

AN EXECUTIVE SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE TENTH DAY OF FEBRUARY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SEVEN BEGINNING AT 6:30 P.M.

RE: EXECUTIVE SESSION

Mr. Hennaman called the meeting to order and asked the clerk to call the roll.

Gary L. Green	Present
James H. Burrell	Present
Frederick G. Bahr	Present
Julian T. Lipscomb	Present
Mark A. Hennaman	Present

Mr. Hennaman stated that it had been anticipated to meet a half hour earlier for a proposed Executive Session with the Commissioner of Revenue to discuss a difference in a number that was supplied to the Administrator by the Commissioner's Office. Mr. John Crump, Commissioner of Revenue, declined to meet in Executive Session. There were no objections from the Board members to discuss it in open session. Mr. Hennaman summarized the events leading to this point. On January 5, 1997 Mr. Emerson discovered an error in the amount of \$18,443,160 in the real estate revenue projection number for FY 1997. These numbers were provided by the Commissioner's Office and are used to develop revenue projections for building the budget. The County faces a potential shortfall in its projected revenue from real property of \$143,050. There is no need for immediate concern due to the diligent collection rate of approximately 97% - Administration had projected collection at 95% - so the revenue loss will not be as significant due to the high collection rate. There is a healthy fund balance and other strong revenue sources. Mr. Hennaman asked the Board members and the Commissioner to keep the discussion germane to the issue of the real property discrepancy due to time constraints. Mr. John Crump, Commissioner of Revenue made the following comments. In March 1996 he was asked to provide an estimate of what the real estate revenues on real estate assessments would be, and the revenues based upon that assessment. Wingate Appraisal Service provided him with a "land book" and he (Commissioner) assumed it would be similar to his "land book". They also provided preliminary numbers, which the Commissioner worked with in trying to determine what some of the other adjustments might be for AFD, tax exempt property, and other things. He also met with Mr. Emerson once to review these numbers - including the numbers the Board of Equalization might have for adjustments, etc. Based on these things, in March he came up with a number. Subsequent to that there are a number of things that occurred to the beginning number between the time Wingate gave him their information and the "land book" was produced in June. Newport News Waterworks is recorded only as a percentage based upon the amount of water they sell outside of their locality, which was unknown to the Commissioner at the time. This is provided for in the Code of Virginia. This caused an adjustment of \$15,000,000 for that item. There was a difference of \$6,000,000 in tax exempt properties. The Regional Jail properties were not shown at all by Wingate. When the Commissioner picked this property up, it was \$6.6 million, which leaves approximately \$828,000 of other changes that would have occurred. A lot of these changes were clerical errors, where Wingate may have put a value on property at \$1,000 per acre and they put down ten acres and it was only supposed to be one acre. The percentage change is 2.5%. The Treasurer had indicated that there is 4.61% remaining to be collected in current real estate assessments and delinquent collections were over the budgeted amount. As of today more has been received in real estate tax receipts than what was budgeted. Also, projections were made on personal property, of which around \$350,000 more has been collected. There is actually an increase in tax of \$391,848 from what was originally estimated. Mr. Hennaman stated that the Board was aware of the other revenues coming in stronger than projected, and the issue is the error in the real estate number. Mr. Crump said that it was an estimate with changes of 2.5%. Mr. Hennaman said that in a conversation he had had with Mr. Crump shortly after this situation was

discovered, Mr. Crump made the statement that it was an error that came out of his office and he would have to take responsibility for it; and, frankly that statement has not been repeated tonight. Mr. Crump said that he didn't think it was an error, it was an item he recognized at that time like the Newport News Water Works and the Regional Jail property. The professional appraisers gave them an estimated value and the County Administrator reviewed some of these numbers, not all of them; and \$60,000 was estimated by the Board of Equalization, which was much different, the AFD amount was much different. Yes, there is a difference between the estimate and the actual figures and these are it. Mr. Hennaman asked if any of the Board members had any comments or questions. Mr. Lipscomb stated that it was off last year, please help us this year and get the numbers as fast as you can so we can figure out the budget. Mr. Crump replied that he thought the new systems would help, especially in the personal property area; however, due to the transition this year would be difficult, but he should be able to provide a good personal property number around March or April of each year. If he could get the information on the permits quicker and on a regular basis, he could adjust the numbers during the year. He has requested a meeting with the Finance Committee, and that would be an appropriate topic to discuss. Mr. Lipscomb asked that Mr. Crump work closely with Mr. Emerson. Mr. Crump said that it was a once in every six year thing, there was a lot going on, and a lot of adjustments were made to the numbers provided to him. Mr. Hennaman asked Mr. Crump to comment on the situation regarding the arrangement with Newport News Waterworks concerning to how they are assessed and if he (Mr. Crump) was not aware of the policy of how the water is assessed, why wasn't he? Mr. Crump responded that it was a legal issue in the Code of Virginia and you have to know it's there because it's not in the normal section of the tax code and then you have to go get it and read it and understand what it says. He's read it many times and it's still not very clear, but there is a formula prepared that says Newport News is selling water outside of its locality (he supposed they were receiving receipts for that), in this case 55% of the water it receives and 45% of the water it sells outside its locality. This information is provided by Newport News. He didn't see any reason that they would make the water as low as they could possibly make it and he doesn't have the resources to go down and review their audit. He doesn't even get a copy of their audit, but he will get a copy of their audit to make sure that the number they are giving us is correct.

Mr. Hennaman asked for a motion to go into Executive Session for legal briefings pertaining to probable or actual litigation. Mr. Green moved that the Board go into Executive Session for legal briefings pertaining to probable or actual litigation. There was no discussion. The Members were polled.

Gary L. Green	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

After the Executive Session Mr. Hennaman asked for a Board member to give the certification. Mr. Burrell stated: Whereas, the New Kent County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and Whereas, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law; Now, therefore, be it resolved that the Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirement by Virginia law were discussed in executive meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board. There was no discussion. The Members were polled.

Gary L. Green	Aye
James H. Burrell	Aye

Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The certification was passed.

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 10TH DAY OF FEBRUARY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SEVEN IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING BEGINNING AT 7:05 P.M.

IN RE: ROLL CALL

At 7:05 p.m. the regular meeting of the New Kent County Board of Supervisors was reconvened. The roll was called.

Gary L. Green	Present
James H. Burrell	Present
Frederick G. Bahr	Present
Julian T. Lipscomb	Present
Mark A. Hennaman	Present

Mr. Burrell gave the invocation and lead in the Pledge of Allegiance.

IN RE: CONSENT AGENDA

Mr. Hennaman asked Mr. Emerson to review the Consent Agenda for the benefit of the public. Mr. Emerson stated that under the Consent Agenda there was the approval of the Minutes from the January 13th meeting, approval of Rt. 155 Land Condemnation; review and approval of New Kent County Parks and Recreation Bylaws; Virginia Tower Properties CUP-1-96 defined reasons for denial of permit; refunds to Darrell C. & Rhonda C. Kelly of \$172.50 for high mileage, Theresa Stokes Jackson for \$401.25 for double payment of property tax, David L. Cole for \$28.50 for high mileage, Albert J. Fitzpatrick for \$15.00 for high mileage, and Michael T. Lundberg for \$131.60 for high mileage. Also there is a Finance Report approving expenditures for the month of January in the amount of \$540,883.15.

Mr. Burrell asked that his following comments be added to Mr. Cornwell's documentation on CUP-1-96. I agree with all the findings contained therein and note that those reasons were clearly provided to the Board from the statements made in the public hearing. I would add to these findings the following items: The proposed 380' high tower would be prejudicial to the character of the neighborhood and clearly detrimental to the neighborhood and impair the value of the surrounding properties. This was clearly established in the public hearing. These are historic farms, some of which were granted by land grants from the King of England. These properties constitute the oldest area of the County and to allow this high tower looming over these properties would be clearly prejudicial and detrimental to the neighborhood. I also note that the Board and the Planning Commission have made studies and reviewed issues relating to the siting of towers to insure that there is coverage within the County and that towers are not prohibited in the County, and are considered in a non-discriminatory manner and I am sure this Board will continue such policy and review. If the Board would allow, I would ask that my comments be added to the reasons as submitted by Mr. Cornwell. The consensus of the Board was affirmative that Mr.

Burrell's remarks be made part of the record with Mr. Cornwell's comments. There was no more discussion on the Consent Agenda. A motion was made by Mr. Lipscomb to approve the Consent Agenda as presented. There was no discussion. The Members were polled.

Gary L. Green	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried.

FOR MR. CORNWELL'S DOCUMENTATION ON CUP-1-96 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 33.

IN RE: CITIZENS' COMMENT PERIOD

Mr. Hennaman said there were two citizens signed up to speak. The first was Mr. Jim Brabrand, 19854 Brick House Lane, New Kent. Mr. Brabrand spoke in favor of citizens receiving copies of the minutes. He felt that the problems with the minutes being sent to the Post Offices and Library were: it was not as timely, minimized citizen's involvement, and was inconvenient. He also felt that it sent a message to the citizens that the Board wants to avoid accountability. Also, it would be more costly for the citizens in travel, time and copying costs. He asked that the Board consider subcontracting the job of getting the minutes to the citizens to a reasonable citizen. Also, he would like free copies to anyone who wants them, and to advertise the availability of free copies, and monthly board agenda in both local papers. He also suggested the Board should seek citizen involvement in cutting waste, and put the minutes and agenda on the internet if it's not cost prohibitive.

The second citizen to speak was Mr. Billy Hott, P. O. Box 77, New Kent. Mr. Hott thanked the Board for their decision on the tower at last month's meeting. He also asked if the Board could check with Mr. Chamberlain on putting the agenda in the Chronicle as a public service. Regarding the Baltimore Store, could the Supervisors in that district meet with the Historical Society to see if the owner would donate the building and maybe buy an acre or so of the land - set up a fund (he would be glad to contribute) to save the store. Mr. Hennaman thanked Mr. Hott for his comments and closed the Citizens' Comment Period.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Hennaman discussed the Strategic Planning Session that Dr. Don Lacy, with Virginia Tech can provide that will help the Board prepare for the future growth of the County. Mr. Hennaman hopes that collective goals can be established. Dr. Lacy provides this service through the Extension Agent's Office. Dr. Lacy is a professional facilitator who has conducted many of these sessions in both corporate and local government. Mr. Hennaman handed out copies of a proposed program from Dr. Lacy to the Board members. This program should enable the Board to find common ground to develop strategies and goals that will propel the County through the challenges ahead. It would lay a foundation for an annual review of strategic planning for this Board and for subsequent Boards that will follow. This program was highly recommended by Prince William County. Mr. Burrell stated that he had previously requested the Board to do this, it is greatly needed. Mr. Green also endorsed the program. It was the consensus of the Board to instruct Mr. Emerson to pursue booking the program. Mr. Emerson clarified that Mr. Lacy will be

available to interview each Board member (prior to the first session) in the next few weeks. It was the Board's consensus that Mr. Emerson set up the interviews.

Mr. Hennaman also stated that he had received a letter from a County landowner regarding the proliferation of cell towers throughout the region, which he was providing to the Board for their information. Also, Mr. Hennaman said that he had prepared a brief survey and he would like everyone to take a copy, answer the questions, and return it to him. The Richmond Regional Planning District Commission met last month. They passed a resolution adopting a regional strategic planning partnership in conjunction with the planning legislation that was passed by the session last year. There was no new business. Scott Newcomer, Financial Officer of the Richmond Regional Planning District Commission and his wife have both been arrested on suspicion of embezzlement from the Richmond Regional Planning District Commission in the amount of about \$143,000. They have both been released.

The unresolved issue on the minutes needs to be taken care of. Discussion among the Board members followed regarding this issue. Mr. Green said he would like to see everyone provided with a copy, but realistically the cost seemed high for copying them, but it is staff time, and we don't have enough staff. At this point the most economical thing to do would be to place them in the library, available here if someone wanted to pick them up, but the time to copy and the cost of mailing - if someone wants them sent to their home, they should be charged for them. Mr. Hennaman said that the issue was tabled so that the Board could consider additional information provided by staff. This information was provided: the Post Offices (in the County and West Point) would all take copies, we would continue to have a copy at the Courthouse, and the public library in Providence Forge. Three of the Post Offices do not have copy machines: Barhamsville, Lanexa and New Kent. Mr. Hennaman stated that he agreed with Mr. Brabrand in the fact that it is government's responsibility to make information as public as reasonably possible, but not to the point where we are expected to put it on the living room table of every tax payer and citizen of the County. Citizens should put forth a little effort to obtain this information, it is available in seven locations. The fairness of the principle of providing service to a select group of people at their request and not doing it for everyone needs to be considered. Mr. Bahr recommended that we continue to mail the copies to the sixteen people who request it, and in the event a significant increase in requests occurs, they could then discuss it again. Mr. Burrell said that since some Post Offices did not have copiers, then there was no way citizens could make copies. Mr. Burrell agreed with Mr. Bahr that unless an increase in requests happens, it be left as it is. Mr. Burrell made a motion to keep it this year at no charge and the Board will consider it in next year's fiscal budget. Mr. Lipscomb stated that he'd like to see if PBS would carry the agenda on their station. Mr. Emerson said that local cable will carry it. Mr. Hennaman asked Mr. Burrell to restate his motion. Mr. Burrell moved that the Board continue to mail the minutes to those citizens who request it until such time (if and when) there is a tremendous increase and demand for the minutes - at which time the matter could be discussed again. Discussion followed on the number of people requesting the minutes. Mr. Bahr seconded the motion. There was no more discussion. The Members were polled.

Gary L. Green	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Nay

The motion was carried.

Mr. Lipscomb read Resolution R-4-97, an endorsement of C. Linwood Gregory for the Ninth Circuit Judicial Judgeship. Mr. Lipscomb made a motion to adopt Resolution R-4-97 as presented. Mr. Burrell

asked if there were any other people from New Kent applying for the position. Mr. Hennaman said no, there were not. There was no further discussion. The Members were polled.

Gary L. Green	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried. Staff was asked to prepare the resolution for signature.

FOR RESOLUTION R-4-97 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 14.

Mr. Lipscomb expressed his concern about the lack of cable service in the County. He asked if someone from the cable company could appear before the Board and explain why the County is not getting any more connections. Mr. Emerson said that he would request their presence at the next Board meeting. Mr. Lipscomb stated that he and Mr. Green met with Virginia Power representatives regarding the poor service. As a result of this meeting new lines will be run - mostly down Route 60 and Route 249. Work will also be done between Bottoms Bridge and Wood Haven Shores.

Mr. Green stated that the Parks and Recreation Commission met a week ago last Saturday and took a three hour bus tour of the County with the students from Dr. Rugg's class. The students have sent their proposed questionnaire dealing with what the citizens want for parks and recreation. This project will be completed by the end of May. The only costs will be for postage and printing.

The idea of changing the meeting time from 7 to 6 o'clock was discussed at the last meeting, having all the elected officials' reports and then starting the public hearings promptly at 7 p.m. (even if those reports were not done) in order to get the meetings over earlier. Mr. Green made a motion to adopt Resolution R-5-97 (which Mr. Cornwell read) that resolves: That the Board of Supervisors of the County of New Kent hereby establishes its regular meeting date, time and place, pursuant to §15.1-536 of the Code of Virginia, to be the Second Monday of each month at 6:00 p.m. in the Board Room of the County Office Building. All public hearings shall continue to commence at 7:00 p.m., as presented. There was no discussion. The members were polled.

Gary L. Green	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried.

FOR RESOLUTION R-5-97 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 15.

Mr. Green also commented on the Board of Equalization report, which was difficult to understand, late in being issued, and he had problems with some of the items addressed in the report. Mr. Hennaman said that Staff could notify the Chairman of the Board of Equalization of the March meeting and request his presence. The Board's consensus was to request Staff to contact the Chairman of the Board of Equalization to appear at the March meeting.

Mr. Burrell stated that in regard to Central Virginia Waste Management, commodities prices are down, still trying to recycle, but not getting much money for it. Mr. Burrell asked that Mr. Emerson find out

how much an assessor would cost. What could an assessor do for the County, what disadvantages, what the cost would be and so forth. Mr. Emerson stated that he and the Commissioner (of Revenue) had been communicating about this. Mr. Crump has a contact in the State Department of Taxation and they have been trying to determine what benefits a full time assessor would be to the County. Mr. Emerson said that he would try to have a report ready for the Board before the Budget work session. Mr. Burrell stated that monthly meetings should be scheduled for the Finance Committee. Mr. Lipscomb stated that under the Strategic Plans Program they have provisions for setting up these committees. Discussion followed among the Members regarding this issue. Mr. Burrell also asked that a curved seating area be looked into for the Board members so that they can see each other during the meetings. Mr. Emerson stated that it could be added as an addendum to the bid for the work the Board authorized at the October meeting. The Board's consensus was to do this.

Mr. Bahr reported that New Kent is represented on the Capital Area Agency on Aging, and they are currently having some problems with their financial officer, but they are on their way to curing those problems. Also, New Kent is represented at the Capital Area Training, which is instituting a program on one stop shopping, which involves training.

Mr. Hennaman recognized The Honorable David Sisk, James City County Supervisor and Ellen Powers, a legislative aide representing Delegate George Grayson. Ms. Powers gave the following legislative update. The Colonial Downs extension of sixty days passed on Friday. The budget passed from the House side and both the New Kent Historical Society and the Office on Youth will be getting money. Other issues have not made it through the Senate yet. She encouraged the Members to write and call. The Honorable Terry Lawler, an elected School Board member from District Two, was also recognized.

Mr. Hennaman asked for the Treasurer's report. Ms. Betty Burrell stated that the Board members had her report and if they had any questions she would be glad to answer them. There were no questions. Mr. Bahr moved to approve the Treasurer's Report for the months of October, November and December 1996. There was no discussion. The Members were polled.

Gary L. Green	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried.

Mr. Hennaman asked the Commissioner for his report. Mr. John Crump stated that they had received thousands of surveys back on the personal property survey. He is preparing an analysis and will be sending it to both local papers, and is also establishing what the assessment process will be for personal property reflecting some of those comments. He received the Board of Equalization study, which in general he thought was a good study. There are some targeted areas that need to be worked on, and he will be happy to work with Mr. Emerson to address some of those issues in response to the Board's inquiries.

IN RE: STAFF REPORTS

Mr. Emerson stated that the County Attorney had a report to give. Mr. Cornwell said he had two matters, both relating to Route 155, and he asked if the Board would consider taking them together. The County is in the process of improving Route 155 from I64 to the Colonial Downs entryway. Funding has been

received for these projects through VDOT and a Community Development Block Grant. The budget on the work is \$1,283,100. The County's consulting engineers (R. Stuart Royer) put it out for bid and the low bid was submitted by William T. Cantrell, Inc. in the amount of \$1,092,828.38. If the Board approves, the bid needs to be awarded. Also, most of this project is on property owned by Chesapeake Forest Products, and they have conveyed to New Kent their interest in properties along Route 155 consisting of 4.5 acres without consideration. There are two deeds from Chesapeake Forest Products, one for fee simple for about 4 of those acres and the other for their interest in a small parcel that consists of .46 acres. The Board would need to accept these conveyances. Mr. Bahr asked if the contractors could do any work before the condemnations proceeding. Mr. Cornwell said no; however, they are going to go ahead and award the bid, but not give the notice to proceed until that matter has been resolved. Mr. Cornwell said he needed a motion to award the contract to William T. Cantrell, Inc. - VDOT has been over this bid and agrees with the award. Also, the Board needs to authorize acceptance of the deeds from Chesapeake Forest Products. Mr. Bahr made the motion. There was no discussion. The Members were polled.

Gary L. Green	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried.

Mr. Emerson gave the following reports: In regard to the property that was recently rezoned that belongs to the County located at the corner of Henpeck and Long View Drive, it was his (Mr. Emerson) understanding that the Board wished to place the property on the market. Mr. Emerson provided the Board with a proposed lot layout plan from Resource International along with preliminary soils work. These services are covered in the budget. Mr. Emerson asked if the Board wished him to proceed. Mr. Lipscomb verified the costs as relating to a general soil sampling (not lot by lot) and a schematic layout. Mr. Emerson said the Health Department could be requested to do a lot by lot soil analysis. Mr. Burrell questioned if Mr. Emerson would get another quote from another firm. Mr. Emerson responded that this firm was on the short list. The consensus of the Board was that Mr. Emerson proceed.

Mr. Emerson showed the draft budget requests books to the Board. It was requested that line item detail be provided for this year's budget. These are the agency/department requests and not administration=s recommendation. Mr. Emerson proposed the review of draft revenues prior to reviewing the agency/department funding requests. Also, he requested a meeting on Monday, February 24th at 6:00 p.m. to review the draft revenues. By reviewing the draft revenues prior to meeting with the School Board and Department/Agency Heads the Board will know approximately how much new revenue growth is available without a tax increase. He anticipates asking for two full days of the Board's time to meet with the department/agency heads concerning their funding requests. Also, the School Board has requested a meeting with the Board of Supervisors on either March 5th or 6th to review their budget. The Revenues will be in draft format, and the County has not received all full state funding levels. Mr. Emerson asked if the Board could meet on the 24th, and which March date was best to meet with the School Board. The Members discussed this among themselves and decided that the 24th was fine, and that March 6th at 7:00 p.m. would be best for them.

Mr. Emerson also clarified that where the minutes were concerned, staff merely brought forward the costs and did not make a recommendation, but asked the Board for direction.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Bob Riley, Resident Engineer with the Virginia Department of Transportation gave the following report. Work is continuing on driveways on Rt. 611 and some patching and drainage on Rt.600; shoulder repairs on Rt. 60 and Rt. 249; blading on some dirt roads in the County; asphalt work on Rt. 60; mailbox turnouts on Rt. 606, Rt. 609, Rt. 249, and Rt. 60; and some slope work on Rt. 620 and Rt. 628. In regard to the complaints from the last Board Meeting, some they haven't gotten to yet: the drainage problem on Holly Fork Road, blocked pipe on Stage Road, and Rt. 673 bus turnaround - he has asked the Superintendent to advise on this; intersection of I64 at the east bound off ramp at Rt. 249, the median curb cut needs to be cut back and the opening made wider - it will be about ninety days before they can get to that. In regard to subdivisions, he has requested the Sheriff's Office to do a street study on Rt. 60; on Rt. 249 by the Courthouse area, they are going to move the reduce speed limit signs back around the church. The Transportation Board has awarded two projects: Rt. 604 (Poindexter Road) has been awarded to Bishop and Settles in the amount of \$1.1 million - work will begin in the spring, and Rt. 651 (Angel View Lane) has been awarded to Howard Brothers Construction Company in the amount of \$225,000 - work will begin this spring. Mr. Cogbill called to ask if the County was interested in doing something in memorial for Mr. Ringley at the I64 overpass bridge on Rt. 33. Whatever the Board wishes to do, they will work with the Board. Mr. Hennaman interjected that this was legislation introduced by Delegate Grayson, and he was happy to hear that VDOT was willing to work along with them. Mr. Riley continued, in regard to the Rt. 155 project, he will be meeting with R. Stuart Royer to discuss the contract with Cantrell. Mr. John Neal, in his office, attended a state wide utility meeting. He reviewed the draft regulations for towers on Interstate right-of-way, the draft will require anyone seeking to construct a tower on the Interstate right-of-way will have to comply with all the zoning requirements of that County in which it is being placed. Mr. Bahr thanked Mr. Riley for the work on Godden's Pond (that got the lumber trucks to only take the empty trucks across it) where a concrete barrier was constructed that reduced the width of the bridge from twelve feet to about nine and a half feet. Signage was also put up. Mr. Bahr asked when Polish Town Road would be paved. Mr. Riley answered in 1998. Mr. Hennaman said that he is expecting a letter from some of the residents on Olivet Church Road concerning problems. He will be contacting Mr. Riley after receipt of this letter to discuss the issues it contains.

IN RE: PUBLIC HEARING - ORDINANCE 0-12-96, AMENDMENTS TO SECTION 9-372 OF THE SUBDIVISION ORDINANCE PERTAINING TO RIGHT-OF-WAY REQUIREMENTS.

Mr. Hennaman asked Mr. Maloney to give his report. The Board asked the Planning Commission to consider amendments to Section 9-372 of the Subdivision Ordinance pertaining to Right-of-Way Requirements. Currently a minimum of 50' is required for parcels that do not meet the minimum road frontage requirement. This is required due to the policy of the County to require the 50' right of way should a private road be increased to public road standards. Under the revised ordinance, a 30' right-of-way would be permitted for parcels not meeting minimum road frontage requirements. However, the most that one parcel could be developed would be for the construction of a single family residential structure. Mr. Hennaman clarified that this would be for one single family home site. Mr. Maloney continued, the Planning Commission recommended unanimously at their December meeting that this ordinance be adopted. There were no questions from the Board members. The Public Hearing was opened. Mr. G. G. Crump, P. O. Box 57, New Kent, was signed up to speak and made the following comments. Mr. Crump was very much in favor of the 30' right-of-way. He asked that the Board consider making a change to 12' to 49' and be nonconforming. That way the property behind it will not be developed. Many of the property owners are willing to sell 12', but not 30' or 50'. This would ensure more green land left in New Kent. Mr. Hennaman thanked Mr. Crump for his comments and closed the Public Hearing. Mr. Hennaman asked the Board members for discussion. Discussion followed regarding

the size of the right-of-way. Mr. Maloney stated that the 30' right-of-way was primarily to permit the safe passage of emergency vehicles. Mr. Lipscomb made a motion that Ordinance O-12-96 be approved with 24' right-of-way for ingress and egress for existing parcels that do not meet the minimum road frontage requirements. There was no further discussion. The Members were polled.

Gary L. Green	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried.

FOR ORDINANCE O-12-96 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 16.

IN RE: PUBLIC HEARING - ORDINANCE O-15-96, ROUTE 155 OVERLAY DISTRICT REGULATIONS, WHICH WOULD ESTABLISH OVERLAY DISTRICT BOUNDARIES, IDENTIFY TYPES OF DEVELOPMENT FOR WHICH THE REGULATIONS WOULD APPLY, ESTABLISH PERMITTED USES, OUTLINE SPECIAL DESIGN AND RESIDENTIAL DENSITY STANDARDS.

Mr. Hennaman asked Mr. Maloney to give his report. These regulations were modeled after the recommendations of the Rt. 155 Area Management Plan. These ordinances address the set back requirements along Rt. 155, the landscape requirements along Rt. 155, and the aesthetics (signage) requirements on Rt. 155. A district is established in this area that extends 500' perpendicular to Rt. 155 in both east and west directions. The north boundary of the Overlay District would be the southern right-of-way line for I64. The southern boundary would be the northern bank of Minitree Branch of Rumley Marsh. The purpose for the overlay district is to maintain the general atmosphere and character of the Rt. 155 corridor. Mr. Bahr clarified that the setback was 500' on both sides of the center line, allowing a total width of 1,000'. Mr. Green asked why the northern boundary didn't extend up Rt. 249, and the southern boundary all the way to Rt. 60. Mr. Maloney replied that the boundaries were open for discussion. These are the recommended boundaries from the Planning Commission. Mr. Hennaman asked for rationale in establishing boundaries in the proposal. Mr. Maloney said that primarily 1) Looking at the immediate area of impact by the proposed Delmarva development, the two entrances into Delmarva's proposed development should be contained in a particular boundary limit. There is some limited development proposed just north of I64 in the northeast quadrant, but the Area Management Plan does not extend much further north beyond that, and one of the reasons was that it would have been out of the Area Management Plan if they went much further north of I64. 2) Southward, further than the Minitree branch, it was felt that this area would not be under as great a development pressure and impact. Mr. Hennaman said that it is in his district and he would not want to encourage commercial development in the area of Rt. 155 between Providence Forge and the track. Discussion followed about the comprehensive plan. Mr. Hennaman opened the Public Hearing. Mr. Frank McCreery, 6360 Evangeline Lane, Alexandria, Virginia was signed up to speak. Mr. McCreery spoke regarding the 4 2 acres of property he owns on Rt. 155 at the interchange. It is on both sides of Rt. 155, which splits the property east and west of Rt. 155. Mr. McCreery felt that the overlay plan would hinder the development of his land. He requested that his two parcels be exempt from this provision of the overlay ordinance, and in the event it isn't exempted overall, then exempt it from the need for the shared entrance and service drive. Mrs. Wilson asked how it would affect her 14 acres on Bailey's Lane. Mr. Hennaman told her that Staff would respond to her. Mr. Maloney told Mrs. Wilson that he would help her after the meeting in his office. Mr. Maloney clarified a point in regard to access to the parcels, specifically, this ordinance does mention access - limited access shall be encouraged through the use of shared driveways, travelways, and so forth. The ordinance

specifically states that if this shared arrangement cannot be provided for parcels on record, then access through these ordinances would not be denied through a traditional entrance to a single parcel. There was no discussion among the Board. Mr. Burrell made a motion to approve Ordinance O-15-96 as presented. There was no more discussion. The Members were polled.

Gary L. Green	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion carried and the ordinance was adopted.

FOR ORDINANCE O-15-96 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 18.

IN RE: PUBLIC HEARING - O-16-96, AMENDMENTS TO NEW KENT COUNTY ZONING ORDINANCES PERTAINING TO HORSE STABLES AND EQUESTRIAN SHOW FACILITIES.

Mr. Hennaman asked Mr. Maloney to give his report. Under the current zoning ordinances, commercial stables are permitted with a conditional use permit within the A-1 zoning district. The zoning ordinance does not define what a commercial stable is. Under this proposed ordinance, the definition of a stable would be amended and defined as structures used for the shelter of horses and cattle. Also, a facility for stabling, pasturing, breeding, training, riding, teaching, sale, and lease of horses and providing riding lessons. For facilities in the County accommodating more than 150 horses at any one time, see Intensive Livestock Facility. As stated, a stable as defined in the proposed amendment would be permitted as a use-by-right within the A-1, Agricultural Zone. The Equestrian Show Facility would be defined as a facility designed and intended for the showing of equestrian skills and used to host events including, but not limited to, rodeos, show jumping, cross country horse races, and other disciplines in horsemanship. Such facilities may be open to the public and may include such structures as riding rings, bleachers, stables, tack rooms, veterinarian/medical facilities, and concession stands. These facilities would be permitted within the A-1, Agricultural District with a conditional use permit. In short, the difference between a stable and an equestrian show facility would be a facility designed to encourage members of the public to come and watch the event as an audience as opposed to an individual keeping a horse off their premises and those individuals boarding horses utilizing one facility. An equestrian show facility would be required to obtain a conditional use permit and undergo a full site plan review process. The Planning Commission voted at their December 6, 1996 meeting to recommend this ordinance for its consideration and adoption. Members asked several general questions of Mr. Maloney. Mr. Hennaman opened the Public Hearing - there were no citizens signed up to speak, and Mr. Hennaman closed the Public Hearing. There was no discussion among the Board members. Mr. Green made a motion to approve Ordinance O-16-96 as presented. There was no discussion. The Members were polled.

Gary L. Green	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried. The ordinance was adopted.

FOR ORDINANCE O-16-96 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 24.

Mr. Bahr asked to be excused for approximately five minutes.

IN RE: PRESENTATION - SOIL & WATER CONSERVATION DISTRICT.

Mr. Hennaman stated that the Board would receive a presentation by Mr. Brian Noyes of the Colonial Soil & Water Conservation District on services provided to the County. Mr. Noyes stated the following duties the District accomplished in the past year in Agricultural Planning, Urban Programs, Technical Assists, Forestry, and Education Outreach. He also gave an update on the local Chesapeake Bay Preservation Act and announced there will be a continuous sign up for the Wetland Reserve Program this year. The General Assembly legislation has made dollars available for Soil and Water Conservation Districts to develop tributary strategies for each river basin draining to the Chesapeake Bay. Mr. Hennaman thanked Mr. Noyes.

IN RE: APPOINTMENTS

Mr. Hennaman told the Members he wanted to discuss the Standing Committee appointments, which he had deferred till this meeting. Mr. Hennaman said he had tried to find out when and why two members are appointed to each Standing Committee as well as the Chairman. He has a problem with three members in any committee meeting, it does constitute a majority and those three committee members could conduct business and make policy decisions without the entire five member Board. He suggested that only two Board members - one appointment and the chairman be on each of the Standing Committees. Mr. Burrell suggested that no decision could be made by these committees by the three members. Discussion followed among the Members concerning this issue. Mr. Cornwell was asked about the Freedom of Information Act, which requires that a meeting by the Board of Supervisors (three members or more are a quorum) to be open and advertised or posted. Article 7 - Appointment of Committees (in the Bylaws) does not provide the number of members of any committee - neither Board or any type member. Under the Bylaws, the Chairman is a member of all Standing Committees. Discussion among the Members followed concerning the Bylaws. Mr. Hennaman said that he would make single appointments to each Standing Committee as follows: Water Resources Standing Committee - Mr. Jimmy Burrell, Personnel Policy and Management Standing Committee - Mr. Jimmy Burrell, Legal Affairs Standing Committee - Mr. Fred Bahr, School Board Liaison Standing Committee - Mr. Gary Green, Finance Standing Committee - Mr. Julian Lipscomb, and Public Safety Standing Committee - Mr. Gary Green. Mr. Cornwell clarified that along with those Board members appointed, other committee members would also serve - staff and constitutional officers, etc. Mr. Hennaman verified this. The committee meetings are public and anyone may attend.

There were no appointments for District One.

Mr. Green moved to appoint Mr. H. F. Coke, Jr. as District Two's representative to the Agricultural & Forestal Advisory Commission for a four year term ending December 31, 2000.

There were no appointments for District Three.

There were no appointments for District Four.

There were no appointments for District Five.

Mr. Hennaman asked for a single motion for the appointments by District. Mr. Bahr said that the motion had already been made. The Members were polled.

Gary L. Green	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The appointment was carried.

Mr. Bahr made a motion to appoint Ms. Frances Lemons as the County of New Kent's representative to the Quin Rivers Community Action Board for the term ending December 31, 1999.

There was discussion among the Members on the Building Code Board of Appeals qualifications. This Board hears appeals to Mr. Gallaher's decisions concerning the Building Code. Mr. Lipscomb asked if it had to be a Class A Contractor - Mr. Gallaher said that it didn't specify, but suggested that it be a Class A so that he would understand more of the appeal questions. Mr. Bahr made a motion to appoint Mr. Dusty Crump as the County of New Kent's representative to the Building Code Board of Appeals for the term ending December 31, 1999. There were no other appointments. The Members were polled.

Gary L. Green	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motions were carried.

IN RE: MEETING SCHEDULE

The regular meeting of the Board of Supervisors will be held on Monday, March 10, 1997 at 6:00 p.m.  
The Planning Commission will meet on Tuesday, February 18, 1997 at 7:00 p.m.

The Board will meet on Monday, February 24th at 6:00 p.m. in a Work Session to go over the revenues.  
Also, a budget meeting with the School Board will be on March 6th at 7:00 p.m.

IN RE: ADJOURNMENT

Mr. Lipscomb made a motion to adjourn. There was no discussion. The Members were polled.

Gary L. Green	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The meeting was adjourned at 9:30 p.m.