

**AT A MEETING OF THE GLOUCESTER COUNTY PLANNING COMMISSION HELD  
THURSDAY, APRIL 2, 2009 IN THE COLONIAL COURTHOUSE, 6504 MAIN STREET,  
GLOUCESTER, VIRGINIA**

**THERE WERE PRESENT**

**Phillip Bazzani, Chair  
Keith Belvin, Vice Chair  
Thomas Arnold  
Wanda Fary  
Natalie Johnson  
Hal McVey III  
Kenneth Richardson  
William Rodgers  
Mark Strawn  
Laurence Wilkinson  
Michael Winebarger  
Gregory Woodard**

**THERE BEING ABSENT:**

**Larry Dame**

**ALSO IN ATTENDANCE:**

**Anne Ducey-Ortiz, Planning Director  
Emily Gibson, Planner II  
Christopher Perez, Planner I  
Ron Peaks, Code Compliance Director**

**IN RE: MEETING CONVENED**

Phillip Bazzani, Chair, called the April 2, 2009 meeting of the Gloucester County Planning Commission to order at 7:30 P.M. He asked the public to sign in if they would like to speak during the public comment session. Roll call established a quorum was present.

**IN RE: CONSENT AGENDA**

The Consent Agenda consists of: 1) Minutes for March 5, 2009 meeting, 2) Application(s) before the BZA-April 2009, Housing Report-February 2009, and Development Plan Review-March 2009.

A motion to accept the Consent Agenda was made by Mr. Rodgers, seconded by Mr. Wilkinson, and carried by a unanimous voice vote, with one (1) being absent.

**IN RE: PUBLIC COMMENTS**

**NANCY JAMES – PETSWORDH DISTRICT**

I am Nancy James, a taxpayer in the Petswordh District. I know that you have Transitional Homes in general on the agenda this evening. I would like to address the only application you currently have, that is, Matthew 25 (M25).

I recently attended a meeting called by M25 to explain their position. During the meeting, Reverend Sawyer proposed that the number of inmates to be served be cut to twenty-two (22) or the number allowed by the Health Department at the peak of the now infamous school on the property. I think I know

the strategy, however I have nothing to base this on except what I would do if I were in their situation. The ploy seems to be to lower the number, eliminate the businesses, remain unlicensed and without law enforcement available. Then when the sewer line to Mathews is complete, petition to hook up to the line. Then the numbers would increase exponentially to whatever number could be accommodated. The result would be a very high concentration of criminals who would flood our already overloaded community based services to the point they would be overwhelmed. The \$65 a day to incarcerate recidivists might begin to look attractive.

These people may be just as sincere as they would like us to believe they are. However, they are inexperienced, unqualified, unlicensed, and so far as I have been able to determine have not a single success to their credit. According to their website where they offer an application form, they have been in business for twenty (20) years. According to the incorporation, they have been in business since 2007. Surely, one success should have occurred by now. When asked about the criteria used to determine if a man is a good candidate for the program only generalities are offered and followed with the Lord told me to do this. So they veil their intentions with religion so that anyone opposing them appears to be heartless. I don't think you need a history lesson, but the most horrendous crimes in history have been perpetuated by people the Lord told them to do it. Included would be such things as The Crusades, the Spanish Inquisition, the Son of Sam, and Jim Jones of Guyana. The Bible was used to justify slavery. To trust rehabilitation in this county to untrained, unlicensed people such as these is similar to trusting the family fortune to Barry Madoff and company-you desperately hope that the promises work but there is no concrete evidence to support them. Any one of us would ask more of our auto mechanic on a vehicle that can be replaced. We can't undo this once it is done and an irreplaceable community is at state here.

Additionally, there are other programs in force in other areas of the country that are having a much greater rate of success without transitional houses. One such is Recovery Court used in Indiana and Texas. Jail does nothing to address addiction, it only punishes the action. Recovery Court requires accountability of the person in all phases of life. I think the concept is worth a good look as it costs the community so much less and has recovery rates as high as sixty (60) percent.

If you choose to recommend approval of this application, request that licensing be required and that round the clock law enforcement be present on site at the expense of Matthew 25 not the County.

## **EDWARD JAMES – PETSORTH DISTRICT**

My name is Edward James; I am a Dutton resident, the Petsworth District. I live with my family approximately 800 yards or so from the proposed Matthew 25, which is what I am going to address. I have comments about my attendance of the open house of Matthew 25, October 25, 2008. Which was a recorded meeting, I noticed it was videotaped. I heard the designated administrator describe his administrative qualifications, to include among other more learned qualifications previous substance abuse and an incarceration for participation in a robbery. I also heard Mr. Sawyer described as naïve in negotiations with Matthew 25 participants in contrast with the administrator's own insight gained by his previous experience with prison life. This does not inspire confidence, my chief concern was about security and I was informed that a criminal population exists already around us. Using this logic, we should expect to our community to be a concentrated population of offenders. However well intentioned, M25 far removed from law enforcement and every day services. We would do well to consider the least of these. These also include the current families, young families with children, older couples, those living alone and many of these are already active in the community living out their faith in church. And all of these add to Gloucester's tax dollars. We live in time where we have a Parade magazine, here in the last week or two in the paper written by Senator Webb about our prison problem. He talked about drug abuse

being the chief problem there. We need to address that. If Gloucester County chooses to address that, we need to address it with all our efforts in an area where we have security and services already available with trained professionals. Thank you.

### **PETE ROANE – PETSWORTH DISTRICT**

Good evening, I am Pete Roane; I live in the Dutton area. I come because I believe this is a meeting of the Planning Commission to make some decisions on what is a transition home, how should it be permitted, how should it be licensed, where might it be located, what impact it might have on the community and in particular on the neighborhood. I hope that you would consider all of those things as you carry out your discussions.

First of all is security. Security has to be a concern, because the inhabitants of a transitional home have at least a record of lawbreaking. Whether they are completely taken care of by the time they get to the transitional home or not and what is the purpose of the transitional home if they do not need some further security and watching.

Second is licensing and regulations. Only by reading the paper, I read that an institution such as this does not need licensing because it is a nonprofit or religious organization. Well that might be true of what the host institution is, but if they are conducting a business or are they just doing a religious ministry. Which are they doing?

Property values have to be considered. I'll just use the old statement, location, location, location. Somebody wanting to buy or live in the neighborhood is going to consider the location, the neighborhood, as well as schools, shopping, and all the rest of the things. And if there is an institution of this sort here, I think some people might be deterred from wanting to live in that neighborhood.

Last thing you would have to considered is if you are going to do it, is there zoning by-right or by conditional use. And in a particular area, you would of course have to consider the zoning in the neighborhood.

Everything I have talked about is how you establish what is a transitional home and what should be considered. Thank you.

### **JOSEPH ATKINS LEMING – PETSWORTH DISTRICT**

Good evening. My name is Joe Leming. I own property located at 10956 Freewelcome Farm Lane East, Dutton, Virginia, 23050. I reside in the Petsworth District and I am a taxpayer in Gloucester County.

I also represent my Uncles: William Atkins, Henry Atkins, Alex Atkins; my mother Maria Atkins Leming and my cousin Devon Atkins. Together we own "Freewelcome Farm" located in Dutton on the Piankatank River as well as a modest parcel located on Burkes Mill Pond Road near the transfer station. Our deeded right-of-way to our family farm is close to across the road from the old Hopesville School. My comments represent both my own and my family. I have written comments, I am sure my two (2) minutes will not allow the full dictation of this, I will hand my written comments to the clerk and I would appreciate if the totality would be included in the record.

In years past, I offered myself to public office. I both value and appreciate your sacrifice and service to the citizens of Gloucester County. I thank you for the opportunity to address you this evening.

For the record, I am a pro-business, pro-economic development small business owner. In 2007, I was the lead local negotiator in the successful effort to recruit Rolls-Royce to agree to construct a jet engine manufacturing and testing facility in Virginia. This has been characterized as the “Economic Development Deal of the Year” by Business Facilities magazine.

I have also previously been involved in “religious-oriented”, non-for-profit group’s interest(s) in attempting to establish “half-way houses” or “transitional homes” for prisoners-usually in abandoned facilities proposing “reuse” in what appear to be rural settings. Resultantly, I speak on this topic with some experience and credibility.

The business models for these facilities generally use “unlicensed” facilities, hire “unlicensed” personnel, and are not subject to oversight and regulation by any state or federal organization. They offer their clients “an alternative to incarceration” said alternative being largely in part funded by the prison system of their origin. They are almost always underfunded and poorly capitalized. Because they attempt to locate in rural settings they almost all propose some activity to keep their clients busy and help generate income to offset their expense.

They do not create jobs. They do not increase property values. Often, they do not pay business (BPOL) taxes and sometimes depending on their claim as “religious”, they don’t even pay real property taxes. They do represent additional work for local law enforcement agencies, Fire and EMS agencies as well as increase the workload on local social service agencies. They also increase the use of local Emergency Medical Room services-resulting in additional delays of service for permanent residents of the locality. In general, they add little if any value to the community they finally find “receptive” or at least “tolerant.” Merely by locating in Gloucester County-all, the taxpayers will be subsidizing their operation by the need for police, fire, EMS, and social services.

As a child, the Dutton community I knew was largely forestall and agricultural. Today it has become increasingly residential. Additionally, we have no “utilities”-i.e., no municipal water and sewer. In regard to law enforcement services-we are at one of the farthest points away from the central County Courthouse.

I strongly oppose the proposed (considered) “reuse” of the Hopesville’s School for this or any other “halfway” or any other transitional home use.

The proposed “use” does not comport with the current Comprehensive Plan. Additionally the current zoning C-2 is conservation and is also not consistent with this use.

If the Comprehensive Plan were amended and if the zoning ordinances were crafted to accommodate an application-the outcome would be lower property values, increase in crime rates, less personal and real property security for Dutton residents, an increase in workload for Police, Fire, and EMS and social services. Additionally, the Walter Reed ER will be busier.

The decrease in property values will decrease the aggregate “book value” of the County necessitating a direct increase in the tax rate for all citizens just in order to keep tax revenues “flat.”

It is my opinion that this proposed use is the wrong business model for the wrong area, if it could be/should be accommodated anywhere in Gloucester County at all. Why should levied taxpayer dollars go to subsidize (directly or indirectly) the operation of this (or for that matter any) business at all?

I strongly believe that all such “transitional homes” should be considered for placement only where water and sewer are available, where they have ready access to Police, Fire, and EMS services, and where they have ready access to emergency medical care. Additionally, they should be licensed facilities, operated by licensed personnel and should be subject to regular oversight and regulation by a State and/or Federal agency. Additionally, any “approval” should be sunsetted. They should be required to submit a business performance with adequate capital and identified revenues for ongoing operations. They should be required to pay for the local services that they consume. The user should pay.

I understand that “this project is not at the point of a rezoning application.” And that “the commission is just beginning to investigate this”-but there really are some projects that don’t have merit and should not be considered. Respectfully, please appreciate the direct and indirect impacts and costs any such facility will have in the perpetuity on the quality of life of Gloucester County Citizens as well as our treasury.

Again, I thank you for your public service and for the opportunity to address you this evening.

Mr. Bazzani asked if any other citizens would like to speak during the public comment session.

### **ROBERT L. TRIMPEE– GLOUCESTER POINT DISTRICT**

My name is Robert L. Trimpee, I am resident of York Shores and I also happen to owe thirty (30) acres adjacent and abutting the Hopesville property. For fifty (50) years, I have been trying to see if we could not do something good with Hopesville. I served on a Board of Supervisors for a while, then I gave up because I couldn’t rely on funding coming from the sky. I guess about four (4) years ago, when the Humane Society was looking for a place to relocate I invited them to come out to see about buying Hopesville. I said that “if you did that and you wanted to make sure that the neighbors were not bothered by any noise or dogs, I will give you whatever you need of my 30-acres.” They decided that they would rather be downtown here, because it was more accessible to the whole county.

Mr. Strawn arrived at 7:40 pm.

I could speak for 30 minutes on the negatives of this. I just don’t see how you can do this to a community. There is a licensing requirement, or at least there used to be, and the requirements were whether it was faith based or not if you had anyone under 16 or more than 10 had to have a state license. I am not sure if that has changed I have not checked the code, but that is the way it used to be. We had to put up an 800 foot fence to separate Hopesville from the neighbors on the one side who were worried about children, youngsters, not criminals, not ex-criminals, not ex-dope addicts and the county made us put that up. I don’t know if the state got into that or not.

After fifty (50) years of trying to do what is right for Hopesville Academy, I definitely disagree that this is the right way to go and I hope you will agree with me and not pass this on. Thank you.

There being no other concerns or comments expressed by the public, the Chair closed the floor to public comment.

**IN RE: OLD BUSINESS**

**A. Revised Training Dates**

Ms. Ducey-Ortiz stated that at the training date established at the March meeting, conflicted with Board of Supervisors budget meetings. She suggested May 21<sup>st</sup>, but also stated that Ms. Erard would be available on Monday, May 4<sup>th</sup> and Monday, May 11<sup>th</sup>, as well as, Wednesday, May 20<sup>th</sup> and Wednesday, May 27<sup>th</sup>. The commission decided that 6:00 pm on Thursday, May 21<sup>st</sup> would be an acceptable training time.

**B. Travel Trailer (RV) Use**

Ms. Ducey-Ortiz asked Ron Peaks, Zoning Administrator to present the Travel Trailer (RV) Use Code Amendment.

Mr. Peaks addressed the commission, stating that as requested at the previous meeting he had modified the language in the ordinance, Section 9-3. He added that he had made equivalent the section on manufactured homes used during reconstruction of homes to match that of RV use for homes made uninhabitable, by fire or other natural catastrophe. Both sections have twelve (12) months initial periods and extensions of six (6) months at the discretion of the Zoning Administrator. Mr. Peaks clarified that the wording was now extensions rather than an extension of six (6) months.

Mr. Peaks noted that he had included in the Planning Commission packet the definition of travel trailer. He read the definition to the Commission and stated that Staff felt comfortable with this existing definition.

Mr. Peaks pointed out that Mr. Wilkinson had noticed a typo on page 2 to the ordinance, number 2. He submitted that the wording would be corrected to include the word by (...electrical connection shall be provided **by** the applicant(s),...).

Mr. Peaks stated the Mr. Wilkinson has also questioned that in number 4, the word earlier should be changed to early (...upon the earlier of completion...), in regards to when the travel trailer would have to be removed from a property. Mr. Peaks stated that we would have to defer to County Attorney, Ted Wilmot on this language. Mr. Peaks noted that the language as it stands gives the Zoning Office the ability to terminate upon completion of the residence or the expiration of the permit.

Mr. Peaks also indicated the Mr. Wilmot wanted to point out that the Board Of Supervisors did not indicate multiple extensions, but at the request of the Planning Commission, the verbiage now includes extensions in the plural of six (6) months. He noted that under the Disaster Declaration, rebuilding can take time, more specifically after Hurricane Isabel that there were citizens that lived in RV's beyond the eighteen (18) month period.

Mr. Peaks concluded that if this code amendment proceeded forward to public hearing that the Board of Supervisors would have the final say concerning time restraints.

Mr. Peaks also noted that Mr. Wilmot suggested that possible verbiage of the manufactured homes section in regards to installation should read "to state and local standards", as this language is included in the RV requirements. He advised the Commission that permits are not issued for manufactured homes as temporary residences unless they meet regular manufactured homes standards. Mr. Peaks gave an overview of some of the standards; such as, anchored, and elevated to flood elevation if in a flood zone.

Mr. Peaks asked the Commission if they had any questions.

Mr. Wilkinson confirmed that he believed requirement 4, should indeed be rewritten to state "...permanent residence or the expiration of the permit."

Mr. Peaks said that prior to going to public hearing he would get a determination by the County Attorney as to the appropriateness of paragraph 4.

Mr. Bazzani asked the intent of the wording in regards to requirement 3, "...evacuate themselves..."

Mr. McVey arrived at 8:00 pm.

Mr. Peaks clarified that the evacuation would be in the event of a storm. He also brought up the point that though the amendment called for set-up to follow state and local standards, the standards used would be campground quality.

Mr. Winebarger asked Mr. Peaks and Ms. Ducey-Ortiz if the code amendment could be voted on this evening if the Commissioners agreed on the wording, or did Mr. Wilmot have to review.

Mr. Wilkinson spoke to Mr. McVey and asked his legal opinion on this matter.

Mr. McVey said that the wording could be as written or changed if the Commission desired.

Mr. Peaks suggested that the wording for requirement 4 change to "...upon the earlier of either the completion of the reconstruction of the permanent residence or the expiration of the permit."

Mr. Wilkinson and Mr. Bazzani both thought this wording would suffice.

Ms. Ducey-Ortiz added that the code amendment would still go to public hearing. She noted that it would be advertised as written, but changes could still be made.

Mr. Richardson noted his concern for how the travel trailer definition reads. The wording self-propelled vehicle, his professional knowledge alerts him to the fact that this is then a motor home, not a travel trailer.

He stated that a travel trailer is something that always has to be pulled behind a motor vehicle. He felt that the first sentence was contrictory.

Colonel Arnold asked if Mr. Richardson was referring to the definition on the front page.

Mr. Richardson confirmed that he was.

Colonel Arnold said that the definition did not matter because it was not a part of the ordinance.

Mr. Richardson disagreed stating when you refer to the ordinance that there is mention of travel trailer. He also stated that if there was no issue with a motor home being a temporary residence than this would be okay.

Mr. Wilkinson denoted that the wording trailer travel and RV were synonymous, as discussed at the March meeting.

Mr. Peaks noted that the concept was to include motor homes, as well as pull behinds for temporary residences.

Mr. Strawn recalled that the definition states self-propelled vehicle or a transportable structure, as discussed in the last meeting.

Mr. Peaks stated the smallest option would be a popup, and that the Zoning Department would permit a popup under this definition and code amendment. He does not believe someone would live in a popup for many months.

Mr. Bazzani said he felt that the definition was abundantly clear.

Colonel Arnold stated that the definition on the memo was quite good, but he felt that the trouble was that the ordinance did not include the definition. He strongly felt that the definition should be able to be found when it was needed.

Mr. Bazzani noted that having the definition in the ordinance did not leave anything open for interpretation.

Mr. Peaks cleared up the confusion, as the travel trailer definition is in the Zoning Ordinance, and Section 9-3 is part of this ordinance. He also clarified that there is a definition section in the front of the ordinance.

Mr. Wilkinson moved for a motion to bring this to public hearing, with the insertion of the word “by” in the paragraph two, in front of “applicant(s)”, and the insertion of “either”, to read “earlier of either the completion of the reconstruction of the permanent residence or the expiration of the permit.”

Mr. Winebarger commented that he felt that Mr. Wilmot would be the authority to reword paragraph four.

Mr. Bazzani said that these would be suggested revisions, subject to County Attorney verification.

Mr. Rodgers seconded Mr. Wilkinson’s motion.

The motion was carried by a unanimous voice vote, with one (1) being absent.

### **C. Transitional Homes-Panel Discussion**

Ms. Ducey-Ortiz reminded the Planning Commission that the Board of Supervisors had asked for the Planning Commission to make a recommendations for the ordinance amendment to allow transitional homes and the like in Gloucester County. Currently this use is not defined at all; therefore, it is not permitted in the county. She said that last month Staff had given an overview of these types of facilities, including recommendations from the American Planning Association (APA), Center for Community Corrections, and ordinances from other localities. She stated that the commission felt that they needed to learn more about these facilities before making any recommendation to the Board of Supervisors.

Ms. Ducey-Ortiz said that the task was to define the use or uses, what districts they might be located in, and should they be by-right or by special exception, and potential criteria including licensing.

Ms. Ducey-Ortiz noted that Mr. Wilmot was not able to attend this meeting due to a conference, but he did advise her that even though the State would not require faith based facilities to be licensed, the County can require this as long as it is consistent.

Ms. Ducey-Ortiz reiterated that this discussion was not about Matthew 25 specifically, though Reverend Sawyer did provide a letter regarding his facility. She offered that Mr. Peaks; as well as, herself could answer any zoning questions that may arise.

Ms. Ducey-Ortiz thanked the Transitional Homes Panel for being at the meeting. She noted that they would be providing insight on use of these facilities. She also noted that one (1) member of the panel, Gary Sheppard, was unable to attend. Mr. Sheppard did offer to talk about his experience in locating these facilities and his experience with Daytop Village Foundation, Inc. if anyone wanted to contact him.

Ms. Ducey-Ortiz also noted that she had spoken with Sheriff Gentry. He felt the panel would be well versed in transitional homes, but he did contact eight (8) other localities to find out if they had any problems with facilities located in their jurisdiction. Though the facilities in these localities were small, there were no large problems.

Ms. Ducey-Ortiz said that Larry Dame could not attend this Planning Commission meeting, due to work commitments. She said that Mr. Dame wanted to have his concerns shared with the Commission. Mr. Dame feels a need for licensing and thought that the location should be near established facilities.

Ms. Ducey-Ortiz introduced the Transitional Homes Panel: Troy Collier, Executive Director & Founder of Youth Challenge, Inc., a facility located in Newport News; Bob Hicks, Commonwealth's Attorney for Gloucester County; Dale Jacobson, Chief of District 5 Adult Probation & Parole, for the Virginia Department of Corrections; and Chuck Walsh, Executive Director of the Middle Peninsula-Northern Neck Community Services Board. She asked each panel member to give a brief overview of themselves and their knowledge of these facilities.

Mr. Bob Hicks stated he was not going to speak on where transitional homes should be located, and he was not going to endorse any particular program, but he said there is a tremendous need for something. The population we are talking about are addicts, primarily crack cocaine addicts, some are alcoholics, some may have problems with other drugs, but mainly they are crack cocaine addicts. They are already convicted felons, whether it is for possession of cocaine, dealing cocaine, or other things, they have already been in the court system. Most if not all have already done jail or prison time, they are on probation, and they are primarily nonviolent folks. Folks that are starting to age out, not committing new crimes, but they are still using. They are already in the community. They are being supervised; they are considered low-risk. They are not sex-offenders, they are non-violent offenders, this means that they are being seen by Dale Jacobson's office once a month and are drug tested once a month, and that is it unless another crime is committed. But they are still using. They are referred to Middle Peninsula-Northern Neck Community Services Board for outpatient counseling. Counseling may keep some on the wagon for a while, but eventually they fall off the wagon and use again, and they get kicked out of outpatient. These people need something more intense.

Mr. Hicks said there are three (3) alternatives when dealing with this population. Lock them up-the cost is roughly \$20,000.00-\$25,000.00 yearly and our judges are not going to sentence somebody to three (3)

or four (4) years just for using. It is going to be less time than that which means they are going to be in the local jail. We do not have room in the local jail and we do not want to pay to expand our local jail to house these nonviolent folks. The other alternative is to limp along with supervision leave them out in the community, meanwhile they are still using. We need a third approach. He reiterated that he was not here to endorse any particular one, but we need something.

Mr. Hicks stated if the requirements are too strict, on the type of program you are going to allow then you are basically going to prohibit it. The population we are talking about, they don't have money, they can't hold down a job for a while, if you can get them off the cocaine long enough to hold it down. They can't pay for inpatient treatment; they can't pay for anything fancy.

Mr. Bazzani asked how these offenders pay for their drugs.

Mr. Hicks said they find a way to pay for the drugs. He said that he was just trying to give it to them straight, that these people are marginally employed. If you talk about charging \$3000.00 a month to live in a private facility, they do not have that and the State is not going to pony it up. He again reiterated that he is not endorsing any particular program. He said these are local folks that are already in the community. When they are in court for using, his office would not send anyone violent or sex offenders to this type of program. He said they are drug addicts and he would not want them in his neighborhood either, but we need to put them somewhere because we do not want to pay the costs associated with adding on to the jail.

Mr. Wilkinson noted that Mr. Hicks stated that these offenders were already in the area, but he also wanted to know how many offenders are in our area?

Mr. Hicks stated that Mr. Jacobson could probably answer these questions.

Mr. Jacobson said that his office oversees 500 offenders for the 5 counties that his office serves, and in Gloucester County 300 felons, not counting any misdemeanors.

Mr. Hicks said that 50-100 of those will "fall off the wagon" in a given year, and they will need to be placed somewhere, because the supervision is not working and the county does not want to pay to send them to prison.

Mr. Wilkinson asked what the projections for the next five (5) years would be.

Mr. Jacobson said that it would depend on how hard the Commonwealth's Attorney's office prosecuted. He said that he told the Board of Supervisors that 10 years ago, when he came to Gloucester County there was a caseload of 320 and a staff of 10, now the caseload is 500 and the staffing is down to 8. He said that they were going in the wrong direction in some ways, because of the economy. He said that he could not tell the Planning Commission what the numbers are going to be, but he said his office is swimming as hard as they can and if they can find a shore, they are going to grab it.

Mr. Hicks said that he can take the offenders to court. He said that when someone "falls off the wagon", Mr. Jacobson's office submits a letter and they arrest him or her sometimes even before they get to court, but once they get to court, the question is what is the judge going to do with them? The judge starts out putting them in jail for 60-90 days, sometimes 6 months to get them good and dry, but when they come out, they "fall off the wagon" again. The judge is not going to send them to prison for three (3) years, and

as far as the Department of Corrections is concerned, if they are not going to be in prison for at least three (3) years, they leave them local.

Mr. Jacobson said that he would go next to dovetail what Mr. Hicks stated. He said that he was not here to necessarily endorse this program, but this is the program that came to him saying they wanted help, so in that sense he is endorsing it. He said that if another program came to him and he thought he could work with them he would endorse them as well.

Mr. Jacobson introduced himself, Dale Jacobson, Chief of District 5 Adult Probation & Parole, for the Virginia Department of Corrections to the Planning Commission. He stated that District 5 is the Middle Peninsula. He said that he has a small number of Officers watching a large number of folks. He said that he felt his staff did a fairly good job, but they can not see everything. They are dealing with the problems as they arise; they try to foresee what they can. He noted there is no place that you can go in Gloucester that you will not run into somebody who is now or has been on probation.

Mr. Jacobson said, "If you got gas today, you probably met somebody on probation. If you ate out today, you probably met or had your food cooked by somebody on probation. If you went to the grocery store, it was probably stocked by somebody on probation." This is not because it is Gloucester, it is in any jurisdiction you want to go to.

What his office is looking at, is not bringing people in from outside our jurisdiction, but dealing with the brothers, husbands, fathers, and sons that we already have and trying to focus on that group. He said he did not want to bring more people to his probation caseload than he could handle.

Ms. Johnson asked the difference in probation and parole.

Mr. Jacobson stated that probation is that part of a sentence that was given to you by a judge that not had to be served. Parole is that part of the sentence that were given that you served and earned time off so you were let out early. In Virginia parole ended, as we know it; in 1995. There are still ways you can be placed on parole, but they are small ways, multiple misdemeanors or going back to cases that originated in 1994 or previous.

Dr. Belvin thanked the panel for coming and sharing their expertise with the Planning Commission. He asked the length of time that a transitional home would see the same residents.

Mr. Jacobson stated that it really depended on the transitional home itself. He noted that Matthew 25 in particular was looking at housing clients for 1 year, he said that there are some that are 90-days, others residential facilities that can go 1 ½ years. He said that Troy Collier's program was over 1 year in length. It really depends on the program and in Mr. Jacobson's opinion anything less than 90-days, he wasn't sure what type of transition would be achieved.

Dr. Belvin asked how well the system was at predicting the likelihood of violence prior to placing the offenders.

Mr. Hicks said that if the unlying conviction was for rape, homicide, or anything of that nature that the offender would not be placed in a transition home setting. The people placed in transitional homes are mainly drug offenders whose only reason for having their probation revoked is because they are using, not due to shoplifting or other "new" offenses. If they could find help in the terms of a place to send these folks, his office would be very happy.

Mr. Jacobson said that it is two (2) separate issues. He does not set the criteria for any programs; they all set their own criteria. He said that if he has authority over the group of people that they are looking at, they do not get a violent offender.

Mr. Wilkinson asked of the 500 people living in the community, where do they live? Do they live at home, in a similar setting?

Mr. Jacobson said that they are living everywhere; more specifically these are individuals that can quickly burn bridges. They may live parents and burn that bridge, move in with an aunt or uncle until that bridge is burned, then they move in with a cousin, and so forth.

Mr. Winebarger noted that these people are in the general population now.

Mr. Jacobson confirmed this, but also added the 500 people between local and state probation and they are not all that way. Many of these people do quite well.

Mr. Hicks said that there are about 50 a year in Gloucester County that “flunk out”.

Mr. Jacobson said that the majority of these are not the ones that need transitional homes.

Mr. Hicks said that about 50 a year fail solely because they are using again and not committing any other crimes.

Mr. Bazzani asked if the proposed facility was close to any residential areas, subdivisions, etc., he stated that he has the same concerns as the public.

Mr. Jacobson stated that he too has the same concerns, but did not know the definition of close.

Mr. Bazzani said that he sympathizes with people that have had a bad time in their life, but when you concentrate these people in one facility, it is a concern.

Mr. Hicks stated that they would then have someone keeping an eye on them.

Mr. Bazzani said that his children could not keep an eye on them and the Sheriff’s Department could not be at the facility 24-hours a day.

Mr. Hicks said that the alternative was that the offenders would be seen once a month.

Mr. Winebarger confirmed that these offenders are for the most part in the general population now and if there is a facility, they are taken out of the general population and they will be monitored.

Mr. Jacobson said that this is correct, but to clarify it would not be someone who is stable that is just taken off the street. The individuals that would be in transitional housing programs would be there because they were either offered or ordered a sanction by the court or a sanction in lieu of going to court. It would be someone that shows that clearly show they are not functioning and need more.

Mr. Wilkinson asked what is happening to the offenders who fail on probation since there is not a transitional home in Gloucester.

Mr. Hicks said they his office asks the judge to put the offenders in jail and they get a 30-60 day slap on the wrist and it is a revolving door, meaning they will be local either in our jail; at tremendous expense or back on the street. The only other solution is to send them to prison and that means at least a 3-year sentence. He said some can be sent to Youth Challenge, Inc., but they are often full.

Mr. Richardson asked if Mr. Hicks was seeing the same people repeatedly.

Mr. Hicks said that out of the 500, they would see 50 fail out of outpatient. He stated it was not fair to have Middle Peninsula-Northern Neck Community Services Board to continue to treat people that are still using when others are trying to kick their habits. It is also not fair to ask the probation officers to supervise them when they keep using and nothing is going to happen to them.

Mr. Richardson asked if these people would be seen by his office 3 or 4 times.

Mr. Hicks said that over the past fifteen (15) years; yes, he has seen offenders repeatedly. He also said he sees their kids and grandkids.

Mr. Richardson asked if there was a trend in the repeat offenders, whether they were coming back for falling off the wagon or were they becoming progressively more criminally prone.

Mr. Hicks said offenders can make it from six (6) months to two (2) years, but it would be nice to have somewhere that they would be checked in at night, drug tested everyday, instead of once a month. There are helped to find employment and they pay their own keep. At that point, this is the last step; if they fall off the wagon in a transitional home then they will go to prison. He said that the county could not afford to send everyone to long term incarceration and the judges would not do it anyway.

Mr. Strawn asked if there was any empirical data that shows if you have a transitional home that the revolving door stops. Or would there still be a revolving door and you will have a transitional home.

Mr. Hicks stated that Mr. Collier's program is very successful, but it is a 3-year program. Part is completed in Newport News, but then they go to a dairy farm in Pennsylvania. People that make it through a 3-year program are not seen by his office again. The shorter programs there is not a lot of experience with them. There are Detention and Diversion Centers, it is more effective than doing nothing.

Mr. Jacobson apologized for not having this information available. He said that it is believed that a transitional facility makes the recidivism go down.

Mr. Hicks noted that the recidivism rate is not going to go to zero. Cocaine addiction is a very difficult problem and anyone that tells you they can cure it is flat out lying.

Mr. Jacobson stated that if it takes an adult 18-25 years to get into the situation that they are in, it is not going to away with a 30 or 90-day stay in jail and a short program.

Chuck Walsh, Executive Director of the Middle Peninsula-Northern Neck Community Services Board offered some statistical data. Mr. Walsh stated that the most recent study was a Bureau of Justice statistical study done in 1994 on inmates released from prisons in 11 states. About 300,000 inmates were followed for three (3) years, the highest number of reoffenders happened within the first year after release. These reoffenders were mostly drug offenses. The reason for this was that there was an unstructured

environment that they reentered into after their discharge from incarceration. They just went back to the environment where they came from, to an environment that is not conducive with sobriety or to clean and sober living. They did not have jobs or a stake in society, no hope or meaningful purpose. Without these things, they reoffend.

Mr. Walsh referenced an article by Senator Webb in the Parade Magazine where drug courts were mentioned. We have 1/5 of the world's population, but 25% of the prison population in the world. He said that something is drastically wrong. We keep putting people back in jail, back in jail, and there is nothing on the outside for them. We spend almost \$70 billion a year on the prison population and something different has to be done. He said he was pleased that Senator Webb has formed this commission. Senator Webb talks about drug courts.

Mr. Walsh said that every year at the State Capital the General Assembly we have to battle for funding for drug courts. Two years ago, we almost lost the funding, this past year we almost lost the funding. There are 14 drug court programs in the Commonwealth, they are shown to be effective-they work. They cut down on the recidivism rate by about 13%, that might not sound like a lot, but it is a particular program that is working. He said that he dealt with mental health, substance abuse, people with intellectual disabilities from Colonial Beach down to the York River any study that we see, any needs assessment anything we talk about with deinstitutionalization, down sizing our hospitals, we look at building capacity in the community, a structured environment, because we know that people do better in structured environments. We have 9 homes, 6 homes for people with intellectual disabilities-that are licensed by the department, 2 transitional living homes, and a number of other homes. We have about 40-50 people living independently in apartments, right here in Gloucester. We wrap supports around them and they do quite well.

Our transitional homes are usually for co-occurring folks, those that have co morbid disorders, mental health and substance abuse. Our transitional homes are at least six months and we try to help the residents get jobs and move them into the community. One of the problems of substance abuse problems is that they do not have entitlements. They do not have Medicaid or insurance, those with mental illness and a disability are able to get Medicaid. You have a ticket to go and get some services, but with substance abusers you don't. You come back to the community and you have to get a job right away to pay your court costs treatment. A whole lot of employers do not want to hire you. We hire many folks from the Regional Correctional Center in Saluda, we use those people in our programs on work release and we hire some of these people after their release from incarceration. Transitional housing is critical. He said, "I am not here to state that it should be located at Hopesville or any particular place, I am just saying something different has to be done. As Bob and Dale said these people are out in the general population, they do better, when they are involved in a structured environment and the longer they are in that environment the better the outcome."

Mr. Bazzani asked of the 300,000 people followed how many were repeat offenders in the first year.

Mr. Walsh stated that 67.2% were repeat offenders, and the majority of these were drug offenders, because they did not have a structured environment.

Ms. Johnson asked if the recidivism rate was around substance abuse or another offense, because they are using and supporting their habit.

Mr. Walsh said this was a good question and the usual offenders were using and got into trouble because they were using.

Mr. Jacobson equated this to the chicken or the egg. Person starts using so they stop showing up, now they are not being tested so they are avoiding their drug screen, so are they to be charged with use or failure to see PO.

Ms. Johnson asked Mr. Walsh if his transitional programs if the had anyone who also had a history for being incarcerated.

Mr. Walsh said that jails are full of mentally ill and substance abusers, that is co-occurring disorder and as the institutions are downsized, the jail systems have become state hospitals. In Saluda, there is a full treatment program. The Middle Peninsula-Northern Neck Community Services Board (CSB) is one of 13 CSB invited to write a proposal for a jail diversion grant, and 10 CSB's throughout the Commonwealth received the grant and MP-NN CSB was one of the 10 to received the grant. This program will start in the next quarter, to do even more with the jail, the jail staff and the CSB staff.

Troy Collier, Executive Director & Founder of Youth Challenge introduced himself to the Commission. He has been in the drug and alcohol rehabilitation business for 40 years, 10 years in Arkansas where he founded 3 homes, 2 for men and 1 for women and 10 ranches, one of which is the King's Ranch which is still going on, this is for boys 12-17 years of age. He came to the Peninsula in 1978 and incorporated Youth Challenge, it has 2 homes. Youth Challenge is a long-term residential treatment program, for people addicted to alcohol and other types of drugs, and most are cross-addicted meaning they use all drugs. Most, but not all of the residents come from the judicial system as an alternative to jail time. Mr. Collier said they come into his program by request from lawyers and even judges, and family member. They spend 12-15 months minimum with the Youth Challenge. His facility helps gets habitants drug-free, but also offers continued education and vocational training, offering 22 trades. They give them the opportunity after graduation to serve as an intern in the program or reentering. The re-entry program helps them get a job, helps with monitoring the money and move out into society. Many people in the community that will offer Youth Challenge the opportunity to work, not all people make it, but his program is the most successful program according the courts. His program is military style; residents are accounted for at all times, if they walk out of the building without permission they are in violation of the program. They come and go as a group, they are supervised, and they are closely monitored. He feels that Youth Challenge has a strong obligation to the judicial system and probation offices to make sure where the residents are and what they are doing.

He said that he understands why people are concerned about these programs. The first transitional home he opened in Arkansas was 4 doors from the Governor's Avenue, and the residents were concerned about the facility. Mr. Collier said that he went to each house explaining that there would be no drinking, drugs, smoking, or rock and roll music, that the residents would be monitored. He explained that the offenders were in the community already, but the difference was in his facility, they would be monitored.

Mr. Wilkinson asked what type of program Mr. Collier ran.

Mr. Collier said it was faith based.

Mr. Wilkinson asked where Youth Challenge received support from.

Mr. Collier said strictly contributions, no governmental money.

Ms. Johnson asked if Mr. Collier's program was licensed.

Mr. Collier said it was not licensed.

Mr. Rodgers asked if Mr. Collier had a module to follow or if the rules were just what his facility decided to do.

Mr. Collier said that the courts send offenders to Youth Challenge on a courts request, that it is stipulated that if they do not successfully complete the program they will be headed to jail. 17 of 23 staff members are graduates from the program.

Ms. Johnson verified that the Commission was charged with what might be needed in Gloucester County. She also asked if Mr. Hicks and Mr. Jacobson were using Youth Challenge, Inc. and what the cost was.

Mr. Hicks stated Youth Challenge did not cost anything, as they are funded by donations. He said that Gloucester County uses them as much as possible, but that Youth Challenge did not want to take some of the offenders that wanted to go there and Gloucester County did not want to send some of the people that want to go there because they do not think they will succeed.

Mr. Jacobson said that they are also competing with other Probation and Parole offices, Commonwealth's Attorney's offices; defense attorneys and courts, throughout Southeastern Virginia.

Ms. Johnson asked if there were a 6-month transition program in Gloucester County would it be possible for that person to then go to Youth Challenge or another long program, if they successfully completed the 6-month program.

Mr. Hicks said it was an issue of bed space and asked Mr. Collier if his facilities were full at this time.

Mr. Collier stated he has people on a waiting list. He also said that Youth Challenge does take people that have been in other programs.

Mr. Hicks said that he felt Gloucester County needed a facility that would be a year long, 90-days does not accomplish anything and 6-months is still short. He would like to see a secure environment where offenders could go for around a jail as alternative to going to jail. Jail does not give treatment.

Ms. Johnson asked if the County started with baby steps, agreeing that offenders needed more.

Mr. Hicks said that for people with the 3<sup>rd</sup> or 4<sup>th</sup> probation revocation, 6 months would not be enough. He would want them to go to jail for a couple of months and then go to a 6-month transitional program.

Mr. Collier said that his program has an intense curiculum to heal the whole person.

Mr. Wilkinson said he did not feel this was for the Planning Commission to decide.

Mr. Bazzani stated that he felt this was a zoning issue.

Mr. Wilkinson said that this was a broader problem and that the Planning Commission was not chartered to deal with this problem. He questioned how this got from the Board of Supervisors to the Planning Commission.

Ms. Ducey-Ortiz stated that this issue came up because it is not defined in the zoning ordinance, so Matthew 25 came to the Board of Supervisors stating that they would like to locate in Gloucester County and the ordinance did not define the use. Group homes are defined, which allows 8 nonrelated people to live together with mental or physical disabilities, but not for drug and alcohol rehabilitation or counseling. The Board of Supervisors asked the Planning Commission to define the use in the zoning ordinance and the Planning Commission is charged with making recommendations with anything related to the zoning ordinance, and to recommend what zoning districts this would be appropriate in. She noted that shelters are not defined and if the Laurel Shelter wanted to locate in the County there is no definition for it.

Mr. Bazzani stated that what the Board of Supervisors has asked the Planning Commission to make recommendations to where this use should be allowed in the County.

Mr. McVey said there is a problem in Gloucester, so the Planning Commission has a responsibility to the citizens of Gloucester County to find a place to put a facility and the bear a share of the burden.

Mr. Wilkinson said this was the Board of Supervisors' responsibility.

Mr. McVey said that he understands that problem is that citizens in every area do not wish to have this in there backyard, and he understands that.

Mr. Wilkinson said that the Board of Supervisors needs to make the decision if they want a place like this in Gloucester.

Mr. McVey said that the Planning Commission needs to decide whether they want to recommend it to the Board of Supervisors.

Mr. Richardson said it is the Board of Supervisors' decision, that the Planning Commission is just making a recommendation as to what district it belongs in and to set some of the criteria such as set backs and licensing.

Mr. Wilkinson asked Pastor Woodard if the Board of Supervisors had made the decision that the wanted a transitional home in the area.

Pastor Woodard said it was the consensus of the Board of Supervisors that there needs to be zoning for transitional homes.

Ms. Ducey-Ortiz added that the Planning Commission might want to think about how it is defined and how it fits in the ordinance, depending on if it is a special exception it would go before the Board of Zoning appeals. If it is a use only permitted by rezoning it would still have to come before the Planning Commission, but ultimately it would be the decision of the Board of Supervisors. There are many ways it could be defined in the ordinance and depending on the district is may have to go for rezoning or it may be permitted by special exception or by right.

Mr. Winebarger asked where the line was drawn between a violent and non-violent offender. Is breaking and entering a violent crime?

Mr. Hicks stated that it would be defined as a violent crime and if someone commits a burglary they are going to do some time and these are not the offenders that he has been talking about. He said maybe they

did a burglary before, did their jail time and are out and have not gotten caught doing this type of crime for 3 years, but they are still using.

Mr. Hicks said that if licensing is required all faith-based facilities will be knocked out of the business and that faith based facilities, like Mr. Colliers' have the best record. He also said that these facilities are not talking about children or mental illness, people that are vulnerable, these are folks are sent by the courts and if it doesn't work out there is a place with Sheriff Gentry for them.

Ms. Johnson asked Mr. Jacobson if he sees the offenders as being dual diagnosed.

Mr. Jacobson said her refers people to Mr. Walsh's facility, Chesapeake Counseling, ACTS outpatient program, as well as programs in Mathews County. He said they use as many programs as he can. CSB gets the bulk of the Probation office cliental. He said he has no doubt that some are given a dual diagnosis.

Mr. Walsh said 68% of people in jail have been dual diagnoses with having substance abuse and mental health issues.

Mr. Wilkinson asked Ms. Ducey-Ortiz if the Planning Commission had 100 days to make the decisions on this topic.

Ms Ducey-Ortiz said he was correct, but noted that there was a draft resolution for each Commissioner to look at to ask for a time extension.

Mr. Wilkinson said he would like to hear more public input on this subject, he stated that he did not know if they needed to form a subcommittee to study it. He stated that the issue was broad and could not be reviewed in 100 days.

Mr. Bazzani stated that he agreed.

Mr. Wilkinson said that he liked what he has heard about Mr. Collier's program, the length and structure, but he felt that there needed to be input from more than just the Planning Commission.

Mr. Bazzani said that they needed to consider the impact on the citizens of Gloucester County, and he felt that the Board of Supervisors would get opposition from the citizens. He did acknowledge that there might be some in the community that favor this idea. He stated it was a difficult decision for the Planning Commission to make.

Mr. Collier recommended not sneaking in on the community, but rather to go door to door educating and informing the citizens what the plans of a facility are. Ensure the community that they are more secure with offenders locked in a facility rather than out in the public.

Mr. Wilkinson said that he felt more time and thought were needed to make a recommendation on this broad of a scope.

Mr. Bazzani stated that this has huge implications for the county.

Dr. Belvin said that the commission was not charged with designing a program, but rather to understand the implications a transitional home will have on the county and residents and where it makes sense to put

such a facility. He asked the commission to use panel to query the pros and cons of locating a transitional homes. He asked how to go about locating a facility location.

Mr. Walsh said his experience has been when they announce the opening of a home there are questions and many in the community do not want them there. He has never had to move a home, 1 in Urbanna, 1 in Warsaw, 1 in Tappahannock all on city utilities, but he does have other facilities on wells and septic systems in the rural areas. He said that there are apartment projects in downtown Kilmarnock and another in Kilmarnock in a neighborhood. He noted a facility by the name of Oxford House, which is run by people that are recovering from substance abuse. Oxford Houses originated in Maryland but are now all over the country. CSB tried to start an Oxford House in Tappahannock but there was not the structure or job opportunities to allow the home to be supported. There was a substance abuse home in Tappahannock in a residential community, the community disapproved. He said that like Mr. Collier it is important to go door to door, have open houses, invite the public to come and see what they are doing, and to have structured homes. The community did not want them in Tappahannock, the lease was for a year and the community was sad to see them leave at the end of the year.

A good program with structure, drug testing, and the parole office working with you helps to ensure success.

Mr. Winebarger asked what would constitute having to move a home.

Mr. Walsh said a petition could cause them to move. He also said that if the community made it uncomfortable for the occupants he would move his facility. He has not had to deal with this.

Mr. Richardson asked if locating a facility included employment opportunities, what types of studies where done.

Mr. Walsh said CSB provides transportation to employment for his residents, but he does like to locate in a community so the folks can walk and go shopping like mainstream society.

Mr. Bazzani asked if it was difficult if not impossible for a convicted felon to get a job in Virginia.

Mr. Hicks said it was not as difficult as one might think. If they are willing to work and show up, the probation officers do a good job of finding people that will hire. Many work construction, some work at the grocery store.

Mr. Jacobson said in a booming economy, construction, roofing, and subcontractors. The declining economy is a struggle.

Mr. Walsh said his office uses people on work release to painting, grass cutting, and things of this sort; subsequently these people are often hired.

Mr. Wilkinson asked Mr. Walsh about the Fair Housing Act.

Mr. Walsh said though he is not an expert, it would apply to mental and physical disability, but substance abuse is ruled out.

Mr. Bazzani said this was a big burden on the Planning Commission.

Mr. Wilkinson noted that it was a big burden on the Board of Supervisors; he felt that the Planning Commission needed to work on this together.

Mr. Hicks asked the Planning Commission if they would be able to ask to see bylaws of prospective transitional homes in the application process.

Mr. Wilkinson asked Pastor Woodard if the Board of Supervisors had an idea of what they would like a program to look like.

Pastor Woodard said that after reviewing Matthew 25's presentation the consensus of the Board of Supervisors was they liked what they saw, but they did receive input from citizens much like tonight. Personally, he felt that it needed to move forward as a community to meet the needs of the citizens. The Board of Supervisors felt it was wise to move forward and asked the Planning Commission to make an ordinance after it was decided where the best place for these facilities to be located.

Mr. Bazzani suggested that the Board of Supervisors develop a committee to do a study on this issue for the county, rather than the Planning Commission.

Pastor Woodard noted that the Board of Supervisors was not asked to look at M25, but to see if the hurdle of zoning could be overcome. Location needed to be addressed prior to design.

Mr. Rodgers said he agreed with Mr. McVey this is a Gloucester problem, so something needed to come up with in Gloucester. He also stated that he too did not want to design the program. He did not agree with doing this as a by right issue not even as a special exception. He said that the ordinance could not address the experience of the applicants, but the Board of Supervisors could look at that prior to approval. He also stated that an extension would be needed.

Dr. Belvin asked the panel if a small home or a large facility would be the recommendation.

Mr. Hicks said he would take what he could get, but referred to Mr. Collier for a better answer.

Mr. Jacobson said he likes the smaller homes better, they are easier to control, also if it gets to big, it will be popular and then you would have to resist citizens from other localities. He felt that Gloucester is looking at this as a Gloucester problem and would want to keep others away. He looks at this as a District 5 problem, but he would not want to announce to the State of Virginia that we have a facility, because Gloucester cannot absorb that. He said this is a rural community, no matter where you put the facility this is still a rural community. He said that the job assistance center is not even in Gloucester any longer, it is in lower King and Queen County. There is a limited bus service, but it is utilized. He did not know if there was one particular place that is better or not, it does depend on the collateral agencies that work together to make it work.

Mr. Wilkinson said that coming up with zoning is putting the cart before the horse and that the Board of Supervisors needs to tell the Planning Commission what they want the home to look like and where they want it, and then the Planning Commission can decide about the zoning. He didn't want to figure out what the program should look like.

Mr. Bazzani asked if the Board of Supervisors could reconsider setting up an outside committee to study this and to make a recommendation and if there is a zoning issue that the Planning Commission needs to address send that portion back.

Ms. Ducey-Ortiz referred to the Planning Commission packet page 3. She said that there were recommendations. She felt the Planning Commission could look at this and make recommendations. She said that ultimately the Board of Supervisors would make the final decisions. She said she would like to hear from the panel the impact of licensing on the facility and the size. She is concerned as a County employee if this is allowed in any zoning district with no state oversight, which would be responsible to make sure the facility is run well.

Mr. Bazzani said that the government run faculties do not work, but the faith based do.

Ms. Ducey-Ortiz said that if licensing is not required and it is in the zoning ordinance, it would be up to Code Compliance office to monitor the use. She suggested that before it was sent back to the Board of Supervisors some recommendation should be made. She reiterated that as a Planning Commission they are supposed to make recommendations on where this type of facility would be located.

Mr. Bazzani asked if Ms. Ducey-Ortiz wanted the Planning Commission to decide where the facility would be located.

Ms. Ducey-Ortiz said that the Planning Commission needed to define the use, in regards to size and type of facility, the zoning districts it might be located in. She said that there are options in the zoning ordinance.

Mr. Wilkinson asked Ms. Ducey-Ortiz how they could decide where to locate something when they do not know what they are locating.

Ms. Ducey-Ortiz said that she has researched this extensively and that other localities have defined that use. She said there are examples in the packets. She also said some localities require licensing and therefore often do not get facilities because most faith based cannot meet the requirements. Others do not have licensing and the facilities are working in their communities. She acknowledged that this seemed to be an overwhelming task, but that the commission was capable of coming up with a recommendation.

Mr. Wilkinson said he felt the recommendation should be that the Planning Commission needed some direction from the Board of Supervisors, as to what the program would look like in this community before the decisions on where and how it was going to get there. He said that he understood where Ms. Ducey-Ortiz was coming from but would have to respectfully disagree.

Mr. Winebarger said he does not disagree with Mr. Wilkinson but if a decision had to be made it would have to be based on these people need to be able to walk different places which would be the Courthouse or Point areas. He said that they have to start somewhere. He asked Mr. Walsh if in locating homes if the idea of getting around was addressed.

Mr. Walsh said that he does try to do this.

Mr. Winebarger said that the way the County was laid out there are multiple places that would support something like this. He noted that he was not advocating this, but that they needed to think about somewhere to place a facility. He said the logical place would be where the residents would be near the hospital, sheriff's department. He asked Mr. Walsh about his facility near Saluda, if it was placed there because it was available or because it was away from everything.

Mr. Walsh responded that for Discovery 1, the Saluda facility they looked at the pricing but also that they could develop that land with opportunities for the residents. This is a transitional home and the residents

stay from 6 months to 1 year and then they help them get a job, their own apartment, and the CSB puts supports around them.

Mr. Winebarger asked if the person's needs are focused on in regards to facility that they were placed in. Mr. Walsh said in simplistic terms yes.

Mr. Winebarger said that to get started they need to look at the most populous points that have the availability of the facilities.

Mr. Bazzani asked if he meant in the middle of a subdivision.

Mr. Winebarger said not in the middle of a subdivision, but in a more populous area because these people all have the same thing wrong with them. He asked Mr. Hicks to confirm.

Mr. Hicks confirmed that these would be drug and alcohol abusers.

Mr. Bazzani wanted to know what Mr. Winebarger meant by populous.

Mr. Winebarger said he was speaking of the Courthouse, as it was most beneficial for a facility, the police, hospital, and shopping were located there.

Mr. Bazzani again stated this was not a decision for the Planning Commission.

Colonel Arnold said that the memo that Ms. Ducey-Ortiz drafted was something that needed to be looked at closely. He said that as a Planning Commission they needed to outline that requirements for these facilities, should it be large, does it need a well, just like they just did with the Travel Trailer code amendment. A description of what the project as a whole is about.

Mr. Bazzani said that was not the hard part, that the hard part was locating it.

Colonel Arnold reiterated that the first thing to do was decide what they want and once that decision is made the applicant would have to see if his idea would fit the requirements. He said the Planning Commission's job was to figure out what the requirements would be. He suggested a subcommittee.

Mr. Bazzani suggested that the Board of Supervisors do this subcommittee.

Colonel Arnold said that was the job of the Planning Commission.

Mr. Bazzani said job of the Planning Commission was to create an ordinance.

Colonel Arnold said he felt that the Planning Commission should be deciding what goes into the ordinance and that an extension of time should be asked for.

Ms. Johnson asked Pastor Woodard why the Board of Supervisors asked that the Planning Commission become involved.

Pastor Woodard said as Ms. Ducey-Ortiz had said that after the M25 presentation and after input from citizens, that the Board of Supervisors decided that there was a need in the county, but they did not have the insight of zoning, because nowhere in Gloucester County is zoned for such a facility. He said that Ms.

Ducey-Ortiz had researched this subject and made a presentation to the Board of Supervisors. He said that as the resolution states the Planning Commission can consider ordinance amendments necessary to permit the location of transitional homes in the county. He said that the Planning Commission could hold public meetings as needed prior to making a recommendation to the Board of Supervisors.

Mr. Bazzani asked if the ordinance would say locate the facility 3 miles from the nearest subdivision, in the woods, out of sight from everyone. He asked if there was an example of an ordinance from another locality.

Ms. Ducey-Ortiz said that there are various zoning districts with uses permitted within each zoning district; some uses are permitted by special exception. Special Exceptions are reviewed on a case-by-case basis, that would go to the Board of Zoning Appeal (BZA), and this might address the issue of notifying all of the neighbors. She referred to the packet information concerning what was permitted in each zoning district, lot size, and the intent of the district. Some other issues are multi family, whenever a multi family development is proposed, there must be a rezoning, in her research some localities permit these uses in multi family zones. There are many options. She reiterated that the Planning Commission was charged with look at zoning and to make recommendations to the Board of Supervisors regarding different uses in different districts.

Mr. Bazzani said that the Planning Commission was being asked to come up with an ordinance that puts a criminal in areas where they can walk around neighbors.

Mr. McVey said that they are already in the area.

Mr. Bazzani said that they are blended in and that this idea would concentrate them.

Mr. Strawn said that he suspects that the Planning Commission will get to a point that there is a consensus that transitional homes are a good thing. He said that the tough question is where to put it and he agreed with Colonel Arnold that it was the job of the Planning Commission to decide where the right place would be. He said he hoped that they could avoid designing the facility. He thought that Mr. Winebarger's idea of looking at the big picture and what makes sense was on the right track. He said that from what he has heard tonight, they are talking about 1, but it sounds like 5 are needed from the start.

Mr. Bazzani asked if there was a sample ordinance.

Ms. Ducey-Ortiz said that other localities run the gamut from being permitted, by right in certain districts to rezoning. She discussed office institutional, which is a very specific zoning used by one locality.

Mr. Bazzani asked if there was a specific ordinance titled transitional homes.

Ms. Ducey-Ortiz stated that they are defined, which something that we need to do and then permitted in certain districts. She said, to be blunt, if you wanted to make it hard you could decide to put it in an industrial zone by special exception, which would cause the applicant to go through a rezoning and a special exception. To make it easy it would be by right. She acknowledged that there are many decisions to be made. She felt special exception was a good option, because you do allow input from the adjoining property owners. In regards to the county and the zoning district, we presently have commercial, residential, single family, multi family.

Dr. Belvin asked if a special exception could be conditional in time, much like the RV amendment, meaning could the license be for 1 year and it is renewal.

Ms. Ducey-Ortiz said she believed they could be.

Mr. Peaks said that under special exception criteria U, the BZA can put any condition of a special exception.

Dr. Belvin asked Mr. Peaks if they could then get input from the public after a year.

Mr. Peaks said yes.

Ms. Ducey-Ortiz asked the panel to address licensing, because there are certain criteria when something is licensed by the state, but for a small facility, it might be difficult.

Mr. Jacobson said that there are several Diversion Centers around the state; they are Department of Corrections Facilities, as a part of Community Corrections. These people are not inmates, they are free to walk away, but when they do, they are absconded and there will be an arrest warrant made. These facilities are licensed, a certain amount of square footage per individual. There are some inpatient drug programs that are not run by the state, but are licensed by the state. These too have square footage requirements and health department requirements. He said that he not have information about the faith based facilities. He did note that Mr. Collier's facility does have a kitchen that is large enough to require health department licensing. He said that if you get to involved with licensing the facility would be shut down before it starts, but if there is not involvement the facility could run wild.

Mr. Winebarger noted that 30 days of the Board of Supervisors resolution have been used, but that we could ask for an extension.

Dr. Belvin agreed with Colonel Arnold that a subcommittee needed to be established to develop requirements for such a use.

Dr. Belvin made a motion to ask the Board of Supervisors for an extension of 150 days April 2, 2009 to complete the task of recommending to the Board of Supervisors for ordinance amendments necessary to permit the location of transitional homes and the like in the County.

Mr. Wilkinson seconded the motion.

Mr. Richardson if everyone was comfortable with the wording of the resolution as it implies that a location will be found.

Mr. Winebarger that the Planning Commission will not be responsible for where the location will be, the Planning Commission will only be giving a recommendation, the Board of Supervisors will give the final say.

Mr. McVey said that they have an obligation to take care of the citizens of this county in the same way other counties take care of their citizens.

Pastor Woodard asked if the time extension was realistic since there was a great need for this in the county.

Ms. Ducey-Ortiz stated that a committee would allow for meeting more often than the commission.

Pastor Woodard said that Ms. Ducey-Ortiz had completed a lot of research and she was a key person on this topic. He also said that the subcommittee would most likely want to have a public hearing.

Ms. Ducey-Ortiz said that if the committee presenting a proposed ordinance, it would have to be heard by the entire commission, which would take 1 or 2 months, then the public hearing, and then to the Board of Supervisors. She said that 150-day extension was still a tight time limit. She also said that she had ideas based on other counties, but every county does this differently. She stated that she felt that they had gotten clear direction from the Board of Supervisors that they are supposed to find how this use can be permitted in the county.

The resolution was adopted upon the following roll call vote: Mr. Bazzani, yes; Dr. Belvin, yes; Colonel Arnold, yes; Mr. Dame, absent; Ms. Fary, yes; Ms. Johnson, yes; Mr. McVey, yes; Mr. Richardson, yes; Mr. Rodgers, yes, Mr. Strawn, yes; Mr. Wilkinson, yes; Mr. Winebarger, yes; Reverend Woodard, yes.

Mr. Wilkinson suggested that the committee meet and then get back together at a work session rather than a regular Planning Commission meeting.

Mr. Richardson suggested that the Board of Supervisors provide a Supervisor to be on the subcommittee.

Mr. Bazzani asked Pastor Woodard to pass this request along to the Board of Supervisors.

The committee was set as Mr. Bazzani, Dr. Belvin, Mr. McVey, Colonel Arnold, and Ms. Johnson.

Ms. Ducey-Ortiz thanked the panel for coming out.

Mr. Hicks said that speaking for the panel as a whole; if the commission needed anything else, do not hesitate to call them.

Ms. Ducey-Ortiz asked that the subcommittee email her with preferred times, as most of the committee members worked full time.

Mr. Bazzani said he would send out an email to the committee members to coordinate a time.

**IN RE: NEW BUSINESS**

**A. Housing Needs Assessment**

Ms. Ducey-Ortiz said that the Board of Supervisors was asking for the Planning Commissions thoughts on Affordable Housing. She said she was just giving the Planning Commission a heads up, but at the May meeting organize the information into what would and would not be the Planning Commission's responsibility under code amendments and then there could be a discussion on what could be sent back to the Board of Supervisors.

She encouraged the Planning Commission to view the Housing Needs Analysis Assessment through a link on the Planning Department website.

Mr. Wilkinson thanked Ms. Ducey-Ortiz for this excellent and informative memo.

**IN RE: APPLICATIONS BEFORE THE COMMISSION**

Mr. Bazzani noted that the application Z-09-01- Tabb & Lisa Bridges TM#32-269 & 32-270 (in part) to rezone from SC-1 to MF-1 with conditions.

Ms. Ducey-Ortiz said this was a rezoning from Suburban Countryside to Multi Family for the purpose of placing 3 duplexes on Warehouse Landing Road.

Mr. Bazzani said that he and Colonel Arnold had viewed the property prior to tonight's meeting.

It was determined that the public hearing for this rezoning application would be scheduled for the next regularly scheduled Planning Commission meeting in May 2009.

**IN RE: STAFF COMMENTS**

Ms. Ducey-Ortiz alerted the Commission that Mr. Jacobson left his card if anyone wanted it.

Ms. Ducey-Ortiz stated that Timberneck Hall had brochures that were in the Visitor's Center and possibly the Gloucester Museum. She told the Commission if they wanted a copy to contact Ms. Wilson. She also noted that there was a website to view the property.

Ms. Ducey-Ortiz informed the Commission that the public hearings for Timberneck Farms and Family Transfer Ordinance would be held by the Board of Supervisors in May.

Ms. Ducey-Ortiz said that she is on the Transportation Technical Committee for the Hampton Roads MPO, and stimulus monies were awarded by population, our share was \$897,000.00. She said the criteria to use the money was strict, and Gloucester County will be using the money for the crossovers on Route 17.

Ms. Ducey-Ortiz noted that VDOT will hold a meeting on Monday, April 6, 2009 from 6pm-9pm at VIMS in regards to the Gloucester Point Project.

Ms. Ducey-Ortiz said the VDOT put out the new subdivision street requirements. She will give an overview of the new requirements in the future.

Ms. Ducey-Ortiz said that at the May meeting Lewie Lawrence will be presenting the York River Conflict Study.

Ms. Ducey-Ortiz told the Commission about the VAPA conference that she and Ms. Gibson attended in Williamsburg.

Ms. Ducey-Ortiz said that Ms. Gibson recieved a signed contract from the Hampton Roads Planning District Commission to start the Comprehensive Plan.

**IN RE: COMMISSIONERS' COMMENTS**

Mr. Winebarger said that he received a call from Mr. Frank Haywood in regards to the zoning ordinance and the height his garage. The garage was built to high and has to be removed or connected to the main structure.

Mr. Peaks said there are height requirements for different zones, principal structures for a home are 35 feet unless you are in a flood zone and accessory structures in a residential district the maximum height is 20 feet. He explained the height requirements to the Commission.

Mr. Winebarger asked what Mr. Haywood's alternatives would be.

Mr. Peaks said that if the detached garage is visibly connected to the principal structure it then becomes part of the principle structure and then would be able to observe the requirements of the principal structure.

Mr. Bazzani asked who approved the plans.

Mr. Winebarger stated that accessory structure plans are not as detailed as primary structure plans.

Mr. Winebarger suggested that the Commission work to refine ordinance to make it more accommodating to citizens.

Mr. Strawn asked if there was a work around for the citizens.

Mr. Winebarger asked how to start the procedure to refine the ordinance.

Mr. Peaks stated this happens on somewhat a regular basis.

Mr. Winebarger said that is an indication that something is not working.

Mr. Peaks said in order to change it the zoning ordinance would have to be amended, in regards to height of accessory structures.

Dr. Belvin asked Mr. Peaks to flag ordinances that his office has problems with and to periodically bring them to the commission.

Mr. Peaks agreed to do so. He said the an accessory garage is not as compelling as the primary structure in regards to changing the ordinances.

Mr. Strawn and Mr. Winebarger agreed that it was as compelling if you are the one trying to build a structure on your property.

Mr. Bazzani thought height restrictions were due to fire safety.

Mr. Peaks said that does play a part, but in some localities height restrictions were due to lot size and sunlight laws.

Mr. Wilkinson said that 2 instances were heard tonight and asked Mr. Peaks are there any others.

Mr. Peaks said that there is 1 other that comes to mind, this being the 3<sup>rd</sup> in 12 months.

**IN RE:           ADJOURNMENT**

Mr. Wilkinson moved for adjournment, seconded by Mr. Strawn and carried unanimously by voice vote.

The meeting adjourned at 10:06 P. M.

The next regularly scheduled meeting of the Gloucester Planning Commission will be held on Thursday, May 7, 2009 at 7:30 P. M. in the Colonial Courthouse, 6504 Main Street, Gloucester, Virginia.

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Phillip Bazzani, Chairman  
Gloucester County Planning Commission

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Anne Ducey-Ortiz, Secretary  
Gloucester County Planning Director