AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, SEPTEMBER 7, 2004.

Board Members Present: ***John F. Coates, Chairman***
Steven L. Walker, Vice-Chairman
William C. Chase, Jr.
Sue D. Hansohn
James C. Lee
Steven E. Nixon
Brad C. Rosenberger

Staff Present: Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
Valerie H. Lamb, Finance Director
John C. Egertson, Planning Director
Paul Howard, Director of Environmental Services
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

INVOCATION

Rev. Randy Orndorff, Pastor, Culpeper United Methodist Church, presented the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Lee led the Board and members of the audience in the Pledge of Allegiance to the Flag.

RE: APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS

Frank Bossio, County Administrator, asked that item #3, Discussion of Joint Town Council/Board of Supervisors Retreat, be added under ***Administrator's Report***. He noted that there was a revised Control Sheet for a budget amendment for the Building Official's Department under ***RULES COMMITTEE***.

Mr. Nixon moved, seconded by Mr. Walker, to approve the agenda as amended.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: MINUTES

The minutes of the August 3, 2004 regular meetings and August 13, 2004 special called meeting were presented for the Board's for approval.

Mr. Chase moved, seconded by Mr. Nixon, to approve the minutes as presented.

Mr. Walker asked that the word *"financial"* be stricken in the 4th paragraph, 3rd line, page 4 in the

minutes of the August 3, 2004 morning meeting.

Mr. Chase amended his motion to accept the deletion requested by Mr. Walker. Mr. Nixon agreed to the amendment.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CONSENT AGENDA:

Mr. Bossio reviewed the following Consent Agendas items with the Board:

a. The Board will consider approving a budget amendment from the Department of Human Services for additional funds received in the areas of Headstart in the amount of $3,881.11.

b. The Board will consider approving a grant application for the Sheriff's Office from the Department of Criminal Justice Services (DCJS) for a VSTOP Program in the amount of $48,500.00. The funding will be used for a VSTOP domestic violence officer within the Sheriff's Office and also to purchase a PC and digital camera. No local funds required.

c. The Board will consider approving a grant application for the Sheriff's Office from the Virginia Department of Health for services from the Center for Injury and Violence Prevention in the amount of $2,500.00. The funding will be used for child safety seats, smoke alarms, a police bike and funding to provide information through the media. No local funds required.

d. The Board will consider approving a budget amendment for the Clerk of the Circuit Court for excess funds in FY 04 to be carried forward to FY 05 for a temporary part-time position in the amount of $8,000.00.

e. The Board will consider approving a budget amendment for the Department of Environmental Services in the amount of $70,346.00 for the County Engineer position. This position will assist the Building Official's Department, the Department of Planning and Zoning, and the Department of Environmental Services. Excess fees collected by the Building Official's Department during FY 04 will fund this position.

f. The Board will consider approving a budget amendment for the Library from a Gates Computer Grant through the Commonwealth of Virginia in the amount of $2,770.00.

g. The Board will consider approving a resolution appointing Alexander David Rowe for the newly created Deputy Animal Control Officer position.

h. The Board will consider approving a grant application for the Airport from the Commonwealth of Virginia, Department of Aviation, for a Stormwater Pollution Prevention Plan (SWPPP) in the amount of

$4,400.00. A local match of $1,100.00 is required and will come from the Airport's Operating Budget.

I. The Board will consider approving a budget amendment for the Sheriff's Office from funds received from an anonymous donor in the amount of $6,000.00. These funds will be used to assist in funding the Citizens Police Academy, annual banquet and other civic events.

Mrs. Hansohn moved, seconded by Mr. Lee, to approve the Consent Agenda as presented.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

GENERAL COUNTY BUSINESS

INTRODUCTION OF NEW EMPLOYEES

J. David Maddox, County Attorney, introduced Sandra Lemley, his new Legal Assistant, to the Board

Jamie Bennett, Animal Shelter Manager, introduced Alexander David Rowe, the new Animal Control Officer, to the Board.

Mr. Coates welcomed both Mrs. Lemley and Mr. Rowe to the County staff and the community.

Mr. Bossio read the following resolution into the record:

RESOLUTION APPOINTING ALEXANDER D. ROWE
AS DEPUTY ANIMAL CONTROL OFFICER PURSUANT TO
VIRGINIA CODE §3.1-796.104 AND CULPEPER COUNTY CODE §4-2

WHEREAS, the Board of Supervisors of Culpeper County is required to appoint an animal control officer and may appoint deputy animal control officers pursuant to Virginia Code §3.1-796.104 and Culpeper County Code §4-2; and,

WHEREAS, the Board believes its responsibility is to appoint persons to the office of Deputy Animal Control Officer since such persons are required to meet the needs of the citizens of Culpeper County for animal-related services; and,

WHEREAS, the Director of Animal Services has temporarily hired Alexander D. Rowe as a Deputy Animal Control Officer, subject to appointment by the Board.

NOW, THEREFORE, BE IT HEREBY RESOLVED that Alexander D. Rowe is hereby appointed to the office of Deputy Animal Control Officer pursuant to Virginia Code §3.1-796.104 and Culpeper County Code §4-2.

DONE this 7th day of September, 2004.

Witness this signature and seal:

BOARD OF SUPERVISORS OF CULPEPER

COUNTY, VIRGINIA:

BY: /s/John F. Coates
John F. Coates, Chairman

ATTEST:

Frank T. Bossio, Clerk to the Board

Mr. Chase moved, seconded by Mr. Walker, to approve the resolution appointing Mr. Rowe as Animal Control Officer.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: UPDATE ON RAPPAHANNOCK GOODWILL INDUSTRIES, INC. (RGI)

Woody Van Valkenburgh, President and CEO, was scheduled to provide an update on RGI's 2003 activities, but he was not present.

Mr. Coates stated the Board would pass over this item.

RE: AWARD OF MICROWAVE RADIO SYSTEM

Alan Culpeper, Director of Procurement, asked the Board to consider awarding a contract for the microwave radio system to Alcatel USA Marketing, Inc. He stated that an RFP had been issued for the system, and Alcatel was the favorable contractor at a cost of $716,512.

Mr. Chase asked whether Alcatel could operate over the County's current towers. Mr. Culpeper assured him that they could.

Mr. Chase asked whether Alcatel presented the lowest bid. Mr. Culpeper replied that Alcatel was the lowest bid and best value among the three proposals received. He said that the County would save approximately $700,000 by using the RFP process, rather than buying the system from a radio vendor.

Mr. Chase asked whether there was a maintenance contract included in the proposal. Mr. Culpeper replied that Alcatel provided a one year-warranty, but the vendor maintaining the radio system would be used to maintain the microwave system.

Mr. Chase moved, seconded by Mr. Walker, to award the contract to Alcatel USA Marketing, Inc.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: AWARD OF TELECOMMUNIATION FIBER OPTIC CABLE

Mr. Culpeper asked the Board to consider awarding a contract for the installation of the Emergency Operations Center (EOC) telecommunication fiberoptic cable to Maughan Construction Company, Inc., at a cost of $257,644.56. He said the contractor would install an underground fiberoptic cable between the new EOC and the County's Information Technology Department, as well as a copper line for the telephone system.

Mr. Lee moved, seconded by Mr. Walker, to award the contract to Maughan Construction Company, Inc.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: THREE-PARTY WATER AND SEWER AGREEMENT

John C. Egertson, Director of Planning, asked the Board to consider approving a three-party water and sewer agreement among the County of Culpeper, Town of Culpeper, and Petrie Ventures, the owner of a parcel of commercially zoned property directly adjacent to Lowe's Home Improvement Store (Tax Map/Parcel 41/71D). He explained that Petrie Ventures was seeking water/sewer to allow the development of a retail shopping center, with three additional out parcels. He stated that Petrie Ventures had submitted a site plan for a restaurant on one of the out parcels. He noted this parcel was part of the overall zoning that ultimately accommodated the Lowe's store and the Richmond American Homes development, both of which obtained three-party agreements through the same process. He said that that Petrie Ventures had executed the agreement, and it had been forwarded to the Town for approval.

Mr. Walker asked whether the Town would oversee the installation and maintenance of the system. Mr. Egertson replied that the agreements were written to allow the systems to be an extension of the Town system, the lines would remain Town-owned, and the Town would maintain them, but the agreements provided the opportunity for the County, upon notice, to take over ownership and operation at a later date. Mr. Walker indicated that because there was no cost to the Town, he assumed there would be no cost to the County to take over the system. Mr. Egertson stated that was correct.

Mr. Chase asked whether the Town had approved the agreement. Mr. Egertson stated that although the Town had not formally agreed, Town staff had indicated they had no problems with capacity or extension and anticipated approval would be given.

Mr. Walker moved, seconded by Mrs. Hansohn, to approve the three-party agreement with Petrie Ventures.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: THREE-PARTY WATER AND SEWER AGREEMENT

Mr. Egertson informed the Board that the three-party agreement was identical in format to the previous agreement. He explained that this request was for a parcel owned by Paul and Donna Bates, which was located at the corner of Route 15/29 Business and Route 666 (Tax Map/Parcel No. 41/126A) and zoned Heavy Industrial. He stated that Mr. Bates planned to divide the property into three parcels, one for his business and two which he would market for other businesses.

Mr. Chase moved, seconded by Mr. Nixon, to approve the three-party agreement with Paul and Donna Bates.

Mr. Walker pointed out that the Bates' property and that of Petrie Ventures would encircle the property owned by the Rappahannock-Rapidan Community Services Board (CSB), and he would encourage the CSB to hook on as well. Mr. Egertson stated that was the CSB's intention. Mr. Chase pointed out that the CSB had agreed to that condition when it obtained a use permit its treatment system.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: CONSIDERATION OF REIMBURSEMENT RESOLUTION

Mr. Bossio asked the Board to consider a resolution for reimbursement from indebtedness proceeds for one or more financings for school facilities.

Mr. Walker questioned the actual amounts shown in the resolution of "approximately $40,000,000 to $50,000,000" since the County's borrowing capacity was $20,000,000. Mr. Bossio stated that the total amounts of the project had not been contemplated, since only portions would be reimbursed at one time, but the amounts could be changed if the Board wished.

Mr. Maddox informed the Board that he discussed the resolution with the County's outside bond counsel, who advised that numbers be included in order to have something in place to recapture any monies spent prior to the bond issue, but the County was not bound by the specific numbers.

Mr. Walker said he felt the resolution should indicate the numbers as close to the true scenario

as possible. Mr. Maddox stated the numbers were not binding in any way, but it was within the Board's discretion to change the numbers if it wished to do so.

Mr. Chase asked whether the School Oversight Advisory Committee had a role in the discussions regarding this resolution. Mr. Maddox replied that it had not, and he did not think it was necessary.

Mrs. Hansohn stated that perhaps the numbers were realistic at this time since it was not known what the final number would be, but she thought the Board had a good idea that the County can only absorb so much debt and this would fall within that range. She suggested that the Board go forward with the resolution as presented, and, if necessary, it could be revised at a later time.

Mr. Maddox repeated that the numbers were not binding on this Board in any way or on any of the transactions. He agreed the resolution could be amended or a new resolution passed later, but the County's financial counsel recommended that a resolution should be put in place at the present time.

Mr. Chase moved, seconded by Mr. Lee, to approve the reimbursement resolution.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: CONSIDERATION OF AMENDMENTS TO SHW GROUP, INC. CONTRACT

Mr. Bossio informed the Board that a contract had been received from the SHW Group and modifications had been made by staff and the County Attorney before forwarding to the School Board for its review. He pointed out that the two important changes were (1) the ability for this Board to receive reports from the architect as progress continued with the new school, and (2) to outline options in terms of flexibility for costs.

Mr. Maddox had nothing to add to Mr. Bossio's explanation.

Mr. Chase asked whether the School had approved the changes. Mr. Maddox replied that both the School Board and the architect had signed the amendment.

Mr. Bossio stated that Joe Daniel was present and would like to address the Board.

Mr. Daniel informed the Board that the contract had been signed by the School Board and the architect. He said the project was very important to the community and he hoped that the Board would approve it.

Mr. Walker asked for clarification on several sections of the amended agreement, and the County Attorney provided him with further information.

Mr. Walker moved, seconded by Mr. Lee, to approve the amendment to the SHW Group

contract.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

COMMITTEE REPORTS

BUILDINGS & GROUNDS COMMITTEE/AUGUST 10, 2004/8:00 A.M.

Mr. Lee reported that the Buildings and Grounds Committee met and discussed several items. He asked Carl Sachs, Economic Development Director, to discuss the Virginia Regional Transportation Association (VRTA) proposal for a countywide bus route.

Mr. Sachs informed the Board that John Lassiter, Town Planner, made a presentation to the Buildings and Grounds Committee and distributed maps of the proposed bus routes. He said one route would cover the Jefferson, Catalpa, Salem, Cedar Mountain and Stevensburg Magisterial Districts on various days and another route called the "jobs route" would provide daily service between the Depot and the Airpark. The jobs route would leave at 6:30 a.m. and return in the evening. He noted that the system would be integrated with the Town system, and a passenger would pay when entering a Town bus and transfer to a County bus at no additional cost and vice versa. There would be fixed routes with possible deviations based on the passengers' needs. He said that the Town's Public Transportation Advisory Committee (PTAC) had worked very hard to identify routes that would work for everyone within the constraints of one bus, operating eight hours per day, five days a week.

Mr. Lassiter recalled that the PTAC had received approximately $120,000 from Federal and State sources in May 2004, with a 25 percent match from the County. He said that PTAC and County staff had met to ensure that the system served logical population centers and low- to moderate-income persons. He said there was a possibility of acquiring a second bus through Jobs Access Funds because of the jobs route. He displayed a map with the proposed routes and stated there would be a 90-day period of experimentation to determine the best routes with the highest ridership since bus service had not been offered in unincorporated areas before. He noted the bus would serve the five Magisterial Districts in a circuitous route, not intended to serve every single person, but to serve at least a majority of the people. The bus could deviate as much as 3/4 of a mile off the route with advance notification. The rotation would be twice a week for the Magisterial Districts and twice a day for the jobs line from 7:00 a.m. to 4:00 p.m., with a one-hour break in the middle of the day.

Mr. Lassiter stated that service would begin on Monday, October 4, and he explained in detail how the jobs route and rotating route would work in order to provide service to each Magisterial District.

He noted that there would be an equal number of trips provided twice a week to allow a whole hour for conducting business, etc., before the return trip. The charge would be 50 cents per destination, with free transfers to the Culpeper Connector.

Mrs. Hansohn asked what an individual would do who had a job five days a week and the bus only ran in his/her area two days a week. Mr. Lassiter pointed out that the jobs route ran daily, but the Magisterial Districts had been included on a rotating basis. Mr. Sachs added that the County bus route was not meant to service every individual who needed a ride to work. He said individuals would have to get to the Depot in order to commute daily to/from the Airpark since there were not enough hours or buses to provide service to everyone.

Mr. Lassiter stated that the PTAC had designed the jobs route to cover approximately 78 percent of the jobs in the unincorporated area.

Mrs. Hansohn asked whether permission had been received from property owners to place signage and bus stops on their property. Mr. Lassiter replied that was being discussed, but was not in place as yet.

Mr. Lassiter stated that County staff would be needed to work with PTAC: (1) to coordinate with businesses and handle the paperwork involved, (2) to determine where the signs would be placed along the route, and (3) to work with Mr. Arnold and Mr. Todd, the County representatives on PTAC, to provide background and other information they needed.

Mrs. Hansohn asked whether the project would be evaluated after one year to determine its success and its future. Mr. Lassiter confirmed that the grant was for one year, beginning and ending on October 1, and it could possibly be renewed.

Mr. Bossio informed Mr. Lassiter that Carl Sachs would be the point of contact for the three needs he identified, and John Egertson would be available if necessary.

Mr. Nixon stated that property owners who granted permission to place signs on their property should be made aware of the fact that the bus route could be a temporary service. Mr. Lassiter agreed that would be done as it was when the Town began its service.

Mr. Walker asked whether the Town has a 3/4 mile deviated route. Mr. Lassiter stated that the Town restricted its deviated route to ADA persons. Walker asked whether the County bus could travel farther than 3/4 of a mile if necessary. Mr. Sachs replied that would be possible, but at least 3/4 of a mile was required. Mr. Lassiter added that the hours of operation would be the deciding factor since the routes were timed for approximately one hour each.

Mr. Walker asked whether additional funding might be possible for the jobs route in order to

obtain an additional bus. Mr. Lassiter stated that was actually what happened in the Town. The Town started with one bus and Jobs Access Funds were used to obtain a second bus.

Mr. Lee stated that it was the hope of the Buildings and Grounds Committee that the routes could be expanded and an additional bus added.

Mr. Lee moved, seconded by Mr. Walker, to accept the Committee's recommendation and approve the bus routes.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Lassiter stated that the Board would have the honor to name the bus and to select a logo from the options printed on the handout. He said that the name should be distinctive from the Town's Culpeper Connector, and suggested "Culpeper Express".

Mr. Nixon asked why the Town suggested "Express" instead of "Connector". Mr. Lassiter replied that it was to alleviate any confusion between the two systems. Mr. Nixon stated that "County Express" would also be appropriate.

Mr. Walker asked whether VRTA felt the names should be different. Mr. Lassiter replied that it was the PTAC who recommended they be slightly different, but a VRTA representative was present and could answer.

Mike Socha, General Manager of VRTA, introduced himself and Ms. Lori Wicker, Transit Manager of the satellite office. He said he did not see any problem with naming the bus "Culpeper Express" in order for it to have its own identity, and he gave examples of the various names for the systems throughout Loudoun County. He said that providing connection points

between the Town and County system and having no transfer fee would be key to the system's success. He related the results of the survey conducted throughout the County which showed that of the 102 responses, 99 people supported bringing public transportation to Culpeper County, and 81 would ride the bus both in the morning and evening. He said the 50-cent fare was supported by the survey, but there were 41 people who would pay $1 and 12 who would pay more. He stated that 43 people indicated they would ride the bus 30 minutes or shorter and 36 stated one hour or less. He said the reasons for riding the bus were 40 people who would use it to/from work, 38 for shopping and 34 for medical appointments. He stated that Culpeper had made the right decision to offer bus service.

Mr. Lee asked whether there was a different funding stream for the Town and County systems.

Mr. Socha replied that it was not.

Mrs. Hansohn asked whether consideration had been given to selling advertising for signage on the bus. Mr. Socha replied that it could be done at the Board's discretion.

There was further discussion regarding the name and logo colors and whether a decision should be delayed until later in the meeting.

Mr. Maddox recommended that the logo and the name be as distinctive as possible from that of the Town's. Mr. Socha agreed it was a good idea from a liability standpoint.

Mr. Chase stated it was not necessary to delay and moved to adopt the green logo with the red pepper. Mr. Walker seconded.

Mr. Coates called for voice vote.

Ayes - Chase, Walker

Nays - Coates, Hansohn, Lee, Nixon, Rosenberger

Motion failed 5 to 2.

Mrs. Hansohn moved, seconded by Mr. Nixon, to adopt the blue and gold logo with "County Express" in the center.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Lee thanked the Town staff and members of the PTAC for their work.

Mr. Lee stated the replacement of the library roof has been discussed in the Buildings & Grounds Committee. He asked Paul Howard, Environmental Services Director, to brief the Board on this issue.

Mr. Howard stated that only one bid was received in response to an RFP for roof replacement and recommended that the Board award the contract to Lynch Roofing. He said the library roof had been leaking since the library was built, and warranty claims had been pursued with Firestone and the general contractor. He said that a transfer of $20,000 from the Board's contingency fund would not be needed as anticipated since funding had been included in this year's budget for the library roof replacement.

Mr. Coates inquired about the cost to replace the roof. Mr. Howard replied that Lynch Roofing's bid was $110,985 and that amount would be covered by the budgeted amount.

Mr. Nixon asked whether the County had used this particular contractor before. Mr. Howard stated that Lynch Roofing had been used before and provided good results. Mr. Nixon asked whether

the contractor would agree to fix any problems that arose. Mr. Howard assured him that was part of the agreement.

Mr. Nixon moved, seconded by Mr. Walker, to award the contract to Lynch Roofing to replace the Culpeper County Library roof.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Coates asked whether the work would be done before winter. Mr. Howard stated the work should begin within two weeks.

Mr. Coates recessed the meeting at 11:15 a.m.

Mr. Coates called the meeting back to order at 11:30 a.m.

See Attachment #1 for details of meeting.

RULES COMMITTEE/AUGUST 10, 2004/9:00 A.M.

Mr. Walker reported that the Rules Committee met and had several items requiring Board action. He asked the Board members to review two issues in the minutes that were discussed: (1) Criteria for cash and in-kind contributions and (2) early reassessment. He said he would appreciate having the Board's input. Mr. Maddox indicated he would have a draft resolution regarding cash and in-hand contributions for discussion at the next meeting of the Rules Committee.

Mr. Walker stated that the first item requiring Board action was the proposed business license.

Mr. Walker moved, seconded by Mr. Chase, to advertise the proposed business license fee for public hearing.

Mrs. Hansohn raised the issue of an individual's paying both a Town and a County business license fee. Mr. Maddox stated that the Section 12.180 of the County Code provided that "Every person engaging in the county (excluding the Town of Culpeper) in any business..." and payment of the fee would depend upon where the business activity was taking place and not where the person lived.

Mrs. Hansohn asked for an explanation of *Virginia Code* §581-3703.C.4., which stated that the County could not impose a license on "On a manufacturer for the privilege of manufacturing and selling goods, wares and merchandise at wholesale at the place of manufacture." Mr. Maddox replied that section covered a manufacturer of clothing who did not have retail outlets, but sold to retail outlets, and the tax would be imposed on those selling the clothes retail.

Mrs. Hansohn expressed concern that the issue was being taken to public hearing when there were so many exemptions from the State of which the public might not be aware. She asked whether

plans were being made to ensure that the public was informed in advance.

Mr. Maddox stated that the exemptions could be incorporated directly in the ordinance or cross references could be made to the State statute.

Mr. Walker pointed out that the ordinance stipulated in Section 12-181A, that businesses would be exempt from payment of a fee pursuant to *Virginia Code* §58.1-3703. He felt that should be sufficient. Mr. Maddox agreed and added that exempted businesses were still required to apply for a business license, but would not have to pay the fee.

Mrs. Hansohn asked whether she could refer any calls she received regarding coverage directly to the County Attorney's office. Mr. Maddox replied his preference would be to put a copy of the statute with the exemptions in the Clerk's file so that individuals could come in and review it. Mrs. Hansohn stated that she had a problem interpreting the ordinance and she would like to have someone available to explain it.

Mr. Walker stated that the main purpose of the business license was not to generate revenue, but to identify the businesses that actually exist in Culpeper County and to have a tool to use for planning and economic development purposes. He said the resolution should not go to public hearing if the Board felt it required additional discussion.

Mrs. Hansohn asked whether there would be repercussions if someone did not apply. Mr. Walker replied that the State had given a substantial amount of corrective action to the Sheriff's Department to make some charges against an individual not actually applying for the business license, particularly someone with a business in the County and there were complaints processed through the Planning Department. The Planning Department would determine if there were a business in operation without proper licensing, improper zoning, etc.

Mr. Maddox stated that he would need to look into the criminal ramifications, but under the proposed ordinance there was a minor penalty for nonpayment.

Mr. Lee stated that the public hearing notice stated that "Those businesses with less than $5,000 gross receipts per year will be exempt from filing or the fee." He felt that should be changed to conform to the intent of the ordinance.

Mr. Chase did not believe it should be necessary for a business to file if it were exempt.

Mr. Rosenberger stated he could understand the desire to catalogue businesses, but exempt individuals and/or businesses applying would create paperwork with no income to offset the expense. Mr. Chase agreed.

Mr. Maddox stated that under Section 12-180, a person "shall apply for a license for each such

business if ... (g) such person has gross receipt in excess of $5,000 during the preceding tax year." He said he would agree with Mr. Lee that the notice should be modified to say people do not have to apply if their gross receipts were under $5,000.

Mr. Chase stated that he would not vote for the ordinance if all businesses did not have to apply because he thought the reason for the business license was to obtain a catalogue of businesses within the County.

Mr. Coates asked whether the Rules Committee was trying to meet a deadline by scheduling the ordinance for a public hearing. Mr. Walker stated the Committee was endeavoring to get the ordinance in place in time to implement it at the beginning of 2005, but it was more important to ensure that the Board was comfortable with the intent of the ordinance.

Mr. Nixon stated that he could support the advertisement as written which stated that a business with gross receipts of $5,000 or less would not have to apply and would be exempt from paying the fee.

Mr. Maddox said that after reviewing the language in the advertisement, which stipulated that that businesses with less than $5,000 gross receipts would be exempt from filing or the fee, he felt it was consistent with Section 12-180 of the ordinance stating a person should apply for a license for any business with gross receipts in excess of $5,000.

Mr. Walker stated there was a motion and a second on the floor and asked the County Attorney whether any changes needed to be made in the language. Mr. Maddox assured him that the language did not need to be amended.

Mr. Nixon called the question.

Mr. Coates called for voice vote and then a show of hands.

Ayes - Coates, Nixon, Rosenberger, Walker

Nays - Chase, Hansohn, Lee

Motion passed 4 to 3.

Mr. Rosenberger stated that in reviewing the State Code he did not see where the State Code gave the County the ability to require people to file who were exempt under State law and that should be taken into consideration as the Board proceeded toward the public hearing.

Mr. Walker stated that the next item from the Rules Committee was a recommendation to provide $3,911 additional funding to the Health Department. He said this amount would allow the Health Department to access $16,971 from the State in order to pay for an Information Technology Specialist position.

Mr. Bossio pointed out the position was in the Health Department's budget and an individual

had been hired before the shortage in funds was discovered.

Mr. Walker moved, seconded by Mr. Nixon, to approve the Rules Committee's recommendation to fund the Health Department an additional $3,911.

Mr. Chase questioned why the Health Department did not know when the budget hearings were held. Mr. Bossio replied that during the budget cycle, various information was collected from all agencies, and those without specific requests were flat funded. The Health Department did not submit an additional request because they were not aware when the budget hearings would be held.

Valerie Lamb, Finance Director, explained that the Health Department received a packet with a calendar the same as all outside agencies, but they were not contacted when the budget work sessions were held because they had not attended them in the past. With the change in doctors, Dr. Peake was not aware of when the different meetings were held and she did not attend the work sessions to request additional funding.

Mr. Walker stated that the Rules Committee had discussed this issue extensively and Dr. Peake was made aware that she and/or Health Department officials should attend future budget hearings if there were changes in the budget.

Mr. Chase pointed out there was no representative present from the Health Department for this meeting, and he would like to have them come in and explain when they had similar requests.

Mr. Coates noted that this issue was discussed at some length at the Rules Committee meeting and representatives from the Health Department were present at that meeting, but the Health Department was not asked to come to the Board meeting. He said that the Committee was assured this would not happen again. He indicated that the Health Department provided a vital service to this County and the Committee felt it should be recommended for approval to the full Board.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Nay - Chase

Motion passed 6 to 1.

Mr. Walker stated that the next item from the Rules Committee was the proposed tower application fees for co-location of wireless vendors on County towers. He stated there were four different categories for application fees: One tower (single) co-location $2,000; two towers (single co-location each tower) $3,500; three towers (single co-location each tower) $5,000; and four towers (single co-location each tower) $6,500. He said there was discussion on whether or not the County should have an application fee of $2,000 per tower or whether to have a multiple tower

package, and Rules Committee recommended approval of the multiple tower package application fee structure.

Mr. Culpeper informed the Board that the purpose of the enhanced package was to encourage co-locators on four tower sites and recommended Board approval.

Mr. Chase asked what rent would be charged. Mr. Culpeper replied that rent on the towers would be approximately $10 per foot, but it would depend upon the height of the co-location space and a formula would be used based on weight of the antenna and the amount of coaxial cable used.

Mr. Walker moved, seconded by Mr. Chase, to accept the Rule Committee's recommendation to approve the proposed application fee structure.

Mr. Nixon asked if Mr. Culpeper had checked with other localities to see how they handled this type of arrangement. Mr. Culpeper replied that he had not, but normally localities had one application fee per tower.

Mr. Nixon asked whether the sliding scale on the fees was really going to be an inducement for co-location. Mr. Bossio replied that this issue had been staffed thoroughly, and it was decided that separate applications would involve four times the amount of work. On the other hand, if someone applied for all four towers at one time, they would receive a break on the application fee. He noted that the rent on four separate towers would generate more income on the feet/height than having a set application fee.

There was a general discussion regarding space on each tower and whether one vendor could buy all the space to prohibit other vendors from buying space. Mr. Bossio pointed out that with a 360-foot tower, the County would be likely to run out of vendors before it ran out of tower space.

Mr. Nixon asked whether there was a time limit after the application was made to start the lease. Mr. Culpeper replied that when a vendor came in and submitted an application to co-locate on a tower, a contract document would be drawn up with the intent that they were in fact going to co-locate on that tower.

Mr. Nixon asked what happened when a vendor made an application and they did not co-locate. Mr. Culpeper stated they would lose their application fee.

Mr. Maddox stated that the filing of the application would not give an individual a space on the tower, but there would need to be an approved lease with terms specifying a time limit.

Mr. Chase called the question.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Rosenberger, Walker

Nay - Nixon

Motion passed 6 to 1.

Mr. Walker stated that the next action item was a proposed application fee structure coming from Planning and Zoning.

Mr. Walker moved, seconded by Mr. Nixon, to accept the Rules Committee recommendation and approve the new fee schedule as proposed.

Mrs. Hansohn expressed her concern regarding the $100 increase for the BZA appeals cases. She felt that a person should not pay this much to appeal a decision they did not feel was correct.

Mr. Egertson pointed out that the BZA appeal cases actually would increase from $250 to $500. He explained that staff had looked at surrounding counties, and these fees overall would be closest in line with Fauquier and Spotsylvania. He explained that there were an increasing number of appeals or threats of appeals, and they take a great deal of staff time to defend against. He said he did not feel as strongly about this fee as he did about those for rezonings, site plans and subdivisions. He said those fees were more critical than the appeal fee because increased fees were needed to fund a proposed new position.

Mr. Maddox stated that he would recommend approval of the increased fee for appeals because of the complexity and time involved. He cited his personal experience in representing County officials during BZA appeals.

Mrs. Hansohn stated that she understood the costs to the staff, but she represented the citizens and they should be given every opportunity to come forward and make an appeal without paying a large fee.

Mr. Rosenberger suggested that a middle ground be reached between the current fee and the suggested increase. Mrs. Hansohn stated that she was comfortable with the fee now being charged.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Lee, Nixon, Rosenberger, Walker

Nay - Hansohn

Motion passed 6 to 1.

Mr. Walker stated that the final action item was consideration of additional staff for the Building Official's Department. He said the Rules Committee recommended that the Board approve the additional staff in the Building Official's Office.

Mr. Chase stated that the position would be funded by fees generated by the Building Official's

office.

Mr. Chase moved, seconded by Mr. Lee, to accept the recommendation of the Rules Committee and approve the additional staff for the Building Official's office.

Mr. Rosenberger called the question.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion passed 7 to 0.

See Attachment #2 for details of meeting.

PUBLIC WORKS COMMITTEE/AUGUST 10, 2004/11:30 A.M.

Mrs. Hansohn reported that the Public Works Committee met and discussed a new program called "Assign-a-Highway Program". She said Mr. Howard was present to explain the program, but it was basically assigning a section of a road to individuals on probation to clean during their probation time.

Mr. Chase pointed out that the program would not cost any money. Mrs. Hansohn stated that was correct.

Mr. Chase moved, seconded by Mr. Walker, to approve the recommendation of the Public Works Committee to pursue the "Assign-a-Highway Program".

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion passed 7 to 0.

Mrs. Hansohn asked Board members to review the information on another program the Committee would be investigating called "Inmate Litter Collection Program", which would involve inmates being used to clean the roads.

See Attachment #3 for details of meeting.

E-9-1-1 BOARD OF DIRECTORS/AUGUST 19, 2004/7:30 A.M.

Mrs. Hansohn reported that the E-9-1-1 Board of Directors met and had no action items to forward to the full Board.

See Attachment #4 for details of meeting.

AD HOC ANIMAL SHELTER ADVISORY COMMITTEE/AUGUST 24, 2004/9:00 A.M.

Mr. Chase reported that the Ad Hoc Animal Shelter Advisory Committee met and there were no action items to bring to the full Board.

Mr. Chase said several issues were discussed and agreement reached on the Animal Shelter's hours of operation, emergency health care for sick or injured animals, and a Citizen's Advisory Committee versus an Ad Hoc Animal Shelter Advisory Committee.

See Attachment #5 for details of meeting.

Mr. Coates related recent difficulties two of his constituents encountered when attempting to adopt animals. Mr. Chase assured him he would take the complaints to the next meeting of the Ad Hoc Committee.

TOWN/COUNTY INTERACTION COMMITTEE/AUGUST 24, 2004/7:30 A.M.

Mr. Chase stated he was out of town and did not attend the Town/County Interaction Committee meeting. Mr. Walker stated that there were no action items to bring to the full Board. He noted that the issue of a Joint Town/County Retreat would be discussed later in the meeting.

Mr. Nixon stated that he raised the issue of affordable housing and there was a discussion of a possible joint venture among the Town, County and School system about using some School Board-owned property for constructing affordable housing for teachers, fire and rescue, and police officers. He said the matter would be discussed further at the next meeting.

See Attachment #6 for details of meeting.

ECONOMIC DEVELOPMENT REPORT/AIRPORT ADVISORY COMMITTEE

Mr. Sachs apologized for having the logo issue for the County Express raised without prior notice. He said he was not aware it was being brought forward for discussion, and he would ensure that future issues of this nature would be sent to committee before appearing before the Board.

Mr. Sachs reported that:

1. A new business will be locating in Culpeper Industrial Park from the Haymarket area mostly due to the quick turnaround of services provided, such as permit approvals and installation of adequate electrical and internet access. The Hoppman Corporation signed a lease and renovations are underway in the former Reico warehouse building. The company designs, engineers and manufactures automatic packaging systems, continuous feed systems, and labeling systems and is expected to employ approximately 40 people.

2. The Merilatt expansion project was announced by the Governor on September 17. The Economic Development office had been working with the Governor's office and the Virginia Economic Development Partnership for about a month on the $150,000 grant from the Governor's Opportunity Fund, but were sworn to secrecy because the Governor planned to make the announcement. Merilatt

is adding two lines to its operations, a finishing line and customized line of cabinet, as well as making land and site improvements, expanding the building, purchasing furniture and fixtures and machinery equipment and tooling at a total cost of $13,425,000. They expect to hire 140 new people at an average salary rate of just under $14 an hour. The County's one-to-one match was achieved by its tax incentive program.

3. A discussion will take place at the Board's evening meeting about selling a piece of land in the Culpeper Industrial Airpark to American Manufacturing. They anticipate having about 40 jobs, 10 to 20 possibly from Culpeper.

Mr. Sachs stated that the Advisory Committee usually had lunch together at its Tuesday meetings and he would like to invite a local businessperson to lunch with the Committee and members of the Board of Supervisors beginning next month.

AIRPORT ADVISORY COMMITTEE

Mr. Bossio reported that the Airport Advisory Committee met on August 11, and there were no action items to be forwarded to the full Board. He wanted the Board to know that the Airport received the increase in funding from the Virginia Department of Aviation, which was requested to cover the additional costs for the second segment of the ramp and parking lot.

Mr. Bossio announced that Air Fest 2004 would be held on October 9 and invited everyone to attend.

ADMINISTRATOR'S REPORT

Mr. Bossio presented the following Administrator's Report:

1. The Board of Supervisors/School Board joint meeting is tentatively scheduled for September 23rd at 7:30 p.m., at the Binns School, and Board members need to confirm attendance.

Mr. Chase asked what the purpose was for the meeting. Mr. Bossio informed him the intent was to discuss better communications between the two Boards, as well as other issues.

2. The Culpeper Recreational Foundation, Inc. has agreed to assume the responsibility for allocating monies received by the County to all sports under their umbrella. The Culpeper Youth Association is not a 501(c)(3) organization and it is the Board's policy's to allocate dollars only to a 501(c)(3) organization. The Culpeper Recreational Foundation is a 501(c)(3), and the change cannot be made with the approval of the full Board.

3. The Joint Town Council/Board of Supervisors Retreat was scheduled for Thursday, October 7 or Saturday, October 9. Since the Air Show will be held on Saturday October 9, Mr. Bossio suggested October 7. The meeting would be held in the DSS Board Room from 8:00 a.m. to 1:00 p.m.

Mr. Chase asked the purpose of that meeting. Mr. Bossio stated he was not present at the last Town/County Interaction Committee meeting, but it was his understanding that issues affecting both the Town and the County would be discussed.

Mr. Lee asked if the School meeting had a cost attached to it. Mr. Bossio stated that it did, because Tyler St. Clair would be brought in, but he did not know the exact amount.

Mrs. Hansohn asked whether an alternate date could be set for the Town/County meeting because she had a class on October 7 that she had to attend. Mr. Bossio stated he would explore other dates for the meeting.

Mr. Walker asked whether a motion would be needed to make the change regarding the Culpeper Recreation Foundation. Mr. Bossio replied in the affirmative.

Mr. Walker moved, seconded by Mr. Chase, to designate the Culpeper Recreation Foundation to allocate funds received by the County for sports activities.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion passed 7 to 0.

CLOSED SESSION

Mr. Walker moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider: (A) An appointment to the Public Transportation Advisory Committee (PTAC); (B) A resignation from Parks & Recreation Advisory Committee; (C) Consideration of an increase in salary for a Planning and Zoning employee; and (D) Consideration of potential resignation from, and appointment to, the School Oversight Committee.

2. Under *Virginia Code* §2.2-3711(A)(7) and (30) to consult with the County Attorney regarding the potential expenditure of public funds in connection with specific potential contracts where public discussion would adversely affect the position or strategy of the County, and lead to probable litigation.

3. Under *Virginia Code* §2.2-3711(A)(7) and (30), to consult with the County Attorney regarding specific legal matters requiring the provision of legal advice by such attorney and to discuss the award of a public contract involving the expenditure of public funds, and probable litigation resulting therefrom,

where discussion in open session would adversely affect the bargaining position or negotiating strategy of the public body.

4. Under *Virginia Code* §2.2-3711(A)(7) and (30) to consult with the County Attorney regarding the expenditure of public funds in connection with a specific potential contract where public discussion would adversely affect the position or strategy of the County.

Seconded by Mr. Nixon.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Nay – Chase

Motion carried 6 to 1.

The Board entered into closed session at 12:45 p.m.

The Board returned to open session at 1:35 p.m.

Mr. Coates recessed the meeting for lunch break.

The Board reentered closed session at 3:00 p.m. under motion previously stated.

The Board returned to open session at 4:25 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates asked that the record show Mr. Chase was not present for the entire closed session.

Ayes – Walker, Lee, Coates, Nixon, Rosenberger, Hansohn

RE: APPOINTMENT TO THE PUBLIC TRANSPORTATION ADVISORY COMMITTEE Mr. Walker moved, seconded by Mr. Lee, that Robert D. Arnold be appointed to the Public Transportation Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: ACCEPTANCE OF RESIGNATION FROM PARKS & RECREATION ADVISORY COMMITTEE

Mr. Walker moved, seconded by Mrs. Hansohn, to regretfully accept Harriett Ellison's resignation from the Parks & Recreation Advisory Committee and to authorize advertising the vacancy.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: RESIGNATION FROM SCHOOL CONSTRUCTION OVERSIGHT COMMITTEE

Mr. Walker moved, seconded by Mr. Lee, to regretfully accept Carolyn Smith's resignation from the School Construction Oversight Committee and ask the County Administrator to send a letter to the School Construction Oversight Committee reserving the right to appoint at a later time.

ADJOURNMENT

Mr. Lee moved, seconded by Mr. Walker, to adjourn at 4:27 p.m.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

_____
Peggy S. Crane, CMC
Deputy Clerk

_____
John F. Coates, Chairman

ATTEST:

_____
Frank T. Bossio
Clerk of the Board

APPROVED: October 5, 2004
xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, SEPTEMBER 7, 2004.

Board Members Present: ***John F. Coates, Chairman***
Steven L. Walker, Vice-Chairman
William C. Chase, Jr.
Sue D. Hansohn
James C. Lee
Steven E. Nixon
Brad C. Rosenberger

Staff Present: Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
John C. Egertson, Planning Director
Sam McLearen, Zoning Administrator
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 7:00 p.m.

CITIZEN FORUM

Mr. Coates called for comments on any item that was not on the agenda.

Aaron Greso, West Fairfax District, asked that the revised Comprehensive Plan include a statement to explain the procedure used to determine how much it would cost to provide services to any parcel that was being zoned or rezoned for development. He suggested a statement that any parcel would not be zoned or rezoned which would cost the County more in services than revenue generated. He also suggested that a perpetual proffer should be requested rather than a one-time proffer as a tool to slow residential growth.

With no further comments, Mr. Coates closed the Citizen Forum.

RE: AGENDA ADDITIONS AND/OR DELETIONS

Mr. Walker moved, seconded by Mr. Lee, to approve the agenda as presented.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

PUBLIC HEARING

THE BOARD OF SUPERVISORS WILL RECEIVE PUBLIC COMMENTS AND CONSIDER THE SALE OF PARCEL #13 IN THE COUNTY INDUSTRIAL AIRPARK

Carl Sachs, Economic Development Director, informed the Board that the County had received an offer from American Manufacturing Company, Inc., to purchase parcel #13 in the Industrial Airpark for $20,000 per acre. He said that American Manufacturing was an on-site wastewater treatment company that designs, builds, and installs on-site wastewater treatment facilities, and the company planned to construct a 21,000 – 27,000 square foot manufacturing operation. He said that the President of the Company, Robert Mayer, was present if the Board had any questions.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Lee, to approve the sale of parcel #13 in the Industrial Airpark to American Manufacturing Company, Inc., at $20,000 per acre.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

NEW PLANNING COMMISSION BUSINESS

REVIEW OF THE HAZEL RIVER AGRICULTURAL AND FORESTAL DISTRICT. The Board of Supervisors will review the current Hazel River Agricultural and Forestal District, which expires in October 2004. The Board of Supervisors will determine whether the District should be continued, modified, or terminated. District continuation is proposed for an eight-year period.

Sam McLearen, Zoning Administrator, informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the Hazel River Agricultural and Forestal District appropriate for renewal based upon its agricultural value. This finding is consistent with the recommendation of the Agricultural and Forestal Districts Advisory Committee. He said the Planning Commission was recommending to the Board of Supervisors that the Hazel River Agricultural and Forestal District be renewed effective October 2004 and continued until its next review in October 2012.

John Egertson, Planning Director, stated that this case and the next two cases involved the review of existing agricultural and forestal districts which had been in existence approximately eight

years and would expire next month. He said that approval of the proposed ordinances would renew the districts for another eight-year period until October 2012. He stated that each owner who had property enrolled in the current districts had been notified and given an opportunity to withdraw from a District at this time as allowed under State and local codes.

Mr. Egertson displayed a tax map which highlighted the existing Hazel River Agricultural and Forestal District. He noted that the District had lost 186 acres through the process, but would remain a viable District with a total of 1,239.42 acres, and it was recommended for the Board's approval.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mrs. Hansohn moved, seconded by Mr. Nixon, to approve the ordinance as recommended by the Planning Commission.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

REVIEW OF THE ALUM SPRINGS AGRICULTURAL AND FORESTAL DISTRICT. The Board of Supervisors will review the current Alum Springs Agricultural and Forestal District, which expires in October 2004. The Board of Supervisors will determine whether the District should be continued, modified, or terminated. District continuation is proposed for an eight-year period.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the Alum Springs Agricultural and Forestal District appropriate for renewal based upon its agricultural value. This finding is consistent with the recommendation of the Agricultural and Forestal Districts Advisory Committee. He said the Planning Commission was recommending to the Board of Supervisors that the Alum Springs Agricultural and Forestal District be renewed, effective October 2004 and continued until its next review in October 2012.

Mr. Egertson displayed a tax map which highlighted the existing District. He noted that the current acreage and the acreage being renewed for another eight years was 1,233.7 acres. He said there had been no requested withdrawals, and it was recommended for the Board's approval.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mrs. Hansohn moved, seconded by Mr. Rosenberger, to approve the ordinance as recommended by the Planning Commission.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

REVIEW OF THE STEVENSBURG AGRICULTURAL AND FORESTAL DISTRICT***. The Board of Supervisors will review the current Stevensburg Agricultural and Forestal District, which expires in October 2004. The Board of Supervisors will determine whether the District should be continued, modified, or terminated. District continuation is proposed for an eight-year period.***

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the Stevensburg Agricultural and Forestal District appropriate for renewal based upon its agricultural value. This finding is consistent with the recommendation of the Agricultural and Forestal Districts Advisory Committee. He said the Planning Commission was recommending to the Board of Supervisors that the Stevensburg Agricultural and Forestal District be renewed, effective October 2004 and continued until its next review in October 2012.

Mr. Egertson displayed a tax map which highlighted the existing District, which was the largest District in the County. He noted it began the renewal process with 15,482 acres, and 13,877.82 acres remained after withdrawals. He said it was recommended for the Board's approval.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Nixon, to approve the ordinance as recommended by the Planning Commission.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CASE NO. U-2060-04-1. Request by Perl Family LLC #2 for approval of a use permit for outdoor

storage of mulch, topsoil, firewood, etc. The property is located off Route 780 in the Stevensburg Magisterial District and contains 28.80 acres. Tax Map/Parcel No. 42/68A1.

Mr. McLearen informed the Board that the case had been considered by the Planning Commission and a public hearing was held. He said the Planning Commission found the application to be consistent with Article 30 and Article 17 of the Zoning Ordinance with the following conditions:

1. A site plan must be submitted, approved, and all improvements implemented in accordance with Article 20.
2. No storage of materials or processing activities shall be permitted within 100 feet of the stream on the site or within 50 feet of any wetlands area. Wetlands must be delineated on the site plan.
3. Additional screening must be installed and maintained to fully screen all Route 29 frontage. The requirements for such screening shall be determined through the site plan process.
4. No signage visible from Route 29 shall be permitted.

Mr. McLearen said the Planning Commission was recommending to the Board of Supervisors that the use permit be approved with the conditions stated.

Mr. Egertson displayed a tax map that highlighted the portion of the property being considered. He stated that he would provide some background information since this case, the next case, and perhaps two cases coming before the Board next month were associated with this property. He stated that the property was formerly the Big M Corporation located beside the State Police between Brandy Road and Route 29 at Inlet. He also stated that since Big M vacated, the property had been leased to several different entities with several different operations occurring on this property under the Light Industrial zoning. He noted that some of these operations had begun without benefit of any zoning reviews, site plans, or necessary permits. He said staff had met with the owner of the property and the various users of the property, and an attempt would be made to bring the property into compliance with the Zoning Ordinance.

Mr. Egertson stated that the request for a use permit for this portion of the property was related to outdoor storage of bulk mulch and stockpiling materials of that nature. He noted this was a viable use under the Light Industrial zoning and one that would be considered a by-right use. He said the reason for the request was that Article 30, the Entrance Corridor Overlay District,

required a use permit for any uses along a protected corridor that involve outdoor storage. He indicated that the review was primarily limited to the aspects of outdoor storage, the effect on Route 29, and how the stockpiles could be screened from Route 29. He added that staff looked at a number of things related to the outdoor storage aspects of the use, including run-off concerns and screening, and, with the conditions suggested by the Planning Commission, staff had no concerns with recommending approval of the permit.

Mr. Egertson stated that the use was not visible from Brandy Road, which was not a protected corridor in any event. He said the majority of Route 29 was well screened with existing vegetation, but there was one gap in the screening that needed to be filled in. He noted that the applicant was planning to implement screening in that area.

Mr. Egertson stated that the only issue of contention was the fourth condition that no signage could be visible from Route 29, and there was a sign advertising industrial property for rent on Route 29 that was clearly visible. He said that the applicant had expressed some concern with removing the sign since it had been in place for a number of years.

Mr. Nixon asked if any allowances had been made for any type of fencing around the perimeter of the mulch piles to prevent wash-off. Mr. Egertson stated that was an issue that would be addressed during the site plan review. He related details regarding his visit to the site with a Soil and Water Conservation District representative regarding various concerns.

Mr. Nixon asked how many acres would be devoted to mulch piles. Mr. Egertson replied that the applicant would need to answer that, but the site plan would identify an exact area.

Jeff Perl, applicant and owner of the property, informed the Board that the area was approximately five acres. He said the screening has been ordered, and Mr. McLearen had met with his landscaper. He indicated that there would be a maintenance program in place to take care of the screening. He expressed his concern regarding the sign that had been in place close to 20 years, which advertised property for rent. He said he was only renting a portion of the four acres available, and he would like to leave the sign in place.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase asked whether the sign was “grandfathered”. Mr. Egertson stated that the sign preceded the Entrance Corridor District ordinance, but he felt with the change in use, it would be

appropriate to require conformance with the present ordinance.

Mr. Chase moved, seconded by Mr. Lee, to approve the use permit with the conditions recommended except #4, which would state there would be no *new* signage visible from Route 29.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CASE NO. U-2059-04-1. Request by Allied Pallet Company for approval of a use permit for the recycling of wood pallets and outdoor storage thereof. The property is located off Route 780 in the Stevensburg Magisterial District and is located on a lease area of 9,000 square feet. Tax Map/Parcel No. 42/68A1 (Portion).

Mr. McLearen informed the Board that the case had been considered by the Planning Commission and a public hearing was held. The Planning Commission found the application to be consistent with Article 30 and Article 17 of the Zoning Ordinance with the following conditions: (1) A site plan in accordance with Article 20 shall be submitted and approved, and (2) outdoor storage and processing activities shall be prohibited within 50 feet of the stream on the site. He said that the Planning Commission was recommending to the Board of Supervisors that the use permit be approved with the conditions stated.

Mr. Egertson displayed a copy of a tax map which indicated the location of the property. He noted it was a different leased area of the same parcel of land. He said that although the previous property was located along a protected corridor, this site was more centrally located. He explained the business had apparently been active for sometime and involved the collection of pallets, which were stockpiled in an outdoor storage area of the operation, and were being recycled. He said the site was not visible from Route 29, it had not raised any specific concerns in terms of the Entrance Corridor Overlay District, and it was recommended for Board approval with the conditions suggested by the Planning Commission.

Mr. Walker noted that in the minutes of the Planning Commission meeting, Mr. Cubbage asked for the screening to be maintained and Mr. Perl had agreed. He said in the Allied Pallet discussion, Mr. Kenefick asked that the existing screening be maintained, but it was not added into the condition. Mr. Egertson stated that he would include a note on the site plan to ensure that existing vegetation would be retained and maintained, but there was no need to include it in the

conditions for the use permit because protection of the corridor was not involved.

The applicant was not present.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Lee, to accept the Planning Commission's recommendation and approve the use permit with the conditions stated.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CASE NO. U-2057-04-1. Request by Camp Page, Inc. for approval of a use permit for a Package Sewage Treatment System. The property is located on Route 610 in the Stevensburg Magisterial District and contains 46.9 acres. Tax Map/Parcel No. 54/51A.

Mr. McLearen informed the Board that the case had been considered by the Planning Commission and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance and Chapter 14 of the County Code. He said the Planning Commission was recommending to the Board of Supervisors that the use permit be approved.

Mr. Egertson displayed a copy of a tax map which highlighted the location of the property that was recently use permitted for operation of a summer youth camp. He said that one of the conditions on that use permit dealt with Health Department approval of facilities to serve the site, and it was unknown at the time of the use permit whether there was an adequate drainfield on the site. He stated that the applicant was pursuing an alternative type treatment system which the Health Department had recommended, and it is ready for the Board's consideration.

Dan Boger, applicant, was present to represent the case.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Lee, to accept the Planning Commission's recommendation and approve the use permit.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

ADJOURNMENT

Mrs. Hansohn moved, seconded by Mr. Nixon, to adjourn at 7:27 p.m.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

_____
Peggy S. Crane, CMC
Deputy Clerk

_____
John F. Coates, Chairman

ATTEST:

_____
Frank T. Bossio
Clerk of the Board

APPROVED: October 5, 2004