MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
August 18, 2015

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:06 p.m., Tuesday, August 18, 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. Zaremba, Donald E. Wiggins, George S. Hrichak, and Thomas G. Shepperd, Jr.

Sheila S. Noll was absent.

Also in attendance were Neil A. Morgan, County Administrator; J. Mark Carter, Deputy County Administrator; Vivian A. McGettigan, Deputy County Administrator; and Melanie Economou, Assistant County Attorney.

Invocation. Reverend Rita Moore, First Corinthians Church, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Kenny Bristow, Jr., Boy Scout from Troop 200, St. Luke's United Methodist Church, and his father Kenny Bristow, led the Pledge of Allegiance.

**CITIZENS COMMENT PERIOD**

Mr. Orrin Banner, representing the York County Chamber of Commerce, updated the Board on three upcoming events that the Chamber will be helping support, sponsor, or co-sponsor. The Home-Based Business Resource Fair & Conference will be held on October 23 at the Victory Family YMCA, co-hosted by the York County Economic Development Authority; the Yorktoberfest Outdoor Community Festival will be held on September 26 at the Hampton Roads Harley-Davidson on Route 17; and the 2015 Candidate Forum will be held on September 24 at the Grafton Middle School auditorium. Mr. Banner stated further information could be obtained by calling the York County Chamber of Commerce.

**COUNTY ATTORNEY REPORTS AND REQUESTS**

Ms. Economou had nothing to report at this time.

**COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. Morgan stated he had been touring various facilities around the County, and this morning he had the pleasure of meeting Captain John Vann and his staff and had received a very thorough briefing and tour of the US Coast Guard Station Yorktown. He noted he had learned a lot, but he thought perhaps not all of the citizens were aware of what a significant facility the Coast Guard Station was. In addition to the full time employees of the Station, which were a major part of the County's economy, he had not realized that 800-1000 individuals cycle through the station for training each year and also make a significant contribution to York County's economy. Mr. Morgan expressed his appreciation and thanks to Captain Vann and

his staff for the tour, stating the Coast Guard Station was an important facility and the County needed to understand that in terms of future planning.

**MATTERS PRESENTED BY THE BOARD**

Mr. Wiggins stated he had the privilege of meeting Major General Mark Kelly at Langley Air Force Base over a year ago, and they had continued corresponding since that time. Major Kelly was now the Commander of the 9th Air Force at Shaw Air Force Base in South Carolina, and Mr. Wiggins read and shared the recent letter he had received from General Kelly with the Board and the citizens. The letter spoke of the difficulties the Air Force members face, and the General thanked York County for its continued support to the airmen and their families in this community.

Mr. Zaremba updated the Board on the Carver Gardens grant project, stating he had stopped by Housing Partnerships today and spoke with Mr. Abbitt Woodall, the Director. Mr. Woodall told him that the first two contracts to refurbish the first two units had been put out for bid today. The grant has 20 houses targeted for rehabilitation which will help many people who have few assets or who have special needs, and Mr. Zaremba expressed his pleasure that the project was moving along. He noted he had also spoken with Mr. Montee Jons, who sits on the Planning Commission, about moving ahead to replace the water system in terms of servicing the houses that were being refurbished. Mr. Zaremba stated he felt the County Attorney was on top of the legal aspects of the direction given to him a few weeks ago regarding the failing water system, and he also felt staff was doing a great job moving that project along.

Chairman Shepperd stated he was glad to see something was being done regarding the water system.

Mr. Hrichak expanded on Mr. Banner's comments regarding the Home-Based Business Resource Fair and Conference to be held on October 23, stating it would be a good opportunity for home-based businesses to get together with some of the experts in the business field to have an opportunity to learn how to grow their businesses and prosper within the County. He stated about two-thirds of the County's 3,500 businesses were home-based businesses. Mr. Hrichak reiterated this event would be co-hosted by the York County Chamber of Commerce and the York County Office of Economic Development, and he thought it would be a good program.

Chairman Shepperd updated the Board on the summer conference he had attended as the Hampton Roads representative to the State Association of Planning District Commissions. He spoke of some of the differences between the PDCs (Planning District Commissions), stating one thing he had found very interesting dealt with broad band communications. He stated York County had a very robust communications capability and was fortunate because the County had a lot of people living close together which had driven the industry to come into the County and make a financial investment in the infrastructure. Mr. Shepperd then addressed the density of population in the different districts of the County, noting some citizens were still trying to get a type of cable service in their area. He stated the west side of the state was a no man's land of communication, so the PDCs had gotten together and done a comparison of the communication systems in different areas with a map showing how they were distributed in the state. He stated York County was getting spoiled with the technology, as it was getting technology that could not be found anywhere else. Mr. Shepperd stated the PDC's were trying to determine how they could work together to go to the General Assembly and see what leverages and opportunities could be developed. Mr. Shepperd noted he had also been privileged and honored to attend the Hall of Honor ceremony at NASA.

**CONSENT CALENDAR**

Mr. Zaremba addressed Item No. 3, commending and honoring Ms. Sheila Myers for her long tenure as the chairperson for the York County Arts Commission and also as a York County representative to the Greater Williamsburg Arts Commission. He asked where the Board stood

with respect to finding a replacement for Ms. Myers, stating it needed to look seriously at filling that vacancy as soon as possible.

Mr. Morgan stated he could not answer that question, but he would check into the matter.

Mr. Hrichak moved that the Consent Calendar be approved as submitted, Item Nos. 2, and 3, respectively.

On roll call the vote was:

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

Thereupon, the following minutes were approved and resolution adopted:

Item No. 2: APPROVAL OF MINUTES

The minutes of the July 21, 2015, Regular Meeting of the York County Board of Supervisors were approved.

Item No. 3. COMMENDATION OF FORMER ARTS COMMISSION MEMBER: July 21, 2015

A RESOLUTION TO COMMEND THE SERVICES OF SHEILA L. MYERS AS A MEMBER OF THE YORK COUNTY ARTS COMMISSION

WHEREAS, Sheila L. Myers, representing District 1, served as a member of the York County Arts Commission from June, 1993, through July, 2015; and

WHEREAS, during her term of service, Ms. Myers unselfishly and generously devoted her time and considerable talents to improve the system of reviewing funding requests from cultural arts organizations in order to make recommendations to the Board of Supervisors concerning the distribution of budget appropriations for the arts; and

WHEREAS, Ms. Myers provided exceptional leadership while serving as chairperson for the commission; and

WHEREAS, Ms. Meyers used her expertise to strengthen the unity and cooperation between the York County Arts Commission and the Arts Commissions of Williamsburg and James City County which, in turn, helped facilitate an Arts Map and subsequently an area collaborative Arts Month rich with art demonstrations and shows, festivals, events and performances in the month of September; and

WHEREAS, dedicated volunteerism represents the highest form of service to one's community; and

WHEREAS, the York County Board of Supervisors wishes to formally express its appreciation for and publicly commend such service;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 18th day of August, 2015, that Sheila L. Myers be, and she is hereby, commended for her service to the York County Arts Commission and to the citizens of York County.

BE IT FURTHER RESOLVED that the Board of Supervisors, on behalf of the citizens of York County, does hereby offer Ms. Myers its sincere gratitude and continued best wishes for her future endeavors.

**NEW BUSINESS**

APPLICATION NO. UP-866-15, ROBERT J. WILLIAMS, JR.

Mr. Morgan stated this item was a minor land use case and an item that had been previously approved by the Board and was coming back for a time extension of a home use. He stated if the Board desired a presentation, Mr. Carter was prepared to comment. As this application had been unanimously approved before, and none of the facts had changed and this was just a time extension, staff had thought the Board might not care to hear a formal presentation.

Chairman Shepperd stated he thought the Board was very familiar with this item, noting the read-ahead material had included all of the details. He stated one thing he wanted marked for a work session was for the Board to take a look at the extensions of the special use permits because it did cost the applicant money, and it cost the County for the advertisement.

Mr. Morgan noted Item No. 4 included proposed Resolution R15-92 for the Board's consideration to request the Planning Commission sponsor an application to amend the York County Code regarding application time extensions.

Mr. Hrichak moved the adoption of proposed Resolution R15-91 that reads:

> A RESOLUTION TO APPROVE A MINOR AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT BY AUTHORIZING A TWO-YEAR EXTENSION OF THE DEADLINE FOR ESTABLISHING A FIREARMS REPAIR SHOP AS A HOME OCCUPATION WITH ON-PREMISES CUSTOMER/CLIENT CONTACT AT 220 BOLIVAR DRIVE

WHEREAS, on August 20, 2013, the York County Board of Supervisors approved Application No. UP-827-13 to authorize a firearms repair business with on-premises customer/client contact as a home occupation in a single-family detached home on a 0.44-acre parcel of land located at 220 Bolivar Drive (Route 1252) and further identified as Assessor's Parcel No. 24G-3-15 (GPIN R09c-1609-2059); and

WHEREAS, pursuant to Section 24.1-115(c)(1) of the York County Zoning Ordinance, use permits automatically expire two years after adoption if the special use has not been established; and

WHEREAS, Robert J. Williams, Jr., has submitted Application No. UP-866-15, which requests a minor amendment to the above-referenced Special Use Permit, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, to authorize a two-year extension of the deadline for establishing the special use;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of August, 2015, that Application No. UP-866-15 be, and it is hereby, approved to amend the terms of approval by extending to August 20, 2017, the deadline for establishing a firearms repair business with on-premises customer/client contact as a home occupation in a single-family detached home on a 0.44-acre parcel of land located at 220 Bolivar Drive (Route 1252) and further identified as Assessor's Parcel No. 24G-3-15 (GPIN R09c-1609-2059);

BE IT FURTHER RESOLVED that the conditions of approval set forth in Resolution No. R13-90 shall remain in full force and effect; and

BE IT STILL FURTHER RESOLVED that 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.

On roll call the vote was:

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

APPLICATION NO. UP-865-15, SHARON E. HRICHAK, DBA THE NATURAL HEALTH CONSULTANT, INC.

Vice Chairman Hrichak stated he was abstaining from discussion and voting on the application because of a personal interest in the application.

Mr. Morgan stated this application did not necessitate a public hearing, but was a routine extension coming before the Board because the County's current ordinances require an application for an extension if there was a non-resident employee in the home occupation and there was a time limit on the approval. He stated this item under consideration included two resolutions: the first, proposed Resolution R15-90, would grant the time extension that staff had recommended; and the second, proposed Resolution R15-92, was staff's recommendation that the Board sponsor a change in this rule for the Planning Commission's consideration to eliminate the term limits for non-resident employee authorization. He stated if the Board would like more information, Mr. Carter could provide that information.

Chairman Shepperd stated he felt action on proposed Resolution R15-92 in sponsoring it back to the Planning Commission should be discussed at a work session, and he asked Mr. Carter to summarize for the public what was being proposed.

Mr. Carter stated the Zoning Ordinance allows the Board to authorize home occupations to have non-resident employees by special use permit. The Zoning Ordinance includes a clause stating that in authorizing a non-resident employee the term of authorization shall be two years, unless the Board sets it at some other time period in the initial authorization. The Board for the most part has set it at two years, at least for the initial authorization. As part of this application, Mrs. Hrichak had asked to have her term extended again, and it was noted it had been previously extended for four years, and now she was asking for the term to be extended an additional 15 years. Mr. Carter stated that was being done through a process where the property owner could solicit letters from all the adjoining property owners; and if all the adjoining property owners were in agreement and had no objections to the term being extended, it could then be done by resolution by the Board without a public hearing in a simple process with no referral back to the Planning Commission. He stated the Board in the past had typically honored every request that had come before it to extend the term of a non-resident employee. Based on that history, staff was recommending adoption of proposed Resolution R15-92 to send a proposed text amendment back to the Planning Commission that would eliminate the two-year mandatory clause in the ordinance and would erase the time limit that was associated with the currently authorized non-resident employee home occupations. He noted the proposed resolution would not eliminate the Board's opportunity to impose a time limit if it felt so inclined in approving any new use permits; it would not be a mandatory action as currently specified in the ordinance. Mr. Carter stated proposed Resolution R15-92 would send this action back to the Planning Commission for review and recommendation that would then come back before the Board for a public hearing and a final action.

Mr. Wiggins asked if there had been any complaints from the neighbors.

Mr. Carter stated there had been no complaints. He further stated that none of the 10 or so non-resident employee situations that had been previously authorized had generated any complaints over the years.

Chairman Shepperd stated he was concerned that this sponsorship was rather limited in focus to the home occupations, and he thought it should have included all special use permits in general, including all the special aspects of businesses that were not in homes or anywhere else where there was a special use requirement.

Mr. Carter stated there were very few special uses that had a term limit established by condition of approval for the use permit. He stated the first item the Board had dealt with tonight was again a basic requirement of the ordinance of the special use permit section that states a use authorized by special use permit has to be established within two years of the authorization; but once it was established, there was no limit on how long it could operate as long as it operated in consistency with the conditions the Board had imposed. He stated there might be a few that have been issued over the years that have a term limit, but it would be very rare that would occur.

Chairman Shepperd stated he thought the Board needed to decide whether this whole process could be used across all County ordinances, or was it just going to be specifically for the home occupation aspect.

Mr. Carter stated staff could go back and take a look at use permits that had been issued, but it was his understanding there were very few that had an absolute term limit established as part of a non-home occupation type of use.

Chairman Shepperd stated before approving this sponsorship, he would like staff to capture any others, and not do it piece meal but get it all out of the way at one time and determine how to apply it in a reasonable manner. He stated he was not interested in eliminating the special use permit or the special use permit review that may be required over a certain kind of unknown non-historical business. He noted if the Board was in agreement, the resolution could be passed with an understanding that staff was going to review and see if there were any others that could be included in this action.

Mr. Carter stated if any others were found it would have to come back before the Board for them to be mentioned specifically in a sponsorship resolution.

Chairman Shepperd suggested the Board approve proposed Resolution R15-90 and table proposed Resolution R15-92 until after a full review.

Mr. Carter asked for clarification that Mr. Shepperd was looking for any other situations where there had been a time limit established for an approval of a special use permit.

Chairman Shepperd indicated that was correct.

Discussion followed regarding clarification of the two actions being considered at this time.

Chairman Shepperd stated Resolution R15-92 would be tabled until all of the various aspects were captured.

Mr. Zaremba moved the adoption of proposed Resolution R15-90 that reads:

> A RESOLUTION TO APPROVE A MINOR AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT BY EXTENDING THE TERM OF AUTHORIZATION FOR NON-RESIDENT EMPLOYEES IN CONNECTION WITH AN EXISTING HOME OCCUPATION WITH ON-PREMISES CUSTOMER/CLIENT CONTACT LOCATED AT 115 ALBACORE DRIVE

WHEREAS, on August 21, 2007, the York County Board of Supervisors approved Application No. UP-727-07 to authorize nutritional counseling as a home occupation with on-premises customer/client contact and two non-resident employees on a 0.54-acre parcel located at 115 Albacore Drive (Route 1265) and further identified as Assessor's Parcel No. 25-10-2-8 (GPIN T07b-2669-2590), subject to conditions set forth in Resolution No. R07-109; and

WHEREAS, on August 16, 2011, the Board approved a four-year extension of the term of authorization for non-resident employees through the adoption of Resolution No. R11-99; and

WHEREAS, the above-referenced resolution specifies that the authorization of non-resident employees shall expire on August 21, 2015; and

WHEREAS, pursuant to Section 283(e)(3) of the Zoning Ordinance, a request for an extension of the non-resident employee term shall be processed as a minor amendment that requires only review and authorization by Board resolution, provided that the request is accompanied by written statements from the owners of each of the properties abutting the subject property indicating that they have no objection to continuation of the non-resident employee authorization; and

WHEREAS, the operator of the home occupation, Sharon E. Hrichak, has requested that the term be extended for an additional fifteen (15) years and has submitted the required letters from each owner of property adjacent to the site of the approved home occupation;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of August, 2015, that Application No. UP-865-15 be, and it is hereby, approved to amend the conditions of approval set forth in Resolution No. R11-99 by extending to August 21, 2030, the term of authorization for up to two non-resident employees in connection with a legally conforming home occupation with on-premises customer/client contact on a 0.54-acre parcel located at 115 Albacore Drive (Route 1265) and further identified as Assessor's Parcel No. 25-10-2-8 (GPIN T07b-2669-2590).

BE IT FURTHER RESOLVED that the remaining conditions of approval set forth in Resolution No. R07-109 shall remain in full force and effect.

BE IT STILL FURTHER RESOLVED that 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.

On roll call the vote was:

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|---|---|---|
| Yea: | (3) | Zaremba, Wiggins, Shepperd |
| Nay: | (0) | |
| Abstention: | (1) | Hrichak |

Mr. Zaremba then moved to table proposed Resolution R15-92 that reads:

A RESOLUTION TO SPONSOR AN APPLICATION TO AMEND SECTION 24.1-283(E) OF CHAPTER 24.1, ZONING, OF THE YORK COUNTY CODE BY REMOVING THE TWO-YEAR TERM REQUIREMENT FOR HOME OCCUPATIONS WITH NON-RESIDENT EMPLOYEES

WHEREAS, Section 24.1-283(e) of the York County Zoning Ordinance requires a Special Use Permit for home occupations with non-resident employees and specifies that such use permits shall be subject to a maximum term requirement of two years or such other specific time period as may be specified by the Board of Supervisors in approving the permit; and

WHEREAS, the County's experience with such home occupations suggests that the term limit requirement is no longer needed; and

WHEREAS, the term limit requirement requires citizens operating home occupations to periodically request permission to continue to operate their businesses, even in the absence of any reported problems or complaints; and

WHEREAS, the County has other mechanisms in place to address problems or Zoning Ordinance violations in connection with any Special Use Permit; and

WHEREAS, the York County Board of Supervisors has determined that consideration of such amendments is necessary in accordance with good zoning practice;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of August, 2015, that it does hereby sponsor an application to consider the following proposed amendments to the Section 24.1-283(e) of Chapter 24.1 of the York County Code and that said application be, and it is hereby, referred to the York County Planning Commission for review and recommendation in accordance with applicable procedures:

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**Sec. 24.1-283. Home occupations permitted by special use permit.**

The board may authorize, by special use permit issued in accordance with all applicable procedural requirements as set forth in article I, the following and materially similar types of home occupations subject to the specified conditions:

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(e) Home occupations with non-resident employees.

(1) All home occupation categories whether permitted as a matter of right or by special use permit under section 24.1-282 and 24.1-283 may be authorized under this section to include one (1) or more non-resident employees. The allowable number of non-resident employees shall be specified in the use permit approval.

(2) Evaluation of this allowance shall be based on the general provisions of section 24.1-281 and applicable requirements as set forth in section 24.1-283.

~~(3) The term of any use permit issued under the provisions of this section shall be for two (2) years or such other specific time period (either lesser or greater) as may be deemed appropriate by the board. Nothing in this section shall be construed to prevent the operator of the home occupation from applying for a new permit prior to or after expiration of the initial permit. Requests for an extension of the non-resident employee term shall be processed as a minor amendment which shall require only review and authorization by board resolution, provided that the request is accompanied by written statements from the owners of each of the properties abutting the subject property indicating that they have no objection to continuation of the non-resident employee authorization. In the event such statements of approval cannot be provided by the applicant, the request for an extension shall be required to be submitted and processed as if it were an original application for a Special Use Permit.~~

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On roll call the vote was:

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| Yea: | (3) | Wiggins, Zaremba, Shepperd |
| Nay: | (0) | |
| Abstention: | (1) | Hrichak |

**CLOSED MEETING**. At 6:43 p.m. Mr. Hrichak moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

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

Meeting Reconvened. At 6:53 p.m. the meeting was reconvened in open session by order of the Chair.

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of August, 2015, 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 BOARD OF ZONING/SUBDIVISION APPEALS

Mr. Zaremba moved the adoption of proposed Resolution R15-76 that reads:

A RESOLUTION TO RECOMMEND THE APPOINTMENT OF AN ALTERNATE MEMBER TO THE YORK COUNTY BOARD OF ZONING/ SUBDIVISION APPEALS

WHEREAS, the term of Andrew McKinley as an alternate member of the York County Board of Zoning/Subdivision Appeals expired on May 24, 2015; and

WHEREAS, Mr. McKinley has indicated he does not wish to be considered for reappointment;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 18th day of August, 2015, that Jean Troutman, is hereby recommended for appointment as an alternate member to the York County Board of Zoning/Subdivision Appeals, such term to being immediately, and expire June 30, 2020.

On roll call the vote was:

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

APPOINTMENT TO THE PARKS AND RECREATION ADVISORY BOARD

Mr. Hrichak moved the adoption of proposed Resolution R15-79 that reads:

A RESOLUTION TO APPOINT A REPRESENTATIVE TO THE PARKS AND RECREATION ADVISORY BOARD

WHEREAS, a vacancy for a York County representative on the Parks and Recreation Advisory Board exists due to the resignation of Mr. Steve Bultman; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 18th day of August, 2015, that Robert Rodgers be, and is hereby, appointed to the Parks and Recreation Advisory Board to fill the unexpired term of Mr. Steve Bultman, such term to begin immediately and expire December 31, 2017.

On roll call the vote was:

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

APPOINTMENT TO THE YORK COUNTY LIBRARY BOARD

Mr. Hrichak moved the adoption of proposed Resolution R15-80 that reads:

A RESOLUTION TO APPOINT A REPRESENTATIVE TO THE YORK COUNTY LIBRARY BOARD

WHEREAS, due to the recent resignation of Wendy Euker, a vacancy exists on the York County Library Board;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 18th day of August, 2015 that Melissa J. McGill be, and is hereby appointed as a representative to the York County Library Board to fill the unexpired term of Wendy Euker, such term to begin immediately and expire December 31, 2017.

On roll call the vote was:

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

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

Meeting Reconvened. At 7:00 p.m. the meeting was reconvened in open session by order of the Chair.

**PUBLIC HEARINGS**

SALE OF BACON STREET PROPERTY

Mr. Morgan gave a brief presentation on proposed Resolution R15-93 to authorize the sale of County property located at 208 Bacon Street in Yorktown.

Mr. Zaremba stated the Board material specified the property as being zoned residential property, and he presumed the prospective purchaser would use the property for a residential piece of property. He asked if there was any intent for the purchaser to use the property for any other reason.

Mr. Morgan stated the property had been advertised with the residential specifications.

Mr. Wiggins asked if the purchase price was above the assessment.

Mr. Morgan stated the purchase price was actually $55,000 over the assessment so it was a good offer. He noted it was probably also a good sign for the residential real estate values.

Chairman Shepperd stated a person could buy the land and then always go back and ask for the land to be rezoned. He stated he brought this up because of the overlay district issue with the piece of property.

Mr. Carter stated in Yorktown the YVA zoning allows single family detached residential as a matter of right subject to the setback requirements that are set out in the ordinance, and any other use would require Board of Supervisors' approval.

Chairman Shepperd then called to order a public hearing on proposed Resolution R15-93 which was duly advertised as required by law. Proposed Resolution R15-93 is entitled:

> A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT TO SELL TO MARIO C. BUFFA PROPERTY OWNED BY THE COUNTY OF YORK CONSISTING OF APPROXIMATELY 0.25 ACRES LOCATED AT 208 BACON STREET IN YORK COUNTY, VIRGINIA

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 R15-93 that reads:

> A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT TO SELL TO MARIO C. BUFFA PROPERTY OWNED BY THE COUNTY OF YORK CONSISTING OF APPROXIMATELY 0.25 ACRES LOCATED AT 208 BACON STREET IN YORK COUNTY, VIRGINIA

WHEREAS, by a quitclaim deed dated August 25, 2003, the County acquired from the United States of America property described as one half of Lot 70, from the Plat of Yorktown, and located at 208 Bacon Street, identified as GPIN parcel P11b-3233-4228; and

WHEREAS, the County, having no plans for use of the property for public purposes, has solicited offers from interested buyers; and

WHEREAS, the highest offer received was from Mario C. Buffa in the amount of $257,500.00; and

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

WHEREAS, this Board has determined that it is in the public interest to convey the property to Mario C. Buffa for the amount offered.

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 18th day of August, 2015, that the County Administrator is authorized to execute an agreement for the purchase and sale of real estate to convey by special warranty deed to Mario C. Buffa property owned by the County located at 208 Bacon Street for the sum of $257,500.00, with the purchase price to be paid all in cash at closing, such agreement and all other documents related to the transaction to be approved as to form by the County Attorney.

BE IT FURTHER RESOLVED that the County Administrator is authorized to do all acts reasonably necessary with respect to the conveyance, including without limitation, the execution of deeds and settlement statements and other documents as may be required to convey the property according to the terms and conditions of the agreement.

On roll call the vote was:

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

Meeting Adjourned. At 7:04 p.m. Chairman Shepperd declared the meeting adjourned sine die.

Neil A. Morgan
County Administrator

Thomas G. Shepperd, Chairman
York County Board of Supervisors