

March 27, 2007

At a reconvened meeting of the Board of Supervisors of Prince Edward County, held at the Court House, thereof, on Tuesday the 27th day of March, 2007, at 3:00 p.m., there were present:

William G. Fore, Jr., Chairman

Howard F. Simpson, Vice-Chairman

Pattie Cooper-Jones

Sally W. Gilfillan

Robert M. Jones

Charles W. McKay

James C. Moore

Lacy B. Ward

Also present: Sarah E. Puckett, Acting County Administrator.

The Chairman called the meeting to order stating that its purpose was to hear budget presentations for the 2007-08 fiscal year.

In Re: Budget Presentations

The following FY 2007-08 budget requests were presented:

Virginia Legal Aid	\$ 2,080.00
STEPS	30,000.00
Crossroads CSB	68,000.00
Piedmont Area Transit	10,000.00
Longwood Small Business	7,446.00
Longwood Visual Arts	7,705.00
Habitat for Humanity	15,000.00
Farmville Area Chamber	5,000.00
Central Virginia Library	152,059.00
Heart of Virginia Festival	6,000.00
Robert Russa Moton Museum	31,000.00
Piedmont SWCD – Operations	15,000.00
Piedmont SWCD	3,000.00
Prince Edward Community Center	50,000.00
SCOPE/Meals On Wheels	10,000.00
FACES	4,500.00
YMCA	28,000.00
Prince Edward County After-Prom	1,000.00

Central VA Health Planning	2,633.00
Waterworks Players	2,500.00
Youth Empowerment Center	30,000.00
Commonwealth Chorale	2,000.00
PE-FA Youth Association	24,000.00
Madeline's House	5,000.00
HOPE – Operations & Transport	10,000.00
Special Olympics	250.00
Fuqua After-Prom	500.00
Tri-County Life Learners	3,500.00
Piedmont Senior Resources	1,616.00
Pamplin Community Center	500.00
Jolly Glee Senior Citizens	2,000.00
Southeast RCAP	5,000.00
Commonwealth Regional Council	15,700.00
CRC-Legislative	8,500.00
Old Dominion RC&D	1,775.00
Virginia Institute of Government	1,000.00
VIG Compensation Survey System	400.00
SVCC	4,816.00
Piedmont Health District	179,037.00
Virginia Cooperative Extension	65,934.00
Piedmont Disability Services Board	500.00

In Re: County Administrator Position Hiring Process

The Board of Supervisors relocated to the 3rd Floor Conference Room for discussion of the County Administrator Position hiring process. Chairman Fore stated the 23 applications received have been placed in notebooks for the Board's review. These notebooks should, in his opinion, be left at the Courthouse because of confidentiality issues, and kept in a secure location. He suggested that Mrs. Puckett have the key; Mrs. Puckett said that as she is not always available, she recommended Sheila Martin, Human Resources, be responsible for the notebooks. Supervisor Fore added as members have time, they may come in and peruse the applications and choose eight top candidates. At that time, Mr. Fore said the Board would then schedule a work session to compare their choices.

Supervisor Gilfillan suggested the Board interview the top five.

Chairman Fore asked for a date to compare their selections; the Board chose April 30, 2007, at 12:00 p.m.

Acting County Administrator Sarah E. Puckett stated that she would ensure all Board members would have, with their notebooks, 23 copies of the Resume Evaluation Review form.

In Re: Presentation of School Budget

The Board of Supervisors returned to the Board Room for the presentation of the School Budget. Chairman Fore called the session to order and called upon Dr. Patricia Watkins, Superintendent of the Prince Edward County Schools.

Dr. Watkins presented the Proposed Operating Budget for 2007-2008. She stated that it includes budget recommendations and new implementations. One recommendation is for salary increases to keep Prince Edward Schools competitive and to retain qualified staff. Dr. Watkins reviewed how the budget tied into the objectives of the Strategic Plan that the Prince Edward County School Board charted for the school district.

A motion was made by Supervisor Moore to schedule a public hearing for the school budget on Tuesday, April 10, 2007, at 7:15 p.m. during the Regular Board meeting. The motion carried:

Aye:	Pattie Cooper-Jones	Nay: None
	William G. Fore, Jr.	
	Sally W. Gilfillan	
	Robert M. Jones	
	Charles W. McKay	
	James C. Moore	
	Howard F. Simpson	
	Lacy B. Ward	

In Re: Public Hearing – County Zoning Ordinance

The Board of Supervisors relocated to the Circuit Court Room for the Public Hearing on the County Zoning Ordinance. Chairman Fore announced this was the date and time scheduled for a public hearing on the County Zoning Ordinance. Notice of this hearing was advertised according to law in the March 9, 2007 and March 16, 2007 issues of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Chairman Fore stated this was the final public hearing, and the Board would not take action during the meeting, but was there to gather public input. He added the Board would meet at a later date to evaluate the comments made and would probably vote on the ordinance in June. Mr. Fore said comments would be made prior to the vote.

Chairman Fore said 31 citizens signed up to make public comment. He asked for cooperation from the audience, that if they agreed with a previous speaker, state their name, district, and say they

concur in order to help speed things along. Mr. Fore stated he was not trying to curtail comments, but to move along in a logical and efficient manner. He added that Supervisor Moore was absent as he had a conflict with another meeting for the Crossroads Board, and Supervisor Moore would return as soon as he was able.

The floor was opened for public input.

Chairman Fore asked anyone in favor of the ordinance as written to speak first. No one wished to speak in favor of the ordinance. He then asked Mr. Jonathan Pickett, Director of Planning and Community Development, to go over the changes the Planning Commission had made based on previous public hearings.

Mr. Pickett stated he wanted to clarify certain things not accurately portrayed to the public. He stated the setback in the agricultural zone is listed as 125-feet from the right-of-way on primary highways and 150-feet from the center of the road on secondary highways, and that is not correct. The correct right-of-way in the proposal is 100' from the right of way and 125' from the center of the road, respectively. The original setbacks were associated with the 5-acre minimum lot sizes proposed in the fall, and were reduced when the lot size minimum was changed. Mr. Pickett also explained if a business was open prior to the changes in the ordinance, it could continue and be grandfathered in. The only time it would be considered "non-conforming" would be if the business was abandoned for two years or more. In that case, the owner may have to re-file. If the business was damaged, it could be rebuilt. He explained further that any lot recorded could be built upon.

Mr. Pickett referred to the South Central Association of Realtors' advertisement placed in THE FARMVILLE HERALD, and stated some information was accurate, some was not, and some was incomplete.

- 1) "All residential lots in the County Agricultural Conservation Zone must average 4 acres with 250' of public road frontage." That is accurate. "The current zoning allows 1½ acre lot averages," which is accurate only in theory, and the vast majority of developments in the agricultural zone are already averaging over 4 acres in size. "The increase in lot size is over 250%." In theory that is possible, in reality that is not close to being the true increase in lot size.

- 2) “Setbacks will nearly double.” Under the proposed zoning, the 100-foot setback would increase 25-33% in the front; the side and rear setbacks would remain the same. Some lots would lose up to 68% of their area to setbacks – that is true. Under current zoning, you lose 64% of your area to setbacks if you have a 200’ lot that’s an acre and a half in size. There is some decrease in the amount of land you’ll lose to setbacks, however if the board adopts the two-acre proposal, you’ll have more buildable area square-foot wise.
3. “Outdoor gatherings must apply for special use permit and provide medical facilities, fire protection, security, parking and traffic control. This includes church revivals.” What the ad fails to state is the definition of an outdoor gathering is 500 people or more. There are not too many of these. The Board plans to look at the church revival section and they may adjust that accordingly.
4. “A site plan prepared by professional engineer or surveyor must be submitted to the county for conversion of any building or property to a different use.” What the ad fails to say is that single family homes and agricultural uses are exempt. Also, for smaller commercial businesses, the zoning administrator has the ability to waive that requirement for small businesses that may not have any neighbors close by that may be affected. This provision is targeting mainly commercial and industrial developments of some size as well as multi family developments.
5. “All site plans shall include required landscape plans prepared by a licensed landscape professional.” As before, single family and agriculture are exempt, and again, the Zoning Administrator has the right to waive the site plan requirement if this type of business is not going to be of any concern to anybody around.
6. “The zoning permit shall be required for any alteration of any structure or establishment of any land use.” Zoning permits are already required for any new construction in the county, as well as for any additions to buildings. A zoning permit is not required for renovations inside a building. The zoning permit is free and can be obtained at the time of applying for the building permit. It’s currently required for most land uses in the county.

7. “Any exterior storage, service, maintenance, repair, processing manufacturing, fabrication, salvage, disposal shall be screened with a buffer of screens and plantings.” Basically, if it is a type of project that a site plan is required, then screening of those things will be required. If the business is in operation now and you have exterior storage, you are not required to put up a fence or anything. This is for new businesses that require a site plan.
8. “No duplexes or multi-family housing will be allowed outside an area served by public water and sewer.” This statement concerning multi-family housing is correct as defined as three or more units. The statement concerning duplexes is not correct; duplexes are a conditional use throughout the county and do not require public water or sewer.
9. “Farmers must have approved VDOT entrance to farm stands. This includes pick-your-own farms.” That language is accurate, and I recommend that the board delete that section from the zoning ordinance.
10. “Home-based businesses can have no sign, no wholesale sales, no retail sales, no advertising, no exterior storage, no employees, and no delivery of products.” This language is accurate. He noted the delivery of products does not include deliveries by UPS or FedEx or other carriers to residential areas. Mr. Pickett said, “The Board and I have concerns about this provision as far as its entirety; I’ve made some recommendations as far as the employees and wholesale sales, and also delineated the delivery with the actual words UPS FedEx or similar carriers in the ordinance to take care of that. Again, a home based business that’s currently in operation would be grandfathered in anyway.”

Mr. Pickett encouraged the citizens to call if they have a specific question, and said if someone files for a building permit prior to the implementation of this ordinance, it will be considered to be an application in progress and will fall under the current zoning ordinance.

Mr. Pickett having concluded his review, Chairman Fore called the first citizen.

Dempsey Jones, Leigh District, stated he was a realtor with Remax and some of his concerns were addressed by Mr. Pickett. He said that his understanding of the ordinance is that in the A1 district, ¼

per acre density with one house per four acres, with 300-foot frontage would mean a large portion of the lot as green space. A developer can sell 60 of 100 acres but would be required to pay taxes on the remaining 40. Mr. Jones added since the last change in the subdivision ordinance, the price of lots have increased and will again, and that he had been told previously by putting a state road into the development, there could be 1½ -acre lots fronting the state road. There are now 3-acre lots on a private subdivision road; this [ordinance] would take that away.

Mr. Jones continued, stating home-based businesses are the wave of the future, and questioned the allowance to be grandfathered if in operation at this time but not if someone moves into the area. In addition, Mr. Jones said he felt church groups should be exempt from the outdoor gatherings restriction.

Mr. Jones then referenced the ordinance, questioning the restriction on the rental of accessory apartments to non-family members. He also questioned the non-conforming uses, stating under the new ordinance, the building could not be increased or modernized if damaged and rebuilt.

Mr. Jones concluded the Planning Commission is “composed of five to fifteen members appointed by the Board of Supervisors. All should be residents and at least half shall own real estate in the county. All Commission members shall be qualified by knowledge and experience to make decisions on questions of community growth and development.” He stated there are no surveyors or builders on that board. Mr. Pickett said there is a licensed building contractor on the board.

Tom Tribes, of the Prospect District, stated he lives in Michigan and was an elected trustee on the Planning Commission there. He stated they faced some of the same issues and commented on the A1 district, Agricultural and Preservation or Conservation, and said he has some experience with how it is done in New Jersey and Pennsylvania. He suggested taking the proposed zoning scheme and do a complete work-up on how the land would look if it were done as proposed, adding he was sure the Board wouldn't like it. He stated the farmland preservation issue, if the only option is a five to ten acre parcel, “all you do is... bust up farmland, and if you carry that to the extreme, there isn't any farmland left.” He added alternatives should be offered.

Mr. Jonathan Pickett, Zoning Director, said clustering is not mandatory, but optional. Mr. Tribes said clustering was similar to what he called Conservation Design, putting homes in one section, leaving one section as “community property.”

Maureen Green, of Lockett District, commented on the need to promote the creation and preservation of affordable housing, for current and future needs of the county, adding “the more you mess around with the set-backs and the lot sizes, the less affordable the housing will get.” She said the set-backs are a problem, and small two-acre lots are affordable to some, and larger ones affordable to others. Ms. Green also questioned the home-based business issue, and asked about the restriction on employees. “If it’s not causing problems, ...it’s nobody’s business what I do in my house.”

Ms. Green referred to the section regarding dwellings differing from residential use. She stated that she does not want someone telling her what she can or can’t do with her house, adding that she is a builder and stores equipment at her house. She also asked if her business would be grandfathered as it stands, and what would happen if she would want to change it.

Mr. Pickett stated the purpose is to make sure homeowners did not establish businesses which weren’t allowed on a stand-alone basis. These regulations are not to prevent builders, and he will recommend changes to the definition so it’s more goods-related than service-related.

Ms. Green asked about a manufactured home with an accessory single-wide [mobile home], and if the owners could use the single-wide, for example, for an aunt needing long-term care.

Mr. Pickett said if the lot is large enough for two dwellings, there would be no problem. A problem would only arise should the lot size be too small, under zoning regulations, for two dwellings. The current zoning ordinance includes this regulation.

Della Boothe, of Darlington Heights, questioned the need for a professional landscaper. Mr. Pickett said that requirement is for commercial and industrial developments, not for single-family homes. She questioned the gathering regulations; Mr. Pickett said she would need a permit only if more than 500 people would be expected at the gathering.

Joyce Foster Sweet, of Buckingham, stated she owns property in Prospect, and is the President of the South Central Association of Realtors, and said that they would like to go on record as opposing the plan. She said the policies included could raise the prices of lots, which would create a major hardship for the low- and middle-income groups to achieve home ownership. She added the plan would restrict the rights of citizens concerning the use of their own property, and does not allow enough for variances or grandfathering. Ms. Sweet said the ordinance seemed more for a metropolitan area, not a rural county.

James Lyle said he recognized the changes that had already been made, and asked the Board to consider that all can't afford \$30-40,000 for a tract of land. He added that all need a home, but not all can afford a \$250-\$300,000 house. He asked his supervisor to vote no on the ordinance.

Oliver Stiff, of Prospect District, said he had been before the Planning Commission, and the few in attendance were speaking for those that were not. He added he would be thankful for the Board to vote on this by June, and asked that the ordinance be made understandable with the public interest at heart.

Wayne Bolton, of Green Bay, stated he had not read the entire ordinance, but he was against it. He said he is a farmer, and there is a need for more small farmers, but when it's necessary to put a VDOT entranceway in order to sell from a small garden, "there's something wrong with this picture." He added, "we should be buying local," not out of the country or state, and a lot of these regulations are "beyond our ability to pay for."

Jim Yoder, of Hampden Sydney, asked when the Board intends to vote on the ordinance. Chairman Fore stated it's anticipated it would be in June 2007. Mr. Yoder said the Board should be held accountable.

Linda Yoder, of Prospect, stated she moved to Prince Edward County six years ago from Virginia Beach to escape the multitude of restrictions that applied to properties there. She added she came for the freedom to do what she wants with her land, and was opposed to seeing the freedoms eroded. Ms. Yoder asked the Board to vote no.

Joe Huddleston, of Farmville, asked why a new zoning ordinance was necessary and if it was a state requirement. He added he was against the proposed changes. Mr. Pickett said the Comprehensive Plan, which is the land use plan for the county, is mandated by the state, and the zoning ordinance changes were based on the Comprehensive Plan.

Linda Gouble, of Farmville, asked if the home business portion would change the procedure for holding yard sales and posting signs. Mr. Pickett stated the ordinance refers to permanent businesses, and that the home business portion will be reviewed.

Bill Benhoff, of Prospect, thanked the Board for the consideration, and while he knew it took a lot of work, he advised to "throw this whole thing out, get rid of it, and then go back to the old one and build

on it rather than use this confusing document...” He also suggested the Board and Planning Commission take advantage of the professional people in the businesses in the area and to utilize their expertise.

Jack Houghton, of Farmville, stated that he has attended nearly all meetings concerning the zoning ordinance. He said the Crestview Neighborhood Association has supported the removal of 300-foot commercial zone in front of the Crestview residential neighborhood, going on five years. He stated petitions were on file. Mr. Houghton asked when the Board would keep the promise to fix that issue.

Mr. Houghton questioned the support of the ordinance, and asked who these people are, and why they don't attend the meetings. He also encouraged the Board to adopt formal qualification standards for planning commission members

Richard Altice, of Worsham, emphasized the mandatory 3-plus acre lot size would be a waste of land, adding the land needs to be used for farms, forest or open space. He also said no restrictions should be placed on small [home] businesses if they cause no problems.

Chairman Fore asked if there was anyone else wishing to comment.

Chuck Benhoff asked what the purpose was in increasing the setbacks and for clarification on the requirements. Mr. Pickett stated the primary roads would have a 100-foot setback from the edge of the right-of-way, and secondary roads would have a 125-foot setback from the center of the road. He added it was to keep people back from the road farther.

Mr. Benhoff stated the reason for the opposition was the knowledge of what [the ordinance] would grow to. He added the Planning Commission has an agenda, but it is not the character of Prince Edward County.

Ken Meade, of Buffalo District, asked why something of this nature wasn't put to vote, and said that it would be remembered when it is time to vote for supervisors.

Beulah Womack asked about the Comprehensive Plan, stating that restrictions require more restrictions, and that people are not free to develop the way they want to. She requested that the Board not approve the ordinance.

Mr. James Moore entered the meeting at this time.

Essie Green, Hampton District, stated she discussed the ordinance with her neighbors and came to the conclusion that the ordinance is about rights and the American dream. She added “Prince Edward is a

low-income area, and regular citizens are being pushed aside to make room for – who?” She concluded by stating this is not what she’s come to expect from Prince Edward County.

Gary Atkins, of Farmville, said that he doesn’t see why the current ordinance isn’t working. He stated that property prices are rising, and the funding for roads is decreasing. He asked how many houses are on a 300-foot city block. Mr. Atkins stated this ordinance should be voted down and the old one should be built upon. He also questioned why a homeowner can’t have a 6-foot tall fence in the country, and that the ordinance was a waste of money and time, and asked the Board to vote no on the ordinance.

Wyatt Vaughn stated he and his church were concerned about Section 3, regarding the group gatherings. He stated under the new ordinance, a permit would be necessary and certain requirements such as medical facilities and security for a church revival. He stated it is unknown if more than 500 will attend the revivals. He added that as a Pastor, this puts extra strain on trying to host a revival.

Denise Jackson, of Meherrin, said that she has land and wants to put an addition onto her house for her ill father. Her concern was that she would have to remove the addition should something happen to her father in the future. Mr. Pickett said he can live in the house and the addition would not have to be removed as it would be part of the structure. He said the goal of the accessory apartment stipulation is to ensure the lot is large enough to support the number of dwellings. Ms. Jackson asked if after her father moved out, she could rent it to a college student. Mr. Pickett said that is prohibited.

Another citizen came forward and said that he lives in his own home, which he was able to afford under the old zoning plan. He said that if changed, young people will not be able to afford a home of their own.

Gregory Hicks, of Rice, stated that he is a property owner and business owner, and he attended the meeting on March 13th (2007). He said that if a person has a business that has been closed for two years, that person should be permitted to re-open the business, and it should be the individual’s choice. He said his parents followed the American dream and instilled in him to do the same.

Mr. Hicks added that while it was said notices had gone out to all property owners, his neighbor hadn’t known about the meeting. He said there are 15,000 in the county, but only the concerned show up at the meeting, adding “you can be concerned and don’t know about what’s going on.” He questioned the family estate exemptions, changes in assessments of the property.

Mary Whitlock said she owns property and a business, and asked what was wrong with the ordinance as it stood. Mr. Pickett said that it was very loosely written. He gave an example of protecting a homeowner from having a 24-hour car repair station or a Sheetz open right next door without having a public review process. Ms. Whitlock asked how the new zoning changes would affect that. Mr. Pickett stated there would need to be a special use permit issued and to get neighbors' input. Ms. Whitlock said she wants to know which changes would benefit the people, and said the Board had to represent the people.

Chairman Fore asked if there were further comments. There being no one else wishing to speak, Chairman Fore closed the public hearing.

On motion of Supervisor Cooper-Jones and adopted by the following vote:

Aye:	Pattie Cooper-Jones	Nay:	None
	William G. Fore, Jr.		
	Sally W. Gilfillan		
	Robert M. Jones		
	Charles W. McKay		
	James C. Moore		
	Howard F. Simpson		
	Lacy B. Ward		

the meeting was recessed at 8:24 p.m., and will reconvene at 4:00 p.m., April 10, 2007.