

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
January 20, 2015

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:00 p.m., Tuesday, January 20, 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.

Invocation. Reverend David C. Magruder, Zion United Methodist Church, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Shepperd led the Pledge of Allegiance

RECOGNITION OF BOY SCOUT TROOP 200. (Not on Agenda)

At this time Chairman Shepperd recognized members of Boy Scout Troop 200, St. Luke's Church United Methodist Church, who were present to work on their Communications Badge.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Chairman Shepperd introduced Mr. Brian Almond, newest member to the Chesapeake Bay Board, and presented him with a Boards and Commissions Handbook and a York County pin.

NATIONAL EMS AWARD OF EXCELLENCE EDUCATOR OF THE YEAR

Chairman Shepperd presented a bound and sealed copy of Resolution R14-142 to Firefighter/Paramedic Melissa M. Doak, honoring her as the 2014 National EMS Award of Excellence Educator of the Year.

ADOPT-A-BENCH PROJECT

Ms. Heather Cordasco, 2014-2015 LEAD Historic Triangle Class, gave a presentation on the implementation of the Adopt-A-Bench project. She began the presentation by asking the class members who were in attendance to stand as a show of their support. She then introduced Ms. Dawn Oleksy, stating she would speak on the specific details of the project. Ms. Cordasco stated for their project the class had decided to do something to enhance public transportation, a very important community issue as it was used by citizens to commute to work, for commerce, and to obtain needed services. Public transportation also serves the Historic Triangle student and tourist population. For some citizens, it was their only source of transportation. She explained the project was to place benches in a number of the bus stops located amongst the three Historic Triangle communities.

Ms. Dawn Oleksy stated the Williamsburg Area Transit Authority (WATA) bus transport system currently has 235 bus stops without benches or shelters. The LEAD Class had decided to look at the stops which only have a bus stop sign and prioritize the ones they thought could really

January 20, 2015

use some benches. She noted they will start with about 20 benches and are hoping the project will become an ongoing program in the future. She reviewed the Project Committees, the location selection criteria, and the priority locations in the three jurisdictions. She then discussed the York County priority sites, stating they were working with County planners and VDOT to meet their requirements. Ms. Oleksy then reviewed the bench selection criteria and the project budget.

Ms. Cordasco stated the class had ridden the buses and had asked questions of both the riders and the bus drivers to get a sense of things. She stated since the beginning of the project, they had been working with the Williamsburg Area Transit Authority (WATA) and would make a presentation to the Authority tomorrow. They felt this had been a priority for both WATA and each of the jurisdictional Boards, so they were looking to partner with the different localities and their citizens. Ms. Cordasco asked the Board if they would be interested in partnering financially with them in this project.

Mrs. Noll stated she thought this was a great idea, and she asked if they had considered letting a business buy a bench and have a small advertisement on the bench.

Ms. Cordasco stated that was an ongoing conversation with their marketing team, and they had looked at the options of putting something on the bench; but it was less welcomed by some of the localities than others. She stated they had also discussed the possibility of partnering with WATA for some of the advertising they do on their buses, and they had also talked about utilizing Smart Phone technology to partner with some of the businesses. Ms. Cordasco stated they were exploring every option and would welcome any suggestions.

Ms. Oleksy stated a plaque would be placed on each bench stating who was sponsoring the bench.

Mrs. Noll asked if the prices given for the benches were the installed price of just the bench itself.

Ms. Oleksy stated the prices given were just for the bench.

Discussion followed on the price ranges for the benches depending on their location and requirements.

Ms. Cordasco stated they wanted the benches to last, which was the reason they at looked at recycled plastic benches rather than wood. She expressed her appreciation to the Board for taking the time to listen to their presentation.

Mr. Zaremba asked if part of the WATA program was incrementally fielding these benches around the community.

Ms. Cordasco stated WATA was incrementally providing some shelters which were 20 times more expensive than the benches, and this was why it had been very important to work directly them and their plan for 20 years out. She stated their project is concentrating on the highly populated rider routes.

Ms. Oleksy stated WATA was very excited about this project, as they had rolled their shelter budget back 75 percent because of budget constraints.

Chairman Shepperd suggested they draft a letter identifying their funding requirements and request and submit to it the County Administrator for consideration by the Board. He stressed how difficult it was when a request came in out of budget cycle, and the Board has to consider all the submitted requests. He thanked for Ms. Cordasco and Ms. Oleksy for their presentation.

CITIZENS COMMENT PERIOD

Ms. Karen Ebeling, 118 Brook Street, addressed the Board regarding her concern with the ongoing talks with the County concerning the uncompleted items left by the Riverwalk Townes developer, Shepperd-Hale. She indicated she was perplexed by why this was taking so long when the County had come out to their subdivision and seen what the developer had left un-

done. The County had the approved plans for the subdivision and had been able to compare the plans. She noted this situation was not new, and it was not a surprise to the County because the Planning Department had been fully aware of the problems even before the homeowners took the responsibility of the HOA from the developer. She stated in the past when she had spoken with Ms. Millie Story, the project manager, she had assured her the County was on top of Shepperd-Hale's resistance to fulfilling its obligations per the approved plans and had also assured her the County would make Shepperd Hale fulfill the obligations. Over a year has passed since the homeowners took over the HOA, and they still have problems with street lights that have never worked, missing fire lane signs, missing no parking signs, and crumbling roads that were not built properly. She asked the Board to commit to a timetable to complete the aforementioned items using the remainder of the surety bonds. Ms. Ebeling stated she felt at this time the Board members were not being good stewards of the County, and the Planning Department had not done its due diligence to oversee the project of this subdivision.

Mr. Stephen Burton, 411 Alexia Lane, Riverwalk Townes, stated he wanted to follow up on previous concerns outlined by various residents over the last few months. He stated the homeowners had brought this situation to the attention of Mr. Zaremba, their district representative, for his representation by the County to correct the many various oversights by failed inspection procedures. He thanked the Board for any work it had gotten completed up to this point, but the residents had seen no substantial physical action to fix the many problems. Mr. Burton stated when he had last spoken with the Board, he was told if the County was responsible, it would correct any oversights. He asked if there had been any formal investigation into these issues, and if so, was the County liable. He asked if preventive measures had been taken to prevent future developments from suffering from their same dilemma. He asked if the individuals who had failed to inspect the development would be held accountable by the County. He stated as a taxpayer he paid for these inspections along with 300 other families in the subdivision, and they trusted the County was representing them as residents. He stated many of the issues directly affected their property values and the resale of their homes. Mr. Burton stated he felt this process was solely in the County's hands to do the right thing.

Mr. Greg Cleckler, 204 Daniels Drive, Riverwalk Townes, addressed the Board regarding the lack of communication regarding Riverwalk Townes, stating he had been coming to the County for over a year to discuss what was going on at Riverwalk Townes, but communications had been poor. He stated the County had asked two weeks ago who they could talk with regarding the BMPs in Riverwalk Townes, and he had called the County and found that individual. He stated on December 16 and December 30 he had sent emails to the County, but he had never received an answer to either email. He felt as a homeowner, a resident, and a taxpayer in the County that it was not unreasonable for a homeowner to get an answer to an email. He stated he had spoken with the Development Office last week and, supposedly, a meeting was to be held on Tuesday, January 14, with the County Attorney to discuss moving forward. He had been assured he would receive a call after that meeting, but that has not happened. Mr. Cleckler stated he had offered to meet with the County on more than one occasion as the residents are still sitting in an unknown state.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett reported the General Assembly had started last week, and committees were just beginning to get to their work. He noted he had been sending the Board lists of bills from the General Assembly, and he asked the Board members to let him know of bills that were of interest to them. He stated he would keep the Board posted on any bills of interest.

Mr. Zaremba stated Mr. Barnett had been involved with the intra-communications regarding Riverwalk Townes, and he asked him to give an update as to where it stands.

Mr. Barnett stated the communications he had had been with the attorneys since the parties were both represented by attorneys, and he has had to limit his communication to them. He stated he had been trying to gather some facts, particularly with respect to the street lights. He received a report and price quote today on the street light situation, and he would be sending that report to the Board tomorrow. Mr. Barnett stated there were some broken lines, and York River Electrical has proposed that mending those breaks would not be sufficient; and they were proposing a fair amount of lateral drilling and running new cable. It was still to be determined whether or not the developer was responsible for the breaks or if it was a third party. The street in Phase 5, although nearly completed, lacks in some respects; and Development Ser-

January 20, 2015

vices was trying to obtain some quotes on that cost. The counsel for the developer has suggested once enough information was gathered that a Memorandum of Understanding between the County, the developer, and possibly the homeowners would be drawn up. Mr. Barnett stated until he had that information, he did not have a report to send to anybody. He stated tonight was the first he had heard of the BMPs being an issue, and he did not think Development Services considered them to be an issue as he had not heard anything from them. Most of the roads had been accepted as complete by Development Services as they were completed except for Phase 5. There were a couple of spots where there seemed to be some alligating. There was some cooperation from the homebuilder on some of the erosion and sediment issues from when they completed their work and pulled off the site, and they have indicated they will be doing some reseeded. Mr. Barnett noted they had also repaired a street issue where their heavy equipment had been coming in and out at a temporary construction site, and they may work on some further repairs to the extent they think they left some damaged work behind. Mr. Barnett noted he had been in communication with County staff, and once he gathered all the information that was available, he hoped to sit down with counsel for the two sides and come up with a plan. He was not sure they would be able to point the finger at the developer in all respects, and in some cases they would not know exactly which party may have caused some of the issues; but he hoped they could come up with a resolution that would at least resolve some of the issues with the surety funds left behind from the developer. As to holding the developer responsible, he stated it might be a little difficult, at least beyond the escrowed funds, because the developer was in New Jersey.

Mr. Zaremba asked if the current litigation or posture that the three parties were in now precluded the County's Codes and Compliance from talking directly to the homeowners.

Mr. Barnett stated staff could talk with the homeowners; but because the homeowners were represented by counsel, he would not be able to talk with them.

Mr. Wiggins asked Mr. Barnett if he thought there was enough money left in the bond surety to do the work that need to be completed at Riverwalk Townes.

Mr. Barnett stated it might be possible with respect to what the County could say definitively was the developer's issue. He knew that Phase 5 was never completed, and that money was set aside. There were a couple of spots in Phase 4 where the street showed unusual wear, although the developer's engineer reports and the County's inspection reports suggested that the streets were completed satisfactorily at the time. They knew the homebuilder pulled some heavy equipment through, but it might never be determined everyone who was using those streets with heavy equipment over what the streets were designed to hold. As far as the line breaks, the developer said from the beginning he thought it was the main cause of the problems with the street lights, and the County had not specifically held money for the street lights because they could not determine that the developer was responsible for the issues. Mr. Barnett stated a fair amount of money was being held, and Ryan Homes had taken care of some of the work. There were two bonds, and there was about \$8,500 on top of the \$42,000 or \$43,000 for erosion and sediment control; so, to the extent that Ryan Homes does not resolve those issues, that money was available. A lot of the work had been signed off as completed, and they had gotten reports from the developer's engineers indicating what was done. Mr. Barnett stated Development Services would be looking through the photographs that the inspectors took to try and spot issues that might have been overlooked at the time.

Mrs. Noll stated communications were very important whether it was between two or five Board members or back and forth between citizens. She stated an email received should receive a response. If an answer cannot be given to the email request, the email should be answered with a thank you, and let the person know they will receive a response when the information was available.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. Carter stated he could not explain why Mr. Clecker had not received a call back from the County, and he promised he would look into the matter, assuring the Board and Mr. Clecker he would at least get a phone call every week, even if it was to say the County had nothing to report. Mr. Carter stated someone would be specifically assigned to make that call happen every week. He noted staff was looking into a number of things, and Mr. Barnett was restricted because of attorney relationships, and he could not make those calls. He assured the Board

that information would be shared from the staff to Mr. Clecker and that staff would also update the Board on where things stand. Mr. Carter then reminded the Board of its Regular Meeting February 3 which would be a joint meeting with School Board, and he stated this meeting would be need to be adjourned to January 30 at 8:30 a.m. at the Freight Shed for the Board's annual retreat.

MATTERS PRESENTED BY THE BOARD

Mr. Hrichak noted that Darrell Gosnell, President and CEO of the Hampton Road Economic Development Alliance (HREDA), had resigned as of January 31, and Tom Elder, Executive Vice President, would be taking over the leadership. He stated HREDA was trying to market the Hampton Roads area to various overseas companies that are looking to expand or relocate to the Hampton Roads area. He noted the HREDA has been going through some hard times lately as both Norfolk and Virginia Beach had taken half of their funding away for this year. He stated that York County had never fully funded the HREDA, but the Economic Development Authority has funded the difference for the County. He stated the HREDA is now going through a strategic reset due to budget restraints, trying to figure out their priorities for the area, what makes the most sense for all the municipalities, and hiring a new director. Mr. Hrichak stated the annual HREDA meeting would be held at 11:30 a.m., February 5, at the Newport News Marriott at City Center.

Mr. Zaremba indicated the Adopt-A-Bench presentation had been a very comprehensive briefing on WATA and the installation of benches, but it had been brought to his attention that WATA does not provide any transportation to the Lackey Free Clinic. He stated he wanted the County to look into seeing if something could be done during negotiations with WATA to provide transportation to the Lackey Free Clinic. He found the lack of transportation to the clinic very unfair and unacceptable, as so many people who depend on the clinic for medical services did not have transportation to the clinic. Mr. Zaremba also noted that the Greater Williamsburg Chamber of Commerce and Tourism Alliance, along with the WADMAC Board, have been working on a set of performance measures to see how effective the dollars were that were being spent on tourism. Mr. Zaremba then distributed a copy of the performance measures on tourism for the City of Williamsburg, James City County, York County, and the region as a whole, stating there was some good news as well as some things that still need work.

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 2, 3, and 4, respectively.

On roll call the vote was:

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

Thereupon the following minutes were approved and resolutions adopted:

Item No. 2. PURCHASE AUTHORIZATION: Resolution R15-9

A RESOLUTION TO AUTHORIZE THE INTERIM COUNTY ADMINISTRATOR TO DO ALL THINGS NECESSARY TO COMPLETE PROCUREMENT ARRANGEMENTS FOR THREE (3) AMBULANCES

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;

January 20, 2015

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of January, 2015, that the County Administrator be, and hereby is, authorized to do all things necessary to execute procurement arrangements with Atlantic Emergency Solutions for \$836,493 as follows:

	<u>AMOUNT</u>
Ambulances	\$836,493

Item No. 3. STREET ACCEPTANCES: Resolution R15-10

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE CERTAIN STREETS IN THE WOODS ON MANSION ROAD AND THE WOODS ON MANSION ROAD, SECTION THREE, SUBDIVISIONS INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

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

WHEREAS, the Land Development Program Manager for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 20th day of January, 2015, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form AM-4.3 as part of the Secondary System of State Highways, pursuant to Section 33.2-705, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of The Woods on Mansion Road and to the Land Development Program Manager of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted January 20, 2015

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Type Change to the Secondary System of State Highways: Addition

The following addition to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right-of-way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Project/Subdivision: The Woods on Mansion Road and The Woods on Mansion Road, Section Three

Reason for Change: New subdivision street
Pursuant to Code of Virginia Statute: §33.2-705

Street Name and/or Route Number

► **Cape Landing, State Route Number 1821**
Old Route Number: 0

- From: Route 675 (Mansion Road)
To: Route 1822 (Ocracoke Lane), a distance of: 0.10 mile.
Recordation Reference: Instrument No. 130013269 recorded on 07/10/13
Right-of-Way width (feet) = 50-60 feet

▶ **Cape Landing, State Route Number 1821**

Old Route Number: 0

- From: Route 1822 (Ocracoke Lane)
To: cul-de-sac, a distance of: 0.08 mile.
Recordation Reference: Instrument No. 130013269 recorded on 07/10/13
Right-of-Way width (feet) = 50 feet

▶ **Ocracoke Lane, State Route Number 1822**

Old Route Number: 0

- From: Route 1821 (Cape Landing)
To: Route 1848 (Pawpaw Place), a distance of: 0.09 mile.
Recordation Reference: Instrument No. 130013269 recorded on 07/10/13 and Inst.
No. 060004000 recorded on 02/17/06
Right-of-Way width (feet) = 50 feet

Item No. 4. MUTUAL AID AGREEMENT: Resolution R15-11

A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN THE COUNTY AND LANGLEY AIR FORCE BASE

WHEREAS, natural and man-made emergencies occurring throughout Hampton Roads localities have the potential to require that a jurisdiction seek additional fire, rescue, and/or emergency medical services (EMS) beyond those immediately available within its own fire and rescue agency; and

WHEREAS, intergovernmental coordination is essential in managing these emergencies; and

WHEREAS, Federal and local government fire, rescue and emergency medical services agencies in Hampton Roads have equipment and personnel which could be beneficial in providing mutual aid assistance to each other during such incidents; and

WHEREAS, any such request for assistance would be made under the terms of a mutual aid agreement, and would be predicated on the availability of the services requested; and

WHEREAS, such an agreement for mutual aid fire, rescue, and emergency medical services would benefit York County, as well as specific Federal facilities/installations;

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of January, 2015, that the Interim County Administrator is authorized to execute a mutual aid agreement for fire, rescue and emergency medical services with Langley Air Force Base in the form substantially similar to that attached to the Interim County Administrator's memorandum of January 7, 2015.

NEW BUSINESS

APPROVAL OF 2014 MINUTES

Chairman Shepperd stated as he was not the Chairman at the time the subject meetings were held in 2014, the Code of Virginia required that the minutes be read prior to their approval and that the current Chairman be authorized to sign them.

Chairman Shepperd then polled the Board members, ensuring that all had read the unapproved minutes from 2014.

Mr. Hrichak moved that the minutes of the December 2, 2014, Regular Meeting, and the De-

January 20, 2015

December 16, 2014, Regular Meeting, be approved as submitted, and that Chairman Shepperd be directed to sign such.

On roll call the vote was:

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

Meeting Recessed. At 6:54 p.m. Chairman Shepperd declared a short recess.

Meeting Reconvened. At 7:02 p.m. the meeting was reconvened in open session as ordered by the Chair.

PUBLIC FORUM

FISCAL YEAR 2016 BUDGET

Chairman Shepperd indicated this was an opportunity for the citizens to provide the Board with their input and ideas on the Fiscal Year 2016 budget. The Board of Supervisors recognizes the fact that the budget process was very complicated, and the budget itself was very complicated and not an easy read, but the Board goes through a lot of effort to comply with the law and also meet the requirements of the public for projects that are important for its citizens. He stressed this was just one of numerous opportunities the residents would have to provide their input. At this time the Board has not issued the County Administrator any guidance on the budget, but the Board was having discussions with the School Board. Mr. Shepperd stated it was a process where the Board was starting to build the idea of where it was going to go, and a part of this process was citizen input. He explained the citizens could call the Board members, write a letter, or email the Board at bos@yorkcounty.gov and comments will be distributed to all five of the Supervisors. Mr. Shepperd stated the advantage of speaking at this time was to get input in before the concrete forms around the budget.

Mr. Carter stated Chairman Shepperd had thoroughly introduced the purpose of the forum, and he would simply follow-up with some important budget dates the end of the public comments.

Chairman Shepperd then called to order a public forum on the proposed Fiscal Year 2016 Budget.

Ms. Sheila Myers, 102 Montague Circle, spoke on behalf of the York County Arts Commission, stating the Commission funded 34 projects last year with the Board's contribution. There had been funding for 37 performances in schools which reached approximately 4,000 students. She noted the State of Virginia suggests to the localities that they support arts funding at a level of one dollar per citizen per year. Ms. Myers spoke of other jurisdictions providing more in their donations to their Arts Commissions, and she encouraged the Board to increase its funding because the County will see increased revenue of \$2 for every dollar spent.

Mr. Scott Bartram, 102 Pageland Drive, addressed the Board seeking support for more bike and pedestrian paths for the County. He stated the Board had been good at making sure that the smaller developments in the County have had accommodations for people who want to get around without having to have a vehicle. He noted there were not a lot of connections between the developments; and although the developers were putting in the effort to make sure they have space in their local neighborhoods, one cannot get from one point to another. Mr. Bartram hoped the new bike path that was being incorporated into the Route 17 addition would make bike riding a nicer ride.

Mrs. Carol Bartram, 102 Pageland Drive, asked the Board to fund in the upcoming budget the multi-use trail along Victory Boulevard that had been approved by Resolution R12-91 in July of 2012. She stated she would like to see more support and follow through on bike trails, multi-use trails, and walking paths throughout the County. She felt if more safe ways to bike or walk were available people would use them. The future multiuse trail along Route 17 across Harwood Mills would be a great step, but she felt it would be even more useful if it were to continue

further up Route 17. Mrs. Bartram stated if York County was going to be the world class transportation hub that was envisioned by the Planning Commission, more options for safe human-powered transit should be planned.

There being no one else wishing to speak regarding the proposed FY2016 Budget, Chairman Shepperd closed the public forum.

Mr. Carter reiterated this was the start of the citizen input portion of the budget development process. He then reviewed budget dates for future work sessions, the public hearing, and adoption of the budget. Mr. Carter encouraged citizens to provide the Board with their input by calling the budget hotline at 890-3220, by email at bos@yorkcounty.gov, or by regular mail.

PUBLIC HEARINGS

APPLICATION NO. UP-852-14, CRYSTAL WITTE, CUSTOMIZED NUTRITION WORKS, LLC.

Mr. Cross gave a presentation on Application No. UP-852-14 to approve a Special Use Permit to authorize the establishment of a home office with customer/client contact in a single-family detached home located at 102 Cedar Point Crescent. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval 6:0; and staff recommended approval of the application through the adoption of proposed Resolution R15-2.

Mr. Wiggins asked if there had been any opposition from the applicant's neighbors.

Mr. Cross stated they had received a call from one adjacent neighbor to express her opposition, and she had also attended the Planning Commission meeting to express her concerns relating to the additional traffic that it would bring into the neighborhood as there were people who walked and rode bikes, and children playing in the neighborhood.

Mr. Wiggins asked if the streets in the neighborhood were the normal width.

Mr. Cross stated that according to their records Cedar Point Crescent was about 20 feet in width and the volume of the road was fairly low with about 420 vehicles per day, so for a shoulder and ditch road he thought it would meet the minimum VDOT standards.

Mr. Hrichak asked about Sections 24.1-281 and 24.1-283 of the County Zoning Ordinance which were both referenced in the proposal.

Mr. Cross stated one section referred to the general standards that pertained to all home occupations, and the other one referred to the standards that apply specifically to a home occupation like this that requires a special use permit.

Chairman Shepperd asked if the proposal was dictating how many parking spaces were required for the family.

Mr. Cross stated a single family detached home requires a minimum of two parking spaces. He stated the two-car garage that was going to be built would cover that requirement, and the driveway parking would be about eight to ten spaces, and that would cover the applicant's off-street parking requirement.

Ms. Crystal Witte, the applicant, addressed the Board stating she was a registered dietician and had meetings with clients for individual nutrition consultations since 2011. She stated she had spoken twice with the one adjacent neighbor who expressed a concern about the application, and the neighbor was now in agreement and at peace with the application.

Mr. Wiggins asked to explain the services she provided.

Ms. Witte stated she meets with clients one on one and works with people who have food allergies, food intolerances, eating disorders, athletes, people trying to achieve a healthier weight status, people with celiac disease who cannot consume gluten, and a wide variety of people for any type of nutrition therapy to enhance their well-being. She stated she graduated from Virginia Tech with a bachelor's degree in Human Nutrition, Foods, and Exercise, and then

January 20, 2015

completed a one-year dietetic internship with the University of Delaware, and studied and passed the credentialing exam to become a registered dietician. Ms. Witte stated she has to maintain her credentialing with continuing education every five years.

Chairman Shepperd then called to order a public hearing on Application No. UP-852-14 which was duly advertised as required by law, and proposed Resolution R15-2 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A NUTRITION COUNSELING OFFICE AS A HOME OCCUPATION WITH CUSTOMER/CLIENT CONTACT AT 102 CEDAR POINT CRESCENT

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

Mr. Hrichak asked how long the special permit would be good.

Mr. Cross stated the special use permit would be good until it was discontinued, as it actually ran with the land. The reapplication process only applied to home occupations that have non-resident employees. He also mentioned that the floor plan that he had shown depicted a 17-foot building setback behind the house, and he wanted to note that the actual minimum setback would be 20 feet.

Mr. Hrichak moved the adoption of proposed Resolution R15-2 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A NUTRITION COUNSELING OFFICE AS A HOME OCCUPATION WITH CUSTOMER/CLIENT CONTACT AT 102 CEDAR POINT CRESCENT

WHEREAS, Crystal Witte, dba Customized Nutrition Works, LLC, has submitted Application No. UP-852-14 requesting a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize the establishment of a nutrition counseling office as a home occupation with customer/client contact in a single-family detached home on a 0.96-acre parcel located at 103 Cedar Point Crescent (Route 758) and further identified as Assessor’s Parcel No. 30P-32-1 (GPIN U05a-0288-3839); 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 20th day of January, 2015, that Application No. UP-852-14 be, and it is hereby, approved to authorize the establishment of a nutrition counseling office as a home occupation with customer/client contact in a single-family detached home on a 0.96-acre parcel located at 103 Cedar Point Crescent (Route 758) and further identified as Assessor’s Parcel No. 30P-32-1 (GPIN U05a-0288-3839), subject to the following conditions:

1. This use permit shall authorize the establishment of a nutrition counseling office as a home occupation with customer/client contact in a single-family detached home located at 102 Cedar Point Crescent (Route 758) and further identified as Assessor’s Parcel No. 30P-32-1 (GPIN U05a-0288-3839).
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 sixty (260) square feet, and shall be designed as depicted on the floor plans submitted by the applicant and received by the Planning Division on October 31, 2014, 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. No more than one (1) client (individual or family group) at any one time shall be served within the applicant's home, provided, however, that classes for small groups (not to exceed 5 persons) shall be permitted in compliance with all other conditions of this resolution and applicable performance standards.
6. A minimum of five (5) off-street parking spaces, in accordance with all applicable Zoning Ordinance requirements, shall be provided on the premises (i.e., off-street) to accommodate clients. These spaces shall be in addition to the two (2) spaces that are otherwise required for the single-family residence. The applicant shall ensure that scheduling of patient visits and group sessions is limited such that parking demand does not exceed five (5) vehicles.
7. The days and hours of operation shall be limited to Monday through Friday as listed below and as stated in the applicant's proposed use narrative, received by the Planning Division on October 1, 2014, a copy of which is hereby made a part of this resolution by reference:

Regular appointments:

Monday – Friday: 10:00 AM to 6:00 PM; not more than five appointments per day

Group classes:

Monday – Friday: 11:00 AM to 12:00 PM and/or 5:00 PM to 6:00 PM; not more than two total classes per week

8. Prior to commencement of the home occupation use, the portion of the home used for the home office as well as the client entrance and parking areas shall conform to minimum standards of the Virginia Uniform Statewide Building Code, subject to the approval of the Building Code Official.
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 Use and 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) Wiggins, Hrichak, Zaremba, Noll, Shepperd
Nay: (0)

CLOSED MEETING. At 7:28 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; and Section 2.2-3711(a)(3) regarding real property used for a public purpose, specifically pertaining to the acquisition of real property for a public purpose and the disposition of a public property.

January 20, 2015

On roll call the vote was:

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

Meeting Reconvened. At 8:03 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll 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 20th day of January, 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: (5) Zaremba, Noll, Wiggins, Hrichak, Shepperd
Nay: (0)

APPOINTMENT TO THE YORK COUNTY CHESAPEAKE BAY BOARD

Mr. Hrichak moved the adoption of proposed Resolution R15-3(R) that reads:

A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY CHESAPEAKE BAY BOARD

WHEREAS, Elisabeth Wilson's term on the Chesapeake Bay Board will expire on January 31, 2015, and she has tendered her resignation effective that date;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of January, 2015, that Stephen D. Farthing be, and is hereby, appointed to the Chesapeake Bay Board for a term of five years, such term to begin February 1, 2015, and expire on January 31, 2020.

BE IT FURTHER RESOLVED that Paul Brindza is hereby appointed to the Chesapeake Bay Board to fill the unexpired alternate position of Stephen Farthing, such term to begin February 1, 2015 and expire January 31, 2019.

On roll call the vote was:

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

REAPPOINTMENTS TO THE YORK COUNTY WETLANDS BOARD

Mrs. Noll moved the adoption of proposed Resolution R15-4 that reads:

A RESOLUTION TO REAPPOINT ALTERNATE MEMBERS TO THE
YORK COUNTY WETLANDS BOARD

WHEREAS, the terms of Shirley Estes and Jan W. Briede, alternates on the York County Wetlands Board, expired on September 30, 2014; and

WHEREAS, Mrs. Estes and Dr. Briede have indicated their wish to be reappointed to the York County Wetlands Board;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of January, 2015, that Shirley Estes and Jan W. Briede be, and they are hereby, appointed as alternates to the York County Wetlands Board for terms of five years, such term to begin retroactive to October 1, 2014, and expire on September 30, 2019.

On roll call the vote was:

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

APPOINTMENT TO THE TRANSPORTATION SAFETY COMMITTEE

Mr. Shepperd moved the adoption of proposed Resolution R15-6 that reads:

A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY
TRANSPORTATION SAFETY COMMISSION

WHEREAS, Mr. Noel West completed a three-year term on the York County Transportation Safety Commission on December 31, 2014, and he has indicated his desire to be reappointed for another term; and

WHEREAS, the Board has carefully considered the qualifications of all current candidates who have expressed interest in serving on the Transportation Safety Commission;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of January, 2015, that the following individual be, and he is hereby, appointed to serve on the York County Transportation Safety Commission for a term to begin immediately and expire December 31, 2017:

Noel J. West

On roll call the vote was:

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

APPOINTMENTS TO THE MARQUIS COMMUNITY DEVELOPMENT AUTHORITY

Mr. Zaremba moved the adoption of proposed Resolution R15-8 that reads:

A RESOLUTION TO APPOINT MEMBERS TO THE MARQUIS
COMMUNITY DEVELOPMENT AUTHORITY

WHEREAS, Walter W. Wildman, appointed to the Marquis Community Development Authority on December 7, 2010, resigned his term on July 16, 2014, creating a vacancy on the Marquis Community Development Authority; and

WHEREAS, on December 1, 2014, the terms of the remaining members of the Marquis Community Development Authority expired; and

January 20, 2015

WHEREAS, the remaining members have expressed a desire to be reappointed to serve another four-year term on the Marquis Community Development Authority;

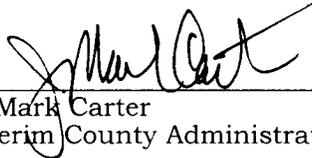
NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors on this 20th day of January, 2015, that Thomas E. Anderson, Robert L. Bailey, James B. Majka, and James W. Noel, Jr., be, and they are hereby, reappointed to serve on the Marquis Community Development Authority, such terms to be retroactive to December 1, 2014, and expire November 30, 2018.

BE IT FURTHER RESOLVED by the York County Board of Supervisors that Leigh H. Houghland be, and he is hereby, appointed to the Marquis Community Development Authority, such term to begin immediately and expire November 30, 2018.

On roll call the vote was:

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

Meeting Adjourned. At 8:05 p.m. Chairman Shepperd declared the meeting adjourned to January 30, 2015, at 8:30 a.m. for the Board's annual retreat to be held at the Freight Shed.



J. Mark Carter
Interim County Administrator



Thomas G. Shepperd, Chairman
York County Board of Supervisors