

**AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF GLOUCESTER COUNTY, VIRGINIA, HELD ON TUESDAY, OCTOBER 7, 2003, AT 4:00 P.M., IN THE BOARD ROOM OF THE COLONIAL COURTHOUSE, 6504 MAIN STREET, GLOUCESTER, VIRGINIA:**

**THERE WERE PRESENT:**

Burton M. Bland, Chairman  
Teresa L. Altemus, Vice Chairman  
John J. Adams, Sr.  
Charles R. Allen, Jr.  
Graham C. Blake  
Ross M. Hines,  
Louise D. Theberge  
William H. Whitley, County Administrator  
Daniel M. Stuck, County Attorney

The Chairman, Mr. Bland, called the meeting to order.

All members of the Board were present at roll call.

The Chairman announced that the Board would adjourn its meeting to tour the Indian Road Housing Project and would then reconvene at 7:00 P.M. in the Colonial Courthouse.

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**IN RE: RECONVENTION OF THE BOARD MEETING – 7:00 P.M.**

The Gloucester County Board of Supervisors meeting was reconvened at 7:00 P.M., and called back to order in the Colonial Courthouse, Gloucester, Virginia. All members of the Board were present.

Pastor Gregory Woodard of the Church of the Living Word, offered the invocation.

All in attendance pledged allegiance to the Flag of the United States.

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**IN RE: ADDITIONS TO THE AGENDA – DR. REUBEN VARGHESE – THREE RIVERS HEALTH DISTRICT AND COMMUNITY DEVELOPMENT BLOCK GRANT PROPOSAL**

After a brief discussion, Ms. Altemus moved that additions pertaining to a community development block grant and a presentation by Dr. Reuben Varghese – Three Rivers Health District, be added to the October 7<sup>th</sup> agenda.

Ms. Altemus' motion was seconded by Mr. Blake, and then carried by the following vote: Mr. Blake, yes; Mr. Adams, yes; Mr. Allen, yes; Ms. Theberge, yes; Mr. Hines, yes; Ms. Altemus, yes; Mr. Bland, yes.

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**IN RE: APPROVAL OF CONSENT AGENDA**

On a motion by Mr. Blake, seconded by Mr. Hines, the following Consent Agenda Items were approved upon the following vote: Mr. Blake, yes; Mr. Adams, yes; Mr. Allen, yes; Ms. Theberge, yes; Mr. Hines, yes; Ms. Altemus, yes; Mr. Bland, yes.

**Approval of Minutes – August 18, August 21 and September 2, 2003** The

minutes of the meetings of August 18, August 21, and September 2, 2003 were approved.

**Thanksgiving Holiday** – The following resolution was adopted:

**WHEREAS**, The Gloucester County Board of Supervisors has established a holiday schedule for its employees; and

**WHEREAS**, The Gloucester County Board of Supervisors now wishes to amend this schedule to allow for a holiday during the Thanksgiving Season; and

**WHEREAS**, This schedule change can be accomplished with no net loss of work time for the County.

**NOW, THEREFORE BE IT RESOLVED:** By the Gloucester County Board of Supervisors that the following amendment is hereby made to the Year 2003 holiday schedule.

**November 4<sup>th</sup> – Regular Work Day**

**November 28<sup>th</sup> – County Holiday**

**IN RE: HURRICANE ISABEL UPDATE – SHERIFF STANAWAY**

Mr. Robin P. Stanaway, Sheriff, addressed the Board and presented a report and an update on Hurricane Isabel.

Highlights of Sheriff Stanaway’s report are as follows:

Between 6:00 P.M. and 8:00 P.M. on the 18<sup>th</sup>, maximum sustained winds experienced at Gloucester Point were 69 miles per hour, with gusts up to 91 miles per hour (He noted that these were categorized as strong tropical storm winds).

Conference calls began Monday, the 15<sup>th</sup> with the State Office of Emergency Services. The Reverse 911 was then activated and messages were sent to 2,879 households in specific areas of the County. The Emergency Operations Center was activated and shelters were opened. Fire and rescue squads were put on standby.

Sheriff Stanaway then presented pictorial accounts of Hurricane Isabel and noted that the storm surge of 8 to 10 feet appeared to be accurate.

Sheriff Stanaway further reported that early effects of the storm began at 8:00 a.m. on Thursday, and a Tornado Watch went into effect. Reports began to come in about debris in the road at various places in the County. Peasley Shelter had 151 residents. He noted that by 9:23 p.m., all parts of Gloucester County were being impacted by the storm. Power lines were down and Virginia Dominion Power later pulled in their crews from the streets as the wind speeds were over 40 miles per hour. The Coleman Bridge Tender was evacuated as the winds rose to 47 miles per hour.

The dispatcher received a call concerning 6 – 8 people, one of whom was a pregnant woman with a small child, and others who were trapped in a boat that was tied to the house. Efforts by Abingdon Fire and Rescue to reach the residents had to be stopped due to high water on the roads. A call was put in to the Coast Guard who responded that they had no boats in the water. The National Guard was then called. They rescued 17 people on Guinea Road, but were still unable to get to the residents trapped in a boat. Deputies and fire and rescue personnel cut trees and cleared roads responding to emergency calls. The storm surge was well underway at Gloucester Point.

Sheriff Stanaway then presented pictures of the storm damage still before high tide. He noted that the VIMS basin was inundated well outside the channel. Sheriff Stanaway noted that the house on VIMS pier was destroyed, and the tide covered an 8 foot piling and at the height of the storm the pilings were submerged.

Sheriff Stanaway noted that many major roads were passable by Friday morning.

Sheriff Stanaway advised that damage assessment crews from the County went out and estimated residential damages at \$6,000,000, noting that there were 600 structures within the County that suffered minor damage, which is considered to be less than \$10,000 in damages. Sheriff Stanaway noted that 130 residences were considered to have suffered major damage, or totally destroyed, with an estimated damage figure of \$7,150,000. Damage to docks and bulkheads was estimated at \$1,500,000 million. Public facilities damage was estimated at \$500,000 and debris removal at \$1,500,000. Sheriff Stanaway further noted that crop damage stood at \$2,500,000 million, for an estimated total of \$19,500,000 in damages throughout the County. Sheriff Stanaway indicated that these figures would increase as the figures he had just cited were initial damage figures.

Sheriff Stanaway advised that a request for assistance in getting ice and water to the residents of Gloucester County had been sent to the State Office of Emergency Services on Friday morning. The State Office of Emergency Services did not respond with ice and water until six days later. VDOT helped deputies rescue people and cleared roads. Many citizens participated in getting the roads cleared which was a great help.

Sheriff Stanaway presented pictures of low lying areas of the County which are subject to tidal flooding which indicated that these areas had suffered tremendous damage.

Sheriff Stanaway noted that the jail's security area had been struck, but could be easily repaired.

Pictures of boats in trees, and structures that were destroyed by falling trees and high water, were reviewed; as well as the Gloucester Point Beach area.

Damages to power poles and lines in Harcum were the worst in the County.

Sheriff Stanaway advised that only some pilings and stringers remain on the Gloucester Point Fishing Pier.

150 plus power trucks from Alabama, Florida, and Quebec Power of West Virginia, were staged at the old Wal-Mart, the old Roses Shopping Center and the Exchange Shopping Center.

Sheriff Stanaway advised that the manager of Wal-Mart was a major asset as he provided trucks and ice and water as well as the old Wal-Mart store to be used as a shelter site and the FEMA disaster recovery center. He indicated that many church groups proved to be invaluable as they provided hot meals, showers, clothes and volunteers to help clear debris. Deputies and volunteers distributed more than 40,000 bags of ice and 10,000 cases of bottled waters.

Volunteers from Bethany United Methodist Church did a great job serving and delivering meals.

The Abingdon Ruritans Club provided their parking lot for the distribution of water and ice.

Volunteers from Union Baptist worked hard to provide hot meals, water, showers, clothes and food baskets.

Fire fighters from the west coast volunteered and come out to help.

Newington Baptist Church provided hot meals, and was an entry point for the Southern Baptist Disaster Relief Group who were the people with the showers.

As a result of a pre-existing contract with Centaur Construction, they were on site within 24 hours of the storm and operational within 36 hours and are operating from 7:00 A.M. to 7:00 P.M. 7 days a week to take care of the mountains of brush and debris.

Sheriff Stanaway noted that although the recovery process is well underway, there is much that still remains to be done.

Sheriff Stanaway then recognized and thanked the following folks for their help and assistance.

County staff, Mr. Whitley and Mr. Bland.

School Staff, Dr. Kiser and Mr. Westfall

Social Services, Mr. Goodwin

VDOT, American Red Cross, Dominion Power and the out-of-state power companies, WXGM Radio, Abingdon Fire and Rescue, Gloucester Fire and Rescue, Members of the Gloucester Sheriff's Office, the Southern Baptist Disaster Relief Units, Newington and Union Baptist, Bethany Methodist, Lighthouse Worship Center, Phillips Oil & Gas, Little Sue and Kelsick Gardens, and especially Wal-Mart, and in particular, George Joyner, Manager of Wal-Mart.

Sheriff Stanaway noted that many people left their homes without power to come out and help others, and that is a big part of what makes Gloucester a great place to live.

Chairman Bland thanked the Sheriff for his presentation and advised that he would like to echo what had been said on behalf of the government of Gloucester County and on behalf of the citizens that were hurt by the storm. Mr. Bland advised that the Beehive on the Gloucester Seal represents people working, sharing and caring about each other, and that Gloucester is a place where people like to live. It is about individuals caring about each other. Mr. Bland reiterated that the storm had proved that Gloucester is a community of caring people and he would like to thank the citizens of Gloucester.

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**IN RE: 4-H WEEK PRESENTATION – JACKIE JEFFERIES**

Ms. Jackie Jeffries, 4-H Technician, VPI & SU Extension Office, addressed the Board and requested that they recognize October 5, through October 11, as National 4-H Week.

Ms. Jeffries advised that the 4-H program is the world's largest, dynamic, informal education program for young people with over 6 million members.

The 4-H motto is "Learn by Doing", and this idea is alive and well throughout the 50 states, and the U.S. Territories. Youth are encouraged to participate in a variety of activities. Hands-on projects range from citizenship to expressive arts, consumer science, environmental education, leadership and technology, as well as animal and plant science. In Gloucester County more than 800 4<sup>th</sup> and 5<sup>th</sup> grade students are involved in the 4-H in-school program, with 85 participating in after school activities and 217 youth attending 4-H Camp annually. Gloucester has a total of 8 active horse and community clubs, Ms. Jeffries noted.

Ms. Jefferies told the Board that the 4-H Program in Gloucester still remains strong. She then thanked the Board for their support. She noted that the Jamestown 4-H Camp had received extensive damage, but hoped to resume activities soon.

As a token of appreciation, Ms. Jeffries presented the Board with a good luck 4-H Angel Pin.

Ms. Jeffries advised that Ms. Theberge is a former 4-H Horse Club leader.

Mr. Bland thanked Ms. Jeffries for her presentation.

On a motion by Mr. Blake, seconded by Mr. Allen, the following resolution was adopted upon the following vote: Mr. Blake, yes; Mr. Adams, yes; Mr. Allen, yes; Ms. Theberge, yes; Mr. Hines, yes; Ms. Altemus, yes; Mr. Bland, yes.

**WHEREAS**, 4-H members throughout the United States will be celebrating **NATIONAL 4-H WEEK** from October 5 through October 11, 2003; and

**WHEREAS**, Over 1,000 youths in Gloucester County receive benefits from the local 4-H program by participating in school programs, community clubs, camps, fairs, workshops, peer teaching and special events; and

**WHEREAS**, The 4-H program also provides an opportunity for adults to serve as volunteer leaders, interacting and working with other leaders, Extension Staff, and youth, to help 4-H members set goals, develop interpersonal and leadership skills, and conduct community service activities.

**NOW, THEREFORE BE IT RESOLVED:** By the Gloucester County Board of Supervisors that in honor of the many achievements of the 4-H'ers in Gloucester County, the week of October 5, through October 11, 2003 is hereby officially designated as **NATIONAL 4-H WEEK IN GLOUCESTER COUNTY.**

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**IN RE: COUNTY VEHICLE DECALS – MS. TARA THOMAS**

Ms. Tara Thomas, Gloucester County Treasurer, addressed the Board and discussed the issue of County decals and available options regarding whether the County should or should not eliminate the use of decals.

Ms. Thomas noted that the sale of county decals brings in approximately \$800,00 in revenue. The cost of selling the decals is approximately \$30,000; not counting personnel costs. She noted that only 75% of vehicles in the County are licensed.

She further noted that without decals they could collect much sooner on personal property taxes. She noted other collection methods that could be utilized as well.

She indicated that it is important to look at what the surrounding areas are doing regarding the use of decals.

She noted that the County has a number of options which are: (1) Keep the decal and fee which is what is currently done; (2) Eliminate the decal and keep the fee; (3) Eliminate decal and fee; or (4) go to permanent decal. Ms. Thomas then explained in detail each option and the resulting effects of the options.

Ms. Thomas noted that the County Attorney may have to research some of the options and advise as to their legal ramifications.

Ms. Thomas indicated that citizens everywhere dislike the decal, and although it is a valuable collection tool, there are other options available.

Ms. Thomas advised that the 2004 decals are now being ordered and she asked that the Board make a decision regarding this issue for the year 2005 before the process begins for that decal year.

Ms. Thomas advised that she would answer any questions the Board may have.

Ms. Altemus indicated that it was her impression that residents could be ticketed if they did not have the decal displayed properly on their vehicle.

Ms. Thomas indicated that Ms. Altemus was right.

Ms. Altemus then noted that the ordinance concerning this matter would have to be amended to reflect any changes regarding the decal.

After more discussion regarding the options, Mr. Bland thanked Ms. Thomas for her presentation.

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**IN RE: THREE RIVERS HEALTH DISTRICT – DR. REUBEN VARGHESE**

Dr. Reuben Varghese, Director of the Three Rivers Health District, addressed the Board and advised that the day before the hurricane, the Health Department had announced that a Gloucester County citizen had died from Eastern Equine Encephalitis which is a mosquito borne disease. He further noted that the County has also seen its first case of West Nile Disease which is also carried by mosquitoes. He indicated it is typical procedure after a Hurricane, that FEMA will make funding available to counties that have been declared a disaster, through a group application for aerial spraying for mosquitoes. Dr. Varghese indicated that areas having a certain density population of 100 to 150 housing units per square mile, and a history of mosquito activity, should be considered for the spraying. He further noted that this is a process of the Department of Health in cooperation with the Virginia Department of Emergency Management.

Dr. Varghese advised that in view of the two cases of mosquito borne illnesses, the application has been put in for aerial spraying, and should be considered as an option to personal means such as removing standing water and mosquito repellent.

Dr. Varghese noted that hurricanes may eliminate some people's ability to be able to control the situation with mosquitoes as they may have lost their window screens, and may need to be out at dawn or dusk to clean up storm debris.

Dr. Varghese indicated that the community may ask if this is an appropriate thing to deal with, but he felt it was important to provide the Board with the information and the option for the spraying.

After a brief discussion, Mr. Whitley advised that the areas which have been identified as in need of spraying were the Route 17 corridor from Gloucester Point to the Courthouse, and everything east; as well as the strip along the York River. Mr. Whitley then requested that the Board adopt a resolution approving the spraying, and indicated that a schedule of when the spraying will take place should be published so that bee keepers and those who wished to avoid the spray would be aware.

Dr. Varghese advised that the aerial spraying is a time sensitive matter, and that the spraying needs to be done within a certain time after the hurricane. He indicated that the spraying would be done between the hours of 6:00 P.M. and 11:00 P.M. if weather conditions are right.

Dr. Varghese advised that the public would be granted a 24 hour notice before the spraying.



Ms. Altemus inquired regarding whether or not the regular spraying would continue.

Dr. Varghese advised that the aerial spraying is supplemental to the County's mosquito control spraying.

Mr. Allen asked how effective the spray would be from a vehicle.

Dr. Varghese advised that the spraying is done where the population is heaviest to maximize the benefits and reduce any environmental risks.

Mr. Whitley advised that the spraying from the vehicle is effective on the mosquitoes that it hits directly, and that the mosquito larvacide program is also effective. He noted also that the breeding season for mosquitoes is very short and that spraying one day will not be effective two or three days later as there will be a new mosquito population.

Dr. Varghese advised that larvacide is the most effective and the least harmful to humans and the environment. He indicated that citizens can purchase larvacide from Southern States or a similar kind of store.

In answer to an inquiry from Ms. Theberge, Dr. Varghese advised that the agent that would be used in the spraying was called Malnet, and that it had been approved by the EPA.

After more discussion on the matter, Ms. Altemus moved that the Board submit the application, and the Board authorize aerial spraying of the County if conditions warrant. The motion was seconded by Mr. Adams and carried by the following vote: Mr. Blake, yes; Mr. Adams, yes; Mr. Allen, yes; Ms. Theberge, yes; Mr. Hines, yes; Ms. Altemus, yes; Mr. Bland, yes.

It was noted that Dr. Varghese would do the press release on the spraying and that the public would be made aware. He indicated that if it rains, then the spraying would not take place.

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**IN RE: PUBLIC HEARING - SIX YEAR PLAN - MARY PARKER, RESIDENT ENGINEER - VIRGINIA DEPARTMENT OF TRANSPORTATION**

Ms. Mary Parker, Resident Engineer, Virginia Department of Transportation, addressed the Board and advised that each year the Virginia Department of Transportation and the Board of Supervisors, in accordance with Section 33.1-70.01 of the Code of Virginia, conduct an annual public hearing to receive public comment on the proposed

Gloucester County Secondary Six-Year Plan for Fiscal Years 2004/05 through 2009/10 and on the Secondary System Construction Budget for Fiscal Year 2004/05.

Ms. Parker indicated that the plan involves only improvements or new construction of secondary roads in Gloucester County.

Ms. Parker advised that within each fiscal year, the allocations are broken down into three categories. The largest category deals with construction projects that deal with the improvement, or straightening, of paved roads. The second category is improvements to unpaved roads. The last category is incidental items and involves entrance pipes, road signs and new additions.

Ms. Parker then reviewed the priorities as follows:

Priority No. 1 Hickory Fork Project - from Route 633 to Route 631, located in the Abingdon District, a total length of 2.45 miles with an estimated cost of \$10,546,665, and funding for this year at \$1,151,435. Ms. Parker advised that the project would be advertised in July of 2004 and should be under construction next fall.

Ms. Parker advised that Priority No. 2 is Route 614, Hickory Fork Road, from Route 631 to Route 616 for a length of 1.75 miles – the total cost estimate is at \$3,425,000, with needed additional costs of \$1,636,054. Ms. Parker advised that the expected advertisement date is August of 2007, and the project is located in the Abingdon District.

Ms. Parker advised that paved Priority No. 3 is Route 618, Capahosic Road, from Route 614 to dead end – length 240 miles – at a total estimated cost of \$3,700,000. The expected advertisement date for the project is August of 2011, and the project is located in the Abingdon District. Ms. Parker indicated that these priorities are the regular construction priorities.

Ms. Parker then indicated that the unpaved priorities in the Plan were Route 712, Weaver Lane, from Route 616 to dead end for a length of 0.43 mile. The project is fully funded at \$215,000, and will be advertised for construction in October of 2003. The project is located in the Abingdon District. Ms. Parker noted that the priority number is 0 as it is fully funded.

Ms. Parker further told the Board that Unpaved Priority No. 1 is Route 613, Plantation Road, and is from Route 610 to a dead end for a length of 1.10 miles for a total estimated cost of \$300,000, assuming that the road is not built as a rural rustic road.

Additional funding is needed in the amount of \$138,892 with an expected advertisement date of October 2005. The project is located in the Petsworth District.

Ms. Parker indicated that Unpaved Priority No. 2 is Route 711, Carr Lane, from Route 656 to dead end for a length of 0.53 miles at a total cost estimate of \$220,000 with funding to begin in 2005-2006. The expected advertisement date is July 2007 and the project is located in the York District.

Ms. Parker described Unpaved Priority No. 3 as Route 684, Starvation Road, from Route 610 to dead end for a length of 1.80 miles at a total cost estimate of \$600,000. Funding is to begin in 2007-2008, and the expected advertisement date is July of 2014. The project is located in the Petsworth District.

Ms. Parker noted that not all the projects will be constructed in the next six years, and it might take as much as 12 years depending on the allocations.

She noted that she would solicit comments from the public on the Virginia Department of Transportation's Six-Year Plan.

The Board received no comments on the Virginia Department of Transportation's Six Year Plan.

Mr. Adams asked if the hurricane had delayed any projects?

Ms. Parker noted that construction on Route 712 is the only construction project that was delayed.

Mr. Adams then moved, seconded by Mr. Blake, that the following resolution be adopted. The motion was then carried by the following vote: Mr. Blake, yes; Mr. Adams, yes; Mr. Allen, yes; Ms. Theberge, yes; Mr. Hines, yes; Ms. Altemus, yes; Mr. Bland, yes.

**WHEREAS**, The Gloucester County Board of Supervisors is responsible for the establishment of priorities for improvements to secondary roads in Gloucester County, working with the Virginia Department of Transportation (VDOT); and

**WHEREAS**, The Gloucester County Board of Supervisors has met and discussed with VDOT officials the priorities established for improving secondary roads in the County; and

**WHEREAS**, The Gloucester County Board of Supervisors has conducted a public hearing on this priority list to receive citizen comments concerning it.

**NOW, THEREFORE BE IT RESOLVED:** By the Gloucester County Board of Supervisors that the Six Year Secondary Road Construction Plan for Gloucester County for

the period 2005 through 2010, and the 2005 Fiscal Year Budget for secondary road construction are hereby approved as presented.

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**IN RE: COMMENTS FROM CITIZENS**

Mr. Bland advised that under normal circumstances the Board does not receive comments from citizens on items that are currently on the Board's agenda for discussion; however, in view of the attendance and interest in the Board's decision concerning the Barrens rezoning application, he would entertain a motion from the Board to waive the Board's Rules of Procedure and allow discussion on the Barren's decision. He asked that if there is a spokesman, he would appreciate one person speaking for the group, and that he would allow comments from citizens for a reasonable amount of time.

Mr. Blake then moved, seconded by Ms. Theberge, that the Board waive its Rules of Procedure and allow citizen comment on the Barren's rezoning decision. The motion was then carried by the following vote: Mr. Blake, yes; Mr. Adams, yes; Mr. Allen, yes; Ms. Theberge, yes; Mr. Hines, yes; Ms. Altemus, yes; Mr. Bland, yes.

Mr. Bland then opened the floor for public comment.

**Mr. Breckenridge Ingles** addressed the Board and asked that they table their consideration of the decision until November 5<sup>th</sup>, as it would be the better procedure relative to the upcoming election; among other reasons.

**Jack Musick, Petsworth District**, addressed the Board and advised that he represented a grass roots movement of people who were worried about the rezoning. He then presented a petition containing approximately 900 names of those who had expressed concern regarding the rezoning application.

Mr. Musick advised that his group had many concerns and among those was the fact that they felt that the rezoning would create a change in the character of the County because of its magnitude, it would exacerbate traffic problems; it is felt that the proffers were insufficient to cover the costs, and the zoning variance will cause such a basic change in the entire County that it will defeat the purpose of zoning. He noted that there has been no environmental impact statement, and he felt there would be a problem.

Additionally, Mr. Musick noted that the number of golf courses has been decreasing, and the number of golfers is lower, so the demand is less. He noted that there is a fallacy that other development will stop or decline if the project is approved; however, there is no evidence of that.

**Ms. Shelly Napier, Abingdon District,** addressed the Board and indicated that she had moved to Gloucester because it was a rural county. She indicated that she was concerned regarding the overcrowding at the high school. Ms. Napier asked that the Board not delay a decision on the Barrens and vote so they would know how to vote.

**Ms. Leann Shelton, Abingdon District,** addressed the Board and advised that she would make her own personal plea for the rural nature of Gloucester County. She advised that she had come to Gloucester County because it was rural. She indicated that the project would be offensive to her because it was planned to be located between where she lived and where she worked.

**Ms. Rachael Strawn, Abingdon District,** urged the Board to vote against the Barrens rezoning application. Ms. Strawn advised that the average citizen is not for the development and does not want it in the County.

**Mr. Henry Howell, Almondsville Road,** addressed the Board and advised that he was against the rezoning. He indicated that there was something to be said for having the ability to walk down quiet country roads. He then read the definition of the word "Barrens".

**Ms. Phyllis Sheppard, Abingdon District,** addressed the Board and advised that she was a concerned citizen and that many families need help to recover from the effects of Hurricane Isabel. She indicated that there are 150 displaced families in the County, and 500 homes with structural damages.

Ms. Sheppard advised that the Virginia State Code allows the governing body to adopt a resolution to provide tax relief for uninsured property owners. She indicated that it allows for partial credits for uninsured properties for a period after the loss occurs. She further indicated that the Code also allows the Commissioner of Revenue to make adjustments for real estate improvements to properties that have been destroyed by fortuitous happenings. She further told the Board that there are over 633 families that have suffered significant losses and may benefit from this action.

She noted that the second half of real and personal property bills are imminent, and those folks do not need another obstacle to overcome. Ms. Sheppard further indicated that the increased taxes expected to be received from new businesses such as Home Depot and Lowes would help defer the financial impact that tax relief would cause.

Ms. Sheppard asked that the Board take action and move swiftly to help the citizens of Gloucester County.

Ms. Theberge addressed the Board and advised that she had discussed the subject of tax relief with Ms. Sheppard about 10 days ago, and had further discussed it with Mr. Whitley. She further indicated that at that time, Mr. Whitley had requested that the County Attorney, Mr. Stuck research the matter. Ms. Theberge indicated that the Board had not ignored the citizens regarding this matter, and that the issue was not on the agenda, as she had been informed by the County Attorney that the matter would require further work before it would be acceptable to go before the Board.

The County Attorney, Mr. Daniel Stuck, discussed the issue of tax relief and the applicable Code of Virginia sections dealing with the matter. Mr. Stuck advised that there are three sections of the Code in Title 58 which is the Tax Code. The one cited as Section 3014 actually grants tax relief when the Governor has declared a state of emergency. This section requires an application to the Commissioner's Office which requires tax relief to begin January of 2004. Regarding a resolution of the Board, the only impact the Board has is to provide relief up to January 1 2004. Mr. Stuck advised that the statute is difficult because it requires the citizen to make application for tax relief, and to provide proof of reimbursement from insurance companies as well as certification of unreimbursed costs. He further indicated that there are issues of car tax relief, and since the tax is paid by the state, it has to be worked out with the Commonwealth as to whether the car tax would be reimbursed back to the state. The only impact the Board has on that section is between September 18<sup>th</sup> and January 1 of 2004. He noted that taxes are assessed as of January 1 of each year, and since Gloucester does not pro-rate automobile taxes, those taxes must be paid for the full year.

Mr. Stuck further indicated that the impact on the budget was unknown at this time, however, if the figure of \$20,000,000 in damages is used, it would be whatever this figure would translate into regarding personal property and real estate.

Mr. Stuck indicated that there is a section that automatically gives the Commissioner of Revenue the ability to reassess property the first of the year should property damages in the amount of \$100.00 or more occur to a building and/or enclosures (tool shed, docks, piers, etc); and, there is no interim period associated with this section.

Mr. Stuck advised that the last section cited by Ms. Sheppard deals with real estate and would require an ordinance to be adopted by the Board. It has definition which requires that the loss be in excess of \$500.00, and the building be uninhabitable for a certain period of time; longer than 30 days.

The Board can then authorize a rebate for the balance of the calendar year, because as of January 1, the Commissioner has other statutes that provide that the tax be reinstated. He noted that by state law the tax relief is there beginning January 1, 2004. He indicated that these are the issues the Board needs to sort through. He indicated that there are many issues in interpreting the statutes. He further indicated that the Commissioner must do this anyway.

Ms. Theberge noted that the Treasurer is currently in the process of printing the second half of the year tax bills.

The Chairman asked that discussion on the issue be delayed until a later time.

**Mr. Buddy Rodgers, Petsworth District**, addressed the Board and discussed the staggering of terms for Planning Commission members and asked that the Board give this matter serious consideration.

Mr. Rodgers next discussed the idea that the landfill operator is requiring that a form be filled out stating that the debris is from Gloucester County, and people were complaining about having to do that. Mr. Rodgers advised that no one would say why the form is required.

Mr. Whitley advised that the reason for the form is that FEMA will reimburse the County for the use of the landfill, and that the form is necessary to document how many tons of debris were brought into the County as a result of Hurricane Isabel.

Mr. Blake indicated that he had made a trip to the site and filled out the form and he had not been required to sign it each time.

**Mr. Howard Mowry, Gloucester Point District**, addressed the Board and advised that the Board should consider that a new subdivision of 872 homes, with an estimated population of 2,616 goes above and beyond the current 1200 plain homes that can be constructed on the property. He noted that there is another subdivision in the making in the county with a density that is greater than the Barrens, but may never come up before the Board and there are no proffers.

Mr. Mowry further told the Board that they needed to consider the County's building codes and ordinances relative to having their language strengthened regarding where, when and what type of vegetation can be planted. Mr. Mowry indicated that this is especially true regarding the tree buffers and how they will be affected by severe weather.

Mr. Mowry indicated that the administration of county government and how it manages employee policies regarding the maintenance of time sheets needs to be reviewed.

He indicated that it appeared that there have been no updates since the hourly wage was \$3.87 per hour. He indicated that the ability to acquire comp time is commonplace, but the timeframe to use this comp time is the essential element.

Mr. Mowry noted that there is an assistant county administrator who can fill in for the administrator when he acquires comp time.

Mr. Mowry then noted the costs associated with sick leave and annual leave. He indicated that perhaps it would be a benefit to line item this account. He indicated that if comp time cannot be used within a 60-day period, then the Board should have a work measurement, time and motion study done to determine deficiencies in the workforce, and that the study should be conducted by a non political entity.

**Mr. Larry Cohen, T. C. Walker Road**, addressed the Board and requested that the Board make a decision on the Barrens Development Project. He indicated that the Board's decision would either rip apart the fabric of the County or would go into the history books as allowing the county to continue in its historic manner. He asked that the Board consider Dr. Musick's comments and the petitions which had had presented.

**Ms. Elaine Vialle, York District**, addressed the Board and indicated that she felt that all residents deserved the peacefulness and poetry of Gloucester County that can be experienced before having to experience the stress associated with traveling to work on the Peninsula. She indicated further that she did not want to see a Kiln Creek development in Gloucester County, and that bigger, richer, and more is not always better and is not always progress.

**Ms. Dorothy Dix, Belroi Farms**, addressed the Board and indicated that residents of Gloucester are here because that is where they want to be.

Ms. Dix advised that the County can have growth without massive growth. She indicated that she had found there is not an EPA study or Army Corps of Engineers Study.

Ms. Dix further indicated that the 22-acre park can be taken back by the home owners if it not used, and she asked if the general public would be able to use the park.

Ms. Dix questioned other proffers offered and asked that they be clarified.

**Mr. Cy Rilee, Fleming Rilee Lane**, addressed the Board and indicated that the Board owes the citizens a vote. Mr. Rilee indicated that he would respect the Board either way it votes, but he would not respect a "no vote".

**Ms. Mary Hyde Berg, Claybank Road, Abingdon District**, addressed the Board and advised that the development spits in the eye of saving the Chesapeake Bay.



She further indicated that she had heard that the project would pass as the Board had been bought and paid for; however, she did not believe it. Ms. Berg reminded the Board that they were to serve the citizens who elected them and not individual interests.

**Mr. Ludwell Pickett**, addressed the Board and advised that he had been a resident of the County since 1972 and he had observed first hand the changes in growth in the County and had been present when Gruen and Associates first introduced a Zoning Ordinance in 1973. He indicated that many changes have occurred in the County and that growth is inevitable and the purpose of the Zoning Ordinance is to guide the growth. He indicated that he would doubt that the approval of the Barrens development would rip apart the fabric of Gloucester County.

Regarding Hurricane Isabel, Mr. Pickett stated that the power of the hurricane was awesome, and the power of the citizens to rise to its challenges, and the capabilities of the Sheriff, and Treasurer to deal with these very complex matters is to be commended.

There being no further public comments, the Chairman, Mr. Bland, closed the meeting to citizen comments.

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**IN RE: BARRENS REZONING APPLICATION DECISION**

The Chairman, Mr. Bland, reminded the Board that Mr. Breck Ingles, spokesperson for the Barrens had requested that the Board delay a decision on the matter, and he asked if the Board wished to take action on the request.

Mr. Blake then advised that he would like to comment on the matter. He noted that since the hurricane, his personal platter had been running over, and he had only recently gotten his phone service operational. He further indicated that in addition, he had to deal with his mother's illness as she had been admitted to the hospital, and that with all of these issues affecting him, he had not had the necessary time to devote to the Barrens rezoning decision. Mr. Blake further told the Board that he would understand if they wished to vote on the matter, but he would not be able to vote.

After a brief discussion, Mr. Adams moved that the resolution to deny the rezoning request of the Barrens development project be adopted. The motion was then seconded by Ms. Altemus.

Mr. Adams then addressed the Board and indicated that making a decision on the Barrens Development had been one of the most difficult decisions that he had ever had to make.

He indicated that he had given the matter a lot of thought and had considered e-mails, letters and correspondence, and the public hearing. He indicated that his district had guided his decision regarding the Barrens; however, the decision would be his own. Mr. Adams then listed many issues associated with the project that had guided his decision.

Ms. Theberge indicated that she is not against a PUD or clustering of houses, as she felt it was good concept. She advised that her main issue with the proposal was the overall density of the project. She complimented the developers on the proffers and design standards and the way it had been handled. She indicated that the density of the Barrens units per acres was more than Kiln Creek, and this fact bothered her. She indicated that this area was meant to be developed as Suburban Countryside at about 420 units for the entire area.

Ms. Altemus advised that she had done a lot of thinking about the project, and had three questions at the beginning of the project which were: (1) Will the project benefit Gloucester County over all; (2) Can it pay for itself overall; and (3) Will I be able to sleep at night if I voted "yes" and the project fell through because of not considering a piece of paper of information which had been given to her.

Ms. Altemus advised that many people were concerned, and had expressed that concern to her through e-mails, phone calls, personal conversations and letters. She indicated that she had some concerns that she had not been given a clear answer to many of her questions.

Ms. Altemus further indicated that she was also concerned regarding the overcrowding at Gloucester High School. She indicated that she could not support the density of the rezoning.

Mr. Allen advised that he would agree with statements by Board members regarding the amount of time spent considering the matter, and how difficult the decision would be. He indicated that he felt the project would work in a lot of ways, but he would have been more comfortable with less homes.

Mr. Blake indicated that one would have a hard time finding someone who had been in Gloucester longer than he had, and that he had Gloucester at heart. He indicated that it had been difficult to find the time to do what he felt was his homework on the matter.

Mr. Bland indicated that it was not the hardest matter he had ever considered. He indicated that a former Board Member from the Petsworth District had advised him to try to “find out what the majority of the people wanted, and if you do that, you can’t go wrong”. Mr. Bland advised that the people have told the Board what they want, and the Board has heard them.

The Board was polled and the following resolution was adopted by the following vote: Mr. Blake, abstain; Mr. Adams, yes; Mr. Allen, yes; Ms. Theberge, yes; Mr. Hines, no; Mrs. Altemus, yes; Mr. Bland, yes.

**A RESOLUTION TO DENY APPLICATION Z-03-02 REQUESTING THE REZONING OF APPROXIMATELY 866 ACRES TO PUD-1, PLANNED UNIT DEVELOPMENT.**

**WHEREAS**, The Barrens Ltd., a Virginia Corporation has submitted application Z-03-02 which requests amendment of the Gloucester County Zoning Map to reclassify 755 acres from RC-1 (Rural Countryside), 111 acres from SC-1 (Suburban Countryside) and 0.39 acres from B-1 (Business) for a total of approximately 866 acres, to PUD-1, Planned Unit Development. The property is located in the Abingdon Magisterial District on the west side of George Washington Memorial Highway (U.S. Route 17), south of the intersection of George Washington Memorial Highway with Burleigh Road (Route 615); on the south side of Belroi Road (Route 616) west of the intersection of Belroi Road and Burleigh Road; and on the east side of Hickory Fork Road (Route 614), across from the intersection of Hickory Fork Road and Clay Bank Road (Route 616). The property is comprised of tax map parcels 31-101A, 31-102, and 31-56 owned by the Barrens, Ltd.; tax map parcels 31-98 and 31-97A owned by Harry A. Morris Jr. And Beverly W. Morris under contract by the Barrens, Ltd; tax map parcels 32-36 and 32-43A owned by Harry Corr under contract by the Barrens, Ltd and tax map parcel 31-55 owned by Edgar T. Walker, under contract by the Barrens Ltd.; and

**WHEREAS**, the proposed higher densities proposed by this project are incompatible with the rural character of the community and the expectations of existing residents for development in the County; and

**WHEREAS**, population estimates for the Barrens combined with future growth permitted by existing zoning will exceed the growth scenario provided in the contained growth strategy that the County adopted in the Comprehensive Plan and may result in the County’s inability to provide necessary services to its residents; and

**WHEREAS**, the proposed development does not provide substantial public benefits in exchange for substantially higher densities than allowed under current zoning and recommended by the Comprehensive Plan; and

**WHEREAS**, due to projected impacts of this project on the existing capacity of public services, the proposed project will increase the need for the County to provide additional costly services and facilities for other areas of the County that are already planned and zoned for growth; and

**WHEREAS**, the proposed proffers offered by the applicant do not sufficiently mitigate the projected impacts of the project.

**NOW THEREFORE BE IT RESOLVED** by the Gloucester County Board of Supervisors that Application Z-03-02 be, and it is hereby is, denied.

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**IN RE: APPROPRIATION – HURRICANE ISABEL EXPENSES**

Mr. Whitley explained that an appropriation is needed to pay for expenditures made by the County relative to Hurricane Isabel. He noted that the biggest expense related to Hurricane Isabel is the on-going work at the landfill and the transfer of debris there.

After a brief discussion, Mr. Blake moved, seconded by Ms. Theberge, that the following resolution be adopted.

Ms. Altemus inquired whether the \$300,000 will come out of the County’s reserve.

Mr. Whitley advised that it would. Mr. Whitley further noted that the big cost is transporting and disposing of the debris. He indicated that he did not know what figure the 10% would represent.

Ms. Altemus inquired regarding the responsibility of clearing and cleaning up the rights of way on state roads.

Mr. Whitley indicated that he would feel that it was the responsibility of VDOT to clean out the rights of ways.

After more discussion, the motion was then carried by the following vote: Mr. Blake, yes; Mr. Adams, yes; Mr. Allen, yes; Ms. Theberge, yes; Mr. Hines, yes; Ms. Altemus, yes; Mr. Bland, yes.

**WHEREAS**, The Gloucester County Board of Supervisors has previously adopted a County budget for the fiscal year 2003-2004; and

**WHEREAS**, The Gloucester County Board of Supervisors now finds it necessary to amend this budget to allow for additional appropriations to the FY 2003-2004 Budget; and

**WHEREAS**, the Gloucester County Board of Supervisors finds these appropriations to be necessary and appropriate.

**NOW, THEREFORE BE IT RESOLVED:** By the Gloucester County Board of Supervisors that the following appropriation is hereby approved as follows:

<u>Account t</u>	<u>Account</u>	Revenue	Expenditures
<u>Description</u>	<u>Number</u>		
<b>EMERGENCY SERVICES</b>			
Fund Balance		300,000.00	
Other Expenses	10-43-000-355-000-000-46099000		
	Hurricane Isabel costs		\$300,000.00

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**IN RE: DISASTER ASSISTANCE – FEMA AUTHORIZATION**

Mr. Whitley explained that there is a need for the Board to adopt a resolution authorizing certain individuals to sign documents for the County so that they may be reimbursed by the President’s Disaster Funds, and that he would request that the Board act on the proposed resolution.

Mr. Allen then moved, seconded by Ms. Theberge that the following resolution be adopted. The motion was then carried by the following vote: Mr. Blake, yes; Mr. Adams, yes; Mr. Allen, yes; Ms. Theberge, yes; Mr. Hines, yes; Ms. Altemus, yes; Mr. Bland, yes.

**BE IT RESOLVED:** By the Board of Supervisors of Gloucester County that William H. Whitley, County Administrator, is hereby authorized to execute for and in behalf of Gloucester County, a public entity established under the laws of the State of Virginia, this application and to file it in the appropriate state office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 93<sup>rd</sup> Congress) or otherwise available from the President’s Disaster Relief Fund.

**BE IT FURTHER RESOLVED:** That Gloucester County, a public entity established under the laws of the State of Virginia, hereby authorizes its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurances and agreements as necessary.

After a brief discussion concerning fallen trees, Mr. Wes Jones, Director of Public Utilities, told the Board that after a discussion concerning VDOT's responsibility in removing fallen trees on the state's right of way, Ms. Parker had informed him that VDOT would take care of fallen trees on their rights of ways, and would dispose of a tree which might constitute a danger on the roadway. He indicated that as a rule, VDOT would not go on private property.

Mr. Jones further told the Board that VDOT has solicited private contractors to remove debris from the state's rights of way.

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**IN RE: AN EMERGENCY ORDINANCE TO WAIVE VARIOUS COUNTY FEES FOR RESTORATIVE ACTIVITIES RELATED TO HURRICANE ISABEL AND TO ALLOW CERTAIN TEMPORARY HOUSING**

Mr. Whitley advised that he and the County Attorney, Daniel Stuck, had discussed a proposed emergency ordinance to waive various county fees relative to home repairs and restoration from damages related to Hurricane Isabel.

Mr. Daniel Stuck, County Attorney, addressed the Board regarding the proposed ordinance and advised that he had added a few comments and revisions to the ordinance. He noted that the Code of Virginia allows the county to adopt an emergency ordinance without a public hearing or public comment; however, the Board is required to readopt the ordinance within 60 days. He further told the Board that because of the expected run on permitting in the County, they had felt that if the Board wished to do this, it should be done by an emergency ordinance, and then in 60 days it would be done more permanently. He further indicated that the Board could decide how long they wished the ordinance to remain in effect. Mr. Stuck advised that the ordinance waives zoning and building permit type fees that must be acquired before renovations and repairs can begin in the County. Mr. Stuck clarified that the ordinance does not relate to any development or construction or renovation projects not related to the hurricane. He further indicated that this is a temporary measure and can apply to temporary housing approved by FEMA.

Mr. Stuck emphasized again that these measures are temporary.

Mr. Blake asked how long FEMA would allow the temporary housing to be located in affected areas.

Mr. Whitley indicated that FEMA is going to require a housing plan and will be putting a limit on the time that is allowed on temporary structures.

Ms. Altemus inquired as to whether Codes Compliance will check on the temporary housing in 6 months. She inquired further regarding situations where the temporary housing may not be suitable or realistic in severe weather.

Mr. Stuck indicated that they would try to be as flexible as possible. He noted that the housing plan may be less than 6 months, and that there would be flexibility regarding the time limit on building permits as the idea is to provide flexibility especially relating to the temporary housing.

Relative to Ms. Altemus' inquiry regarding modular buildings, Mr. Ron Peaks, Director of Codes Compliance, advised that he had narrowed down what had been presented to him regarding travel trailers provided by FEMA, which the zoning code does not currently allow; and, he had addressed situations where a private citizens may wish to place a travel trailer, or other temporary housing, on their property for the same period of time.

After more discussion, Mr. Adams moved, seconded by Mr. Blake, that the following resolution be adopted. The motion was then carried by the following vote: Mr. Blake, yes; Mr. Adams, yes; Mr. Allen, yes; Ms. Theberge, yes; Mr. Hines, yes; Ms. Altemus, yes; Mr. Bland, yes.

**AN EMERGENCY ORDINANCE TO WAIVE VARIOUS COUNTY  
FEES FOR RESTORATIVE ACTIVITIES  
RELATED TO HURRICANE ISABEL  
AND TO ALLOW CERTAIN TEMPORARY HOUSING**

**WHEREAS**, Hurricane Isabel struck Gloucester County on September 18, 2003 displacing many persons and causing serious property damage to portions of the County; and

**WHEREAS**, a local emergency was declared on September 16, 2003 in anticipation of Hurricane Isabel's landfall and a State of Emergency for the Commonwealth was declared by Governor Warner as well; and

**WHEREAS**, numerous homes and other buildings have been damaged or destroyed by the storm and there exists an ongoing need for both emergency and permanent repairs and reconstruction and for temporary safe and sanitary shelter; and

**WHEREAS**, substantial economic loss has been suffered by many citizens; and

**WHEREAS**, the Board of Supervisors of Gloucester County desires to take emergency action to assist the citizens of the County in addressing these needs;

**NOW THEREFORE BE IT ORDAINED AND ENACTED**, this 7th day of

October, 2003, by the Gloucester County Board of Supervisors that the following be effective immediately:

**AN EMERGENCY ORDINANCE TO WAIVE VARIOUS COUNTY  
FEES FOR RESTORATIVE ACTIVITIES  
RELATED TO HURRICANE ISABEL  
AND TO ALLOW CERTAIN TEMPORARY HOUSING**

**A. Purpose and intent.**

The purpose of this ordinance is to waive certain fees when permits are required under various ordinances of Gloucester County for the purpose of restoring, repairing, or reconstructing improvements to real property which were damaged or destroyed by the force of Hurricane Isabel. It is further the purpose of this ordinance to facilitate the provision of safe and sanitary temporary shelter for those displaced by the storm

**B. Fee Waiver.**

The following fees are waived for a period beginning with the date of adoption of this ordinance and ending on December 31, 2003 for any activity which is determined by the Director of Codes Compliance of Gloucester County to result from, or be necessitated by, damage caused by Hurricane Isabel:

1. Building permit and related fees required by Article 1 of Chapter 5 of the Gloucester County Code,
2. Zoning permit fees required by Section 15-11 of the Gloucester County Zoning Ordinance,
3. Erosion and Sedimentation Control Plan review and inspection fees required by Section 7.1.6 of the Gloucester County Code; and
4. Processing fees for permitted wetlands activities required by Section 20-4 of the Gloucester County Code.

Nothing in this section shall be construed to waive the requirement for permits for engaging in the above-mentioned activities or compliance with all other applicable regulatory requirements.

**C. Temporary Housing.**

Notwithstanding any provisions of the Zoning Ordinance of Gloucester County to the contrary, and notwithstanding the provisions of any other ordinances of Gloucester County, manufactured homes, modular buildings, travel trailers, or campers



may be used as temporary replacement housing for residential structures destroyed or made uninhabitable by Hurricane Isabel. Such temporary replacement housing may be approved by the County Administrator or the County Administrator's designee upon:

1. Certification by the Director of Codes Compliance that such temporary housing will serve as a temporary replacement in accordance with the provisions of this section; and
2. Certification of the Building Official that such temporary housing meets pertinent plumbing and electrical codes.

Any such approval may be for an initial period of up to six (6) months and extensions may be granted if deemed to be necessary and appropriate to facilitate the provision of permanent housing.

**D. Emergency.**

This ordinance is adopted as an emergency ordinance under the provisions of 15.2-1427 (F) of the Code of Virginia without public hearing and prior notice. The County Administrator is directed to take such steps as are necessary to insure re-adoption of this ordinance not later than the Board's regular meeting on December 2, 2003.

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**IN RE: APPOINTMENTS – BOARD OF ZONING APPEALS**

Mr. Whitley reminded the Board that they needed to make a recommendation to the Circuit Court Judge regarding an appointment to the Board of Zoning Appeals.

Mr. Hines indicated that he wished to let the new Board make a recommendation on the Board of Zoning Appeals appointment.

After a brief discussion, Mr. Blake suggested that since Mr. Rilee is running unopposed in the Abingdon District, that it would be appropriate for Mr. Hines to discuss with him the need for an appointment to the Board of Zoning Appeals.

It was emphasized that Mr. Wray Herring had resigned effective September 30<sup>th</sup>.

Mr. Hines indicated that he would have an appointment by the next meeting.

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**IN RE: APPOINTMENT – CLEAN COMMUNITY COMMITTEE**

No recommendations for appointments to the Clean Community Committee were made.

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**IN RE: APPOINTMENT – HOUSING ADVISORY BOARD**

Mr. Adams advised that he would have an appointment to the Housing Advisory Board for consideration at the next meeting.

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**IN RE: APPOINTMENT – LIBRARY BOARD**

No recommendations for an appointment to the Library Board were made.

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**IN RE: APPOINTMENT – OLDER ADULT COMMITTEE**

No recommendations for appointments to the Older Adult Committee were made.

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**IN RE: ANNOUNCEMENTS**

Mr. Whitley noted that he would have some issues that need to be discussed at the Board's scheduled meeting on Tuesday, October 21, 2003. He indicated that the Board needed to discuss the availability of a \$700,000 housing grant to assist with housing needs in the areas most affected by Hurricane Isabel. Mr. Whitley indicated that the Jenkins Neck area seemed to be the most affected area of the County and in order to meet the criteria of the grant, the area had to be defined. Mr. Whitley further indicated that the grant would only apply to those who meet the eligibility requirements.

Mr. Whitley indicated that an informal public hearing had to be held on the matter, and since that had not been done, he would bring the matter to the Board on October 21, 2003. He indicated that the public hearing did not have to be before the Board. Mr. Whitley further told the Board that there will be a lot more need than the grant can meet, and he further noted that the grant was a competitive one. Mr. Whitley further indicated that the Bay Aging group is looking for someone to oversee this project and would get back to him as soon as possible.

Mr. Whitley advised that he would answer questions should the Board have them.

Mrs. Altemus next discussed a committee to recommend on the use of the old Library Building on Main Street.

Mr. Whitley advised that he remembered that the use of the Library building had been discussed relative to use by the Senior Citizens.

Mr. Whitley advised that there is a lot of sentiment and strong feeling regarding the Library Building and its use.

After a brief discussion, it was the consensus of the Board that Mr. Whitley develop a structure regarding the committee that is to be appointed to study the use of the Library Building.

Mr. Whitley advised that he would put the matter on the October 21, meeting for discussion.

Regarding the convenience center on Route 216, Mr. Whitley advised that the cost for the operation of the center through Sunday was \$163,000. Mr. Whitley noted that other costs incurred included an estimated damage figure for minor damages to 600 residential structures at a cost of \$6,000,000; major damages to 130 residential structures estimated at \$7,150,000; docks and bulkheads at \$1,500,000; public facilities at \$500,000; debris at \$1,500,000; crop damage at \$2,500,000 for a total of \$19,150,000.

Mr. Whitley suggested that the Board may wish to tour the damaged areas of the County and get a first hand look.

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**IN RE: COUNTY ATTORNEY ITEMS**

The County Attorney, Mr. Stuck, addressed the Board and advised that the Burning Ordinance had been forwarded to the state and he had received verbal notice that they would consider the ordinance at their first meeting in November.

Mr. Stuck indicated that he would be taking some time off next week, but would be available to the Board by cell phone if they wished to contact him.

Mr. Stuck next discussed the matter of an assistant county attorney in his office. He indicated that he would like to implement the recommendation which was to share a part time position with the Commonwealth's Attorney Office. He explained that the position would be upgraded to a full time position with the time being split between the two offices. This gives the County a lot of backup and really helps the county. Mr. Stuck noted that Nancy Reeves is the individual in question. She has a private practice in Mathews which she would have to give up for the full time position. This gives the county a experienced attorney at a reasonable cost. Mr. Stuck noted that the money is already in the budget and does not require any Board action. He indicated that if this is acceptable to the Board he would like their approval.

Ms. Altemus indicated that she had some serious concerns.

Mr. Stuck indicated that the cost would be \$40,000, (with benefits) of the \$60,000 that is already budgeted, with \$20,000 left to go elsewhere in the budget.

Ms. Altemus indicated that a full-time attorney could be hired for \$62,000.

Mr. Stuck indicated that this was correct. He further indicated that \$27,000 of those funds would come from Social Services.

Mr. Allen indicated that there is a contracted line item in their budget. He further indicated that the current person representing Social Services does an excellent job and that the Social Services Board was more than pleased with her performance.

In response to an inquiry from Ms. Altemus, Mr. Stuck indicated that the part time county attorney position would be under his supervision for the County work she does, and under the supervision of the Commonwealth's Attorney's Office for the work she does for the Commonwealth, and that they both would evaluate her performance accordingly. He clarified that the position would not be an independent contractor.

Mr. Stuck indicated that an attorney with local government experience cannot be retained for the salary as described by Ms. Altemus.

During more discussion, Ms. Altemus asked when the current grant that funds the Assistant Commonwealth's Attorney position expire.

Mr. Stuck indicated that the grant is on an on-going program basis, and he did not know how many years it would be effective.

Ms. Altemus again expressed concern regarding the proposed salary for the assistant county attorney.

Mr. Stuck indicated that the Assistant Commonwealth's Attorney has experience in Gloucester for the last three years. She has over 12 years of litigation experience, and has worked with big law firms in northern Virginia. She knows civil defense work. She knows the judges in Gloucester. She knows the Juvenile Court system and understands the processes, which is huge advantage over an outside attorney.

After more discussion on the matter, at the suggestion of Mr. Blake, Mr. Bland requested Mr. Whitley to put Mr. Stuck's recommendation regarding the part-time assistant county attorney position on the agenda for the November 5<sup>th</sup> meeting.

Regarding the issue of tax relief for storm related damages, Mr. Bland asked that the County Attorney provide more information on this matter, and that it be put on the October 21<sup>st</sup> meeting agenda.

Mr. Blake publicly thanked Mr. Whitley, Sheriff Stanaway and his staff, Abingdon and Gloucester Fire and Rescue, and all those involved in providing assistance to the citizens of Gloucester County during and after Hurricane Isabel.

On a related matter, Mr. Blake noted that the power had not been restored to the Walter Reed Convalescent Hospital until sometime Sunday afternoon while power had been restored to the Seven Eleven Store and Walter Reed Hospital on Friday afternoon. He asked that this matter be looked into and see if Virginia Dominion Power can reroute power to Walter Reed Convalescent Center so that it is on the same trunk line as Riverside Walter Reed Hospital.

Mr. Adams inquired regarding the request to the Planning Commission to study the matter of 10,000 square foot lots and to make a recommendation to the Board.

Ms. Theberge advised that a study committee had been reviewing the matter of 10,000 square foot lots and studying ways to address the matter. She indicated that they were considering whether it should be viewed on a density basis, or on a square foot lot size. She indicated that they were trying to come up with a baseline density which would actually be about 2.7 houses per acre. She indicated that they wanted to figure out exactly what density the Zoning Ordinance produces and just how to address these issues.

After more discussion on the matter, Mr. Stuck indicated that the Comprehensive Plan calls for a density of 2 units per acre and the Planning Commission is trying to find a method by which they can resolve the differences.

Mr. Stuck further noted that the Code of Virginia says that when the County reduces the density, every property owner in the County who will be affected must be notified. It was clarified that almost every landowner in the County would be affected.

Ms. Theberge indicated that the Planning Commission is seriously working on the issue and will get back to the Board as soon as possible.

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**IN RE:       ADJOURNMENT**

On a motion by Ms. Theberge, seconded by Mr. Allen, the meeting was adjourned until October 21, 2003 at 7:00 P.M. in the Colonial Courthouse. The motion was then carried by the following vote: Mr. Blake, yes; Mr. Adams, yes; Mr. Allen, yes; Ms. Theberge, yes; Mr. Hines, yes; Ms. Altemus, yes; Mr. Bland, yes.

