

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
July 16, 2019

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:00 p.m., Tuesday, July 16, 2019, in the Board Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

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

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

Invocation. Pastor Alvin Georges, The Mount Leads, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Troop 200 Boy Scout led the Pledge of Allegiance.

## **PRESENTATIONS**

### **EMPLOYEE RECOGNITION PROGRAM**

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

Brian Fuller	Community Services Department	35 years
Patricia L. Gay	Registrar's Office	20 years

### **MERRIMAC JUVENILE DETENTION CENTER**

Mrs. McGettigan introduced Executive Director Gina Mingee of the Merrimac Juvenile Detention Center, noting York County was one of 18 localities participating in the Center. She spoke of the initiative Ms. Mingee had brought to the Center that has generated some savings to the localities through the Community Placement Program, a program with the state that has provided guaranteed revenues from the state for the use of excess capacity at the Center.

Ms. Mingee, Executive Director, Merrimac Juvenile Detention Center, briefly reviewed the history of how the detention center was formed, stating the Center now serves York County along with 16 other counties and two cities of the 9<sup>th</sup> and 15<sup>th</sup> Court Service Units. She noted the Center was now serving an additional 26 jurisdictions with youth placed in the Community Placement Program. She reviewed the composition of the Center's governing body, the statistics of the Center for FY2019, and the current level of staff. Next she spoke of the role the Department of Juvenile Justice plays in the operations of the Center, stating it serves as the Center's regulatory agency. She noted the Center is the only one in the state that has been serving female offenders. The funding for the center is approximately 56 percent state funding and 44 percent local funding from the participating jurisdictions. She then provided an overview of the programming provided to the youth an outline of the Behavior Management Program of the Center. Ms. Mingee stated the Behavior Management Program helps the youth take responsibility for their own behaviors by identifying thinking that leads to their behaviors,

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which leads to the consequences and how they can change their thinking over to more rational and reasonable thinking. She then gave a brief overview of the program's services that includes mental health, physical health, education, and transportation. Lastly, Ms. Mingee provided a brief overview of the programs and partnerships at the Center and the services provided to the youth, as well as an overview of what a day is like for a youth at the Center. She thanked the Board for its support of the Center.

Chairman Shepperd expressed his appreciation to Ms. Mingee for the presentation this evening.

## SIDEWALK INITIATIVE UPDATE

Mr. Mark Bellamy, Deputy County Administrator, provided the Board with an update on active transportation, noting the Board had approved the Six-Year Secondary Road Program following the joint public hearing with VDOT on May 21. He informed the Board that the County was approaching some deadlines which would require its approval, so he was providing them with a heads-up regarding those projects. Mr. Bellamy then defined active transportation as any self-propelled human-powered mode of transportation such as walking or bicycling. While road infrastructure continues as a priority on Six Year Improvement Plan, there was now a dual focus to include active transportation; and the number one comment staff had received from citizens who had responded to the Comprehensive Plan Review surveys was that they wanted sidewalks and bike trails. He noted the County had not had any real sidewalk construction in the County since 2011; but with the Board's guidance and previous revenue sharing rounds, staff had come up with six proposed sidewalks that had been divided into two phases, with three sidewalks per phase. He then reviewed funding options which included county funding, Smart Scale, and local assistance programs such as Revenue sharing and Transportation Alternative Set Aside. He stated in upcoming Board meetings staff would be recommending some projects for endorsement by the Board and also other projects to be considered for the future. Mr. Bellamy then reviewed the following current Revenue Sharing projects as well as other current projects:

- **2019/2020 Phase I**
  - Hampton Highway – Autumn Way to Lake Dale
  - Hubbard Lane – Colonial Ave to Cobble Stone
  - George Washington Highway – Fort Eustis Boulevard to Library
- **2019/2020 Phase II**
  - Big Bethel – Running Man to Tabb Elementary School
  - Merrimac Trail – Magruder Elementary to James York Plaza
  - Old Williamsburg Road - Lackey Free Clinic to Woods of Yorktown
- Bypass Road
- Victory Boulevard – North Bowman Trace to Big Bethel Road (Fire Station 2)
- Comte De Grasse Street

Discussion followed regarding proposals for Kiln Creek Parkway and definitions of "sidewalks" and "multi-use paths."

Mr. Bellamy then gave a brief overview of the following projects being recommended by staff for the 2021-2022 round of applications and their costs, noting all the projects center around schools:

- Route 17/York High School

- Villa Way – Mount Vernon Elementary
- West Queens Drive – Queens Lake Middle
- Yorktown Road – Tabb High School
- Lakeside Drive – Grafton Bethel Elementary
- Siege Lane – Yorktown Elementary

Mr. Bellamy stated if the above projects were done completely with revenue sharing at a 50/50 match, the County portion would be a little over \$1 million; but if the County could secure the set-aside money, the projects would be 80/20 split, so it could be a little less. He reiterated that from the Comprehensive Plan surveys the overwhelming issue that staff was hearing was for multi-use paths, sidewalks, and bike trails. As staff works through these projects, they are trying to create a bank of projects that will already have some of the preliminary engineering and right-of-way work done, so when the project comes up it can move forward. He noted he and Mr. Morgan had recently met with some individuals regarding a possible Birthplace of America Trail to connect the Capital Trail, which ends in James City County, down to Fort Monroe, passing through York County. He stated recommendations regarding the Capital Trail would be made to the Board at a later date for approval. Dominion Energy also has shown some willingness to allow the County to put trails on its power line easements, but it was very preliminary. Mr. Bellamy reminded the Board that in August and possibly September, staff would be bringing two actions for the Board to consider approving.

Chairman Shepperd stated this was a subject of great importance to all the Supervisors and had implications they all needed to understand. Over the years the Board has received feedback from the citizens and seen studies on the value that trails, bike trails, walking trails, and sidewalks do for the communities and the value it adds to the residents' homes. Mr. Shepperd stated now action was taking place, and a deliberate effort was being made to work together in a fiscally responsible manner. He thanked Mr. Bellamy for the great briefing.

#### **CITIZENS COMMENT PERIOD**

No one appeared to speak at this time.

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

Mr. Barnett had no report at this time.

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

Mr. Morgan acknowledged the hard work of County staff in Public Safety, Public Works, and Community Services, for the great Fourth of July event, stating it takes lot of people behind the scenes to make it so successful.

#### **PUBLIC HEARINGS**

##### **APPLICATION NO. UP-925-19, SXCW PROPERTIES II, LLC**

Mr. Earl Anderson, Senior Planner, gave a presentation on Application No. UP-925-19 to approve a request for a Special Use Permit to authorize the establishment of a car wash facility and automobile fuel dispensing establishment on a 3.3-acre parcel located at 1920 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, and staff

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recommended approval of the application through the adoption of proposed Resolution R19-92.

Mr. Tim Trant, 11851 Fountain Way, Suite 400, Newport News, representing the applicant, noted he and other members of the project team were present this evening. He stated Sam's Express currently has over 20 locations, noting this would be its second proposed facility in York County. He stated Sam's Express was an eco-friendly car wash and captured almost 100 percent of the water used in connection with the washing of the cars, as well as recycling about 90 percent and using bio-degradable soaps and energy efficient equipment. He noted the proposed car wash would hire approximately 20 to 25 employees, with six to eight on-site at any given time. He spoke of the corporate philosophy of the company and the conditions associated with the site that suggested the probability of attracting another user on this site was unlikely and perhaps imprudent. Meetings with the Tabb Lakes Homeowners Association Board and the residential community were held, and they received very helpful comments to be incorporated into the design of the project. He stated that because of the special use permit process, the applicant felt compelled to earn the support of the community and the County and had agreed to place its stormwater management underground which would provide substantial benefits to the adjacent community. He noted that the applicant would be making sidewalk improvements along Route 17 as well as the traffic improvement Mr. Anderson had mentioned in his presentation. Mr. Trant stated in response to the Board's question regarding existing car washes in the Route 17 commuting corridor, there were other existing car washes.

Discussion followed regarding the zoning of the surrounding wooded area, the total acreage of the vegetative areas, the types of businesses located south of the proposed site, and if the business would be primarily a gas station with the convenience of a car wash, or a car wash with the convenience of a gas station.

Chairman Shepperd then called to order a public hearing on Application No. UP-925-19 that was duly advertised as required by law. Proposed Resolution R19-92 is entitled:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL USE PERMIT TO AUTHORIZE A CAR WASH FACILITY AND AUTOMOBILE FUEL DISPENSING ESTABLISHMENT AT 1920 GEORGE WASHINGTON MEMORIAL HIGHWAY

Mr. Mathew Blanchard, 3664 Bridge Water Drive, Williamsburg, Mega Auto Spa, stated their business started in Williamsburg and then came to Yorktown in 2015, and they are in the process of building their third location in Chesapeake. He stated when they planned the site on Route 17 they were under the assumption that the Route 17 widening project would be complete before they opened the business, and they had struggled the first 18 months and are finally coming into their own after five years in business. Mr. Blanchard stated he welcomed competition because it makes their business better.

Mr. Keith A. Ebert, 106 Adele Court, Tabb Lakes HOA, spoke in opposition to the application.

Mr. Rob Cook, 104 Adele Court, spoke in opposition to the application.

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

Chairman Shepperd commented he felt it was important for people to understand that not too many years ago the Board struggled with the issues regarding the density of gas stations when three gas stations had closed at the corner of Lakeside Drive and Route 17 leaving the whole corner dead. After a briefing by industry experts stating the gas station business would change over the next 15 years, the Board was now seeing businesses where gas was the secondary sales market with a product being tied to it. He again stated the struggle the Board has achieving a balance between new businesses coming in and the responsibility to take care of the community.

Mr. Wassmer asked if the requirement for special use permits was because of issues with density.

Mr. Morgan stated there were multiple reasons. Over many years the Board has identified things that generally by right could be put in a place, but only after some additional scrutiny; so whenever something was put in that category it provides the owner/applicant the ability to offer upgrades, and it gives the County the ability to ask if something different would be a better use for the site.

Mr. Wassmer commented that if one of the key concerns to require a special use permit was density, it would be useful for the Board to see a map that has all of the uses that currently exist because the Board members are trying to make a decision and really have no visual to see what the impact would be. He stated he was all for free enterprise and making an investment; but their decisions impact the community; and the Board does not want dead property of businesses that fail. He stated he felt uncomfortable voting on this proposal without that type of information if that was one of the reasons for the special use permit hearing.

Mr. Green then moved the adoption of proposed Resolution R19-92 that reads:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL USE  
PERMIT TO AUTHORIZE A CAR WASH FACILITY AND AUTOMOBILE  
FUEL DISPENSING ESTABLISHMENT AT 1920 GEORGE WASHINGTON  
MEMORIAL HIGHWAY

WHEREAS, SXCW Properties II, LLC, has submitted Application No. UP-925-19 to request a Special Use Permit to authorize the establishment of a car wash facility and automobile fuel dispensing establishment on a 3.3-acre parcel of land located at 1920 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel No. 37-28 (GPIN S03d-4118-0676); and

WHEREAS, said application has been transmitted 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 16th day of July, 2019, that Application No. UP-925-19 be, and it is hereby, approved to authorize the establishment of a car wash facility and automobile fuel dispensing establishment on a 3.3-acre parcel of land located at 1920 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel No. 37-28 (GPIN S03d-4118-0676) subject to the following conditions:

1. This Special Use Permit shall authorize a car wash facility and automobile fuel dispensing establishment on a 3.3-acre parcel of land located at 1920 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel No. 37-28 (GPIN S03d-4118-0676).
2. A site plan prepared in accordance with the provisions set forth in Article V of the York County Zoning Ordinance shall be submitted to and approved by the Development Services Division prior to the commencement of any land clearing or development activities on the property. Said site plan shall be in substantial conformance with the sketch plans titled "Sam's Xpress Car Wash" prepared by Triangle Site Design, PLLC and dated May 21, 2019, except as modified herein.
3. With the exception of any modifications deemed necessary by the Virginia Department of Transportation, the developer shall construct a two-hundred foot (200') left turn lane

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on southbound Route 17 at its intersection with Production Drive in accordance with Virginia Department of Transportation standards.

- 4. With the exception of any modifications deemed necessary by the Zoning Administrator to ensure compliance with the Route 17 Corridor overlay district requirements set forth in Section 24.1-378 of the Zoning Ordinance, building architecture and design shall be in substantial conformance with the building elevations submitted by the applicant and prepared by ESD and dated May 17, 2019, a copy of which shall remain on file in the office of the Planning Division.
- 5. A Type 35 (35') Transitional Buffer shall be installed along the property's boundary with the R13 zoning district boundary. The existing vegetation within the 35-foot buffer shall remain undisturbed during the site development process and shall be supplemented as necessary to provide sufficient quantities of evergreen trees and shrubs to provide and maintain year-round screening. The Transitional Buffer shall be supplemented with an 8-foot tall wood screening fence installed on the inside edge of the buffer.
- 6. There shall be maintained on the property an auxiliary generator or generators sufficient in size and capacity to operate all fueling stations during electrical system outages or the facility shall be pre-wired for and provided with mobile generator(s) by contract or by transfer of generator(s) owned by the applicant to the site. The mobile generator(s) and the facility shall be operable within twelve (12) hours of the National Weather Service posting a warning for the County of York Virginia of a named tropical storm or named hurricane or within twelve (12) hours of the occurrence of a storm which disrupts power to the property.
- 7. 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 prior to application for a building permit.

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: (0)  
 Nay: (5) Zaremba, Noll, Green, Wassmer, Shepperd

APPLICATION NO. UP-930-19, FRATERNAL ORDER OF THE EAGLES, WILLIAMSBURG 4548

Mrs. Amy Parker, Senior Planner, gave a presentation on Application No. UP-925-19 to approve a request for a Special Use Permit to authorize the establishment of an approximately 2,400-square foot bingo hall within an existing shopping center (Palace Plaza) on a 2.2-acre parcel located at 113-K and 113-L Palace Lane (Route 690). The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R19-93.

Chairman Shepperd called to order a public hearing on Application No. UP-930-19 that was duly advertised as required by law. Proposed Resolution R19-93 is entitled:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL  
 USE PERMIT TO AUTHORIZE A BINGO HALL WITHIN AN EXIST-  
 ING RETAIL CENTER AT 113-K AND 113-L PALACE LANE

Mr. Barry Eanes, 113 Palace Lane, Suites K – O, Williamsburg, Vice President of the Fraternal Order of Eagles, stated they were seeking to operate bingo in two of the five suites they occupy in the shopping center. He stated they were requesting to operate one to two days a week, the maximum allowed by the law, on Sunday from 3:00 to 6:00 p.m. and possibly add one week

night on Wednesday, Thursday, or Friday based on the outcome and the number of participants. He stated the Order is a 123-year old organization that is not very well-known. He stated the organization is basically a non-profit private social club for its members; but if bingo was approved, they would be opening it to the public. He spoke of plans to build a parking lot, and stated the church located in the center had no objections to bingo being played, and the school had given its permission to use the parking lot in its area if needed for overflow.

Mr. Wassmer asked if there was an occupancy limit for the building.

Mr. Andrew Potter, 111 Alabama Lane, Secretary of the Fraternal Order of Eagles, stated the occupancy limit would be set based on the fire marshal's estimate of capacity, and the applicant would abide by all required laws.

Mr. Zaremba stated he felt the applicant was trying to put a large operation into a very small area, and he thought the applicant would be coming back to request expansion.

Mr. Potter stated he did not see having a problem fitting 50 to 60 people in the proposed space.

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

Mr. Wassmer then moved the adoption of proposed Resolution R19-93 that reads:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL  
USE PERMIT TO AUTHORIZE A BINGO HALL WITHIN AN EXIST-  
ING RETAIL CENTER AT 113-K AND 113-L PALACE LANE

WHEREAS, Fraternal Order of Eagles 4548 has submitted Application No. UP-930-19 requesting a Special Use Permit, pursuant to Section 24.1-306 (category 9, no. 4) of the York County Zoning Ordinance, to authorize the establishment of an approximately 1,800-square foot bingo hall within an existing retail center (Palace Plaza) on a 2.2-acre parcel located at 113-K and 113-L Palace Lane (Route 690) and further identified as Assessor's Parcel No. 9-14 (GPIN D15a-2344-2638); and

WHEREAS, said application has been transmitted 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 16th day of July, 2019, that Application No. UP-930-19 be, and it is hereby, approved to authorize the establishment of an approximately 1,800-square foot bingo hall within an existing retail center (Palace Plaza) on a 2.2-acre parcel located at 113-K and 113-L Palace Lane (Route 690) and further identified as Assessor's Parcel No. 9-14 (GPIN D15a-2344-2638) subject to the following conditions:

1. This use permit shall authorize the establishment of an approximately 1,800-square foot bingo hall within an existing retail center (Palace Plaza) on a 2.2-acre parcel located at 113-K and 113-L Palace Lane (Route 690) and further identified as Assessor's Parcel No. 9-14 (GPIN D15a-2344-2638).
2. The interior layout of the bingo hall shall be designed in substantial conformance with the floor plan submitted by the applicant and received by the Planning Division on April 30, 2019, a copy of which shall remain on file in the office of the Planning Division.

3. Noise from the proposed use shall be contained within the subject retail center units, and noise shall not be audible outside the confines of the units.
4. The hours of operation of the bingo hall shall be limited to the period between 3:00 PM and 9:00 PM on Sundays and 5:30 PM and 11:00 PM on Tuesdays, Thursdays, and Fridays.
5. There shall be no loitering of patrons outside the facility or in the adjacent parking lot, and the applicant shall be responsible for monitoring the immediate area to prevent loitering.
6. Parking lot lighting shall remain active until at least one hour after closing time for the bingo hall.
7. Prior to issuance of a Certificate of Occupancy for the bingo hall use, the subject portion of the retail center shall be brought into conformance with all applicable Virginia Uniform Statewide Building Codes and Virginia Statewide Fire Prevention Codes.
8. The provisions of Section 24.1-115(c)(2) notwithstanding, the initial term of this use permit shall be one year. Renewal of the use permit shall require authorization by resolution adopted by the Board of Supervisors. In the event the Board decides to renew the use permit, the term may be set, at the Board’s discretion, at such time period as deemed appropriate. In addition, at the Board’s discretion, the process for renewal may be set to again require Board action or, alternatively, to allow renewals in accordance with the terms of Section 24.1-115(c)(2).
9. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, prior to issuance of a Certificate of Occupancy for the bingo hall use, 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.

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: (5) Noll, Green, Wassmer, Zaremba, Shepperd  
 Nay: (0)

APPLICATION NO. UP-931-19, TWO TIGER INVESTMENTS, LLC

Mr. Timothy Cross, Deputy Director of Planning and Development Services, gave a presentation on Application No. UP-931-19 to approve a request for a Special Use Permit to authorize the establishment of an automobile storage/impound yard in the Ewell Industrial Park located at 5676 Mooretown Road (Route 603). The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R19-94.

Mr. William H. Carr, 316 Indian Spring Road, Williamsburg, Two Tiger Investments, LLC, stated when his very good friends Carolyn and Rusty Brown heard last year that he had purchased Ewell Industrial Park, they had approached him because they were selling their property on Fenton Mill Road and asked him if he could provide a place to relocate their ASAP Towing service that was run by their son. He stated as he had mentioned at the Planning Commission Meeting, this was not the highest and best use of this property. He stated in all probability in five to ten years with the County’s approval he would like to put up a 10,000 to 20,000 square foot building, so this would just be an interim use of the property. He stated this establishment would not be a junkyard but a temporary holding facility for cars that had been towed by ASAP Towing. He noted he has three other towing companies located in the Park, and there

had not been any issues. He noted the Browns would run a very good, clean operation; but if he received the demand for a building on the property, then he would move them to another part within the 19 acres at Ewell Park. He stated he was fine with whatever type of screening the Board might require because he knew this was not going to be long term, and he also knew there was a State Police requirement for towing companies. Mr. Carr stated the towing companies are on rotation and are on call for the Counties of York and James City and also the City of Williamsburg.

Mr. Zaremba asked if this would be a private lot where only the three specific approved towing companies could drop their towed vehicles, or was it open to the industry.

Mr. Carr replied that the Ewell Industrial Park is a private Park owned by him, as 85 percent owner, and he now has three different towing companies that all run a clean shops that get inspected by the County each year. In addition to those three companies, if this application was approved, it would include this new proposed opportunity. Mr. Carr stated he was currently working with the County to try and put up a 20,000 square foot building in the next couple of months, adding he would like to grow Ewell Industrial from 56,000 to probably 200,000 square feet over time.

Chairman Shepperd then called to order a public hearing on Application No. UP-931-19 that was duly advertised as required by law. Proposed Resolution R19-94 is entitled:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL  
USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF AN AU-  
TOMOBILE STORAGE YARD AT 5676 MOORETOWN ROAD

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

Mr. Green then moved the adoption of proposed Resolution R19-94 that reads:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL  
USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF AN AU-  
TOMOBILE STORAGE YARD AT 5676 MOORETOWN ROAD

WHEREAS, Two Tiger Investments, LLC, has submitted Application No. UP-931-19 to request a Special Use Permit, pursuant to Section 24.1-306 (category 12, no. 18) of the York County Zoning Ordinance, to authorize the establishment of an automobile storage/impound yard in the Ewell Industrial Park located at 5676 Mooretown Road (Route 603) and further identified as an approximately 0.22-acre portion of Assessor's Parcel No. 5-25; 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 16th day of July, 2019 that Application No. UP-931-19 be, and it is hereby, approved to authorize a Special Use Permit, pursuant to Section 24.1-306 (category 12, no. 18) of the York County Zoning Ordinance, for the establishment of an automobile storage/impound yard in the Ewell Industrial Park located at 5676 Mooretown Road (Route 603) and further identified as an approximately 0.22-acre portion of Assessor's Parcel No. 5-25, subject to the following conditions:

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1. This Special Use Permit shall authorize the establishment of an automobile storage/impound yard in the Ewell Industrial Park located at 5676 Mooretown Road (Route 603) and further identified as an approximately 0.22-acre portion of Assessor’s Parcel No. 5-25.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Development Services Division prior to the commencement of any construction or land disturbing activities on the site. Except as modified herein, said site plan shall be in substantial conformance with the sketch plan titled “CONCEPTUAL LAYOUT FOR EWELL INDUSTRIAL IMPOUND LOT” prepared by AES Consulting Engineers and dated May 1, 2019, a copy of which shall remain on file in the office of the York County Planning Division.
3. Existing vegetation along the Mooretown Road frontage of the subject parcel south of Ewell Road shall be supplemented with additional trees and shrubs sufficient to meet the standards for a front landscape yard set forth in Sections 24.1-242(h) and 24.1-244(a)(1) of the Zoning Ordinance.
4. The storage/impound yard shall be enclosed by fencing at least eight feet (8’) in height. Said fencing shall be of a type and design to fully screen views of the interior of the storage yard from Mooretown Road. Evergreen trees and shrubs of sufficient type and number to meet the requirements for a Type 25 transitional buffer set forth in Section 24.1-243(a)(1) of the Zoning Ordinance shall be planted along the perimeter of the fence.
5. The address of the vehicle storage location, business name, and emergency contact numbers for the business shall be posted on the fence at the entrance to the vehicle storage area.
6. Storage of hazardous materials shall not be permitted without prior approval from the York County Department of Fire and Life Safety.
7. The storage or parking of operable motor vehicles in the storage yard shall be for a period generally not exceeding ninety (90) days.
8. Not more than one (1) vehicle that is not capable of operating under its own power or from which parts have been removed for reuse or sale shall be stored or parked in any of the storage lots for a period exceeding thirty (30) days.
9. At no time shall vehicles in the storage lots be stored or stacked on top of one another.
10. 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 prior to the approval of a site plan for the impound yard.

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: (5) Green, Wassmer, Zaremba, Noll, Shepperd  
 Nay: (0)

SALE OF POQUOSON PROPERTY

Mr. Morgan stated the County had previously recommended selling this piece of property that was basically a piece of wetlands in Poquoson, owned by the County for unknown reasons. He stated back in January, when the original offer had come before the Board, there had been a concern that the County had not asked for more money over the Poquoson assessment, even

though by Mr. Bashore’s offer had been somewhat more than the assessment. He stated the property had been advertised, but the only person who had made an offer was Mr. Bashore, who had offered a little more money than his previous offer. The County almost broke even given the cost of readvertising the sale.

Chairman Shepperd then called to order a public hearing on proposed Resolution R19-88 that was duly advertised as required by law and is entitled:

A RESOLUTION TO AUTHORIZE THE SALE OF PROPERTY CONSISTING OF APPROXIMATELY 1.45 ACRES, IDENTIFIED AS POQUOSON TAX MAP PARCEL 21-1-12, TO TERRY BASHORE FOR THE SUM OF \$2,100

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 R19-88 that reads:

A RESOLUTION TO AUTHORIZE THE SALE OF PROPERTY CONSISTING OF APPROXIMATELY 1.45 ACRES, IDENTIFIED AS POQUOSON TAX MAP PARCEL 21-1-12, TO TERRY BASHORE FOR THE SUM OF \$2,100

WHEREAS, in 1924 the County acquired by a deed recorded in Deed Book 39A, page 254, property variously described as three-quarters of an acre, or 1.45 acres, such property having the address of 0 Poquoson Avenue; and

WHEREAS, the Board of Supervisors, following the holding of a public hearing and considering the matter, has determined that the property is surplus land for which the County has no use; and

WHEREAS, this property has been advertised for sale resulting in the receipt of one bid in the amount of \$2,100 for sale to Terry Bashore; and

WHEREAS, this Board has determined that the public welfare will be served by the sale of the property to Mr. Bashore;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of July, 2019, that the County Administrator be, and he is hereby, authorized to execute a sales agreement, a deed, and such other documents as may be necessary to convey the above-described property to Mr. Bashore for the sum of \$2,100 by quitclaim deed, all such documents to be approved by the County Attorney.

On roll call the vote was:

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

**CONSENT CALENDAR**

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 5, 6, 7, 8, and 9, respectively.

On roll call the vote was:

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

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Thereupon, the following minutes were approved and resolutions adopted:

Item No. 5. APPROVAL OF MINUTES

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

June 4, 2019, Regular Meeting

June 18, 2019, Regular Meeting

Item No. 6. BOND PROCEEDS REIMBURSEMENT FOR COUNTY CAPITAL IMPROVEMENTS PROGRAM: Resolution R19-86

A RESOLUTION A RESOLUTION OF THE BOARD OF SUPERVISORS OF YORK COUNTY DECLARING ITS INTENT TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS APPROVED IN THE ADOPTED CAPITAL IMPROVEMENTS PROGRAM

WHEREAS, the County of York, Virginia (the "County") is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, the Board of Supervisors of the County (the "Board") expects to pay, after the date hereof, certain expenditures (the "expenditures") in connection with the acquisition, construction, and/or equipping of capital improvements; and

WHEREAS, the Board has determined that any moneys previously advanced no more than sixty (60) days prior to the date hereof, and those moneys to be advanced on and after the date hereof to pay the expenditures, are available only for a temporary period and it is necessary to reimburse the County for the expenditures from the proceeds of one or more issues of tax-exempt bonds ("bonds"); and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of July, 2019, as follows:

Section 1. The Board adopts this declaration of official intent under Treasury Regulation Section 1.150-2.

Section 2. The Board reasonably expects to reimburse advances made or to be made by the County on and after that date which is no more than sixty (60) days prior to the date hereof to pay the expenditures with respect to the projects. The maximum principal amount of the bonds that may be to be issued for the projects is \$22.8 million.

Section 3. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the bonds to reimburse an expenditure, no later than eighteen (18) months after the later of the date on which the expenditure is paid or the project is placed in service or abandoned, but in no event more than three (3) years after the date on which the expenditure itself is paid. The County recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain *de minimis* amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five (5) years.

Section 4. This resolution shall take effect immediately upon its passage.

Item No. 7. BOND PROCEEDS REIMBURSEMENT FOR SCHOOLS CAPITAL IMPROVEMENTS PROGRAM: Resolution R19-87

A RESOLUTION OF THE BOARD OF SUPERVISORS OF YORK COUNTY DECLARING ITS INTENT TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS FOR SCHOOL PROJECTS

WHEREAS, the County of York, Virginia (the "County") is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, the Board of Supervisors of the County (the "Board") expects to pay or expects that the York County School Board will pay, after the date hereof, certain expenditures (the "expenditures") in connection with the acquisition, construction, and/or equipping of capital improvements for school projects (the "projects"); and

WHEREAS, the Board has determined that any moneys previously advanced no more than sixty (60) days prior to the date hereof, and those moneys to be advanced on and after the date hereof to pay the expenditures, are available only for a temporary period; and it is necessary to reimburse the County or the York County School Board for the expenditures from the proceeds of one or more issues of tax-exempt bonds ("bonds");

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of July, 2019, as follows:

Section 1. The Board adopts this declaration of official intent under Treasury Regulation Section 1.150-2.

Section 2. The Board reasonably expects to reimburse advances made or to be made by the County or the York County School Board on and after that date which is no more than sixty (60) days prior to the date hereof to pay the expenditures with respect to the projects. The maximum principal amount of the bonds expected to be issued for the projects is \$9,000,000.

Section 3. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the bonds to reimburse an expenditure, no later than eighteen (18) months after the later of the date on which the expenditure is paid or the project is placed in service or abandoned, but in no event more than three (3) years after the date on which the expenditure itself is paid. The County recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain *de minimis* amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five (5) years.

Section 4. This resolution shall take effect immediately upon its passage.

Item No. 8. GRANT ACCEPTANCE – D.A.R.E. PROGRAM: Resolution R19-89

A RESOLUTION TO ACCEPT AND APPROPRIATE FUNDS FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) CENTER FOR SCHOOL SAFETY IN THE AMOUNT OF \$100,000 FOR THE YORK-POQUOSON SHERIFF'S OFFICE TO ADMINISTER THE VIRGINIA DRUG ABUSE RESISTANCE EDUCATION (D.A.R.E.) PROGRAM

WHEREAS, in 2015 the York-Poquoson Sheriff's Office became the host agency for the Virginia D.A.R.E. Training Center for city and county agencies in Virginia; and

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WHEREAS, the Virginia State Police had been the fiscal agent for the Virginia D.A.R.E. Program for many years and in FY 2018 delegated the fiscal responsibilities of the program to the York-Poquoson Sheriff's Office; and

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) Center for School Safety has awarded \$100,000 for the administration of the D.A.R.E. Program for the time period of July 1, 2019, to June 30, 2020; and

WHEREAS, it is the policy of the Board of Supervisors that all grant programs of \$50,000 or more be submitted to the Board for review and approval; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of July, 2019, that the grant funds in the amount of \$100,000 from the Virginia Department of Criminal Justice Services (DCJS) be, and hereby are, accepted and appropriated in the County's Grants and Donations Fund.

BE IT FURTHER RESOLVED that the County Administrator be, and he is hereby, authorized to execute the necessary grant agreements/arrangements, subject to approval as to form by the County Attorney, and to do all things necessary to implement the grant.

Item No. 9. COMMENDATION OF RETIRED EMPLOYEE: Resolution R19-96

A RESOLUTION TO COMMEND AND CONGRATULATE MARIANNE G. HARRIS, YORK COUNTY BUILDING OFFICIAL, ON THE OCCASION OF HER RETIREMENT FROM COUNTY SERVICE

WHEREAS, Marianne G. Harris began employment with the County of York on December 11, 1978, as a Building Inspector; and

WHEREAS, Mrs. Harris' skills and talents were quickly recognized, and she was appointed special policeman by the Board of Supervisors on May 19, 1983; promoted to Senior Building Inspector on October 27, 1986; promoted to Chief Building Inspector on July 3, 1988; appointed acting Director of Code Compliance on September 14, 1988, and served in that capacity for three months; designated Acting Building Official on December 22, 1989; and was given the permanent position of Building Official on May 14, 1990; and

WHEREAS, over the past four decades, Mrs. Harris has played a lead role in countless County projects and overseen the construction of the majority of the County's facilities, was involved in the inspection of more than 19,000 structures and the processing of 150,000 permits, and was instrumental in the inspection of a significant number of renovations and additions of York County School Division's capital improvements; and

WHEREAS, during Mrs. Harris's forty-year tenure, she played a key role in ensuring the building safety of residential and commercial development throughout the County; and

WHEREAS, Mrs. Harris's creative problem-solving skills have been invaluable to the success of the building plan review and inspection processes; and

WHEREAS, throughout her career, she has consistently embodied the highest standards of professionalism, earning the respect of her co-workers, professional colleagues, elected and appointed County leaders, and the development and business communities; and

WHEREAS, Mrs. Harris's efforts have had a positive and lasting impact on York County, its natural and built environment, and the lives of its citizens; and

WHEREAS, after more than forty years of devoted service to the County, Marianne G. Harris retired from her position as Building Official on May 31, 2019;

NOW, THEREFORE, BE IT RESOLVED, by the York County Board of Supervisors this the 16th day of July, 2019, that Marianne G. Harris be, and she is hereby, commended for her

hard work, selfless dedication, steadfast loyalty, and her exemplary efforts and contributions to the County of York.

BE IT FURTHER RESOLVED that an expression of appreciation for all that she has done be conveyed to Mrs. Harris on behalf of the Board of Supervisors, its staff, and the citizens, businesses, and visitors who have benefited from her many contributions.

BE IT STILL FURTHER RESOLVED that the Board of Supervisors offers its very best wishes to Mrs. Harris for a rewarding and pleasurable retirement.

**MATTERS PRESENTED BY THE BOARD**

Mr. Zaremba stated yesterday he and Mr. Morgan had attended the monthly meeting of the Historic Triangle Collaborative, noting one of the highlights of the meeting was the presentation by Ms. Kym Hall, National Park Superintendent. He stated he would make sure the other Board members received a copy of the presentation which had highlighted what the National Park Service contributes to the overall Historic Triangle. Mr. Zaremba stated they had also received a briefing by Ms. Vicki Cimino, Executive Director, Williamsburg Tourism Council, with a short overview of the initiatives associated with the Greater Williamsburg Chamber and Tourism Alliance.

Mr. Green expressed his appreciation and special thanks to the Veterans of Foreign Wars and to Mr. Bill Townsley for putting together such a great Fourth of July parade which has gotten bigger and better every year.

Chairman Shepperd expressed his appreciation to the staff and volunteers who do all the hard work to make York County a unique and wonderful place to live, play, and raise a family.

**CLOSED MEETING.** At 8:22 p.m. Mr. Green 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 of individuals to Boards and Commissions; and the performance of a specific public employee, and Section 2.2-3711(A)(7) of the Code of Virginia, to consult with legal counsel on a specific legal matter requiring the provision of legal advice by counsel.

On roll call the vote was:

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

Meeting Reconvened. At 8:35 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Green 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;

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NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of June, 2019, 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: (5) Green, Wassmer, Zaremba, Noll, Shepperd  
Nay: (0)

APPOINTMENT TO THE WETLANDS BOARD

Mr. Shepperd moved the adoption of proposed Resolution R19-81 that reads:

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

WHEREAS, the term of Noel West to the York County Wetlands Board expired on June 30, 2019; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of July, 2019, that Noel J. West be, and he is hereby, appointed as a member of the York County Wetlands Board for a term of five years, such term to begin on July 1, 2019, and expire on June 30, 2024.

On roll call the vote was:

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

APPOINTMENT TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

Mr. Green moved the adoption of proposed Resolution R19-90 that reads:

A RESOLUTION TO APPOINT A MEMBER TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

WHEREAS, on March 31, 2019, the term of Steven Reandeau to the Colonial Community Criminal Justice Board expired, and he does not wish to seek reappointment; and

WHEREAS, it has been brought to the attention of the Board of Supervisors that a need exists to fill the current vacancy with a local educator;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of July, 2019, that Betty Laris be, and she is hereby, appointed to the Colonial Community Criminal Justice Board for a term of three years, such term to begin August 1, 2019, and end July 31, 2022.

On roll call the vote was:

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

Meeting Adjourned. At 8:27 p.m. Chairman Shepperd declared the meeting adjourned sine die.

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Neil A. Morgan  
County Administrator

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Thomas G. Shepperd, Jr., Chairman  
York County Board of Supervisors