

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
February 16, 2021

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:01 p.m., Tuesday, February 16, 2021, in the Board Room, York Hall, by Chairman W. Chad Green.

Chairman Green read a statement concerning the purpose and the participants of the meeting:

This meeting is called to order. It is February 16, 2021. For the record, this is a meeting of the York County Board of Supervisors, being held by electronic means without a quorum being physically assembled in one place, pursuant to the emergency "continuity of government" ordinance adopted on April 21, 2020, and readopted on June 16, 2020, under Code of Virginia section 15.2-1413, allowing public meetings of this Board, and of other County boards, commissions, and authorities, to meet remotely. This action was taken because of the health emergency resulting from the Coronavirus pandemic, making an assembly of the board and staff and members of the public in one place unsafe because of the highly contagious nature of the Coronavirus pandemic.

Arrangements have been made for public participation in the public portions of this meeting. As with all Live Board of Supervisors' meetings, this meeting is available to watch live on WYCG-TV, Cox Cable 46, Verizon FiOS CH 38 or live streaming at [yorkcounty.gov/TV](http://yorkcounty.gov/TV). Those who wish to make comment on any of tonight's public hearings, or during the Citizens' Comment Period, may call the phone numbers that are listed on tonight's meeting agenda for each public hearing or for the Comment Period, and also shown on both the live stream and cable TV viewings of this meeting. All comments will follow the Board of Supervisors' Rules of Procedure, which limit comments to one per public hearing and no longer than three minutes. All telephone comments called in between 6 p.m. and the close of the public hearing, or the close of the Citizens' Comment Period, will be recorded for playback during this meeting. Phone lines are open now.

I am William C. "Chad" Green, Board Chair, and I am sitting in the Board Room of York Hall. Other Board members participating are Walter C. Zaremba, participating from his home in Queens Lake subdivision; Sheila S. Noll, participating from her home in Kiln Creek subdivision; Stephen Roane participating from his home in the Brandywine subdivision; and Thomas G. Shepperd, Jr., participating from his home in Olde Port Cove subdivision. Other County staff present or participating are Mark L. Bellamy, Jr., Deputy County Administrator; James E. Barnett, Jr., County Attorney; Heather L. Schott, Legislative Assistant, and a small number of senior County staff.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zaremba, Sheila S. Noll, W. Chad Green, G. Stephen Roane, Jr. and Thomas G. Shepperd, Jr.

Also in attendance were Vivian Calkins-McGettigan, Deputy County Administrator; and James E. Barnett, County Attorney.

Invocation. Kendall Etheridge, Vice Chairman of York County Youth Commission, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Mr. Roane led the Pledge of Allegiance.

**PRESENTATIONS****YORK COUNTY YOUTH COMMISSION QUARTERLY REPORT**

Jennifer Zhang, Chairman of York County Youth Commission, gave a quarterly update on the activities and goals for the 2020 - 2021 school year.

- Adopt-A-Highway: begins at Route 622, Seaford Road and ends on Route 712, York Point, which is a total of 2 miles.
- Student Opinion Survey 2020-2021:
  - 9 years of cafeteria surveys
  - Average response rate: 30 percent
  - Highest response rate: 47 percent
  - February 2021 Virtual Survey response rate: 44 percent
- Mental Health Awareness: The Youth Commission had guest speaker, Mrs. Martha Owens, Mental Health Specialist and Therapist, speak at one of the meetings regarding adolescents' mental health problems. She gave great advice and suggestions to the Commission members.
- Relief Good Bag Drive: to show appreciation to health care workers and promote self-care.
- Volunteer Projects:
  - Helped at Senior Center handing out food during Bingo
  - Made Valentine's Day cards for workers at the Senior Center who were helping to distribute COVID vaccinations
  - Signed cards and distributed doughnuts to the Fire Department and Sheriff's Office thanking them for their service

Miss Zhang reminded everyone that nominations for the 2021 Outstanding Youth Award Scholarships are open for current high school students living within the County and enrolled in a private or public high school. She added that anyone can nominate a student for an award and nominations must be received by 5:00 pm on February 26, at the Parks and Recreation office. Miss Zhang strongly encouraged any current eighth through eleventh grader to consider applying for next year's Youth Commission. Interested youth can obtain an application from the website at [www.ycyc.info](http://www.ycyc.info) or call the Parks and Recreation office at (757) 890-3500. Applications are due on March 29<sup>th</sup>.

Chairman Green acknowledged Miss Zhang stating she had provided an excellent report. Furthermore, he stated that the Youth Commission presents one of the most outstanding reports that the Board receives throughout the year. He then asked the other Board members if they had any comments.

Mrs. Noll stated how interesting it was that the survey indicated by its 57 percent affirmative response that mental health issues are such a big problem and asked if it was because of COVID.

Miss Zhang responded that many high school students face a lot of stress and mental health has been a consistent problem, but with COVID and virtual learning it has definitely increased.

Mr. Zaremba followed by adding it was no small task to put together a survey and get responses and he commended the Youth Commission for their work. He also wanted to send a message to the high school students across the County to get involved as there are great opportunities for youth in York County. Mr. Zaremba commented on the mental health problems and working towards doing whatever is necessary to make sure the problem is identified and get on

with solving the problem instead of pushing it down the road. He commended the Youth Commission for the outstanding survey and thanked them for their presentation.

Mr. Roane thanked them for their presentation and asked if the survey goes to all the students ninth through twelfth grade across the County. He also asked if the mental health problems were a topic prior to this year.

Miss Zhang confirmed that the survey went out to all four high schools in the County and to all students ninth through twelfth grades. She believes that mental health has consistently been an issue within the teen community, but with COVID and virtual learning it has become a top priority.

Mr. Roane asked if there are plans to follow-up on the survey results moving forward. He also wanted to know the timeframe and responsibilities for Adopt-A-Highway.

Miss Zhang stated the Youth Commission plans on meeting and discussing the results to see what they can do to help the student body. She responded to Mr. Roane's query on the Adopt-A-Highway program stating the timeframe is indefinite and they are responsible for making sure that the litter is cleaned up.

Mr. Shepperd commented on the Adopt-A-Highway stating there should be a plaque erected that states who has adopted the road. He pointed out that one of the requirements is to perform litter patrol a least once a quarter. He then noted that according to the survey bullying was down to third on the list, probably due to students being out of school for almost a year as a result of the pandemic. Mr. Shepperd then asked for more information on the Goodie Bag Drive.

Miss Zhang replied they are looking for donations and hoping to have toiletries and small items in the Goodie Bags to give to healthcare workers, especially during COVID.

Chairman Green thanked the Youth Commission and Shannon George, staff liaison, for doing an outstanding job.

#### VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Rossie Carroll, Williamsburg Residency Administrator, provided the Board with a quarterly update. He reviewed the maintenance accomplishments for the quarter which included 696 maintenance work orders of which 494 have been completed, equivalent to a 71 percent completion rate. The highest number of work orders received were drainage issues. He provided a list of accomplishments for the quarter which included:

- Cleaned 64 pipes and culverts
- Swept 18 lane miles of roadway
- Completed over three miles of roadway ditching
- Patched roads with one ton of asphalt
- Unpaved shoulder machining
- Graded for five miles
- Completed the bridge replacement on Route 134 over Brick Kiln Creek
- Flashing yellow arrows/signal improvements to have visibility back plates updated at several locations

Mr. Carroll listed some of the current and upcoming VDOT projects:

- Widening Interstate 64, section three
- Plant mix schedule on several roads throughout the County

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- Pedestrian crossings
- Smart Scale projects in preliminary engineering
- Fiber Optic signal communication projects

He also pointed out some of the emergency response actions recently taken by VDOT was due to the snow and freezing rain, treating the roadways and being prepared for upcoming weather events. Mr. Carroll concluded by giving a quick overview of what the land use section has been working on.

Chairman Green then asked the Board if they had comments or questions for Mr. Carroll.

Mrs. Noll thanked Mr. Carroll and commented about how much rain the County has had and the drainage issue at the median on Route 17 and the overpass.

Mr. Carroll responded they are aware of it and will try to respond as soon as possible.

Mr. Zaremba requested an update on the traffic signal at Bulifants Boulevard beside the professional complex, stating it is a cataclysmic traffic accident waiting to happen.

Mr. Carroll stated VDOT did the signal design review and now the traffic signal hinges on meeting the proper traffic warrants. He added once the warrants hit the thresholds, he believes the signal will be proffered, then the developer along with the County will be able to install the signal.

Mr. Zaremba questioned what defines a warrant.

Mr. Carroll responded VDOT looks at one hour, four hours, turning movements, safety and a lot of different things at an intersection and if it meets a certain criteria for the classification or roadway then it meets a certain warrant. There are a total of eight different warrants, hitting three or four warrants at an intersection would warrant justification.

Mr. Shepperd thought the approval process had been conducted and should be moving into the installation phase.

Mr. Carroll answered it is approved but the signal cannot be installed until the signal warrants are met. The design is 100 percent approved and the County is moving forward and getting ready to go.

Mr. Bellamy added that, based on the expectations of what the community wants and what kind of traffic will be produced, the County needs to go back and do more traffic work. He also stated that the arm for the signal can take anywhere from four to six, sometimes even eight months in advance to order, so there is still some time that is needed to complete this, but they are actively working on it.

Mr. Roane asked Mr. Carroll if they had any targets or metrics for how quickly VDOT responds to work orders.

Mr. Carroll stated they do track work orders as part of the customer service targets and they keep a pretty good eye on the response. VDOT has never been able to get 100 percent completed, they average 70 to 80 percent completion, so the other 20 percent is folded into the next quarter. He added they set priorities, try not to set false expectations, try to respond within three days and within 10 days there is some response on what was found.

Mr. Shepperd brought up the problem on Yorktown Road between Calthrop Neck and Tabb High School and stated on the northbound side all the culverts are full and the water runs down and goes across the driveways and across the road. He added for almost 20 years he has asked for help to get the pipes dug up and opened, but it has not happened. The problem with Yorktown Road, like many roads in Virginia, is it is an old country road and the shoulder consists of approximately six inches of dirt followed by a ditch so there is no place to go except into the ditch. Mr. Shepperd stated the school uses that part of the road as a track for the long distance runners and it is not uncommon to see 20 kids spread out running down the road. He wanted to know what the holdup is on this type of project.

Mr. Carroll said VDOT has completed some ditching and pipe cleanouts but as far as an overall drainage project for Yorktown Road, he would have to look into it.

Chairman Green thanked Mr. Carroll for working on the Baptist Road and Sycamore Lane projects and getting the ditches cleaned out at old Seaford Road and August Drive. In addition, he expressed appreciation to the VDOT crews who treated the roads for the preliminary deicing and made it safe for people who had to commute early in the morning. He then referred to the 20 percent of the work orders that have not been completed, referencing Hornsbyville Road and Waterview Road which flood and make the roadway surfaces dangerous. He added the ditches are inadequate and it is completely unsafe with no shoulders or ditches and it is very dark and curvy. Chairman Green stated crews have surveyed it, but it is unacceptable relative to how long it is taking to get the improvements completed.

Mr. Carroll replied that, regarding the 20 percent of incomplete work orders, VDOT is continuing to work towards a drainage project that will provide relief to this area. He added that VDOT is working to improve in this area; however, they have other priorities such as treating the roads, snow removal and other safety tasks which take precedence.

Chairman Green advised Mr. Carroll that this is a safety issue on a very dangerous road. He pointed out that fortunately there have not been freezing temperatures in the morning; however, with the water shooting over the road it is just a matter of time before it becomes impassable and there are bad consequences. In conclusion, he offered to meet Mr. Carroll on-site and advised him to move this project towards the front of the line.

#### **CITIZENS COMMENT PERIOD**

Pamela Pouchot, 103 Kimberly Court, representing the silver winner of the Secular Coalition for America, voiced concerns regarding the invocations held at the Board of Supervisors' meetings. She noted that the pastors selected to provide the invocation were of the Christian faith and challenged the Board to become more diverse, inclusive and less discriminatory regarding invocations provided by individuals of other faiths.

#### **COUNTY ATTORNEY REPORTS AND REQUESTS**

James E. Barnett, Jr. reported that the General Assembly continues in session. Specifically, they ended their 30 day regular session and are now in Governor's Special Session. He stated the bill that would have allowed the County to publish public notices on the website rather than in the newspaper failed. He added that a Senate bill, moving the current primary second Tuesday in June date to the third Tuesday in June, is now in the House Privileges and Elections Committee. Mr. Barnett commented that both houses have passed a bill granting a presumption of compensability under Workers Compensation the death or disability of firefighters and emergency medical personnel due to COVID 19. He also commented regarding a prior question posed by Mr. Zarembo concerning the bill abolishing the death penalty. He explained that there is a House Bill and a Senate Bill on this issue which are nearly identical. Since each chamber has passed this legislation, it is assumed that it will in fact be enacted.

#### **COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mark Bellamy, Deputy County Administrator, gave a brief update regarding several items starting with the COVID vaccines. He stated they are being shipped from the Midwest; however, the shipments have been delayed due to weather and as such some appointments may need to be rescheduled. He also stated that County staff, both Community Services and Emergency Communications, initiated the York County helpline, 890-5890, to assist seniors who may not have access to technology in order to register for the vaccine. At this time they have taken over 1,200 calls and registered 1,100 seniors. He added that the *Citizen News Weekly* went live on the County's website, and had a facelift; it now operates much like a newspaper and as Chairman Green has often said, there is great information in there. He then closed sharing an update that Mr. Morgan's Budget Committee has wrapped up their work and he is putting the finishing touches on his recommended budget which should be presented on March 16th.

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Mr. Roane commented that 1,100 registrations by means of the County's hotline is commendable and shows a great deal of forethought by the team. He added good job to everyone involved.

**PUBLIC HEARINGS**

APPLICATION NO. PD-55-21, SCHOTTENSTEIN REALTY COMPANY: Ordinance No. 21-1.

The matter was considered and **approved on a vote of 3:2**. A summary of the preceding is below.

Mr. Timothy C. Cross, Deputy Director of Planning and Development, gave a presentation on Application No. PD-55-21 to request to amend the York County Zoning Map by reclassifying four parcels of land on Merrimac Trail for the purpose of redeveloping an existing motel, the George Washington Inn and Conference Center, into a 125-unit rental apartment building.

Mr. Zaremba questioned why the developer was not proffering the rent. He also had a concern that the building might have health related issues pertaining to mold. He wanted to know what the developer was going to do to ensure some remedial action on this issue.

Mr. Cross deferred the questions to Mr. Gregory R. Davis, Kaufman & Canoles, PC.

Mr. Roane asked what the difference is to rezoning to PDR since most of the apartments in the County are zoned to RMF.

Mr. Cross stated PDR gives the developer a lot more flexibility and the RMF zoning district has a series of performance standards that cannot be met. He added examples of the differences:

- RMF zoning district, an apartment complex would require a 50 foot perimeter buffer around the property.
- RMF has limits on the length of the building, 200 feet maximum and with a PDR there is no limit
- RMF has a 10 unit per acre maximum density and this project has 125 units

Mr. Roane added the height limit in a PDR is 40 feet for a building and he asked what the purpose of the limitation was.

Mr. Cross responded that this height limit is for all residential structures. He added there is a mix of housing unit types, but the standard across the board was written to favor low height garden style apartments which were very popular when the provisions were written.

Mr. Roane questioned if the juried staff have an evaluation of what the County may give up changing from General Business to PDR as far as potential revenue down the road.

Mr. Cross stated the applicant did submit a fiscal impact analysis from the revenue side and the County staff looked at the expenditure side and the revenue side. He explained when you have a residential project, the school impact is the major expense factor and the school impact on this project is very low. Mr. Cross added when they factored in the revenue projects and the expenses, especially the school expense, they came up with a conclusion that it would have a mildly positive fiscal impact.

Mr. Shepperd spoke about the definitions of workforce housing and how affordable housing could have negative connotations. He then asked what the difference is in efficiency apartments and the proposed rentals.

Mr. Cross responded he thought the studio apartments would basically be efficiency apartments.

Chairman Green welcomed the team representing Schottenstein Realty Company.

Mr. Greg Davis, Kaufman & Canoles, PC, introduced his client Jeff Schottenstein, Developer and Howard Price, AES Consulting, Project Engineer, and then gave a presentation on Application No. PD-55-21.

Mr. Davis responded to Mr. Shepperd's question concerning the history of roof problems and the potential for mold. He explained there is no evidence of roof leaking. He stated that ECS Mid Atlantic Engineering Consultants conducted a roof report and the owner of the hotel has an agreement with Mr. Schottenstein to have the HVAC systems remain operational to control humidity. He added in 2019 Virginia's Landlord Tenant Act was extensively revised and there are specific provisions dealing with mold issues and rentals, and the landlord must disclose, remediate and provide replacement housing for tenants during the process.

Chairman Green asked Mr. Cross if any of the project is in the tourist overlay district. He stated the presentation indicated that Mr. Schottenstein's properties ranged from Miami to Atlanta and this property mimics something you would see more in Miami than in Colonial Williamsburg.

Mr. Cross stated the property is not in the Tourist Corridor Management (TCM) overlay district.

Mrs. Noll commented that there is a bus stop nearby and the location is on a bus route, so she feels that it is a perfect location for this type of housing, especially for young people who don't necessarily have a car at this point.

Mr. Zaremba asked why the rents were not proffered.

Mr. Davis replied proffering rents puts a limit on a developer and this project is funded by private money with no public funds or tax credit funding. So when rents are capped and costs go up, like utilities which are included in the rent, the apartment complex owner is handcuffed and that increased risk is unacceptable. He added it could make the deal un-bankable. In other words, if you go to a bank to finance the redevelopment and long-term financing of the project, the bank may balk at agreeing to a project that has the rents locked.

Mr. Zaremba asked Mr. James Barnett, County Attorney, if it is possible for a conditional proffer.

Mr. Barnett explained the statutory changes from several years ago in respect to proffers and the ability of localities to demand proffers with respect to residential developments, was not definitive as to whether or not the application could be denied because it has not proffered rent control.

Mr. Roane brought up the bicycle trail that will be added to the property and questioned if it is conducive to the area and possibly creating a safety issue.

Mr. Cross responded that cyclists to a large degree are already there and the trail would make the existing road safer for the cyclists, providing an additional four to five feet of bikeway across the property. He added there are pieces of bikeway further down Merrimac Trail and maybe someday they will all connect.

Mr. Roane asked if there had been a study on the impact the property would have on the subdivision of approximately 100 houses to which it backs up as it relates to their property value.

Mr. Cross replied there has not.

Mr. Roane also expressed concern that the inclusion of a beer garden and outdoor pool, to be located about 100 feet away from some houses, would result in noise pollution and asked if a privacy fence or some type of buffer will be added.

Mr. Davis replied that the pool will be surrounded by the apartments on three sides and if the residents are getting loud in the pool or staying up too late in the pool area that is when the Resident Manager would intervene.

Mr. Roane asked for an explanation on how the 50 year old hotel is going to convert to studio apartments and single bedroom apartments.

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Mr. Schottenstein explained that they are taking two hotel rooms and combining them together with one entrance which will open immediately into the living room and kitchen area with an open new design and the door between the connecting rooms will open into the bedroom area with bathroom. He added the outside door going into the bedroom will be taken out and dry walled over. The entire apartment will measure approximately 700 square feet of living area.

Mr. Roane asked if they were confident that the hotel's HVAC is adequate to provide air conditioning to each space.

Mr. Schottenstein stated the P Tech unit will be new in each room with remote thermostats, which will be quieter and more efficient than the old ones in this building.

Mr. Roane questioned how the rents would be paid, i.e. will it be month-to-month and if it covers all the occupancy charges, including the beer garden and pool.

Mr. Schottenstein stated they are twelve month leases with monthly payments. He added there are no extra charges for regular usage of the pool, beer garden or gym. In addition, they have great rooms off the lobby that will be available if someone wants to rent for a private party which includes a cleanup charge.

Mr. Shepperd asked what qualified the establishment to be affordable housing.

Mr. Schottenstein clarified that it is not affordable housing, Section Eight or government supported. Rather he stated that it is workforce housing and the tenant profile is 25 to 35 year old millennials, most of which are single. He added there are limited two bedroom, two bath apartments which in most cases are occupied by senior citizens and have adult kids or grandkids coming to visit. Mr. Schottenstein then mentioned that millennials like walkability, bikes and dogs which they cater to, while having a secured storage area in the building for bikes.

Mr. Shepperd asked if all the accesses to the apartments were from the inside of the building.

Mr. Schottenstein responded affirmatively and added that it is a secured building and that a key is required to get into the building as well as the apartments. In addition, after a certain hour at night you cannot get into the building with a key.

Mr. Shepperd commented on the price of the apartments and asked if the facilities in Florida and Atlanta were workforce housing as well and how the price compared to the surrounding neighborhood rental properties.

Mr. Schottenstein stated they are consistent with rentals in the neighborhood for equal goods, not being luxury apartments. He added in St. Petersburg other new apartments are renting one bedrooms in the \$2,300 to \$2,400 range and have all the bells and whistles, but we are not in that business; we offer workforce housing for teachers, firemen, policemen, etc.

Mr. Shepperd asked what the occupancy rates were.

Mr. Schottenstein replied that during COVID they are at 99 percent and collecting 99 to 100 percent of the rents. He added during COVID they have worked with tenants, people out of work and looking for other jobs, by taking their security deposit towards their rent to help out.

Chairman Green asked with all of the past issues why not tear it down and start with a new project fresh out of the ground since the total cost of the project is approximately \$6 to \$7 million dollars at roughly \$50,000 per unit.

Mr. Schottenstein clarified it is \$7 million and they want to deliver a project that will be in at below \$100,000 a door, and if you scrap the property and start from scratch you cannot deliver a new product that cheaply.

Chairman Green then called to order a public hearing on proposed Ordinance No. 21-1 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO APPROVE AN APPLICATION TO REZONE APPROXIMATELY 6.4 ACRES LOCATED AT 500, 512, 516, AND 600 MERRIMAC TRAIL FROM GB (GENERAL BUSINESS) TO PDR (PLANNED DEVELOPMENT RESIDENTIAL)

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

Mrs. Noll then moved the adoption of proposed Ordinance No. 21-1.

On roll call the vote was:

Yea: (3) Zaremba, Noll, Shepperd,  
Nay: (2) Roane, Green

APPLICATION NO. ZM-189-21 PARKWAY CENTER, LLC: Ordinance No. 21-2.

The matter was considered and **approved on a vote of 5:0**. A summary of the preceding is below.

Timothy Cross gave a presentation on Application No. ZM-189-21 to request to amend the York County Zoning Map by reclassifying an 8.8 acre parcel of land located at 500 Marquis Parkway from Economic Opportunity to General Business subject to voluntarily proffered conditions. In addition, the applicant proffered to prohibit certain specified uses that would otherwise be permitted in the GB district, either by right or with a Special Use Permit.

Mr. Shepperd asked Mr. Cross if the County is still collecting approximately \$150,000 a year for fire support and law enforcement in that area.

Mr. Cross replied that is correct.

Mr. Barry E. DuVal, President and CEO of DuVal's Associates, Inc., wanted to acknowledge Vernon M. Geddy, III, Geddy, Harris, Franck & Hickman, LLP, who filed the application and represents Parkway Center LLC and yielded to him for the presentation. Mr. DuVal thanked the County officials and the members of the church committee as it was a collaborative process.

Mr. Geddy introduced other members of the team that were on the call and gave some brief high points on the project.

Chairman Green asked the Board if they had any questions.

Mr. Zaremba commented that Mr. DuVal and others were kind enough to come to his office and go over the project and the expectations in terms of the church. He added there were questions about taxes and revenue and they talked about how the project was going to be owned by an LLC, which would affect the exempt status of the church. Mr. Zaremba asked them to clarify the conversation.

Mr. DuVal confirmed they had spoken about the LLC owning the building and they did not intend to apply for tax exempt status. He added the church, at this time, would be the anchor tenant and reiterated they are not asking for tax exempt status.

Mr. Zaremba stated there will be revenue generated through the LLC ownership of the building.

Mr. DuVal replied yes, the building owner would expect to pay and all the properties have to pay the cam fees and other association expenses in order to keep the infrastructure up as part of the agreement.

Mrs. Noll asked if the church was going to be a tenant and will they be paying rent to the LLC.

Mr. DuVal responded yes.

Mr. Roane commented that overall he liked the plan and had a question on the floor plan relating to the 20,000 square feet retail establishment in the front of the building and if it will always be taxable floor space.

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Mr. DuVal replied it was actually proffered that 20,000 square feet will always be commercial in perpetuity, because it is a condition of the zoning.

Mr. Roane then asked if the childcare was going to be a church provided service or an external supplier.

Mr. DuVal stated they are looking at a number of models and partnerships with other well established national childcare centers and would anticipate there would be a separate relationship with Parkway Center, LLC, but they want a childcare center that would accommodate the church on Sundays and Wednesday nights.

Mr. Roane then asked Mr. Cross if this situation with the church as the owner or member of the owners of the LLC was unique and did it present any zoning or regulation challenges for the County. He then asked if it created any tax implications for the County.

Mr. Cross responded as far as zoning it doesn't create any problems concerned with ownership, but a place of worship is not allowed under the existing zoning so by rezoning it to General Business it would allow the church to move in. He added, per Mr. DuVal's explanation and the tax situation, the church has no intent to apply for a religious tax exemption at this time, although it appears they would have the ability to at some point if they wanted to.

Mr. Shepperd commented that church would be held on Sunday and Wednesday and added the pastor and staff would be there so that would be an impetus for having a restaurant or some place to get food.

Mr. DuVal added there will actual be programs in addition to the worship services.

Mr. Shepperd believes the shopping center and the area needs people to go into the stores and it could drive a need for a restaurant which would be great. He added there are two communities coming there which will be very good and wished them great success.

Chairman Green stated it was a very forward thinking plan and one of the more exciting plans that he has seen on the Board over the last five years. He then recognized Reverend Michael Hines and asked if he would like to speak.

Reverend Hines thanked everyone for their work and stated there is a huge area on the back of the building that no one wanted to use and the church was in need of space and a parking lot, so this is a win, win for everyone. He then thanked the Board for their consideration.

Chairman Green then called to order a public hearing on proposed Ordinance No. 21-2 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO APPROVE AN APPLICATION TO REZONE 8.8 ACRES AT 500 MARQUIS PARKWAY FROM EO TO GB SUBJECT TO VOLUNTARILY PROFERED CONDITIONS

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

Mr. Zaremba then moved the adoption of proposed Ordinance No. 21-2.

On roll call the vote was:

Yea: (5) Noll, Roane, Shepperd, Zaremba, Green  
Nay: (0)

**RECESS**

Chairman Green called a brief recess at 8:47 pm, the meeting reconvened at 8:52 pm.

PROPOSED SCHOOL BOND FINANCING: Resolution R21-21.

The matter was considered and **approved on a vote of 5:0**. A summary of the preceding is below.

Mark Bellamy gave a brief presentation on proposed Resolution R21-21, the sale of general obligation School bonds to Virginia Public School Authority that financed school capital needs and appropriated the bond proceeds for transfer to the School Capital Fund. He gave several examples of the school renovations that were completed.

Chairman Green then called to order a public hearing on proposed Resolution R21-21 that was duly advertised as required by law and is entitled:

A RESOLUTION TO AUTHORIZE THE ISSUANCE OF NOT TO EXCEED  
\$10,000,000 GENERAL OBLIGATION SCHOOL BOND OF THE COUNTY OF  
YORK, VIRGINIA, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY  
AND PROVIDING FOR THE FORM AND DETAILS THEREOF

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

Mr. Roane then moved the adoption of proposed Resolution R21-21.

On roll call the vote was:

Yea: (5)      Roane, Shepperd, Zaremba, Noll, Green  
Nay: (0)

REQUEST FOR AUTHORIZATION TO EXECUTE A RIGHT OF WAY AGREEMENT WITH DOMINION ENERGY: Resolution R21-24

The matter was considered and **approved on a vote of 5:0**. A summary of the preceding is below.

Mark Bellamy briefly presented to the Board proposed Resolution R21-24 to allow York Properties, LLC, 2001 Wolf Trap Road to have Virginia Electric and Power Company run a power line from County property at 301 Goodwin Neck Road to the common boundary line between their property and the County's in order to serve its property with electricity.

Mr. Roane asked if it was all planned for underground utilities.

Mr. Bellamy stated yes it is.

Mr. Shepperd asked if there was any taking of property.

Mr. Barnett replied no it is an accommodation of granting an easement right to the adjacent neighbor to run a connection.

Chairman Green questioned if York Properties was for adjacent power or a right to build.

Mr. Bellamy responded that they do have plans to build something, but they have not formally submitted a site plan to the County.

Chairman Green then called to order a public hearing on proposed Resolution R21-24 that was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A  
DEED CONVEYING AN ELECTRIC UTILITY EASEMENT TO VIRGINIA ELECTRIC  
AND POWER COMPANY ACROSS COUNTY PROPERTY LOCATED AT 301  
GOODWIN NECK ROAD TO PROVIDE ELECTRIC SERVICE TO PROPERTY  
OWNED BY YORK PROPERTIES, LLC LOCATED AT 2001 WOLF TRAP ROAD

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

Mr. Shepperd then moved the adoption of proposed Resolution R21-24.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Roane, Green  
Nay: (0)

BYPASS ROAD SIDEWALK REHABILITATION PROJECT: Resolution R21-25

The matter was considered and **approved on a vote of 5:0**. A summary of the preceding is below.

Mark Bellamy described proposed Resolution R21-25 stating the project was approved as a transportation alternative set aside project by CTV back in the summer of 2017 and it runs roughly from Colony Road down Bypass Road to the intersection of 132. He added Public Works is in the right of way phase and it is necessary to obtain the easements before they continue any construction, of the 32 easements. They have voluntarily obtained 22 of them and the rest of those are for disposition.

Mr. Roane asked Mr. Barnett if there had been any changes since their conversation regarding all of the easements being temporary except for one and all parties are in agreement with exception of one person that could not be reached to determine his disposition.

Mr. Barnett replied that is true of the parcels that are affected. He stated that several parcels are owned by three different corporations, but is controlled by one individual who has not responded to any communication that we have sent. He added he contacted the attorney who is the Registered Agent for all three and he will reach out to the individual. Mr. Barnett stated once the project is complete, the easement disappears, so they just need something temporary from that person. He concluded that everyone else has agreed to the County's offers and has signed a purchase agreement for the conveyance easements.

Chairman Green asked Brian K. Woodward, Director of Public Works, if he had anything to add.

Mr. Woodward responded that Mr. Barnett was correct in his description and there will be some minor grading against the sidewalk that may be on private property just to make the transition smooth.

Mr. Roane commented at this point the County is not taking any property away for permanent easements for anybody who has not agreed to it.

Mr. Barnett stated other than the one individual, who we have been unable to obtain a response, everyone else has agreed to it.

Chairman Green then called to order a public hearing on proposed Resolution R21-25 that was duly advertised as required by law and is entitled:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON AND TAKE CERTAIN RIGHTS OF WAY AND TEMPORARY CONSTRUCTION EASEMENTS IN CONNECTION WITH THE BYPASS ROAD SIDEWALK REHABILITATION PROJECT

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

Mrs. Noll then moved the adoption of proposed Resolution R21-25.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Roane, Shepperd, Green

Nay: (0)

### **CONSENT CALENDAR**

The Consent Calendar was considered and **approved on a vote of 5:0**. A summary of actions taken are below.

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

On roll call the vote was:

Yea: (5) Noll, Roane, Shepperd, Zaremba, Green  
Nay: (0)

### **Item no. 6. APPROVAL OF MINUTES**

Thereupon, the following minutes were approved and resolutions adopted:

January 19, 2021, Regular Meeting

### **Item No. 7. OLD WILLIAMSBURG ROAD SANITARY SEWER PROJECT: Resolution 21-28**

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT WITH SHAW CONSTRUCTION CORPORATION FOR THE CONSTRUCTION OF THE OLD WILLIAMSBURG ROAD SANITARY SEWER PROJECT

**NEW BUSINESS:** No New Business

### **MATTERS PRESENTED BY THE BOARD**

Mr. Zaremba made reference to a period of time when the three jurisdictions that made up the Historic Triangle would coordinate their comp plans, so there was not so much overlap with respect to the boundaries and the intentions of what is on the property. He added he did not know what happened to that initiative, but it has fallen by the wayside.

Mr. Barnett replied he had not been a part of a conversation regarding this but some meetings have been protracted in some measure because of COVID.

Mr. Zaremba commented that the Steering Committee has been tasked to put together a draft with respect to the Comp Plan and he believes the zoning ordinance as well. He wanted to know how long before it is taken to the Board and would like an update from someone on the committee.

Chairman Green responded it is in the process and in an upcoming work session the Steering Committee will give the Board a briefing on where the Comprehensive Plan stands. He added there were several meetings that had not transpired, some had been on Zoom and they were looking forward to getting everybody back in the next month or two for an in person meeting.

Mr. Shepperd responded to Mr. Zaremba concerning the jurisdictions, the Regional Issues Committee and the Planning Committee that got together to see for example how disjointed or

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lined up the green belts around the major roads that went in and out of different localities. He added not much else was ever done that he could recall.

Chairman Green stated he had the opportunity to meet with the Director at the Waterman's Museum and wanted to give him recognition for being the Best Small Museum in the State of Virginia by Chesapeake Bay Magazine. He added there are exciting things going on down there and when it can open up safely they have a full agenda of programs for summer, spring and fall. He concluded to please check out the new edition of the *Citizen News*, it is a must read.

Meeting Adjourned. At 9:12 p.m. Chairman Green declared the meeting adjourned to 6:00 p.m., Tuesday, March 2, 2021, in the East Room of York Hall.



Neil A. Morgan  
County Administrator



W. Chad Green, Chairman  
York County Board of Supervisors