

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Adjourned Meeting  
January 30, 2015

8:30 a.m.

Meeting Convened. An Adjourned Meeting of the York County Board of Supervisors was called to order at 8:35 a.m., Friday, January 30, 2015, in the Freight Shed, by Chairman Thomas G. Shepperd, Jr.

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.

**YORK COUNTY BOARD OF SUPERVISORS ANNUAL RETREAT**

MISSIONS AND GOALS

Mr. Carter reviewed the current mission statement, asking the Board members if they wished to make any changes.

By consensus the Board made no changes to the current mission statement, and it stands as follows:

As stewards of the public trust and resources, the Board of Supervisors will maintain and improve the quality of life for all County citizens. With equal importance, the Board will:

- emphasize efficiency, effectiveness, and openness of County government;
- 
- protect the physical, historical and environmental heritage of the County;
- 
- ensure that growth and development are positive forces on the quality of life;
- 
- value and respect the individual.

Mr. Carter next reviewed the Board's goals, indicating he would add to each one the 2014 accomplishments and 2015 initiatives as follows:

**GOAL:** Define and aggressively pursue economic development that broadens the County's tax base and sustains its character and quality of life

2014 Accomplishments:

- AAA bond rating by Standard and Poor's
- Expanded signage options for regional shopping centers
- Hosted Girls Softball World Series at Sports Complex
- Continued Corridor Maintenance/Mowing/Landscaping
- Funded Arts and Cultural Organizations/Events

2015 Initiatives:

- L'Hermione visit in early June

- Investigate options/opportunities for “food trucks”

**GOAL:** Improve communication and respect among the Board of Supervisors, the public, other elected and appointed officials, other agencies, and County staff

2014 Accomplishments:

- Conducted Joint Meetings with School Board
- Participated in Regional Meetings and Interactions
- Channel 46 programming
- Celebrated Volunteerism – “Big Check” (\$1,494,000)
- Improved On-Demand CH 46 video options – (iPads, tablets, Smartphones)
- “York Alert” emergency/disaster notification system

2015 Initiatives:

- Chair/Vice-Chair meetings w/School Board
- Participation in regional commissions and initiatives
- Continue to recognize Volunteers who serve the County
- Conduct HOA representative information meetings

**GOAL:** Promote accountability, innovation and excellence in providing service to the customer.

2014 Accomplishments:

- Melissa Doak, Firefighter/Paramedic – Educator of the Year - National Association of Emergency Medical Technicians
- Rob Krieger, General Services Chief of Operations – Professional Grounds Manager of the Year – Mid-Atlantic Chapter, American Public Works Association
- Historic Triangle Coordinated Comprehensive Plan Review – Outstanding Planning Project Award from Virginia APA
- Building Regulation Division earned ISO Effectiveness Classification 3 in 5-year review

2015 Initiatives:

- Continue to enhance and expand in-house training opportunities for staff and participation in regional training programs
- Continue emphasis on quality customer service
- Explore options for electronic billing for sewer, solid waste and recycling

**GOAL:** Generate quality educational opportunities for all citizens.

2014 Accomplishments:

- Supported School Division funding
- Received Head Start grant for 5th consecutive year

- Conducted STEM programs for youth in the libraries
- Provided outreach library services to retirement communities
- Conducted Safety Town for the 20th consecutive year
- Installed and maintained 6 mosquito repellent garden displays throughout the County
- Updated and continued the Mosquito Beater program for elementary students
- Expanded mosquito information outreach to Market Days, HOA meetings, etc.
- Implemented an updated/enhanced Wellness Education Program for employees, including a Health and Fitness Day
- Created a monthly training newsletter for all employees and expanded the Virtual Training Library available to employees
- Implemented complete overhaul of budget document to make more user-friendly

2015 Initiatives:

- Continue to support York County public schools
- Continue to support quality library services
- Enhance and expand the County's website postings

**GOAL:** Manage the provision and expansion of County services and facilities in a manner that balances necessary increases in expenditures with the expansion of the tax base.

2014 Accomplishments:

- General Services
  - > Dogwood Road/Route 238 Intersection widening
  - > York-Poquoson Courthouse roof replacement
  - > Public Safety Building roof replacement
  - > York Library roof replacement
  - > 25 heat pumps replaced at Griffin-Yeates Center
  - > Security enhancements at Riverwalk Landing docks
  - > Riverwalk Landing – Virginia Clean Marina designation
  - > Finance Building “Energy Star” certification (35% less energy comparatively)
- Environmental Services
  - > Waterview area vacuum sewer system
  - > Old Wormley Creek area gravity sewer system
  - > Moore's Creek area (Yorktown Road) vacuum and gravity sewer system
  - > HRSD/Hampton Roads regional hybrid approach to sanitary sewer system rehabilitation

- > Coventry Boulevard culvert replacement
- > \$1.3 M in DEQ grants for stormwater management improvements
- > Recycling converted to 96-gallon toter w/every other week collection
- Community Services
  - > \$912,000 CDBG grant for rehab of 11 homes
  - > Recreation programs and activities for youth and adults
  - > Financial and Management Services
  - > Negotiated five cooperative fleet-related contracts
  - > Negotiated health and dental care programs to yield major savings
  - > Replaced 20-year old phone system with VoIP system
  - > Virtualized 14 servers
- Fire and Life Safety
  - > Peninsula Regional Animal Control Facility
  - > Training at Peninsula Regional Live Fire Training Facility
  - > Advanced Life Support Medic unit replacements
- Telecommunications
  - > Launched text-to-911 w/Verizon, Sprint and AT&T
  - > Launched Reverse-911 for emergency notification
  - > Launched CAD-to-CAD 911 communication between York County & James City County

**2015 Initiatives:**

- General Services
  - > Community Gardens at Sports Complex
  - > NPS Picnic Area restrooms rehabilitation
  - > Playground installation at Charles Brown Park
  - > HVAC equipment replacement in York Hall
  - > Roof Replacements – General Services Buildings (3), Environmental Services Admin.
  - > Additional Energy Star building
  - > Hazard Mitigation Grant – house elevations – project management
- Environmental Services
  - > TMDL Action Plan

- > Stormwater Improvements (Wormley Creek Headwaters, Victory Industrial Park, Woodlake outfall, Dare Elementary Ravine)
- > Sanitary Sewer Improvements (Hornsbyville Road Vacuum system, Queens Lake west side)
- > Utilities Strategic Capital Plan Update
- Fire and Life Safety
  - > Fire Station #1 relocation – land acquisition
- Financial and Management Services
  - > Regional Radio System – Upgrade/incorporate New Kent Co.
  - > 10-year Technology Plan – evaluate hardware and software
  - > Expand Fiber-Optic connections between County facilities

Discussion followed on the upcoming visit of L’Hermione and setting up a test to show the Board how 911-to-Text works.

Mr. Carter asked the Board members to let him know if they wanted him to schedule a tour of the E911 Center for them.

Chairman Shepperd stated he and Mr. Hrichak had a meeting with their School Board counterparts, and he recommended that all the Board members meet with their counterparts during the budget cycle. He noted it would be helpful if it was done two at a time in order to get a cross feed of information. He stated that Mark Medford had suggested that the School Board and Board of Supervisors have a common goal so the public perception was that there was one body working for the common good. He stated it was a very difficult thing to do, but the Board states that education is the County’s top priority, and the School Board’s mission is education, although it always appears it is the Board vs. the School Board. Mr. Shepperd again stated the two boards need common maintenance or service goals with objectives and a matrix to meet them.

Mrs. Noll stated she liked the idea, and the two Boards have a common goal of providing the best education they can for County students. She noted the problem was how to fund the schools and the County’s priorities.

Mr. Wiggins stated the School Board members were elected just as the Board, but every year the Board was blamed for not supplying the schools with all the money they want. He stated the Board of Supervisors could not afford to give them all the money they wanted, and he felt the Board of Supervisors should not have to take all the blame, while the School Board sat back and got reelected.

Mrs. Noll stated there had been a policy that the Board discarded because it felt the policy needed more oversight on school funding. The Board set a percentage by formula that went to the schools, and it worked very well, but the problem came when the Board realized it was giving them more money than they needed, and the Board felt the School Board was not using the money wisely. Mrs. Noll stated it was not because the Board did not want to give them what they needed, but it was giving them extra money and it was hurting the County because there were things it needed money for that the Board did not have.

Chairman Shepperd stated the Board has shown that the fixed formula did not work. The Board found the School Board was having a difficult time explaining how it was justifying its expenditures. He noted there was a political impact that the Board and School Board needed to move away from so they both can get away from the controversial aspect and explain to their constituents that both boards have the same goals. Mr. Shepperd stated he talked to Mary Bunting in Hampton, noting it uses a fixed formula. He indicated Hampton took a massive hit; but Ms. Bunting said if a locality did not use the formula, they would have to either raise taxes

or hit the locality budget. Mr. Shepperd stated that every year the Board has added money to the education budget, and he felt the common goal idea would help with the political problems.

Mr. Wiggins stated the Board cannot continue cutting the County side of the budget to raise funding for education. He stated the Board does not have anything to do with how the School Board spends its money, and it will spend as much as this board gives them. Mr. Wiggins stated the County needs more than 30 percent of its budget to run the County government.

Mrs. Noll indicated she felt the Board loses sight of the fact that the School Board is an elected Board, just as the Board of Supervisors, and responsible to the voters. She stated the School Board needs to justify its budget to the voters the way the Board does.

Chairman Shepperd noted that compensation was going to be a key issue, and the Board will see that on Tuesday night when it meets with the School Board. He stated he still thought a common goal was a good idea, and both boards should work to see what was or what was not working on both sides to meet the goal.

Mr. Zaremba indicated he thought it was great that the Chair and Vice Chair of the two boards were meeting, but warned them to be careful of the two-on-two and the one-on-one meetings because the message was that the Chair and Vice Chair of the Board of Supervisors were in the School Board's corner. He stated this common goal idea could be very difficult to achieve, as the two boards have different missions. The School Board has its mission of education, but the Board of Supervisors has a great deal more to do for the citizens. In the spirit of cooperation, he stated the two boards want to work together without animosity, but the County budget has to meet the needs of its other departments such as Fire and Life Safety and General Services. He noted the County receives only so much revenue, and only so much can be spent. Mr. Zaremba stated he sees three top priorities coming out of the joint meeting next Tuesday, those being compensation, technology, and infrastructure.

Chairman Shepperd suggested he could draft a goal to see if the Board members were interested in it. He stated he and Mr. Hrichak did a good job of listening without any commitment, and the school Superintendent, Chair, and Vice Chair have asked to meet each month. He also noted he would do a tour with Dr. George to Tabb Middle and Elementary Schools, and he suggested each of the Board members visit their district schools with their School Board counterparts.

Chairman Shepperd asked when the Board was going to talk about TMDLs.

Mr. Carter noted the County has met its goal for 2017, and explained what the goals were for 2023 and 2028, stating that currently staff estimates it would require a total of \$34 million to meet mandated targets. He stated that the consultant study recently approved by the Board would involve development of an action plan and would refine those cost estimates.

Chairman Shepperd stated he doubted that any of the current Board members would be on the Board in 2023 or 2028, and the Board cannot wait until then to start saving this money. Chesapeake was saving \$2M a year for this issue. He stated another thing to discuss was a stormwater fee or tax increase. He indicated fees cannot come off taxpayers' taxes, and he asked how many years out does the County have to plan to be able to pay the entire \$34M bill.

Mr. Wiggins stated the Board members had to remember that the County was spending millions a year on this issue now, which will apply to the \$34M bill.

Mr. Carter indicated a work session would be scheduled this summer on the TMDL issue.

#### ECONOMIC DEVELOPMENT REVIEW AND 2015 OUTLOOK

Mr. James Noel, Director of Economic Development, stated last year was relatively flat in Economic Development, but he was excited about what he was seeing so far as a harbinger of what was to come this year. He reviewed the business announcements of the following companies in York County:

Enterprise Holdings

Kerner/Magnolia  
Baeplex Wellness Center  
Virginia Beer Company  
Kroger Expansion  
Roberts Furniture (House Key Relocation)  
Smith Packett Assisted Living  
George Washington Inn reopens as a Ramada Inn  
Priority Nissan  
Atlantic Emergency Solutions

Discussion ensued on other new businesses that have opened in the County.

Mr. Noel then discussed Riverwalk Landing, stating it was fully leased at this time. He noted that WiFi service has been added to the docks, and a new event, "Blues, Brews, & BBQ," will be taking place for the second year on the Riverwalk. Next Mr. Noel reviewed the current development situation at The Marquis, stating Todd Interests has initiated the infrastructure work and has executed a land sale agreement with Sam's Club, with the Marquis Community Development Authority agreeing to issue additional debt. He stated that JCPenny will be closing in April of this year, but Mr. Todd has some exciting ideas for a new tenant for the building.

Discussion ensued on the development of The Marquis property.

Mr. Noel addressed the Plains All-American Pipeline, Inc., terminal, stating the current petroleum economics were hindering its full business plan implementation. The Economic Development Office was working with Plains corporate office to assess co-location/partnership opportunities with their site.

Mr. Hrichak asked if the power plant was still closing.

Mr. Carter stated an extension had been requested to 2017 for the two coal-fired units, and the oil-fired unit may be kept operational beyond the previously discussed 2022 closing date.

Mr. Noel discussed ongoing regional efforts. He stated Tim Ryan had been hired as the new Director of the Historic Triangle Business Incubator, and the incubator would be moving its location, and the SBDC partnership had been established. Another effort was the Economic Development Strategy and Business Brand for the Historic Triangle, and Mr. Noel noted a regional website would be the first step. He reviewed the status of the START Peninsula 3.0 and Williamsburg Harvest Festival efforts.

Mrs. Noll asked why the incubator was moving.

Mr. Noel noted it was in a non-business friendly location at present. He next reviewed recent Economic Development Authority actions which included the acquisition of the Busch Industrial Park Property, the Pottery property land study, the Yorktown Foundation grant, and the acceptance of 2.8 acres of donated commercial property on Route 17.

Discussion followed on the development of the Pottery, and it was noted that the Land Study was being done and paid for between James City County and York County.

Mrs. Noll noted there had been a request for artificial turf at the Sports Complex so that it could be used when it was raining. She asked if something like this could this go under tourism.

Mr. Noel stated it could. He indicated one of the things that had to be thought about with sports tourism was the increased cost to host major events in terms of staffing and other support services.

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Chairman Shepperd stated these were things staff needed to point out to the Board during its budget discussions. He stated he had heard nothing but good about artificial turf, and he indicated the Board would be having discussions on it during budget discussions this year.

Mr. Noel reviewed the Light Industrial development opportunities in the County, noting that the 4.9-acre parcel owned by the EDA in York River Commerce Park was under contract, and plans were developed for a building up to 162,000 square feet with rail access on the 23-acre Virtual Building site. He stated that at the York River Commerce Park South, two EDA-owned parcels were available, and BMP plans were approved and grandfathered on the 6.9-acre site. Mr. Noel then reviewed economic development plans for 2015. The Historic Triangle Regional efforts include the incubator, branding, and a website; the E3 Initiative—BRE Program enhancement; food/drink entrepreneurs—marketing, environment, and grow-your-own initiatives; and focus will be on the Altria building, the Williamsburg Market Center, The Marquis, and Busch Industrial Park.

Meeting Recessed: At 10:22 a.m., Chairman Shepperd declared a short recess.

Meeting Reconvened: At 10:30 a.m. the meeting was reconvened in open session by order of the Chair.

#### GREATER WILLIAMSBURG CHAMBER AND TOURISM ALLIANCE

Mrs. Karen Riordan, Executive Director of the Greater Williamsburg Chamber and Tourism Alliance, reviewed the successes of 2014 and the Alliance's vision for the region as a tourism destination. The Alliance promotes the Greater Williamsburg region as a premier year-round travel destination, and its mission is to be a positive force for growing the business community and tourism in one unified economic zone. The goal of the Alliance for FY16 is to grow visitation through the metrics established in the score card so the region remains competitive with destinations such as Asheville, Savannah, and Charleston over the next 3-5 years. Mrs. Riordan reviewed the Alliance's strategies for 2015:

- Growing sports Williamsburg to bring more sports groups to the area
- Expanding Fall Arts and Spring Arts
- Building up the Christmas/holiday season
- Creating culinary and beverage events to leverage beer, wine, and distilleries (Harvest Celebration was prime example)
- Building an event schedule for year-round urgency that creates motivation to come to the destination at different times of the year
- Producing new events as well as promoting existing events

Mrs. Noll noted the Florida area was popular for sports, and she asked how this region compared.

Ms. Riordan stated this destination was booked for sports, lacrosse and soccer, this winter. She indicated a four-day event was being developed for James City County, York County, and Williamsburg with wine and food like the one in Charleston, which had 50,000 people in attendance for the event.

Chairman Shepperd asked what was the region's capability for room nights.

Ms. Riordan indicated the region has 15,000 hotel rooms.

Discussion followed regarding how the Alliance keeps track of events and the need for and availability of rooms.

Chairman Shepperd expressed his frustration that some of the information does not explain to him what each locality was getting for their dollars. He asked what York's capability was and what did it need to do in terms of marketing.

Ms. Riordan stated the Alliance had hired an individual to come in to do sports marketing, and he was looking at all the data from the last couple of years and surveying some of the sports events this year to have actual data and provide an assessment and a profile of where we are and what we need to go forward.

Mr. Zaremba asked if timeshares were included.

Ms. Riordan stated timeshares were included, and they were very popular with sports events.

A brief discussion ensued on hotel and motel occupancy and the percentage of rooms that were on average filled at any one time, as well as the occupancy percentage a hotel or motel needs to stay in business.

Chairman Shepperd asked how the results show what York County received for its money.

Ms. Riordan stated she would provide data charts for each locality on rooms, meals, and retail spending.

Mr. Carter noted there would be more information on this in Mrs. McGettigan's presentation.

Chairman Shepperd asked why the County had not invested in the Fall Arts program.

Ms. Riordan indicated York's former County Administrator did request funding from the Board one time for \$25,000, but it was not funded.

Chairman Shepperd stated the question was whether or not the Board wanted to invest more in this program.

Ms. Riordan reviewed the Alliance Event Schedule, stating it was very well attended.

Mr. Wiggins asked if the Alliance was doing anything about the visit of the ship Hermione.

Ms. Riordan indicated she was working with Brian Fuller and Kristi Olsen to promote this function as a part of the Summer of Freedom event. She then provided an update of what the Williamsburg Area Destination Marketing Committee and the Economic Diversification Task Force were developing. Ms. Riordan ended her presentation with a review of revenue sources for the Alliance for FY15, noting York County contributed 11 percent of total revenue.

Discussion followed on the rationale behind the contributions from each jurisdiction.

#### FY16 BUDGET OUTLOOK

Mr. Carter reviewed the preliminary revenue outlook for FY16, stating there looked to be an increase of \$634,000, but staff did not at this time have any figures of the debt service requirements. With regard to expenditure issues for FY16, Mr. Carter stated the only issue staff had figures on was the health insurance premiums, which would require an employer share increase of \$540,000.

#### DEVELOPMENT OF A 5-YEAR FINANCIAL PLAN

Mrs. McGettigan started her presentation on the development of the County's first five-year plan with the major components to be considered: economy, revenue, and trends to follow. She stated the objectives of the plan were to maintain financial stability over the long-term, identify current trends and future challenges, provide the Board and senior management with information for multi-year planning to reduce the risk of being reactive and to demonstrate how decisions made today would impact on the future, encourage consistency and financial integrity, and demonstrate strong fiscal and operational management. She noted a long-term plan and policy was one key to maintaining a AAA bond rating. Next Mrs. McGettigan reviewed the

sources for developing the five-year revenue forecast. In looking at an overview of the economic situation, she stated the national economy was improving at a very modest rate, and the State was not recovering as quickly as the nation. She stated the consensus of regional economists was that slow growth would continue over the next several years, and projected regional growth was 1 percent for FY16, with York's projected growth to be 0.5 percent for FY16. Mrs. McGettigan stated things the County needed to watch included Defense spending and sequestration, the future Dominion Power shutdown of two coal-fired power generation units, employment, and the housing market. On the National level, Congressional actions may eliminate the tax exempt status of municipal bonds to offset reductions in the corporate tax rates and the loss of revenues from internet sales. On the State level, there was the potential for elimination or reduction of BPOL revenues, which represented 5 percent of York's General Fund.

Discussion ensued on the President's initiative to reverse sequestration.

Mrs. McGettigan continued, discussing DOD spending which has slowed down significantly from the last decade. She noted that Old Dominion University has indicated the region was spared the full impact of sequestration cuts scheduled for 2013 and 2014, and the region has averted the largest DOD cuts. Congress has blocked any consideration of closing military bases, so that potential problem was off the table, if only for the present. She provided figures on HRPDC forecasts of decreased national defense spending and the numbers of military personnel in Hampton Roads versus the U.S. She stated the positive news was that the regional employment sector had become more diverse. Mrs. McGettigan then reviewed the next component in the development of a five-year plan—revenues. She stated total General Fund revenues showed an average growth of 6.2 percent in the first half of the last decade, but have shown an average growth of only 0.8 percent in the second half. She reviewed a five-year projection for total General Fund revenues, stating the combined actual growth for the past five years and the projected growth for the next five years was less than 1 percent. She spoke of the 13 major revenue categories used in the development the five-year revenue model which showed a .5 percent growth in revenues since FY15. Mrs. McGettigan briefly reviewed each of the major revenue categories showing the projected growth for each over the next five years.

Mr. Wiggins asked what the County received per year from a big box in tax revenue.

Mr. Carter indicated it was about \$1M a year.

Mr. Wiggins noted that was a million dollars a year the County would not have had if the Walmart in York County had not been built. He stated that Sam's opening in the County would be a big boost.

Mrs. McGettigan reminded the Board that anything from Sam's Club would go to the Marquis CDA to repay the debt.

Meeting Recessed: At 12:12 p.m. Chairman Shepperd declared the meeting recessed for lunch.

Meeting Reconvened: At 12:48 p.m. the meeting was reconvened in open session by order of the Chair.

## DREDGING

Mr. Carter reviewed neighborhood channel dredging showing maps of potential candidate channels. He noted the focus today was on Lamb's Creek.

Chairman Shepperd stated there was great interest by the residents on Lamb's Creek, and they were willing to pay for the dredging. He stated they felt the County needed to help, and he offered to look into it for them. Mr. Shepperd noted the Board discussed the issue of a special taxing district for this in 2013.

Mr. Carter continued, showing aerial photos from 1963, 1974, 1989, and 1994 indicating development of the area over the years and the dredging for canals that had been done since 1963 to date. He displayed for the Board an overall map showing the main channel and ancillary channels, as well as photographs of Lambs Creek from December, 2014, at low tide, and the upstream limits of Lambs Creek at low tide. Mr. Carter then reviewed the Lambs Creek dredg-

ing history and the design requirements for Channels A-E. He noted that the City of Virginia Beach does dredging, and the design requirements used for the Lambs Creek information were taken from the Virginia Beach model. In summary, Mr. Carter stated the total estimated volume of the dredge work would equal 10,837 CY, with a total length of dredge channel being 5,700 feet, and the total cost would be approximately \$472,200. Mr. Carter then listed additional considerations for the Board to review:

- Will “ancillary” and “driveway” channels be dredged?
  - “project” typically designs both
  - “ancillary” funded as part of project/”driveways” funded and contracted separately by owners
- Will follow-up maintenance dredging be needed and, if so, how soon?
- Locating/acquiring a “spoils” disposal site
- Avoiding impacts on leased oyster grounds
- Permitting – Wetlands Board, VMRC, ACOE, DEQ

Mr. Carter next discussed the multiple-cycle maintenance dredging that was based on the program used by Virginia Beach. He indicated there were three dredging cycles, with initial dredging taking place in year 2. In year 8 the projected second cycle would take place, anticipated at 70 percent of the initial volume. The third projected cycle would be in year 16, anticipated at 50 percent of the initial volume. Mr. Carter then reviewed the cost of the three-cycles of dredging, plus the costs of engineering, mobilization, royalties, and a 15 percent contingency fund, for a total cost of \$2,139,394.

Chairman Shepperd stated there was a farmer in Poquoson who wants all of the spoils. He indicated people who have leased oyster grounds want the dredging, and they are part of the committee he spoke of earlier.

Mr. Hrichak asked if the spoils were considered hazardous material.

Mr. Carter stated staff could find no indication that the spoils would be hazardous material. He next reviewed the funding options of using general tax dollars, grants, or establishing a special service district. He noted the first two were not feasible as everyone in the County would not want to pay for this dredging, and grants were unlikely or non-existent for residential channels. He stated the special service districts (SSD) were enabled by Title 15.2, Chapter 24, of the Code of Virginia and could be created by one locality or two or more. The SSD must be established by ordinance, and the Board had the option of setting a threshold of agreement policy as was done for water extensions. Mr. Carter then reviewed the SSD funding model and provided an example of how it would work for the properties involved.

Discussion followed on how the funding would work and the need to set up an enterprise fund for the special assessment.

Chairman Shepperd stated there would have to be a lot of discussion about how much the property owners were willing to pay.

Mr. Carter stated staff did not have definitive numbers now to tell the Board how many dredging cycles would be necessary.

Chairman Shepperd indicated the Board has to ensure people who are not on the water will not be impacted, and not all creeks would be included in the dredging project. He noted he would not recommend any area be included that had not already indicated its interest. He stated if it did not look viable, the Board would drop it.

Mr. Carter next spoke of the design/dredging timeline, stating it would take a little less than four years to complete.

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Chairman Shepperd stated the Board talked about this two years ago, and now it was a subject of discussion again. He noted that Mr. Welteroth was the lead on the committee asking for dredging, and the committee was waiting to see where the Board was going with this. Mr. Shepperd asked if the Board was interested in pressing forward with the dredging using a SSD.

Mrs. Noll stated she had no objection to seeing what the citizens think about it.

Chairman Shepperd indicated this would be the test to find out the official level of interest. If the Board does not get the required level of interest, the project goes no further. He asked what the Board feels would be an acceptable minimum number of property owners in order to go forward.

Mrs. Noll stated she felt it should be 80 percent.

Mr. Wiggins agreed with 80 percent, and he suggested the Chair form a committee to find out if Poquoson was going to be a part of the program. He stated the Board should not do it if Poquoson does not want to participate.

Chairman Shepperd stated an ad hoc committee would be an informal voice. He indicated the first step would be to get Poquoson to agree to participate, and then get the citizens to buy in using an established ad hoc committee.

Mr. Carter stated staff has identified the downstream end, which could be shown to the organizers or interested parties. Staff could provide a map of all the properties that touch that project, and the Board could assign the group to go around to all the property owners to sign a petition. He stated the Board could then have a public meeting for further discussion.

Mr. Zaremba stated the first step should be a formal letter to the Mayor of Poquoson, and then see about property owner interest.

By general consensus, the Board agreed to move forward on the dredging project starting with a formal letter to Poquoson requesting their position, and then soliciting property owner interest.

#### OPEN BURNING

Mr. Hrichak stated he has lots of people in his district who like to burn their leaves, and they would also like to burn the small branches, which at present the County does not allow.

Mr. Carter reviewed the current County requirements as well as the state requirements. He stated staff was not sure that what the County's ordinance states was enough to prevent the burning of yard trimmings or not. He stated there was a provision to go to the state for a deviation from the model ordinance.

Mr. Barnett stated the County already has obtained approval of one deviation to allow it to adopt the current ordinance, and staff would have to make the state contacts again. He noted that under the model ordinance, open burning included leaves and yard and garden trimmings.

Discussion followed regarding lot sizes and how much footage from any occupied building was required before someone could open burn.

Chairman Shepperd stated the County could be fined if it impacts air pollution control requirements.

Mr. Carter stated the air pollution issue was primarily for automobile emissions.

Mr. Hrichak asked that the ordinance be modified to add "tree limbs."

By general consensus, the Board agreed to pursue changing the ordinance to include twigs and small limbs and branches.

### SPECIAL USE PERMIT INSPECTIONS

Mr. Carter reviewed the current zoning ordinance requirements regarding special use permits and inspections and staff's current practices which include:

- Annual site visit and exterior visual inspection of the premises for continued compliance with conditions at approximately 60 days prior to end of 1-year term
- Review of files for any indications of complaints or concerns reported by neighbors or others
- Request appointment for interior inspection depending on the nature of the SUP (accessory apartments not SUP)
- If appointment declined, then permit holder is asked to document in writing continued compliance

Mr. Hrichak stated if the County was not receiving any complaints, there was no reason to send an inspector to look at the inside and outside. He stated the best thing to protect the citizens would be to write a letter and ask if they are adhering to SUP requirements, and have them reply.

Mr. Carter stated the reason for the in-structure look was, for example, to make sure the size limit for the home occupation was not being violated. He noted now that accessory apartments do not require special use permits approval, the number of interior inspections has decreased significantly.

Discussion followed on whether or not the Board wanted to change the procedure or continue what was now being done regarding inspections for use permits.

Mrs. Noll stated Mr. Carter has said the procedure was modified so that there was no longer a requirement for an in-home inspection, and she felt the Board should go with that.

Chairman Shepperd indicated Mr. Hrichak was suggesting that staff just send a letter and have the permittee reply in writing that they were adhering to the use permit requirements.

Mr. Carter stated the inspector called first to tell the homeowner that the yearly inspection was being done. At any time there was any concern expressed by the property owner about inspecting within the home, he stated the inspectors backed off and asked that a letter be sent stating compliance with the special use permit was continuing.

### GOLF CARTS ON PUBLIC STREETS

Mr. Carter reviewed state requirements for allowing golf carts of public streets which include:

- Must be approved by ordinance by the Governing Body
- Must consider speed, volume, and character of traffic on the particular streets being reviewed
- Must not allow if golf carts would impede safe and efficient flow of motor vehicle traffic
- Locality was responsible for installation and maintenance of necessary signs (can require requesting party to reimburse those costs)

Mr. Zaremba asked how many homeowners' associations were approved in James City County to use golf carts in its subdivisions.

Mr. Carter indicated he thought there were at least two.

Mr. Hrichak stated Brandywine and Dandy have asked to be allowed to use golf carts.

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Mr. Zaremba stated he would want approval to be by neighborhood, and leave it up to the residents.

Discussion followed on the parameters to use in deciding whether or not to allow a neighborhood or homeowners' association to make application for the use of golf carts in a neighborhood.

Mrs. Noll indicated she felt 65 percent was a good number.

Chairman Shepperd stated he was agreeable to 51 percent. He felt it should be left to the neighbors to figure out how they want to operate in their communities.

Mr. Carter stated James City County used 51 percent as the level to be met before it would go to the Board of Supervisors, and even then the Board would not have to approve it.

Mr. Zaremba spoke of the nature of the land in District 1, with lots of curves and twists and turns. He stated he had never had anyone in the upper county wanting to use golf carts.

Chairman Shepperd indicated he felt the Board should give the neighborhoods the option, and let them make their own decision.

Mrs. Noll suggested that Mr. Carter bring the subject up at a homeowners' associations meeting.

Mr. Carter noted the homeowners' meetings did not get a lot of participation.

Chairman Shepperd stated the County now had a lot of problems with bikes and no bike paths which was dangerous. He asked if the Board wanted to proceed with considering the use of golf carts in neighborhoods.

Mr. Wiggins asked if a decision had to be made at this time, stating he would like to think more on the subject.

Chairman Shepperd stated the Board would be asking staff to provide more information, so the Board members would have plenty of time to think about it.

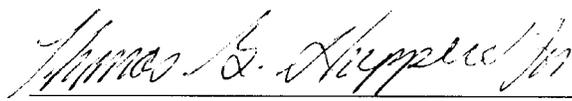
Mr. Carter stated staff would provide the Board with a draft ordinance to consider.

By consensus the Board agreed to proceed with giving consideration to the use of golf carts in certain subdivisions or neighborhoods.

Meeting Adjourned. At 2:07 p.m. Chairman Shepperd declared the meeting adjourned sine die.



J. Mark Carter  
Interim County Administrator



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