

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE SEVENTH DAY OF NOVEMBER, TWO-THOUSAND AND FIVE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

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| 1. | <u>ROLL CALL</u> | <u>ALSO PRESENT</u> |
| | Jack Fraley | William Porter, Assistant County Administrator |
| | Don Hunt | John Horne, Development Manager |
| | Jim Kennedy | Marvin Sowers, Planning Director |
| | Mary Jones | Adam Kinsman, Assistant County Attorney |
| | George Billups | Don Davis, Principal Planner |
| | Shereen Hughes | Tammy Rosario, Senior Planner |
| | Wilford Kale | Matthew Arcieri, Senior Planner |
| | | Ellen Cook, Senior Planner |
| | | Matthew Smolnik, Planner |
| | | Jason Purse, Planner |
| | | Toya Ricks, Administrative Services Coordinator |

Mr. Marvin Sowers read a statement regarding a newspaper article that appeared in the Virginia Gazette the previous Saturday. He apologized to members of the Planning Commission and citizens for emails by staff that gave the perception of denigrating the role of the Commissioners. Mr. Sowers also stated that staff values the Planning Commission decision-making process.

2. MINUTES
- A. OCTOBER 3, 2005 REGULAR MEETING

Mr. Fraley motioned to approve the minutes.

Mr. Kennedy seconded the motion.

In a unanimous voice vote the minutes were approved (6-0). (Kale abstained)

3. COMMITTEE AND COMMISSION REPORTS
- A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley presented the report. The DRC considered four cases at its November 2nd meeting. The Committee recommended preliminary approval, subject to agency comments for: Colonial Heritage Phase 4 for 137 lots, two entrances on Massie Lane for Titan Concrete, and a mixed retail-residential property at 4315 New Town Avenue in New Town. The Committee also recommended preliminary approval, subject to agency comments of its quarterly review of the shared parking plan for New Town. A fifth case, landscape modifications for DCB, LLC's storage

facility in Greenmount, was deferred at the applicant's request. Mr. Fraley stated that all votes were unanimous.

Mr. Kennedy motioned to approve the DRC report.

Ms. Jones seconded the motion.

In a unanimous voice vote the report was approved (7-0).

B. POLICY COMMITTEE

Mr. Billups presented the report. The Committee considered case ZO-6-05 at its October 27th meeting. He said the Committee endorsed the proposal but requested a more specific definition of some terms. Mr. Billups stated that the case was on the agenda to be considered later in the meeting when more detail would be given.

4. PLANNING COMMISSION CONSIDERATION

A. 2006 PLANNING COMMISSION CALENDAR

Mr. Sowers presented the proposed schedule. He said the calendar was similar to the 2005 calendar including moving meetings that would fall after a holiday to the second week of the month. He also noted that reserve dates had been included as well.

Mr. Kennedy motioned to approve the calendar.

Mr. Billups seconded the motion.

Mr. Kale asked when Planning Commission packets were available to the media each month.

Mr. Sowers said that packets are available to the media the morning after the Commissioners' are delivered.

In a unanimous voice vote the calendar was approved (7-0).

B. ZO-6-05 INITIATING RESOLUTION – GARDEN SUPPLIES DEFINITION

Mr. Arcieri presented the initiating resolution. The Policy Committee met and considered an amendment to the Zoning Ordinance to allow retail garden supplies in the A-1 Zoning District. The Committee endorsed the change but asked staff to prepare a definition of retail garden supplies. Staff recommended approval of the resolution.

Mr. Billups asked if any Policy Committee members wished to speak.

Ms. Jones said the term “garden supplies” seemed rather broad. She said that since this was an amendment to the Zoning Ordinance it should have a tighter definition of what garden supplies entailed.

Ms. Hughes agreed with Ms. Jones

Mr. Billups said the key things were compliance and justification.

Mr. Kennedy motioned to approve the resolution.

Mr. Kale seconded the motion.

In a unanimous voice vote the resolution was approved (7-0).

C. ZO-9-05 INITIATING RESOLUTION – APPEALS FROM BOARD OF ZONING APPEALS

Mr. Kinsman presented the initiating resolution. He said that County Code states that an appeal from the decision of the Board of Zoning Appeals must be made within 30 days from the date that the decision is filed in the office of the Board. He said that a recent decision of the Virginia Supreme Court invalidated a similar provision. Mr. Kinsman recommended adoption of the initiating resolution to change the County Code to comport with the Court decision.

Mr. Kale asked what the Court felt was more appropriate.

Mr. Kinsman said that the 30 day appeal period would start on the date that the Board makes its final decision rather than the date when the decision was filed in the office of the Board.

Mr. Kale motioned to approve the resolution.

Mr. Kennedy seconded the motion.

In a unanimous voice vote the resolution was approved (7-0).

5. PUBLIC HEARINGS

A. ZO-6-05 Zoning Ordinance Amendment – Retail Sales/Gardening Supplies

B. Z-12-05 Toano Business Center

C. Z-14-05/MP-11-05 Burnt Ordinary MP Amendment

D. Z-15-05/MP-12-05 Stonehouse Planned Community MP Amendment

E. Z-13-05/MP-10-04/SUP-31-05 Monticello at Powhatan North

F. Z-16-05/MP-13-05 New Town Sec. 9 Settler’s Market

Mr. Hunt stated that the applicants requested deferral of these cases until December 5. He also stated that the applicant for Z-14-05/MP-11-05 Burnt Ordinary MP Amendment requested an indefinite deferral.

Mr. Sowers said staff concurred with the requests.

Mr. Hunt opened the public hearing.

Mr. Andrew Poole, 4019 E. Providence Road, spoke regarding case Z-13-05/MP-10-05/SUP-31-05 Monticello at Powhatan North. He stated that historical data shows that in James City County density increases do not provide any benefits to citizens. Mr. Poole also said density increases strain County services and increase traffic. He asked Commissioners to review proposals very closely for sufficient benefits and mitigate impacts.

Hearing no other requests; the public hearings were continued.

Mr. Kale stated that there currently exists an Adequate Public Schools Facilities Test policy by the Board of Supervisors. He stated that he felt the Planning Commission needs an Adequate Public Schools Facilities Test which would include the expected enrollments from projects already approved by the Commission but not yet built.

Mr. Kennedy agreed and requested that water be included as well.

Ms. Hughes said that road capacity should be included also.

Mr. Kale asked for clarification of Ms. Hughes' request.

Ms. Hughes said she would like to see the anticipated capacity of roads based on already approved development as well.

Mr. Kale motioned to have the Policy Committee study all three issues.

Ms. Jones said the Policy Committee would gladly review the matters.

Mr. Fraley agreed.

Mr. Kennedy seconded the motion.

Mr. Billups said the Policy Committee would study these issues. He also stated that he has been trying to gain a cumulative outlook on these items.

In a unanimous voice vote the motion passed (7-0).

G. Z-6-05/MP-4-05 WARHILL TRACT

Mr. Matthew Arcieri presented the staff report. James City County has applied to rezone approximately 155± acres from PUD-C, Planned Unit Development - Commercial, and M-1,

Limited Business/Industrial, with proffers, to 145± acres of PUD-R, Planned Unit Development - Residential, 8.77± acres of PUD-C, Planned Unit Development - Commercial and 1.14± acres of R-8, Rural Residential, with amended and restated proffers, for the development of the Williamsburg/James City County Third High School, Thomas Nelson Community College - Williamsburg Campus and 8.77± acres of commercial development. The properties are located at 5700 Warhill Trail and 6450 Centerville Road and can be further identified as Parcel Nos. (1-12) and (1-13) on James City County Real Estate Tax Map No. (32-1). Staff found the proposal consistent with the Comprehensive Plan and previous actions taken by the Board of Supervisors. Staff recommended approval.

Mr. Hunt opened the public hearing.

Hearing no requests; the public hearing was closed.

Mr. Kennedy motioned to approve the proposal.

Mr. Billups seconded the motion.

Mr. Kale stated that the high school building was designed to accommodate 1,200 students. He asked how the building could be expanded to accommodate the School Board's standard of 1,400 students.

Mr. Porter pointed to an approximate location on the site plan.

Mr. Kale stated that the building could not expand to accommodate more than 1,400 students without denigrating recreational activities and parking, and stated that recreational facilities should be shared between the School Board and Parks and Recreation.

Mr. Porter said that additional recreation would take place at the District Sports Complex. He also thought a use agreement was being developed.

Mr. Kale asked if a use agreement had been tried before.

Mr. Porter said yes.

Mr. Kale asked which group had priority for use.

Mr. Porter said he assumed that for school facilities it would be the schools and for County facilities it would be groups that already had agreements.

Mr. Kale and Mr. Porter discussed how priority and user agreements would work.

Mr. Kale asked if it would make better sense to move the parking for the high school towards the stadium and share it.

Mr. Porter said it was unlikely given the topography and the plan that has been approved by the School Board.

Mr. Kale said the site plan was not designed for flexibility and that the amount of land was insufficient. He said he was concerned that the school will be obsolete when it opened.

Mr. Porter said there are competing interests for the un-programmed area shown on the site plan that it would have to be worked out. He said that with respect to Thomas Nelson, the County was responsible for parking lots, buildings, roads, water and sewer and storm water.

Mr. Kennedy said shared core facilities could have been utilized for these facilities.

Mr. Porter pointed to a shared building on the site plan. He also said there is an agreement between Thomas Nelson and the School Board to allow students from the high school to take classes and receive credit.

Mr. Kennedy said that community colleges traditionally have more night classes so that some of the additional classroom space at the college could be used by the high school and vice versa. He stated that core facilities like the cafeteria and library should be shared. He also asked what phase of construction the high school was in.

Mr. Porter said they had broken ground.

Mr. Kale asked how many other facilities would be allowed to break ground before the rezoning was approved.

Mr. Porter said the school could be placed there under the current zoning. He said the rezoning was to bring all the elements together. Mr. Porter also said that once the land for the college had been turned over to the State, local ordinances would not apply if no proffers were attached.

Ms. Jones said she was concerned about the lack of auxiliary gymnasiums and additional multi-purpose fields and the need for busing for physical education and sports activities. She also said she did not think this was the best design for the land. Ms. Jones said the stadium should be built with expansion in mind to accommodate tournaments.

Mr. Porter said the stadium would be built to accommodate expansion.

Mr. Fraley said the property allocation and athletic facilities were inadequate. He said the school should be designed to expand beyond 1,400 students. He also talked about his experiences as a coach in trying to locate and staff athletic fields. Mr. Fraley stated that he would support the proposal.

Mr. Porter said the school size was set by School Board policy.

Mr. Hunt stated that he had the same reservations about expansion.

Mr. Billups said the key thing is to turn the land over to the State. He said he agreed with the other Commissioners, but would approve the transfer of the land.

In a roll call vote the application was approved (6-1). AYE: Kennedy, Jones, Fraley, Hughes, Billups, Hunt (6); NAY: Kale (1).

H. Z-13-05 VILLAGE AT TOANO

Mr. Jason Purse presented the staff report. Mr. Vernon M. Geddy, III has applied to rezone approximately 20.881 acres of land near the intersection of Forge Road and Richmond Road from A-1, General Agricultural, to R-5, Multi-Family Residential, with proffers, for the development of 91 town homes under condominium ownership. The property is also known as parcel (1-10) on the JCC Tax Map (12-3). The site is shown on the 2003 Comprehensive Plan Land Use Map with two different designations. Staff recommended the Planning Commission defer the case until all agency comments had been received and taken into account.

Mr. Billups asked what the sales prices of the town homes would be.

Mr. Purse said \$300,000.

Mr. Hunt opened the public hearing.

Mr. Vernon M. Geddy, III represented the applicant. He stated that he recognized the case would be deferred but wanted to take the opportunity to get feedback from Commissioners. Mr. Geddy highlighted some of the benefits of the proposal. He said there would be one developer ensuring a quality design. He also said two-thirds of the development would be two unit buildings and the balance would be three unit buildings.

Mr. Kennedy asked where the recreation would be located and how large the playground would be.

Mr. Geddy pointed to the areas on the location map. He said the playground was a quarter of an acre.

Mr. Kennedy asked what amenities would be in these areas.

Ms. Vaughan Rinner, Land Mark Design Group, said it would be a passive park with community gardens. She said the playground would have toddler equipment in one area and equipment for older children in another.

Mr. Kennedy asked how close the entrance and exit were to the Fire Department. He also asked what the traffic studies show with regard to being so close to the Fire Department.

Ms. Rinner did not know the distance. She said the traffic studies show that it would be fine. She also said there was some flexibility to move them if necessary.

Mr. Kennedy stated that he was concerned about the proximity to the Fire Department, the lack of active recreation areas, the size of the playground, amount of the cash proffers, and its fit with Toano's character.

Ms. Rinner said there would be outdoor gathering areas in each courtyard.

Mr. Geddy completed his presentation. He said the development would be an attractive addition to the revitalization of Toano.

Mr. Billups asked the least number of units that could be built and still maintain the project.

Mr. Geddy said he could not answer.

Mr. Billups asked if there was an age restriction.

Mr. Geddy said there was no age restriction but the target market was empty nesters.

Mr. Billups asked the applicant to consider if any of the \$350,000 unit prices could be adjusted to accommodate lower to moderate income citizens.

Mr. Geddy said it could be looked into but stated that it was not the intention of the project.

Mr. Kale said that he could not take any position on the proposal until the completion of the Toano Community Character Area Study. He was also concerned about the request for a height waiver, the buffer's adequacy, and the project's fit in the Toano community.

Mr. Geddy stated that the reason for the height waiver request was to get the steeply pitched roofs. He also stated that the project had been underway for two years.

Mr. Kale suggested the applicant wait until the completion of the study.

Mr. Fraley asked when the study was expected to be finished.

Mr. Sowers said January 2006.

Mr. Fraley said he had difficulty supporting the proposal until the Toano study was completed. He questioned whether the project fit the location. He also stated his concerns about traffic. Mr. Fraley asked staff to review the policy of relying on independent traffic studies paid for by applicants.

Ms. Hughes concurred with the previous comments. She stated that she saw the area as a transition between the Village of Toano and adjacent rural land and did not feel it provided a good transition. Ms. Hughes also stated her concerns over the lack of affordable housing.

Mr. Kennedy said the problem with the Comprehensive Plan was that it is not land use specific. He said he had concerns about traffic and recreation and did not think it was a good fit.

Mr. Kennedy said he could not support the application.

Mr. Geddy said that over the last three years a number of affordable projects had been approved. He said that need is being met.

Ms. Linda Rice, 2394 Forge Road, represented Friends of Forge Road in Toano. Ms. Rice recommended denial of the proposal and submitted a petition supporting the recommendation. She stated some of the concerns were traffic, inappropriateness for a Community Character Corridor, the pending study, and the possible domino effect of inspiring other rezonings.

Mr. Rich Krapf, 2404 Forge Road, recommended deferral until the completion of the Toano Community Character Area Study. He said the project was wrong for a Community Character Area and Corridor. Mr. Krapf also said the project was out of scale for the area and negatively impacted traffic.

Ms. Victoria Gussman, 7308 Church Lane, said the proposal offered some positive elements but needed improvement. She also said she was concerned about schools.

Mr. Joel Gussman, 7308 Church Lane, requested deferral of the proposal until the Toano Community Character Area Study is completed. He stated that he wanted to see a revival of Toano and that any project should enhance that.

Mr. Ray Basley, 4060 S. Riverside Drive, was concerned about the strain on County services including water and schools. He said there did not appear to be enough room for emergency vehicles. Mr. Basley recommended denial of the application.

Mr. Kale motioned to defer the application.

Ms. Jones seconded the motion.

In a unanimous voice vote the application was deferred.

I. Z-7-05/MP-5-05/HW-3-05 JAMESTOWN RETREAT

Mr. Matthew Smolnik presented the staff report. Mr. Vernon M. Geddy, III has applied to rezone 16.5 acres at 1676 & 1678 Jamestown Road and 180 Red Oak Landing Road currently zoned LB, Limited Business, LB, Limited Business and R-2 General Residential respectively to R-5 Multi-Family Residential. The property is also known as parcels (1-36), (1-37), and (1-39) on the James City County Real Estate Tax Map (47-3). The applicant is proposing to consolidate three properties into one and proposes to redevelop the single property with four - three story buildings containing a total of 66 age-restricted condominium units at a density of 4.0 dwelling units per acre. The site is designated for Low Density Residential and Conservation Area by the James City County Comprehensive Plan. Low density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre with up to four units per acre with certain benefits. Conservation Areas are land suitable for fish and game preserves, parks and other open space that compliment the natural environment.

Staff believes that the proposal will negatively impact the surrounding properties. Staff found the proposal inconsistent with the Comprehensive Plan Land Use Map designation and recommended the Planning Commission recommend denial of this application to the Board of Supervisors.

Mr. Hunt opened the public hearing.

Mr. Vernon M. Geddy, III represented the applicant. Mr. Geddy showed photos of the property and the abandoned retail store currently on the property. He said the proposal will enhance the Jamestown Corridor before Jamestown 2007 and meet a need for active adult housing in the community. Mr. Geddy also showed proposed elevation plans.

Mr. Kale said the building shown on the elevation plans appeared to be four stories. He asked for a guarantee that the attic space would not be occupied.

Mr. Geddy said yes.

Mr. Kale asked why the applicant and staff had not reached an agreement that would have allowed staff to support the application.

Mr. Geddy said the applicant was not aware of the remaining small issues until Friday.

Mr. Kale asked if the applicant would consider a one month deferral to resolve those issues. He also expressed his concern with encroachment into the wetlands.

Mr. James Peters, AES Consulting Engineers, said they have had discussions with the Environmental Division about the possibility of being close to the wetlands during construction but that they will try to avoid that.

Mr. Kale asked staff if the proposal will require DRC consideration.

Mr. Sowers confirmed that it would.

Mr. Peters talked about the proffer for rare and endangered species and the applicant's efforts to minimize impacts to wetlands.

Ms. Kathleen Hornung, 108 Wood Pond Circle, represented the Settlers Mill Homeowners' Association. Ms. Hornung referenced a letter from the Association Board of Directors included in the Commissioners' packets. She said the group felt the 150' foot buffer along Jamestown Road should be maintained. Ms. Hornung said they were also concerned about the environmental issues.

Mr. Dan Caprio, 132 Exmoor Court, represented Grace Covenant Presbyterian Church. Mr. Caprio stated their support because of its benefit to the blighted area.

Mr. Reed Weir, 29179 The Hall Road, Branchville, VA., said his property is adjacent to the East of the parcel. Mr. Weir recommended denial of the proposal. He also requested similar density for his property should the proposal receive approval.

Mr. Kale asked to see Mr. Weir's property on the location map.

Mr. John Schmerfeld, 128 Jordan's Journey, represented The Friends of Powhatan Creek Watershed. Mr. Schmerfeld stated that the organization was concerned with wetlands and steep slopes. He also referenced a letter from the group included in the Commissioner's packets. Mr. Schmerfeld outlined the potential changes in hydrology on the site.

Mr. Kale asked Mr. Schmerfeld his opinion on how the church has denigrated wetlands on the site and how this proposal would further impact them.

Mr. Schmerfeld said that he did not know but felt that it should be reviewed by a hydrologist.

Mr. Kale asked Mr. Schmerfeld if he was concerned whether a typical BMP would function at the site.

Mr. Schmerfeld said alternatives might have to be considered.

Ms. Ann Hewitt, 147 Raleigh, said that the four buildings being considered for a height waiver could be seen from the Parkway Bridge at Jamestown Settlement. Ms. Hewitt read page 134 of the Comprehensive Plan site and asked Commissioners to abide by those guidelines.

Ms. Kensett Teller, TK Oriental Antiques, said that the proposal was not consistent with the surrounding uses and was out of scale and balance. She also stated concerns about wetlands, traffic, height, and large amounts of hard surfaces.

Hearing no other requests to speak, the public hearing was closed.

Ms. Jones commended the applicant for meeting with neighbors. Ms. Jones said she did not think the proposal was a good fit for the parcel. She also stated that the project was not an overall enhancement to Jamestown Road and expressed concerns about buffer width, traffic and Powhatan Creek.

Mr. Fraley thanked the applicant for addressing input from neighbors and creating a better design. Mr. Fraley said the area was in dire need of redevelopment but stated that the current zoning was more consistent with the surround area. He said he preferred neighborhood commercial on the front and low density residential on the rear.

Ms. Hughes concurred with Ms. Jones and Mr. Fraley. She said that A-type hydrologic soils exist on the site where the LID basins will be placed. Ms. Hughes stated concerns with any disturbance of wetlands.

Mr. Kennedy praised the quality of the applicant's work and his attention of detail. Mr. Kennedy also stated his contentment with the current zoning and hoped the applicant had other options.

Mr. Kale asked how many units could be constructed by-right on the residential portion of the site.

Mr. Geddy answered approximately 18.

Mr. Kale noted several letters from citizens referencing a report from the Wessex Group indicating a negative impact to the County of \$110,000 annually. Mr. Kale said he had not seen the report.

Mr. Geddy said the letters were based on an earlier version of the proposal that included rental units with greater density. Mr. Geddy said the current proposal at build out would provide an annual positive for the County.

Mr. Kale stated his concern that staff did not support the proposal. He also said he agreed that something should be done with the site but he was not sure this was the right project.

Mr. Billups stated that he felt the 150 foot setback could be maintained with commercial on the front and residential on the rear. He said he did not think rezoning was necessary.

Mr. Geddy pointed out that with a commercial development only a 50 foot buffer would be required.

Mr. Fraley motioned to deny the application.

Mr. Kale seconded the motion.

In a unanimous roll call vote the application was recommended for denial (7-0). AYE: Kennedy, Jones, Fraley, Hughes, Kale, Billups, Hunt (7). NAY: (0).

6. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the report. He pointed out up-coming meetings of the Rural Lands and Toano Area Study Committees.

Mr. Billups inquired about the feasibility of a signal at the intersection of Centerville and Longhill Roads. He said he has made aware of concern that the increased development in the area has increased the likelihood of an accident occurring.

Mr. Sowers said staff would initiate discussions with Virginia Department of Transportation.

Mr. Kale notified the other Commissioners that he had requested staff provide copies of the email document that was discussed in the Virginia Gazette. He said that since it was provided by the County in response to an FOIA (Freedom of Information Act) for one of the Commissioners he would like for staff to make it available within the next 48 hours.

Mr. Kinsman said the document was lengthy and offered to make it available by other means.

Mr. Kinsman and Mr. Kale discussed different methods of delivering the document. Mr. Kale said it was imperative that all the members got a chance to exam every element of every page.

Mr. Kennedy talked about his reasons for requesting copies of the aforementioned emails. He said he asked a simple question pertaining to the Rural Lands and Toano Area Study. He stated that he had asked about the disbanding of the prior Rural Lands Committee that was appointed in 2000. He said he asked how the new committees were formed and that he was told was by staff that they would need to get back to him. He said he was content with that answer and waited a couple of weeks. Mr. Kennedy stated that although he appreciated and accepted Mr. Sowers' apology on TV and in a room full of people that he did not find his internal email as being playful. Mr. Kennedy said that an email dated September 2004 showed that the Rural Lands committee was being discussed. He said Mr. Davis was a recipient of an email from former Assistant County Attorney Mr. Michael Drewry which listed quite a few different people. He said he appreciated the efforts of staff to have a diverse group of people but that what he did not expect to find in the emails were some of the statements that were attached to them. Mr. Kennedy stated that he took great pride in what he does with the Planning Commission and in the fellow commissioners he serves with. He said he was very disappointed that there were comments made in the emails to keep Planning Commissioners off those committees and that those statements were made in July a full three months before he asked his question and that they were carbon copied to several of the people now in the room. He said that what concerned him with that was that it was a calculated effort for a matter of months. He stated that he was fine with the fact that the Supervisors and Board members who were involved with those emails may have made some choices but that he merely asked a question and had it been answered he would not have filed a FOIA (Freedom of Information Act) request. He said that he had not wanted to do one. Mr. Kennedy said he didn't appreciate comments in those emails about the Commission, the Board of Supervisors and citizens. He stated that he had devoted much of his time and resources to serving this community in the 20 years he's been here. He said that Planning Commissioners volunteer to better the community. He also said that what he didn't know in Mr. Sowers' apology whether staff was sorry for what was said or sorry they were caught. Mr. Kennedy went on to say that he did appreciate Mr. Davis' comment that there were no minorities appointed and that Mr. Davis was somewhat concerned. He said what concerned him was that no one took the time to reply back to Mr. Davis. Mr. Kennedy encouraged the Board of Supervisors to stop the proceedings on these two committees and re-evaluate them. He stated that he was not suggesting that they should replace good people but perhaps add a couple so that the committees are more reflective of the community through race, gender and other areas. Mr. Kennedy said that not all of the rural lands in this area are located in Toano and that there were many people who asked to serve on these committees repeatedly and were denied. He also said he felt personally insulted when he learned that the

Chairman of the Board of Supervisors and Planning Commissioners had been insulted. He stated that he hoped that both groups could work through this but that his first intention after reading those emails was to resign but that if he quit staff wins and he's never quit and he won't quit now.

Mr. Fraley said that work should be done to repair relationships between staff and Planning Commissioners and that it was not clear whether that was going to be a quick or easy task. He stated that he was very disappointed with senior staff and felt he was personally insulted as well as the Planning Commission as a whole. Mr. Fraley suggested that senior staff ask commissioners their opinion of how they perform their jobs. He said if asked he promised to do it in the open and to speak to them directly and not behind their backs.

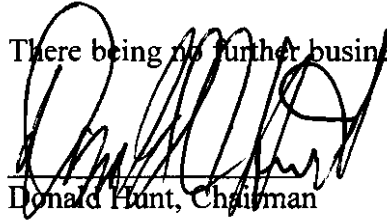
Mr. Kale stated that what bothered him was the culture he believes pervades planning in the county. He said that if this had been the only incident he would say okay we have an apology, we've made our statements, let's go. He said that it is his fervent belief that this is the tip of the iceberg. He stated that he believes that senior planning staff has a culture in which they look down upon the Planning Commission and work with it only because they have to and if they had their druthers they would get rid of them. He said this was based on his experiences with staff and that there are citizens who have had similar experiences. He stated that he found it unconscionable that a project that was approved by the Commission and the Board took 17 months to get approval for construction. Mr. Kale stated that because staff had taken a position that was contrary to the Commission and the Board that staff would not allow the person get their permit. He said the person kept coming back month after month and that staff would add an item to it and when the applicant did what they were told another item would be added. Mr. Kale stated if staff can't lay out the seven objections they have and give a property owner a chance to comply then staff didn't know their job. He also said that he could cite four or five examples of that and that he thinks it's wrong. He said he has expressed that to Mr. Sowers before and thinks it's terrible the way some citizens are treated and that now he sees how they treat him. Mr. Kale responded to Mr. Kennedy's assertion that staff was disappointed that they got caught. He also stated that if staff didn't like him they should tell him. He said he didn't care how staff liked him and that he didn't care if they liked his colleagues but that he did care that they are doing the best job that they can for the community because that's the only reason he volunteered for this job. Mr. Kale said Planning Commissioners give an awful amount of time and that the satisfaction they get is what they generate among themselves. He said that extreme disappointment was his reaction when he saw the article on Saturday. He stated that he wasn't surprised but he was disappointed. He also stated that he might request that the Commission meet an hour earlier in December in a closed session to discuss personnel if upon reading all of the paperwork he feels any stronger. Mr. Kale said that work needs to be done in house to set a new atmosphere for the relationship between staff and the Commission and between staff and the supervisors.

7.

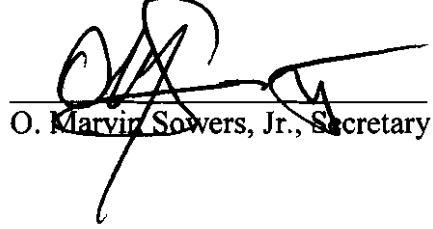
ADJOURNMENT

p.m.

There being no further business, the Planning Commission meeting was adjourned at 10:38



Donald Hunt, Chairman



O. Marvin Sowers, Jr., Secretary