

**AT A MEETING OF THE GLOUCESTER COUNTY PLANNING COMMISSION
HELD THURSDAY, JANUARY 3, 2008 IN THE COLONIAL COURTHOUSE, 6504
MAIN STREET, GLOUCESTER, VIRGINIA**

THERE WERE PRESENT: Eric Weisel
Thomas Arnold
Phillip Bazzani, Chairman
Kenneth Richardson
William Rodgers
Michelle Ressler
Laurence Wilkinson
Michael Winebarger
Natalie Johnson
Hal McVey III
Keith Belvin, Vice Chairman
Wyvonnia Carter

THERE BEING ABSENT: Mark Strawn

ALSO IN ATTENDANCE: Jay Scudder, Director of Planning
Nanci Reaves, Assistant County Attorney
Anne Ducey-Ortiz, Planner III
Christopher Perez, Planner I

IN RE: MEETING CONVENED

Phillip Bazzani, Chairman, called the January 3, 2008 meeting of the Gloucester County Planning Commission to order at 7:30 P.M. Roll call established a quorum was present.

IN RE: CONSENT AGENDA

Mr. Bazzani presented Dr. Weisel with a plaque for his service as previous Chairman. He recognized the outstanding work he has done with Planning Commission and for the County of Gloucester.

Mr. Scudder introduced the newest member of the Planning Department staff, Christopher Perez. He stated that Christopher was born and raised in Gloucester County, graduated from Gloucester High School, went on to Virginia Tech to study Environmental Planning. He stated that he is in the Air Force Reserves and went to VCU to get his Master's Degree in Urban Planning.

Mr. Bazzani also introduced Michelle Ressler, a member of the Board of Supervisors that will serve as the Board Representative on the Planning Commission this term.

The Consent Agenda consists of 1) Minutes of December 6, 2007 Meeting; 2) Application(s) before the BZA in January; 3) Housing Report – November 2007

A motion to accept the Consent Agenda was made by Mr. Richardson, seconded by Mr. Wilkinson and carried by a unanimous voice vote.

IN RE: PUBLIC COMMENT

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

IN RE: OLD BUSINESS

A. Fire Protection not served by Public Water and Sewer

Mr. Scudder stated that the memo in the packet highlights the procedures that the Planning Staff has been through in looking at larger subdivisions and trying to incorporate adequate fire protection in our Subdivision Ordinance.

Ms. Ducey-Ortiz gave a power point presentation:

Background

- Subdivision Ordinance currently only **requires** hydrants in subdivisions with public water
- Recent trend for more and larger subdivisions outside the development district/water service areas (2 acre min. should slow trend)
- No requirement for fire protection in these subdivisions
- Recent developments have voluntarily provided for fire protection based on the Fire Department's recommendations

Existing Dry Hydrants

- A dry hydrant is a non-pressurized pipe system permanently installed in existing lakes ponds and streams or other water source that provides a suction supply of water to a fire department tank truck.
- The County currently has 5 "dry hydrants"
 - Thousand Trails
 - Salem Church Rd
 - Beaverdam Park (606)
 - Sears Sand & Gravel
 - Burkes Pond Road
- Installed through grants from the VA Dept. of Forestry

Proposed Private Systems

- Riverwatch Subdivision – dry hydrant at pool
- The Meadows – Figg Shop Road – tank with hydrant
- Patriots Walk – Route 14 – Dry Hydrant at wet storm water pond

Process

- Started with Discussions with Virginia Department of Forestry and review of their Draft Ordinance
- Researched other ordinances from VA and elsewhere
- Contacted staff in other communities for their input
- Work with committee made up of chiefs and members from GVFR, AVFR and Dept. of Forestry

Issues

- Water Source – Natural or Man-made
 - Pond, tank, swimming pool
- Access
- Maintenance of Facilities
 - By whom?
 - How often?
 - Costs?

Proposed Ordinance

- Add applicable definitions
- Require private fire protection systems in subdivisions greater than 50 lots and no public water
 - 50 lots chosen since an HOA will be needed to maintain the private fire protection system
 - Requirement may be waived by the Subdivision Agent upon recommendation from Fire Chief if adequate protection is already available

Requirements

- NFPA standards for design & construction
- Standards for access to hydrants
- Signage for location & type of water supply
- Easements to VFR and County
- Construction by Developer
- Private Maintenance by HOA including annual inspections & reports to VFD & County
- Fire Department has right periodic inspections
- Penalties for tampering or obstructions included in Utilities Ordinance to mimic those for public hydrants.

Mr. Bazzani opened the floor for any questions on the presentation given by Ms. Ducey-Ortiz.

Mr. Rodgers asked if there was a recommended size of tank that they are putting at these proposed locations.

Ms. Ducey-Ortiz replied that it was left up to the fire chief to recommend the size. She stated that there are some requirements in the Ordinance but they are on the fire flow, and distances.

Mr. Scudder stated that one of the tanks in a recent subdivision is about a thousand gallon tank. He stated it was left up to the fire protection experts.

Ms. Ducey-Ortiz stated that it is not always a tank, it could be a pond or swimming pool. She noted that it was left flexible depending on the design of the subdivision and what would work in that community. She stated that this was done as the Planning Commission asked so that it could be required, but most of the developers have been very willing to do it on their own.

Mr. Rodgers stated that he thought it was a good idea, but he has a problem with the “50 homes or more” part of the ordinance, he thinks it should be a smaller amount of lots.

Mr. Wilkinson stated that he agreed.

Mr. Rodgers stated that he believes that any subdivision 20 houses or more that is more than 2500 feet from a source should have one. He also pointed out a typo.

Ms. Ducey-Ortiz responded that the size of subdivision was discussed and the amount of 50 lots was chosen because of the homeowners association.

Col. Arnold stated that he support Mr. Rodgers concerning the number of lots in the subdivision. He stated that he thinks the number 50 is too big. He stated that he thinks that it should be a smaller fixed number of lots or a better way of deciding when these are going to have to be there.

Mr. Winebarger stated that he disagrees. He stated that when the Planning Commission voted on the two subdivisions that have implemented these fire protection systems, there was a dead locked vote and it did not pass even though it was a by-right subdivision. He noted that this was because some of the Planning Commission felt like it needed a fire suppression system and because of that, some of the Commission voted against it. He stated he thinks that this is going a little bit too far.

Mr. Wilkinson stated that he agrees with Mr. Rodgers and Mr. Arnold. He noted that he would like to see the number of lots requirement lower than 25 because he believes that every resident in this community should have access to fire protection and safety. He stated that the draft as written lacks teeth, for example there is no provision in it that requires that the developer put up a performance bond. He stated that there is no penalty for tampering written in this draft of the ordinance. He also stated that under the definition of fire department, Gloucester or Abingdon Volunteer Fire and Rescue Agency, they are not agencies of the government; they are independent, not for profit organizations. He noted that the ordinance should say Gloucester Volunteer Fire and Rescue “Inc.”

Ms. Johnson asked how many houses do most of the current developments have in them?

Mr. Scudder replied that Patriots Walk has 182, and Riverwatch on the Piankatank has about 97. He stated that is a draft based on the teamwork that was done with the Committee that worked on this. He noted that what he is going to do is take all the comments from the Planning Commission back to the team that worked on the ordinance and bring the information back to the Commission.

Dr. Weisel stated that he does not know if 50 is the best number but he did think that it is a good idea to tie the number with subdivisions that have homeowners associations so that there is some mechanism for maintaining the system.

Mr. Scudder stated that in a rural community we need some amount of flexibility based on the number of homes with input from the fire and rescue people.

Mr. Bazzani stated that one the concerns will be if something like this ordinance was enacted, it would not be cost prohibitive for a developer to come in.

Mr. Scudder stated that is why the Planning Department is focused on 50 lots, because it is a benchmark with in our subdivision ordinance.

Mr. Richardson asked if the ordinance has addressed where the water is coming from for these tanks? He stated that he is not very big on using runoff as a source for drywells. He gave the

example of the retention pond behind Riverside. He stated that the tanker trucks can hold like 10,000 gallons and they go through that in 5 minutes, so 1,000 gallons is not enough.

Mr. Rodgers asked what the ordinance says as far as having to have a homeowners association.

Mr. Scudder replied that it depends on the design of the subdivision, what it incorporates.

Mr. Rodgers asked if even a 20-lot subdivision had amenities, it would have to have a homeowners association.

Mr. Scudder replied that is correct.

Dr. Belvin asked if the Planning Department assessed the Nation Fire Prevention Association standards mentioned on page 2.

Ms. Ducey-Ortiz stated that the Fire Chief would be assessing those. She noted that the Fire Chief was comfortable with that decision.

Dr. Belvin asked if terms of the overall design of the subdivision, where the requirements are coming from.

Ms. Ducey-Ortiz replied that these standards already exist, and the developer will have to design the subdivision to meet those standards just as they would have to with a road.

Dr. Belvin asked if these would be on the preliminary plot plan or only on the final.

Ms. Ducey-Ortiz replied that they would be a part of the design of the subdivision as with roads, streetlights and other common amenities.

Mr. Scudder stated that when the Planning Department gets a development plan they also get a letter of credit that covers all of improvements that are associated with the public.

Mr. Wilkinson stated that he is more concerned about enforcement after the system is in place. He noted that homeowners associations often get tricky, they often go out of business whether they like or not and the officers change periodically. He stated that if the Planning Department is going to require a performance bond to install the system then they should require a performance bond by the homeowners association on a on going basis to maintain the system.

Mr. Scudder stated that was difficult to do.

Mr. Wilkinson stated that it may be difficult but if we want to preserve these systems for the future we have got to find a way to make sure that they work when they are required to work.

Mr. Scudder stated that many times things like these end up being the responsibility of jurisdictions when homeowners organizations fail.

Mr. Wilkinson stated that with a performance bond you might not have to worry about that.

Ms. Ressler asked if the 1,000 gallons was going to be sufficient and if the Fire Chief and Fire & Rescue came up with the 1,000 gallon requirement. She also asked if the source is required to have so many gallons available for use.

Mr. Scudder replied that the Planning Department did not get a certain gallon amount, what they did was leave that up to the fire experts to come up with what they think will be reasonable for fire suppression, for that neighborhood.

Ms. Ressler stated that the reason she was asking that question was that if fire and rescue determines that 10,000-gallon tank is necessary because there is no natural water source that can be tapped into, that is ten times the cost. She stated that if we do not have a performance bond for the roads, pool, and lights so if we are going to require a performance bond for this issue, we may want to consider a performance bond on all homeowner's amenities. She asked if we know the ramifications of what we are putting into place here as far as a monetary and a commitment from the developer that this going to take in order to make this happen.

Mr. Scudder replied, no we do not, but what we can do is ask the Fire Chief for some examples based on some of the subdivisions that we have and provide those to the Commission next month.

Ms. Ressler stated that she would also like a little more information on a retention pond and what happens when it is dry.

Ms. Ducey-Ortiz stated that those are actually designed by the engineer to be a wet pond so that does not happen. She stated that maintenance and who was going to be responsible for it is the biggest issue. The fire department did not want to commit to it because they are volunteers.

Ms. Ressler asked if the fire department was glad that we came to them with this solution, that this is an issue that they have been dealing with and wanted a way to come up with a solution for how ever many years.

Mr. Scudder replied that on most of the large subdivisions, in rural areas, that the Planning Department has had the fire department comment about the need for fire suppression in those areas, most of the dialogue has been with Mr. Fary.

Mr. Winebarger asked if it was Patriot's Walk that put the tanks in.

Mr. Scudder replied no it was The Meadows.

Mr. Winebarger asked if they were 15,000 gallon tanks.

Mr. Scudder stated that he was not sure.

Dr. Weisel stated that this draft says nothing about the gallon size. He noted that would have been a good point when that subdivision was addressed but it has nothing to do with this draft ordinance.

Mr. Scudder stated that what the Planning Commission did back then was based on input from the fire departments in Gloucester County and the investigation of the Planning Commission, looking at the number of lots and the location, fire suppression was a concern. He stated that the idea was, based on the desires of the Planning Commission and the observation of the fire department in Gloucester County, to incorporate fire and rescue.

Mr. Wilkinson stated that if he was Gloucester or Abingdon Fire & Rescue and made a recommendation to the County that a tank of a certain size was acceptable for this subdivision and the tank was installed and six months later there was a fire and that tank was gone in five minutes and the fire was not out, he would be worried about exposing my fire company to that liability. He stated that he is concerned that we, as a municipality, would be willing to expose or volunteer fire and rescue squads to that liability.

Mr. Rodgers stated that he would also like to know what size tank the fire department recommends for a single house fire and the cost.

Dr. Belvin stated that the ordinance does not say that it is what it is, its' what the Nation Fire Prevention Association says is the minimum requirements; he would like to see those.

Dr. Weisel stated that it might be more appropriate for the fire departments, since they are private organizations, to make a recommendation and a subdivision agent or the Planning Commission, somebody who is a government entity, make the approval.

Mr. Bazzani stated to Mr. Scudder that this first draft is going to have to be adjusted to reflect the comments made tonight.

Mr. Scudder stated that he would have the revisions made and back to Planning Commission next month. He noted that he would ask Joe Fary, or somebody with comparable expertise, to answer some of the questions.

Mr. McVey stated that when you have one of these tanks and it is not sufficient, you need somebody to look into whether the volunteer fire departments have immunity if they have done the best job that they can.

IN RE : NEW BUSINESS

A. Update on Transportation Regulations

Mr. Scudder gave a power point presentation:

Secondary Street Acceptance Requirements

- Legislation proposed by Governor Kaine and unanimously approved by General Assembly
- Chapter 382 requires CTB to develop Secondary Street Acceptance Requirements
- New regulation will replace and supersede current Subdivision Street Requirements
- Intended to ensure streets accepted into state system for perpetual public maintenance provide commensurate public benefit

Secretary Homer has empanelled an Implementation Advisory Committee consisting of representatives from:

- Local Government
- Development Industry
- Planning Organizations
- Other Stakeholders

Legislation mandates that the new regulation include requirements or provisions that:

- Ensure connectivity of road and pedestrian networks with existing and future transportation networks
- Minimize storm water run-off
- Minimize impervious surface area through reduced streets widths
- Address performance bonding and cost recovery

Evaluating Connectivity

- Highway connectivity is a measure of the degree to which a road network provides direct travel and redundant travel options
 - * Greater connectivity provides increased overall network capacity and reduces reliance on arterial roadways, particularly for local trips.
- Pedestrian connectivity is a measure of the degree to which a public network provides direct and safe non-motorized travel options.
 - * Greater pedestrian connectivity supports use of alternative transportation modes
- Evaluating connectivity requires consideration of all streets in a proposed development as a whole instead of individually

Network Addition

- Have developed the concept of a “Network Addition”
- Streets within a development will be considered for acceptance into the state system as a whole not individually
- May be conditionally accepted with reduced connectivity and stub-outs for future connections
- Only considering streets for acceptance as network addition is not appropriate in all situations such as in-fill and smaller development
- Provision to allow for acceptance of individual streets not part of a larger network, with different connectivity requirement.

What is a Link-Node Ratio

Link-node ratio is the industry standard connectivity measure applicable to network addition concept

- It is used by many localities including one in Virginia.

Link-Node Ratio is the number of links divided by the number of nodes within a development or area

- “Links are defined as roadway or alley segments between two nodes or a stub-out.
- “Nodes” are intersections or ends of cul-de-sacs.

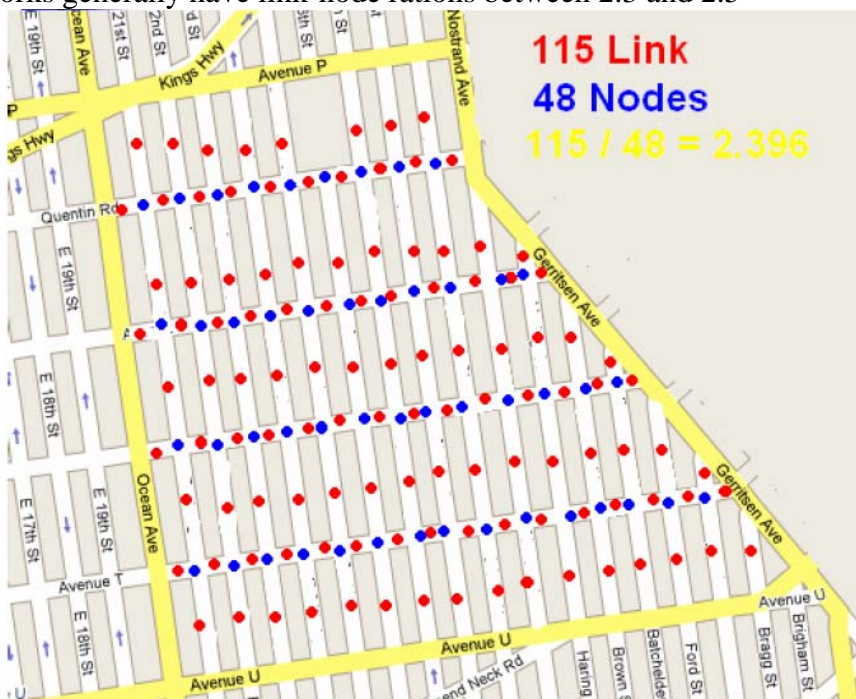
Link-Node Ratio

Link-node ratio increases as connectivity of road network increases.



Link-Node Ratio : Brooklyn

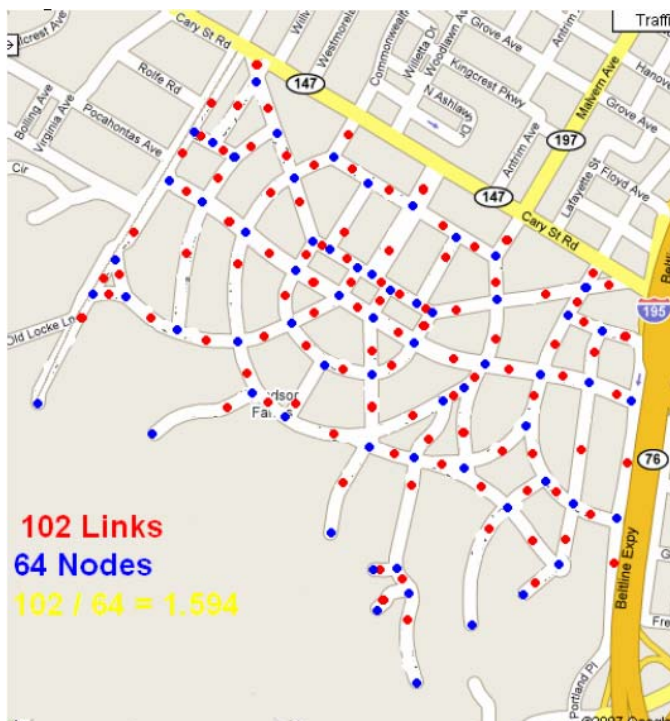
Grid Street Networks generally have link-node ratios between 2.3 and 2.5



Link-Node Ratio : Richmond

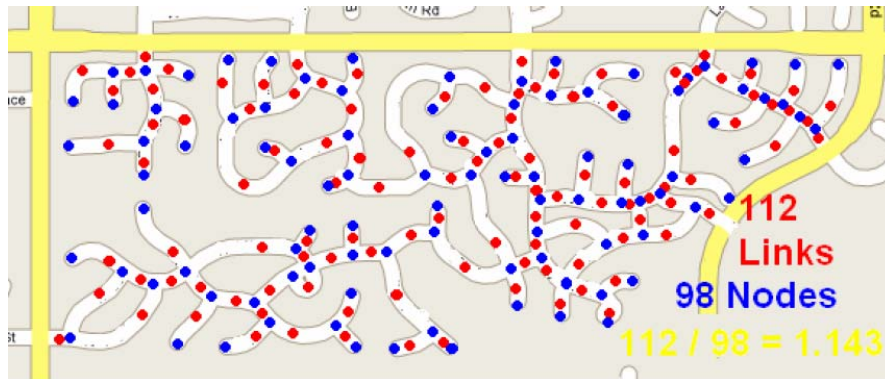
Example of a non-grid street network that provides connectivity

- Curvilinear street networks can easily achieve ratios between 1.4 and 1.8



Link-Node Ratio: Conventional Street Layout

Conventional Street Layouts generally have link-node ratios between 1.0 and 1.2



Secondary Streets Acceptance Requirements

The Implementation Advisory Committee is reviewing appropriate level of connectivity for the various Area Types and will make recommendations to the CTB.

Intend to publish draft regulation in November Register for public comment.

End Presentation

Ms. Ressler asked if the state is drafting this legislation and if VDOT is working on input for this.

Mr. Scudder replied yes.

Ms. Ressler asked if VDOT is responsible for these changes as they are coming along.

Mr. Scudder replied yes, and he has had some of the internal emails from VDOT from their staff and has been able to make some comments on it.

Ms. Ressler asked Mr. Scudder if he sees this as the next step of VDOT making the county take over their own roads.

Mr. Scudder stated that he has talked about this with a lot of other Planning Departments in the region. He stated that yes, it is headed in that direction.

Dr. Weisel asked if Mr. Scudder had the opportunity to make comments on this.

Mr. Scudder stated that he has been making comments on it.

Dr. Weisel stated that this would make sense if you had a high link-node ration over a broad area but if you have a high link-node ratio in subdivisions that are separated, it just makes more streets with no additional connectivity.

Mr. Scudder stated that these are some comments that he has been providing. He noted that these are initial comments, it is still a rough draft. He stated that the observations that he has made were if rural communities have subdivision that don't meet the these requirement, that means that those are going to be private streets, which will become public streets in about 15 years. He noted the other observations he has made was that there are some aspects of connectivity that can not be achieved, but they do have some criteria in the ordinance for connectivity exceptions.

Mr. Bazzani stated that this proposed legislation seems to be more conducive to a urban environment where you are putting subdivisions around a cluster environment, it does not work for a suburban environment like Gloucester. He noted that this is just another way for the state to relinquish their responsibility to maintain these roads.

Mr. Wilkinson stated that the scariest part about this legislation is that it was passed by a legislature that barely speaks to each other and the responsibility for implementing it has been delegating to an agency of the state government that has proven in the past that it can't find it's way to the front door.

Mr. Scudder stated these are things we have been expressing as Planning Directors. He noted that if you look at the Hampton Roads community, this affects Gloucester, Isle of Wight, James City County, and York County more than the urban areas.

Mr. Winebarger asked in regards to the roads being added in 15 years, isn't our rural additions program about shot.

Mr. Scudder stated yes.

Mr. Winebarger asked Mr. Scudder if Ms. Altemus had requested a copy of his comments and documents that he has sent to VDOT.

Mr. Scudder stated that he has not sent anything over to VDOT. He noted that any comments that have been made were verbal between Planning Directors.

Mr. Winebarger stated that if Mr. Scudder ever has anything like that that he would like to have a copy of it. He noted that he would like to know what Mr. Scudder is telling VDOT and what kind of feedback they are getting from these other guys, rather than just walking around blind.

Mr. Bazzani stated that by merely introducing a mathematical formula for Node Ratios is just another way of saying "We are not going to maintain that road because your Node-Ration should be .135 and it really should be .134."

Mr. Scudder stated that he does not know how this draft is going to play out, this is just what's in their draft. He noted that this is VDOT's presentation. He stated that he is sharing it with the Planning Commission and the community so you know what is going on.

Mr. Bazzani stated that he deals with these low level government analysts all the time, it sounds like one of them came up with this idea and found a way for it to go up to the transportation authority and now they are saying they want to make this into law.

Ms. Ressler asked Mr. Scudder what role can this local Planning Commission can do to expedite, other than you taking these questions on our behalf, can we email VDOT and our state legislators?

Mr. Scudder replied absolutely.

Ms. Ressler asked what do we want to do with this information. She stated that she would like to see some form of action taken by this group.

Mr. Bazzani asked shouldn't that sort of thing come from the Board of Supervisors since they represent the county.

Ms. Ressler stated that if the Planning Commission passes a recommendation to the Board of Supervisors stating that these are your concerns, we have much more teeth when it is coming from the Planning Commission that deals with this on a daily basis.

Mr. Scudder stated that VDOT is asking for public comment on the draft so as the Chairman of the Planning Commission you can certainly forward your comments on to the Transportation Board.

Mr. Arnold asked what kind of schedule this is on, if we were to put something together next month and approve it, would that be enough time.

Mr. Scudder stated that the draft is going to be finalized sometime in February and will be available for public comment. He noted that VDOT's website has a lot of good information on this. He stated that we would like to prepare a comment based on what the draft is and have our locality take those ideas and if they agree with them, send them to the Transportation Board.

Ms. Ressler stated that she would like to see VDOT's comments. She asked if they think this is going to be easy for people to do.

Mr. Scudder stated that when he talked to the people at the Hampton Roads Planning District, for the Hampton Roads VDOT people, they really didn't provide him a lot of comment. He stated that most of the comment that he has received has been through the Fredericksburg District.

Mr. Bazzani stated that if he proposed making a list of comments for the Planning Commission to review, he suggests those comments not only go to the Transportation Board but to our Legislators also.

Mr. Arnold asked if we have to wait for the draft to make comments or are there comments we should be making right now for the draft.

Mr. Scudder replied that we need to wait for the final draft and when the draft comes out; they are going to be open for comment.

Mr. Bazzani stated that he thinks it is a good idea to start preparing the comments because sometimes they only give you like 30 days to comment on things like these.

Mr. Scudder stated that was why he has been following this process since it started.

Mr. Bazzani stated that Mr. Scudder surely has some comments that he would be willing to write down right now.

Mr. Scudder stated that under this document, rural additions have to connect to two state roads, so if you do not, you are not getting a rural addition. He noted that as of right now there is not a rural addition on the list that meets that criteria.

Mr. Bazzani asked Mr. Scudder how long it will take for preliminary comments that the Commission can review.

Mr. Scudder stated as soon as the final draft comes out, if it comes out in February he will try to have it to the Commission in March or April.

Mr. Winebarger asked how long does VDOT have to finalize the draft.

Mr. Scudder replied that they are saying they will have it sometime around February.

B. Board of Supervisors vote

Mr. Bazzani stated he would like to bring up an issue in regards to Board of Supervisor members sitting in as members of the Planning Commission and having voting rights. He noted that Ms. Ressler wanted to a presentation on that.

Ms. Ressler stated that over the past 4 years of having served on the Board of Supervisors, she has heard multiple times how the constituency feels in order for the Board of Supervisors member to sit here and have a vote on a project and then have it go to the Board of Supervisors for a second vote; it is like a “double dipping.” She stated that there is a perception that the Board of Supervisor’s job on this committee is to be a liaison, so that member can go back to the Board of Supervisors and say “this is why we voted yes, this is why we voted no” . She stated that she has watched developers stand and zero in on one member of the Planning Commission and focus on them. She noted that they then go to the Board of Supervisors and it is the Board of Supervisors’ vote that sways what the developer does before they get to the Board of Supervisors. She suggests that she serves as a liaison only, that she is here to discuss matters but when it comes to voting, she does not need two votes. She stated that she does think a developer should leave here saying “Well she voted no here, but if I do what she asked me to do, then I have her vote there.” She noted that she feels very strongly about this but she will follow the desires of this Commission.

Mr. Arnold stated that he agrees with Ms. Ressler, the Planning Commission has always been twelve members chosen from the different districts plus one Board of Supervisors member, and if they are a member of the commission, they should vote. He stated that if she wants to change this, it is not for the Planning Commission to do, it is for the Board of Supervisors to do. He noted that if the Board of Supervisors wants to say the Planning Commission is only 2 members from each district, not a member of the Board of Supervisors, fine, but it should be taken to them, don’t make us do it.

Ms. Ressler stated that if that is what you are asking me to do , and is the consensus of this board, she will take it back to the Board of Supervisors and voice my position to them and ask them to make the Representative a liaison member only.

Mr. Rodgers stated that it was brought up a few years ago, to reduce the number of members on the Planning Commission, and he was opposed to that also. He stated that it is true that, the Board of Supervisor, when they vote and when they make comments, the developer is going to

focus more on them than any body else. He stated that by the Board of Supervisor member not voting that will reduce us to a commission of 12 members, which brings up the possibility of having a split vote more often. He stated that he thinks the Board member should vote along with the rest of us.

Mr. Wilkinson stated that the EDA and the other boards and commissions in the county that also have Board of Supervisor member should do the same. He stated that if the Board of Supervisors are going to enact this here, it should enact it for all of them.

Mr. Winebarger stated he feels that the Board of Supervisor member should not vote, except in the case of a tie breaker otherwise it does influence us and the public.

Dr. Weisel stated that most of the votes we have are for recommendations, so that ties do not matter. He stated that the Planning Commission votes on a number of issues that do not go to the Board of Supervisors.

Mrs. Carter asked Ms. Ressler if it would be possible that you would only be allowed to vote in the situation of a tie.

Ms. Ressler replied yes, that the Planning Commission can set the by-laws to say that.

Mrs. Carter stated that she agreed with the Board of Supervisors member not being allowed to vote because it does influence people.

Mr. Arnold stated that he has watched this over a number of years and he has never seen a point where he thought that the participation of the Board member was a detriment to the operations of this commission, in any respect.

Mr. Rodgers stated this is a decision that has to be made by the Board not by the Planning Commission.

Ms. Ressler stated that if the consensus of this commission is that they prefer that they not pursue this, that they are comfortable with the role in which the Board of Supervisors member plays, she will let it go. She noted that she does not want a vote tonight, the commission should go home and think about and get a consensus.

Ms. Johnson stated that the fact that it has been brought to Ms. Ressler's attention by the constituency is an important factor. She stated that a Board member does come from a position of power and on certain issues could have influence, but not meaning to do so.

Mr. Wilkinson suggested that the Board discuss it among themselves and if they would like our input in the form of a consensus resolution, then we comply.

Ms. Ressler stated that if the Planning Commission gives her the consensus to discuss it with the Board, then they have already made their input on what their direction wants to be. She noted that for her to take it to the Board and say there is no consensus but they would like the Board of Supervisors to decide. She stated that she would rather have the Planning Commission decide, yes they would like the Board to make a decision or no we are comfortable where we are.

Mr. Wilkinson stated that he is looking at from the stand point that the Planning Commission is appointed by the Board and given our responsibilities by the Board.

Dr. Belvin stated that the Board member is the 13th Planning Commissioner, and when they vote they are a Planning Commissioner. He stated they he can see the perceptions but when you feed the perceptions you make them reality. He noted that if the Board member feels like there is a apparent conflict of interest then they can abstain from voting on a particular issue. He stated that 90% of what the Planning Commission does, does not deal with a particular developer.

Mr. Winebarger stated that he agrees with Dr. Belvin but he has also seen when the developers talk to the Supervisor, they do not talk to the whole Planning Commission. He went on to give examples of this.

Mr. Bazzani asked if any one is opposed to having Ms. Ressler ask the Board.

Mr. Richardson stated that he believes that the by-laws need to be changed so that the Supervisor member is a liaison, their sole purpose on this commission should be to communicate our opinions back to the Board of Supervisors. He stated that the Board of Supervisors needs to see the Planning Commission's plan because that is what they put the Planning Commission here for. He stated that the Planning Commission needs to get back to making sure that they are the ones being addressed and the Board of Supervisor should not be an official member but true liaison.

Dr. Weisel stated that the Planning Commission should think about how this will look in the minutes, that "out of the blue" the Planning Commission recommends that the Board of Supervisor member can not vote. He noted that it would make much more sense that if the Board wants us to look at this question, for the Board to direct the Planning Commission to make a recommendation and then the Planning Commission can vote and make a recommendation.

Attny. Reaves stated that the Code of Virginia says that the members of the Commission are put in place and that includes all members, so if you are called a member you are a voting member.

Mr. Richardson stated that is what needs to be changed, the by-laws, and call them liaisons and not members.

Attny. Reaves stated that she does not know if that is ok, with regards to the Code of Virginia, but she will look it up.

The Commission continued to discuss the reasons that the Board of Supervisors should discuss this matter before any decision is made. They also further discussed whether or not the Board of Supervisor member should be a voting member.

IN RE : STAFF COMMENTS

IN RE: COMMISONER'S COMMENTS

Mr. Wilkinson stated that he was very concerned when he read the December 16th edition of the Daily Press about developers projects mired in financial troubles. He stated that he does not know all of the ramifications of it but he would like to know the status of it.

Mr. Scudder stated that right now he is meeting with BB&T bank officials to ascertain the status of the project as far as uncompleted public improvements because we are holding letters of credit. He noted that the letter of credit is fairly substantial on the improvements that have not been completed and BB&T wants to ascertain where they stand with the completed improvements and what our ordinance has as far as reducing the surety. He noted that more than likely another developer will finish off the project.

Mr. Wilkinson asked if the letter of credit is in default.

Mr. Scudder replied no, they are good for an extended period of time, if nobody completes the amenities that need to be completed then the County may be in the position that they would have to step in hire somebody to finish it.

Mr. Wilkinson asked if work is stopped on these improvements, does it create an event of default which causes the County to call the letter of credit.

Mr. Scudder stated that they are in default of their development agreement, but right now he is working through the process. He noted that the letter of credit can be pulled on at any time.

Mr. Wilkinson suggested that Mr. Scudder do that.

Mr. Richardson stated that the Planning Commission might need to take a look at the ordinance on two issues. He stated one is including a time frame on proffers and the second is to what standards does a subdivision have to be built when a second developer buys a subdivision from the first.

Mr. Wilkinson gave the example of Sawgrass Point.

Mr. Scudder stated that under a re-zoning there are design guidelines that are proffered and someone has to adhere to those, regardless of who the developer is.

IN RE: ADJOURNMENT

Mr. Rodgers moved for adjournment, seconded by Mrs. Carter and carried unanimously by voice vote.

The meeting adjourned at 9:30 P. M.

The next regularly scheduled meeting of the Gloucester Planning Commission will be held on Thursday, February 7, 2008 at 7:30 P. M. in the Colonial Courthouse, 6504 Main Street, Gloucester, Virginia

Phillip Bazzani, Chairman
Gloucester County Planning Commission

Jay Scudder, Secretary
Gloucester County Planning Commission