

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
March 3, 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, March 3, 2015, in the East Room, York Hall, by Chairman Thomas G. Shepperd

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

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

PRESENTATIONS

YORK RIVER STEWARDSHIP PROJECT

Mr. Michael Steen, Director of Education, Watermen's Museum, gave a presentation on the York River Stewardship Project, stating it was a regional, eco-heritage tourism, environmental education project to facilitate an increase in public awareness and knowledge about the heritage and ecology of the York River and the Chesapeake Bay. The goal of the project was to have the York River designated a State Historic and Scenic River and to support the development of a sustainable regional water trail program. The designation would also help promote the York River as a destination for regional, national, and international visitors. Mr. Steen spoke of the benefits of the project, stating it would help increase the primary and secondary tourism markets along with a strong potential for expanding business opportunities; and it would provide increased educational opportunities for students and the general public, improve and expand recreational watercraft programs and recreational fishing, while promoting the stewardship of the river. The designation would restrict the State from obstructing the waterway, and it would not affect personal property of landowners or the work of the watermen. He then reviewed the process and steps that would be required for the motion to be taken to the General Assembly to create the state legislation for the designation. Mr. Steen stated the designation process would not require funding from the County, and the Watermen's Museum would provide all logistical support for the study and facilitate the General Assembly process.

Mrs. Noll asked if this project would interface with the clean water initiative for the Chesapeake Bay.

Mr. Steen stated this initiative was targeted to push more access points and make people aware of the access points so they could interact with the water. He stated it would also promote stewardship of the river and active participation to take care of it. He asked that York County sign the prepared letter asking the DCR staff to do the study, noting the project could not move forward until it was done. The letter had been included in the package the Board received this evening. Mr. Steen noted Gloucester County had already agreed to sign the letter; and after they collect all the signatures, the Watermen's Museum would turn the letter into the state. He stated these actions would create a legacy for the region for future generations to preserve the river.

Mr. Wiggins stated he felt this was a good project.

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Mr. Zaremba asked if the Watermen's Museum had interacted with the Indian tribes and if they were supportive of the study.

Mr. Steen stated they had worked very closely with the Pamunkey Indians, and he had many friends on the Mattaponi Reservation. He indicated they would be closer to this on the upper river stretches, and a large section of the Mattaponi was also coming up for Scenic River review. Mr. Steen stated that in order to get the study done right now, they were focusing on the people whose properties touch the study area in the county jurisdictions.

Mr. Zaremba asked if they had talked with the General Assembly delegations and what their role might be.

Mr. Steen stated they had not approached the General Assembly delegations yet, as they would like to have a ground swell of support from the counties first. He noted the General Assembly was aware of the designation program and had been discussing it in Richmond.

Mr. Hrichak noted the York River has been on the strategic plan for DCR for a couple of years as a potential site for designation.

Mr. Zaremba asked Mr. Steen how soon they would want the County's support.

Mr. Steen stated they would like to have the letter to Richmond by April 1.

Mr. Hrichak stated it looked like a good program with good regional interest, and he was behind the project.

Mrs. Noll voiced her support for the project.

Chairman Shepperd stated it sounded like a good program, and he asked Mr. Carter if he had any comments regarding the project.

Mr. Carter stated staff had looked at the project, and it was consistent with a number of goals in the Comprehensive Plan in terms of environmental protection. He added that at this point, the Watermen's Museum was asking for the County's endorsement of a study by DCR to determine eligibility, and this would not be a commitment to back the project with the General Assembly yet. He stated staff was ready to recommend that the County sign on as a county supporting the study to determine eligibility.

Chairman Shepperd stated he understood the Board's consensus to be that he should sign the letter of support.

VDOT QUARTERLY TRANSPORTATION UPDATE

Mr. Rossie Carroll, Williamsburg Residency Administrator, provided the Board with the Residency's quarterly transportation report reviewing the maintenance accomplishments for the quarter, noting that 272 work orders were accomplished during this time period. He noted the Williamsburg Residency office had a new direct phone line at 757-253-5138 which during business hours provides the caller the option of talking directly with the Residency or being connected to the Customer Call Center. He then reviewed the completed projects and the ongoing projects, noting the Lakeside Drive project was still projected to be completed in May 2015. He updated the Board on the Route 17 widening project that was still on schedule to be completed by December 2016. Mr. Carroll stated the Commonwealth Transportation Board had awarded Shirley Contracting Company, LLC, a contract for segment one of the widening project on I-64 in the Newport News area that borders York County, and they will be looking for a notice to proceed in January 2016 for segment two that will run through York County with a construction completion date around December 2018. Mr. Carroll also provided the Board with updates on the various traffic studies and the calendar year 2015 paving program. In conclu-

sion, Mr. Carroll reported the Residency had responded to four weather events this quarter, two of which had been fairly significant.

A brief discussion ensued regarding the use of the Residency's new phone line.

Mr. Wiggins stated he had seen new signal poles on the ground at Seaford and Goodwin Neck Roads, and he asked what was going to happen at the intersection.

Mr. Carroll stated there would be new signal poles installed as an upgrade to a better signal system. He stated he knew there had previously been a problem with the loops, but he thought the new signal poles would help that problem. He stated the installation was scheduled to be completed in April.

Mr. Wiggins stated he thought the cars were not triggering the light.

Mr. Carroll stated many times cars pull past the loop and do not trigger the light to change, so they end up waiting. He noted when there was snow on the ground, it was really hard to see the lane markings, so people did not know exactly where to stop in order to trigger the loops. Mr. Carroll stated he thought most of the loops on Route 17 were working fairly well, and VDOT reviews them regularly to make sure that the loops were on the right timing schemes and were triggering.

Mr. Zaremba spoke of the traffic safety concerns of the residents of Queen Lake Subdivision, stating most of the residents were seniors, and they had asked for consideration for the entire stretch of Lakeshead Drive from West Queens Drive up to New Quarter Park to have a consistent speed limit of 35 miles per hour. He stated he could not understand why the road could not have the speed limit changed to 35 mph, and he asked if there could be an exception to the rule.

Mr. Carroll explained how speed studies were conducted and the engineering standards and regulations that had to be followed. He reviewed all the variables that were considered during the study, such as pedestrian use, actual speed that people are traveling on a particular roadway, roadway geometrics, and crash data. When the follow-up study was conducted, the speed limits had increased in the first study, but the driver's 85th percentile, the percentage of drivers who feel very comfortable driving at the posted speed, had increased. He stated it was not always the speed limit, but how comfortable people were driving that speed limit.

Mr. Zaremba suggested the people going to work in the morning were the ones who speed down that road, and the rest of the people who travel during the daytime were the more senior people who were less hurried. He stated it was a little disconcerting to the public when the bureaucracy has a hard time understanding why, with a situation that was very unique to the residents, they could not allow a speed limit of 35 miles per hour from West Queens Drive into park.

Mr. Carroll stated it could be discussed more later, but if VDOT were to get away from using these standards that had proven to be the safest in determining the speeds for travel and get into the bureaucracy of the politics, people would never agree. He stated a meeting was held with the Queens Lake Subdivision HOA President after the first traffic study was completed, and VDOT was waiting to hear back from the HOA regarding the scheduling of a meeting to have a follow-up on the second traffic study.

Mr. Zaremba stated that several years ago VDOT had introduced slurry seal; he asked Mr. Carroll if they had backed off using that product.

Mr. Carroll stated there was a right and wrong place for slurry seal, and he stated VDOT did not have a slurry seal schedule in the County this year; but he could not exclude it as a good preventative solution.

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Chairman Shepperd stated using slurry seal was not the issue; it was the surface treatment with the stone chips.

Mr. Carroll stated there was no surface treatment scheduled in the County this year either. He noted surface treatment was different from slurry seal in that it was more of a chip seal of tar and rock. He noted VDOT was trying something new this summer in another locality which was called thin lift which was a preventive overlay about $\frac{3}{4}$ of an inch thick. He noted this was being done on a small schedule just to look at the product and see how it performed, but it should ride and perform just like asphalt.

Chairman Shepperd asked how hard the weather events had hit the budget.

Mr. Carroll stated the budget was getting close to maxing out, but other programs could be adjusted to cover emergency weather response and snow removal if more funds were needed.

Mrs. Noll thanked Mr. Carroll for the work VDOT had done during the recent inclement weather and also expressed her appreciation to their crews for getting into some of the side streets of York County as well.

Chairman Shepperd stated there were a number of deep potholes on Route 171 near Route 134 and Yorktown Road, and he asked Mr. Carroll to get those taken care of as soon as possible.

Mr. Carroll stated that normally right after snow removal was the worst time of year for potholes, and VDOT usually got out as soon as possible after weather events to take care of the potholes.

Chairman Shepperd stated he had seen several holes being filled in between the snow events but now there were a bunch of new potholes. He voiced his concern regarding the road conditions on Route 17, stating he had received a large number of complaints about the road's conditions from just past Harwood Mills up to Lakeside Drive. He stated if cars move only at 35 mph, hitting the potholes could almost damage cars. He asked Mr. Carroll if there was anything VDOT could do to fill in the holes.

Mr. Carroll stated they had patched right after first big snow event, and they will go back out and patch it again. He stated just as soon as the weather breaks, they were going to mill and pave that section of Route 17 up to Lakeside which was the roughest section.

Chairman Shepperd asked for confirmation that the new lanes on I-64 project, segment one, were going to put on the inside.

Mr. Carroll stated that was correct.

Chairman Shepperd expressed his appreciation for the work VDOT had completed in the County especially at this time of the year.

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 1, 2, 3, 4, 5, and 6, respectively.

On roll call the vote was:

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

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 1. APPROVAL OF MINUTES

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

January 20, 2015, Regular Meeting
 January 30, 2015, Adjourned Meeting
 February 3, 2015, Regular Meeting

Item No. 2. JAMESTOWN/YORKTOWN FOUNDATION, INC., CONTRIBUTION: Resolution R15-18

A RESOLUTION TO AUTHORIZE A SUPPORT AGREEMENT FOR
 JAMESTOWN-YORKTOWN FOUNDATION, INC.

WHEREAS, the Jamestown-Yorktown Foundation, Inc., is in the process of developing a new museum on the Yorktown Victory Center site which will include a new building and reconfigured site plan that provides for expanded gallery exhibits, enhanced indoor and outdoor interpretive programming, and innovative educational programs; and

WHEREAS, the new museum will be called the American Revolution Museum at Yorktown and will help promote York County's historical, economic, scenic, and recreational importance within the Historic Triangle; and

WHEREAS, York County citizens will continue to receive free admission to the Jamestown Settlement and the American Revolution Museum at Yorktown when it opens and York County students will continue to receive reduced program rates when enrolling in structured educational programs; and

WHEREAS, the Board desires to enter into an agreement with Jamestown-Yorktown Foundation, Inc., for such concessions as are provided in a proposed agreement and to make a financial contribution toward the successful completion and enhancement of the new facility in the total amount of \$1,000,000, to be paid in equal annual installments of \$100,000 for a period of 10 years beginning July 1, 2015;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of March, 2015, that the Interim County Administrator be, and hereby is, authorized to execute an agreement with Jamestown-Yorktown Foundation, Inc., substantially in the same form as that transmitted to the Board February 17, 2015, for benefits offered by Jamestown-Yorktown Foundation, Inc., and to provide for an intended financial contribution from the County to be paid in equal installments of \$100,000 for a period of 10 years beginning with July 1, 2015, subject to annual appropriations of this Board.

Item No. 3. PURCHASE AUTHORIZATION: Resolution R15-20

A RESOLUTION TO AUTHORIZE THE INTERIM COUNTY ADMINISTRATOR TO DO ALL THINGS NECESSARY TO EXECUTE A CONTRACT FOR A COMPENSATION STUDY

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;

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NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of March, 2015, that the Interim County Administrator be, and hereby is, authorized to do all things necessary to execute procurement arrangements with Evergreen Solutions in the amount of \$58,600 as follows:

	<u>AMOUNT</u>
Compensation Study	\$58,600

Item No. 4. TELEPHONE SERVICES AGREEMENT WITH YORK/POQUOSON DEPARTMENT OF SOCIAL SERVICES: Resolution R15-23

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE FOR AND ON BEHALF OF THE BOARD A TELEPHONE SERVICE AGREEMENT WITH THE YORK/POQUOSON DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the Public Safety Building houses the York/Poquoson Department of Social Services; and

WHEREAS, this Board desires to authorize the execution of telephone service agreements with the York/Poquoson Department of Social Services within the Public Safety Building;

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of March, 2015, that the Interim County Administrator be, and he is hereby, authorized to execute for and on behalf of the Board a Telephone Services Agreement with the York/Poquoson Department of Social Services, approved as to form by the County Attorney, and which is consistent with the terms and provisions described in the County Administrator's memorandum to the Board dated February 11, 2015.

Item No. 5. AMENDMENT OF USE PERMIT FOR COMMONWEALTH ASSISTED LIVING: Resolution R15-26

A RESOLUTION TO AMEND THE CONDITIONS OF APPROVAL FOR THE HERITAGE COMMONS SENIOR HOUSING FACILITY ON COMMONS WAY (ROUTE 690) TO ALLOW BOTH INDEPENDENT LIVING AND ASSISTED LIVING

WHEREAS, on February 17, 2004, the York County Board of Supervisors approved Application No. UP-629-04 to authorize a Special Use Permit for the establishment of a 100-unit senior housing independent living facility on 5.5 acres of land located at 236 Commons Way (Route 690) and further identified as Assessor's Parcel No. 9-9-2, subject to conditions set forth in Resolution No. R04-28; and

WHEREAS, Commonwealth Assisted Living has submitted Application No. UP-858-15 to request an amendment to the conditions of approval, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, to allow both independent living and assisted living; and

WHEREAS, the proposed modification will not increase the floor area of the development or the total number of units and therefore meets the criteria for a minor amendment to the conditions of the original Special Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of March, 2015, that Application No. UP-858-15 be, and is hereby, approved to amend the conditions of approval set forth in Resolution R04-28 for the Heritage Commons

senior housing facility on a 5.5-acre parcel located at 236 Commons Way (Route 690) and further identified as Assessor's Parcel No. 9-9-2, to read and provide as follows:

1. This Special Use Permit shall authorize the establishment of a 100-suite (not including the hospitality suite) senior housing independent living and assisted living facility on a 5.46-acre portion of a 6.46-acre parcel located on Commons Way (Route 690) approximately 1000 feet south of its intersection with Bypass Road (Route 60) and further identified as Assessor's Parcel No. 9-9-2.
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any land clearing or development activities on the site. Said site plan shall be in substantial conformance with the conceptual plan entitled "Conceptual Plan for Special Use Permit, Commons Way Independent Living for Osprey Property Company," prepared by AES Consulting Engineers and dated 11/3/03, revised to 1/05/04, and architectural elevations prepared by Edward H. Winks and James D. Snowa Architects, dated 11-24-03, revised to 12/31/03 and received by the Planning Division 1/05/04, except as modified herein.
3. The development shall be constructed and operated in conformance with the provisions of Section 24.1-411, *Standards for Senior Housing (Housing for Older Persons)*, of the Zoning Ordinance.
4. The facility shall be constructed in accordance with measures outlined in the document, "Commons Way Senior Housing Community – Life Safety Narrative," prepared by Edward H. Winks and James D. Snowa Architects, P.C., and dated January 6, 2004, which is made a part of this Resolution by reference. A fire lane with a minimum width of 18 feet shall be constructed to provide adequate emergency vehicle access to the rear of the building, as approved by the Fire Chief.
5. A concrete sidewalk or other hard-surfaced pedestrian path acceptable to the Zoning Administrator shall be constructed to provide safe and convenient pedestrian access from the parking area of the independent living facility along its main entrance driveway to Commons Way. The applicant shall construct a 5-foot concrete sidewalk meeting Virginia Department of Transportation standards along Commons Way within the existing right-of-way across the width of the subject property affected by this Special Use Permit and connecting to the entrance/exit driveway for the adjacent Fort Eustis Credit Union bank. The applicant shall construct a concrete sidewalk or other hard-surfaced pedestrian path acceptable to the Zoning Administrator to provide lighted, safe and convenient pedestrian access from the northwest corner of the subject site to the southwest corner of the adjacent Cracker Barrel restaurant site.
6. The existing asphalt road located in the northwest corner of the site shall be removed and landscaped in accordance with Article 2, Division 4 and Section 24.1-411 (e & f) of the Zoning Ordinance.
7. The maximum number of resident suites shall be one hundred (100) plus one hospitality suite.
8. All outdoor lighting associated with the development shall be designed, installed, and maintained to prevent unreasonable or objectionable glare onto abutting or adjacent properties and shall incorporate the use of full cut-off, shielded luminaires.
9. To facilitate screening and buffering for the existing railroad and adjacent residential dwellings, landscaping within the 50-foot perimeter buffer along the southwest boundary of the site (parallel to the CSX railroad right-of-way) shall meet minimum planting standards equivalent to a Transitional Buffer Type 50 as set forth in Zoning Ordinance

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Section 24.1-243(a)(3). Fifty percent (50%) of the required landscape credits shall be derived from evergreen shrubs that will attain a mature height of at least six feet.

10. To ensure that there was no contamination of the site as a result of the previous fuel oil distribution use, a Phase II Environmental Site Assessment shall be completed and submitted to the County prior to issuance of building permits for the subject facility. The existing aboveground storage tank shall be registered with the Virginia Department of Environmental Quality and evidence of the registration shall be submitted to the County prior to its removal from the site. The applicant and/or the property owner shall be responsible for implementation of any remedial decontamination measures if required by the Virginia Department of Environmental Quality prior to any construction activities on the property.
11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit 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.

Item No. 6. APPROVAL OF UPDATED BOARD POLICIES: Resolution R15-27

A RESOLUTION TO ADOPT CERTAIN AMENDMENTS TO BOARD POLICY
NUMBERS BP94-03, BP94-05, BP94-06, BP94-08, BP96-15, BP00-18
AND BP12-25

WHEREAS, the York County Board of Supervisors adopted the Board Policies Manual on October 20, 1994; and

WHEREAS, in accordance with Board Policy Number BP94-01, the Interim County Administrator has conducted an annual review of the adopted Policies and has submitted recommendations for amendments; and

WHEREAS, the Board has carefully considered the Interim County Administrator's recommendations transmitted by and discussed in his memorandum dated February 20, 2015, and has determined that they should be approved;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of March, 2015, that Board Policy Numbers BP94-03, BP94-05, BP94-06, BP94-08, BP96-15, BP00-18 and BP12-25 be, and they are hereby, amended and adopted to read as set forth in the attachments to Interim County Administrator's memorandum to the Board of Supervisors dated February 20, 2015.

OPEN DISCUSSION

Mr. Zaremba spoke regarding the initiative by the state to recognize the service of two State Troopers who had lost their lives in the line of duty within York County, and he noted the bill had been passed without a funding source. He asked about the status of the funding for the trooper recognitions in District 1 and District 3 of York County.

Mr. Carter stated after the bill was passed, the State Troopers Association made a commitment to fund the installations after the County had said it was too much money to provide for the installation of the signs.

Mr. Zaremba asked what the cost was for the installation of the signs.

Mr. Carter indicated the installation for both signs had originally been quoted at \$9,700, and the County had initially thought the cost would be closer to \$1,000 to \$2,000.

Mr. Zaremba stated this matter was coming across badly to the citizens of the upper County because the County had refused to fund this recognition, and the Fraternal Order of State Troopers stepped in as a safety net to make sure that the recognition took place. Mr. Zaremba stated he would now like the Board to consider refunding the organization that paid for the signs. He felt it would send out a message to the citizens of the County and the Commonwealth of Virginia that York County recognizes the work done by the State Troopers; and when they lose their lives, the County would step up to recognize it. He stated he felt the Board needed to ask the Interim County Administrator to consider whether or not the County could find \$10,000 to reimburse the organization that had stepped up to make the recognition happen.

Mrs. Noll stated while she realized where Mr. Zaremba was coming from, she thought the whole process had been flawed. She stated the County had not been contacted or consulted prior to the bill being submitted to see if funding would be available and had only found out after the fact that the bill had been submitted.

Chairman Shepperd addressed the comments that had been made regarding requests for funding out of the budget cycle, stating when people request funding that had not been considered or approved in the budget cycle, they do not give any thought to the fact that local governments have to have some discipline in balancing the budget and the ability to pay for things. He stated the Board, County government, and staff have a great reputation in deliberately and intentionally looking at where money was spent because it was the taxpayer's dollars, and they were good stewards of the County's dollars. Mr. Shepperd agreed with everything that had been said regarding honoring and respecting law enforcement; and while all the Board members recognized that, the individuals in this particular case had passed away years ago in the line of duty. It was only recently that somebody had come up with the recognition program, but the Board has to have the discipline to maintain and carry out the County budget. He stated the Board had been painted as not caring about these Troopers, but that was not true. He stated the Board was going to honor and recognize the State Troopers, and it would be considered in the budget cycle. Mr. Shepperd asked Mr. Carter to put funding for the recognition in the budget to be considered by the Board. He stated the County was not saying no, but was just letting the public know that these items have to be carried out in a deliberate and rational manner and in conjunction with the budget process.

Further discussion followed regarding funding a recognition program for State Troopers who had been killed in the line of duty.

Mr. Zaremba stated about a year ago the Board had revisited the noise ordinance and had put in some standards and criteria. He noted the Lafayette Gun Club had an indoor firing range for small arms and an outdoor firing range for shotguns and rifles so there was some buffering there. He asked if there was a time restriction or certain time of night when firearms could no longer be discharged at the Club.

Mr. Barnett stated there was a state statute that protects rifle ranges and states a locality cannot impose a noise ordinance that was more restrictive than what was in effect when the club came into existence. Since the Lafayette Gun Club came into existence in the 1940s when there was no noise ordinance, the Board cannot apply a noise ordinance to them.

Mr. Zaremba stated he knew the deputies had been out to a property in the upper County where firearms were being discharged and possibly the Sheriff had been out too, but nothing had been found to be inconsistent with the County's ordinances. He noted the fact remained there was an inordinate amount of noise as a result of firing a firearm with respect to the adjacent neighbor trying to sleep at night.

Further discussion ensued regarding the noise problem affecting adjacent property owners due to the shooting of firearms late at night.

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Mrs. Noll spoke of the recent snow events to the County, stating it had been unusual, but County staff had been out helping people as much as possible. She then expressed her appreciation to the County staff who had been shoveling snow at the Washington Square Shopping Center so that the seniors could get into the Senior Center and for also helping the retailers.

Chairman Shepperd asked the other Supervisors if they had received any calls during the recent snow asking why York County was not taking care of snow removal on roadways. He wanted to let the citizens of the County know that York County did not own or maintain any of the roads; the roads were owned and maintained by VDOT. He stated he had received numerous complaints asking why the County was not doing anything about snow removal in neighborhoods and side streets.

Mr. Zaremba spoke of several calls he had received from upper County residents stating the trash had been picked up, but the contractor for the recycling had claimed inclement weather had precluded him from picking up the recycling. His opinion was that the recycling contract had been breached, and he wanted to know why there was not a detriment to the contractor's billing.

Chairman Shepperd noted he had previously spoken with Mr. Carter regarding the recycling that had not been picked up, and he asked him what he had found out. He stated he had asked Mr. Carter if this was something new to the recycling contract.

Mr. Carter stated staff was still trying to retrieve the old contract. He noted staff thought it was basically the same language, but he would get the information to Mr. Shepperd and the Board members.

CLOSED MEETING. At 7:14 p.m. Mr. Hrichak moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions and Section 2.2-3711(a)(7) to consult with legal counsel on a specific legal matter requiring the provision of legal advice by counsel.

On roll call the vote was:

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

Mrs. Noll left the meeting at 7:35 p.m.

Meeting Reconvened. At 7:43 p.m. the meeting was reconvened in open session by order of the Chair.

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of March, 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) Wiggins, Hrichak, Zaremba, Shepperd
Nay: (0)

APPOINTMENT TO THE COLONIAL BEHAVIORAL HEALTH BOARD

Mr. Shepperd moved the adoption of proposed Resolution R15-17 that reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTATIVE TO THE COLONIAL BEHAVIORAL HEALTH BOARD

WHEREAS, a vacancy exists on the Colonial Behavioral Health Board due to the resignation of Matthew Teasdale; and

WHEREAS, Mr. Teasdale's term does not expire until June 30, 2015;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 3rd day of March, 2015, that Baljit Gill be, and hereby is, appointed to the Colonial Behavioral Health Board, such term to begin immediately, and expire June 30, 2015.

BE IT FURTHER RESOLVED that the terms of all other members shall be extended to a June 30 expiration date for consistency with the Colonial Behavioral Health Board bylaws.

On roll call the vote was:

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

APPOINTMENT TO THE BICYCLE ADVISORY COMMITTEE APPOINTMENT

Mr. Hrichak moved the adoption of proposed Resolution R15-7 that reads:

A RESOLUTION TO APPOINT A MEMBER TO THE HISTORIC TRIANGLE BICYCLE ADVISORY COMMITTEE

WHEREAS, the term of Rick Bartels on the Historic Triangle Bicycle Advisory Committee expired on December 31, 2014, and Mr. Bartels has stated he does not wish reappointment; and

WHEREAS, the Board of Supervisors wishes to appoint a citizen to fill the vacancy on this committee;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 3rd day of March, 2015, that the following individual be, and is hereby, appointed to serve on the Historic Triangle Bicycle Advisory Committee for a three-year term beginning retroactive to January 1, 2015, and expiring December 31, 2017:

Elaine Cardwell

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On roll call the vote was:

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

Meeting Adjourned. At 7:46 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