MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
January 6, 2015

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:01 p.m., Tuesday, January 6, 2015, in the Board Room, York Hall, by Chairman Donald E. Wiggins.

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

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

ORGANIZATION OF THE 2015 YORK COUNTY BOARD OF SUPERVISORS

ESTABLISH RULES OF PROCEDURE

Mr. Carter reviewed the changes to the Rules of Procedure to add the provision for remote participation by a Board member, and to indicate that there was no need to remove an item from the Consent Calendar in order to discuss it.

Mr. Zaremba asked if there was a minimum number of days that notice must be given if a Board member finds that such a situation exists that there is a need to be involved in a meeting remotely.

Mr. Carter stated there was no minimum time limit. He noted notification must be provided on or before the day of the meeting, and this provision may be used only two times per year per member.

Mr. Shepperd moved the adoption of proposed Resolution R15-1 that reads:

A RESOLUTION TO ADOPT THE YORK COUNTY BOARD OF SUPERVISORS' RULES OF PROCEDURE FOR 2015

BE IT RESOLVED by the York County Board of Supervisors this 6th day of January, 2015, that the following Rules of Procedures be, and they are hereby, adopted for 2015:

YORK COUNTY BOARD OF SUPERVISORS
RULES OF PROCEDURE
As Amended through January 6, 2015

SECTION 1 - MEETINGS

Section 1-1 When and Where Regular Meetings are Held

The time and place of regular meetings of the Board of Supervisors shall be established at each annual meeting which shall be held in the Board Room, York Hall, on the first Tuesday in January of each year at 6:00 p.m., EST and DST. Subsequent regular meetings shall be called to order at 6:00 p.m., EST and DST in the East Room, York Hall, on the first Tuesday of each month, and in the Board Room, York Hall, on the third Tuesday of each month with the following exceptions:

First Tuesday in July and November—no Regular Meeting held

First Tuesday in June—Regular Meeting will be held in the Board Room

Should the Board subsequently prescribe any meeting time or place other than that initially established, it shall comply with Section 15.2-1416 of the Code of Virginia, as amended.

If the Chairman, or the Vice Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for board members to attend a regularly scheduled meeting, the meeting shall be continued to the following Tuesday at 6:00 p.m. in either the Board Room or the East Room, York Hall, whichever being the location of the meeting being rescheduled. Such finding shall be communicated to the members of the Board and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting, and no further advertisement is required.

Section 1-2 Adjourned and Special Meetings

The Board of Supervisors may hold such adjourned meetings, special meetings, or work sessions, as it deems necessary, at such times and places as it may find convenient; and it may adjourn from time to time as it may find convenient and/or necessary. As a general rule, no work sessions will be conducted during the months of July or August other than those which may occur at the beginning of a regular meeting. If a special meeting of the Board of Supervisors should be deemed necessary, it shall be called pursuant to Section 15.2-1417 and 15.2-1418 of the Code of Virginia, as amended.

Section 1-3 Annual Meetings

The first meeting held after the newly elected members of the governing body shall have qualified and the first meeting held in the corresponding month of each succeeding year shall be known as the annual meeting.

Section 1-4 Quorum and Method of Voting

At any meeting a majority of the supervisors shall constitute a quorum. All questions submitted to the Board for decision shall be determined by a viva voce vote of a majority of the supervisors voting on any such question, unless otherwise provided by law. The name of each member voting and how he or she voted must be recorded. The Board of Supervisors has elected not to have a tie breaker as provided for by the Code of Virginia, and a tie vote on any motion shall be considered defeated as provided for in Section 15.2-1420. When a motion is made for a resolution to approve an application or request for a rezoning, special use permit, or other matter before the board and the subject of the public hearing, the failure of such motion shall be deemed equivalent to the adoption of a resolution to deny the application, request or other pending matter, and no further resolution to deny need be entertained.

Section 1-5 Procedure for Roll Call for Board Members

(1) The Chairman of the Board of Supervisors shall cast the last vote.

(2) The Members of the Board of Supervisors shall cast votes in district order on a rotating basis.

Section 1-6 Members Absenting Themselves from Meeting Prior to Adjournment

After the name of any member of the Board has been recorded as present at any meeting of the Board, the member shall not leave the meeting previous to adjournment unless by consent of

the Board.

Section 1-7 Board to Sit with Open Doors

The Board of Supervisors shall sit with open or unlocked doors, and all persons conducting themselves in an orderly manner may attend the meetings. However, the Board may hold closed meetings as provided in the Virginia Freedom of Information Act.

Section 1-8 Closed Meetings

A closed meeting shall be held when necessary.

Section 1-9 Remote Participation in Board Meetings

A member of the Board may participate in a meeting of the Board through electronic communications from a remote location that is not open to the public as provided in Code of Virginia § 2.2-3708.1 subject to the following requirements:

(1) On or before the date of a meeting a supervisor wishing to participate from a remote location in a meeting of the Board shall notify the Board Chair that the supervisor is unable to attend the meeting due to an emergency or a personal matter and identify with specificity the nature of the emergency or personal matter, or notify the Board Chair that the supervisor is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the supervisor's physical attendance.

(2) The Board shall record in its minutes the specific nature of the emergency or personal matter or medical condition or disability and the remote location from which the absent supervisor participated. If the absent supervisor's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Board's minutes.

(3) Such participation by the absent supervisor shall be limited in each calendar year to two meetings or 25 percent of the meetings of the Board, whichever is fewer.

(4) A quorum of the Board must be physically assembled at the primary or central meeting location.

(5) The Board shall make arrangements for the voice of the absent supervisor to be heard by all persons in attendance at the primary or central meeting location.

SECTION 2 - OFFICERS

Section 2-1 Election and Term of Chairman and Vice Chairman

At the annual meeting of the Board of Supervisors, the Board shall elect from its membership a Chairman and Vice Chairman, each of whom shall serve for a term of one year expiring on December 31, or until their respective successors shall have been elected. In the case of the absence from any meeting of the Chairman and Vice Chairman, the members present shall choose one of their number as temporary Chairman.

Section 2-2 Chair May Administer Oaths

The Chairman shall have power to administer an oath to any person concerning any matter submitted to the Board or connected with its powers and duties.

Section 2-3 Clerk

The Clerk of the Board shall be the County Administrator, whose duties and responsibilities shall be those set forth in State law or delegated by the Board of Supervisors.

Section 2-4 Parliamentarian

The County Attorney shall serve as the Parliamentarian.

Section 2-5 Preservation of Order

At meetings of the Board, the presiding officer shall preserve order and decorum.

SECTION 3 - CONDUCT OF BUSINESS

Section 3-1 Order of Business

At regular meetings of the Board held on the first Tuesday of each month, the order of business shall be as follows, unless the Board by unanimous consent or by a resolution adopted at a prior meeting agrees to a modification:

(a) Call to Order

(b) Roll Call of Members

(c) Work Session

(d) Consent Calendar

(e) Open Discussion

At regular meetings of the Board held on the third Tuesday of each month, the order of business shall be as follows, unless the Board by unanimous consent or by a resolution adopted at a prior meeting agrees to a modification:

(a) Call to Order

(b) Invocation

(c) Pledge of Allegiance

(d) Roll Call of Members

(e) Highway Matters

(f) Presentations

(g) Citizens Comment Period

(h) Reports, Requests, and Recommendations of the County Attorney

(i) Reports, Requests, and Recommendations of the County Administrator

*(j) Matters Presented by the Board

(k) Public Hearings (7:00 p.m.)

(l) Unfinished Business

(m) Consent Calendar

(n) New Business

(o) Closed Meeting

*This time is generally used for individual Board members to share information with other members of the Board and the public. Items presented under this heading requiring action will be for future agenda items or for additional information from staff members only. No item presented under this heading or at any point during the meeting will be acted upon at the meeting at which presented unless it is with the unanimous consent of the Board that the item be put on the floor for action. However, such item shall be scheduled for Board action at a subsequent meeting within a reasonable period of time based upon a majority consent of the Board or unless withdrawn by the advocate Board member.

Prior to the agenda being prepared, a member of the Board may contact the Clerk and have an item included under this heading. The County Administrator shall prepare a memorandum which will inform other members of the Board of the particulars pertaining to this item.

Section 3-1.1 Consent Calendar

The Consent Calendar shall be introduced by a motion "To approve the Consent Calendar," and shall be considered by the Board as a single item.

On objection by any member of the Board of Supervisors to the inclusion of any item on the Consent Calendar, that item shall be removed from the Consent Calendar forthwith. Such objection may be recorded at any time prior to voting on the motion to approve the Consent Calendar. All such items shall be considered individually, in the order in which they were removed, immediately following consideration and adoption of the Consent Calendar. Notwithstanding, a Board member may ask for discussion of one or more items of the Consent Calendar without removal of that item from the Consent Calendar.

Approval of the motion to approve the Consent Calendar shall constitute approval, adoption, or enactment of each motion, resolution, ordinance, or other item of business thereon, exactly as if each had been acted upon individually.

Section 3-2 Manner of Addressing Board Generally; Speaking Only on Question Before Board

(1) Any person, including Board members, who speaks to the Board shall address the Chair and shall confine comments to the question before the Board.

(2) No person in attendance at a meeting of the Board shall be permitted to address the Board while the members are considering any motion, resolution or ordinance preliminary to a vote on the same, except at the discretion of the Chair.

(3) During those times when the public is addressing the Board, the Chair shall appoint a timekeeper who shall notify speakers and the Board that the allotted time for addressing the Board has expired. Speakers shall conclude their remarks at that time unless the consent of the Board is affirmatively given to extend the speaker's allotted time.

(4) All presentations to the Board shall normally be limited to no more than 10 minutes, except as hereinafter provided.

Section 3-3 Use of Offensive Language or Gestures; Sectarian or Political Discussion

No member of the Board shall in debate at any meeting of the Board use any language or gesture calculated to offend or insult another member. No discussion of a sectarian or partisan character shall be allowed at meetings of the Board.

Section 3-4 Priority in Speaking to Board

When two or more members of the Board wish to speak at the same time, the Chairman shall name the one to speak.

Section 3-5 Speaking More than Once on Same Subject

In any debate before the Board, no member of the Board shall speak more than once on the same question until all the others have spoken who desire to do so, nor more than twice on the same question, unless by consent of the Board.

Section 3-6 Form of Petitions, etc.

Every petition, communication, or address to the Board shall be in respectful language and, except in cases where it is otherwise allowed, shall be in writing.

Section 3-7 Motions

No proposition shall be entertained by the Chairman until a motion for the same has been duly made, except that matters appearing on the agenda may be discussed during presentation of that matter without a motion having first been made. No motion shall require a second. The Chairman may make a motion without vacating the Chair.

Section 3-8 Decision on Points of Order

The Chairman, when presiding at a meeting of the Board, without vacating the Chair, may give reasons for any decision made by the Chair on any point of order, and such decision shall be made without debate.

Section 3-9 Same; Appeal to Board

Any member of the Board may appeal to the Board from the decision of the Chairman on any question of order, a majority vote of those present being necessary to over-rule the Chairman.

Section 3-10 Motion to Adjourn

At a meeting of the Board, a motion to adjourn shall be always in order and shall be decided without debate.

Section 3-11 Motions While a Question is Under Debate

When a question is under debate at a meeting of the Board, no motion shall be received unless it be one to amend, to commit or refer to a committee, to postpone, to ask for the previous question, to make a substitute motion, to lay on the table, to recess, or to adjourn.

Section 3-12 Reconsideration of Motions, etc., Upon Which Vote Has Been Announced

At any meeting of the Board, when any vote upon any motion, resolution, ordinance, or question has been announced, it may be reconsidered on the motion of any member who voted with the prevailing side, provided that such motion shall be made at the session of the Board at which it was decided. Such motion shall be decided by a majority of the votes of the members present, unless a greater number of votes was required to pass the measure, in which event the

motion to reconsider shall not prevail, except upon the vote of as great a number of members as was required to pass the measure.

For the purpose of this Section, "session" shall include any adjourned or special meeting occurring prior to the next Regular Meeting.

Section 3-13 Suspending Rules

The rules of the Board may be suspended with the unanimous concurrence of the members present.

Section 3-14 Robert's Rules of Order

The proceedings of the Board, except as otherwise provided in the Rules of Procedure and by applicable State law, shall be governed by Robert's Rules of Order as applied to "small boards and committees".

SECTION 4 - PUBLIC HEARINGS

Section 4-1 Speakers

At every public hearing, speakers wishing to address the Board shall clearly state their name and address. All speakers, except as hereinafter provided, shall limit their remarks to three (3) minutes. Speakers may not yield any unused portion of their speaking time to others. Staff presentations should be concise and normally limited to no more than ten (10) minutes except when necessary to properly inform the public of the issue before the Board. The applicant in a land use case or his/her representative(s) shall be allowed a maximum of ten (10) minutes to present their case. Each speaker shall be limited to one appearance at each public hearing, except at the discretion of the Chair, and only after all other speakers have been given an opportunity to be heard on the subject being considered.

The order of business for public hearings shall be:

-- staff presentation

-- applicant's presentation (if any)

-- public comments

Section 4-2 Members' Participation

Board members shall limit their comments in public hearings to insure participation by the public without Board interference.

Section 4-3 Close of Hearing

When a public hearing shall have been closed by the order of the Chairman of the Board, no further public comments are in order.

SECTION 5 - AGENDA

Section 5-1 Preparation

The Clerk shall prepare an Agenda for each regular meeting conforming to the order of business specified in Section 3-1 under Order of Business. Except as permitted at the discretion of the

Clerk, every item to be placed on the Agenda shall be received in the Office of the County Administrator before the close of the work day on the Thursday two weeks prior to any regular meeting of the Board. Prior to publication of the agenda, the Clerk shall coordinate recommended agenda subjects for approval with the Chairman, or with the Vice Chairman in the Chairman's absence.

Section 5-2 Delivery

The agenda shall be received by each member of the Board and the Attorney to the Board at least 48 hours prior to the meeting.

Section 5-3 Posting

A copy of the Agenda shall be posted on the door to York Hall at least 48 hours prior to the meeting.

Section 5-4 Copies

The Clerk to the Board shall prepare or cause to be prepared extra copies of the Agenda and shall make the same available to the public in the Office of the County Administrator at the same time the Agenda is posted pursuant to Section 5-3. The Clerk shall also have copies available at each meeting.

Section 5-5 Request to Appear Before the Board of Supervisors

Any citizen (individual, firm, association, or corporation) desiring to appear before the Board of Supervisors shall make a request to the Clerk or the Clerk's designee and receive approval; however, no written application or approval shall be required in order to speak to the Board during Citizens Comment Period or at public hearings.

Section 5-5.1 Citizens Comment Period

During Citizens Comment Period, speakers wishing to address the Board shall clearly state their name and address. Speakers shall limit their remarks to three (3) minutes and may not yield any unused portion of their speaking time to others. Each speaker shall be limited to one appearance at each Regular Meeting of the Board. Speakers shall be limited to speaking on the same subject not more than three times within any 12-month period.

SECTION 6 - GENERAL CONDUCT AND DECORUM

Section 6-1 Conduct of Public

The efficient and dignified conduct of public business is the ultimate concern of the Board. Accordingly, it is the policy of the Board that its meetings be conducted with the highest degree of order and decorum. The Board's integrity and dignity will be established and maintained at all times during the conduct of public business, and the Board will permit no behavior which is not in keeping with this policy. The soliciting of funds, the use of abusive or profane language, personal attacks on Board members, the failure to comply with time limits on speakers, or other forms of offensive conduct will not be tolerated. The Chairman will maintain proper order at all times during all meetings of the Board and shall effect the removal from any meeting of any person guilty of offensive conduct if the offending party fails or refuses to cease such conduct.

Section 6-2 Board Responsibilities

The Board of Supervisors is directly responsible for establishing the policies, ordinances, and regulations of the County, overseeing the implementation of policy by the County Administrator, and ensuring that implementation is consistent with the spirit and intent of the Board's actions. In the event that an action or actions may be necessary without the ready consensus of the Board, the Chairman shall have the discretion to authorize the County Administrator to take interim measures until the Board can meet and make any necessary decision.

The Board of Supervisors bears the responsibility for successful operation of County government and its functions. Each supervisor is responsible for knowing Board policy and its intent.

The County Administrator is employed by the Board to supervise the execution of County policy, ordinances, regulations, and Board directives, and to appoint officers and employees of the County, as authorized by the Code of Virginia, or otherwise as the Board may determine.

Section 6-3 Appointments to Regional Boards, Commissions, and Similar Bodies

Appointments to regional boards and commissions, and similar bodies to which the Board may have authority to appoint one or more of its members to serve, shall be by majority vote of the Board.

The County Administrator will maintain the current lists of boards and commissions that require Board of Supervisors representation as determined appropriate by the Board. Assignments will be reviewed and updated on an annual basis but no later than the last regular meeting in January of each year. Interim changes of assignment may occur as deemed appropriate by the Board.

On roll call the vote was:

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

ELECTION OF CHAIRMAN

Chairman Wiggins opened the nominations for the office of Chairman of the York County Board of Supervisors for 2015.

Mr. Hrichak nominated Thomas G. Shepperd, Jr., for the office of Chairman.

There being no further nominations, Chairman Wiggins closed the nominations.

Mr. Hrichak moved that Thomas G. Shepperd, Jr., be elected as Chairman of the York County Board of Supervisors for 2015.

On roll call the vote was:

Yea:	(4)	Hrichak, Shepperd, Zaremba, Wiggins
Nay:	(0)	
Abstention:	(1)	Noll

ELECTION OF VICE CHAIRMAN

Chairman Shepperd then opened the nominations for the office of Vice Chairman of the York County Board of Supervisors for 2015.

Mr. Zaremba nominated George S. Hrichak for the office of Vice Chairman.

There being no further nomination, Chairman Shepperd closed the nominations.

Mr. Zaremba then moved that George S. Hrichak be elected as Vice Chairman of the York County Board of Supervisors for 2015.

On roll call the vote was:

Yea:	(4)	Hrichak, Wiggins, Zaremba, Shepperd
Nay:	(0)	
Abstention:	(1)	Noll

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 1 and 2.

On roll call, the vote was:

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

Thereupon, the following minutes were approved and resolution adopted:

Item No. 1 APPROVAL OF MINUTES

The minutes of the December 2, 2014, Regular Meeting of the York County Board of Supervisors were approved.

Item No. 2. APPLICATION NO. UP-854-15, MARQUIS WILLIAMSBURG RE HOLDING, LLC: Resolution R15-5

A RESOLUTION TO APPROVE A MINOR MODIFICATION OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT BY AUTHORIZING A THREE-YEAR EXTENSION OF THE DEADLINE FOR ESTABLISHING AN AUTO FUEL DISPENSING FACILITY AT THE MARQUIS CENTER ON ROUTE 199

WHEREAS, on December 20, 2005, the York County Board of Supervisors approved Application No. UP-686-05 to authorize a Special Use Permit for the establishment of a retail center of more than 80,000 square feet on property located on the south side of Route 199 in the southeast quadrant of the Interstate 64/Route 199 interchange; and

WHEREAS, on November 19, 2013, the York County Board of Supervisors approved Application No. UP-833-13, submitted by Marquis Williamsburg RE Holding LLC, to 1) authorize major modifications to the design and layout of the previously approved retail center, and 2) authorize the construction of an automobile fuel dispensing establishment, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 12, No. 2), on that portion of the above-referenced property located at 300 Whittakers Trace and further identified as Assessor's Parcel No. 11-4-3 (GPIN H13d-4834-2062); and

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

WHEREAS, Marquis Williamsburg RE Holding LLC has submitted Application No. UP-854-15, which requests a minor modification to the above-referenced Special Use Permit, pur-

suant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, by authorizing a three-year extension of the deadline for establishing the special use;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 6th day of January, 2015, that Application No. UP-854-15, be, and it is hereby, approved to authorize a three-year extension of the deadline for establishing an automobile fuel dispensing establishment approved by the Board on November 19, 2013, to be located on a parcel of land located at 300 Whittakers Trace and further identified as Assessor's Parcel No. 11-4-3 (GPIN H13d-4834-2062), thus making the new expiration date November 19, 2018, subject to the following conditions:

1. All other terms of the Special Use Permit, as set forth in Resolution Nos. R13-123, R05-201(R), R06-74(R), R07-118, and R07-127 shall remain in full force and effect.

2. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of this resolution shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

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.

OPEN DISCUSSION

Mrs. Noll indicated the meeting did not have an opening prayer, and she provided the following:

A PRAYER FOR THE NEW YEAR

Lord, in this new year which we have begun,

May we have enough happiness to keep us agreeable,

Enough trials to keep us strong,

Enough sorrow to keep us human,

Enough freedom to keep us happy,

Enough failure to keep us humble

Enough success to keep us eager,

Enough wealth to meet our needs,

Enough faith to banish depression,

Enough hope to look forward,

Enough love to give us comfort,

And enough determination to keep us going.

Mr. Hrichak added his Amen to Mrs. Noll's prayer.

Mr. Zaremba indicated it was a very beautiful prayer, and he thanked Mrs. Noll for offering it up. He stated this new year provides all types of opportunities to increase the quality of life here in York County, and he looked forward to it.

Mr. Shepperd thanked everyone for the opportunity to lead the Board as Chair this year. He also stated he was looking forward to keeping York County a wonderful place to live, work, and play. Mr. Shepperd thanked Mrs. Noll for the prayer and wished everyone a Happy New Year.

Meeting Adjourned. At 6:15 p.m. Chairman Shepperd declared the meeting adjourned sine die.

J. Mark Carter
Interim County Administrator

Thomas G. Shepperd, Chairman
York County Board of Supervisors