

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
April 15, 2008

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, April 15, 2008, 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, Donald E. Wiggins, George S. Hrichak, and Thomas G. Shepperd, Jr.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Pastor Delores Borum, Faith for Living Outreach Center, gave the invocation.

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

HIGHWAY MATTERS

Mr. Jim Brewer, Residency Administrator, Virginia Department of Transportation (VDOT), appeared to discuss highway matters of interest to the Board. He reported that the Grafton Drive project was now complete and had been accepted by the Department. He advised the Board of the May 11th date for the lane reversal test that was going to take place on Interstate 64. He noted it would start about four or five o'clock in the morning and be completed by seven o'clock, and should not affect too much traffic during that period. Mr. Brewer then noted for information and planning purposes he had provided the Board members with some basic asphalt costs for a one-mile segment of roadway, 24 feet wide, so they could see what it costs when they request asphalt surface treatment.

Mr. Wiggins noted that VDOT recently put in a culvert pipe across Hornsbyville Road at the sharp corner where Fox's Garage is located. He stated that now the runoff goes through this new culvert and goes under property owned by Mr. Holt, and Mr. Holt now has to deal with this new drainage and has to replace his culvert which was washed out. He stated he felt VDOT should help Mr. Holt out by putting in some riprap so the effects from the outfall from the culvert would not impact Mr. Holt so badly.

Mr. Brewer stated he would look into the matter.

Mrs. Noll thanked Mr. Brewer for the work VDOT had been doing in her district, especially on Victory Boulevard and Kiln Creek Parkway.

Mr. Zarembo asked when Cambridge would be repaired.

Mr. Brewer indicated it should be complete in 24 hours.

Chairman Shepperd stated that every time he sent Mr. Brewer an email, a pothole got filled or a curb got fixed, so he would be sending him emails from now on as the response is really good. He asked Mr. Brewer what was the best way for other drivers/citizens to contact VDOT about problems they encounter on the County's roads.

Mr. Brewer stated the best thing to do is use the VDOT website. He indicated there is also a voice system for complaints, or area headquarters can be contacted at 898-5151 or the main office in Williamsburg at 253-4832.

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Chairman Shepperd stated that since the last Board meeting, there had been about 15 different highway matters that VDOT had responded to, and it was greatly appreciated. He added there were still some pending matters, but for the most part, VDOT had gotten to them.

PRESENTATIONS

COMMENDATION OF REGISTRAR'S OFFICE AND OFFICERS OF ELECTION

Chairman Shepperd presented a bound and sealed copy of Resolution R08-52 to Mr. Phillip C. Wolf, Secretary of the York County Electoral Board, and Walt Latham, York County Registrar, commending the staff of the Registrar's Office and the officers of election for York County. The Officers of Election were then recognized along with the staff of the Registrar's Office.

2007 VOLUNTEER REPORT AND OUTSTANDING VOLUNTEER AWARDS

Mr. Rick Smethurst, Department of Community Services, gave a presentation on the 2007 Volunteer Program and the contributions made to the County. He stated there were nearly 2,700 individuals and different support groups that logged in over 75,526 hours of volunteer service, the equivalent of more than 36 full-time employees. He stated the monetary value to the County was over \$2,376,948. Mr. Smethurst announced that the annual Volunteer Appreciation Day event would be held on Saturday, April 26, 2008, at Chisman Creek Park.

Chairman Shepperd congratulated and thanked each of the following awardees and presented each with an engraved plate in recognition of their contributions to the County:

Dominion Virginia Power	Mulching Wetlands Nature Trail at Charles Brown Park
Fire Truck Restoration Project Volunteers	Project '55 Team
Mike August & Disc Golf Volunteers	Design and Installation of Course at New Quarter Park
Barbara Dunbar	4-H Volunteer
Tom McNamara	Senior Center of York Board of Directors
Premier Foundation	Holiday Breakfast and Kohl's Gift Cards for Head Start Families
Martha Dowling	Library Volunteer
Clare Britcher	York County Jamestown 2007 Planning Committee
	Historic Triangle Jamestown 2007 Beautification Task Force
Rebecca Cho	Master Gardener Coordinator
Charles Froelich	Mosquito Monitoring Program Volunteer
York County Volunteer Association	Donations for Housing Rehabilitation Work
Peggy Turnage	Longtime Fourth of July Celebration Committee and Historical Committee Member

Meeting Recessed. At 6:45 p.m., Chairman Shepperd declared a short recess.

Meeting Reconvened. At 7:00 p.m., the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS**APPLICATION NO. UP-705-06, T-MOBILE NORTHEAST LLC**

Mr. Carter gave a presentation on Application No. UP-705-06 requesting a use permit authorizing the establishment of a telecommunications tower on property located at 108 Railway Road. The Planning Commission considered the application, and the motion to recommend approval failed on a tie vote, so there was no recommendation either positive or negative from the Planning Commission. He stated that staff recommended approval of the application through the adoption of proposed Resolution R08-31(R-1).

Ms. Lisa Murphy, attorney representing T-Mobile Northeast, LLC, stated the application was quite unusual in the sense that there were three carriers who were ready to co-locate on the site, if it should become available, which also meant there were three carriers with needs in this location. She stated that 81 percent of Americans use wireless phones, 42 percent use their wireless phone as their primary phone, and 13 percent of Americans now only have a wireless phone and do not have land line service. She also stated that over 60 percent of 911 calls in York County are actually made from wireless phones. Ms. Murphy indicated she had spoken with the emergency communication people and they did not have a need for this particular site, but they were keenly interested in making sure that the wireless providers could provide the service and the coverage so that if citizens had a problem they could use their wireless phones to call 911. She then reviewed the coverage areas requiring the need for the subject tower and requested that the Board approve the application.

Mr. Hrichak stated he appreciated the information that T-Mobile had put out to the citizens at the town meeting at the church. He stated at that meeting the citizens had a question about the use of a tower further north. He noted that even if this location was approved, it would not cover the entire Dare peninsula based on T-Mobile's map. He suggested that if the tower were moved further north into some of the commercial development around the marina, T-Mobile would get the same basic coverage and might even go a little higher there because they would be further away from the airport.

Ms. Murphy stated the challenge to go north further into the peninsula would be finding property that was zoned RR that would meet all the parameters. She stated the center of the search ring would provide the best coverage for this site; and the further north the tower moved, it would end up covering more water than people.

Discussion followed concerning the proposed coverage area and antenna placement in other areas to provide the needed coverage. Discussion also ensued on the FCC guidelines and requirements for basic level of coverage.

Chairman Shepperd then called to order a public hearing on Application No. UP-705-06 that was duly advertised as required by law. Proposed Resolution R08-31(R) is entitled:

A RESOLUTION TO AUTHORIZE A 170-FOOT SELF-SUPPORTING
MONOPOLE COMMUNICATIONS TOWER WITH ASSOCIATED
GROUND-MOUNTED EQUIPMENT AT 108 RAILWAY ROAD

Mr. Vernon Geddy, 1177 Jamestown Road, appeared on behalf on InTelos. He confirmed that InTelos does have a gap in coverage on the Dare peninsula, and they are one of the other carriers that would co-locate on this tower if it were approved. He urged the Board to approve the application for the tower.

Mr. John Smart, 1008 Dare Road, appeared to speak in opposition of the T-Mobile request. He asked to Board to consider the perspective of local residents, stating this location was not an industrial site along Route 17 but was at the crossroads of the entrance to their community; and long-time residents had gone to great lengths to improve the appearance of this rural section of Dare. Mr. Smart stated that somewhere along the way a special use permit was granted to operate a commercial business from this rural residential property, and the building on it was in general disrepair and did not reflect well on the community. He stated that action was a bad decision that the residents were living with, and hopefully someday the building

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would be gone; and by approving this application tonight, the Board would not be ensuring that the structure would be there forever. He asked the Board to deny the application.

Mr. Carlos Roithmayr, 117 Water Fowl Drive, spoke of the non-conforming nature of the property in question, stating he felt the Board of Supervisors should be moving to bring this property into compliance so that it does become rural residential. He stated the maps were very misleading in that they would have it believed that the towers at Peninsula Hardwood Mulch and Dare to not cover Verizon customers on the Dare peninsula. He stated he gets excellent cell phone coverage inside his house. Mr. Roithmayr then addressed property values, stating this tower would certainly cause property values to decrease, thus decreasing the tax base of York County.

Mr. Bill Eutsler, 118 Tern Court, spoke in opposition to the application, stating the tower located at 2360 Hampton Highway is 170 feet and overpowers the tree line at that location, and a tower at the proposed location would do the same. Mr. Eutsler stated there are 16 homes on Tern Court, and residents of 15 of these homes signed a petition against the cell tower. He stated his street was typical of the neighborhood, and he asked the Board to disapprove the application for the cell tower.

Mr. John Miller, representing AT&T Wireless, expressed support of the proposed telecommunications towers located at 108 Railway Road. He stated AT&T is committed to co-locating on existing structures wherever possible; and if the Board approved the application, AT&T would be able to provide reliable, in-building coverage to their future and current customers located on the Dare peninsula.

Mr. Steven S. Savage, 103 Tern Court, representing the Lakes of Dare, requested that he be allowed to enter into the record a petition with 142 signatures on it in opposition to the cell tower. He stated he had excellent Verizon cell coverage in the Dare area and had used his cell phone to call 911 when he had seen accidents at the corner of Dare Road and Lakeside Drive, and there were no complaints regarding cell coverage for emergency response in the Dare area. Mr. Savage stated the tower would be visually obtrusive as the property was visually obtrusive, and it would be on nonconforming property.

Mr. Jeff Linsh, 101 Egret Court, stated he was opposed to the cell tower. He stated he had excellent service inside his house in Lakes of Dare, and he did not see how not building this tower would prohibit the provisioning of personal wireless services.

Mr. Lee Kerlin, 228 Haviland Road, an engineer working for AT&T Wireless, stated he was instrumental in creating some of plots the Board had earlier seen and he would be happy to answer any questions they Board might have.

Mr. Robert Green, 111 Paradise Point, appeared before the Board in opposition to the cell tower. He stated he felt fire safety was not an issue. He also stated he felt if all of Dare could be covered then there would be a successful plan; but if all of Dare cannot be covered, then why do it. He presented petitions from residents outside of the Lakes of Dare in opposition to the tower, and he asked the Board to turn the application down.

Mr. Leroy Gross, 810 Water Fowl Drive, appeared before the Board in opposition to the cell tower. He stated he was a small business man and a practicing physician, and since he had to be on call, he had to be available by telephone. Mr. Gross stated he uses Verizon communications and has not had any problems.

Mr. Ralph Crockett, 210 Henry Lee Lane, stated he saw no need for the tower because he has Verizon and calls his daughter who lives in England from inside his house. He also stated he had read articles on the internet that said cell phones were hazardous to one's health.

Mr. Jim Troeschel, 301 Blue Heron Drive, stated he was opposed to the cell phone tower. He stated by looking at the propagation charts, it looked like the cell carriers do not have good coverage, but that was not correct. He stated he has AT&T service at his residence, and he has had excellent service there inside and outside his house and in the neighborhood. He added there was one area where he may have a dead spot periodically at Dare Road and Lakeside Drive.

Mr. Steve Nesbitt, 400 Waterfowl Drive, stated he was opposed to the cell tower. He stated he had sent the County two letters, and staff had his address, phone number, and email address,

and nobody contacted him about his concerns. He spoke of his disappointment that there was no additional information posted on the County's website. He noted his concerns included the decrease in property values that would result from this tower placement and that it did not comply with the requirements of the Comprehensive Plan. Mr. Nesbitt indicated he had no trouble with his T-Mobile service, and the model maps are only theoretical and lack field verification. He stated that documentation was not being provided in a way that allowed for the public review process to be credible.

Mr. Allen Hogg, 1240 Dare Road, stated his residence was less than 200 yards from the end of Dare Road, and he had cell service for the past 10 years and never had any problems with coverage.

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

Mr. Hrichak stated that over the past month he had received various emails and contact from his constituents voicing their opposition to this tower, and he had forwarded those to the other Board members. He stated for all his constituents' reasons, which he felt were valid, he would not recommend approval of the tower.

Mr. Wiggins stated there were 142 people in Dare who had signed the petition stating they did not want this tower and that the Board had heard individuals state that they do not need the tower because they already get good service. Mr. Wiggins stated he was certainly with the citizens and was opposed to the tower.

Mrs. Noll expressed her concern about the Board's denial of the application being defensible, and she stated it was a judgment that would have to be made by the Board. She stated this application was being judged strictly on aesthetics, and that was something the Board had to consider. She stated she felt the law needed to be clarified as to what rights the Board had to turn such an application down. Mrs. Noll stated she felt the Board should have the right to turn them down, but the law was ambiguous.

Mr. Zaremba asked if there was any problem with respect to 911 coverage and phone calls to either the Fire Department or the Sheriff's Office.

Chief Kopczynski stated in the past some of the towers constructed were also used for placement of antenna equipment for fire and rescue and the Sheriff's office coverage for the radio system, but that was not the case in this situation. With regard to the missed 911 calls, he stated he did not have any of that information and it would be hard to say whether there were missed calls or not.

Mr. Zaremba stated that having just gotten through the budget process, the Board heard a number of times how swift the County was with respect to its response times, and he suspected some of that had to do with communication. He stated it seemed to him that the proponents of the application have not made a case for needing more coverage in addition to what now exists.

Chairman Shepperd expressed his disagreement with the discussion concerning loss of property values, stating he has two large neighborhoods in his district, both with cell towers, and it has not touched the value of the properties there. He stated that the job of the tower telecommunication business is to maximize profit. The Board's job was to balance the needs of the community including the aesthetics, the safety, and how the neighbors felt about their community, to determine what was going to be best for the community. Mr. Shepperd stated his sense of the Board now based on what he had heard was going to be a denial of the application. He then explained how denial had to be accomplished through a resolution to deny the application rather than just a vote on the approval resolution failing.

Mr. Hrichak then moved the adoption of proposed Resolution R08-62 that reads:

A RESOLUTION TO DENY A REQUEST FOR A SPECIAL USE PERMIT FOR A 170-FOOT SELF-SUPPORTING MONOPOLE COMMUNICATIONS TOWER WITH ASSOCIATED GROUND-MOUNTED EQUIPMENT AT 108 RAILWAY ROAD

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WHEREAS, T-Mobile Northeast, LLC submitted Application No. UP-705-06, which requested a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 17, No. 7), to authorize the establishment of a telecommunications tower up to 170' in height with associated ground-mounted equipment on property located at 108 Railway Road (Route 620) approximately 400 feet north of its intersection with Dare Road (Route 621) and further identified as Assessor's Parcel No. 25-482 (GPIN T07d-3735-2087); and

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

WHEREAS, the Planning Commission, with one member absent, was unable by virtue of a tied vote (3:3) to adopt the motion made to recommend approval and no further motions were made for action on the application; and

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

WHEREAS, the Board has given careful consideration to the public comments and Planning Commission recommendation with respect to this application and finds that it is not in the public interest to grant the application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of April, 2008, that Application No. UP-705-06 be, and it is hereby, denied for the following reasons:

1. The proposed tower is a visually intrusive commercial use which would be incompatible with the residential neighborhood in which it would be located. The proposed location would place the tower at the gateway to a portion of the County which has preserved its rural character, in an area presently free of other towers.
2. The applicant has failed to adequately demonstrate that the proposed tower is the only means by which the applicant would be able to provide wireless service to the targeted area within the Dare section of York County.
3. The applicant has failed to adequately demonstrate a public need for the proposed tower in that there already exists cellular service to residents within the targeted area.
4. Placement of the tower at the proposed location would be inconsistent with the York County Comprehensive Plan which states that new towers shall be permitted only where a proven need exists and only when all other opportunities, such as co-location on an existing tower or utilization of other existing structures has been exhausted.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Hrichak, Shepperd
Nay: (0)

APPLICATION NOS. UP-ZM-109-07 AND UP-723-07, RAYMOND SOUDER

Mr. Carter gave a presentation on Application Nos. UP-ZM-109-07 and UP-723-07 to reclassify from Rural Residential to General Business a 4.91-acre parcel located at 409 East Rochambeau Drive, and proposed Resolution R08-35 to approve a use permit authorizing the establishment of a recreational vehicle storage facility; warehousing establishment including moving and storage; and contractor's shops with out-door/exposed storage on the same parcel. 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 applications through the adoption of proposed Ordinance No. 08-3 and proposed Resolution R08-35.

Mr. Wiggins asked if the applicant had agreed to hook up to sewer and water when and if they became available.

Mr. Carter stated he thought the applicant was very much interested in hooking up, and it was a use permit requirement that it be done when it becomes available.

Mr. Zaremba asked Mr. Carter to explain more about the 200-foot buffer.

Mr. Carter stated the ordinance requires that areas within 200 feet of a tributary stream be preserved basically as natural area, so normally that area would be required to be left in an undisturbed state. What the applicant intends to propose is that one of its stormwater management ponds would be located in that area, which was something that had been done in the past, but would require them to go through an exercise of demonstrating that the water quality protection for the reservoir would be equal or better if this area were allowed to be disturbed to create a stormwater pond.

Mr. Zaremba asked what was going to be done to ensure that there was minimal if not zero ground contamination because of the nature of what was going to be stored on the site.

Mr. Carter stated all of that was covered in the watershed management protection overlay requirements. He added there was a prohibition against storage of any kinds of hazardous materials that would have an impact on the watershed.

Chairman Shepperd asked how the applicant would get a road across the 250-foot buffer if the applicant wanted to use the property in the back.

Mr. Carter stated the back area was essentially unusable because septic systems are prohibited, and there was no public sewer in this area, and there was no system remaining to be repaired in that back area so it could not be subdivided as a residential lot. He stated that until sewer and water became available, there would be no way legally to subdivide it to try and use it for residential purposes

Chairman Shepperd asked if the owner would be able to build a road across the 200-foot buffer.

Mr. Carter stated the area needed to remain undisturbed according to the watershed protection provisions, and the zoning ordinance prohibits access to a commercial use across a residential property, so there would be no legal way to do it

Chairman Shepperd then called to order a public hearing on Application Nos. UP-ZM-109-07 and UP-723-07 that were duly advertised as required by law. Proposed Ordinance No. 08-3 and proposed Resolution R08-35 are entitled:

Proposed Ordinance 08-3:

AN ORDINANCE TO APPROVE A REQUEST TO REZONE A 5.4-ACRE PORTION OF A 12.08-ACRE PARCEL LOCATED AT 409 EAST ROCHAMBEAU DRIVE (ROUTE F-137) AT ITS EASTERN INTERSECTION WITH OAKTREE ROAD (ROUTE 786) FROM RR (RURAL RESIDENTIAL) AND GB (GENERAL BUSINESS) TO GB (GENERAL BUSINESS) SUBJECT TO VOLUNTARILY PROFFERED CONDITION

Proposed Resolution R08-35:

A RESOLUTION TO APPROVE A MULTI-COMPONENT SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A RECREATIONAL VEHICLE STORAGE FACILITY; WAREHOUSING, INCLUDING MOVING AND STORAGE; AND CONTRACTOR'S SHOPS WITH OUTDOOR/EXPOSED STORAGE AT 409 EAST ROCHAMBEAU DRIVE (ROUTE F-137) AT ITS EASTERN INTERSECTION WITH OAKTREE ROAD (ROUTE 786)

Mr. Vernon Geddy, 1177 Jamestown Road, representing the applicant, stated this was a very beneficial redevelopment of a site that was obviously no longer in use and that had fallen into disrepair. He stated it would put the site back on the county's tax rolls and generate tax revenue for County. He stated it was a very low impact use, low traffic, and low in sewage generation. Mr. Geddy pointed out that one septic system that would remain, and the applicant has committed to using a single advanced septic system, which was clearly going to be an aesthetic

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improvement over the existing condition. He also noted the facility will be screened by a black vinyl fence and another row of trees, and it should be unobtrusive and attractive.

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

Mrs. Noll stated she thought after the trailer park had been closed for two years it lost its ability to go back to being a trailer park, and she wanted to make sure another trailer park could not go back in there.

Mr. Wiggins stated he had visited the site, watched the Planning Commission meeting, and thought this was a good use of the property, and he commended the applicant.

Mrs. Noll moved the adoption of proposed Ordinance No. 08-3 that reads:

AN ORDINANCE TO APPROVE A REQUEST TO REZONE A 5.4-ACRE PORTION OF A 12.08-ACRE PARCEL LOCATED AT 409 EAST ROCHAMBEAU DRIVE (ROUTE F-137) AT ITS EASTERN INTERSECTION WITH OAKTREE ROAD (ROUTE 786) FROM RR (RURAL RESIDENTIAL) AND GB (GENERAL BUSINESS) TO GB (GENERAL BUSINESS) SUBJECT TO VOLUNTARILY PROFFERED CONDITIONS

WHEREAS, Raymond Souder has submitted Application No. ZM-109-07, which requests to amend the York County Zoning Map by reclassifying a 5.4-acre portion of a 12.08-acre parcel of land located at 409 East Rochambeau Drive (Route F-137) at its eastern intersection with Oaktree Road (Route 786), further identified as Assessor's Parcel No. 2-55 (GPIN D19c-1879-0308), from RR (Rural Residential) and GB (General Business) to GB (General Business) subject to voluntarily proffered conditions; 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 given careful consideration to the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 15th day of April, 2008, that Application No. ZM-109-07 be, and it hereby is, approved to amend the York County Zoning Map by reclassifying a 5.4-acre portion, more fully described below, of a 12.08-acre parcel of land located at 409 East Rochambeau Drive (Route F-137) at its eastern intersection with Oaktree Road (Route 786), further identified as Assessor's Parcel No. 2-55 (GPIN D19c-1879-0308), from RR (Rural Residential) and GB (General Business) to GB (General Business) subject to the voluntarily proffered conditions set forth in the applicant's proffer statement, titled "Conditions voluntarily proffered for the reclassification of property identified as tax parcel 02-00-00-55, GPIN D19C-1879-0308" signed by the property owner of the subject property, Melanie P. Souder, Trustee of the Melanie P. Souder Revocable Living Trust, a copy of which shall remain on file in the Planning Division:

Beginning at a point, said point being a iron rod set at the southeast intersection of Oak Tree Road, State Route 786 and Rochambeau Drive, State Route F-137; thence S64°22'58"E, a distance of 26.80' to a iron rod set, said iron rod being a corner to the property described hereon and a point along the southerly right-of-way line of Rochambeau Drive, State Route F-137; thence continuing along said right-of-way line S43°04'06"E, a distance of 349.72' to a iron rod set, said iron rod being a corner to the property described hereon and the property now or formerly owned by W.E. Richards and Anna R. Richards; thence leaving said corner and right-of-way line of Rochambeau Drive, State Route F-137 and lying along the line of the property described hereon and the property now or formerly owned by W.E. and Anna R. Richards, S42°20'24"W, a distance of 127.70'; thence S28°59'17"W, a distance of 295.74' to a point, said point being a corner to the property described

hereon and a corner of a proposed zoning line; thence along the proposed zoning line, N69°33'11"W, a distance of 393.90' to a point, said point being a corner to the property described hereon and a point along the easterly line of Lot "P", Schenck Terrace; thence N19°12'27"E, a distance of 78.15' to a iron pipe found, said iron pipe being a corner to the property described hereon and the southeasterly corner of the aforesaid lot; thence N70°47'33"W, a distance of 125.00' to a iron pipe found, said iron pipe being a corner to the property described hereon, a point along the northerly line of the aforesaid lot, and the southeasterly corner of Lot Q, Schenck Terrace; thence N19°12'27"E, a distance of 100.00' to a iron pipe found, said iron pipe being a corner to the property described hereon and a point along the southerly line of the property now or formerly owned by Lorenzo L. and Catherine B. Parrott; thence along the line of the property described hereon, the property now or formerly owned by Lorenzo L. and Catherine B. Parrott and the property now or formerly owned by Levi and Malissa J. Jones, S70°47'33"E, a distance of 125.00' to a iron pipe found, said iron pipe being a corner to the property described hereon and the southeasterly corner of the property now or formerly owned by Levi and Malissa J. Jones; thence N19°15'43"E, a distance of 330.49' to a iron pipe found, said iron pipe being a corner to the property described hereon, the northeasterly corner of the property now or formerly owned by Levi and Malissa J. Jones, and a point along the southerly right-of-way line of Oak Tree Road, State Route 786; thence continuing along said right-of-way line of Oak Tree Road, State Route 786, along a curve to the left having a arc length of 184.01' and a radius of 125.00' to the aforesaid point of beginning. The property described hereon contains 235,424 square feet or 5.405 acres, more or less.

BE IT FURTHER ORDAINED that in accordance with Section 24.1-114(e)(1) of the York County Zoning Ordinance, a certified copy of the Ordinance accepting the proffered conditions and an executed copy of the proffer statement 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.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Hrichak, Zaremba, Shepperd
Nay: (0)

Mrs. Noll then moved the adoption of proposed Resolution R08-35 that reads:

A RESOLUTION TO APPROVE A MULTI-COMPONENT SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A RECREATIONAL VEHICLE STORAGE FACILITY; WAREHOUSING, INCLUDING MOVING AND STORAGE; AND CONTRACTOR'S SHOPS WITH OUTDOOR/EXPOSED STORAGE AT 409 EAST ROCHAMBEAU DRIVE (ROUTE F-137) AT ITS EASTERN INTERSECTION WITH OAKTREE ROAD (ROUTE 786).

WHEREAS, Raymond Souder has submitted Application No. UP-722-07, which requests a multi-component Special Use Permit, pursuant to Section 24.1-306 [Category 12, No. 18 (a); Category 14, No. 2; & Category 15, No. 4 (b)] of the York County Zoning Ordinance, to authorize the establishment of a recreational vehicle storage facility; warehousing, including moving and storage; and contractor's shops with outdoor/exposed storage; on a 5.4-acre portion of a 12.08-acre parcel of land located at 409 East Rochambeau Drive (Route F-137) at its eastern intersection with Oaktree Road (Route 786) and further identified as Assessor's Parcel No. 2-55 (GPIN D19c-1879-0308); 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 given careful consideration to 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 15th day of April, 2008, the Application No. UP-722-07 be, and it is hereby, approved to authorize the establishment of a recreational vehicle storage facility; warehousing, including moving and storage; and contractor's shops with outdoor/exposed storage; on a 5.4-acre portion of a 12.08-acre parcel of land located at 409 East Rochambeau Drive (Route F-137) at its eastern intersection with Oaktree Road (Route 786) and further identified as Assessor's Parcel No. 2-55 (GPIN D19c-1879-0308), subject to the following conditions:

1. This use permit shall authorize the establishment of a recreational vehicle storage facility; warehousing, including moving and storage; and contractor's shops with outdoor/exposed storage on a 5.4-acre portion of a 12.08-acre parcel of land located at 409 East Rochambeau Drive (Route F-137) at its eastern intersection with Oaktree Road (Route 786) and further identified as Assessor's Parcel No. 2-55 (GPIN D19c-1879-0308).
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 County prior to the commencement of any land disturbing or construction activities for the proposed use. Said site plan shall be in substantial conformance with the sketch plan submitted by the applicant titled "Sketch Plan, Commercial Storage Solutions, 409 East Rochambeau Drive" dated 2/1/08, revised 2/25/08, prepared by AES Consulting Engineers, received by the Planning Division on February 26, 2008, except as modified herein or as may be necessary to comply with site plan review requirements.
3. The proposed buildings shall be substantially in conformance with the architectural elevations submitted by the applicant and received by the Planning Division on February 26, 2008, except as supplemented by the conditions herein. Bay doors on the first interior building running parallel to East Rochambeau and containing 15,400 square feet shall be restricted to rear loading only along the southeastern 110 feet and that 110-foot section and the southern end of that building shall have a façade treatment similar to that used on the parallel building closest to East Rochambeau Drive and shown in the architectural elevations with the sign "Equity Storage Solutions". Alternatively, the applicant may propose, and the Zoning Administrator may approve, a design scheme which keeps some or all of the bay doors on the front façade of this building but which screens them from direct view from East Rochambeau Drive by landscaping or other design treatments. The roof treatment used on the first interior building running parallel to East Rochambeau and containing 15,400 square feet shall extend the full length of the southern and eastern building façades.
4. All activities shall comply with Sections 24.1-376, Watershed Management and Protection Area Overlay District; 24.1-483, Standards for all wholesaling and warehouse uses; 24.1-485, Standards for all limited industrial uses; 24.1-486, Standards for home improvement and building contractors' shops and storage yards; and 24.1-489, Standards for all general industrial uses; of the York County Zoning Ordinance.
5. The outside storage area shall be located within the rear yard of the parcel and screened with a minimum six-foot high opaque fence constructed of materials as approved by the Zoning Administrator.
6. The septic system that is to remain shall be repaired to handle the proposed changes to the site and must meet any Virginia Department of Health (VDH) standards and include a reserve drainfield. Unused septic systems within the bounds of the current and proposed GB (General Business) zoning district shall be removed in accordance with all applicable code and regulatory requirements prior to issuance of building permits. All abandoned septic system(s) and well(s) shall require an approved permit from VDH.
7. The facility shall be served by one restroom via the existing drainfield as shown in the submitted sketch plan.
8. Access to the outdoor storage area from Oaktree Road and Red Dirt Road shall not be permitted.
9. In accordance with the 2003 International Fire Code, Section 503.1.1, approved fire apparatus access roads shall be provided for the facility. Apparatus access roads shall be a minimum of 20 feet in width and constructed with concrete, asphalt, grass pavers

or geo-block, with turning radius around the ends of buildings of a minimum of 20 feet in width.

10. When public water becomes available to the property, water lines shall be extended to the site and fire hydrant(s) installed per approval by the Department of Fire and Life Safety.
11. No outdoor speaker or paging systems shall be allowed on the property.
12. The 35-foot transitional buffer shall be supplemented as necessary to meet Type 35 Buffer standards. Any additional planting required to meet these standards shall be evergreen species.
13. All site lighting shall be designed with shielded, full cutoff fixtures and directed downward at a 90-degree angle to the ground to prevent off-site glare on to abutting properties and the road right-of-way. Illumination levels shall not exceed 0.5 foot-candle at the south and east property lines, and shall not exceed 0.1 foot-candle at the north and west property lines. All lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). A photometric plan detailing all proposed fixtures and ground illumination levels shall be submitted for approval by Environmental and Development Services at the time of application for site plan approval.
14. Recreational vehicle sewage dump station(s) shall be prohibited.
15. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit 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 severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall not invalidate the remainder.

On roll call the vote was:

Yea: (5) Wiggins, Hrichak, Zaremba, Noll, Shepperd
Nay: (0)

AMENDMENT TO YORK COUNTY CODE: GRASS AND WEEDS ORDINANCE

Mr. Carter gave a presentation on proposed Ordinance No. 08-6 to amend the York County Code to establish provisions requiring grass and weeds on developed or undeveloped property to be maintained at a height of 12 inches or less when within 300 feet of an existing dwelling unit.

Mr. Hrichak asked about the size of the trees and if it was possible to mow between them.

Mr. Carter stated they were about 10 feet on center. He stated it would be a challenge for mowing because the planting pattern was not set up to make it easy to mow, but it would be possible.

Mr. Zaremba asked what was magic about the six feet height.

Mr. Carter stated that based on some discussion with the forester that covers this area, his feeling was once a tree got to six feet in height, it had a good chance of surviving, and six feet also is the smallest tree that can be installed to meet the County's landscaping requirements. He stated it was felt that it was a reasonable standard to use.

Discussion followed regarding concerns raised by residents of The Sanctuary.

Chairman Shepperd then called to order a public hearing on proposed Ordinance No. 08-6 that was duly advertised as required by law and is entitled:

April 15, 2008

AN ORDINANCE TO AMEND SECTION 19-6, MAINTENANCE OF PREMISES; DUTY OF OWNER, OF CHAPTER 19 – SOLID WASTE, GARBAGE AND WEEDS – OF THE YORK COUNTY CODE TO ESTABLISH PROVISIONS REQUIRING GRASS AND WEEDS ON DEVELOPED OR UNDEVELOPED PROPERTY TO BE MAINTAINED AT A HEIGHT OF TWELVE INCHES OR LESS WHEN WITHIN 300 FEET OF AN EXISTING DWELLING UNIT

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

Mrs. Noll moved the adoption of proposed Ordinance No. 08-6 that reads:

AN ORDINANCE TO AMEND SECTION 19-6, MAINTENANCE OF PREMISES; DUTY OF OWNER, OF CHAPTER 19 – SOLID WASTE, GARBAGE AND WEEDS – OF THE YORK COUNTY CODE TO ESTABLISH PROVISIONS REQUIRING GRASS AND WEEDS ON DEVELOPED OR UNDEVELOPED PROPERTY TO BE MAINTAINED AT A HEIGHT OF TWELVE INCHES OR LESS WHEN WITHIN 300 FEET OF AN EXISTING DWELLING UNIT

WHEREAS, it has come to the attention of the Board of Supervisors that the current terms of Section 19-6 of the York County Code do not require that grass and weeds on undeveloped and developed property be mowed with sufficient frequency to protect adjacent property values and the character of residential areas; and

WHEREAS, the Board wishes to consider amendments that would require more frequent mowing of such areas;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors, this the 15th day of April, 2008, that Section 19-6, Maintenance of Premises; Duty of Owner, of Chapter 19 – Solid Waste, Garbage and Weeds – of the York County Code be, and it is hereby, amended to read as follows:

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

- (a) *Duty to maintain free from health and safety endangering substances and nuisances.* It shall be the duty of the owners of real property in the county to maintain such property at all times free from any accumulation of solid waste, trash, garbage, refuse, litter or other substances which might endanger the health or safety of other residents of the county or otherwise constitute a nuisance.
- (b) *Duty to cut grass, weeds, and other foreign growth, on undeveloped property.* It shall be the duty of the owners of undeveloped real property in the county to provide for the cutting of grass, weeds and other foreign growth on such property or any part thereof as provided for in this section. For purposes of this section, a property shall be deemed to be undeveloped if it is not occupied by a building or structure for which a certificate of occupancy has been issued and is currently in effect. Moreover, the common open space of any subdivision or development, or space which is required to be maintained as such in connection with any subdivision or development, as the term “common open space” is defined in Chapter 24.1 of this Code, shall be deemed undeveloped regardless of the presence of any structures located thereon.
1. Mowing on the portions of such property located three hundred (300) feet or less from an existing dwelling, shall occur as frequently as necessary to maintain the grass/weeds at a height of twelve (12) inches or less.
 2. The mowing requirements shall not apply to:
 - a. property that is being actively farmed for crop production purposes;
 - b. protected wetland areas or other environmentally sensitive and regulated areas;

- c. areas being maintained and designated as natural “hazards” on an active and operational golf course;
- d. the forest “floor” in any mature wooded area where the predominant tree height is six (6) feet or greater;
- e. an area being re-forested which meets the survival rate standards of the Virginia Department of Forestry and where the trees have reached a height of six (6) feet or greater;
- f. any areas that are within the distance from dwelling units specified in subsection 1. above, but which are separated from said residences by a mature wooded buffer area at least fifty (50) feet in width and being sufficiently dense in plant material to meet the Type 50 Transitional Buffer standards of the York County Zoning Ordinance;
- g. any areas where the County Administrator determines mowing to be unnecessary or impractical due to extenuating circumstances such as, but not limited to, topography, accessibility, or the adequacy of buffering for adjacent residential dwellings.

In addition to the mowing required by the preceding sections, mowing shall be required on such other property as is determined by the County Administrator, in consultation with the Division of Animal Control, to be a breeding and harboring place for insects, reptiles or rodents, or to constitute any other hazards that endanger or may endanger the public health, safety or welfare.

- (c) *Duty to cut grass on occupied real property.* It shall be the duty of the owners of occupied real property to cut any grass or lawn area within 300 feet of the building on the property, or within 300 feet of any building on an adjoining property, as frequently as necessary to maintain it at twelve inches (12”) in height or less. For the purposes of this section, the presence of a building on the property, whether occupied/in-use or vacant, shall cause the property to be deemed “occupied.” Grassed areas which are being actively farmed for crop production purposes shall be exempt from this requirement.
- (d) *Authority of administrator to investigate and cause work to be done.* The county administrator may investigate conditions existing on any real property in the county at any time and, upon a determination that the owner of such property stands in violation of his duty as provided in this section, written notice shall be provided to the owner and to the person primarily responsible if different from the owner of such property stating the facts which constitute a violation of paragraphs (a), (b) or (c) above and directing the owner to take such action as may be necessary to rectify such conditions within fifteen (15) days of the date of the notice and, if the owner shall fail to comply with the terms of the notice, then the county administrator shall cause to be done such work as may be necessary to abate the offending condition by agents or employees of the county.
- (e) *Billing and collection of expenses.* All expenses resulting from the correction of a violation by the agents or employees of the county shall be billed to the owner and shall, unless paid in full within fifteen (15) days, be certified by the county administrator to the county treasurer who shall collect such amount as taxes and levies are collected; and all charges not so collected shall constitute a lien against such property.
- (f) *When notice deemed served.* Any notice required by this section shall be conclusively deemed to have been served when mailed by certified or registered mail to the current owner at the address shown on the land records of the commissioner of the revenue of the county.
- (g) *Penalty for violation.* A violation of subsection (c) above shall be punishable by a civil penalty not to exceed one hundred dollars (\$100.00).

On roll call the vote was:

Yea: (5) Hrichak, Zarembo, Noll, Wiggins, Shepperd

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Nay: (0)

APPEALS TO DECISIONS OF THE CHESAPEAKE BAY BOARD

Mr. Barnett gave a presentation on proposed Ordinance No. 08-4 to amend the York County Code to allow any aggrieved person to appeal an administrative decision to the Chesapeake Bay Board and a decision of the Chesapeake Bay Board to the Circuit Court by filing a notice of appeal within 30 days of the administrative official's or the Chesapeake Bay Board's decision. Mr. Barnett also recommended that a copy of the notice of appeal also be filed with the County Attorney which would make the ordinance 08-4(R).

Mr. Zaremba stated that his reading of the proposed ordinance is that whether one was aggrieved or not, it goes to whether or not one has standing.

Mr. Barnett agreed, stating it was a standing issue, and he added there was case law that defined who was an aggrieved party. He stated the party would have to live somewhere in the vicinity to show that one has a direct interest in the impact of the decision.

Chairman Shepperd asked who would represent the Chesapeake Bay Board if it were called to the courts.

Mr. Barnett indicated that had not been decided, and he would be happy to discuss that with the Board as to whether or not the County Attorney would do that or whatever arrangements the Board chose to make.

Chairman Shepperd then called to order a public hearing on proposed Ordinance No. 08-4(R) that was duly advertised as required by law and is entitled:

AN ORDINANCE AMENDING YORK COUNTY CODE SECTION 23.2-16 TO ALLOW ANY AGGRIEVED PERSON TO APPEAL AN ADMINISTRATIVE DECISION TO THE CHESAPEAKE BAY BOARD AND A DECISION OF THE CHESAPEAKE BAY BOARD TO THE CIRCUIT COURT BY FILING A NOTICE OF APPEAL WITHIN THIRTY DAYS OF THE ADMINISTRATIVE OFFICIAL'S OR THE CHESAPEAKE BAY BOARD'S DECISION

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

Mrs. Noll moved the adoption of proposed Ordinance No. 08-4(R) that reads:

AN ORDINANCE AMENDING YORK COUNTY CODE SECTION 23.2-16 TO ALLOW ANY AGGRIEVED PERSON TO APPEAL AN ADMINISTRATIVE DECISION TO THE CHESAPEAKE BAY BOARD AND A DECISION OF THE CHESAPEAKE BAY BOARD TO THE CIRCUIT COURT BY FILING A NOTICE OF APPEAL WITHIN THIRTY DAYS OF THE ADMINISTRATIVE OFFICIAL'S OR THE CHESAPEAKE BAY BOARD'S DECISION

BE IT ORDAINED by the York County Board of Supervisors, this 15th day of April, 2008, that section 23.2-16, York County Code, be and it is hereby amended to read and provide as follows:

Sec. 23.2-16. Appeals.

- (a) An appeal to the Chesapeake Bay Board may be taken by any person aggrieved by any administrative decision, order or requirement under this chapter, by submitting a written application for review to the Chesapeake Bay Board no later than 30 days from the rendering of such decision, order or requirement. The board shall hear the appeal as soon as practical after receipt of the application. A nonrefundable processing fee of \$250.00 shall accompany each application for an appeal.
- (b) In rendering its decision, the board shall:

- (1) Examine the language of this chapter to determine whether the language is clear or is subject to more than one interpretation;
- (2) If, in the opinion of the board, the language is clear, the board will require the applicant to show that his case is not within the intent of the regulation. In these cases, the board will assume that the administrative decision is correct and the applicant will bear the burden of proof;
- (3) If the language of this chapter is unclear, the board will inquire as to whether the decision made by the official involved is consistent with previous administrative determinations in similar situations;
- (4) If the administrative decision is consistent with prior decisions, the applicant will prevail only if the administrative decision is not within the intent and purpose of the ordinance and, therefore, so arbitrary or unreasonable that the board must substitute its own interpretation and overturn the administrative decision. If the administrative decision is both consistent and reasonable, the board will uphold it;
- (5) If the administrative decision is inconsistent with prior decisions, the Board will carefully examine all factors involved to ensure that the appearance of an arbitrary decision is overcome by a legitimate attempt to further the intent and purpose of this chapter.

In applying these guidelines, the board will consider any pertinent factors that arise during the public hearing.

- (c) Any person aggrieved by a Chesapeake Bay Board decision, order or requirement, may appeal the decision, order or requirement to the Circuit Court by filing a notice of appeal with the Clerk of the Court specifying the grounds on which aggrieved, within thirty days after the final decision by the Chesapeake Bay Board. A copy of the notice shall be provided to each regular member of the Chesapeake Bay Board, to the County Attorney, and to the owner of the subject property if the appellant is not such owner, by hand delivery or by mailing a copy of the notice contemporaneously with its filing by first class mail, postage prepaid.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Hrichak, Shepperd
Nay: (0)

APPLICATION NO. UP-739-08, DOMINION

Mr. Carter gave a presentation on Application No. UP-739-08 to approve a use permit authorizing the vertical expansion of a previously approved ash disposal facility located at 380 Newsome Drive. 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 R08-43.

Mr. Hrichak asked if it were not true that if this application were denied, Dominion would have to find someplace else to put the fly ash, which would mean some other property in the County would be rendered unusable.

Mr. Carter indicated that would be true assuming the Board granted a permit for another fill site.

Mr. Hrichak asked if the current operator at this site was under any incentive to try to find alternative uses for the flyash.

Mr. Carter stated they have continuously looked for alternative uses, and the applicant could better explain some of the efforts made in that regard.

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Discussion followed regarding potential problems of an expanded facility and current problems with other such facilities.

Mr. Hrichak thanked Dominion for the tour of the site, stating he was able to look at it and the technology they are using. He stated the application seemed really sound and environmentally safe, and he was impressed with the operation.

Mr. Bruce Easley, Senior Environmental Compliance Coordinator at the Yorktown Power Station, expressed appreciation for the staff's diligence in reviewing the application and all the work they have done in coordinating the meetings and collecting information. He indicated they also appreciated the time spent by the Board members in examining the site in question. He reviewed Dominion's application that would allow it an option for continued storage rather than use new undeveloped land for ash storage. Dominion is proposing to expand the existing landfill vertically and develop an additional 23 years of storage by expanding upward on the existing piece of property instead of developing outward. Mr. Easley spoke of the first issuance of the conditional use permit in the 1980s when there were few environmental regulations regarding landfill permits and waste management. He noted that today's permits issued by the Virginia Department of Environmental Quality were a two-volume set of documents which included dust control measures, ground water monitoring requirements, sediment and erosion control requirement, waste limitations, construction specifications, and design drawings. He stated that Dominion and Yorktown Power Station have operated in accordance with the requirements and with the spirit of the conditional use permit. The station meets periodically with representatives of Waterview community to address issues of common concern, and they have been communicating their plans to vertically expand the landfill since 2007, and it was their understanding that the members of the neighborhood focus team have no objection to the proposal. He noted they have also communicated the plans to adjacent property owners in the York River Commerce Park, and they were not aware of any unresolved concerns of any of the adjacent property owners at this time. Mr. Easley then briefly summarized plans regarding the ash product and the current landfill proposal. He stated Dominion is very proud of its record in the community over the last two decades, and they wish to remain a good neighbor, and Dominion respectfully asks that the Board consider and approve the amendment as submitted.

Discussion followed regarding the treatment and quality of the water runoff going into the Chesapeake Bay. Discussion also took place regarding the operation of the Yorktown Power Station and its production of fly ash.

Mr. Zaremba asked if Dominion Resources has ever been sued as a direct result of what was coming out of the stacks.

Mr. Easley indicated he was not aware of any lawsuits in terms of cancer.

Meeting Recessed. At 9:58 p.m., Chairman Shepperd declared a short recess.

Meeting Reconvened. At 10:06 p.m., the meeting was reconvened in open session by order of the Chair.

Discussion continued concerning the impact of fly ash on the Chesapeake Bay.

Chairman Shepperd then called to order a public hearing on proposed Ordinance No. 08-4 that was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE AN APPLICATION TO AMEND RESOLUTION NO. R82-221(R-2), AS AMENDED BY RESOLUTION NOS. R92-191(R), R92-292, R93-251, R99-69(R), AND R02-70, TO AUTHORIZE VERTICAL EXPANSION OF A PREVIOUSLY APPROVED ASH DISPOSAL FACILITY ON A 73.7-ACRE PARCEL LOCATED AT 380 NEWSOME DRIVE

Mr. Peter Gnoffo, 404 Kanawah Run, appeared before the Board to speak in opposition to the application. He stated he was currently serving as president of the York Chapter of the Chesapeake Bay Foundation, and he thought this mountain was a very bad idea. He stated he did not have any question about the integrity or the professionalism of the Dominion Resource Power people who presented this evening, but there was a very big difference of opinion on the values

and the costs associated with what to do with the fly ash. He stated the costs of dealing with trash whether it was medical waste or fly ash, needed to be assessed up front and the only long term solution for dealing with the flyash was to ship it back to the mines from which it came, and there would be a cost to it that the residents need to be ready to address.

Mr. Mayer Levy, 500 Levy Lane, stated he was a former president of the York Chapter of the Chesapeake Bay Foundation, and he spoke concerning the aesthetics of the issue. He indicated planted trees would not hide this mountain. He stated it bothered him that as this mountain goes up, Seaford school was very close, and he did not want it affecting the children. Mr. Levy stated that in all of the dealings with Dominion, they have acted in a manner that has been very cordial and very mannerly, and he felt things could be worked out, but he asked the Board to vote against the application.

Mr. Chris Abel, 209 Marl Ravine Road, indicated he was the District 1 representative on the Planning Commission, and he voted against the application. He indicated that tonight he was present to speak as a citizen and a homeowner to tell the Board why this application was such a bad idea. He stated his concern was not environmental, but one of aesthetics with a slight safety aspect to it. He noted that the Board of Supervisors had agonized over a telecommunications pole that was 170 feet tall, but was considering allowing a mountain of ash that was 160 feet tall on a parcel about 30 feet above sea level, making it the tallest structure in York County. Mr. Abel stated it was going to be ash, and there will be exposed ash rising higher and higher that will be useless for anything else afterwards, and what troubled him most was that no alternatives were explored.

Mr. Ben Rush, 202 Moss Avenue, stated he was on the Board of Supervisors when the current guidelines for the disposal of fly ash were developed. He agreed that the County does not need a mountain of ash, but his big concern was that this is 73.3 acres that a mountain was going to be built on, and the only thing that could be used for, even recreationally, would be hang gliding or ATV vehicles. It would occupy about 73.3 acres from which today's children and their children would never realize a tax dollar. Mr. Rush stated he was totally against this application for numerous reasons, and he asked that the Board deny it.

Mr. Ellis James, 2021 Kenlake Place, stated this proposal troubled him as a citizen who lives downstream, and he was especially concerned about the impact on the citizens here in York County with the proposed size of this enhanced fly ash mountain. Even with the liner that had been discussed, if 15 times the weight were put on top of the current landfill, it was asking for trouble. Mr. James spoke of groundwater problems, and indicated that the fact that this particular landfill was going to be so close to a school was also very troubling.

Mr. Aaron S. Zeno, 100 Ironmonger Lane, stated he could remember catching crabs from his pier and steaming them, but he could not do that anymore because of PCVs. He stated Virginia Power talked about cleaning up the area at Wolf Trap Road, but it was a small swampy pond that nothing could live in, but now they want to build this mountain. Mr. Zeno stated this sort of project has not worked in Maryland or Pennsylvania, and it would not work in York County.

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

Discussion followed concerning the quality of the water that was being discharged into the Chesapeake Bay and the tolerance of the liner material used for the landfill. Discussion also took place on what other utility companies were doing with fly ash.

Mr. Zaremba addressed the concerns heard tonight regarding aesthetics, and stated while he appreciated the fact that it was going to be a hill that was 170 or so feet high, if it was done right, and if it was green and things began to grow on it over time, it would not be the ugliest thing by far in York County. He stated he had not heard any testimony tonight with any evidence shown to the Board that would make him think that Dominion Resources was a villain and that they would not honor the health and welfare of the citizens of York County.

Chairman Shepperd stated what he was hearing was the process was pretty good recycling. He asked where the danger was to the citizens.

Mr. Easley stated he lived in Seaford and had children in school, and he did not believe there was any danger at the ash landfill. He stated he felt that any situation could become danger-

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ous if it was uncontrolled, and what was there was a very controlled situation. If in the future there was a hazard identified, Dominion would know about it long before it became a problem for the County

Chairman Shepperd stated he felt his concern was about the fact that most people like their electricity, and they like their environment and try to balance out the two. If Dominion has to jack up the price to haul the ash somewhere else when York County was able to do it in a safe manner, then the bill was going to go up. He stated he did not personally feel it was necessary for the Board to take that step at this time.

Mrs. Noll stated she was very impressed with the quality and the scientific evidence. She stated she had a very good tour of this site and learned a lot and came away from it with an appreciation for the science that goes into it and the integrity of the people who are responsible for the maintenance of the site. She expressed her understanding of where the residents stood, but it was like so many other things that after a while no one would even know it was there.

Mr. Wiggins thanked Dominion Power for answering all his questions regarding safety concerns. He also addressed the aesthetics of the process, stating there were no large hills like the one proposed in District 3, and the people living in the District do not like the idea of looking up at a mountain 10 years from now.

Mrs. Noll moved the adoption of proposed Resolution R08-43 that reads:

A RESOLUTION TO APPROVE AN APPLICATION TO AMEND
RESOLUTION NO. R82-221(R-2), AS AMENDED BY RESOLUTION
NOS. R92-191(R), R92-292, R93-251, R99-69(R), AND R02-70, TO
AUTHORIZE VERTICAL EXPANSION OF A PREVIOUSLY AP-
PROVED ASH DISPOSAL FACILITY ON A 73.7-ACRE PARCEL
LOCATED AT 380 NEWSOME DRIVE

WHEREAS, Dominion Virginia Power has submitted Application No. UP-739-08 to amend Resolution No. R82-221(R-2), as amended by Resolution Nos. R92-191(R), R92-292, R93-251, R99-69(R), and R02-70, to authorize vertical expansion of a previously approved ash disposal facility on a 73.7-acre parcel located at 380 Newsome Drive and further identified as Assessor's Parcel No. 24-204C; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of April, 2008, that Application No. UP-739-08 be, and it is hereby, approved to amend the following sections and conditions of Resolution No. R82-221(R), as amended by Resolution Nos. R92-191(R), R92-292, R93-251, R99-69(R), and R02-70, to read and provide as follows:

SUPPORTIVE DOCUMENTATION: 82-UP1

Date Received

February 1, 2008

December 14, 2007, Permit Drawings – Dominion Yorktown Power Station Industrial Solid Waste Landfill Vertical Expansion (VE) Major Permit Amendment by Golder Associates Inc., Drawings 1 through 23 titled as follows:

1. Title Sheet

2. Existing Conditions
3. Base Landfill Vertical Design Capacity
4. Perimeter Containment Berm Grading
5. VE Beneficial Reuse Grades
6. VE Base Grades
7. VE Engineering Modification Grades
8. VE Final Cover Grades and Section Locations
9. Landfill Cross Sections AA' - DD'
10. Landfill Cross Sections EE' - GG'
11. VE Phasing Plan
12. Leachate Collection System Plan
13. Base Landfill Reclamation Grades
14. VE Reclamation Grades
15. Liner Details
16. Final Cover Details
17. Leachate Collection System Details Sheet 1 of 4
18. Leachate Collection System Details Sheet 2 of 4
19. Leachate Collection System Details Sheet 3 of 4
20. Leachate Collection System Details Sheet 4 of 4
21. Stormwater Control/E&S Control Plan
22. Stormwater/E&S Details
23. Erosion & Sediment Control Narrative and Notes

April 1, 2008

Yorktown Power Station Ash Fill Screening Drawing 1

- A25. Temporary storage of bottom ash, as proposed in Drawing 11 "Vertical Expansion Phasing Plan" dated December 14, 2007 and referenced hereinbefore, shall be strictly adhered to. The Board reserves the right to require, at its discretion, the construction of a permanent bottom ash storage area. Fugitive dust incidents resulting from such temporary storage areas shall result in consideration of a requirement that Vepco design, construct and maintain, a single, permanent, and sheltered bottom ash storage cell. The bottom ash stockpile shall be located over the lined area of the base landfill at all times.
- A26. When the facility or portions thereof reach design capacity, or if the applicant should choose to close the facility prior to reaching design capacity, the applicant shall close the site pursuant to the Closure Plan contained in the site's Virginia Department of Environmental Quality (VDEQ) solid waste permit.

- A31. Prior to placement of the final soil cover for any cell, Vepco shall notify the County Administrator of its intent to close the specific cell. Such notification shall include an analysis of the amounts and types of materials proposed to be placed on the cell, including vegetation, to ensure compliance with approved plans and specifications. The landfill closure will be performed in accordance with the Closure/Post Closure Plan contained in the VDEQ solid waste permit for the facility.
- A32. Any ash required to have cement addition to meet beneficial reuse requirements shall be handled in the following manner:
1. Pugmilling of ash shall be performed within the boundaries of a fully developed cell. Dust control measures shall be practiced to keep dust to a minimum in the areas of excavation, pugmill operation, and truck loading.
 2. All trucks leaving the ash site shall be washed in the truck wash, and wheels manually washed to prevent migration of ash off site.
 3. A water truck and water spray system shall be utilized that ensures that fugitive dust from the pugmill operation will be abated.

4. The pugmill operation will be in open cells only and, with the exception of initial ash removal, operate at the elevation equal to at least three feet above the top of the drainage layer of the cell being excavated, or of the adjacent empty cell.

- A34. Operation, QA/QC, and design of the ash removal activities shall be in accordance with the VDEQ permit for the Virginia Power – Yorktown Power Station Solid Waste Disposal Facility. Closure of the facility shall be in accordance with the Closure/Post Closure Plan contained in the VDEQ solid waste permit for the facility.

- C2. The applicant shall adhere to the procedures contained in ASTM D1587, "Standard Practice for Thin-Walled Tube Sampling of Soils for Geotechnical Purposes" when samples of the low permeability soil liner are extracted for laboratory testing. The samples shall be tested by an independent geotechnical testing laboratory to verify that the permeability criteria established in C5 are met. In the case where a low permeability soil liner is not used in the design of a disposal cell, this requirement shall not apply.
- C3. Chemical analyses of leachate from the site shall be provided to American Colloid, or other equivalent distributor, with respect to leachate generation from the proposed ash disposal site for their review in determining the type of liner provided for each cell. Such information on soil and leachate samples will also be provided to York County as well as the responses from the soil sealant liner supplier. In the case where low permeability soil liner is not used in the design of a disposal cell, this requirement shall not apply.

- C5. The liner for the base landfill facility as described in the December, 1981 design drawings by GAI shall be constructed with a bentonite clay soil sealant in strict compliance with the manufacturer's specifications to a permeability of 1×10^{-8} cm/sec. The liner for the vertical expansion project portion of the facility shall be constructed in compliance with the facility's VDEQ solid waste permit. Veeco will monitor, in accordance with the approved groundwater monitoring program and cell no. 1 leachate monitoring program, the impact, if any, of the ash fill operation on ground water quality. Based upon data collected in these monitoring programs Veeco may file for an amendment to the conditional use permit to provide for use of a more permeable liner in subsequent cells.

- C10. Testing of the soil liner shall be conducted in the laboratory on undisturbed samples taken from the site prior to placing the particular section of the fill area in service for the disposal of fly ash. Testing of geomembrane liner materials shall be at the frequencies specified and in accordance with the requirements in the facility's VDEQ solid waste permit.
- C11. The location of the sampling, method of sampling, and method of testing shall be at the frequencies specified and in accordance with the facility's VDEQ solid waste permit.

- C16. Temporary bottom ash storage shall be limited to a maximum area of two (2) acres and a maximum height of twelve feet. Such area shall be designed and constructed in accordance with all the specifications and operating procedures of the fly ash disposal cells including liner, drainage and leachate collector as well as dust control measures. The bottom ash stockpile shall be located over the lined area of the base landfill at all times.

- C17. Since the need to store bottom ash is temporary, this area shall be located as shown on the drawings submitted in support of this request, and shall be surrounded by earthen berms for bottom ash containment, except for necessary points of access. Such berms shall have an effective height of at least four (4) feet.
- C18. The bottom ash stockpile shall be located over the lined area of the base landfill at all times. Surface water runoff (stormwater) collected from the bottom ash stockpile shall be directed to the proper stormwater control system. The bottom of the stockpile shall be prepared as such to allow leachate from the bottom ash stockpile to be controlled by the base landfill leachate collection system.

- D4. The applicant shall continue and/or establish a groundwater and leachate testing and monitoring system, in accordance with the requirements and criteria established herein, in and around the ash structural fill area so long as it shall exist, and coal storage area so long as it is in use.

Monitoring of the groundwater at the coal storage area and site of the ash structural fill shall include a system of shallow and deep wells. Such program shall further include monitoring as required by the VDEQ Waste Facility Permit 457.

Included among such a monitoring system shall be both a regular periodic water quality analysis testing program as the respective areas are in use, and one which continues to analyze the groundwater around the structural fill so long as it exists. The specific locations of such monitoring wells shall be those identified in the VDEQ Waste Facility Permit 457.

BE IT FURTHER RESOLVED that prior to the issuance of a Land Disturbing Activity permit for the Vertical Expansion project portion of the facility, the applicant shall submit evidence to the County that 1) the Federal Aviation Administration (FAA) has made a determination in accordance with the provisions set forth in Subpart B of Federal Aviation Regulations Part 77 – Objects Affecting Navigable Airspace, that the proposed construction will not be a hazard to air navigation, or 2) all modifications recommended by the FAA to mitigate any potential hazard to air navigation have been made.

On roll call the vote was:

Yea: (4) Noll, Hrichak, Zaremba, Shepperd
Nay: (1) Wiggins

CITIZENS COMMENT PERIOD

Mr. Richard Meyer, 102 Wicomico Turn, vice-president of the Running Man Community Association addressed his concerning regarding Lotz Acres Estates, Section 3, and the connection to Kiskiack Turn, and the potential traffic problems that would occur with the connection. He spoke of the traffic operational and safety study, stating it was so full of errors and inaccuracies that the residents of Kiskiack Turn, Running Man, Tabb Meadows, and Lotz Acres Estates could not believe that the subdivision agent made any decision based upon it. He stated they feel the County staff accepted the original report when it may have been prudent to return the safety study to Lotz Realty, Inc., for corrections. He stated the residents are concerned that some of the County staff may not feel they are empowered to require the safety studies to be correct and accurate prior to making a decision which may have safety impacts for generations to come. He then reviewed errors in the traffic study, stating a revised traffic operational safety study was prepared after the Running Man Community Association made an appeal to the Planning Commission. He stated there were still errors, and they were not small oversights but were a result of inattention to detail. He asked the County Administrator and Board of Supervisors to take a look at the study and see if the County standards were followed before accepting this study.

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Mr. James Christol, 112 Kiskiatic Turn, addressed the Board regarding his concerns about the proposed development of Lotz Acres and its buffers and wetlands issues. He stated his property was in the eye of the storm because of where the BMP was on the planning design, and it looked like it was going to dump a lot of the water into the Kiskiatic Turn ditch. He asked who would guarantee his yard would not flood when it rained, and who would pay for the damages for all the other properties that would be affected in Running Man.

Mr. Don Schindel, 110 Kiskiatic Turn, addressed the Board regarding the proposed new development of Lotz Acres, Section Three. He stated he was concerned about the traffic safety issues and said the Board should overturn the decision to connect the subdivision to Kiskiatic Turn.

Mr. Chip Griffin, 107 Kiskiatic Turn, spoke regarding the denial of Running Man's appeal at the Planning Commission hearing in April and the approval of the developer's request to force an unanticipated extension of Kiskiatic Turn that would connect Running Man to a new development to be called Lotz Acres, Section Four. He stated the new development was not even proposed to connect to Lotz Acres and would sit at the end of Kiskiatic Turn pumping sewage, runoff, stormwater drainage, and additional traffic into Running Man. He stated he thought the Planning Commission's decision was about to contribute to a serious safety deficiency in the neighborhood, and he urged the Board to review the taped recording of the April 9 Planning Commission hearing and seriously consider overturning the poorly considered decision.

Ms. Candy Griffin, 107 Kiskiatic Turn, addressed the Board and asked them to seriously revisit the Running Man issue and consider the safety impact that the increased traffic volume would have not only on the children of Kiskiatic Turn but also on those who frequent Running Man Trail. She said Kiskiatic Turn could not safely accommodate the increased traffic, and it would devastate the character of the neighborhood and put the safety of its families at risk.

Ms. Amanda MacDonnell, 107 Polaris Drive, spoke regarding the extension of Lotz Acres, stating that the residents were all in agreement that the development company had every right under the law to develop this land, but not at their community's expense. She stated the homes proposed in the plan would not retain the character of the neighborhoods. She then addressed the drainage and flooding issues they already experience, and she asked the Board to prevent these properties from becoming a flood plain for the new development.

Mr. David MacDonnell, 107 Polaris Drive, addressed the Board regarding the proposed development of Lotz Acres, Section Four. He stated it would be located on a parcel of land that had been unsuitable for development for the last 34 years because it had wetlands. He said the Board of Supervisors could revise the ordinance to protect such streams from development and encroachment and declare such streams and their vital ecosystems to be other waters and signify that they were valuable to the locality and deserved protection. He stated the residents were depending on the Board and the County to correctly characterize the state of the land and strictly enforce the ordinance.

Ms. Peg Myatt, 105 Kiskiatic Turn, spoke about the development of Section 4 of Lotz Acres, stating her concerns about traffic increases, the potential of long-term problems, the potential deep ditch, and the inability of the Board of Supervisors to overturn the Planning Commission decisions based on their guidelines.

Ms. Maureen Archer, 205 Heavens Way, addressed the Board regarding the proposed development of Lotz Acres, Section Three, asking all individuals present against the proposed development to stand and be recognized. She presented the Board with a petition that the neighbors had signed and submitted to the York County Planning Commission on February 21, stating it outlined the five major issues and was signed by 68 residents from Tabb Meadows and Lotz Acres Estates.

Mr. Norm Night, 303 Heavens Way, addressed the Board regarding the proposed new development of Lotz Acres and his concerns about drainage issues.

Mr. Carl Birkholz, 103 Stellar Circle, stated he has had continuous drainage problems. He stated that since the Tabb Meadows subdivision was put in, the drainage and traffic problems had increased. He said he did not think the ditch as it was proposed for the new proposed Lotz Acres addition could handle the water runoff if there was a big storm because of the angle.

Ms. Darlene Ingram, 202 Orion Court, addressed the Board with her concerns about the proposed plans to develop the wetlands area adjacent to Lotz Acres. She asked that an additional study be conducted on the wetlands area before development begins because with more current and reliable information, adjustments could be made to the proposed plans that could prevent flooding.

Mr. Richard Archer, 205 Heavens Way, appeared before the Board stating he had significant reservations and was opposed to the proposed development currently under consideration by Lotz Realty. He discussed some alternative uses of proposed property that might allow Lotz to realize a return on its property investment while at the same time preserving the neighborhood character, which focused on wetlands management issues. The alternatives included designating the property as a mitigation bank, purchase of the property by the Nature Conservancy; purchase of the property by the Virginia Land Conservation, or apply to have a conservation easement granted to the Virginia Outdoors Foundation or similar organization. Mr. Archer stated if none of the wetlands preservation approaches were financially or otherwise satisfactory to the developer, then he recommended a resubmitted plan with fewer houses or fewer cluster houses that would be more consistent with the overall neighborhood character.

Mr. Mourad Amer, 103 Kiskiack Turn, addressed the Board regarding his concerns about traffic and flooding issues with the new proposed development of Lotz Acres. He urged the Board to reject the plan totally if the development was to be connected to Kiskiack Turn.

Mr. Mic Platt, 104 Polaris Drive, spoke concerning the drainage issue dealing with the new addition to Lotz Acres, and he asked the Board to revisit the drainage in that area and consider the effect on the entire watershed. He also spoke concerning the traffic issue, stating each new community's traffic impact was considered independently which he felt was wrong because in this case Taylor Farms, Victory Estates, Lotz Acres, Sugarberry, and a couple of other new developments would slowly choke the area. Taylor Farms, Victory Estates, Lotz Acres, Sugarberry, and a couple of other new developments. He noted that in the area there were 6 of the most 20 dangerous intersections within 1½ miles of Tabb High School, and all these little developments might add 100 or 200 cars. Mr. Platt asked that the Board revisit this plan.

Mr. Greg Bender, 105 Polaris Drive, appeared before the Board in opposition to the proposed Lotz Acres development addressing his concerns regarding BMPs, drainage issues, parcel sizes, and the impact on property values.

Mr. Edward Johnson, 111 Kiskiack Turn, addressed the Board regarding his concerns about the Lotz Acres extension. He spoke about going before the Planning Commission to seek a waiver to a decision that was based on incorrect, missing, and misrepresented data. He asked that the Board review how the decisions were made to allow the preliminary plan to go forward and the street connection to go forward, and he felt the Board would find that York County did not follow its own codes. He stated that County staff misrepresented the traffic capacity of Kiskiack Turn, reporting that the capacity of Kiskiack Turn was 200 trips a day. He stated they also failed to mention that the connection through a 64-acre piece of property owned by Mr. George Smith would be required by County Code. Mr. Johnson asked the Board to review the decision process followed by the County and consider whether or not acceptable standards were followed.

CONSENT CALENDAR

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

On roll call the vote was:

Yea:	(5)	Wiggins, Hrichak, Zaremba, Noll, Shepperd
Nay:	(0)	

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 6. APPROVAL OF MINUTES

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

April 15, 2008

March 11, 2008, Adjourned Meeting
March 18, 2008, Regular Meeting
March 20, 2008, Adjourned Meeting
March 25, 2008, Adjourned Meeting

Item No. 7. OUTSTANDING YOUTH AWARDS FOR 2008: Resolution R08-36 through R08-38

Resolution R08-36:

A RESOLUTION TO COMMEND AND CONGRATULATE CHRIS
JORDAN ON HIS SELECTION AS THE 2008 YORK COUNTY OUT-
STANDING YOUTH OF THE YEAR FOR COMMUNITY SERVICE

WHEREAS, the York County Youth Commission and the Board of Supervisors established the Outstanding Youth of the Year Awards Program to recognize the accomplishments and achievements of York County's youth; and

WHEREAS, Chris Jordan has been chosen by the Selection Committee to receive the 2008 Outstanding Youth of the Year Award for Community Service; and

WHEREAS, Chris Jordan has demonstrated a genuine desire and commitment to serve others; and

WHEREAS, in spite of his demanding coursework at Grafton High School where he has earned a cumulative 3.95 grade point average, Chris nevertheless *makes time* for helping others as evidenced by his volunteer tutoring through the Math, French, and National Honor Societies, his involvement in other National Honor Society projects such as bell-ringing for the Salvation Army and participation in the YMCA Call-a-thon to raise money for disadvantaged youth, his service through the Grafton High Green Team during his sophomore and junior years when he helped promote awareness of environmental conservation through various recycling activities, and in volunteering with an Oyster Restoration Project in conjunction with his Honors Biology II/Marine Science Class; and

WHEREAS, Chris is a member of Boy Scouts of America Troop 200 in Yorktown, and throughout his high school years has contributed numerous hours of community service through this dedicated group including such activities as collecting bags of food and helping to build a ramp for the York County Church Women United Emergency Food Closet, delivering firewood to area families in need, cleaning ditches for a local development, and participating in the 2006 International Coastal Cleanup where Chris served as Site Captain for a James River canoe trip; and

WHEREAS, during his junior year Chris embarked on an ambitious school and community service project towards fulfillment of his Eagle Scout Award in which he sought to convert an unused courtyard at Grafton High into an outdoor classroom where students and even local groups could gather for instruction and meetings in a peaceful and invigorating setting; and

WHEREAS, to accomplish this project Chris showed exemplary service, organization, and leadership, first devoting some 70 hours towards researching and designing the site which features a mulched area and semicircle of nine sturdy, custom-made wooden benches providing seating for up to 30 people, then presenting what his principal called "an extensive proposal" for her initial review and approval followed by presentations to the York County School Board and Grafton Parent Teacher Student Association, and then working to raise funds, securing a 10% discount from Lowe's as well as donations from Ace Hardware, Grafton True Value, and a power tool rental discount from another source; and

WHEREAS, Chris also supervised the 200-hour construction phase of the project which involved the members of his Troop and such tasks as fabricating and installing the benches, pouring concrete support foundations, and mulching the entire area; and

WHEREAS, thanks to the funding Chris solicited and obtained as well as the sponsorships he coordinated from Grafton's PTSA and the Society of American Military Engineers Virginia Peninsula Post, the project was successfully completed without any cost to County taxpayers; and

WHEREAS, Chris's project advisor affirms that Chris "represents the highest standards in leadership, citizenship, and character," and that "even after achieving the honored rank of Eagle Scout, he remains involved in the troop, sharing his leadership skills and dedication to service back to his community;" and

WHEREAS, Chris's Marine Biology teacher and Oyster Reclamation Project supervisor remarks that Chris is quiet and unassuming, never drawing attention to himself, yet typifies the truism that "still waters run deep" with how he stays focused and works diligently to meet the goals and responsibilities at hand, completely unaware that his efforts are noticed by anyone else, yet serving as one of the driving forces of the project;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of April, 2008, that Chris Jordan be, and he is hereby, commended and congratulated for being selected as York County's 2008 Outstanding Youth of the Year for Community Service.

BE IT FURTHER RESOLVED that Chris be publicly recognized as a most worthy recipient of the Outstanding Youth Award for Community Service, that he be extended the admiration and appreciation of the Board of Supervisors for his exemplary service, and that the Board's best wishes go with him for a continued life of freely giving his time and talents to others.

Resolution R08-37:

A RESOLUTION TO COMMEND AND CONGRATULATE JEFFREY GRABOWSKI ON HIS SELECTION AS THE 2008 YORK COUNTY OUTSTANDING YOUTH OF THE YEAR FOR COMPASSION

WHEREAS, the York County Youth Commission and the Board of Supervisors established the Outstanding Youth of the Year Awards Program to recognize the accomplishments and achievements of York County's youth; and

WHEREAS, Jeffrey Grabowski was nominated and has been chosen by the Selection Committee to receive the 2008 Outstanding Youth of the Year Award for Compassion; and

WHEREAS, Jeffrey Grabowski epitomizes the meaning of compassion, and is highly regarded for his sensitivity in relating to the needs of others, a quality clearly evidenced at a young age by this ninth grade student at Grafton High School, who years ago was reduced to tears when he saw a picture of poverty stricken Haitian children who were almost his age, and was so moved that ever since he has quietly taken all of the money he receives for Christmas each year and gives it to help provide one Haitian child with an education through a program sponsored by his church; and

WHEREAS, ever since he was in the seventh grade, Jeffrey's care and concern for others has led him to volunteer at the Hampton Veteran's Administration Medical Center's Spinal Cord Injury Service's unit where he serves throughout the summers and frequently on weekends and days off from school during the school year; and

WHEREAS, this unit is a long term care facility housing approximately 50 male patients with an average age of 60 or more, most of whom have been there well over 10 years and all of whom have suffered some type of trauma-induced paralysis ranging from loss of movement in the hands, arms, or legs to full quadriplegia; and

WHEREAS, the unit is *home* to these men, and in the midst of this close-knit environment Jeffrey has excelled in his volunteer service to them, knowing each one in the unit by name and taking a genuine interest in them, and is described by Ms. Kocuja his nominator and volunteer supervisor as "a quiet, respectful, and pleasant young man who goes about his tasks confidently and carefully," which include such varied responsibilities as "feeding, helping with the lift for outings in the wheelchair bus...pushing heavy wheelchairs to activities, and being the hands for those who cannot use theirs;" and

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WHEREAS, Ms. Koceja also relates that this volunteer work can be physically exhausting at times, and also requires patience, and a concern and willingness to do the most menial of tasks for these adults who often cannot do things for themselves; and

WHEREAS, Mr. Lewis, a patient at the unit, commends Jeffrey in a letter by detailing how Jeff knows what each "Vet" takes in their coffee, always comes by the rooms to ask what he can do, puts away their clothes or takes things out of their lockers for them, organizes their area, helps them play Bingo or pool, assists with arts and crafts or in going to the ATM, goes to movies so they won't be alone, helps on shopping trips to the Mall, walked with them on a field trip to the Oceanfront, gives them their bowling balls while bowling, goes from room to room to fill their pitchers with fresh ice water, opens the mail and reads it for some of the vets, helps write letters for those who can't and then files them away, pushes some vets around the grounds outside or sits and talks with them because they might prefer to sit outside in the sun, and concludes by affirming that, "most important of all, he is our friend;" and

WHEREAS, Jeffrey is also described by Dr. Cassini, the Spinal unit's Staff Physician, as being "very caring and attentive to the patients' needs," qualities which Jeffrey is widely recognized for exemplifying at the unit as evidenced by his receiving the Medical Center's 2006 Outstanding Youth Volunteer Award for his dedicated and compassionate service to these veterans, and

WHEREAS, the Veterans in his unit showed their own appreciation for this unusual young man's compassion, service, and friendship by recently organizing for the first time ever, their own awards ceremony, and presented Jeffrey with an award and certificate, and also gave him a signed Tidewater Tides baseball; and

WHEREAS, Ms. Koceja shares that Jeffrey is "touched by the veterans and feels connected because he's gotten to know them...realizing that the guys in the unit are normal people...and shows his genuine concern by asking about them whenever school has kept him away for awhile," and that, "the guys are always asking about him too;"

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of April, 2008, that Jeffrey Grabowski be, and he is hereby, commended and congratulated for being selected as York County's 2008 Outstanding Youth of the Year for Compassion.

BE IT FURTHER RESOLVED that Jeffrey be publicly recognized as a most worthy recipient of the Outstanding Youth Award for Compassion, that he be extended the admiration and appreciation of the Board of Supervisors as he continues to touch others with genuine love and concern, and that he draw encouragement from the knowledge that the world is a better place because he is with us.

Resolution R08-38:

A RESOLUTION TO COMMEND AND CONGRATULATE RYAN
HARTMAN ON HIS SELECTION AS THE 2008 YORK COUNTY
OUTSTANDING YOUTH OF THE YEAR FOR OVERALL ACHIEVE-
MENT

WHEREAS, the York County Youth Commission and the Board of Supervisors established the Outstanding Youth of the Year Awards Program to recognize the accomplishments and achievements of York County's youth; and

WHEREAS, Ryan Hartman was nominated and has been chosen by the Selection Committee to receive the 2008 Outstanding Youth of the Year Award for Overall Achievement; and

WHEREAS, Ryan Hartman epitomizes excellence and outstanding achievement with his numerous accomplishments and superlative performance in a wide variety of endeavors; and

WHEREAS, Ryan's academic achievements are noteworthy, and include his 4.1 cumulative grade-point average in advanced coursework at Grafton High School where he has earned Highest Academic Honors, his membership in the National Honor Society, Music Honor Society, and Mu Alpha Theta Math Honor Society, his being named a National AP Scholar by the College Board, and his membership on Grafton High's "Blue Crab Bowl" Team, an interscholastic academic team competition in Oceanography and Marine Biology in which Grafton placed 2nd in

the State out of 33 teams; and

WHEREAS, Ryan's leadership achievements include serving for the past two years on the Principal's Advisory Committee and Student Council Association where this year he was elected as Grafton's SCA President, his selection to Virginia Boys State, and being named Senior of the Month by the York County School Board; and

WHEREAS, Ryan's athletic achievements include four years of varsity swimming for Grafton, swimming year around for the Coast Guard Blue Dolphins Swim Team where he was Team Captain of the National Level Team and was a part of their 15-16 year old State record-setting 400 Freestyle Relay team last year, competing at the U.S. Sectional level for two years, this year competing at the Junior Nationals in eight events, and being named to USA Swimming's Scholastic All-American Team; and

WHEREAS, Ryan's musical talent on the tenor saxophone is also notable, and includes his winning the Grafton High Marching Band Director's Award in ninth grade, winning 1st Chair All-District Concert Band in tenth grade, winning 1st Chair All-District Symphonic Band last year while placing 2nd in the District this year, and also participating in both Grafton High's Wind Ensemble and Jazz Band; and

WHEREAS, Ryan's service contributions are no less noteworthy, and include serving as an acolyte, lay reader, and Sunday School Teacher at Abingdon Episcopal Church, tutoring fellow students at Grafton in math, and performing a wide variety of other volunteer community service through school including fundraising projects, visiting patients at the VA Hospital, and even suggesting a morning traffic plan now in use at Grafton which has greatly alleviated the massive traffic congestion on Grafton Drive and on nearby Rt. 17 before school; and

WHEREAS, in spite of his demanding schedule of activities and responsibilities, Ryan somehow manages to find the spare time to enjoy sailing, surfing, automotive modifications, and unicycling, while also working summers coaching a swim team, teaching swimming lessons, and providing lawn care; and

WHEREAS, Ryan's many accomplishments are only exceeded by his character, which includes his wonderful sense of fun such as his much anticipated and often hilarious morning announcements, or his wacky costume wearing during spirit weeks, all of which lead his SCA advisor and nominator to say that because of his many abilities, "Ryan is the kid people would love to hate," and yet, "I've never met anyone, faculty or student, who doesn't think the world of Ryan," while his Guidance Counselor and nominator shares that, "Ryan inspires others...to support one another and act as a team," a sentiment also affirmed by his Psychology teacher who says Ryan is "a great supporter of others, friendly and energetic, a genuine encouragement," while his Blue Crab Bowl advisor affirms that "everybody sincerely likes him," and that Ryan "uses his intelligence to unite others, to instill confidence in them and inspire them to excel," that he respects others and "looks at people as individuals," and that while he would be regarded by faculty and students alike as one of Grafton's "BMOC's," all would be aware of his profound influence and positive impact except for one person...Ryan himself;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of April, 2008, that Ryan Hartman be, and he is hereby, commended and congratulated for being selected as York County's 2008 Outstanding Youth of the Year for Overall Achievement.

BE IT FURTHER RESOLVED that Ryan be publicly recognized as a most worthy recipient of the Outstanding Youth Award for Overall Achievement, that he be extended the admiration and appreciation of the Board of Supervisors for his inspiration and encouragement to the youth of our community, and that the Board's best wishes go with him as he continues to use his considerable gifts and abilities in service to others.

Item No. 8. PUBLIC SEWER EXTENSION AGREEMENT – PETER V. HENDERSON: Resolution R08-51

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS RESUBDIVISION OF THE SUBDIVISION

April 15, 2008

OF THE PETER V. HENDERSON PROPERTY, AND AUTHORIZING
EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION
AGREEMENT

WHEREAS, Peter V. Henderson and Leslie F. Henderson have requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve five new residential lots; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that the property will be more economically served by the sewage collection system operated by James City Service Authority, but that Board approval of the facilities located within York County is still required; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code no connection fee is to be paid to the County, due to the fact that these York County properties will be served by the James City Service Authority's collection system;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of April, 2008, that the Board approves the extension of the County's public sewer system to serve the proposed development, Resubdivision of the Family Subdivision of the Peter V. Henderson Property, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Peter V. Henderson and Leslie F. Henderson for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 9. BRICK CHURCH ROAD ABANDONMENT: Resolution R08-53

A RESOLUTION TO ABANDON THE SEGMENT OF STATE ROUTE
622 (BRICK CHURCH ROAD) BEGINNING 250 FEET WEST OF
ROUTE 17 AND EXTENDING APPROXIMATELY 2,150 FEET TO
ITS TERMINUS AT ROUTE 173

WHEREAS, Grafton Christian Church has requested that the York County Board of Supervisors consider the abandonment of the segment of State Route 622 (Brick Church Road) that separates the properties owned by the church located in the vicinity of the Denbigh Boulevard-Route 17 intersection; and

WHEREAS, the subject 2,150-foot segment of Route 622, which extends from a point approximately 250 feet west of Route 17 to its terminus at Route 173, serves only the church and is not required for access to any other properties; and

WHEREAS, public notices were posted and published as prescribed by the terms of Section 33.1-151, Code of Virginia, announcing the Board of Supervisors' intention to abandon the subject section of road from the Secondary System of Highways and inviting requests for a public hearing on the matter; and

WHEREAS, the adjacent property owners and the Commissioner of the Virginia Department of Transportation were provided notice of the intent to abandon the subject segments of road; and

WHEREAS, there having been no requests for public hearing and no objections expressed, the Board has determined that the subject segment of Route 622 (Brick Church Road) serves no public necessity and, accordingly, is no longer necessary as a part of the Secondary System of State Highways:

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 15th day of April, 2008, that pursuant to §33.1-151 of the Code of Virginia of 1950, as amended, it does hereby abandon the segment of Route 622 (Brick Church Road) beginning

250 feet west of Route 17 and extending a distance of approximately 2,150 feet to its terminus at Route 173.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Commissioner of the Virginia Department of Transportation.

Item No. 10. PURCHASE RESOLUTION: Resolution R08-54

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO PURCHASE MOWING SERVICES

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of April, 2008, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

	<u>AMOUNT</u>
Mowing Services (Annual Contract)	\$ 50,483

NEW BUSINESS

APPLICATION NO. UP-742-08—RALPH ENGLISH

Mr. Carter gave a presentation on proposed Resolution R08-42 to approve a minor modification of a previously approved special use permit for an automobile junkyard/graveyard at 2321 Wolf Trap Road by authorizing a two-year extension of the deadline for establishing the special use. He stated staff recommends approval of proposed Resolution R08-42.

Mr. Zaremba asked why Mr. English needed a two-year extension.

Mr. Carter stated that the new automobile junkyard/graveyard might occur prior to two years, but thought Mr. English was asking for the maximum extension that could be authorized under the use permit provisions.

Mr. English stated he wanted to make sure he had a deal to sell the existing property before he started moving his business to the new property. He stated he would not know for a year whether or not the buyer would take the deal or not. He stated it was out of his hands.

Discussion followed concerning clean up of the current junkyard and possible ground contamination.

Mrs. Noll stated she could agree to a one-year extension.

Chairman Shepperd stated it had been his understanding that within the two years of the original permit Mr. English would take some action. He stated it was never in the discussion that it was a contingent deal, and Mr. Zaremba chastised the Board at the time for creating another junkyard. The Board's intention at the time was to eliminate one junkyard and move it to another site, and the intention is still to do that. Mr. Shepperd indicated to Mr. English that he could do that by selling his property and then selling off his products, or he could move it and continue the business. He stated he expected that this would probably be the last extension that Mr. English would be given, so if he did not have success in two years, he would have a piece of property that he would not be able to do anything with.

Mr. English stated the developers needed at least a year to make sure they will take the property. If they refuse to take the property, then he would make his decision at that time.

April 15, 2008

Chairman Shepperd stated it was the consensus of the Board that the resolution would be modified to allow a one-year extension instead of two years.

Mr. Hrichak then moved the adoption of proposed Resolution R08-42(R) that reads:

A RESOLUTION TO APPROVE A MINOR MODIFICATION OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR AN AUTOMOBILE JUNKYARD/GRAVEYARD AT 2321 WOLF TRAP ROAD BY AUTHORIZING A ONE-YEAR EXTENSION OF THE DEADLINE FOR ESTABLISHING THE SPECIAL USE

WHEREAS, Ralph English submitted Application No. UP-687-05 to request a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 12, No. 19), to authorize an automobile graveyard/junkyard on approximately 12.5 acres of land located at 2321 Wolf Trap Road (Route 630) approximately 2,350 feet north of the intersection of Wolf Trap Road and Goodwin Neck Road (Route 173) and further described as Assessor's Parcel Nos. 24-259 (GPIN# R08b-4924-4060) and 24-258 (GPIN# S08a-0061-3407); and

WHEREAS, on May 16, 2006, the York County Board of Supervisors approved said application through the adoption of Resolution No. R06-67; and

WHEREAS, pursuant to Section 24.1-115(c)(1) of the York County Zoning Ordinance, use permits automatically expire two years after adoption if the special use has not been established; and

WHEREAS, Ralph English has submitted Application No. UP-742-08, which requests that the Board approve a minor modification to the above-referenced Special Use Permit, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, by authorizing a two-year extension of the deadline for establishing the special use;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of April, 2008, that Application No. UP-742-08, be, and it is hereby, approved to authorize a one-year extension of the deadline for establishing the special use approved by the Board on May 16, 2006, thus making the new expiration date May 16, 2009.

BE IT FURTHER RESOLVED that all other terms of the Special Use Permit set forth in Resolution No. R06-67 shall remain in full force and effect.

On roll call the vote was:

Yea: (5) Hrichak, Zaremba, Noll, Wiggins, Shepperd
Nay: (0)

Meeting Adjourned. At 12:04 a.m. Chairman Shepperd declared the meeting adjourned sine die.


James O. McReynolds, Clerk
York County Board of Supervisors


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