by continuing to touch one life at a time.

Resolution R15-36

A RESOLUTION TO COMMEND AND CONGRATULATE KOURTNEY WARR ON JHER SELECTION AS THE 2015 YORK COUNTY OUTSTANDING YOUTH OF THE YEAR FOR COURAGE

WHEREAS, the York County Youth Commission and the Board of Supervisors established the Outstanding Youth of the Year Awards Program to recognize the accomplishments and achievements of York County's youth; and

WHEREAS, Kourtney Warr has been chosen by the Selection Committee to receive the 2015 Outstanding Youth of the Year Award for Courage; and

WHEREAS, Kourtney Warr exemplifies the meaning of courage, a quality for which she is deeply respected and admired by all privileged to know this Grafton High School senior; and

WHEREAS, in November of Kourtney's freshman year, this bright, sports-minded 15-year old began feeling extremely weak, had no appetite, and her body began aching, which baffled doctors for several months until her admittance to the MCV in Richmond, where it was determined she suffered from hyperthyroidism, IBS, and acute gastroparesis, a disease with no present medical cure that causes paralysis of the stomach, leading to blockage of the digestive system and subsequent weight loss, nausea, pain, and fatigue; and

WHEREAS, Kourtney has suffered greatly since the onset of this illness, at one point having lost over 40 pounds or almost one-third of her body weight, undergoing several major surgeries and a myriad of medical appointments, tests, and procedures, now requiring a feeding tube to supplement what she eats, and enduring pain every single day along with tiredness, frequent bouts of nausea, and the mental uncertainty of it all; and

WHEREAS, this disease has confined Kourtney to homebound instruction for long periods of time including five months her freshman year, over a month her sophomore year and two months her junior year, and has forced her to miss numerous two-week periods away from class throughout all four years of high school, all of which has limited her stamina and ability to attend some school events or enjoy as much time as she would like to with her friends; and,

WHEREAS, in spite of all of these hardships and challenges, Kourtney has endured this adversity, risen above disappointments, and maintained a cheerfulness, inner strength, and a genuine concern for others, all of which, because of her amazing daily courage and her positive attitude and outlook, mask those hardships and challenges from perception by many; and

WHEREAS, this is *fueled* by her resolve to live a normal life, her goal to be the best she can be in everything she does, her drive to complete all her assignments and never ask for shortcuts, and by her deflection of any praise or attention on herself, but instead, genuinely displaying a beautiful, others-centered focus in her life; and

WHEREAS all of this is *evidenced* by Kourtney's superior academic standing, earning Highest Academic Honors every year and a cumulative 3.88 grade point average in advanced courses, her membership in the National Honor Society, her volunteer service with the Key Club and her church, her mentorship during her junior year assisting with the special needs severe and profound class at Grafton and her acceptance to attend Christopher Newport University: and

WHEREAS, all of this is *attested* to by Kourtney's *two* nominations for this award and by her loving parents, her classroom and homebound teachers, and her guidance counselor, who all cite the example and inspiration she is, describing her as an exceptional student, a critical thinker who is motivated by the thrill of learning, one who works harder than most to achieve her goals, a student wise beyond her years who is incredibly conscientious, and someone who has a commitment and passion for helping others;

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NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of April, 2015, that Kourtney Warr be, and she is hereby, congratulated and commended as York County's 2015 Outstanding Youth of the Year for Courage.

BE IT FURTHER RESOLVED, that Kourtney Warr be publicly recognized as a most worthy recipient of the Outstanding Youth Award for Courage, that she be extended the utmost admiration of the Board of Supervisors for her tremendous inspiration and example to us all, and that the Board's best wishes go with her for a most rewarding and blessed life, and a bright future filled with continued triumph.

Resolution R15-37

A RESOLUTION TO COMMEND AND CONGRATULATE MEGAN CROW ON HER SELECTION AS THE 2015 YORK COUNTY OUTSTANDING YOUTH OF THE YEAR FOR OVERALL ACHIEVEMENT

WHEREAS, the York County Youth Commission and the Board of Supervisors established the Outstanding Youth of the Year Awards Program to recognize the accomplishments and achievements of York County's youth; and

WHEREAS, Megan Crow has been chosen by the Selection Committee to receive the 2015 Outstanding Youth of the Year Award for Overall Achievement; and

WHEREAS, Megan Crow epitomizes excellence with her numerous accomplishments and superior performance in numerous endeavors; and

WHEREAS, Megan's many noteworthy *academic* achievements at Tabb High School include earning a 4.57 grade point average in rigorous courses, receiving Academic Highest Honors every year as well as membership in the National Honor Society and English, Science, and Math National Honor Societies, being named an AP Scholar with Distinction, and receiving a National Merit Letter of Commendation; and

WHEREAS, Megan's *leadership* achievements include her selection as a delegate to Virginia Girls State where she was elected City Manager as well as serving terms of office as Secretary to the Student Council Association, its Executive Board, and to the Key Club; and

WHEREAS, Megan's noteworthy *athletic* achievements mean that some sport is always "in-season" for her since she has participated in varsity sports year-round throughout all four years of high school, including: Cross Country when during both her junior and senior years, she was named Team Captain, made the All-Conference Team, and advanced to the State Meet; Swimming each winter, serving as Captain this year and helping to lead Tabb to 2nd place at the State Meet; Outdoor Track and Field each spring, running the half-mile, mile and two mile, being Team Captain her junior year, and advancing to the Regional Meet as a sophomore and junior; and, Indoor Track, participating along with swimming this winter for her senior year, and, assuming she letters again this spring for the Outdoor Track season, she will have earned the astounding total of 13 varsity letters during her four years at Tabb, all in very physically demanding sports, and all of which attest to why she was named a Wendy's High School Heisman Scholar Athlete State Finalist; and

WHEREAS, Megan's *service* achievements include: tutoring students the past four years in such areas as math, science, time management, and study skills; helping with homework and preparation for tests and exams; and, weekly coaching over the past three years in the "Smart Swim Program" for children with special needs and/or disabilities, an activity for which Megan serves as a senior instructor teaching the basics of water discipline and safety to newcomers and more advanced swimming and diving techniques to more experienced kids, all of which reveals and taps into Megan's genuine love for children; and

WHEREAS, somehow Megan finds enough *spare time* to pursue a myriad of other interests, including: playing in both the marching and symphonic bands; competing in the Virginia Math League; participating each year in Tabb's One Act Plays and Musical; combining her map

and compass skills with her love for racing as a member of the school's Orienteering Club; organizing an event bringing science and technology into the community and winning a trip to Stanford University last spring to participate in programs at Facebook, Google, and Stanford promoting women in the field of Computer Science and then presenting her project at Microsoft's nearby district corporate offices; and, working last summer in the NASA Langley Aerospace Research Student Scholars (LARSS) paid internship program in the Atmospheric/Earth Science Directorate on the Students' Cloud Observations On-Line (S'COOL) Team Project where she provided necessary data entry, updated the website and data analysis tools, and standardized observation techniques by generating a sky color and visibility tool; and

WHEREAS, Megan's many achievements are surpassed only by her *character*, which is exemplified by her spirit of adventure and fun, her altruism and patriotism, her responsibility, reliability, self-motivation, and ability to work well with others, as well as her diverse interests to which she brings leadership, maturity, and innovation, all the while remaining humble and dedicated;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of April, 2015, that Megan Crow be, and she is hereby, congratulated and commended by the York County Board of Supervisors as York County's 2015 Outstanding Youth of the Year for Overall Achievement.

BE IT FURTHER RESOLVED that Megan Crow be publicly recognized as a most worthy recipient of the Outstanding Youth Award for Overall Achievement, that she be extended the sincere admiration and appreciation of the Board of Supervisors for her outstanding example as a role model to the youth of our community, and that the Board's best wishes go with her as she continues to use her talents and abilities in making a positive impact in our community and world through helping others.

Item No. 7. REGIONAL ECONOMIC DEVELOPMENT FUNDING: Resolution R15-43

A RESOLUTION ENDORSING A NEW REGIONAL ECONOMIC DEVELOPMENT INITIATIVE AND DESIGNATING FUNDS IN THE PROPOSED FY16 BUDGET TO SUPPORT THIS INITIATIVE

WHEREAS, the County has previously funded and participated in a regional economic development program managed by the Hampton Roads Economic Development Alliance (HREDA); and

WHEREAS, the York County Economic Development Authority and the Board of Supervisors have become concerned that the relationship with HREDA has not garnered direct business investment in York County; and

WHEREAS, the County's Office of Economic Development and Economic Development Authority have conducted a number of successful economic development events and programs with their counterparts in James City County and the City of Williamsburg; and

WHEREAS, the Economic Development Authorities (EDAs) in each of the three localities are supportive of a newly proposed Historic Triangle regional economic development initiative and have passed a joint resolution supporting funding in the amount of \$0.95 per capita for this effort beginning July 1, 2015; and

WHEREAS, the EDAs have also agreed to execute a Memorandum of Understanding prior to July 1, 2015, to further define the organization of a joint economic development program; and

WHEREAS, the Board has determined that the potential benefits of participation in the proposed cooperative effort with James City County and the City of Williamsburg, as discussed in the County Administrator's memorandum dated April 8, 2015, are greater than would be anticipated as a result of continued membership in and funding contributions to HREDA;

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NOW, THEREFORE, BE IT RESOLVED, by the York County Board of Supervisors this the 21st day of April, 2015, that it does hereby endorse the establishment of a new regional economic development program in concert with James City County and the City of Williamsburg and commits to providing such funding as is identified for a "Regional Economic Development Initiative" and contingent upon its approval as part of the FY16 Budget.

NEW BUSINESS

RENAMING OF THE YORK COUNTY SPORTS COMPLEX

Chairman Shepperd gave a presentation on proposed Resolution R15-46 to rename the York County Sports Complex the "James O. McReynolds Sports Complex", stating in a previous work session several Supervisors had expressed interest in naming something in honor of the former County Administrator. At the request of the Board, he noted he contacted Mrs. Pam McReynolds about the sports complex being renamed, and she said the family would be very much honored to have his name on the sports complex and that she thought Mr. McReynolds would have seen it as a real honor.

Mr. Wiggins then moved the adoption of proposed Resolution R15-46 that reads:

A RESOLUTION TO RENAME THE YORK COUNTY SPORTS COMPLEX IN HONOR OF JAMES O. MCREYNOLDS, FORMER COUNTY ADMINISTRATOR FOR YORK COUNTY, VIRGINIA

WHEREAS, James O. McReynolds served the County of York for over 30 years, starting as an accountant, then moving to Director of Financial and Management Services, and lastly being appointed by the Board of Supervisors to serve as County Administrator in 2001; and

WHEREAS, Mr. McReynolds passed away suddenly on October 19, 2014; and

WHEREAS, as County Administrator he was dedicated to the well-being of the County's residents, providing sound and well-reasoned recommendations to the Board of Supervisors on a myriad of issues and guiding and encouraging County staff, all with the objective of enhancing the quality of life in York County and providing residents, businesses, and visitors with the very best services possible, even during financially challenging times; and

WHEREAS, through his unique vision, leadership, and fiscal stewardship, Mr. McReynolds laid the foundation and building-blocks for a strong and vibrant future for the County of York and its residents, and he has left a legacy of excellence for his successor; and

WHEREAS, James "Mac" McReynolds held the employees of York County in high esteem, often stating the staff was the backbone of the County's excellent services, and those who worked with him have the greatest respect for his leadership and will always remember him fondly for his fairness, his ever-present sense of humor, his empathy and compassion for others, and for his love of family and York County; and

WHEREAS, while managing the complex daily operations of York County, Mr. McReynolds understood the importance of dedicating his knowledge and time to professional organizations, and his high ethical and professional standards, combined with his phenomenal memory and ability to quickly determine the right course of action in a very fast-paced world, made him a natural leader, often resulting in Mr. McReynolds being offered leadership roles in those organizations, which consequently enhanced York County's reputation regionally and statewide due to Mr. McReynolds' outstanding representation; and

WHEREAS, during his tenure as County Administrator, Mr. McReynolds facilitated many projects that greatly improved the quality of life for County residents, including, but certainly not limited to: the transformation of the Yorktown Waterfront into a multi-faceted recreational, cultural and commercial area; the acquisition of a AAA bond rating for the County; bringing the LEAN initiative to the County and its employees while working to create an environment that fosters continuous improvement in the allocation of resources used to deliver services to citizens and customers in a dynamic and changing world; and, the creation of the

York County Sports Complex, a facility that welcomes thousands of athletes and their families each year to York County; and

WHEREAS, the Board of Supervisors wishes to recognize, honor, and memorialize Mr. McReynolds' legacy for many years to come;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of April, 2015, that the York County Sports Complex be, and it is hereby, renamed the "James O. McReynolds Sports Complex" in a lasting tribute to Mr. McReynolds' valued contributions to York County and its citizens.

On roll call the vote was:

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

APPOINTMENT OF NEW COUNTY ADMINISTRATOR

Chairman Shepperd noted after several months of recruitment, the Board of Supervisors had finally selected a new County Administrator.

Mrs. Noll moved the adoption of proposed Resolution R15-44 that reads:

A RESOLUTION TO APPOINT A COUNTY ADMINISTRATOR PURSUANT TO SECTION 15.2-1540 OF THE CODE OF VIRGINIA AND TO CONFER UPON THE APPOINTEE THE POWERS AND DUTIES PROVIDED BY LAW, AND AUTHORIZE THE EXECUTION OF AN EMPLOYMENT AGREEMENT

WHEREAS, the position of County Administrator was vacated on October 19, 2014, due to the sudden death of James O. McReynolds; and

WHEREAS, after a search was completed for candidates for the position of County Administrator, and interviews took place to examine their qualifications for the position, an offer of employment has been made to Neil A. Morgan, who has accepted that offer contingent upon formal appointment by the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of April, 2015, that Neil A. Morgan be, and he is hereby, appointed to the position of County Administrator for York County, Virginia, pursuant to Section 15.2-1540 of the Code of Virginia with such appointment to be effective on June 15, 2015.

BE IT FURTHER RESOLVED that the Chairman of the Board is hereby authorized to execute an employment agreement with Neil A. Morgan based on the terms and conditions substantially as set out in the Employment Agreement attached to and made a part of this resolution.

BE IT STILL FURTHER RESOLVED that upon assuming the duties as County Administrator, Mr. Morgan shall take the oath of office and shall give bond before the Clerk of the Circuit Court of York County with surety approved by such Clerk in the amount of \$2,000, and such premium for said bond shall be paid by the Board of Supervisors out of the General Fund.

BE IT STILL FURTHER RESOLVED that upon appointment as County Administrator of York County, Mr. Morgan be, and he is hereby, authorized to perform any and all of those duties of the County Administrator as described in Section 15.2-1541 and other sections of the Code of Virginia, as amended, and as prescribed in the policies and ordinances of York County, and otherwise as may be directed by the York County Board of Supervisors.

EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT (hereinafter referred to as "Agreement"), is by and between the County of York, Virginia, a political subdivision of the Commonwealth of Virginia (hereinafter referred to as the "County"), and Neil A. Morgan (hereinafter referred to by name or as the "County Administrator").

W I T N E S S E T H:

WHEREAS, the County desires to employ Neil A. Morgan as County Administrator of York County, Virginia; and

WHEREAS, the County, through its County Board of Supervisors ("the Board"), desires to provide for certain benefits and compensation for the County Administrator and to establish conditions of employment applicable to the County Administrator; and

WHEREAS, Neil A. Morgan desires to accept employment as County Administrator of York County under the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises as set forth in this Agreement, the parties agree as follows:

Section 1. Employment.

A. The County hereby hires and appoints Neil A. Morgan as its County Administrator, under the terms established herein, to perform the duties and functions specified in the laws of the State of Virginia and to perform such other legally permissible and proper duties and functions as the County Board of Supervisors shall from time to time assign.

B. The County's employment of Neil A. Morgan as County Administrator shall be effective June 15, 2015. This Agreement shall remain in effect until terminated by the County or by the County Administrator as provided herein.

C. Consistent with the Immigration Reform and Control Act of 1986, employment is contingent upon verification of eligibility for employment in the United States. The County Administrator, prior to assuming his duties, shall provide the County's Office of Human Resources with a driver's license or other photo I.D. as proof of identity and either an original social security card or birth certificate, or a valid United States passport.

Section 2. Salary and Evaluation.

A. For the performance of services pursuant to this Agreement, the County agrees to pay the County Administrator an annual base salary of \$155,000, payable in installments at the same time as other County employees are paid.

B. The County may also agree (but is not obligated) to increase said base salary and/or other benefits of the County Administrator in such amounts and to such an extent as the County Board of Supervisors may determine to be desirable on the basis of an annual performance evaluation of the County Administrator or at any other time it deems appropriate. Such evaluation shall be in such form as the Board deems appropriate and shall be made between May 1st and August 1st of each year in which this Agreement is effective.

C. Nothing in this Section shall require the County to increase the base salary or other benefits of the County Administrator. Furthermore, the County's failure to conduct any of the scheduled evaluations shall not constitute non-compliance with a material provision of this Agreement.

Section 3. Duties and Obligations.

A. The County Administrator shall have the duties, responsibilities and powers of said office under the laws of the Commonwealth of Virginia and the policies adopted from time to time by the Board. The County Administrator agrees to perform all duties and responsibilities faithfully, industriously, and to the best of his ability and in a professional and competent manner.

B. The County Administrator shall remain in the exclusive employ of the County and shall devote all such time, attention, knowledge and skills necessary to faithfully perform his duties under this Agreement. The County Administrator may, however, engage in educational and professional activities and other employment activities upon receipt of approval by the County Board of Supervisors, provided that such activities shall not interfere with his primary obligation to the County as its County Administrator. The County Administrator shall dedicate no less than an average of forty (40) hours per week in the performance of his duties hereunder.

C. In the event the County Administrator shall serve on any appointed boards or elected boards of any professional organization, or serve on any committees related to his professional activities, in the event any monies are paid, or gifts received, by the County Administrator related to such service, such money or property shall be paid over to or delivered to the County, unless otherwise provided by the County Board of Supervisors.

D. In the event the County Administrator is temporarily unable to perform his duties, he shall designate an Acting County Administrator.

E. The County Administrator shall establish and maintain residency in York County for the term of this Agreement, and shall establish such residency within a reasonable period of time after assuming his duties, but not later than January 1, 2016, unless the Board approves an extended date, which approval will not be unreasonably withheld.

Section 4. Automobile Allowance and Communications Equipment

The County Administrator is required to be on call for twenty-four hour service. In recognition thereof:

A. The County shall provide the County Administrator with the use of a County-owned vehicle for his use when on official County business. The vehicle may be used anywhere while in the performance of County business, and in addition may be used for personal travel anywhere within the boundaries of the Commonwealth of Virginia. The County Administrator shall at all times possess a valid Virginia driver's license and a Virginia Department of Motor Vehicles driving record that is acceptable to the County.

B. The County shall provide the County Administrator with a cellular "smartphone" or similar device for work-related use, and personal use.

Section 5. Professional Development

The County will pay the dues associated with membership in job-related professional organizations as might be expected of a county administrator, and travel expenses and registration fees required for attendance at annual meetings, training sessions or similar gatherings, within reason and subject to budgetary constraints.

Section 6. Community Involvement

The County recognizes the desirability of representation in and before local civic and other organizations, and encourages the County Administrator to participate in these organizations to foster a continuing awareness of the County's activities as well as the community's attitudes and ideas.

Section 7. Vacation and Sick Leave

The County Administrator shall earn 12 hours of vacation leave per month (or 18 days leave annually). After five years of service, or such shorter time as the Board may allow, the Administrator shall earn an additional 4 hours vacation leave per month. Sick leave shall be earned at the same rate as other employees of the County. Accrual and pay-out of accumulated leave shall be governed by the same policies as those that govern other county employees

Section 8. Holidays

The County Administrator is entitled to the same paid holidays as the general County staff.

Section 9. Health, Dental, Life and Disability Insurance

The County agrees to pay 100% percent of the costs of such health insurance (including dental) for the same scope of coverage available to other County employees for the County Administrator, his spouse, and eligible family and dependents. Further, the County shall pay 100% of the cost for the County Administrator of group term life insurance through the Virginia Retirement System to the degree granted other County employees. Such coverage will be effective upon employment. Should the County not be able to provide health insurance coverage immediately due to policy constraints, it will compensate the County Administrator for the cost of his COBRA policy until he can be added to the County's policy.

Section 10. Retirement.

The County agrees to contribute to the Virginia Retirement System (VRS) on behalf of the County Administrator to the same extent as for other County staff. The County Administrator agrees that he is currently classified as a "Plan 1" member of the VRS by reason of previous employment, and that he will be required to contribute an amount equal to five percent (5%) of his gross salary to the VRS retirement plan. Nothing herein shall deprive the County Administrator of his right to elect other retirement options available under the VRS retirement system, according to the regulations of VRS, to the extent allowed to other County employees.

Section 11. Termination by the County and Severance Pay

A. The County Administrator shall serve at the pleasure of the Board as an at-will employee, and the County Administrator's employment with the County may be terminated at any time, with or without cause

B. Should a majority of the entire Board (three members) vote to terminate the services of the County Administrator "without cause", then within ten (10) business days following such vote, the Board shall cause the County Administrator to be paid any accrued and unpaid salary and benefits earned (including personal time off, holiday time and insurance but excluding such items and allowances as are used in conducting County business such as, but not limited to, the use of the County computer and the automobile and cell phone allowance) prior to the date of termination based on a forty (40) hour work week. Within forty-five (45) calendar days following the vote to terminate the County Administrator's employment, the Board shall cause the County Administrator to be paid a lump sum severance pay equal to six (6) months of his base salary as full and complete payment and satisfaction of any claims of the County Administrator of whatsoever nature arising out of this Agreement or otherwise. As consideration for such payment, the County Administrator shall, prior to receipt thereof, execute and deliver to the County a general release of the County and its Board members and its officers, agents, and employees for all acts and actions (whether accrued or subsequently accruing) from the beginning of time until the date of release, said release to be prepared by the County Attorney.

C. In the event the County Administrator is terminated for “just cause,” the County shall have no obligation to pay the amounts outlined in Section 11, Paragraph B of this Agreement. For purposes of this Agreement, “just cause” is defined and limited for purposes of this Agreement to any of the following:

1. Misfeasance, malfeasance and/or nonfeasance in performance of the County Administrator’s duties and responsibilities.
2. Conviction or a plea of guilty or no contest to a misdemeanor or felony crime, whether or not adjudication is withheld.
3. Neglect of duty, including the inability or unwillingness to properly discharge the responsibilities of office.
4. Violation of any substantive County policy, rule, or regulation, which would subject any other County employee to termination.
5. The commission of any fraudulent act against the interest of the County.
6. The commission of any act which involves moral turpitude, or which causes the County disrepute.
7. Violation of the International City/County Management Association Code of Ethics.
8. Any other act of a similar nature of the same or greater seriousness.

D. In the event the Board, at any time during the employment term, reduces the salary or other benefits of the County Administrator, as identified herein, in a greater percentage than an equivalent across-the-board reduction for all full-time County employees, or in the event the County allegedly refuses to comply with any other material provision of this Agreement benefiting the County Administrator, the County Administrator shall notify the Board in writing of the alleged violation. The Board shall have forty-five (45) days from such notice within which to cure the violation, otherwise, the County Administrator may at his option, consider such violation as termination “without cause” as of the date of such alleged reduction or refusal, and the severance pay provision and other termination provisions contained herein shall become applicable at the annual salary and benefit level in effect prior to the reduction or refusal.

Section 12. Termination by the County Administrator

The County Administrator may terminate this Agreement at any time by delivering to the County Board of Supervisors a written notice of termination not later than ninety (90) days prior to the effective date of the termination. If the County Administrator terminates this Agreement, then the provisions of Section 11, Paragraph B above, shall not apply. If the County Administrator voluntarily resigns pursuant to this Section, the County shall pay to the County Administrator all accrued compensation due the County Administrator up to the County Administrator’s final day of employment, including any accrued personal time off. The County shall have no further financial obligation to the County Administrator pursuant to this Agreement. This subsection shall not prevent the County Administrator from collecting any money earned as a result of participation in the County’s deferred compensation program.

Section 13. Disability

If the County Administrator becomes permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health for a period of four consecutive weeks beyond any accrued leave, the County shall have the option to terminate this Agreement, subject to the severance pay provision outlined in Section 11, Paragraph B of this Agreement.

Section 14. Relocation Expenses

A. The County agrees to pay the Administrator a lump sum amount of \$8,000 upon the relocation of his residence to York County for the costs associated with the relocation of himself and his family. This money shall be deemed full reimbursement for costs of house hunting trips, temporary lodging, transportation of himself and his family, moving the family vehicles, moving furniture and other related moving expenses. The County Administrator shall not be required to produce receipts for any expenses.

B. Should the County Administrator resign within two years of his employment with the County to retire or accept a position elsewhere, he will reimburse the County for relocation expenses in the amount of \$333 for each month served less than 24 months. Reimbursement to the County of relocation expenses is not required if the Administrator should die within the first two (2) years or resign within such time due to disability.

Section 15. Indemnification.

A. To the extent allowed by applicable Virginia law, the County shall defend, save harmless, and indemnify the County Administrator against any action for any injury or damage suffered as a result of any act, event, or omission of action that the County Administrator reasonably believes to be in the scope of his duties or function, unless he acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. The County will compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon. The County shall not be liable for the acts or omissions of the County Administrator committed while acting outside the course and scope of his agreed duties or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. In such instance, the County Administrator shall reimburse the County for any legal fees and expenses the County has incurred or otherwise paid, for or on his behalf, in connection with the charged conduct.

B. Said indemnification shall extend beyond the termination of employment and the expiration of this Agreement to provide protection for any such acts undertaken or committed in his capacity as County Administrator, regardless of whether the notice of claim or filing of a lawsuit occurs during or following employment with the County.

Section 16. Bonding

The County agrees to bear the full cost of any fidelity or other bonds required of the County Administrator under any policy, regulation, ordinance or law.

Section 17. Code of Ethics

Inasmuch as the County Administrator is an active full member of the International City/County Management Association (ICMA), the "Code of Ethics" promulgated by ICMA is incorporated herein, and by this reference made a part hereof. Said "Code of Ethics" shall furnish principles to govern the County Administrator's conduct and actions as County Administrator of the County.

Section 18. Attorney's Fees

If any litigation is commenced between the parties concerning any provision of this Agreement or the rights and duties of any person in relation thereto, the party prevailing in such litigation will be entitled, in addition to such other relief as may be granted, to reasonable attorney's fees and expenses incurred in connection therewith, including appellate fees and expenses.

Section 19. General Terms and Conditions

A. If any provision, or any portion thereof, contained in this Agreement is held by a court of competent jurisdiction to be unconstitutional, illegal, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall not be affected and shall remain in full force and effect.

B. The waiver by either party of a breach of any provision of this Agreement by the other shall not operate or be construed as a waiver of any subsequent breach by that party.

C. This Agreement shall be binding upon and inure to the benefit of the heirs at law or personal representative of County Administrator.

D. This Agreement contains the entire Agreement of the parties. It may not be changed verbally, but only by an Agreement in writing signed by the parties.

E. Virginia law shall govern this Agreement and any litigation that may arise from this Agreement, shall be filed and litigated in York County, Virginia.

F. Upon County Administrator's death, the County's obligations under this Agreement shall terminate except for:

1. Transfer of ownership of retirement funds, if any, to his designated beneficiaries;
2. Payment of accrued leave balances in accordance with this Agreement;
3. Payment of all outstanding hospitalization, medical and dental bills in accordance with the County's insurance policies or plans; and
4. Payment of all life insurance benefits in accordance with the County's insurance policies or plans.

G. The parties acknowledge that each has shared equally in the drafting and preparation of this Agreement and, accordingly, no court construing this Agreement shall construe it more strictly against one party than the other and every covenant, term and provision of this Agreement shall be construed simply according to its fair meaning.

H. This Agreement may be executed in duplicate or counterparts, each of which shall be deemed an original and all of which together shall be deemed one and the same instrument. No term, condition or covenant of this Agreement shall be binding on either party until both parties have signed it.

I. The effective date of this Agreement shall be the last date it is executed by either of the parties to this Agreement.

Executed by the County of York, Virginia, this ____ day of April, 2015.

COUNTY OF YORK, VIRGINIA

By: _____
Thomas G. Shepperd, Chairman

Executed by the COUNTY ADMINISTRATOR this _____ day of April, 2015.

Neil A. Morgan
County Administrator

On roll call the vote was:

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

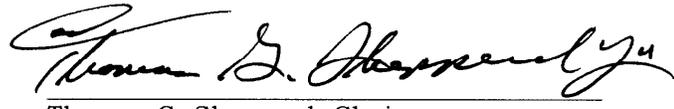
Meeting Adjourned. At 8:10 p.m. Mr. Hrichak moved that the meeting be adjourned to 7:00 p.m., Thursday, April 23, 2015, in the Board Room, York Hall, for the purpose of conducting a public hearing on the proposed Fiscal Year 2016 Budget and 2015 Tax Rates.

On roll call the vote was:

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



J. Mark Carter
Interim County Administrator



Thomas G. Shepperd, Chairman
York County Board of Supervisors