

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
May 19, 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, May 19, 2015, in the Board Room, York Hall, by Chairman Thomas G. Shepperd.

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

George S. Hrichak was absent.

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

Invocation. Reverend John J. Lynch, Christ the King Episcopal Church, gave the invocation.

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

PRESENTATIONS

YOUTH LEADERSHIP ACADEMY

Mr. David Godwin, 702 Athens Avenue, representing Alternatives, Inc., appeared before the Board representing the Youth Leadership Academy. He stated this year's Youth Leadership Academy was held at the Boys and Girls Club in York County, and program members were in attendance this evening to share and practice some of the communication and leadership skills they had learned at the Academy.

Mr. Novian XO, former graduate of the Academy and volunteer of the program, stated the members would share what they had learned from the Academy and their personal experiences.

The following middle school participants then addressed the Board:

Keche Brown

Jordan Trumble

Tanya Dupree

Sabastian Gaona

Maximus XO

Amir Dupree

Roman Williams

Ms. Iyanla XO, former graduate of the Academy and volunteer for program, closed the presentation by thanking the Board for being long term supporters of the program and invited them to their graduation celebration on May 26 at Grace Episcopal Church.

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Chairman Shepperd thanked the participants who had spoken, stating they were very articulate, and he loved their visions.

Mrs. Noll asked how long the program had been in service.

Mr. Godwin stated this was the program’s fifth year.

Mrs. Noll thanked Mr. Godwin for doing a super job, stating the ones who were benefiting from the program were the ones who had spoken this evening.

Mr. Wiggins stated he thought everyone had done a great job, and he thanked them for being in attendance this evening.

Chairman Shepperd thanked the Youth Leadership Academy for the wonderful presentation.

OUTSTANDING YOUTH AWARDS

Chairman Shepperd presented bound and sealed copies of resolutions adopted by the Board of Supervisors commending the following students as recipients of the County’s Outstanding Youth Awards for 2015:

Hannah Speight	Community Service
Julia Smith	Compassion
Kourtney Warr	Courage
Megan Crow	Overall Achievement

VDOT QUARTERLY REPORT

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 571 work orders were accomplished. Other accomplishments included grading ditches, street sweeping, culvert cleaning, paving edge repair, pothole repairs, and first contract mowing cycle was completed. Mr. Carroll updated the Board on completed projects, stating the Lakeside Drive Project was completed on May 5. He also updated the Board on the current projects in the County, including the Route 17 Widening Project. He stated as a regional approach, there were ongoing studies on permissive lefts looking at all the intersections’ left turns to determine which ones qualified. He stated they would then set priorities and try to budget funding for each budget year. Mr. Carroll stated the plant mix schedule should be starting in August.

Mr. Wiggins asked what qualifications were required for a permissive left-hand turn, noting that more permissive left turns would save time.

Mr. Carroll stated the qualifications covered various aspects including location, sight distance, whether or not it was a divided road, sight distance versus the speed limit, and looking at the infrastructure. He stated VDOT’s first concern was to make sure the permissive left turns were safe.

Mr. Wiggins thanked Mr. Carroll for the installation of the stop light at the intersection of Seaford Road and Goodwin Neck Road.

Mrs. Noll spoke of the Route 17 median between Victory Boulevard and the Route 134 overpass, stating it needed to be mowed and cleaned up.

Mr. Zaremba stated he had recently been in Schenk Estates, and VDOT had done a great job of clearing out the ditches in front of the houses; but in front of one house, at the culvert that goes under driveway, there was a very large hole, and he asked if that hole had been fixed.

Mr. Carroll stated he had personally looked at the hole. He stated VDOT had cleaned the pipe out, but because of the grade of the ditch to the elevation of the bottom of the pipe, it made it look like there was a foxhole because the ditch was a lot higher than the bottom of the pipe. He stated there was a small pedestrian walkway that will have to be removed before this can be corrected.

Mr. Zaremba stated he hoped VDOT might put a flag or something out there. He then spoke of the intersections of Airport Road with Mooretown Road and Route 60, stating the congestion was getting worse. He asked if there was anything on the horizon to help ease the congestion.

Mr. Carroll stated the purpose of the permissive left at that intersection had been to help alleviate some of the stacking. He stated the problem was a capacity issue, and there was not enough right-of-way to add a lane or anything of that nature so there would need to be a dedicated left or right turn to try and keep some of the stacking down. He noted they had also looked at the timing on Route 60 to let as much traffic through as possible while giving the main line precedence. He stated they will continue to monitor the situation and try to make any improvements they could.

Mr. Zaremba stated he was concerned because there was a lot of undeveloped property at that intersection, and it would add to the chaos if it were to be developed.

CITIZENS COMMENT PERIOD

Ms. Karen Ebeling, 118 Brock Street, Riverwalk Townes, addressed the Board and asked for an update on when the lights would be fixed in their subdivision. She also stated the bids for estimates for the road repairs had not gone out, and she asked when that would happen.

Chairman Shepperd informed Ms. Ebeling that Mr. Carter would be contacting her to give her the information.

JOINT PUBLIC HEARING

SIX-YEAR SECONDARY ROAD IMPROVEMENT PROGRAM

Mr. Carter gave a presentation on proposed Resolution R15-58 to approve a project priority listing for the Secondary Road System Six-Year Plan for Fiscal Years 2016 – 2021 and the Secondary System Construction Budget for FY2016. He stated this was a joint public hearing held by the Board of Supervisors and the Virginia Department of Transportation (VDOT) as required by the State Code. He noted Mr. Carroll was available to answer questions.

Chairman Shepperd asked Mr. Carter to clarify if he had heard him say the \$200,000 allocated by the state for the secondary road program was being proposed to go to finish off the Lakeside Drive project for the next year and that the next prioritized road was Penniman Road which would take a long time to be funded.

Mr. Carter stated it would take 17 years to fully fund the Penniman Road project.

Mr. Wiggins expressed his hope the Penniman Road Project would get funding before 2017.

Mrs. Noll asked for the projected cost for the project when Penniman Road was first put on the secondary road program.

Mr. Carroll stated he did not know what the initial estimate had been, but he would find out.

Mrs. Noll asked what the projected cost was at this time.

Mr. Carter stated the projected total cost at this time was \$3.7 million.

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Mr. Carroll stated about \$1 million was in right-of-way utility relocations; \$600,000 to \$700,000 was preliminary engineering; and the remainder would be the construction costs.

Mrs. Noll asked how much funding York County was now getting for its construction. She asked Mr. Carter if he remembered how much it used to be.

Mr. Carter stated secondary road funding used to be at least \$600,000 or so a year.

Mr. Carroll stated it was now at a little over \$200,000 a year.

Mrs. Noll asked if it was going to be helpful now that there was regional financing for roads.

Mr. Carter stated if these projects were to be moved along, it was going to take local dollars. He stated one option was the revenue sharing program which could be considered; but the County would have to match the funding.

Mr. Carroll stated House Bill 2 would go into effect around 2021, and the Penniman Road project would not be funded by then, so it might be possible in the prioritization of House Bill 2 that all the projects have to go through it. He stated House Bill 2 was new, and there would be more information on the bill later.

Chairman Shepperd stated House Bill 2 will essentially take what has been done in Hampton Roads by the TPO and the prioritization for Hampton Roads projects and apply it to all the funding that was left in the state. He stated the state did not have the money to fund the project today.

Mr. Carroll stated he was not saying there would be additional revenue.

Chairman Shepperd stated House Bill 2 would take into account all the projects, and he guaranteed the Penniman Road project would not make the plan because there were too many other major state road projects.

Mr. Carroll stated he thought all projects would have to go through that prioritization.

Mr. Zaremba asked what the purpose was of having public comments on this program when there was absolutely zero chance of any comment being responded to in a positive way. He thought there should be no public comments because it was a fruitless bit of articulation.

Mr. Carroll stated he thought most of the public comment was towards the Board of Supervisors that sets these priorities. He stated some might say money would be better spent at another intersection, and he thought that was the purpose of the public comments.

Chairman Shepperd stated when the Board builds its plans they have to be fiscally conservative. He stated the plans have to show some reasonableness in terms of where revenue will come from. He stated the Board could not just say they have identified that Penniman Road was its next priority. He stated the reality was that its priority would not be funded at the rate the County was receiving money and no projection of any new revenue source; and when added to the rate of inflation, the cost of materials, and the cost of people to do the work, it would take 25 years to get the Penniman Road project completed. Mr. Shepperd questioned whether or not what the Board had proposed for the secondary road program was reasonable. He thought the Board should step back and think about what it could actually fund with the money under the secondary road program that would be reasonable. He stated he was not advocating for but was just asking if the Board could use the funds for something other than just a road.

Mr. Carroll stated the sidewalks were a part of the road infrastructure and were eligible, but it would have to be on a secondary roadway.

Chairman Shepperd stated because of the inputs he had received where pedestrians and bicyclists had been hit, he would like to propose that the Board not just look at sidewalks but whatever else might be eligible for funding. He suggested the Supervisors come back in a work session and analyze what could really be funded with the limited amount of money it had. He

stated, as Mr. Zaremba had pointed out, it was a futile effort for the Board to have a public hearing to ask citizens to give comments on a project that was not funded.

Mr. Carroll stated this was the secondary construction money, but there were other options such as revenue sharing to add to this money to try and push the projects along. He stated he knew the six years of funding was not close to the final dollar amount of the Penniman Road project, but there were options to try and push the projects along.

Mrs. Noll stated she thought the option to push this project forward would be the way to go as it has been on the books for 19 years, and the people in that area have had to deal with this issue even before it was added as a priority by the Board. She stated there were safety issues there, so she did not want to eliminate this project and use the money elsewhere. She stated planning for this project was thinking ahead and planning for the eventuality of actually correcting an existing problem that would continue to exist until it was fixed. She felt the plan for Penniman Road should continue.

Chairman Shepperd stated what he was suggesting to the Board was the reality of the situation and questioning whether or not the project could ever come to fruition with any kind of funding. He stated Mr. Carroll had pointed out that there were some other options to fund this project that needed to be explored; but for every year this comes before the Board for funding and the project continues to be 17 years out, there was no magic amount of money coming from anywhere that was going to be put on the project. He stated the Board could try to look at other options and try to find additional funding and get the project moving; but if funding could not be found, then the Board needed to look at what other options were available for the secondary road program so it was producing something for the community.

Mr. Carroll stated he would be very glad to help the County with that process.

Mr. Wiggins stated the Board had previously agreed that the Penniman Road project was one of the main projects it should get done; and if that money was taken and put somewhere else, the project would never be done. He indicated he thought the projects that were priorities of the Board needed to be left on the priority list and try to get money from elsewhere.

Mr. Zaremba asked Mr. Carroll if it would be proper from a legal standpoint to take the \$200,000 and divert it to a smaller project such as Lakeside Drive.

Mr. Carroll stated the Board could have more than one priority. He noted that VDOT would have to get those projects on the plan, so the Board would have to decide what project to allocate the funding to. He noted the Lakeside Drive funding was the current project, and the funding closes out the Lakeside Drive project. He stated Lakeside Drive was on the plan and had been the Board's number one priority, and it was just being closed out as it was completed on May 5. Mr. Carroll stated the number two priority, Penniman Road, now shifts up to the number one priority.

Mr. Carter stated this means that the Board has a year to think about this and to develop some alternatives and options before there would even be any more money available to put on the Penniman Road project.

Chairman Shepperd suggested the Board needed to talk about this and figure out multiple prioritized listings.

Chairman Shepperd then called to order a public hearing on proposed Resolution R15-58 that was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE A PROJECT PRIORITY LISTING
FOR SECONDARY ROAD CONSTRUCTION FOR THE SIX-YEAR
PERIOD FY 2016 THROUGH FY 2021 AND TO APPROVE A CON-
STRUCTION BUDGET FOR FY 2016

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

Mrs. Noll then moved the adoption of proposed Resolution R15-58 that reads:

A RESOLUTION TO APPROVE A PROJECT PRIORITY LISTING FOR SECONDARY ROAD CONSTRUCTION FOR THE SIX-YEAR PERIOD FY 2016 THROUGH FY 2021 AND TO APPROVE A CONSTRUCTION BUDGET FOR FY 2016

WHEREAS, the York County Board of Supervisors has been requested to give consideration to a proposed program of Secondary System road improvements contained in the Six-Year Plan; and

WHEREAS, the Virginia Department of Transportation has provided a recommended program which the Board of Supervisors has carefully considered; and

WHEREAS, the projects on this list have been determined by the York County Planning Commission to be in conformance with the York County Comprehensive Plan; and

WHEREAS, the Board and the Virginia Department of Transportation have jointly conducted a duly advertised public hearing on the proposal in accordance with applicable procedures; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of May, 2015, that the Board does hereby adopt the following project priorities for the Six-Year Secondary Road Plan during the six-year period of FY2016 through FY2021:

1. **Lakeside Drive** – intersection and turning lane improvements between Route 17 and Old Lakeside Drive.
2. **Penniman Road – re-align the Penniman/Government intersection and reconstruct and repave from Alexander Lee Parkway to Fillmore Drive.**

BE IT FURTHER RESOLVED that the Board of Supervisors hereby approves the Secondary System Construction Budget for FY 2016 as presented by the Virginia Department of Transportation.

BE IT STILL FURTHER RESOLVED that the County Administrator be, and he is hereby, authorized to sign and execute all such documents as are necessary to evidence the Board’s approval of the Construction Budget and the Six-Year Plan.

On roll call the vote was:

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

PUBLIC HEARINGS

APPLICATION NO. UP-859-15, PAR INVESTMENTS, LLC.

Mr. Cross gave a presentation on Application No. UP-859-15 to approve a Special Use Permit to authorize a video arcade and an outdoor amusement center (miniature golf course and go-karts) on 3.6 acres of land located at 5001 and 5021 George Washington Memorial Highway (Route 17). The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval 5:0; and staff recommended approval of the application through the adoption of proposed Resolution R15-45.

Mrs. Noll asked if there was a ratio between deciduous and evergreen trees in the buffer.

Mr. Cross stated there was no ratio as far as type 35 versus type 50.

Mrs. Noll asked if the applicant could plant all deciduous trees and have no leaves in the winter for a buffer.

Mr. Carter stated there was a requirement that there be some mixture of evergreens in the buffer.

Mr. Zaremba asked the location of the closest home.

Mr. Cross stated the closest home would be the non-conforming home which would be to the left along Route 17, and he thought the home was about 20 feet from the northern property line.

Mr. Zaremba asked where the conforming homes were located.

Mr. Cross stated the only conforming homes would be to the rear in the R20 zone, and the closest home would be about 200 feet from the miniature golf course and about 400 feet from the electric go cart track.

Chairman Shepperd asked what the setback was at Route 17.

Mr. Cross stated there is a 45-foot setback in general business zoning.

Chairman Shepperd asked if the plantings would conform to the County requirement.

Mr. Cross stated the slide represented just a conceptual drawing, but the applicant would be required to meet the requirements for landscape yards along all sides of the perimeter of the site.

Chairman Shepperd said he wanted to make sure the business was not going to be buried in shrubbery.

Mr. Cross stated the planting standards for a landscape yard were less heavy than what would be required for the transitional buffer in the rear.

Chairman Shepperd asked if there would be a pedestal sign in front of the business.

Mr. Cross stated the applicant would be entitled to a free standing sign in front.

Chairman Shepperd stated there was construction currently there for the widening of Route 17, and VDOT had to acquire land for some of the widening in this area, so that had changed some of the setbacks for some of the other business. He asked if the setback that had been established would be greater than what was currently set for other businesses along that area.

Mr. Cross stated the setback would be the standard setback, and VDOT had acquired what it would need along this stretch, so that was reflected in the sketch provided by the applicant.

Chairman Shepperd stated there were no median breaks, so people coming in from the south going north would need to make a U-turn and come back down. He stated the buffers on the sketch look bigger on the left than on the right.

Mr. Cross stated the plan shows a 35-foot buffer, but the ordinance only requires a 10-foot landscaped yard. He noted there was no transitional buffer requirement in General Business.

Chairman Shepperd asked if there would be space for additional parking.

Mr. Cross stated the applicant was already proposing more than the minimum parking required by the ordinance.

Mrs. Noll asked if the retention pond was going to be fenced.

Mr. Cross stated in order to conform to the condition as it was written, the fence would have to tie in closer into the wrought iron fence.

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Mr. Carter clarified that Mr. Cross had mentioned a 45-foot building setback from the Route 17 right-of-way, and he stated it would apply to the building and any structure associated with the go cart track. He stated the go cart track fence has to be set back 20 feet from the front property line.

Mr. Wesley Cowan, 201 Penrith Crossing, stated he was seeking to relocate a family entertainment center that had previously operated in Newport News where it had an outstanding reputation for 43 years, with the last 10 years of operation under his direct ownership. As a York County resident for the past 10 years, he indicated he believed there was a need for this type of facility to serve the residents of York County and surrounding communities. He spoke of his extensive expertise in the family entertainment industry, stating this facility would provide fun to people of all ages offering miniature golf, a video arcade, laser tag, a snack bar, and eventually electric go-karts. Mr. Cowan noted there would be two spacious meeting rooms for hosting children's birthday parties and group outings from churches, daycares, etc. He stated the business would operate 363 days of the year, closing only on Thanksgiving Day and Christmas Day, with hours of operation varying by season.

Mr. Wiggins agreed with the applicant, stating York County needed more recreational activities in this end of the County, and the location would be a great spot for the business.

Mr. Zaremba asked the applicant if he would be shutting down the operation in Newport News.

Mr. Cowan stated the operation had closed in Newport News at the end of October when the City of Newport News had contracted to buy their property.

Mr. Zaremba asked the applicant what precipitated the move to York County from Newport News.

Mr. Cowan stated Newport News was about 95 percent developed already, and that limited the places where they could have moved without having to find a building that would work for this facility, or buy an existing piece of property, demolishing it, and then redeveloping the property. He reiterated the need for this type of activity in York County.

Mr. Zaremba asked the applicant what type of customers they had at their previous location, especially in the evenings.

Mr. Cowan stated in the 80s and early 90s arcades had gotten a bad rap, and there had been a time in Newport News when they had off-duty security officers on the weekends because they were a hangout. He stated their business had really transitioned away from that by 1995, and they target more families and want families to come out and enjoy themselves. Mr. Cowan stated if there was someone at the facility who was not there for that purpose, they were asked to leave.

Mr. Zaremba stated his concern was the facility becoming a magnet for clubs, groups of people, or gangs that would hang out. He asked Mr. Cowan how he would preclude that from happening.

Mr. Cowan stated based on his experience with the business operation in Newport News, such problems were able to be handled by well-trained staff. He stated in the last 10 years of operating Play A Round Golf & Games, they had no need for security. He emphasized his staff would be empowered to ask people to leave; and if they did not leave, the police would be called.

Mrs. Noll asked about age requirements and if parents could drop off their children leaving the facility to be the babysitters. She asked how that was handled.

Mr. Cowan stated he did not know about County requirements, but he did not have the power to stop people from dropping off their children. He noted, from his experience at the location in Newport News, kids that were left on their own would probably start at about age 14 or 15.

Chairman Shepperd then called to order a public hearing on Application No. UP-859-15 which was duly advertised as required by law. Proposed Resolution R15-45 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A VIDEO ARCADE AND OUTDOOR AMUSEMENT CENTER AT 5001 AND 5021 GEORGE WASHINGTON MEMORIAL HIGHWAY

Ms. Jade Bott, 190 Danney Place, spoke in support of application, stating she grew up around the corner from original establishment. She stated she always felt it was a very fun, family oriented, and welcoming place. She stated she was lucky enough to get a job there, and she hoped to come back and work at Play A Round Golf & Games.

Ms. Kristi Shaw, 24 Haughton Avenue, Newport News, an employee, spoke in support of relocation to York County. She stated outdoor entertainment was limited in this area which makes Play A Round Gold & Games an appealing destination for all ages. She noted the facility frequently had church groups and day care groups come for fun and fresh air, such as Little Log Cabin that came twice a month over the summer, and St. Mary's Star of the Sea in Hampton also frequented the facility. She noted there were various boy and girl scout troops that would come on Saturdays for the Saturday special, and Newport News Parks and Recreation held its events for the senior Olympics. She stated there had been a very loyal customer base, and she felt the laser tag and go-karts would bring in new customers.

Mr. Randy Hall, 117 Runaway Lane, spoke on behalf of Boy Scouts in support of the application.

Mr. Tom Waltz, 134 Andrews Crossing, representing Campana Waltz, stated this was one of few projects he has had an opportunity to work on that was a fun project, and he thought it was a great idea for York County. He stated that since it would be close to sports complex, it would allow kids in general who may not be attuned to playing soccer or baseball to visit. He stated this would make a great location, and with the Board's support of this project, he felt it would make York County a much better place to live.

Ms. Patricia Compton, 20 Rivergate Drive, Poquoson, stated all four of her children had been employees of the old putt-putt golf and game during their high school years and all four years of college and had enjoyed working there. She stated she and her husband support the entertainment of Play A Round Golf & Games. She stated a family can play a round of golf for around \$20 and have a good time.

Ms. Alexander Hernly, 2503 College Boulevard, Newport News, spoke as a patron who enjoyed going to the previous location, stating her husband took their daughter for daddy/daughter night and felt it was a safe place where they could all go and enjoy the activities. She stated they would be happy to drive the distance to York County if the application was approved.

Mr. David Hernly, 2503 College Boulevard, Newport News, stated the daddy/daughter night had been a tradition for many years. He encouraged the Board to approve the application, stating he really looked forward to being able to spend many years there with his daughter as she grows up.

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

Mr. Wiggins stated he had thought for a long time that the County needed something like this, and he could see no reason not to approve the application. He thought it would also provide another place for the tourists to go when they visit Yorktown.

Mrs. Noll stated every year the when the Board members and members of the School Board meet with students from the high schools, one of the questions she always received was why were there not more activities for the youth in York County. She wished the applicant luck, stating she hoped the project would be successful.

Mr. Zaremba stated after reading the Planning Commission materials and hearing the public comments tonight, he thought the case had been very persuasive in supporting the project, and his intention was to support the application.

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Chairman Shepperd stated he also had heard from the schools' students regarding what could be done in the County to make it a better place for the people living here, especially the youth, to have a place to go and have fun and be safe. He hoped if this application was approved it would take place, as the two previous golf places that had been approved for the lower County had fallen through. He thought this project would be a good fit and energize this part of the County.

Mr. Zaremba moved the adoption of proposed Resolution R15-45 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A VIDEO ARCADE AND OUTDOOR AMUSEMENT CENTER AT 5001 AND 5021 GEORGE WASHINGTON MEMORIAL HIGHWAY

WHEREAS, PAR Investments, LLC, has submitted Application No. UP-859-15, which requests a Special Use Permit, pursuant to Section 24.1-306 of the Zoning Ordinance (Category 9, Nos. 4 and 9), to authorize a video arcade and an outdoor amusement center (miniature golf course and electric go-karts) on 3.6 acres of land located at 5001 and 5021 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel Nos. 29-72 and 29-78 (GPIN S06c-1806-1086 and S06c-1619-1163); and

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

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of May, 2015, that Application No. UP-859-15 be, and it is hereby, approved to authorize the establishment of a video arcade and outdoor amusement center on a parcel of land located at 5001 and 5021 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel Nos. 29-72 and 29-78 (GPIN S06c-1806-1086 and S06c-1619-1163) subject to the following conditions:

1. This use permit shall authorize the establishment of a video arcade and outdoor amusement center on a parcel of land located at 5001 and 5021 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel Nos. 29-72 and 29-78 (GPIN S06c-1806-1086 and S06c-1619-1163).
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 Division of Development Services prior to the commencement of any land clearing or development activities on the site. Said site plan shall be in substantial conformance with the sketch plan prepared by the applicant and dated March 24, 2015, except as modified herein, a copy of which shall remain on file in the office of the Planning Division. The landscape plan shall incorporate such additional landscaping in the 35-foot transitional buffer area as is necessary to comply with the Zoning Ordinance landscape credits and shrub percentage requirements for a Type 50 Transitional Buffer.
3. No structure except privacy or containment fences or sound baffles shall be allowed within thirty-five feet (35') of the rear property line, within forty-five feet (45') of the front property line, or within ten feet (10') of any side property line. The miniature golf course and electric go-kart track shall be set back a minimum of 100 feet from the western property line.
4. Architectural design of the video arcade, miniature golf course, electric go-kart track, and buildings shall be in substantial conformance with the rendering and photographs

submitted by the applicant, copies of which shall be kept on file in the office of the York County Planning Division.

An eight-foot privacy fence shall be constructed along the eastern edge of the 35-foot transitional buffer along the western property line and shall extend from the northern property boundary of the adjacent parcel located at 4921 George Washington Memorial Highway and further identified as Assessor's Parcel No. 29-22-2 to the north side of the proposed retention pond, then in an easterly direction around the pond and connecting to the proposed wrought iron fence around the miniature golf course. Said fence shall be in substantial conformance with the photograph submitted by the applicant, a copy of which shall be kept on file in the office of the York County Planning Division.

5. No clearing shall be allowed in the area labeled on the referenced sketch plan as "Private Impound Easement and Drainage Easement for Benefit of Parcel A & B" except as necessary to construct any stormwater control facilities.
6. The lot line separating the two parcels shall be vacated prior to site plan approval.
7. No gas-powered carts shall be permitted.
8. 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 within one month of use permit approval.

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, Zaremba, Shepperd
Nay: (0)

AMENDMENT TO THE YORK COUNTY CODE—GRASS AND WEEDS

Mr. Carter gave a presentation on proposed Ordinance No. 15-4 to amend Section 19-6 of the York County Code to make the grass and weeds maintenance requirements applicable to occupied developed commercial property, and to add required exemptions for Agriculture and Active Farming.

Chairman Shepperd then called to order a public hearing on proposed Ordinance No. 15-4 which was duly advertised as required by law. Proposed Ordinance No. 15-4 is entitled:

AN ORDINANCE TO AMEND SECTION 19-6, MAINTENANCE OF PREMISES; DUTY OF OWNER, OF CHAPTER 19 – SOLID WASTE, GARBAGE AND WEEDS – OF THE YORK COUNTY CODE TO INCORPORATE PROVISIONS ENABLED BY SECTION NOS. 15.2-901 AND 15.2-1215 OF THE CODE OF VIRGINIA TO MAKE THE GRASS AND WEEDS MAINTENANCE REQUIREMENTS APPLICABLE TO OCCUPIED DEVELOPED COMMERCIAL PROPERTY, AND TO ADD REQUIRED EXEMPTIONS FOR LAND ZONED FOR AGRICULTURE OR IN ACTIVE FARMING

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

Mrs. Noll moved the adoption of proposed Ordinance No. 15-4 that reads:

AN ORDINANCE TO AMEND SECTION 19-6, MAINTENANCE OF PREMISES; DUTY OF OWNER, OF CHAPTER 19 – SOLID WASTE, GARBAGE AND WEEDS – OF THE YORK COUNTY CODE TO IN-

CORPORATE PROVISIONS ENABLED BY SECTION NOS. 15.2-901 AND 15.2-1215 OF THE CODE OF VIRGINIA TO MAKE THE GRASS AND WEEDS MAINTENANCE REQUIREMENTS APPLICABLE TO OCCUPIED DEVELOPED COMMERCIAL PROPERTY, AND TO ADD REQUIRED EXEMPTIONS FOR LAND ZONED FOR AGRICULTURE OR IN ACTIVE FARMING

WHEREAS, Section 15.2-901 of the Code of Virginia has been amended by the General Assembly to authorize grass and weeds maintenance requirements to be applied to all occupied developed or undeveloped property, regardless of whether it is residential or commercial; and

WHEREAS, the terms of Section 19-6 of the York County Code currently do not apply to occupied commercial property and the Board has determined that such properties should be covered; and

WHEREAS, the Board has also determined the necessity for amendments to incorporate required exemptions for land zoned for agriculture or in active farming;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors, this the 19th day of May, 2015, that Section 19-6, Maintenance of Premises; Duty of Owner, of Chapter 19 – Solid Waste, Garbage and Weeds – of the York County Code be, and it is hereby, amended to read as follows:

Sec. 19-6. Maintenance of premises; duty of owner.

(a) *Duty to maintain free from health and safety endangering substances and nuisances.* It shall be the duty of the owners of real property in the county to maintain such property at all times free from any accumulation of solid waste, trash, garbage, refuse, litter or other substances which might endanger the health or safety of other residents of the county or otherwise constitute a nuisance.

(b) *Duty to cut grass on occupied residential real property.*

It shall be the duty of the owners of occupied residential property to cut grass or lawn areas as frequently as necessary to maintain such areas at twelve inches (12") in height or less and in accordance with the distances to surrounding properties and rights-of-way prescribed subsection (c) below, or to a maximum coverage of one-half acre, whichever is less.

(c) *Duty to cut grass, weeds, and other foreign growth, on any other occupied or vacant developed or undeveloped property.*

It shall be the duty of the owners of any occupied or vacant developed or undeveloped real property in the county not covered by subsection (b) above to provide for the cutting of grass, weeds and other foreign growth on such property or any part thereof as provided for in this section. For purposes of this section, a property shall be deemed to be undeveloped if it is not occupied by a principal building or structure, with such terms having the meaning as prescribed in Chapter 24.1-Zoning, of this Code. Moreover, the common open space of any subdivision or development, or space which is required to be maintained as such in connection with any subdivision or development, as the term "common open space" is defined in Chapter 24.1 of this Code, shall be deemed undeveloped regardless of the presence of any structures located thereon

1. Mowing on the portions of such property located 150 feet or less from an existing principal building or structure on the subject property or on any surrounding property shall occur as frequently as necessary to maintain the grass/weeds at a height of twelve (12) inches or less.

2. Mowing of property shall occur as frequently as necessary to maintain the grass/weeds at a height of twelve (12) inches or less within fifty (50) feet of the road right-of-way line in the following cases:
 - a. any property abutting an existing public street/road within the Virginia Department of Transportation system which was platted and constructed as part of a subdivision development; or
 - b. any property abutting an existing private street which was platted and constructed as part of a subdivision development and which is owned and maintained by a property owner's association; or
 - c. any property zoned for commercial or industrial use and which abuts a road in the Virginia Department of Transportation Primary System.
- (e) *Duty to cut grass on developed real property.*
1. ~~It shall be the duty of the owners of vacant developed real property to cut any grass or lawn area within 150 feet of the principal building on the property, within 150 feet of any principal building on an adjoining property, or within fifty (50) feet of such streets/roads as described in subsection (b)2, above, as frequently as necessary to maintain it at twelve inches (12") in height or less. For the purposes of this subsection, the presence of a principal building on the property shall cause the property to be deemed "developed."~~
 2. ~~In the case of occupied residential property, the owner shall be obligated to cut such grass or lawn areas as frequently as necessary to maintain it at twelve inches (12") in height or less and in accordance with the distances prescribed above, or to a maximum coverage of one-half acre, whichever is less.~~
- (d) In addition to the mowing required by the preceding sections, mowing shall be required on such other property as is determined by the County Administrator, in consultation with the Division of Animal Control, to be a breeding and harboring place for insects, reptiles or rodents, or to constitute any other hazards that endanger or may endanger the public health, safety or welfare.
- (e) The mowing requirements set forth in subsections (b), (c) and (d) above shall not apply to:
1. property that is being actively farmed for crop production or maintained as pasture land for livestock grazing purposes or which is zoned RC, RR, IL or IG;
 2. protected wetland areas or other environmentally sensitive and regulated areas;
 3. areas being maintained and designated as natural "hazards" on an active and operational golf course;
 4. the forest "floor" in any mature wooded area where the predominant tree height is four (4) feet or greater;
 5. an area being re-forested which meets the survival rate standards of the Virginia Department of Forestry and where the trees have reached a height of four (4) feet or greater;
 6. any areas that are within the distance from principal buildings or structures specified above, but which are separated from said principal buildings or structures by a mature wooded buffer area at least fifty (50) feet in width and being sufficiently dense in plant material to meet the Type 50 Transitional Buffer standards of the York County Zoning Ordinance;

7. areas within fifty (50) feet of streets/roads prescribed above but which are separated from the adjacent roadway by an area parallel to the roadway in which trees and/or bushes of sufficient density and maturity as to screen direct views of the grass/weeds beyond; and
 8. any areas where the County Administrator determines mowing to be unnecessary or impractical due to extenuating circumstances such as, but not limited to, topography, accessibility, or the adequacy of buffering for adjacent principal buildings or structures.
- (f) *Authority of administrator to investigate and cause work to be done.* The county administrator may investigate conditions existing on any real property in the county at any time and, upon a determination that the owner of such property stands in violation of his duty as provided in this section, written notice shall be provided to the owner and to the person primarily responsible if different from the owner of such property stating the facts which constitute a violation of paragraphs (a), (b) or (c) above and directing the owner to take such action as may be necessary to rectify such conditions within fifteen (15) days of the date of the notice and, if the owner shall fail to comply with the terms of the notice, then the county administrator shall cause to be done such work as may be necessary to abate the offending condition by agents or employees of the county.
- (g) *Billing and collection of expenses.* All expenses resulting from the correction of a violation by the agents or employees of the county shall be billed to the owner and shall, unless paid in full within fifteen (15) days, be certified by the county administrator to the county treasurer who shall collect such amount as taxes and levies are collected; and all charges not so collected shall constitute a lien against such property.
- (h) *When notice deemed served.* Any notice required by this section shall be conclusively deemed to have been served when mailed by certified or registered mail to the current owner at the address shown on the land records of the commissioner of the revenue of the county.
- (i) *Penalty for violation.*
1. A violation of subsections (b), (c)1., and (d) shall be subject to a civil penalty, not to exceed \$100.
 2. A violation of subsections (c) or (d) shall be subject to a civil penalty, not to exceed \$50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations arising from the same set of operative facts within 12 months of the first violation shall not exceed \$200. Each business day during which a violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period. A violation of subsection (c)2. above shall be punishable by a civil penalty not to exceed one hundred dollars (\$100.00).

On roll call the vote was:

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

DESIGNATION OF SPECIFICALLY NAMED STREETS FOR USE BY GOLF CARTS OR UTILITY VEHICLES

Mr. Carter gave a presentation on proposed Ordinance No. 15-5 to create a new section in the York County Code to establish procedures and requirements enabling individuals, organiza-

tions, or entities to request the Board's approval for the designation of specifically named public streets for use by golf carts or utility vehicles.

Mr. Wiggins asked if the required insurance on a golf cart would be \$50,000, and how a person would get that insurance.

Mr. Carter stated there were recreational vehicles policies that could be written, and essentially the golf cart would be a motor vehicle, so there were provisions in state code that specify some minimum coverage limits for motor vehicles. He noted that James City County's ordinance did specifically use the term "recreational vehicles," so they had targeted it to that type of coverage.

Mr. Zaremba asked if any feedback had been received from James City County with respect to whether or not any incidents associated with safety had taken place in the years their two subdivisions have had this capability.

Mr. Carter stated James City County had reported that things had gone smoothly and without incidents in their two designated neighborhoods, Chickahominy Haven and Kristiansand. He stated one of the general provisions in state Code that he felt was reflected in the draft language was that part of the analysis in the approval process would be looking at streets and making a determination with VDOT's help as to whether or not golf carts could safely be operated. He stated they would be looking at the width of the street, curvatures, and vertical curvatures, etc., that VDOT would weigh in on in terms of whether or not it would be a safe situation for golf carts to be operated. He stated the Board would have the ultimate decision in terms of evaluating whether or not they felt it was safe or not.

Mr. Zaremba asked how the 51 percent was established in terms of the number of residents who had to agree to the use of golf carts in their neighborhood.

Mr. Carter stated it was something borrowed from James City County, but at the Board's retreat there had been discussion of how it would be somewhat similar to the process that was used for determining participation in things like dirt street improvements or sewer and water projects where a specific level of support was sought from the community before going forward with a particular project. He stated in the case of some of the other projects, it was a higher percentage.

Mrs. Noll asked if the percentage was 65 percent for some of the other things, why make this less.

Mr. Carter stated 51 percent could be changed to something greater.

Mrs. Noll stated she felt if a percentage was going to be used for one, she would like the same percentage used for everything the Board requires for approval in a neighborhood.

Chairman Shepperd stated the Board knew there were neighborhoods in York County where folks were using golf carts, and he had not heard any complaints. He stated he was trying to understand how this came about.

Mr. Carter stated the question that had been proposed by Mr. Hrichak was "what is the process for making it legal to operate golf carts on streets in York County". He stated there was a state code provision stating golf carts could not be operated on public streets unless the Board of Supervisors specifically designated that street for golf cart operation. He stated there were golf carts in York County, but it was basically a traffic issue that presumably the Sheriff would have the authority to address if a problem came up.

Chairman Shepperd asked if there had been any input received from the Sheriff's Office as to whether or not golf carts had been an issue.

Mr. Carter stated staff was not aware of any issues the Sheriff had reported. He stated Mr. Hrichak mentioned two neighborhoods that had approached him, Brandywine and another neighborhood. He stated the County had also received a request within the past two or three years from a gentlemen who lived in the Moore House Road area; however, what he desired to do was ride a golf cart into Yorktown. He stated because the street leading from Yorktown to

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the Coast Guard Base was 35 miles per hour, it could not have been done anyway, so the gentleman had dropped his request.

Chairman Shepperd asked if the neighborhoods were asking or if just someone in the neighborhood had made the request.

Mr. Carter stated he did not know the details of what had been communicated to Mr. Hrichak, but he had mentioned that at least someone in Brandywine was interested, but he did not know if it was multiple people.

Mr. Wiggins stated just about everybody in the Dandy community has golf carts. He stated he had spoken with the Sheriff regarding this, and he stated he had never had a complaint from anybody in the Dandy community about the golf carts, and he did not see any problems with having them. He noted in his neighborhood there were three elderly people who ride around in golf carts because they have no other way of getting around.

Chairman Shepperd asked Mr. Barnett if an individual was driving an unlicensed vehicle, whether it be a golf cart or anything else, and they cause an accident, what would the difference between a person driving the golf cart on a permitted street versus a non-permitted street be in terms of legal action.

Mr. Barnett stated the fact they are in violation of a statute could weigh against them in court and could have them found in neglect under circumstances where otherwise they might not be. He stated if an individual was in an illegal vehicle, they may be assumed to have assumed a risk having knowingly violated the law, none of which would weigh well in their favor in sorting out whether or not there was liability on the other individual.

Chairman Shepperd stated he was trying to understand if there was actually some benefit to the citizens of the County to have this law and how passing this ordinance would be an advantage or disadvantage.

Mr. Barnett stated the ordinance could add some legal protection for a person who was lawfully operating a golf cart on the road and was struck by another vehicle.

Chairman Shepperd asked Mr. Carter if there would be any difference in the penalty over what had been addressed this evening versus what was cited.

Mr. Carter stated the same \$200 penalty, as was the case for any traffic violation under County Code, Chapter 15, was reflected in the draft ordinance.

Chairman Shepperd stated the only thing he was hearing was that any action by the Board to pass this particular ordinance would be to provide an opportunity for citizens within a particular community to have a legal use of a vehicle, otherwise they would be operating an illegal vehicle.

Mr. Carter stated the Code of Virginia says specifically "no person shall operate a golf cart or utility vehicle on or over any public highway in the Commonwealth except as provided in the article" and goes on to say that the governing body has to be the one to authorize that operation.

Mrs. Noll stated if the ordinance was approved, it would require \$50,000 of insurance and she asked what would happen if the people did not get the insurance and have an accident.

Mr. Barnett stated it would be the case as with any automobile, and he did not think that came into play with whether or not someone was negligent.

Mr. Zaremba stated he felt there was a major difference in having a homeowners' association that represents the entire subdivision making a decision they want to go forward and be accountable.

Mr. Carter stated if 51 percent of the residents on a street said they wanted the Board of Supervisors to pass an ordinance to designate the street for golf cart use and they make the appli-

cation under the terms of this ordinance, the Board would then decide whether or not to approve that. If approved, he stated that same community could come back to the Board at some future time and say they wanted the Board to rescind that designation.

Chairman Shepperd then called to order a public hearing on proposed Ordinance No. 15-5 which was duly advertised as required by law. Proposed Ordinance No. 15-5 is entitled:

AN ORDINANCE TO AMEND THE YORK COUNTY CODE TO ESTABLISH, PURSUANT TO THE AUTHORITY PROVIDED BY SECTION 46.2-916.1, ET. SEQ. OF THE CODE OF VIRGINIA, PROCEDURES AND REQUIREMENTS ENABLING INDIVIDUALS, ORGANIZATIONS OR ENTITIES TO REQUEST, AND THE BOARD OF SUPERVISORS TO APPROVE, THE DESIGNATION OF SPECIFICALLY NAMED PUBLIC STREETS FOR USE BY GOLF CARTS OR UTILITY VEHICLES

Mr. David Bowditch, 702 Main Street, Hornsby House Inn, spoke in opposition to the ordinance, stating he had been using a golf cart for over two years for the residents of the Hornsby House Inn, and it had been quite an enjoyable process. He felt Yorktown was the perfect place for a golf cart. He stated when he had started using the golf cart, he had not known there was an ordinance against it, but he was not interested in going house to house to get the required percentage as it seemed like an overkill situation to him. He stated he thought Mr. Carter could look for an alternative to the ordinance, and he asked the Board to table the ordinance and look at alternative ways to approach this situation.

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

Chairman Shepperd stated the County runs vehicles up and down and carries people in carts. He asked if there was some way that the ordinance could be specific to a business rather than to a whole community.

Mr. Carter stated he could not recall reading anything in the code that would allow an exemption other than for local governments engaged in a governmental function.

Chairman Shepperd asked that since the Board of Supervisors was the approving authority under state code to allow a legal use of golf cart of a road, could the Board either adjust this code or table the ordinance to further look into how it could apply for businesses to be able to have this use his without having to get 51 percent of the community support, and use it as a means for the elderly and specify something like a handicap sign or something where they did not have get 51 percent approval of the community to use these carts to get around the community. He stated he had been told by residents of one neighborhood that golf carts were being used by people who cannot walk down to the pool. He felt in that light this should be brought back for further discussion and to frame it a little bit so that it was not so overkill. Mr. Shepperd also noted there were some other reservations about opening up all of the County for use of golf carts.

Mr. Carter stated staff would do some more research and see what some options might be under the state code provisions and bring that back to the Board.

Chairman Shepperd stated he would like to have Mr. Hrichak in attendance to talk about the neighborhoods he had heard from.

Mr. Wiggins agreed he would like the ordinance to be tabled also. He noted he would like to talk to some of the people in his neighborhood about it.

Mr. Zaremba agreed to table the ordinance.

Mrs. Noll moved to table proposed Ordinance No. 15-5 that reads:

AN ORDINANCE TO AMEND THE YORK COUNTY CODE TO ESTABLISH, PURSUANT TO THE AUTHORITY PROVIDED BY SEC-

TION 46.2-916.1, ET. SEQ. OF THE CODE OF VIRGINIA, PROCEDURES AND REQUIREMENTS ENABLING INDIVIDUALS, ORGANIZATIONS OR ENTITIES TO REQUEST, AND THE BOARD OF SUPERVISORS TO APPROVE, THE DESIGNATION OF SPECIFICALLY NAMED PUBLIC STREETS FOR USE BY GOLF CARTS OR UTILITY VEHICLES

WHEREAS, Section 46.2-916.1, et. seq. of the Code of Virginia provides authority for the governing body of a county to authorize the operation of golf carts and utility vehicles on designated public highways within its boundaries, subject to certain requirements and procedures; and

WHEREAS, based on requests received from various citizens and neighborhoods, the Board of Supervisors wishes to incorporate provisions into the York County Code to establish procedures for submission, consideration and action on such requests;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors, this the 19th day of May, 2015, that the York County Code be, and it is hereby, amended to add the following provisions to Chapter 15, Motor Vehicles and Traffic:

Sec. 15-9. Use of golf carts or utility vehicles on public highways

No person shall operate a golf cart or utility vehicle on or over any public highway in York County except as authorized in accordance with the following procedures and requirements:

(a) Definitions

For the purposes of this section, the following words and terms shall have the meanings set forth below:

Golf cart. A self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course

Street. The entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the County, including streets, roads, highways and alleys, and, for law enforcement purposes, the entire width between the boundary lines of all private roads or streets that have been specifically designated "highways", as that term is defined in Section 46.2-100 of the Code of Virginia, by an ordinance adopted by the Board of Supervisors.

Utility vehicle. A motor vehicle that is designed for off-road use, is powered by an engine of no more than 25 horsepower, and is used for general maintenance, security, agricultural, or horticultural purposes. The term "utility vehicle" does not include riding lawn mowers, or any other vehicle whose definition is included in Section 46.2-100 of the Code of Virginia.

(b) Designation of public streets for golf cart and utility vehicle operations.

Pursuant to Section 46.2-916.1 et. seq. of the Code of Virginia the Board of Supervisors may authorize, by ordinance, the operation of golf carts and utility vehicles on designated public streets within the County after:

- 1) Determining that the posted speed limit of any street proposed for such use is 25 miles per hour or less, and
- 2) Considering the speed, volume, and character of motor vehicle traffic using such streets, and
- 3) Determining that golf cart and utility vehicle operation on particular highways is compatible with state and local transportation plans and consistent with the

Commonwealth's Statewide Pedestrian Policy provided for in Section 33.2-354 of the Code of Virginia.

- (c) No public street shall be designated for use by golf carts or utility vehicles if such golf carts or utility vehicles will impede the safe and efficient flow of other motor vehicle traffic.
- (d) Limitations on golf cart and utility vehicle operations on designated public highways.

Golf cart and utility vehicle operations on designated public streets shall be in accordance with the following limitations:

- 1) Golf carts or utility vehicles may be operated on designated streets where the posted speed limit is 25 MPH or less. No golf cart or utility vehicle shall be driven across any street at an un-signalized intersection where the street being crossed has a posted speed limit in excess of 25 MPH or at a signalized intersection where the street being crossed has a posted speed limit in excess of 35 MPH; This limitation shall not apply to golf carts and utility vehicles being operated by local government employees upon streets located within the County and to fulfill a governmental purpose and provided that the golf cart or utility vehicle is being operated on streets with speed limits of 35 MPH or less.
- 2) No person shall operate any golf cart or utility vehicle on any public street unless he has in his possession a valid driver's license;
- 3) Golf carts and utility vehicles must be operated in accordance with the motor vehicle laws of the Commonwealth;
- 4) Every golf cart or utility vehicle, whenever operated upon a public street, shall display a slow-moving vehicle emblem in conformity with Section 46.2-1081 of the Code of Virginia;
- 5) Golf carts and utility vehicles operating on designated streets pursuant to this section shall be insured by a recreational vehicle policy with liability coverage of not less than \$50,000 per accident. Proof of such insurance shall be maintained in such golf cart or utility vehicle at all times such vehicle is in operation on a designated street or highway;
- 6) Golf carts and utility vehicles shall be operated upon public streets only between sunrise and sunset, unless equipped with such lights as are required by the terms of Section 46.2-1010 of the Code of Virginia;
- 7) Only the number of people the golf cart or utility vehicle is designed to seat may ride the vehicle when in operation. Passengers shall not be carried on the part of a golf cart designed to carry golf bags.

- (e) Application/Approval Procedures

Any individual, organization, or entity may apply to the Board of Supervisors to have a street, or streets, having a speed limit of 25 MPH or less designated for golf cart or utility vehicle use, subject to the following requirements and procedures:

- 1) If the street is located within a neighborhood having a legally constituted homeowners association, whether mandatory or not, such application shall be in the name of the homeowners association and shall be signed by a duly-authorized representative of the association.
- 2) If the street is located in a neighborhood that does not have a homeowners association, or is located outside of an identifiable neighborhood, such application shall be accompanied by a petition supporting such designation. Such petition shall include signatures representing at least 51% of the parcels abutting or having a driveway connection to the street(s) proposed for designation.

- 3) At a minimum, any application requesting such designation shall include the following:
- i. The full legal name of the individual, organization or entity making the application;
 - ii. The name and route number of each public street to be designated;
 - iii. A petition, if one is required by subsection 2) above;
 - iv. An application fee in the amount of \$300 to defray the cost of the public hearing advertisements.
 - v. An acknowledgement of the responsibility of the individual, organization or entity to cover the costs of fabrication and installation by County forces of such signs as are necessary to identify designated streets in the event the application is approved by the Board of Supervisors.
- 4) Upon receipt, the application shall be forwarded to the Sheriff's Office and the Virginia Department of Transportation with a request for their comments and recommendations.
- 5) Subsequent to receipt of the comments of the Sheriff's Office and Virginia Department of Transportation, but in any event within sixty (60) days, the County Administrator shall cause the application to be advertised for public hearing at a regularly scheduled meeting of the Board of Supervisors.
- 6) Following the public hearing, the Board of Supervisors shall consider the merits of the application, the recommendations of the Sheriff's Office and Virginia Department of Transportation, public comments, and such other factors as deemed appropriate and shall determine whether or not to approve the application. If approved, the action shall be by ordinance and shall identify the specific street(s) or segments thereof where golf carts or utility vehicles may be operated.
- (f) Signs alerting motorists that golf carts or utility vehicles may be in operation shall be erected along all roads designated for golf cart and utility vehicle operations at such locations as are deemed necessary after consultation with the Sheriff's Office and Virginia Department of Transportation. Such signs shall be fabricated and installed by the County and the costs of fabrication and installation shall be the responsibility of the individuals, homeowners association, organization, or other entity requesting such designations and shall be paid within sixty (60) days of being invoiced by the County.
- (g) Violations of this section shall constitute a traffic infraction punishable by a fine of not more than \$200.00.

On roll call the vote was:

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

ESTABLISH SALARIES FOR MEMBERS OF THE YORK COUNTY BOARD OF SUPERVISORS

Mr. Barnett gave a presentation on proposed Ordinance No. 15-2 to establish the salaries of members of the York County Board of Supervisors at the sum of \$9,000 per annum, plus an additional sum of \$1,800 for the Board Chairman and an additional sum of \$1,200 for the Board Vice Chairman, effective July 1, 2015.

Chairman Shepperd then called to order a public hearing on proposed Ordinance No. 15-2

which was duly advertised as required by law and is entitled:

AN ORDINANCE TO ESTABLISH THE SALARIES OF MEMBERS OF THE YORK COUNTY BOARD OF SUPERVISORS AT THE SUM OF \$9,000 PER ANNUM, PLUS AN ADDITIONAL SALARY OF \$1,800 FOR THE BOARD CHAIRMAN AND AN ADDITIONAL SUM OF \$1,200 FOR THE BOARD VICE-CHAIRMAN, EFFECTIVE JULY 1, 2015

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

Mr. Zaremba moved the adoption of proposed Ordinance No. 15-2 that reads:

AN ORDINANCE TO ESTABLISH THE SALARIES OF MEMBERS OF THE YORK COUNTY BOARD OF SUPERVISORS AT THE SUM OF \$9,000 PER ANNUM, PLUS AN ADDITIONAL SALARY OF \$1,800 FOR THE BOARD CHAIRMAN AND AN ADDITIONAL SUM OF \$1,200 FOR THE BOARD VICE-CHAIRMAN, EFFECTIVE JULY 1, 2015

BE IT ORDAINED by the York County Board of Supervisors this 19th day of May, 2015, that the salaries of members of the York County Board of Supervisors be established at the sum of \$9,000 per annum, plus an additional sum of \$1,800 for the Board Chairman and an additional sum of \$1,200 for the Board Vice-Chairman, effective July 1, 2015, pursuant to Code of Virginia § 15.2-1414.3.

On roll call the vote was:

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

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 6, 7, 8, 9, 10, and 11, respectively.

On roll call the vote was:

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

Thereupon the following minutes were approved and resolutions adopted:

Item No. 6. APPROVAL OF MINUTES

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

April 14, 2015, Adjourned Meeting

April 21, 2015, Regular Meeting

April 23, 2015, Adjourned Meeting

No. 7. COMMENDATION OF THE 2014-2015 YOUTH COMMISSION: Resolution R15-39

A RESOLUTION TO COMMEND THE 2014-2015 YORK COUNTY YOUTH COMMISSION AND TO EXPRESS THE APPRECIATION OF

THE BOARD OF SUPERVISORS TO EACH MEMBER FOR THEIR DEDICATED SERVICE TO YORK COUNTY

WHEREAS, the Board of Supervisors established the York County Youth Commission in 1983; and

WHEREAS, the following youth,

Kristyn Gatling, Chairman
Connor Pittman, Vice Chairman
Alex Zhou, Secretary
Tyler Brown
Minji Doh
Kaela Frazier
Haven Gardner
Maegan Kranz

Christine Lee
Ashley Letendre
Angel Lin
Kyle Mells
Michelle Shin
Alison Stall
Katherine Strike

have served with distinction on the 2014-2015 York County Youth Commission; and

WHEREAS, the Board of Supervisors is extremely pleased with the worthwhile activities undertaken by the Youth Commission this past year and wishes to publicly recognize the members for their accomplishments, which include:

Preparing for the year by attending training and teambuilding sessions during a two-day orientation last August; and

Meeting monthly during the school year from September to May as well as in smaller working committees and presenting quarterly reports to the Board of Supervisors and praying the invocation at these meetings; and

Assisting during the annual Yorktown Day commemoration by greeting parade spectators and passing out programs and American flags; and

Encouraging 18-year olds to register for voting in the November General Election by consulting with the Registrar and updating an annual Youth Commission-designed informational flyer on the process and responsibility of voting that was distributed to 12th grade students through the county’s public high schools; and

Enjoying bonds of friendship with senior citizens by serving refreshments, calling bingo, handing out prizes, and helping with cleanup at the annual Valentine’s Party at the Senior Center of York; and

Researching and deliberating about the commission’s website and then meeting and working with the County’s webmaster to make improvements to the site; and

Co-sponsoring the Annual Outstanding Youth Awards Program with the Board of Supervisors by helping to publicize the program, selecting two members to serve on the Selection Committee, and by assisting at the reception honoring the award recipients in May; and

Continuing the Cafeteria Mini Survey program by conducting two mini-surveys this year, soliciting student opinions for both county and school related topics during high school lunch periods, obtaining valuable information on student views and concerns, and then presenting this information to the Board of Supervisors in Quarterly Reports, and also presenting findings from the first report in a presentation before the York County School Board; and

Inviting Victory Family YMCA officials to attend a Youth Commission monthly meeting to discuss the possibility of partnering in the future to conduct youth related projects, and then following up this favorable contact by attending a YMCA teen leaders meeting to present the idea to that group of students who also indicated their interest; and

Continuing to provide communication opportunities between the County’s youth and elected officials by sponsoring the 12th annual “Town Hall Meetings” in each of the County’s four public high schools this April, providing meaningful dialog between students and members of the Board of Supervisors and School Board in personal, face-to-face settings;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors on this the 19th day of May, 2015, that the 2014-2015 York County Youth Commission members be, and they hereby are, congratulated for their dedicated service to York County and commended for an outstanding year.

BE IT STILL FURTHER RESOLVED that the York County Board of Supervisors hereby extends its best wishes for continued success to these leaders of today and tomorrow.

Item No. 8. FY2016 FUNDING FOR CIVIC AND CULTURAL ORGANIZATIONS: Resolution R15-51

A RESOLUTION TO APPROVE FY2016 FUNDING FOR CIVIC AND CULTURAL ORGANIZATIONS

WHEREAS, the Board of Supervisors appointed five (5) citizens to the Civic and Cultural Grants Advisory Committee on October 7, 2014 to review grant applications from organizations and to make recommendations to the Board concerning the distribution of budget appropriations; and

WHEREAS, the Board of Supervisors appropriated \$30,000 in support of local civic and cultural organizations in the FY2016 budget; and

WHEREAS, the Civic and Cultural Grants Advisory Committee has undertaken a careful and thorough review of all applications from organizations; and

WHEREAS, the Civic and Cultural Grants Advisory Committee has completed its review of the funding requests for FY2016 and has developed recommendations for funding allocations for each organization using the total available funds contained in the approved FY2016 York County Budget; and

WHEREAS, the committee finds that each of the organizations listed below is either located in York County, or provides benefits or services to the citizens of York County; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of May, 2015, that the determination made by the Civic and Cultural Grants Advisory Committee be, and hereby is, approved and that the following organizations receive funding in the recommended following amounts:

Civic and Cultural Organizations	FY 16 Recommendation
American Red Cross York-Poquoson	\$ 1,600
Avalon Center (Williamsburg)	2,880
Colonial Court Appointed Special Advocate (CASA)	3,040
Housing Partnerships, Inc.	1,300
Jamestown 4-H Educational Center	760
Lackey Free Medical Clinic	7,500
Natasha House	1,460
Peninsula Agency on Aging	1,720
The Arc of Greater Williamsburg	360
Transitions Family Violence	2,480
Virginia Peninsula Food Bank	2,100
Williamsburg – Meals on Wheels	620
York County 4-H Youth Development	500
York County Meals on Wheels	3,280

Youth Volunteer Corps of Hampton Roads	400
TOTAL:	<u>\$30,000</u>

Item No. 9. STATE FUNDING FOR LOCAL ARTS ORGANIZATIONS: Resolution R15-52

A RESOLUTION TO APPROVE FY2016 COUNTY AND STATE FUNDING FOR LOCAL ARTS ORGANIZATIONS

WHEREAS, the Board of Supervisors appropriated \$30,000 in support of local cultural arts organizations in the FY2016 budget and the County is expected to receive an estimated \$5,000 grant from the Virginia Commission for the Arts to supplement the County’s appropriations for the arts; and

WHEREAS, the York County Arts Commission was appointed by the Board of Supervisors to review funding requests from cultural arts organizations and to make recommendations to the Board concerning the distribution of budget appropriations to the arts; and

WHEREAS, the Arts Commission has undertaken a careful and thorough review of all applications from arts groups, in some cases interviewing and otherwise observing and interacting with these organizations; and

WHEREAS, the Arts Commission has completed its review of the funding requests for FY2016 and has developed recommendations for funding allocations for each organization using the total available arts-related funds contained in the approved FY2016 York County Budget; and

WHEREAS, the Board finds that each of the organizations listed below is either located in York County, or provides benefits or services to the citizens of York County; and

WHEREAS, allocations from grant funding from the Virginia Commission for the Arts, will be made to the Fifes and Drums of York Town and to the Celebrate Yorktown Committee upon receipt of those funds from the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of May, 2015, that the determinations made by the York County Arts Commission be, and they hereby are, approved and that the following organizations receive funding in the following amounts under the York County Arts Commission Grant Program, the appropriation of the \$5,000 grant from the Virginia Commission of the Arts, being contingent on the receipt of the grant.

York County Arts Commission Organization	FY 16 County	FY16 State	FY16 Total
1781 Foundation (Challenge Grant)	\$ 500		\$ 500
Aura Curiatias Physical Theatre	\$ 350		\$ 350
Arc of Greater Williamsburg	\$ 450		\$ 450
Celebrate Yorktown Summer Concerts	\$ 700	\$900	\$ 1,600
Celebrate Yorktown Symphony	\$ 900		\$ 900
Celebrate Yorktown Arts@The River (Yorktown Foundation)	\$ 1,500		\$ 1,500
Chesapeake Bay Wind Ensemble	\$ 300		\$ 300
Community Alliance for the Performing Arts Fund (Challenge)	\$ 500		\$ 500
Community Alliance for the Performing Arts	\$ 500		\$ 500
Cultural Alliance of Greater Hampton Roads	\$ 200		\$ 200
Fifes and Drums of York Town	\$ 800	\$ 4,100	\$ 4,900
Jamestown/Yorktown Foundation	\$ 3,000		\$ 3,000
Magic of Harmony Show Chorus	\$ 350		\$ 350
Peninsula Community Theater	\$ 200		\$ 200
Riverwalk Landing Business Association	\$ 750		\$ 750

Senior Center of York (Challenge Grant)	\$ 200		\$ 200
This Century Art Gallery	\$ 800		\$ 800
Virginia Opera	\$ 2,500		\$ 2,500
Virginia Repertory Theatre – Theatre IV	\$ 2,300		\$ 2,300
Virginia Shakespeare Festival	\$ 1,500		\$ 1,500
Virginia Stage Company	\$ 350		\$ 350
Virginia Symphony	\$ 1,750		\$ 1,750
Watermen’s Museum	\$ 1,000		\$ 1,000
Williamsburg Choral Guild	\$ 350		\$ 350
Williamsburg Consort	\$ 1,000		\$ 1,000
Williamsburg Consort (Challenge Grant)	\$ 500		\$ 500
Williamsburg Players	\$ 1,300		\$ 1,300
Williamsburg Music Association/Symphonia	\$ 450		\$ 450
York County Public Library	\$ 400		\$ 400
York River Symphony Orchestra	\$ 350		\$ 350
Yorktown Arts Foundation	\$ 1,300		\$ 1,300
Yorktown Chorale (York County Music Association)	\$ 250		\$ 250
Young Audiences of Virginia (Challenge)	\$ 500		\$ 500
Young Audiences of Virginia	\$ 2,200		\$ 2,200
			<hr/>
TOTAL:	<u>\$30,000</u>	<u>\$5,000</u>	<u>\$35,000</u>

Item No. 10. CHILD DEVELOPMENT RESOURCES, INC., SUPPORT AGREEMENT: Resolution R15-29

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A SUPPORT AGREEMENT WITH CHILD DEVELOPMENT RESOURCES, INC., A NONPROFIT VIRGINIA CORPORATION, PROVIDING \$115,662 ANNUAL FUNDING DURING FISCAL YEAR 2016 FOR THE OPERATION OF EARLY CHILDHOOD CARE AND DEVELOPMENTAL SERVICES IN THE GRIFFIN-YEATES LEARNING CENTER LOCATED ON GOVERNMENT ROAD

WHEREAS, it is in the public interest to continue to make available an early childhood educational experience and positive learning opportunities on behalf of economically disadvantaged and other qualified County citizens; and

WHEREAS, Child Development Resources, Inc., a non-profit Virginia corporation, has provided such services by operation of a program called First Steps.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of May, 2015, that the County Administrator be, and he is hereby, authorized to execute a Support Agreement approved as to form by the County Attorney with the Child Development Resources, Inc., for the operation of the First Steps program for the period July 1, 2015, until June 30, 2016.

Item No. 11. EMPLOYEE OF THE QUARTER: Resolution R15-56

A RESOLUTION TO COMMEND CAROLYN T. CUTHRELL, DIVISION OF FISCAL ACCOUNTING SERVICES, DEPARTMENT OF FINANCIAL & MANAGEMENT SERVICES, AS EMPLOYEE OF THE QUARTER

WHEREAS, Carolyn T. Cuthrell has been employed with the County since September 6, 1994, and now holds the position of Chief of Fiscal Accounting Services; and

WHEREAS, Ms. Cuthrell is a strong team player who has been a steady, positive force as a County employee for more than 20 years, beginning her York County career as an Account

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Clerk II in the accounting department, with resulting promotions because of her hard work, professionalism, and dedication to success to positions of Supervisor of Utility Billing, Budget & Financial Analyst, and Budget & Financial Reporting (BFR) Supervisor, and Chief of Fiscal Accounting Services (FAS) most recently in December, 2014, each with increased responsibilities; and

WHEREAS, in Ms. Cuthrell's previous position as BFR Supervisor, she compiled and analyzed data for multiple funds and divisions, prepared complex, detailed schedules and work papers for the County's Comprehensive Annual Financial Report (CAFR) and took a lead role in coordinating the annual financial audit; and

WHEREAS, the preparation of the FY2015 budget was particularly challenging for the BFR division due to staff shortages; and, although Ms. Cuthrell's main duties were clearly in the financial reporting realm, she willingly took on additional budget preparation responsibilities, working many hours beyond a normal work week; and she performed well beyond the scope of her position, demonstrating her team spirit and her commitment to the success of the BFR division; and

WHEREAS, with the departure of two, long term, experienced employees, staffing challenges continued for BFR through the FY2014 year-end close, the audit, and the preparation of the CAFR, suddenly leaving Ms. Cuthrell as the only person working for the County who had recent, direct CAFR responsibility; and she had to take the lead in completing the work and ensuring compliance with all of the standards that govern CAFR preparation, becoming the County's resident expert on Governmental Accounting Standards Board (GASB) Statements; and

WHEREAS, when selected for the Chief of Fiscal Accounting Services position in early October, 2014, Ms. Cuthrell asked if she could defer assuming the duties of the position until December because her strong work ethic dictated that she help to complete the CAFR before taking her promotion; and, therefore, during the fall of 2014, Ms. Cuthrell worked nights, weekends, and holidays with no additional compensation and without complaint, to ensure that the CAFR was completed, and all of the related reports were submitted to the various agencies by the established deadlines; and in April of 2015, the County was notified that its 2014 CAFR had been awarded the Government Finance Officers' Association's (GFOA) Certificate of Achievement for Excellence in Financial Reporting; and

WHEREAS, Ms. Cuthrell has demonstrated strong integrity and work ethic combined with the ability to successfully perform in high-stress environments with long work hours, and she has a comprehensive knowledge of governmental accounting and budgeting concepts and superb organizational skills; and

WHEREAS, Ms. Cuthrell is a true team player who has a generous spirit and consistently cheerful disposition that make her a pleasure to be around, and the County is fortunate to have her as part of its team;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this 19th day of May, 2015, that Carolyn T. Cuthrell be, and she is hereby congratulated upon her selection as Employee of the Quarter for the quarter ending March 31, 2015.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett had no report at this time.

Mr. Zarembo stated in several discussions he had with some of his senior constituents in the past couple of weeks, the subject of tax breaks for seniors, principally real estate tax breaks, had come up. He stated he had been told the bureaucratic process to apply for the tax breaks was a nightmare, and at least two of the citizens he had spoken with whose husbands were disabled had stated when they had gotten into the application process, it was such a nightmare they decided not to apply. He stated he thought the Commissioner of the Revenue dealt with these tax procedures.

Mr. Barnett stated the applications were made to the Commissioner of the Revenue, noting it was a fairly detailed process. He explained how the process worked, stating he felt the length of application was in the determination of those income and net worth limitations. He noted the process did require some information gathering which might be cumbersome; but on the other hand, if there were going to be income limitations or net worth limitations, there had to be a way for the Commissioner of the Revenue to determine that the applicant qualified under both of those criteria. Mr. Barnett stated he would speak with the Commissioner of the Revenue to see if there was some simpler way to do it.

Mr. Zaremba stated it was the form that was the burden, and he asked if it was a locally produced form or it is a state-wide mandated form.

Mr. Barnett stated it was a locally produced form, and he did not know if it was produced entirely in-house, but he suspected that the Commissioner of the Revenue probably looked to other localities to see what they were doing. He stated part of the issue was not only did an applicant have to write in the number, but that statements had to be provided for each source of income.

Mr. Zaremba suggested a meeting with Mrs. Thomas, the Commissioner of the Revenue, to see if there was any room for tightening up the process a little bit to make it easier for seniors trying to work through that process.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. Carter had no report at this time.

Mr. Zaremba spoke about a program in the historic area of Savannah called Vacation Rentals by Owner where a person can rent a home through the property owner. He asked Mr. Carter to give an update on the property in his district where a resident had tried renting out property.

Mr. Carter stated at the time of the previous incident there was no permit opportunity, which was the reason the County had gone to court on that case. In the current case Mr. Zaremba mentioned on Valor Court, the County became aware of it based on neighbors' concerns and questions about what was going on. He stated it was investigated, and it was determined that the owner was, in fact, renting the home to transients. He noted a rental of less than 90 days qualifies as transient under the York County Code, and the owners were cited for that, and the property owner was advised that the only way it could be authorized was through a special use permit authorized by the Board of Supervisors. Mr. Carter stated the property owner made an application for a use permit, and it would be going to the Planning Commission at its June 10th meeting. He noted all the adjoining property owners would be provided notice of that hearing. He stated after the Planning Commission took action, it would then come to the Board for a public hearing and its decision on whether or not to approve the use permit.

Mr. Zaremba stated vacation rentals may become a growing trend in the community, especially during the summer season and holiday seasons.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll thanked staff and the Youth Commission members who hosted the reception prior to the Board of Supervisors meeting for the Outstanding Youth.

Chairman Shepperd spoke of the Peninsula Agency on Aging (PAA) meeting he had attended on May 12 at the Tabb Library, stating it was not well attended and how that was unfortunate because not many people understand the services provided by the Agency. He then spoke of how it provides information on transitioning elderly parents, noting they are an excellent source for that information on aging. Mr. Shepperd encouraged anyone who might be dealing with this type of situation to talk with the Agency because they are there to help.

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CLOSED MEETING. At 9:00 p.m. Mr. Zaremba 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 the salary of specific public officer; and Section 2.2-3711(a)(7) to consult with legal counsel, consultants, and/or staff on a matter of actual litigation in which the County was involved and on a specific legal matter requiring the provision of legal advice by counsel.

On roll call the vote was:

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

Meeting Reconvened. At 9:45 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of May, 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) Noll, Wiggins, Zaremba, Shepperd
Nay: (0)

APPOINTMENTS TO THE COLONIAL BEHAVIORAL HEALTH BOARD

Mr. Zaremba moved the adoption of proposed Resolution R15-57 that reads:

A RESOLUTION TO REAPPOINT MEMBERS TO THE COLONIAL BEHAVIORAL HEALTH BOARD

BE IT RESOLVED by the York County Board of Supervisors this 19th day of May, 2015, that the following individuals be, and they are hereby, reappointed to the Colonial Behavioral Health Board, such terms to begin on July 1, 2015, and expire June 30, 2018:

- Alfred L. Brassel, Jr.
- Kenneth O. Drees
- Baljit S. Gill
- William R. Karaktin
- Charles R. McAdams, III

On roll call the vote was:

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

REAPPOINTMENT TO THE BOARD OF ZONING/SUBDIVISION APPEALS

Mrs. Noll moved the adoption of proposed Resolution R15-60 that reads:

A RESOLUTION TO RECOMMEND THE REAPPOINTMENT OF AN
INDIVIDUAL TO THE YORK COUNTY BOARD OF ZON-
ING/SUBDIVISION APPEALS

WHEREAS, the term of Marc Letendre on the York County Board of Zoning/Subdivision Appeals expires on May 24, 2015; and

WHEREAS, Mr. Letendre was first appointed as a member to the Board on September 21, 2009; and

WHEREAS, Mr. Letendre is eligible for reappointment to said Board and has indicated he wishes to serve another term;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 19th day of May, 2015, that Marc Letendre be, and he is hereby, recommended for reappointment to the York County Board of Zoning/Subdivision Appeals, such term to begin May 25, 2015, and expire May 24, 2020.

On roll call the vote was:

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

APPOINTMENT TO THE TRANSPORTATION SAFETY COMMITTEE

Mrs. Noll moved the adoption of proposed Resolution R15-59 that reads:

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

WHEREAS, a member of the Transportation Safety Commission will complete his term on March 31, 2015, and does not wish to be considered for reappointment; and

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of May, 2015, that the following individual be, and he is hereby, appointed to serve on the York County Transportation Safety Commission for a term to begin immediately and expire March 31, 2018:

William Anderson

On roll call the vote was:

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

ESTABLISH THE SALARY OF THE COUNTY ATTORNEY

Mr. Zaremba moved the adoption of proposed Resolution R15-67 that reads:

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A RESOLUTION TO ESTABLISH THE SALARY OF THE COUNTY
ATTORNEY EFFECTIVE JULY 1, 2015

BE IT RESOLVED by the York County Board of Supervisors this 19th day of May, 2015, that the base salary of James E. Barnett, Jr., County Attorney, be established at the sum of \$142,336, effective July 1, 2015. Other benefits previously extended to the County Attorney in accordance with his offer letter of employment shall continue in effect.

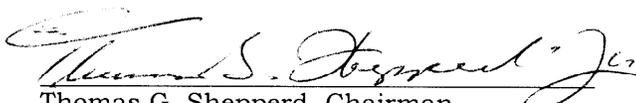
On roll call the vote was:

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

Meeting Adjourned. At 10:10 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