



Ralph S. Northam
Governor

R. Brian Ball
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

Erik C. Johnston
Director

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

MINUTES

Public Hearing

Commission on Local Government

7:00 p.m., May, 8, 2019

The Culpeper Economic Development Center

Board Room

803 S. Main St.

Culpeper, Virginia

Members Present

R. Michael Amyx, Chair
Rosemary M. Mahan, Vice-Chair
Diane M. Linderman, PE
Kimble Reynolds, Jr.

Members Absent

Dr. Stephanie Davis

Staff Present

J. David Conmy, Local Government Policy Administrator
Ali Akbor, Senior Public Finance Analyst
Cody Anderson, Legislative and Board Affairs Coordinator

I. Call to Order

A. Welcome

The Commission on Local Government (CLG) Chair, Mr. R. Michael Amyx, called the meeting to order at 7:00 p.m. He mentioned that the Commission is present to review a citizen-initiated petition for annexation of certain territory containing approximately 120.62 acres in Culpeper County into the Town of Culpeper.

B. Introduction of Commission Members and Staff

Next, Mr. Amyx introduced the members of the Commission and provided biographical information on each member and introduced the Commission staff.

II. Commission's Review

Mr. Conmy stated that, on the authority of § 15.2-3203 of the Code of Virginia, the CLG is directed by law to review any proposed annexations and other local boundary change and transition issues prior to their presentation to the courts for ultimate disposition. Upon receipt of such notice, the Commission is directed to “hold hearings, make investigations, analyze local needs, and make findings of facts and recommendations” regarding the issue to the affected local governments. Mr. Conmy explained that the CLG is required to report, in writing, their findings and recommendations as to “the necessity for and expediency of the proposed annexation.”

Mr. Conmy also stated that the public hearing was advertised by notice published in the *Culpeper Star-Exponent* on Wednesday April 24, 2019, and again on Wednesday, May 1, 2019. In addition, notice of the public hearing was mailed to the local governments contiguous to, or sharing functions, revenue, or tax sources with, the Town and County.

Mr. Conmy stated that the Commission is here today as a result of a Notice filed by Caruso Odin, LLC requesting the annexation of approximately 120.62 acres of territory in Culpeper County into the Town of Culpeper. Such petitions may be filed by 51% of the voters or 51% of the property owners in number and land area. He indicated that Caruso Odin, LLC is the sole property owner of the site petitioned for annexation. Mr. Conmy noted that prior to this meeting, the Commission received and reviewed documents from Caruso Odin, LLC in support of such petition and responses from the County and Town in relation to the petition. He added that on April 26, 2019, the Commission received and reviewed responses from Caruso Odin, LLC, the Town, and the County in response to the Commission's request for additional information made on April 5, 2019.

He then reviewed the meeting schedule for the Commission's on-site meetings in Culpeper, explaining that at noon the Commission toured the site proposed for annexation and that at 2:00 p.m. the Commission heard oral presentations from representatives of Caruso Odin, LLC and the County. He added that the Town of Culpeper did not participate in the oral presentations. He indicated that the Commission was now present to hold a public hearing on the matter and that the public hearing was intended to afford the public an opportunity to comment on the petition for annexation.

He added that the Commission's record would remain open on this matter until the close of business on Thursday May 23, 2019, for the receipt of additional written comment. He indicated that the Commission would endeavor to render its report on the matter prior to the end of July 2019. He indicated that the Commission is currently scheduled to meet on Thursday July 11, 2019, and additional details regarding the meeting would be mentioned on the Virginia Department of Housing and Community Development's website as well as the Virginia Regulatory Town Hall website and the Commonwealth Calendar.

Mr. Amyx thanked Mr. Conmy and asked if any other members of the Commission had any comments to offer. No other Commission member requested to speak.

III. Public Comment

Mr. Amyx opened the floor for public comment on the Caruso Odin, LLC annexation case and indicated that he would allow for 10 minutes for each comment. He directed those in attendance who wished to speak to sign the registration form located in the room. He asked that each speaker provide their full name and his or her area of residence.

First, Mr. Chuck Gyory, a direct neighbor of the Caruso Odin property, spoke on behalf of himself and his wife. Mr. Gyory explained that he was concerned about the increased traffic that would come with the development and that the road conditions were unsafe to accommodate that traffic.

Ms. Jacki Kaiser, a citizen of the Town of Culpeper spoke on behalf of herself. She relayed concerns about an intersection near her house leading from the County of Culpeper and into the Town of Culpeper that would see a dramatic increase in traffic.

Mr. Rich Kaiser, a citizen of the Town of Culpeper, spoke on behalf of himself. He reiterated Ms. Kaiser's concerns over the aforementioned intersection. He relayed concerns that an increase in traffic on his street would make it a necessity to widen the road, which would take large portions of the front yards of himself and his neighbors. Mr. Kaiser also pointed out that there was already land within the Town of Culpeper that had been approved for development of residential homes.

Mr. Steve Walker, who worked with the Town Council on the Voluntary Settlement Agreement (VSA), spoke for himself. Along with reiterating the traffic concerns of others, Mr. Walker explained that the VSA was originally designed to allow for annexation organically based on how various areas around the Town of Culpeper developed over time. He noted that 10 years from that point, the first opportunity for a boundary adjustment was set to take place, and that he believed that the Caruso Odin property should go through the same planning and annexation process as other properties subject to provisions of the VSA.

Ms. Laura Rodgers, a proponent for the formation of the VSA and a member of the Culpeper Planning Commission, spoke on behalf of herself. She explained that she agrees with the concerns of the citizens who spoke before her. She also indicated her concern for the lack of effort by Caruso Odin, LLC to exhaust the rezoning process with the County of Culpeper. She noted that this failure to exhaust the process deprived the County of Culpeper the right to process land zoning correctly, as well as the right of citizens of the area to publicly comment on developments in their area.

Mr. Amyx asked if anyone else wanted to speak. No further public comments were made. Mr. Amyx then thanked everyone for their testimony. He reiterated that the Commission has agreed to keep its

record open for the receipt of additional written citizen comment through close of business May 23, 2019, at which time the Commission will close its records. He stated that if anyone else wished to submit written comments, that staff would be available at the conclusion of the meeting to provide the necessary contact information.

He then asked if any other member of the Commission wished to provide comment. No such comments were made.

Mr. Amyx noted that the Commission will endeavor to complete its report by the end of July 2019.

IV. Adjournment

By consensus of the Commission, Mr. Amyx called the meeting adjourned at 7:48 p.m.

R. Michael Amyx,
Chair

J. David Conmy,
Local Government Policy Administrator

DRAFT