

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
May 4, 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, May 4, 2021, in the Board Room, York Hall, by Chairman W. Chad Green.

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

Also in attendance were Neil A. Morgan, County Administrator; Mark L. Bellamy, Deputy County Administrator; James E. Barnett, County Attorney; and Heather L. Schott, Legislative Assistant.

Chairman Green announced that Vivian Calkins-McGettigan, one of the County's Deputy Administrators, will be retiring shortly. He commended and thanked her for dedication and hard work over the eight years she had worked for the County. He specifically mentioned the outstanding job she had done in guiding the County through the fiscal management regional partnerships and for spearheading the County's advancement in technology. On behalf of the entire Board, he thanked Mrs. McGettigan for her exceptional services and offered the Board's best wishes in her retirement.

**BUDGET ORDINANCES AND RESOLUTIONS**

**PROPOSED FISCAL YEAR 2022 BUDGET AND TAX RATES**

The Proposed Fiscal Year 2022 Budget and Tax Rates were considered and **approved on a vote of 5:0.** A summary of the actions taken are below.

Mr. Shepperd moved the adoption of proposed Ordinance No. 21-5 that reads:

AN ORDINANCE TO IMPOSE TAX LEVIES UPON TANGIBLE PERSONAL PROPERTY, UPON MACHINERY AND TOOLS, UPON MOBILE HOMES, AND UPON REAL ESTATE FOR THE CALENDAR YEAR 2021, AND TO PRORATE TAXES ON MOBILE HOMES AS AUTHORIZED BY SEC. 58.1-3001 OF THE CODE OF VIRGINIA

On roll call the vote was:

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

Mrs. Noll then moved the adoption of proposed Resolution 21-51 that reads:

A RESOLUTION TO APPROVE THE BUDGETS AND APPROPRIATE FUNDS FOR THE COUNTY OF YORK AND THE YORK COUNTY SCHOOL DIVISION FOR THE FISCAL YEAR BEGINNING JULY 1, 2021, AND ENDING JUNE 30, 2022

On roll call the vote was:

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

**PROPOSED FISCAL YEAR 2022-2027 CAPITAL IMPROVEMENTS PROGRAM**

The Proposed Fiscal Year 2022-2027 Capital Improvements Program was considered and **approved on a vote of 5:0.** A summary of the actions taken are below.

May 4, 2021

Mr. Roane then moved the adoption of the proposed Resolution 21-49 that reads:

A RESOLUTION TO ADOPT THE FISCAL YEAR 2022-2027 CAPITAL IMPROVEMENTS PROGRAM AS A LONG-RANGE PLANNING DOCUMENT

On roll call the vote was:

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

DESIGNATION OF REAL PROPERTY TAX FOR SCHOOL PURPOSES

The designation of the Real Property Tax for School purposes was considered and approved on a vote of 5:0. A summary of the actions taken are below.

Mr. Zaremba then moved the adoption of proposed Resolution 21-50 that reads:

A RESOLUTION TO DESIGNATE A PORTION OF THE REAL PROPERTY TAX FOR SCHOOL PURPOSES

On roll call the vote was:

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

ENACTMENT OF CIGARETTE TAX

The enactment of a Cigarette Tax was considered and approved on a vote of 4:1. A summary of the actions taken are below.

Chairman Green opened the floor for discussion of this item.

Mr. Roane stated that he had given a great deal of thought to the proposed tax on cigarettes. As such he had performed research on this topic and had found that this specific tax would generate approximately \$600,000 in revenue for the County. He confirmed that it is the right thing to do, but just not the right time to do so. Specifically, he noted that many of the County's retailers, due to the pandemic, are hurting financially and to adopt such an ordinance would negatively impact these businesses even more. In conclusion, he reiterated that the tax is the right thing to do; however, this was not the time in which to institute it. Once the economy further rebounds, then this tax can be better accommodated by our retail businesses.

Mr. Shepperd stated that they have been asking the General Assembly for over a decade to authorize localities to charge a cigarette tax. Having finally done so, this law provides the County with some equity with surrounding cities, some of which have a \$.85 cigarette tax rate. Moreover, he stated that in the past we have increased real estate and/or personal property taxes in order to generate the necessary revenue to run the County which impacts every resident, while the cigarette tax will only impact smokers. He stated that he can support the proposed \$.40 cigarette tax, otherwise we will have to increase one of the taxes that impact across the board.

Mrs. Noll then moved the adoption of proposed Ordinance 21-6 that reads:

AN ORDINANCE TO ADD ARTICLE XI TO CHAPTER 21, LEVYING A TAX ON CIGARETTES SOLD WITHIN THE COUNTY AT THE RATE OF \$0.02 PER CIGARETTE, OR \$0.40 PER PACKAGE OF TWENTY CIGARETTES, REQUIRING STAMPS TO BE AFFIXED PRIOR TO SALE AS EVIDENCE OF THE PAYMENT OF TAXES, AND PROVIDING FOR THE SEIZURE AND FORFEITURE OF CIGARETTES NOT PROPERLY TAXED OR VENDING MACHINES AND OTHER PROPERTY USED IN UNLAWFUL SALES

On roll call the vote was:

Yea: (4) Zaremba, Noll, Shepperd, Green

Nay: (1) Roane

AMENDMENT TO VARIOUS YORK COUNTY CODE SECTIONS CONCERNING RATES AND FEES

The amendments to various York Code sections concerning rates and fees were considered and **approved on a vote of 5:0**. A summary of the actions taken are below.

Mr. Shepperd then moved the adoption of proposed Ordinance 21-4 that reads:

AN ORDINANCE TO AMEND CHAPTER 1, CHAPTER 7.1 ARTICLE II, CHAPTER 18.1, CHAPTER 18.2 ARTICLE II, CHAPTER 20.5 ARTICLE I, CHAPTER 21 ARTICLE II AND CHAPTER 24.1 ARTICLE I, OF THE YORK COUNTY CODE, TO CHANGE THE FEES FOR ASSESSMENT OF CIVIL AND CRIMINAL CONVICTIONS, REINSPECTION FEES OF FOG PROGRAM, SEWER SYSTEM RATES, BUILDING PERMITS, FEES AND INSPECTIONS, SUBDIVISION FEES, APPLICATION FOR REAL ESTATE DEVOTED TO AGRICULTURE AND HORTICULTURAL USES FEE AND ZONING FEES

On roll call the vote was:

Yea: (5) Noll, Roane, Shepperd, Zaremba, 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. Roane requested to pull item number six for discussion.

Chairman Green then opened the floor for discussion on the Ella Taylor Traffic Calming Proposal.

Mr. Roane stated that he had been surveying the Ella Taylor Road situation with Deputy County Administrator, Mark Bellamy, and Virginia Department of Transportation (VDOT) for some time. He noted that several scenarios had been considered to slow traffic on Ella Taylor; however, it was finally determined that the installation of two speed tables was the appropriate method to address this safety issue. Mr. Roane pointed out that this road is very unique as it is short and very narrow with no shoulders so the chosen solution would best address the speeding issue. He noted, however, that speed tables would rarely be applicable to other roadways experiencing ongoing speed issues.

Chairman Green asked, as there were no more questions, what the Board's pleasure is on the Consent Calendar.

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

On roll call the vote was:

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

Item No. 6. ELLA TAYLOR ROAD TRAFFIC CALMING PROPOSAL: Resolution R21-57

A RESOLUTION TO ENDORSE THE FINDINGS OF A TRAFFIC CALMING PLAN FOR ELLA TAYLOR ROAD AND TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION AUTHORIZE IMPLEMENTATION OF THE PLAN

Item. No. 7. OUTSTANDING YOUTH AWARDS: Resolution R21-67

May 4, 2021

A RESOLUTION TO COMMEND AND CONGRATULATE JACOB WAYNE RIZZIO ON HIS SPECIAL 2021 YORK COUNTY OUTSTANDING YOUTH AWARD FOR ENGAGEMENT IN LOCAL GOVERNMENT IN PARTNERSHIP WITH THE YORK COUNTY COMPREHENSIVE PLAN REVIEW STEERING COMMITTEE

**PRESENTATIONS**

**COMPREHENSIVE PLAN PROCESS UPDATE**

Chairman Green introduced the next agenda item, an update on the Comprehensive Plan process. He pointed out that the state requires each locality to review and update its Comprehensive Plan every five years and the County's last update occurred in 2013. In 2018, the Board of Supervisors was briefed on the Plan update process. He then listed the members of the Steering Committee which included: one citizen from each district, two Deputy County Administrators, two Planning Commission members, one Board of Supervisor, one Youth Commission representative, one Economic Development Authority member, one business community representative and one representative from the real estate/development community. He further explained that the Committee held a kickoff meeting in November 2018 and has since held eighteen meetings at which times experts on pertinent topics briefed the Committee. However, he noted that the pandemic has somewhat hampered the Committee's progress. He then introduced the Steering Committee Chairman and current Planning Commission Chairman, Michael King and the Steering Committee Vice Chairman, Montgoussaint Jons.

Mr. King thanked the Board for the opportunity to address them regarding the Comprehensive Plan update. He stated that the development of the County's Comprehensive Plan is the Planning Commission's number one responsibility. As a planning professional, he noted that in the past he had assisted the city of Newport News as well as the County to update their respective plans and is now working to update the County plan as a volunteer. He stated that many professionals are currently serving on the County's Steering Committee such as an architect, retired school teacher, a retired Army officer, a retired Park Service superintendent, a banker, a commercial developer, a former Planning Commission member, a youth representative and more. As such, he noted that there is a diverse group serving on the committee, all of which are volunteers.

Mr. King then highlighted the major themes and trends which are under consideration by the committee, such as population growth, sea level rise and climate change. He specifically noted that since he moved to York County in 1991 the population has basically doubled. Regarding sea level rise, he pointed out that the tidal gauge at the Norfolk Naval Base clearly shows that sea level has increased eighteen inches since 1926. Another important theme is broadband and technology infrastructure. He stressed the importance of the County providing broadband and better cell phone coverage so that the County does not lag behind its neighbors relative to technology advancement. Mr. King also noted the importance of energy resiliency and impacts of the Amazon Effect and eCommerce. He then turned attention to the issue of redevelopment since the County has minimal vacant land available for development. It will likely take Comprehensive Plan updates and zoning ordinance amendments to enable the County to be more flexible when it comes to redevelopment. Mr. King mentioned the importance of providing the type of housing the millennials and those following would want in order to keep young professionals in the community.

Mr. Shepperd asked Mr. King for clarification regarding his comments on the importance of broadband infrastructure. He added that he felt with the number of options for County residents such as Verizon, Cox and satellites, that broadband was not an issue.

Mr. King responded by saying that broadband infrastructure is indeed important to the County, especially as it relates to economic development. He agreed that residents have good internet options; however, in order to lure big businesses into the County most need different infrastructure than that which is provided by Verizon and Cox. He also noted that the example he used earlier regarding the individual who had to travel to get internet service does not live in the County.

Mr. Morgan stated that the state is actually requiring all localities to address broadband availability when they update their respective Comprehensive Plan. He added that for the most part residents enjoy good internet; however, if the entire country starts investing in broadband and

we do not, we may find ourselves lagging behind technologically which could negatively impact the County.

Mr. King reiterated the importance of addressing the broadband issue to ensure that the County is not left behind technologically. As such, the Steering Committee is including the significance of this specific infrastructure in the Comprehensive Plan update. He stressed the importance of staying updated on such matters not only for economic development but for our citizenry.

Mr. Shepperd pointed out that one of the presentation slides he shared indicates that the population growth of the County is under control. He asked Mr. King if the updated Comprehensive Plan would address this issue since there appears to be a disparity between what citizens are saying during public hearings on development applications versus the statistics in the Comprehensive Plan that indicate the County is experiencing normal population growth.

Mr. King, in response, stated that the younger generations are looking for a variety of housing options; that is homes with little to no yard, walkable neighborhoods, and bike paths. The Committee is updating the plan based upon input they are receiving from the citizens, but the Board of Supervisors has the final say on the plan.

Mr. Zaremba stated that he had recently read an article in the Virginia Gazette that James City County is also updating their Comprehensive Plan. Throughout the article it mentions that the James City County Comprehensive Plan committee has met with citizens on four different occasions and that the main theme they are hearing from the people is preservation of our natural resources. He asked if this specific item is also included as a theme in our plan update.

Mr. King stated that although this theme was not included in the evening's presentation, it is indeed one of the important themes of the plan. As a matter of fact, he added that historic preservation, open space and parks are major components of the plan.

Mr. Zaremba stated that in past years the County would coordinate its plan update with both James City County and Williamsburg. He stated that he did not know if this coordination was still done or would be done prior to finalizing the County's Comprehensive Plan.

Mr. King stated that Mr. Tim Cross, Planning and Development Deputy Director, would address our coordination efforts in the presentation. However, he stressed that it is essential to coordinate the plan update with surrounding localities, especially as it relates to infrastructure, parks, trails and other items that cross boundaries.

Mr. Roane asked what the broadband infrastructure target is for the County; that is wireless or technology based; consumer or coverage based.

Mr. King stated that he does not have the answer as technology is not his area of expertise.

Mr. Morgan stated that it is too early in the process to be that precise. However, at this point the committee understands the importance of updating technology infrastructure for both citizens and businesses alike to ensure we are not left behind. More information on this matter will be forthcoming.

Mr. Roane noted that the Committee has already acknowledged that the younger generations are looking for different housing options, but he asked how the committee obtained this information.

Mr. King stated that nationally this has become a trend for the younger generations. Young adults want walkable communities, communities that bike trails, sidewalks and a range of housing options. However, it is premature to say at this stage of the update if and how this will be incorporated into the plan.

Mr. Roane stated that is in contrast with his daughter desires who is currently looking for a traditional single family home.

May 4, 2021

Mr. King stated that is why the County needs a good housing mix in order to retain its young adults because one size does not fit all.

Mrs. Noll emphasized that the update is still in the early phase so later in the process we will have an opportunity to fine tune. She noted that we have always worked with the adjoining localities in updating our plan. She thanked Mr. King and the entire Steering Committee for their hard work thus far.

Chairman Green then called upon the Steering Committee Vice Chairman, Mr. Montgoussaint Jons to continue the presentation on the Comprehensive Plan update.

Mr. Jons stated that due to COVID, most businesses had radically changed their work processes having realized that their employees can do a great deal of their work remotely. As a result of this, the County will likely experience additional empty office/retail buildings. He noted that currently only Cox can provide broadband infrastructure to County residents and that eight percent of the population do not have access to internet services. He stressed the importance of ensuring that all of our residents and businesses have access to internet and broadband infrastructure, not only to keep them in the County but to attract others into the County. He also stressed the importance of adaptive reuse and redevelopment of existing structures. He encouraged the Board to look to local universities for the architectural and engineering skills/expertise to show us how we can incorporate adaptive reuse and redevelopment into the County's vision for the future. He then turned his attention to transportation technology and stated that it is projected in 2040 autonomous vehicles will be standard and work is currently in the process to increase the mileage on all-electric vehicles. Regarding sea level rise, he stated that the County needs to consider the issue of flooding roads during extreme rain events and hurricanes. More importantly, measures should be implemented in order to get people out of low-lying areas prior to these events occurring. Regarding adaptive reuse, he pointed out that the transformation of the George Washington Inn into affordable housing where public bus transportation is available is a prime example. He stated that the diversity of the Steering Committee is great and helps to better reflect the community. Input from the youth representative, Jacob Rizzio, has and continues to be invaluable to the Committee and he suggested adding one youth from each district to the committee.

Mr. Zarembo asked if the Economic Development Director, Jim Noel, and the County's Economic Development Authority (EDA) are in tune with what the committee is doing relative to updating the plan. Specifically, he asked if they are trying to meet the requirements associated with eCommerce, Amazon Effect, and adaptive reuse development. He stated that the EDA should be involved in addressing these issues so that the County is unified in moving forward.

Mr. Jons stated that the County needs to be sure to leave some green space for future generations. He added that regulations for home based businesses should be reviewed and perhaps tweaked so as not to stop these businesses, but to ensure they will not detrimentally impact neighborhoods.

Mr. Roane stated that during his recent attendance at the York County Chamber of Commerce meeting, he learned that two thirds of the County's businesses are home based. He stated that he has spoken with Mr. Noel, Director of Economic Development, about scheduling a meeting shortly to discuss how to accommodate the need for home based businesses while ensuring they are transparent to their neighbors. Also they will discuss how to move these business into a commercial district once they have met a certain threshold limit.

Mr. Jons stated that the Economic Development Division needs to work closely with the home based businesses so that when they grow large enough they can assist them to find commercial sites still within the County.

Mr. Cross stated that the EDA has been heavily involved in the update process. He pointed out that Mr. Noel addressed the committee approximately a year ago and at that time he talked about these trends and provided some specific recommendations that came from the EDA. He noted that a complete draft of the plan's Economic Development Element which includes recommendations from the EDA has been completed. He stated that this element has been posted online and he encouraged everyone to review it. He added that this element will be discussed at the Comprehensive Plan meeting scheduled for the next evening. A major component of the updated plan is the transportation, sidewalks, bikeways, and crosswalks element in an attempt

to make our communities more walking and biking friendly. He assured the Board that coordination with Williamsburg and James City County has been and continues to be important in many ways, which includes extending walkways and bike trails to the adjoining County lines. He noted that the committee had initiated a scientifically statistically valid survey at the beginning of the update process which validated the citizens desire to see more sidewalks and bikeways, etc. In addition to the Economic Development Element, he stated several other elements have also been drafted and were on the website for everyone's review. Prior to drafting the various elements, he noted that experts from the associated fields attended and presented invaluable information/recommendations to the committee. He pointed out that land use is the heart of the Comprehensive Plan and will be the next element to be drafted. It is his hope that the entire draft plan will be available to the public for review by the end of the year or early 2022. Once the plan is released, more public input sessions will be held in order to obtain citizen feedback on the draft plan. Afterwards, the committee will revise, retool and amend the draft accordingly until a plan is produced that the committee can endorse which will then go to the Planning Commission for a public hearing and its consideration. It will be forwarded to the Board for your deliberation and ultimate action upon completion of the process.

Mr. Zaremba stated that he thought the committee should first discuss and determine what the County is currently and how we want to see it in the years to come. He reminded everyone that the citizens of the upper County clearly expressed their thoughts regarding land development recently during the public hearing on Fenton Mill. He stated that he hoped a large number of the population throughout the County will attend the upcoming public input sessions and share their thoughts regarding what the County is and what they want for the County's future.

Mr. Cross stated that the committee did indeed discuss the big issues at the initial meetings; that is are we suburban or rural. In doing so, he learned that individuals' definitions of rural can be quite different. He reiterated that is why a scientific survey was performed early in the process to learn what the citizens' vision is for the County. He repeated that more town hall, public input sessions will be held on the plan to ensure it represents the citizens' wishes.

Mr. Roane asked how staff notified the community when important documents such as the Comprehensive Plan are ready for review.

Mr. Cross responded by stating that multiple venues are utilized to get the word out such as homeowners associations (HOA), the County's social media, Channel 46, the County's website and also the County's Public Information Officer, Gail Whittaker. He added that Ms. Whittaker also attends these meetings and will ensure that the final draft plan will be well advertised. He did mention, however, that with the constant change in the HOA leadership positions and now more recently with COVID, staff's interaction with them has not been as good as it once was. He pointed out that at one of the earlier public input meetings held at Bruton High School there was only one citizen present who was a HOA president.

Chairman Green, who also serves on the Steering Committee, stated that the committee meetings are open to the public. However, he encouraged citizens to share their opinions by speaking at Planning Commission meetings, and personally speaking to the Planning Commission Chair, Vice Chair, him or any of the Supervisors. He invited any interested citizen to attend the next Comprehensive Plan meeting.

Mr. Cross stated that the next meeting will be held on Wednesday, May 5, at five o'clock at the York Senior Center. He added this is the first in-person meeting held since the pandemic started; however, the usual COVID protocols will be enforced. He also recommended that the public visit York 2040 - Charting the Course on the County's website and select 2040 Comprehensive Plan to review those elements of the Plan that have been drafted.

Mrs. Noll stated that she has been involved in the Comprehensive Plans since her initial election to the Board and that she had actually served on the Steering Committee in the past. However, she noted that it is very difficult to get citizens involved in the process as they typically do not unless they have a particular problem or issue they want resolved. What is needed are citizens who are thinking about and desiring the best for the entire County, who are objective, thoughtful individuals. She encouraged residents to get involved in the process.

May 4, 2021

Chairman Green thanked Mr. Cross, Chairman King and Vice Chairman Jons for their informative presentations on the plan.

**OPEN DISCUSSION**

Mrs. Noll announced that there is a chemical waste disposal collection to be held on Saturday at the Waste Management facility.

Mr. Zarembo echoed Mrs. Noll's earlier statements regarding getting citizens involved in the Comprehensive Plan update. As an example, he noted that a citizen input session was recently held in the upper County regarding a 195 foot communications tower being proposed for that vicinity and only he and one other resident attended the meeting. He implored residents to get involved and provide their input on the plan as it is the vision and guiding tool for the County for the next 5 to 10 years.

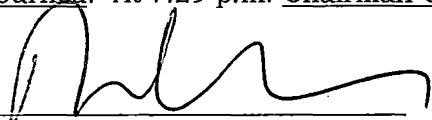
Mr. Roane thanked Mrs. Noll for the reminder about Saturday's chemical waste drop-off and he asked Mr. Morgan to provide an update on the proposed HRSD pump station plans.

Mr. Morgan responded by stating HRSD technical staff is going back to the drawing board to look at options. Specifically, they are looking at the size, location and design for the facility that is needed in the proposed general area. Once they get a functional concept for the station, they have assured him they will provide that information to the County and he will then apprise the Board of this information.

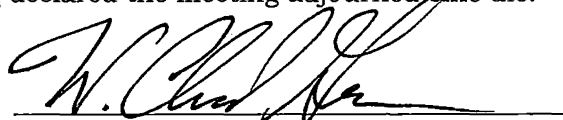
Mr. Shepperd remarked on the President and his wife's recent visit to a York County school. Although no one knew why York County was selected out of all the Virginia counties, he noted that it was likely due to our excellent school system. In response to the Board's previous comments about the lack of citizen participation in the Comprehensive Plan update, he noted that this could also be due to the fact that a majority of the residents are happy with the way the County is managed. In addition, he pointed out that the County's tax rate is low, crime is minimal and our educational system is excellent. As such, he believes that most residents are pleased with the way the County is run so they do not bother coming to public hearings unless it is something really important to them such as Fenton Mill. He stated we have a great County Administrator and staff, a dedicated citizenry, and involved community leaders/individuals that make York County a great place to live.

Chairman Green thanked the Finance Director and her staff, and the County Administrator for their hard work on the Fiscal Year 22 Budget and Capital Improvements Plan. He thanked everyone who had provided feedback to him on the budget. He reported that the recent Pirate Invasion held at the waterfront was well attended. He commended Community Services Director, Brian Fuller and his staff, also Darren Williams, Kevin Ritchie, and all of the involved Parks and Recreation staff for a super event. He noted that Community Services has a very ambitious calendar set for the summer with the various festivals, markets, and the beach and waterfront activities. In conclusion, he commended them on a job well done.

Meeting Adjourned. At 7:29 p.m. Chairman Green declared the meeting adjourned sine die.



Neil A. Morgan  
County Administrator



W. Chad Green, Chairman  
York County Board of Supervisors