

Minutes of Homeowners Association Meeting
June 24, 2009
Senior Center of York

In Attendance:

Brandywine, Breezy Point, Edgewood, Endview Woods, Foxwood, Herons Walk, Kiln Creek, Magruder Woods, Piney Point Estates, Queens Lake, Running Man, Shady Banks, Wythe Creek Farms, York Point, York Meadows

Introduction by County Administrator, James McReynolds:

Mr. McReynolds welcomed those in attendance and provided a brief overview of the night's meeting: a presentation on emergency preparedness, a presentation on the proposed changes to the Discharge of Firearms ordinance, and a question and answer session to complete the meeting. Mr. McReynolds introduced Fire Chief Steve Kopczynski and Captain Paul Long of the Department of Fire and Life Safety, and Mark Carter, Assistant County Administrator.

Presentation on Emergency Preparedness:

Fire Chief Steve Kopczynski presented an overview of the Department of Fire & Life Safety and then introduced Captain Paul Long, Deputy Coordinator of Emergency Management. Captain Long discussed the need for preparedness actions by families in York County and the severe weather that can affect York County.

Severe Thunderstorms: Virginia averages 35 to 45 thunderstorm days per year. Between 1998 and 2008, nine Virginians were killed by lightning. On June 3 of this year, a 12-year-old boy was killed in Spotsylvania County and another in critical condition after a lightning strike. In a thunderstorm, get indoors.

Tornadoes: Have a family tornado plan in place, based on the type of dwelling in which you live. Know the signs of a tornado (swirling clouds, hail, loud roaring sound) and go to the lowest floor of your home in an interior room or hallway away from windows.

Radiological Emergency Preparedness (Surry Power Station): Portions of York County are within the 10-mile Emergency Planning Zone and are alerted to an emergency at the power station by a siren which alerts residents to tune in to a local radio or television station for additional information. Siren tests are conducted quarterly, on the second Wednesday of the month at approximately 11:10 a.m. The remaining schedule for 2009 is June 10, September 9 and December 9.

Flood Safety: Flooding is a hazardous situation. It is the number one killer of people during hurricanes. Don't walk through flowing water. Six inches of moving water is enough to knock you off your feet and sweep you away. Do not drive through moving water. Twelve to 18 inches of moving water is enough to sweep your vehicle away. If your vehicle becomes disabled, use your cell phone to call for help or roll down your window and try to get the attention of someone who can call for help.

Hurricane Preparedness: You can't be prepared if you don't understand what the risks are. In hurricanes the life threatening risk is drowning from the flooding that occurs with a storm surge. You need to know if you are in a flood plain or storm surge zone. If you're not sure if you reside in one of those, visit the County Web Site and view the property map for your home. If you are in one of these areas, you need to have a plan to evacuate if necessary and seeking shelter outside the area.

In 2009, there is a 50 percent chance that we will have a near-normal season (11 named storms). There is a 70 percent chance we will have nine to 14 named storms. Of those, four to seven could become hurricanes with up to three becoming a major hurricane (category 3, 4, or 5).

However, in 1992 forecasters predicted a normal to below-normal hurricane season. The result was only one hurricane made landfall, but it was Hurricane Andrew – one of the costliest hurricanes on record. The moral of the story is we need to be prepared no matter what is predicted.

You need to decide if you are going to evacuate or stay. However, if an evacuation order is given for your area, please follow it. Those orders are given without great consideration and are only issued when there is a belief that lives may be threatened. Take the time now to prepare based on your family's needs. Plan for special needs family members and for your pets. Right now pets can't go to shelters.

If you stay, determine if your home can withstand hurricane force winds. If you live in mobile home or are camping in an RV, you need to evacuate to a sturdy structure. Designate a room in your home that can be a "safe room." Prepare an emergency kit and supplies that can sustain self-sufficiency for three to seven days or longer, depending on the impact of the storm. During the storm, stay in your "safe room" until the wind decreases in speed, but be aware that the passing of the storm's eye can result in lesser winds so stay put until the storm has passed. Have a battery powered NOAA weather radio to monitor weather and receive any important messages about public safety. Anticipate the following: interruption of services from your government and from businesses, damage to the area and perhaps even your property, loss of utilities.

If you choose to evacuate, have a travel plan that takes you inland for shelter and out of potentially impacted areas. Take your emergency preparedness supply kit, important papers and your pets with you. Heed evacuation warnings and notifications (emergency services may become overwhelmed by the weather and/or requests for service). Let a neighbor or friend know where you will be going and how to contact you. If you have no other place to go, but feel your home is not structurally sound to withstand a hurricane, seek refuge at a public shelter. The county opens one or more shelters depending on the potential for impact. The County typically opens the Grafton School Complex first, but shelters are open based upon the impact on that area. Shelter information is broadcast through the media. Before a storm approaches, make sure your vehicle is in good working order and keep the gas tank full. Carry your cell phone with you at all times. If you plan to evacuate using interstate 64, leave well in advance of an evacuation order (the interstate system will quickly become crowded with residents and tourists leaving the southside areas). In case of an evacuation, our residents are encouraged to use Route 17 north to Fredericksburg. If the lanes are reversed (contraflow), southside residents and tourists will be diverted onto the reversed lane. Peninsula residents will be on the westbound lanes.

Whether you stay or go, protect your home and its contents. Keep all shrubs and trees trimmed and away from the house. Secure any outdoor tools and lawn chairs, etc. Cut plywood or purchase hurricane shutters to protect the windows. Have adequate household insurance to cover the structure as well as contents. Update your insurance following a reassessment. Renters should have insurance to cover contents as well. Homeowners should consider purchasing flood insurance and speak to your insurance agent or contact the National Flood Insurance Program (<http://www.floodsmart.gov/floodsmart/> or call 1-888-379-9531). Remember, it takes 30 days for floor insurance to take effect.

Emergency Preparedness Kits: What to pack – make it mobile and go!

- Ready to eat canned meats, vegetables, and fruits
- Canned juices, milk and soups
- High energy foods (peanut butter, jelly, crackers, granola bars, trail mix, vitamins)
- Commercially purchased bottled water; if bottling water yourself, make sure you use food grade plastic containers (one gallon of water per person per day for a minimum of five days)
- First aid supplies
- Bedding
- Changes of clothing
- Important papers
- Infant/baby supplies
- Medications and medical equipment

After the Storm (aka Recovery): There is the potential for an interruption in government services and businesses. Banks may be closed and ATM machines may not work. Utilities may be out for awhile and there may be catastrophic damage. The best way to get information following a storm is through a battery-operated radio. If you can get to your neighborhood fire station, staff can answer your questions or will know who to contact to get the information you need. Another method for disseminating information is our NEIDS (Neighborhood Emergency Information Distribution System) in which we contact leaders of homeowner associations with information for their neighborhoods and ask that you disseminate information to your homeowners. In York County, we will provide information to television stations, newspapers and the radio (specifically WXGM 99.1 FM). The County consistently updates the Web site with storm-related information.

If you do not have a NOAA All Hazards Weather Radio, please consider purchasing one. It broadcasts weather 24-hours-a-day, seven-days-a-week and provides immediate broadcast of watches and warnings. These can be purchased with S.A.M.E. (Specific Area Message Encoding), which will allow you to choose the area you would like covered by the notifications. For example, if you only wish to know of those watches and warnings that effect York County, you can program it to only sound when a watch or warning is in effect for York County.

CERT (Community Emergency Response Team) Training: York County recognizes the need for trained citizens who can assist and support themselves, their family, and/or their neighborhood during a disaster (of the imminent threat of disaster) and immediately following a disaster within York County. CERT is an interactive program that promotes emergency preparedness, develops skills that will benefit you, your family, and potentially your neighborhood before, during, and after a major emergency or disaster, and encourages neighborhood self-sufficiency until emergency services can arrive. CERT is an 11-week training program: one night a week and two Saturdays. We would like at least ten people from each neighborhood trained through CERT and to work with your homeowner association to develop an emergency plan for your neighborhood and maintain CERT training and a liaison with the Office of Emergency Management. We would also like these people to participate in ongoing and continuing education and drills we hold. After this is accomplished, we will install a sign in your neighborhood that declares your community is a *CERTified* Neighborhood. For more information on the program, call the Department of Fire and Life Safety at 890-3600 Monday through Friday from 8:15 a.m. to 5 p.m. or visit www.yorkcounty.gov/fire.

Fire Chief Steve Kopczynski added that on occasion during a hurricane an evacuation may be ordered for low-lying areas rather than for the entire region or County. Therefore, it's important for residents to know their flood zone or storm surge area. Also, in terms of public shelters, individuals will need to bring items to make them comfortable. A shelter is mainly a safe place to keep individuals from the threat of the weather, but little to no comfort is provided.

County Administrator James McReynolds added his concerns regarding evacuation orders given and preparations made only to see the storm not make impact on the area. Please do not become complacent about these storms. The inconvenience of evacuating when it turns out to be unnecessary is better than not evacuating and lives being lost.

Questions from the attendees regarding emergency preparedness included:

- **What was the storm surge during Hurricane Isabel?** Roughly 13 feet above mean low-low water – roughly a category three storm surge rivaling the storm of 1933. The storm surge doesn't necessarily equate to the intensity of the storm itself. Many factors are involved in a storm surge that can make it greater than the storm's intensity would normally indicate.
- **If Route 17 is our primary evacuation route, what will happen when the bridge closes?** Bridges throughout the area close when winds reach 45 mph. But the Coleman Bridge tender has the option of closing the bridge when he feels the winds are strong enough that crossing the bridge is treacherous. However, before that occurs, we will be informed of a planned closing and will make preparations to get evacuees to another route using Route 143/Merrimac Trail or interstate 64. This is another reason why if citizens plan to evacuate the area, they need to do it well in advance. The Commonwealth starts making plans when a storm's landfall is 120 hours away. In terms of contraflow on the Interstate, that will occur 72 hours before landfall.

- **Is there Hurricane Preparedness information available in large quantities for our neighborhoods?** Yes. You can contact the Public Information Office at 890-3300 or by email to piofc@yorkcounty.gov or contact Captain Paul Long at 890-3600 or by email to longr@yorkcounty.gov.
- **Why is it recommended that everyone have flood insurance?** Homeowners insurance doesn't typically cover flood damage. Flood damage can occur from storm surge, inland flooding, or flash flooding from heavy rain. Contact your insurance agent for more information or the NFIP (for contact information, please see Hurricane Preparedness section above).
- **If residents evacuate, is there any plan to increase security to those areas so that homes and possessions are protected?** The Sheriff's office patrols to the best of its ability. We work with other localities to impose curfew restrictions.
- **Are evacuations voluntary? Can we be forced to leave our homes?** Evacuations are not mandatory; however, if an evacuation is not heeded, it is with the understanding that our emergency personnel cannot attempt a rescue during a storm. Essentially, a resident who chooses not to evacuate when an order is given is "on their own" until the storm has passed.

Presentation on Discharge of Firearms:

Mark Carter, Assistant County Administrator, updated the representatives on the Discharge of Firearms ordinance.

In 1975, Marlbank Farm was the first neighborhood to have a restriction on firearms discharge. In 1983, several other neighborhoods were added to the ordinance, including Piney Point, Pinehurst, Devonshire, Elvia Wood, Oyster Cove, King's Villa, and Plantation Acres. Many more areas were added in 1989 and Section 16-37 was added, which prohibited rifles greater than .22 caliber county-wide. Sommerville was added in 1993 and the Commonwealth repealed its provision prohibiting the discharge of a firearm within 100-yards of any state maintained roadway. In 1994, the Board of Supervisors reacted to the change to the state code and added many areas to the ordinance to reinstate those areas that had been covered by the state's 100-yards provision. Many developments have been constructed since 1994, which is the last time any adjustments were made to the ordinance. Therefore, many of those developments are not named in the ordinance as areas where the discharge of firearms is prohibited. In 2007, the Lakes at Dare requested that it be added to the list of restricted areas. As a result, the Board asked staff to review the ordinance and determine if there were additional subdivisions/areas that needed to be added.

Map A-7 shows the lower end of the County and it depicts the areas affected by former statewide prohibition of the discharge of firearms within 100-yards of any state roadway. It covered the majority of the area of the lower County because streets and lots were immediately adjacent to each other.

Map B-7 shows the effects of the 1994 amendment to the ordinance where the Board named individual neighborhoods that had become unrestricted by the removal of the state provisions. Today, a large number of neighborhoods are not listed in Section 16-7 and are no longer covered by the 100-yard limit (see Map C-7). The Board has the authority to adopt regulations by virtue of the state code provisions that allow a determination by the Board that an area so heavily populated should be covered by the prohibition of a discharge of firearms and pneumatic guns. The current ordinance includes pneumatic guns with other firearms. One possibility the Board is having staff look into is the option of separating pneumatic guns from other types of firearms.

One thing that is within the definition of "Pneumatic Gun" is a paintball gun. Many neighborhood children have paintball guns and under a strict enforcement of the code as it is currently written, the use of paintball guns would be prohibited in those areas as well.

The currently restricted areas are a result of a combination of neighborhood requests and population density assessments by the Board of Supervisors. The density of the regulated areas ranges from less than one unit per acre up to almost 11 units per acre. The staff attempted to analyze the restricted areas to see if any pattern or trend could be found, but there is none. Eighty percent of the listed subdivisions have more than one unit per acre; 40 percent have more than two units per acre; 51 percent are zoned Rural Residential; and 39 percent are zone R20

(medium density areas such as Edgehill, Edgewood, Foxwood). Staff performed a study to gather information on how other jurisdictions determine their prohibited areas for the discharge of firearms and the results were varied. Some use geographic areas, some zoning districts, while others use parcel size, distance from roads or subdivisions or the distance from structures.

The alternatives being considered are: 1. Add only Lakes at Dare as a restricted area; 2. Add Lakes at Dare and other areas as requested; 3. Add various newly developed areas; 4. Expand coverage based on the "so heavily populated" finding (identify by zoning classification or by distance from dwellings, businesses, occupied structures). It appears the Board favors adding individually named neighborhoods.

The alternatives for pneumatic guns being considered are: 1. Allow them county-wide without restriction; 2. Allow county-wide but only with supervision and permission when the user is under a certain age; 3. Prohibit them in most or all of the same areas where firearms are restricted; 4. Prohibit them in most or all of the same areas where firearms are restricted and in developments with small parcels (less than one unit per acre); 5. Prohibit them based on distance from dwellings and businesses.

The Board requested that neighborhoods respond to the County if they wished to be added to the list of areas where the discharge of firearms is prohibited. Winterfield, Lakes at Dare, Wythe Creek Farms, Sherwood Forest, and Carriage Homes at Williamsburg Commons requested to be added to the ordinance where the discharge of firearms and pneumatic guns is prohibited. Overlook Point requested to be added to the ordinance where only the discharge of firearms is prohibited.

Mr. Carter presented a chart listing those neighborhoods represented at the night's meeting and how the current and proposed restrictions affect those neighborhoods.

The proposed amendments retain the current neighborhoods listed and also include the prohibition of the discharge of firearms within 300 feet of the neighborhood; adds high density developments, even if they're not specifically requested (e.g. Quarters of York, Rainbrook Villas, etc.); prohibits discharges within 1,000 feet of school properties; and prohibits all rifle discharges.

The attached maps depict the areas that would be included in the firearms discharge prohibition and the pneumatic firearms discharge prohibition.

Mr. Carter noted that the Board did hold a public hearing about this issue, but since no action has been taken other neighborhoods that would like to be included in the prohibition of the discharge of firearms or those who would not like to be included should still make your wishes known to the Board.

Questions from the attendees regarding the discharge of firearms included:

- **Are the maps available on the web?** Visit the Board's agenda for the May 19 meeting. http://www.yorkcounty.gov/coadmin/agenda_material/2009/051909/item5d.pdf
- **The map shows federal property.** Yes, all federal properties are restricted. Much of the middle part of York County is restricted due to the presence of a military base or the National Park Service. Even Newport News Waterworks property is restricted. Western Refinery is also restricted.
- **York Meadows is approximately 10 years old. Who requested that it be included in the prohibited areas listing?** York Meadows is currently included by virtue of the boundary of the area being described as the Newport News city line. That area of the lower County is described as a geographic boundary, so when York Meadows was developed, it was developed in an area that was already included in the ordinance as a prohibited area for the discharge of firearms. Seaford is another area where a large geographical area is identified.
- **Would this be used to limit the Lafayette Gun Club?** The Lafayette Gun Club predated the regulation and many of the subdivisions built around it. Therefore it is protected by the Zoning Ordinance as a legally-existing nonconforming use.
- **Under the proposed regulation all .22 caliber rifles would be prohibited. As of now you can hunt in an unrestricted area with a .22 caliber rifle. Have you considered the impact on individuals with this restriction?** The Board discussed extensively

whether or not the .22 caliber restriction should be expanded. The majority of the Board agreed that the expanded restriction should be considered, however, there is still an opportunity for citizens to express their opinions on this. Citizens are encouraged to contact their Board member.

- **When this goes into effect will there be any notice provided to gun shops and paintball shops so that they can inform the buyer of the new rules?** Many of these areas are currently restricted. Relatively few would be added. Information is available from the County.
- **Under the proposal, Brandywine would not be restricted for pneumatic guns?** The current ordinance includes pneumatic guns in the definition of firearms and, therefore, Brandywine is included. However, when the Board asked staff to separate pneumatic guns from the ordinance, the staff and Board discussion resulted in the proposal to focus only on relatively high density areas. Brandywine is in the medium density category rather than the high density one. That's not to say it couldn't be added to the pneumatic gun restriction. If a community wants to be added to the list, now is the time to make those wishes known.

General questions asked by those in attendance:

- **What is the update on the carwash at the corner of Route 17 and Oriana?** The developer is keeping their permit active by performing minimal site work at the location. The County's Office of Economic Development is working with the builder to ensure that every financing option is available to them. The Department of Environmental and Development Services is checking permits to ensure they stay current.
- **What type of carwash facility is it?** As proposed it is a single lane automatic carwash and its design is quite attractive.
- **Is there an Arby's being constructed on Route 17?** Arby's is proposed to be built on Route 17, just south of Ft. Eustis Boulevard, adjacent to Wendy's.
- **The KFC at Heritage Square is closed. What will go there?** Mr. McReynolds stated that it is his understanding that it may become a Taco Bell and the Taco Bell currently located at Washington Square will likely remain open.
- **How is the Sports Complex running?** There have been no major problems. The County is still working with VDOT to get the traffic lights timed; however, none of the backups in that area appear to be the result of the Sports Complex. The area is being monitored closely and the turn lane into the Sports Complex is not to capacity, so the County is confident that it's not the Sports Complex causing the backup.
- **Will there be any changes to the turn lane from Route 17 north into WalMart? The length of the turn lane is too short and traffic backs up into the intersection with Victory Boulevard.** The County will look into whether or not VDOT is aware of any signal timing issues at that entrance. It is the County's understanding that the turn lane cannot be lengthened due to the short distance between the taper of the turn lane and the Sonic cross-over.
- **When is Lakeside Drive due to be widened?** Currently VDOT is on track to begin advertising in 2011. They are currently acquiring rights-of-way and making sure alignments are correct. They are looking into whether or not to include a continuous middle turn lane or just at specific intersections along Lakeside Drive.
- **Who determines where stop signs are placed in neighborhoods?** Stop sign placement is determined by VDOT standards.
- **If the area of Kiln Creek is developed as proposed, will it connect Darby Road and Kiln Creek?** The plan being brought to the County would not connect Darby Road and Kiln Creek.

The meeting adjourned at approximately 8:30 p.m.