

AT A REGULAR MEETING OF THE GLOUCESTER COUNTY BOARD OF SUPERVISORS, HELD ON TUESDAY, FEBRUARY 17, 2009, AT 7:00 P. M., IN THE BOARD ROOM IN THE COLONIAL COURTHOUSE, COURT CIRCLE, 6504 MAIN STREET, GLOUCESTER, VIRGINIA:

THERE WERE PRESENT: Michelle R. Ressler, Chair
Gregory Woodard, Vice Chair
Charles R. Allen, Jr.
Teresa L. Altemus
Robert A. Crewe
Christian D. Rilee
Louise D. Theberge
Brenda G. Garton, County Administrator
Edwin "Ted" Wilmot, County Attorney

IN RE: CALL TO ORDER & ROLL CALL

Mrs. Ressler, Chair, called the meeting to order and Ms. Dawn Hobgood, Deputy Clerk, took roll call.

IN RE: INVOCATION & PLEDGE OF ALLEGIANCE

Mr. Woodard gave an invocation and then all in attendance recited the Pledge of Allegiance to the Flag of the United States of America.

IN RE: APPROVAL OF THE MINUTES

Ms. Altemus moved, seconded by Mr. Woodard, that the January 20, 2009 meeting minutes be approved as presented. The motion was approved by the following vote: Mr. Allen, yes; Ms. Altemus, yes; Mr. Crewe, yes; Mr. Rilee, yes; Ms. Theberge, yes; Mr. Woodard, yes; Mrs. Ressler, yes.

IN RE: ADOPTION OF THE AGENDA

Ms. Altemus moved, seconded by Ms. Theberge, that the agenda be adopted. The motion was approved by the following vote: Mr. Allen, yes; Ms. Altemus, yes; Mr. Crewe, yes; Mr. Rilee, yes; Ms. Theberge, yes; Mr. Woodard, yes; Mrs. Ressler, yes.

IN RE: CONSENT AGENDA APPROVAL

There were no consent agenda items for approval.

IN RE: SCHEDULED PRESENTATIONS

A. CITIZEN PRESENTATION REQUESTING CONSIDERATION OF AN ORDINANCE CHANGE ON HUNTING

Mrs. Ressler announced that for clarification this was not an item that was brought forward by a Board member; this was brought forward by a county constituent, meeting all criteria for request for presentation and time on the agenda and all materials were being provided by Mr. William S. Dodson, Jr.

Mr. Dodson presented the following:

Board of Supervisors
County Administrator
Gloucester County, Virginia

2/6/08

Re: update of county hunting ordinances

Dear Sirs:

Currently (as of Jan 1, 2009) 24 out of 74 local firearms ordinances in the state of Virginia, according to the Virginia Department of Game and Inland Fisheries, attempt to address hunting and/or discharge of firearms near a roadway. The number of ordinances clearly indicates that the behavior is perceived to be a problem and that state residents have a desire for safety. During hunting season, persons hunting from vehicles are of particular danger and nuisance as loaded firearms are often kept with the dog handler who is often parked partially on and off the roadway. Please consider adopting the following ordinance or a version thereof before next hunting

season. Adoption of such ordinance must be confirmed and submitted by May 1 to be published in the annual state hunting regulation manual.

This ordinance does not further restrict or limit hunting in the county. Discharge of firearms from a roadway is already a crime. The problem is that people break the law by discharging their firearms from their vehicle or near the road anyway. The lawbreakers hope is that no enforcement officer is nearby during their transgression. This ordinance would allow officers of the law to check firearms to determine if they were loaded and ready to be used in a crime.

All appropriate commonwealth references are included for review by legal representation.

Ordinance Proposal:

It shall be unlawful to engage in hunting with a firearm within 100 yards of any primary or secondary highway. Any person who violates the provisions of this ordinance shall be guilty of a Class 3 misdemeanor.

Statutory Authority

§§ 29.1-103, 29.1-501, 29.1-502, and 29.1-528 of the Code of Virginia.

Sincerely,

William S. Dodson, Jr. D.M.D.
Abingdon District

Mr. Dodson indicated that he would like to make one additional change to the ordinance proposal offered by Captain Mike Minarik, Department of Game & Inland Fisheries, to stipulate shortening the distance from 100 yards to a substantially shorter distance. He added that the intent is not to restrict hunting but to create a safer protocol for hunting, by preventing loaded guns from being in parked vehicles which may or may not be on the edge of the road.

The following discussion ensued:

Mr. Rilee asked Mr. Dodson if he had a bad experience and how long he had been a county resident.

Mr. Dodson indicated that he did have a bad experience and he had been a county resident for approximately 1.5 years.

Mr. Rilee conveyed that he did not feel that this needed to be pursued if it was for a few bad apples.

Mr. Dodson stated that 24 of the 74 ordinances deal with this exact issue with counties across the state. He felt it was not an accurate statement to say that this is not a problem. This should be taken up at the state level, but we have the ability to enforce it at the county level until that happens. This is intended to make hunting safer, not to prohibit hunting.

Ms. Theberge inquired as to why it would be more enforceable for the ordinance to prohibit hunting within 50 yards of a primary road verses shooting within 50 yards of a primary road.

Mr. Dodson stated it is currently legal to carry a loaded gun in your car. This change to the ordinance would make it illegal, allowing officers to inquire if a gun was loaded and enforcing the ordinance without waiting for the gun to be fired.

Ms. Altemus indicated that several constituents in her district that are hunters have contacted her. She stated that it is legal, with special permitting, for a person

with a disability to hunt in their car from the road. She has been told that the hunters police themselves and she has been asked not to support this initiative other than possibly asking the Board to send a letter to the Department of Game & Inland Fisheries requesting them to enforce the laws that are currently on the books. She further stated that she has been told that if the current laws were enforced, there would not be a problem. She indicated that if the State is not doing their job to enforce these laws she does not know what the county can do to supersede it. The county cannot enact an ordinance which supersedes the states authority.

Mr. Dodson responded by stating that there is a special state ordinance which speaks specifically to this issue and states with that exact wording "can be adopted by individual counties".

Ms. Altemus asked if the issue is enforcement, are we talking about our local Sheriff's Department enforcing the law or who would be the enforcer?

Mr. Dodson stated that it is enforced by two entities; the Sheriff's Department at the local level, and the Department of Game & Inland Fisheries at the state level.

Ms. Altemus suggested holding a meeting between Mrs. Ressler, Mr. Dodson, Sherriff Gentry, a Department of Game & Inland Fisheries representative, Ms. Garton, Mr. Wilmot before going further.

Mr. Allen indicated that there have been similar issues in the past, and they are going to become more prevalent as the county becomes more urbanized. He felt that this should be looked at on a broader spectrum, possibly forming an ad hoc committee involving hunters and gaining their input for preserving hunting in an area which is becoming increasingly urbanized. He stated the goal is to preserve hunting without anyone getting hurt.

Mr. Dodson agreed.

Mrs. Ressler stated that she is not willing to institute any further regulations which penalize the majoring due to a few. She indicated that the next step would be for the Board to come to a consensus as to whether they want to move forward for an ordinance change. She conveyed that she was not in favor of such a change at this time.

Ms. Theberge felt that at this point no one was ready to move forward on an ordinance change. She suggested following Mr. Allen's suggestion to form an ad hock committee comprising law enforcement and those from the hunting community, possibly in the spring, to get their reaction and form a consensus on these issues.

Mrs. Ressler asked if there was a consensus that an ad hoc committee needed to be formed to further investigate the preservation of hunting in Gloucester County and possibly allowing for way of making it safer.

Ms. Altemus indicated that she was not opposed to the ad hock committee but she felt that it was imperative that members from law enforcement and Inland Game & Fisheries be included. She recommended that Mrs. Ressler begin soliciting committee members.

Ms. Theberge was not opposed but felt very strongly that the information needed to be conveyed to the public letting them know that this is not being done to clamp

down on hunting in Gloucester County, but rather to preserve hunting and make it safer. She further stated that those in the hunting community need to be aware of their ability to participate on the committee.

Ms. Altemus requested that Mrs. Ressler contact local hunt clubs to obtain membership rosters in order to form the committee.

Mrs. Ressler reiterated that she was not in favor of the committee and she would be requesting Board members to supply her with a list of those who they feel need to serve on the committee and recommendations of appropriate individuals to appoint. At that time she will come back to the Board requesting their authorization to appoint the individuals to the committee and will move forward from that point.

The Board was in agreement.

Mr. Dodson thanked the Board for their time and felt that the meeting had been very productive.

**IN RE: CITIZENS' COMMENT PERIOD
HOWARD MOWRY – GLOUCESTER POINT DISTRICT**

Mr. Mowry read the following comments.

“The reassessment presentation is moving along with percentages increasing in certain specific areas, but the universe is still unknown. Maybe tonight that secret will be revealed so the taxpayer can analyze the growth over five years to the product that is now being developed. Remember even if flawed the contractor accomplished the task in 12 months. And the money kept on flowing into your coffers even if some got away being under assessed to true value or so has been claimed. In the meantime the taxpayer could be in a position in June of paying too much in taxes at current rates or the county is losing money as we amble along waiting for a product.

VDOT is still reporting to you using route numbers in-lieu of the assigned E-911 names in some areas of their presentations. The taxpayers who pay monthly for this program service in their utility bill should be readily able to relate to a street, lane or road by name, a process that they have become accustomed to, the number can be inserted for a reference only.

It is an insult to the Board in the presentation extending the Cappahosic Road from 2013 to 2043 and having Willis Road removed from the program. With the National Stimulus Money Program being signed into law, funding should become available even if the state was required to abolish certain projects to become qualified for the windfall.

The least VDOT could have done was use wording such as when funding becomes available or when development necessitates an up grading of the designated sites. The time that was spent last year by this Board and the citizens was a waste of their time and VDOT's with an outcome that you are being presented with tonight.

My last item concerns hunting in Gloucester County. I have hunted for decades and have followed the rules, but times are changing in Gloucester and the laws on the books are only limited by one in the handbook we all carry in our stuff. NO. 14. As the county becomes more urban and developed, zoning by road and quadrants need to be established to safeguard those who are packed into sub-divisions in many of our rural areas.

The process is simple and with the hunt-clubs and individuals assisting changes to our ordinance and the amount of book regulation can be accomplished with a minimal amount of inconvenience to the hunter or the private property owners. Suggest Mr. Wilmot look at numbers, 18, 19, 20, 21, 23, 34, 26, 46, 56, 59, 61, and 62 in the regulation manual. Only a few would apply and wording is the key to obtain the best legal definition.

This data is available on the state site DGIF.virginia.gov”

DAVID BOWDITCH – YORK DISTRICT

David Bowditch made the following comments.

“I'm David Bowditch and I spoke several months back about my objection to the fairly new ordinance where tap fees were collected prior to subdivision. I just went on line and found out that you all had the utility advisory committee look into it. You all heard me when I spoke before; I thank you for that. I have read what they recommended. I think it is an excellent idea; I think it is a good compromise collecting

these fees at the time of building permits, so I want to thank this Board and the advisory committee for looking into it. I know you were going to deal with this much later; I can't stay that late but thank you very much."

IN RE: REGULAR AGENDA

**A. DISCUSSION ON RECOMMENDATIONS AND ACTION REQUIRED
FOR THE HAZARD MITIGATION OPEN SPACE MANAGEMENT
PLAN – MICHAEL DODSON – FEMA FLOOD MITIGATION
COORDINATOR**

Michael Dodson made the following presentation:

**FEMA HAZARD MITIGATION GRANT
OPEN SPACE PLAN UPDATE
FEBRUARY 17, 2009**

OPEN SPACE SUB-COMMITTEE

- Michael Dodson, FEMA HMGP Coordinator
- Anne Ducey-Ortiz, Planning Director
- Ron Peaks, Codes Compliance Director
- Garrey Curry, Public Works Director
- Carol Steele, Parks, Recreation, & Tourism Director
- Chris Smith, Parks Superintendent

REQUIREMENTS FOR A PLAN

- Required as part of the Isabel grant that helped the County buy damaged homes.
- To plan a use for each of the new County-owned parcels of land.
- Determine budget funds (if needed) to implement plan.

PLAN REQUIREMENTS AND CONDITIONS

- Land must be dedicated and maintained in perpetuity with uses of open-space, recreational, wetlands management, or the conservation of natural floodplains.
- Deed restrictions for the above uses must be placed on each property.
- No new structures except:
 - Public building open on all sides and used for recreation.
 - A public restroom.
 - A structure deemed compatible with an open-space, recreation, and wetland or floodplain management.
- Any permanent structures (like a Visitors Center) must be elevated 1 foot above BFE (Base Flood Elevation).
- Sales are restricted; any leases or easements must be approved by FEMA.
- The County is responsible for all monitoring and maintenance on the sites. Annual reports are sent to FEMA.

COUNTY ACQUIRED PROPERTY OPTIONS

- Leave natural-keep clean of debris, remove dead trees, let marsh takeover.
- Passive Park-open space with some trails and small parking area (Nature Preserve).
- Active Park-Playgrounds, Boat Ramps, Picnic Shelter, etc.

REVIEW OF PROPERTIES AND LOCATIONS

- 2922 Horse Point Road 2.0 acres
- 9366 Guinea Road 5.9 acres
- 10412 Maryus Road 36.0 acres
- 10623 Heron Point Road 1.1 acres
- 10483 Maryus Road 0.3 acres
- 2060 Adlea Lane 1.5 acres
- 10124 Maryus Road 1.0 acres
- 2280 Maundys Creek Road 3.3 acres
- 3173 Kings Creek Road 0.9 acres
- 2151 Jenkins Neck Road 0.5 acres

2164 Jenkins Neck Road 4.0 acres
2433 Maundys Creek Road 7.2 acres
10637 Guinea End Lane 1.0 acres
10301 Maryus Road 2.3 acres
10303 Maryus Road 2.2 acres

Italics mean sale is pending

PUBLIC COMMENTS ON USAGE

- Property Maintenance. How and when will they be maintained –Specifically for the lots on Jenkins Neck Road.
- Discussion public landings –potential access for kayaks and other boats.
- Leases of County Property.
- Concerns about dumping at all sites.
- Property next to Achilles School –School’s plans to operate/maintain.
- Would basketball or baseball field be feasible? Is it needed?
- Questions as to where the money for maintenance comes from.
- Need more programs and public access to the water.
- Questions as to where the money for future park improvements come from.
- The plan needs to address the county’s liability.
- Possibility for parking and public access on the properties.
- Concerned with future improvements could adversely affect drainage.
- Potential for using some of the properties for wetlands banking.
 - Can be used to create wetlands or create higher functioning wetlands.
 - Would be compatible with canoe and kayak launch and public access
 - Depend on proximity to water –only some of the sites would be appropriate for conversion of property
 - Concern from the audience about making it easier to impact wetlands through this program

PLAN RECOMMENDATIONS

- Leave acquired properties in their natural state.
- Utilize acquired properties for public water access or other appropriate recreational purposes.
- Investigate the opportunities for leasing certain acquired properties to the Chesapeake Bay Public Access Authority (PAA) for wetland mitigation.
- Maintain properties along Jenkins Neck Road area that are current open fields in order to reduce the probability of future fire events in the community.

MAINTENANCE

- Land on Jenkins Neck Road, 4.02 Acre site to be maintained on a regular basis.
- All properties acquired will be monitored quarterly by Gloucester County’s Department of Emergency Services.
- Emergency Services will also respond to any citizen calls as needed.
- General maintenance required to keep the properties compliant with the terms of the grant will be performed by the Dept. of Parks, Recreation, and Tourism and the Sheriff’s Office Work Release Detail Crew.
- Other maintenance will be conducted through the county’s Department of Public Works –Buildings and Grounds Division.
- The land located next to Achilles Elementary School will be used and maintained by the Gloucester County School Board.

FUNDING

- Required maintenance funds for the sites will come from the applicable department’s general fund budget.
- No salary or payments for the general maintenance of the site will be paid to the inmates comprising the Gloucester County Sheriff’s Office Work Release Detail Crew.
- Should the County wish to develop any of the sites into public parks or recreational uses the plans for such use will be submitted to the Virginia Department of Emergency Management (VDEM) for review and comment before being placed into the County’s Capital Improvement Program (CIP).

TIMELINE-WHERE DO WE GO FROM HERE

- Draft Plan was adopted 12-0 by the Planning Commission at its February meeting.
- After tonight any changes will be made and the plan will be presented at the April 7, 2009 Board of Supervisors meeting for a public hearing and adoption.
- Adopted plan will be sent to FEMA for comment and final approval.
- If FEMA makes any modifications, they will be reviewed by the Board at a public hearing before any revised plan is adopted.

CLOSING COMMENTS

- Thank you for your time.
- This plan represents the final chapter in closing out the FEMA's Isabel grants.
- The plan will create a starting point for future open space plans and projects that will help secure, protect, and enhance property and the quality of life for future residents of the Guinea neighborhoods and environmentally sensitive areas of the county.

Mr. Dodson closed by indicating that requirements for any future changes to the plan would be at the County level and would not require taking it back to the Planning Commission.

The following discussion ensued:

Mrs. Ressler inquired as to the deadline extension.

Mr. Dodson responded that Phase 2 had been extended for 1 year, from March 31, 2009 to March 31, 2010; Phase 1 however will close out on September 30, 2009. VDEM would like a 4 to 5 month window allowing them and FEMA to review it before the grant closes and for that reason they are asking to go to public hearing on April 7, 2009.

Mrs. Ressler indicated that the Board will review the information and it will move forward for public hearing and adoption on April 7, 2009.

B. DISCUSSION ON PROPOSED RECOMMENDATIONS FROM THE WATER (YORK RIVER) USE CONFLICT COMMITTEE – LEWIS LAWRENCE, DIRECTOR OF REGIONAL PLANNING, MIDDLE PENINSULA PLANNING DISTRICT COMMISSION (MPPDC)

Mr. Lewis Lawrence, Director of Regional Planning invited the Board to discuss recommendations by the York River Use Conflict Committee to assist with managing current and future land-water use within the territorial boundary of Gloucester County. The Committee unanimously agreed that Gloucester County is losing its rural coastal character and that future growth should be slow and smart. The County must preserve the coastal cultural identity that makes Gloucester County a special waterfront community. He advised that the Committee has worked almost 2 years in the development of these recommendations and presented the following:

- **Recommendation 1-Develop and adopt a Coastal Living Policy to educate and inform County residents.**
 - **Action Steps-**The Gloucester Board of Supervisors should direct the County Attorney and Planning Staff to develop a Coastal Living Policy similar to that of Main and Maryland.
- **Recommendation 2-Denote the County's Land, Air and Water territorial boundaries in the County's Comprehensive Plan and supporting maps.**
 - **Action Steps-**The Board of Supervisors during the 2008 Comprehensive Plan Process should include an element in the Comprehensive Plan that all appropriate comprehensive plan, land use and zoning maps shall denote land, air and water

areas within the territorial boundaries of the County.

- **Recommendation 3**-*Take no action for now regarding aquaculture within the County's jurisdiction.*
 - **Action Steps**-The County should continue to evaluate and monitor the aquaculture industry regarding actual conflicts with other water users and take action in the future as necessary.
- **Recommendation 4**-*Develop and adopt a policy for the **protection of working waterfronts.***
 - **Action Steps**-The Board of Supervisors should develop and adopt a "No Net Loss" policy to protect both public access and water related industries.
- **Recommendation 5**-*Develop and adopt a **Waterfront Outdoor Lighting Ordinance.***
 - **Action Steps**-The Board of Supervisors should direct the County Attorney, Director of Planning and the Director of Codes Compliance to develop and present for adoption a waterfront outdoor lighting ordinance.
- **Recommendation 6**- *Develop and adopt a policy **restricting floating homes within the County.***
 - **Action Steps**-The Board of Supervisors should direct staff of the Planning Department and the County Attorney to form a study committee to draft a proposed ordinance restricting floating homes in the County.
- **Recommendation 7**-*Develop and **implement a master plan for public access infrastructure to ensure safe and equal water access for all user groups to the waterways within the County.***
 - **Action Steps**-Develop a county wide master plan, in cooperation with the Middle Peninsula Chesapeake Bay Public Access Authority, for public access infrastructure.

The following discussion ensued:

Ms. Altemus indicated that she has received comments from constituents on this issue as a whole, however most of the input pertained to Recommendation 5- Waterfront Outdoor Lighting Ordinance. She questioned what initiated discussion from the Committee on this specific issue.

Mr. Lawrence conveyed that the Committee identified 40 to 50 recommendations. These seven, collectively, were the ones that were determined to be the most important to County constituents and the most easily implemented to improve the quality of life for the residence of the County. He further indicated that there was equal discussion on all seven of the recommendations.

Ms. Altemus requested that the Board consider taking action on Recommendation 5, waterfront outdoor lighting ordinance, in particular. She indicated that the County currently has plans in place which address Recommendation 1, a coastal living policy. She felt that it might be pertinent to look at these existing plans in an effort to prevent having to rewrite a new one, and asking the Planning Commissions to review it.

Mr. Crewe indicated a personal interest on Recommendation 5. He asked if there were any ordinances in place, currently, which address this issue.

Mr. Lawrence responded that many localities across the Commonwealth currently have "Dark Skies Ordinances" in place. The appendix has examples of the ordinances; Ms. Garton has a copy of the ordinance in her office.

Ms. Theberge requested that the Board take all recommendations and start

moving forward with them. She indicated that she realized it would take staff time, and there might be a need to prioritize them according to the amount of time and research required to implement them, but she felt that all 7 were quite good and had been well thought out, and that the Board should move forward with them.

Mr. Rilee recommended that wording be added to Recommendation 3, letting the public know that the Board supports it.

Mrs. Ressler asked Ms. Garton if it was feasible for the recommendations to be incorporated in the Hampton Roads Planning District Commission Comprehensive Plan Study, preventing staff from having to pull all of the information together.

Ms. Garton felt that the recommendation regarding the inclusion of territorial boundaries could be incorporated; however, the rest was separate and fairly extensive work that would require engaging someone else, possibly the Middle Peninsula Planning District Commission. She further indicated it would take a long time for staff to accomplish the project.

Mr. Lawrence recommended adopting the entire plan as an addendum to Comprehensive Plan.

Mrs. Ressler cautioned against adopting the plan, then realizing unrealistic time restraints on staff, or having to outsource the work with unavailable funds to do so.

Ms. Altemus recommended accepting the plan, sending it to the Comprehensive Plan Steering Committee for guidance as to what can and cannot be incorporated in the existing plan, then adopting it with their proposals.

Ms. Theberge felt that the plan should be forwarded to the HRPDC for possible inclusion in their considerations of the comp plan. She felt that if accepting the plan did not push it forward allowing for this, it should be formally adopted which would allow it to move forward when sufficient funding opportunities presented themselves.

Mr. Crewe indicated that the HRPDC would only be able to address Recommendations 1, 2, 4 & 7. He recommended that the Board ask them to look at those four items, and County Staff look at the other three.

Ms. Ducey-Ortiz indicated that many of these issues were brought up at the steering committee level and are recommendations of the Comprehensive Plan Steering Committee. She further stated that the contract with HRPDC is to use existing studies and incorporate them in the Comprehensive Plan. Part of the work might require county staff working very closely with HRPDC; however, she did not feel that it would be an additional burden on staff.

Ms. Garton recommended taking the recommendations back to staff, come back at a later date to discuss which things can be incorporated in the current plan with the existing contract, which things we can do with staff, and which things will require outsourcing consulting work.

Mrs. Ressler stated that the County has had many studies done with recommendations, however because we never formally adopt the plan it gets side tracked. Adopting the plan would mean a commitment.

Ms. Altemus recommended accepting the plan, allowing Ms. Garton to discuss it with staff and bring it back to the Board for adoption.

Mr. Woodard moved, seconded by Mr. Allen, that the seven recommendations be adopted, the report be accepted, and Anne Ducey-Ortiz's suggestion of including recommendations by the Comprehensive Plan Steering Committee and County staff working closely with the Hampton Roads Planning District Commission. The motion was approved by the following vote: Mr. Allen, yes; Ms. Altemus, yes; Mr. Crewe, yes; Mr. Rilee, yes; Ms. Theberge, yes; Mr. Woodard, yes; Mrs. Ressler, yes.

**C. REAL ESTATE ASSESSMENT DEPARTMENT MONTHLY REPORT
- REESE MILLIGAN - COUNTY ASSESSOR**

Mr. Milligan indicated that field data collection for new construction, dwellings, additions, garages and other structures for the 2009 Land Book has been completed. The data entry should be complete in approximately two weeks.

Valuation of new subdivisions, parcel splits and other land changes, inclusive of data entry has been completed.

One of the two open positions in the department has been filled. The other position will close at the end of the month, at which time the applicants will be reevaluated and a decision made as to hiring a full time employee or using a contract temporary part-time employee. The Senior Appraiser who resigned has extended his end date and Mr. Milligan feels that they may retain his services through the end of the reassessment.

The main focus of reassessment work has been with the land model, which captures about 80% of the land values in the County at this time. Mr. Milligan indicated that they are moving from the testing phase or the calibration phase, meaning looking at how the model of the values relate back to the market.

The commercial work is continuing with a second income model template. They are beginning to work on a sales study. There will be a great deal of progress on the commercial side over the next month.

With the 2009 Land Book being virtually complete, staff is now able to refocus on reassessment work.

The Department of Information Technology is working on the database. Sales reviews, land valuation, cost approach, sales comparisons, and income approach are fully engaged with staff.

The following discussion ensued:

Mr. Woodard asked for an update on the Property Data Survey.

Mr. Milligan indicated that it was on going and they will have a more defined answer in March.

Ms. Altemus asked how much property is planned to go to reassessment.

Mr. Milligan indicated they were focusing on sales models, permitting, and problem areas identified by the model. Originally it was thought that approximately 10% of improved properties would be looked at, however currently that amount is approaching 25%. He further indicated they are looking at a model with emphasis on fair and equitable assessments.

Ms. Altemus asked what the reassessments might look like as far as an increase or decrease.

Mr. Milligan indicated that certain segments of the market have increased and certain segments have decreased. At this point it is a mixed bag. The way that is measured is by comparing assessed values with purchase prices.

D. DISCUSSION ON THE FISCAL YEAR 2009 REVISED ALLOCATIONS FOR GLOUCESTER'S SECONDARY TRANSPORTATION PLAN-MARCIE PARKER, P.E., RESIDENCY ADMINISTRATOR, VIRGINIA DEPARTMENT OF TRANSPORTATION

Ms. Parker conveyed to the Board that her presentation would be mainly focusing on the Secondary Plan because the Primary Plan was unchanged.

There are 4 projects in the Primary Plan:

1. Route 17-Point Project
 - The contractor is on site and construction will begin on February 23, 2009.
 - Movement of the traffic shift will take approximately 1 week during which time they will irradiate old pavement markings, replacing them with new.
 - Center turn lane will be eliminated.
 - Speed limit will be lowered to 35 mph.
 - There will still be 2 lanes north and 2 lanes south but the north bound right hand lane will be closed.
 - The project will be broken up into 3 phases.
 - Phase 1-Build Northbound lanes
 - Phase 2-Build Southbound lanes
 - Phase 3-Split traffic and build median
 - Updates on the project will appear in the newspaper.
2. Route 17-Guinea Road
 - Project is complete.
 - Funding in FY 2009 is to pay off expenditures.
3. Route 17-Trench Widening Project
 - Project is complete.
 - Funding in FY 2009 is to pay off expenditures.
4. Route 17-Access Management Project-17 Corridor Study-Crossovers
 - \$500,000 previously
 - \$500,000 allocated
 - \$250,000 in FY 2009
 - \$250,000 in FY 2010

The following indicate priorities for the Secondary Plan which were identified for 2008:

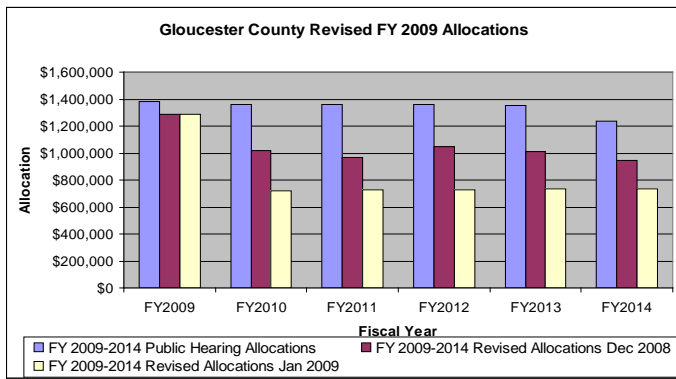
Secondary Paved Projects

- Route 614 Hickory Fork Road-Priority #1
 - From Route 17 to Route 633
- Route 618 Cappahosic Road-Priority #2
 - From Route 614 to End of State Maintenance
- Route 614 Hickory Fork Road-Priority #3
 - From Route 631 to Route 616

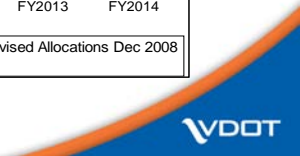
Secondary Unpaved Projects

- Route 684 Starvation Road-Priority #1
 - From Route 617 to End of State Maintenance
- Route 672 Fleming Road-Priority #2
 - From Route 642 to End of State Maintenance
- Route 615 Willis Road-Priority #3
 - From Route 613 to Route 606

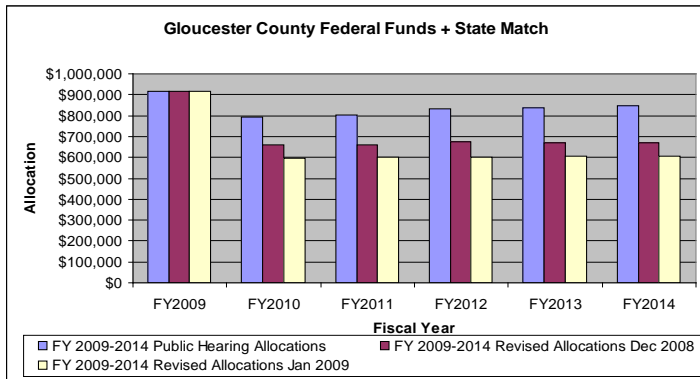
**Secondary Budget – Total Allocations
Original Approved Allocations vs. Revised Allocations**



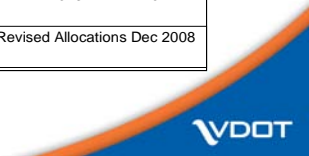
REVISED 2009 COUNTY ALLOCATIONS
 Blue-Allocations approved as of 7/1/2008
 Burgundy-Revised Allocations as of 12/2008
 Yellow-Revised Allocations as of 1/2009



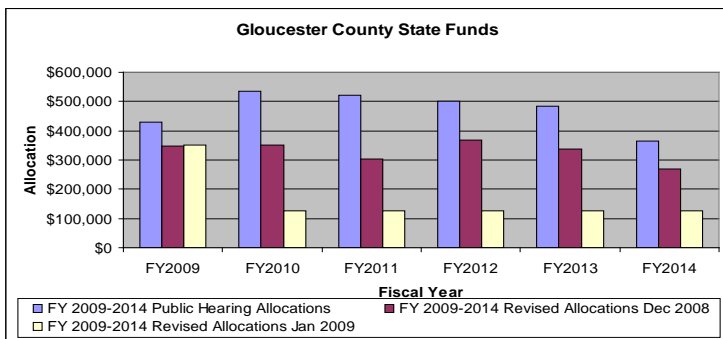
**Secondary Budget – Federal Allocations
Original Approved Allocations vs. Revised Allocations**



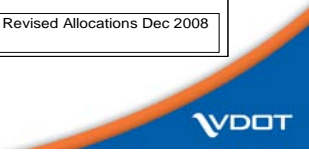
FEDERAL FUNDS + STATE MATCH
 Blue-Allocations approved as of 7/1/2008
 Burgundy-Revised Allocations as of 12/2008
 Yellow-Revised Allocations as of 1/2009



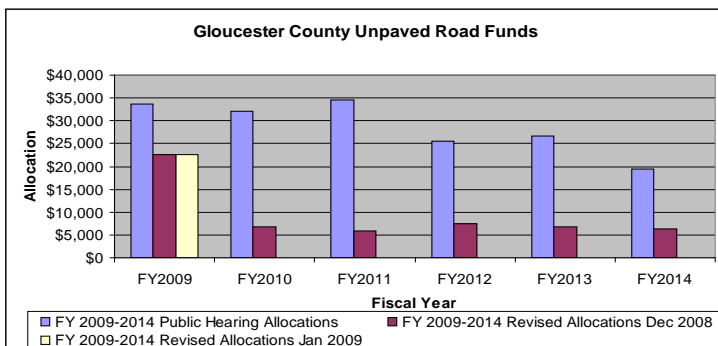
**Secondary Budget – State Allocations
Original Approved Allocations vs. Revised Allocations**



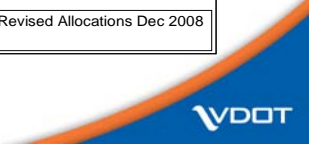
COUNTY STATE FUNDS
 Blue-Allocations approved as of 7/1/2008
 Burgundy-Revised Allocations as of 12/2008
 Yellow-Revised Allocations as of 1/2009



**Secondary Budget – Unpaved Allocations
Original Approved Allocations vs. Revised Allocations**



COUNTY UNPAVED ROAD FUNDS
 Blue-Allocations approved as of 7/1/2008
 Burgundy-Revised Allocations as of 12/2008
 Yellow-Revised Allocations as of 1/2009



At the end of 2009, there will be no unpaved road money. The \$126,550 unused State allocation can be used on unpaved roads.

Summary

Typically 5% of total allocations are used for rural additions. In order to keep projects on task, this has not been done for 2009. No funds are being moved out of the rural additions fund; however, no funds are being added. Ms. Parker indicated that the County currently has approximately \$600,000 in the rural additions fund so it is moving forward as scheduled. The next road which will be moved into the system will be Meredith Drive.

- No change in construction date
 - Route 614 Hickory Fork Road-2011
 - Route 615 Burleigh Road-2013
 - Route 684 Starvation Road-2010
- Delay in construction date
 - Route 618 Cappahosic Road-from 2015 to 2043
 - Route 672 Fleming Road-from 2009-2010
- Removed from the Plan
 - Route 615 Willis Road

Starvation Road and Fleming Road are both fully funded. There are environmental issues that need to be worked out on Starvation Road however there are none for Fleming Road which will allow Fleming to be paved in a short amount of time. Ms. Parker indicated that with the Boards approval they could switch the order, allowing for paving to begin on Fleming Road while the environmental issues on Starvation Road are addressed.

Mrs. Ressler indicated that it was the consensus of the Board to switch the order of Fleming Road and Starvation Road, with the understanding that the funds are available for both and they both will be done, just in reverse order.

Ms. Parker indicated that Fleming Road would need to be declared rural rustic in order to allow for the switch. A resolution will be sent to the County Administrator requesting that it be placed on the Board's agenda.

The following discussion ensued:

Ms. Theberge inquired as to the time frame required to fund Willis Road.

Ms. Parker indicated it would be quite lengthy due to the fact that it is 3 miles long. Estimates are in the \$2M ballpark so it would take over 20 years.

Mrs. Ressler felt that although Willis Road must be removed from the list at this time due to a lack of funding, it needs to be placed back on the list as soon as funding is available.

Ms. Altemus felt that this was a perfect example of what is not being done in Richmond as far as addressing transportation funding need in Virginia. The Six Year Plan has become a farce. The construction date for Cappahosic Road at this point is scheduled for 31 years from now. She thanked Marcie Parker for her report and reiterated that Ms. Parker is just the messenger but felt at this point she did not know how to address her constituents.

Mr. Crewe asked Ms. Parker to send written information on the 4 projects in the Primary Plan. She indicated that she would send the information to Ms. Garton.

Mr. Rilee questioned whether the Stimulus Package would trickle down to help with transportation funding.

Ms. Altemus indicated that the Stimulus would be a one-time infusion, not on-going money.

Ms. Parker reported that Virginia is on tap for \$890M, however projects that are

ready to hit the street, pavement and bridges will be the priority.

Ms. Altemus further indicated that the funds would most likely be earmarked for roads, bridges, etc. meeting federal requirement, not secondary road systems.

E. DISCUSSION ON THE UTILITIES ORDINANCE REGARDING COLLECTION DATES FOR WATER AND SEWER APPLICATION FEES-MARTIN SCHLESINGER-UTILITIES DIRECTOR

Mr. Schlesinger gave the Board a short history of when application fees have been collected in the past. He indicated that on November 13, 2008, the Utilities Advisory Committee voted to recommend changing the ordinance to collect fees prior to issuance of a building permit and that is currently where the issue stands.

Mrs. Ressler indicated that part of the reason why the decision had been postponed was to give the new utility director time to come on board and review the issue and offer an opinion.

Mr. Schlesinger conveyed that these funds are used to maintain the lines and the pump station until such time the developments are built out. There are three sources of funding, the developers, the ratepayers, and the taxpayers. The developer is the only one who can gain by the investment. For that reason he felt that the collection date of fees should remain as it has in the past allowing maintenance to be supported on the lines and the pump stations by user fees until the development is built out.

The following discussion ensued:

Mrs. Ressler asked if there was a way for the developer to maintain the pump station and infrastructure until he starts his first hook-up.

Mr. Schlesinger answered that theoretically there is; it would require the County to monitor whether he was maintaining the pump stations and the lines which would not increase staff workload.

Ms. Altemus indicated that it was her understanding that the Board wanted to move to amending the ordinance and the way that application fees were collected. She asked Mr. Crewe if that was also his understanding.

Mr. Crewe responded by saying that it was his understanding that it could be done if each project was phased down to one lot.

Mr. Allen indicated that phasing is allowed currently with the way the fees are collected and that is his reasoning for leaving the ordinance in its current state.

Mrs. Ressler stated that pump stations are not needed until the first lot has a home on it, so is there a way that the pump station is not installed and all the infrastructure does not need to be maintained until the first house is built.

Mr. Schlesinger indicated that the infrastructure and tying in to the main typically takes longer than building the house. The developer could certainly build the infrastructure while he was building the house. When the first house is built, before it can be occupied, the sewers have to be in operation and someone has to maintain it.

Mrs. Ressler asked if there was an instance in the County where infrastructure and pump stations were being maintained with no house connected to them.

Mr. Schlesinger indicated that there was not as far as he knew.

Mrs. Ressler stated that she was against leaving the ordinance as is for that reason.

Charlie Newbaker stated that the committee discussed this at length and the main reason for changing the ordinance to require paying the fees prior to the building permit was to make things more affordable for the small developer.

Mrs. Ressler asked Mr. Wilmot if the Board were to take this issue to public hearing and approve the ordinance change, would the County be required to grandfather the issue and refund money to builders who paid the fees prior to the ordinance change, or would the ordinance take affect the day it is issued.

Mr. Wilmot responded that legally they would not be required to grandfather the issue; however politically he would have to leave it up to the Board.

Mr. Newbaker indicated that there are PUD developments in the County with prior approval requiring that certain fees be paid upfront and it is important that we preserve what was actually adopted in those cases.

Mrs. Ressler felt that the ordinance change would not affect the PUDs.

Mr. Wilmot agreed but felt it should be made clear.

Ms. Theberge felt very strongly that the ordinance should remain unchanged. She further stated that the County has asked the developer to pay the fees upfront but has allowed them to phase the developments as small as they would like, so the price of the development should not be placed on the back of the taxpayer.

Mr. Allen moved, seconded by Ms. Theberge, that the Utilities Ordinance regarding Collection Dates for Water and Sewer Application Fees remain unchanged. The motion was defeated by the following vote: Mr. Allen, yes; Ms. Altemus, no; Mr. Crewe, no; Mr. Rilee, yes; Ms. Theberge, yes; Mr. Woodard, no; Mrs. Ressler, no.

Ms. Altemus moved, seconded by Ms. Theberge, that the Board take to public hearing, the Utilities Advisory Committee's suggestion to change the Utilities Ordinance regarding Collection Dates for Water and Sewer Application Fees. The motion was approved by the following vote: Mr. Allen, no; Ms. Altemus, yes; Mr. Crewe, yes; Mr. Rilee, no; Ms. Theberge, no; Mr. Woodard, yes; Mrs. Ressler, yes.

IN RE: COUNTY ADMINISTRATOR COMMENTS

Ms. Garton indicated that in the February 10th Agenda Construction Meeting there was discussion concerning a request for the Timberneck Rezoning to make a presentation to the Board tonight. It was agreed that the County did not have a practice that would allow an applicant to make a presentation separate from the presentation slated to go to public hearing so it was taken off of the proposed agenda. It is scheduled to go to public hearing on April 7th. The materials have been given to the Board for that rezoning application and they are quite extensive. She noted that on the March 3rd agenda, the Board would be asked for authorization to advertise for the April public hearing. She advised the item could be pulled from the consent agenda to insert a later date for the public hearing if more time is needed.

IN RE: COUNTY ATTORNEY ITEMS

There were no County Attorney items.

IN RE: BOARDS AND COMMISSIONS REPORTS

There were no Boards and Commissions Reports.

IN RE: MATTERS PRESENTED BY THE BOARD

There were no Matters Presented by the Board.

IN RE: PUBLIC HEARINGS (NONE SCHEDULED)

IN RE: CLOSED MEETING (NONE SCHEDULED)

IN RE: ADJOURNMENT

Ms. Altemus moved, seconded by Mr. Allen, that the meeting be adjourned. The motion carried upon the following vote: Mr. Allen, yes; Ms. Altemus, yes; Mr. Crewe, yes; Mr. Rilee, yes; Ms. Theberge, yes; Mr. Woodard, yes; Mrs. Ressler, yes.

Michelle R. Ressler, Chair

Brenda G. Garton, County Administrator

Transcribed by: Linda Evans