

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
July 21, 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, July 21, 2015, in the Board Room, York Hall, by Chairman Thomas G. Shepperd.

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

Walter C. Zaremba was absent.

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

Invocation. Rev. Walter Johnson, Zion Prospect Baptist Church, gave the invocation.

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

PRESENTATIONS

EMPLOYEE RECOGNITION PROGRAM

Chairman Shepperd congratulated the following employees for their years of service with the County, and presented them each with a service pin and certificate:

Andrew T. Barden	Fire & Life Safety	25 years
Deborah L. Morris	Financial & Management Services	20 years

CITIZENS COMMENT PERIOD

Mr. Steve Ward, 202 Thompson Lane, Williamsburg, provided the Board with an update on behalf of the York County Chamber of Commerce. He thanked the Board for becoming a corporate sponsor of the Chamber. He noted the Chamber had relocated to a new office, and he explained the amenities available at the new location. Mr. Ward also stated new staff members had been hired, to include an Office Manager and two sales team partners.

Mr. Renny Parziale, 164 Dennis Drive, spoke regarding the proposed sewer project in Queens Lake. He stated after the meeting on May 20 between the County and homeowners of Queens Lake, the project had been fully understood. He noted he was not against the proposed sewer line or bridge, but he asked for time to examine how the pipe would be designed and installed. He asked the County to distribute or post the information online about other scenarios that had been considered for the Queens Lake residents. He stated Carlton Abbott, a Queens Lake resident and architect, had volunteered his time and ideas. Mr. Abbott had spoken to neighbors that would be most impacted by the bridge, and residents felt the design should preserve the natural beauty of the lake. He asked what the residents could expect in receiving infor-

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mation on the project going forward, if another meeting would be held to report to the residents the Board's findings, and if drawings would be presented to the Queens Lake residents before proceeding.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett had no report at this time.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. Morgan provided an update to the Board on Riverwalk Townes. He noted a meeting had been held with County staff and representatives of Riverwalk Townes, and it was felt they had worked out a reasonable set of action items, and Mr. Morgan believed the matter had been satisfactorily resolved. He stated he had the opportunity to tour the new American Revolution Museum, anticipated to open in 2016, and Victory Center, stating the new museum would be a tremendous asset to the community.

Chairman Shepperd stated he had received about 15 emails concerning the Queens Lake sewer project. He and Mr. Zaremba had met with staff concerning design proposals. He noted the Board had allocated funding for the project, but the design fell under the purview of the County Administrator and staff. Staff had recommended proceeding with the original design, indicating the design had been well advertised, and letters had been sent to the community. He also noted the project was anticipated to be completed under budget.

Mr. Morgan indicated he felt the citizen's request to view the final design plans would be appropriate. He stated while the final design had been reached, the finer points of the plan had not been finalized; and Mr. Abbott's recommendations could possibly be taken into account in this portion of the plan.

Chairman Shepperd asked how the public could view the designs.

Mr. Morgan suggested citizens contact the Department of Environmental Services. He also suggested that a meeting be organized to meet with the citizens prior to construction beginning in approximately six months.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll thanked Dan Nortman, Extension Agent, for his service to York County. She indicated Mr. Nortman would be leaving the County, and moving out of state. Mr. Nortman had been responsible for the Master Gardeners, 4-H Club, and the Community Garden. She stated everything Extension Agents do helps make life better in York County.

Mr. Hrichak informed the Board and citizens of an upcoming Home Based Business Conference that would be sponsored by the York County Chamber of Commerce and held in October. He stated two-thirds of the businesses in the County were home based, and the conference would be free and held at the Chamber's office. Mr. Hrichak stated more information would follow, and the conference would be advertised.

Chairman Shepperd updated the Board on House Bill 2, which would follow a model created by the Hampton Roads Planning District Commission. The model allowed the prioritization of road projects, based on various parameters, including consistency with long-range transportation plans. If a road project was not listed in the plan, funding would not be allocated for a project. The current plan was through 2034, and the 2040 update is under review. He also reminded the Board of an invitation he received to attend and participate in a Hall of Honor sponsored by NASA Langley Research Center and NASA Langley Alumni Association. He noted the Hall of

Honor would recognize individuals who were instrumental in the early days of space exploration. Chairman Shepperd updated the Board on the Hampton Roads Transportation Accountability Commission, stating the Commission managed the funds to be used to implement major regional road projects. The Commission had offered a contract to a new Executive Director, and selected a financial institution to manage the funds. He spoke of another study released on the state of transportation in Hampton Roads which showed the travel rate was decreasing due to the number of jobs that were reduced in the region. It also showed the regional housing market not recovering as quickly as other areas in the Country. York County, and other areas of the Peninsula, had not been hurt as badly as other areas in the country, but were not recovering as quickly. Chairman Shepperd informed the Board of the inclusion of the York River in the Virginia Scenic Rivers Programs, which would not incur any cost to the County, and was sponsored by the Virginia Department of Conservation Resources.

CONSENT CALENDAR

Mr. Hrichak moved that the Consent Calendar be approved as submitted, Item Nos. 5, 6, 7, and 8, respectively.

On roll call the vote was:

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

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 5. APPROVAL OF MINUTES

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

June 2, 2015, Regular Meeting

June 16, 2015, Regular Meeting

Item No. 6. VIRGINIA COOPERATIVE EXTENSION: Resolution R15-78

A RESOLUTION TO AUTHORIZE THE EXECUTION OF AN AGREEMENT TO PROVIDE FOR THE OPERATION OF THE VIRGINIA COOPERATIVE EXTENSION OFFICE FOR FY2016

WHEREAS, Virginia Cooperative Extension Service has long served York County citizens by offering a wide array of services ranging from youth activities to horticultural guidance that protects our wetlands and greater environment, as well as providing access to a broader network of technical information and resources through Virginia's Land Grant University System at both VPI and Virginia State University; and

WHEREAS, County and Extension staff plan and coordinate services throughout the year to prevent duplication of effort and to assure that Extension activities extend and enhance County programs; and

WHEREAS, the Board of Supervisors authorized funding for this activity in the FY2016 approved budget sufficient to continue participation in this program and to provide an adequate level of service to the citizens of York County.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of July, 2015, that the County Administrator be, and he is hereby, authorized to

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execute for and on behalf of the Board, a Memorandum of Understanding with Virginia Cooperative Extension, including any necessary amendments thereto, and has been approved as to form by the County Attorney.

Item No. 7. PURCHASE AUTHORIZATION: Resolution R15-81

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO DO ALL THINGS NECESSARY TO COMPLETE PROCUREMENT OF THE BRUTON HIGH SCHOOL PUMP STATION RENOVATION PROJECT

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

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of July, 2015, that the County Administrator be, and hereby is, authorized to execute procurement arrangements with Shaw Construction Company in the amount of \$534,200, as follows:

	<u>AMOUNT</u>
Bruton High School Pump Station Renovation	\$534,200

Item No. 8. ABANDONMENT OF A SHORT SEGMENT OF ROUTE 1453 (CHAMPIONS PATH): Resolution R15-82

A RESOLUTION TO ABANDON FROM THE SECONDARY SYSTEM OF STATE HIGHWAYS A SHORT SEGMENT (5- FEET LONG BY 50 FEET WIDE) OF ROUTE 1454 - CHAMPIONS PATH LOCATED AT ITS EASTERN TERMINUS

WHEREAS, the York County Board of Supervisors has determined that consideration should be given to the abandonment from the Secondary System of State Highways of a short segment (5 feet long by 50 feet wide) of Route 1454, Champions Path, at its eastern terminus; and

WHEREAS, Route 1454 (Champions Path) currently terminates with a Virginia Department of Transportation compliant turnaround and the subject section of right-of-way does not need to be in the Secondary System for the turnaround to exist and function as designed; and

WHEREAS, public notices were posted and published as prescribed by the terms of Section 33.2-909 of the Code of Virginia, announcing the Board of Supervisors' intention to abandon the subject section from the Secondary System of Highways and inviting requests for a public hearing on the matter, and no requests were forthcoming; and

WHEREAS, there having been no requests for public hearing and no objections expressed, the Board has determined that the subject segment of Route 1454 serves no public necessity and, accordingly, is no longer necessary as a part of the Secondary System of State Highways:

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 21st day of July, 2015, that pursuant to §33.2-909 of the Code of Virginia of 1950, as amended, it does hereby abandon a 5-foot long by 50-foot wide segment of Route 1454 (Champions Path) located at its eastern terminus and as set forth below:

Report of Changes in the Secondary System of State Highways

Project/Subdivision: Woods of Tabb

Type of Change to the Secondary System of State Highways: Abandonment

The following facilities of the Secondary System of State Highways are hereby ordered abandoned, pursuant to the statutory authority cited:

Reason for Change: Abandonment

Pursuant to Code of Virginia Statute: 33.2-909

Street Name and Route Number:

- Champions Path / State Route Number 1454
- 0.001 miles at eastern terminus

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Commissioner of the Virginia Department of Transportation.

CLOSED MEETING. At 6:40 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; Section 2.2-3711(a)(3) pertaining to the acquisition or disposition of real property for a public purpose; and Section 2.2-3711(a)(7) to consult with legal counsel, on a specific matter.

On roll call the vote was:

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

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

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

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREE-
DOM 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;

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NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of July, 2015, hereby certifies that, to the best of each member’s knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

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

APPOINTMENT TO THE HAMPTON ROADS PLANNING DISTRICT COMMISSION

Mr. Shepperd moved the adoption of proposed Resolution R15-73 that reads:

A RESOLUTION TO APPOINT THE CHIEF ADMINISTRATIVE OFFICER OF YORK COUNTY TO THE HAMPTON ROADS PLANNING DISTRICT COMMISSION

BE IT RESOLVED by the York County Board of Supervisors this the 21st day of July, 2015, that Neil A. Morgan, York County Administrator, be, and he is hereby, appointed to the Hampton Roads Planning District Commission for a term of two years, such term to begin June 15, 2015, and expire May 31, 2017.

On roll call the vote was:

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

APPOINTMENT TO THE MIDDLE PENINSULA JUVENILE DETENTION COMMISSION

Mr. Hrichak moved the adoption of proposed Resolution R15-77 that reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTATIVE TO THE MIDDLE PENINSULA JUVENILE DETENTION COMMISSION

WHEREAS, Laurie B. Coleman currently serves as the York County representative to the Middle Peninsula Juvenile Detention Commission, and;

WHEREAS, most of the representation is comprised of Deputy County Administrators as well as some County Administrators of smaller jurisdictions, so representation by York County’s Deputy County Administrator would be consistent with the make-up of the current Commission;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of July, 2015, that Vivian A. McGettigan, Deputy County Administrator, be, and she is hereby, appointed as the York County staff representative on the Middle Peninsula Juvenile Detention Commission to fill the unexpired term of Laurie B. Coleman, such term to begin immediately and end June 30, 2017.

On roll call the vote was:

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

APPOINTMENT TO THE YORK COUNTY WETLANDS BOARD

Mr. Hrichak moved the adoption of proposed Resolution R15-83 that reads:

A RESOLUTION TO APPOINT A NEW MEMBER TO THE YORK
COUNTY WETLANDS BOARD

WHEREAS, Robert W. Peterman resigned from the Wetlands Board on May 22, 2015;
and

WHEREAS, the term of Robert W. Peterman will terminate on June 30, 2019;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of July, 2015, that Noel J. West be, and is hereby appointed as a member of the York County Wetlands Board to fill the unexpired term of Robert W. Peterson, such term to begin immediately and end June 30, 2019.

On roll call the vote was:

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

PUBLIC HEARINGSAPPLICATION NO. UP-863-15, LEIGH ANN WILSON

Mr. Carter gave a presentation on Application No. UP-863-15 to approve a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize a beauty shop as a home occupation on a parcel located at 111 Sunset Drive (Route 769). The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval 7:0, and staff recommended approval of the application through the adoption of proposed Resolution R15-74.

Mr. Hrichak asked if there would be any outside employees at the beauty shop.

Mr. Carter stated there would be no non-resident employees.

Mr. Hrichak asked if there were any proposed walkways on the property.

Mr. Carter stated a walkway that would comply with the ADA guidelines had been proposed on the side of the home.

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

Mr. Carter stated there had been no neighborhood opposition.

Ms. Leigh Ann Wilson, 111 Sunset Drive, spoke as the applicant. She had been in contact with Ms. Amy Parker, Planning Division, concerning the pathway. Instead of utilizing a pathway, she stated a wheelchair ramp would be constructed to access the beauty shop.

Chairman Shepperd then called to order a public hearing on Application No. UP-863-15 which was duly advertised as required by law. Proposed Resolution R15-74 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AU-
THORIZE THE ESTABLISHMENT OF A BEAUTY SALON AS A

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HOME OCCUPATION WITH CUSTOMER/CLIENT CONTACT ON
PROPERTY LOCATED AT 111 SUNSET DRIVE

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

Mr. Hrichak moved the adoption of proposed Resolution R15-74 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AU-
THORIZE THE ESTABLISHMENT OF A BEAUTY SALON AS A
HOME OCCUPATION WITH CUSTOMER/CLIENT CONTACT ON
PROPERTY LOCATED AT 111 SUNSET DRIVE

WHEREAS, Leigh Ann Wilson has submitted Application No. UP-863-15 requesting a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize the establishment of a beauty shop as a home occupation with customer/client contact in a single-family detached home on a parcel located at 111 Sunset Drive (Route 769) and further identified as Assessor’s Parcel No. 25A-3-50 (GPIN U09a-1532-2826); 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; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of July, 2015, that Application No. UP-863-15 be, and it is hereby, approved to authorize, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, the establishment of a beauty shop as a home occupation with customer/client contact in a single-family detached home on a parcel located at 111 Sunset Drive (Route 769) and further identified as Assessor’s Parcel No. 25A-3-50 (GPIN U09a-1532-2826), subject to the following conditions:

1. This use permit shall authorize the establishment of a beauty shop as a home occupation with customer/client contact in a single-family detached home on a parcel located at 111 Sunset Drive (Route 769) and further identified as Assessor’s Parcel No. 25A-3-50 (GPIN U09a-1532-2826).
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 beauty shop shall not exceed three hundred (300) square feet, and shall be designed as depicted on the floor plans submitted by the applicant and received by the Planning Division on May 6, 2015, a copy of which shall remain on file in the office of the Planning Division.
4. No portion of the proposed beauty shop area referenced in Condition No. 3 above shall be used as an accessory dwelling unit/apartment, as the term is defined in Zoning Ordinance Section 24.1-104, Definitions, without applicable approvals as set forth in Section 24.1-407, Standards for Accessory Apartments in Conjunction with Single-family Detached Dwellings.

5. No person other than individuals residing on the premises shall be engaged in the home occupation.
6. Customer visits shall be scheduled by appointment only. Not more than one (1) customer at any one time shall be served within the applicant's home. The term "customer" may include a family group provided such group accesses the premises in a single vehicle.
7. A minimum of two (2) off-street parking spaces, in accordance with all applicable Zoning Ordinance requirements, shall be provided on the premises (i.e., off-street) to accommodate customers. These spaces shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
8. The days and hours of operation shall be limited to Tuesday through Saturday between the hours of 10:00 AM and 7:00 PM. Not more than six (6) appointments shall be scheduled on any given day.
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 Compliance and Occupancy for the home occupation 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: (4) Noll, Wiggins, Hrichak, Shepperd
Nay: (0)

APPLICATION NO. UP-864-15, STEPHEN CASTO

Mr. Carter gave a presentation on Application No. UP-864-15 to approve a Special Use Permit to authorize a tourist home on a parcel located at 104 Valor Court. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval 3:2. Staff recommended denial of the application.

Mr. Hrichak asked if the owner was living in the home.

Mr. Carter stated the owner was not living in the home on a full-time basis.

Mr. Hrichak asked how the guests were vetted.

Mr. Carter stated guests submitted an application via email, a housekeeper performed the cleaning of the property between rentals, and a gardener maintained the property.

Mr. Hrichak asked whether a deposit was required to protect the homeowner in case of damage to the property.

Mr. Carter indicated he was unsure whether a deposit was required.

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Mr. Hrichak asked what the difference would be with regard to a rental agency renting the property out for a certain length of time.

Mr. Carter explained the classification of transient occupancy would be for any stay less than 90 days. A rental property would typically be rented for a longer period of time. The frequent turnover of the property classified the property as a tourist home.

Mr. Hrichak asked how many rental periods the applicant proposed to have in one month.

Mr. Carter stated the applicant stated no more than three rental periods in one month, with a stay ranging from three days to two weeks.

Chairman Shepperd stated he had received several emails concerning the application. He asked how the residents were notified of the application.

Mr. Carter stated notification was provided through the standard ways. A sign was placed on the property; abutting neighbors were notified through the mail; and the application was advertised in the Daily Press. He noted word had also spread throughout the neighborhood through word of mouth.

Chairman Shepperd asked if there were any other tourist homes in the County.

Mr. Carter stated the County did not currently have any, but there had been one in Yorktown.

Chairman Shepperd asked how long the applicant had been renting the residence without a permit.

Mr. Carter stated the County was notified last year, and violation notices had been issued. The use permit application was submitted for the property after the violation notices were issued.

Mr. Jonathan Westbrook, 104 Valor Court, spoke on behalf of the applicant, and as the Property Manager. He stated the applicant's intended use of the property would be similar to that of vacation rentals in the Outer Banks. The rental period had been proposed at a minimum of three nights, with an average rental of one week. A damage deposit would be collected per stay, and refunded after check out. The applicant envisioned the property as a family vacation rental, with up to six people staying on the property. The home was situated on a wooded lot with Interstate 64 running behind the property. A total number of three vehicles would be allowed on the property, consistent with an average residence. Mr. Westbrook stated no further rentals had taken place after the application was submitted.

Mr. Hrichak asked if a set of rules was given to the renters when they checked into the property.

Mr. Westbrook verified that rules were given to the renters in a rental agreement when they booked the home. Upon arrival, the rules were again given to the renters in a pamphlet.

Mr. Hrichak asked what protection was provided by the rules to the surrounding neighbors regarding noise problems.

Mr. Westbrook stated he had not received any complaints, nor was he aware of any issues with the property when rented. Prior to the application being submitted, he noted he had contacted the adjacent neighbors asking for feedback or whether they had noticed any issues with the property, and they indicated no problems were noted.

Mrs. Noll felt it was a good concept, but perhaps off the beaten path. She was concerned about the security of the property because it was not in an area typically utilized in this way.

Mr. Wiggins asked if the applicant had checked with the County to see if the property was zoned properly before the home had been rented.

Mr. Westbrook stated there had been confusion on their behalf concerning the property. He stated the applicant obtained a business license and had been remitting the sales and use tax and transient occupancy tax to the County. The applicant felt he was compliant, but later found out a special use permit was required.

Mr. Wiggins stated the area was not zoned to have tourist homes, and the neighbors were in opposition of the application. He indicated he would be unable to support the application.

Chairman Shepperd asked the applicant how he sought out clients.

Mr. Westbrook explained the property had been listed on Vacation Rentals by Owner, www.vrbo.com. He stated an application would need to be submitted, a damage deposit collected, and calls were screened.

Chairman Shepperd then called to order a public hearing on Application No. UP-864-15 which was duly advertised as required by law. Proposed Resolution R15-75 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT AUTHORIZING THE ESTABLISHMENT OF A TOURIST HOME IN AN EXISTING SINGLE-FAMILY DETACHED DWELLING AT 104 VALOR COURT

Ms. Sylvia Martin, 101 Valor Court, spoke in opposition of the application. She stated there had been problems with tenants for over a year. Tenants would check in every 2-3 days, animals would run off leash and defecate in neighbors' yards. Ms. Martin stated that according to the Virginia State Police's code, a sex offender did not need to notify anyone if they were staying at a property less than 14 days. She indicated there had been renters of the property stopping at her home inquiring as to whether she was the rental property. She further stated Mr. Westbrook had not contacted her concerning the tourist home use. The area was a residential area, and the use of a home as anything other than the designed intended use was not welcomed.

Mr. Gerald Neary, 303 Cobble Stone, spoke in opposition to the application. He spoke of several problems he had experienced when a home in Cobble Creek had been utilized as a tourist home. The neighbors had problems with trash, pet issues, and drug distribution. Mr. Neary also spoke of the concern of potential sex offenders renting the property. He stated with the location being so close to Queen's Lake Middle School, it was not safe.

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

Mrs. Noll stated she felt it was an interesting concept, but she worried about the location. The neighbors were not in favor, and she was unable to support the application.

Mr. Hrichak stated it was an interesting concept, and he would be willing to approve the application for a trial period of one year.

Chairman Shepperd stated he had to take into consideration the characteristics of the community, noting the neighborhood was built to be utilized for residences, not as tourist homes. He noted he was also concerned about the safety issue.

Mrs. Noll moved the adoption of proposed Resolution R15-75 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT AUTHORIZING THE ESTABLISHMENT OF A TOURIST HOME IN AN EXISTING SINGLE-FAMILY DETACHED DWELLING AT 104 VALOR COURT

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WHEREAS, Stephen Casto has submitted Application No. UP-864-15 requesting a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 1, No. 6), to authorize the establishment of a tourist home in an existing single-family detached dwelling located at 104 Valor Court and further identified as Assessor's Parcel No. 7A3-18-WG-9 (GPIN G15c-0445-1918); 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; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of July, 2015, that Application No. UP-864-15 be, and it is hereby, approved to authorize, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 1, No. 6), the establishment of a tourist home in an existing single-family detached dwelling located at 104 Valor Court and further identified as Assessor's Parcel No. 7A3-18-WG-9 (GPIN G15c-0445-1918), subject to the following conditions:

1. This use permit shall authorize the establishment of a tourist home in an existing single-family detached dwelling located at 104 Valor Court and further identified as Assessor's Parcel No. 7A3-18-WG-9 (GPIN G15c-0445-1918). The tourist home shall be operated in accordance with the narrative description provided by the applicant, received by the York County Planning Division April 30, 2015, and the email from the applicant to the Planning Division dated May 22, 2015 describing the management of the tourist home, copies of which shall remain on file in the office of the Planning Division, except as modified herein.
2. The tourist home interior configuration shall be as depicted on the floor plans received by the York County Planning Division on April 30, 2015, a copy of which shall remain on file in the office of the Planning Division, except as modified herein.
3. Operation of the tourist home shall be in compliance with the performance standards set forth in Section 24.1-409 of the Zoning Ordinance. The applicant shall be responsible for obtaining all applicable permits and/or approvals required in accordance with regulations of the Virginia Uniform Statewide Building Code prior to use of the dwelling as a tourist home.
4. The maximum number of guests occupying the tourist home at any one time shall be six (6). The maximum number of individual rentals shall not exceed three (3) times in any month. Rental of individual rooms within the tourist home shall not be permitted.
5. The off-street parking area for guest vehicles shall be maintained on the property in the existing attached garage and adjacent driveway.
6. The applicant shall be responsible for obtaining a York County business license, establishing a County transient occupancy tax account, and filing with the Virginia Department of Taxation for a Virginia State Sales Tax account prior to use of the accessory structure as a tourist home.
7. 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.

8. The term of this Special Use Permit shall be for one year from the date of approval. A request for extension of the term shall be processed as a minor amendment which shall require review and authorization by Board resolution, provided that the request is accompanied by written statements from the owners of each of the properties abutting the subject property indicating that they have no objection to continuation of the tourist home use. In the event such statements of approval cannot be provided by the applicant, the request for an extension shall be required to be submitted and processed as if it were an original application for a Special Use Permit.
9. 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 the issuance of a Certificate of Use and Occupancy for the tourist home.

BE IT FURTHER RESOLVED that these conditions of approval are not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On roll call the vote was:

Yea:	(1)	Hrichak
Nay:	(3)	Wiggins, Noll, Shepperd

APPLICATION NO. ZT-163-15, YORK COUNTY BOARD OF SUPERVISORS

Mr. Carter gave a presentation on Application No. ZM-163-15 to amend Chapter 24.1, Zoning, of the York County Code by amending Sections 24.1-701, Sign classifications, 24.1-702, General sign regulations, and 24.1-704, Prohibited signs, to establish definitions and standards for electronic message center signs and illumination levels.

Mr. Wiggins asked if the Virginia Department of Transportation had a standard to use concerning electronic message center signage.

Mr. Carter stated VDOT had standards they used for Interstate billboard signs, but nothing governing York County business signs.

Mrs. Noll stated she liked having the electronic signs with the sensors installed, as it made the signs more automatic.

Mr. Hrichak asked if staff had received any comments from business owners or the Economic Development Authority on the proposed ordinance.

Mr. Carter stated he was not aware of any comments.

Chairman Shepperd asked for clarification on when existing signs would no longer be grandfathered under the old ordinance.

Mr. Carter stated if the existing electronic sign needed to be replaced, requiring electrical permits, they would no longer be grandfathered.

Chairman Shepperd then called to order a public hearing on Application No. ZM-163-15 which was duly advertised as required by law. Proposed Ordinance No. 15-8 is entitled:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING ORDINANCE, CHAPTER 24.1, YORK COUNTY CODE, TO INCORPO-

July 21, 2015

RATE PROVISIONS REGULATING ELECTRONIC MESSAGE CENTER SIGNAGE AND ILLUMINATION LEVELS

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

Mr. Hrichak moved the adoption of proposed Ordinance No. 15-8 that reads:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING ORDINANCE, CHAPTER 24.1, YORK COUNTY CODE, TO INCORPORATE PROVISIONS REGULATING ELECTRONIC MESSAGE CENTER SIGNAGE AND ILLUMINATION LEVELS

WHEREAS, the York County Board of Supervisors has sponsored Application ZT-163-15 to amend the Zoning Ordinance to establish definitions and standards for electronic message center signs and illumination levels; and

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

WHEREAS, the Planning Commission recommends adoption of the proposed amendments; and

WHEREAS, the 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 the proposed amendments; and

WHEREAS, the Board has determined that such amendments are consistent with good zoning practice;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 21st day of July, 2015 that Application No. ZT-163-15 be, and it is hereby, approved to amend Chapter 24.1, Zoning, of the York County Code to read and provide as follows:

Sec. 24.1-701. Sign classifications.

Signs, as defined in article I, shall be classified according to one or more of the following definitions:

Electronic message center (EMC). A sign that utilizes computer-generated messages or some other electronic means of displaying and changing copy. These signs include displays using incandescent lamps, light emitting diodes (LEDs), liquid-crystal display (LCD) fiber optics, light bulbs, plasma display screens or other illumination devices, or a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals that are used to change the messages, intensity of light or colors displayed by such sign. The term shall not include signs on which lights or other illumination devices display only the temperature or time of day in alternating cycles or only motor vehicle fuel prices displayed continuously.

Internal illumination. Illumination by a light source which is concealed or contained within the sign itself and which shines through a translucent surface, except as defined under "electronic message center".

Sec. 24.1-702. General sign regulations

- (m) The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways, or parking areas. Light shall not shine or reflect in an offensive manner on or into residential structures or motels. No exposed reflective type bulbs or incandescent lamps shall be used on the exterior surface of any sign in such a manner that will cause offensive glare on adjacent property or create a traffic hazard.

In the case of electronic message center signs, the following additional standards shall apply:

- (1) Illuminance intensity of electronic message center signs shall be measured with an illuminance meter set to measure footcandles and accurate to at least two decimals. The maximum allowable illumination intensity for such signs shall be determined relative to ambient lighting conditions by measuring the difference between an intensity reading taken with the sign illumination turned off and one taken with the sign displaying a white image for a full color-capable electronic message, or a solid message for a single-color electronic message. The difference between the two readings shall not exceed 0.3 footcandles. All measurements shall be taken perpendicular to the face of the sign at the distance determined by the total square footage of the electronic message center sign as set forth in the following table:

SIGN AREA VERSUS MEASUREMENT DISTANCE	
Area of Sign (sq. ft.)	Measurement Distance (ft.)
10	32
15	39
20	45
24	49
32	57
40	64
50	71
64	80
150	122

For signs with an area other than those specifically listed in the table, the measurement distance shall be calculated using the following formula:

$$\text{Measurement Distance} = \sqrt{\text{Area of Sign sqft} \times 100}$$

- (2) Each permitted electronic message center sign shall be equipped with a sensor or other device that automatically determines the ambient illumination and which is programmed to automatically dim the illumination intensity according to ambient light conditions so as to ensure compliance with the 0.3 footcandle standard.

Prior to the County's final inspection and approval of an electronic message center sign, the applicant shall provide written certification from the sign manufacturer/installer that the sensor is working correctly to keep the sign's illumination intensity within the prescribed brightness limitations set by this ordinance.

Sec. 24.1-710. Prohibited signs.

- (b) Signs with lights which flash, move, rotate, blink, flicker, or vary in either intensity or color, or which change the message or image more frequently than once every 24 hours.

The above provisions notwithstanding, electronic message center signs (changeable message or image signs) which change more frequently than once every 24 hours shall be permitted on the freestanding signage otherwise allowed for places of worship and for community, regional, or specialty shopping centers, as defined in this chapter, provided that:

- (1) each message or image shall remain fixed and unchanged for a minimum period of eight (8) seconds;
- (2) there is no appearance of movement, scrolling, dissolving or fading in which images or messages “move” or in which part of one message or image appears simultaneously with any part of a second or subsequent one;
- (3) the maximum illumination intensity shall not exceed the limits prescribed in Section 24.1-702(m) and any illumination intensity, contrast or coloration of the message text or image shall remain constant for each display period;
- (4) when such sign is installed at a place of worship located in a Residential zoning district it shall be designed and operated ~~equipped with technology that automatically dims the electronic message illumination intensity commensurate with ambient light conditions (i.e., illumination intensity lower in low light and nighttime conditions than in daylight). In addition, so that~~ between dusk and dawn the background field for any variable text message on the sign shall be black and the lights constituting the message text or any image shall be amber or orange and set at the lowest illumination intensity that provides contrast and legibility on the black background; and
- (5) provided further, that this special signage opportunity shall not be permitted for any place of worship or shopping center located in a TCM-Tourist Corridor Management Overlay district.

~~Message or image changes on any other changeable message/image signs shall occur no more frequently than once every 24 hours.~~

On roll call the vote was:

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

MARQUIS COMMUNITY DEVELOPMENT AUTHORITY

Mr. James W. Noel, Director of Economic Development, gave a presentation on proposed Ordinance No. 15-9 to amend Ordinance No. 07-20 to amend the provisions of the special assessment imposed on real estate in The Marquis Community Development Authority (CDA) district to allow a one-time option to any landowner in the CDA District to prepay its special assessment at a discount and authorize amendments to the Memorandum of Understanding with The

Marquis Community Development Authority to allow for the issuance of additional bonds by the CDA to be secured by landowner special assessments, if any, and certain incremental tax revenues to finance additional infrastructure.

Discussion followed on the special assessment, the establishment of infrastructure, and the term of the bonds.

Chairman Shepperd explained that because of the structure of the Marquis Community Development Authority, the County would not be financially liable in any way for the bonds.

Mr. Wiggins asked how long it would be before Sam's Club would be operational.

Mr. Noel stated he had been informed the store would be completed in 2016.

Chairman Shepperd then called to order a public hearing on proposed Ordinance No. 15-9 which was duly advertised as required by law, and is entitled:

AN ORDINANCE TO AMEND ORDINANCE NO. 07-20, ENACTED OCTOBER 16, 2007, AS AMENDED BY AN ORDINANCE ENACTED FEBRUARY 21, 2012, PROVIDING FOR A ONE-TIME DISCOUNTED PREPAYMENT OPTION FOR THE SPECIAL ASSESSMENT ON REAL ESTATE IN THE MARQUIS COMMUNITY DEVELOPMENT AUTHORITY AND AUTHORIZING AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING WITH THE COMMUNITY DEVELOPMENT AUTHORITY

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

Mr. Hrichak moved the adoption of proposed Ordinance No. 15-9 that reads:

AN ORDINANCE TO AMEND ORDINANCE NO. 07-20, ENACTED OCTOBER 16, 2007, AS AMENDED BY AN ORDINANCE ENACTED FEBRUARY 21, 2012, PROVIDING FOR A ONE-TIME DISCOUNTED PREPAYMENT OPTION FOR THE SPECIAL ASSESSMENT ON REAL ESTATE IN THE MARQUIS COMMUNITY DEVELOPMENT AUTHORITY AND AUTHORIZING AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING WITH THE COMMUNITY DEVELOPMENT AUTHORITY

WHEREAS, the Board of Supervisors (the "Board") of the County of York, Virginia (the "County") created The Marquis Community Development Authority (the "CDA") and designated its boundaries (the "CDA District") by Ordinance enacted December 19, 2006; and

WHEREAS, the Board established a special assessment on property within the CDA District (the "Special Assessment") by Ordinance 07-20 enacted on October 16, 2007, as amended by an Ordinance enacted on February 21, 2012 (collectively, the "Assessment Ordinance"); and

WHEREAS, in connection with the establishment of the Special Assessment the CDA, the County, and The Marquis at Williamsburg, LLC (the "Original Developer") entered into a Memorandum of Understanding, dated as of November 1, 2007, as amended by the First Amendment to the Memorandum of Understanding, dated as of February 1, 2012, (collectively, the "MOU") among the County, the CDA and Marquis Williamsburg RE Holding LLC, as successor to the Original Developer (the "Developer"); and

WHEREAS, the Board proposes to amend the Assessment Ordinance and the MOU pursuant to a Second Amendment to Memorandum of Understanding among the County, the CDA and the Developer (the "Second Amendment") and the Board adopted a Resolution on Octo-

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ber 7, 2014, providing preliminary approval of the Second Amendment; and

WHEREAS, the Second Amendment will allow for the issuance of additional bonds of the CDA to finance certain infrastructure that will allow additional development within the CDA District; and

WHEREAS, Wells Fargo Bank, National Association, as trustee (the "Trustee") under the Indenture of Trust, dated as of November 1, 2007, as amended, between the Trustee and the CDA has been requested to consent to the Second Amendment at the direction of 100% of the beneficial owners of the CDA's outstanding bonds;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF YORK, VIRGINIA, this the 21st day of July, 2015, as follows:

Approval of Second Amendment to Memorandum of Understanding and Assessment Ordinance. The Second Amendment is approved in substantially the form on file with the County Administrator, with such changes and corrections as may be approved by the County Administrator, whose approval shall be evidenced conclusively by the execution and delivery of the Second Amendment. The County Administrator is authorized and directed to execute and deliver the Second Amendment.

Amendment to Assessment Ordinance. The Assessment Ordinance is amended to provide a one-time option to any landowner in the CDA District subject to the Special Assessment to prepay such landowner's special assessment at a discount in connection with the issuance of additional bonds by the CDA as set forth in the Second Amendment.

Further Actions. The County Administrator and such officers and agents of the County as he may designate are authorized to execute and deliver such certificates, documents and agreements, including an amendment to the Continuing Disclosure Agreement with respect to the CDA's bonds, and take such action as they deem necessary or appropriate to carry out the transactions authorized by this Ordinance or contemplated by the Second Amendment and any such actions previously taken are ratified and confirmed.

Severability. If any part, section, clause or phrase of this Ordinance, or any individual assessment levied hereby, is declared to be unconstitutional or invalid for any reason, such decision shall not affect the validity of any other portion hereof or assessment levied under the Assessment Ordinance, as amended by this Ordinance.

Effective Date. This Ordinance shall be effective immediately; provided that the Second Amendment shall be effective only after the consent of 100% of the beneficial owners of the CDA's outstanding bonds has been obtained and upon execution and delivery of the Second Amendment by all parties.

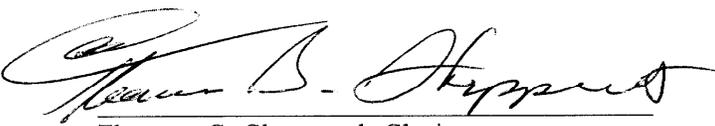
On roll call the vote was:

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

Meeting Adjourned. At 8:11 p.m. Chairman Shepperd declared the meeting adjourned sine die.



Neil A. Morgan
County Administrator



Thomas G. Shepperd, Chairman
York County Board of Supervisors