

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 10TH DAY OF MARCH IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SEVEN IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING BEGINNING AT 6:00 P.M.

IN RE: ROLL CALL

Mr. Hennaman gave the invocation and lead the Pledge of Allegiance. The clerk called the roll:

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

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 February 10th meeting; approval of appropriations for the Sheriff's Department in the amount of \$2,833.77 which are insurance recoveries that are being transferred back that have been collected due to miscellaneous accidents; Resolution R-7-97 which indicates your intent to participate in the Richmond Regional Competitiveness Committee - the Chairman and the County Administrator participate in this as well as one other appointment by the Board. There is currently six million dollars available from the State for localities that join together as a region to compete for competitiveness funds with approximately \$725,000 available for the Richmond region; Refunds for incorrect assessments and a tax assist refund and some prepayment refunds that total \$4,362.68. There are also two more refunds that the Commissioner of Revenue submitted just prior to the meeting that total \$166.99; there is a Finance Report approving expenditures of \$482,228.84 for February 1997; and the Treasurer's Report. Mr. Hennaman asked if any of the Members had any questions on the Consent Agenda items. Mr. Bahr questioned the competitiveness resolution. Discussion followed about this item. Mr. Emerson stated that the Board did need to appoint a citizen to this committee. The Board decided to postpone the appointment until next month. There was no further discussion. Mr. Lipscomb moved to approve the Consent Agenda as presented. 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-7-97 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 28.

IN RE: CITIZENS' COMMENT PERIOD

Mr. Hennaman reminded the public that if they were there to comment on any of the Public Hearing issues they needed to sign up as he would not be taking any speakers out of order.

There were no citizens signed up to speak during the Citizens' Comment Period, and Mr. Hennaman closed the Citizens' Comment Period.

Mr. Hennaman stated that he would like to take Agenda Items 2 and then 1 out of order before the Elected Officials Reports.

IN RE: PRESENTATION - RESOLUTION R-44-96.

The Board will present Resolution R-44-96 recognizing two students for their display of school spirit and positive influence of their peers to Michael Burton and Robert McMillan. Unfortunately Michael Burton could not be present due to illness, but will hopefully attend in April. Mr. Hennaman asked Robert McMillan and his father to join him at the podium for the presentation. Mr. Hennaman read the resolution and presented it to Robert McMillan who thanked Mr. Ormond and the Middle School Staff for allowing them to present their ideas.

IN RE: PRESENTATION - E. DAVID RINGLEY RESOLUTION.

The Board will present a resolution recognizing Mr. E. David Ringley posthumously for his public service. Mr. Hennaman asked Mrs. Rebecca Ringley and her daughters Michelle, Catherine and Blair to join him at the podium. Mr. Hennaman read the resolution and presented it to Mrs. Ringley and her daughters. Mrs. Ringley accepted the resolution and thanked the Board. She stated that her late husband, E. David Ringley's, life was truly one of service to mankind.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Hennaman recognized Delegate George Grayson who came forward and made the following comments: Governor signed legislation to allow Colonial Downs to open on September 1st rather than July 1st without having to close down its off site facilities. A bill that was introduced at the 11th hour that would have taken 1/4 of 1% of the purse that the winners of Colonial Downs would have received to use for an equine center in northern Virginia, was killed in the House General Laws Committee. A House Resolution, joined by the Senate, honoring E. David Ringley was passed. Legislation was introduced to allow New Kent to enter into comprehensive binding development agreements. Also, the School Board received the right to do criminal background checks on new school employees. There was also a resolution commending the Sheriff's Department, and \$35,000 was appropriated for the Family and Youth Services Activities. Also, \$10,000 has been earmarked for the New Kent Historic Society. The Providence Forge Office is now open 1:00 p.m. - 6:00 p.m. Monday, Wednesday and Friday and the telephone number is 966-1215.

Mr. Hennaman updated the Board of the Richmond Regional Planning District Commission meeting on February 13th. A new member from Henrico County was introduced and minutes from the January meeting were approved as well as the finance report. Reports from the chairman and the finance director were given. Items covered included: update on the legal matter surrounding the former finance director of the PDC, a new organizational chart for the PDC was approved, update on the actions of the general assembly affecting the PDC localities, and updates regarding grant proposals. Also, a constituent contacted him regarding the scavenger birds harassing the residents of Leesburg. The constituent asked that the Board consider adopting an ordinance to prohibit other localities from relocating unwanted animals to New Kent County. Mr. Cornwell was asked to look into this matter and the legal precedents.

Another citizen called in regard to the mailing of the minutes and the broadcast of the meetings. She requested that the meetings be broadcast several times a month at different times. The Strategic Planning Session dates were discussed. The Board agreed on June 6 and 7, with June 20 and 21 as an alternate date, pending Mr. Bahr's checking on a prior commitment date.

Mr. Lipscomb stated that there was a problem with sludge in his area. He requested Mr. Cornwell to look into putting it under a conditional use permit, with a public hearing, and notification to all adjoining property owners.

Mr. Green stated that due to personal interests in a transaction as set out in 2.1-639.2 in the Code of Virginia in his company's relationship with Chesapeake Corporation and solely owned subsidiary, Delmarva, Inc., he must disqualify himself from participating in any consideration of the Delmarva, Inc. Planned Unit Development as required under 2.1-639.11 of the Code. Also, he was not present at last month's Parks and Recreation Commission meeting, but the questionnaires were sent out, and Dr. Rugg and the VCU students will meet with the Commission on March 13th at 7:00 p.m. in the County Administration Building to give a progress update.

Mr. Burrell did not have a report.

Mr. Bahr stated that Mr. Riley and Mr. Cogbill (with VDOT) the bridge on Holly Fork Road over Godden's Pond was fixed so that the trucks loaded with timber could no longer use it. He has now received several calls from professional farmers who cannot get their equipment across the bridge, and Mr. Riley is working on a solution now.

The Treasurer did not read her report, the Board did not have any questions.

The Commissioner of Revenue stated that the Historic Society has received a great response from the article in the Times Dispatch. The next Historical Society meeting is Sunday, March 16th at 2:00 p.m. in the Board Room of the County Administration Building. As Commissioner of Revenue, he reported that most of the personal property surveys have been received, and the results will go out this week. Based upon that survey and other procedures they have developed procedures for assessing personal property for this year. Also, a number of things have been done with the computer to try to analyze and go through all the data. Over 2,400 hits of new cars during the last year have been found.

Mr. Hennaman recognized Terry Lawler, the elected School Board member representing District Two.

IN RE:           STAFF REPORTS

Mr. Emerson stated that there were no staff reports for tonight, but he did want to point out that the Strategic Goals Work Session questions needed to be completed so that Mr. Lacy could set up individual meetings. These can be returned to Mr. Emerson's office and they will be forwarded to Mr. Lacy. Also, concerning the minutes, currently prior to the meeting we have been mailing the minutes out in draft form, before they are adopted. Would the Board rather that the minutes be sent after they have been approved, or should they continue to be sent out in draft form? The consensus of the Board was that the minutes should be sent as they currently are with "draft" on each page.

Mr. Burrell stated that there will be a Budget Work Session tomorrow, March 11th starting at 12:00 p.m. in the conference room, which is open to the public.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Bob Riley stated that the Route 604, Poindexter Road, has been awarded to Bishop and Settles Contractor in the amount of \$1.1 million. Work should begin in the next sixty days. A town meeting will be held March 13th at 7:00 p.m. in the Board Room of the County Administration Building for the citizens to ask any questions regarding construction, procedures and to meet the members of the staff who will be in charge of the project. Also, Route 651, Angelview Lane, has been awarded to Howard Brothers Construction in the amount of \$225,000, with work to begin this spring. A Notice of Willingness to hold a public hearing has been posted on Route 626, Paige Road, which means if there are any property owners that would like to request a public hearing, they can notify the him, or someone could go to their house and speak with them there. Brush cutting will begin on Route 64 in the median at Bottoms Bridge and work east, at about a mile a day. On Route 613 a slope mower is working the area. On Route 644 they have been cutting limbs, straightening signs and fixing pot holes. On Route 612 the shoulder has been pulled and the edge of the road has been patched. On Route 638 they are taking care of a problem in the Black Creek area. Ditch work has been completed on Routes 600 and 601. On Route 629 the cross pipe at Bailey Lane has been completed. Mr. Riley met with Mr. Edward on Route 640 to talk about solutions for his problem. Mr. Riley will be contacting Mr. Emerson to discuss the dedication of the Ringley bridge. In regard to the crossover on Route 33, he has not been successful in finding funds. Mr. Lipscomb asked when they would get to the beaver dam on Route 638 - Mr. Riley said he would check on it. Mr. Green said that on Orapax Road, where he had asked for 35 m.p.h. speed signs, he has been told that subdivisions were supposed to be 25 m.p.h. Mr. Riley confirmed that this is generally so, and he had sent Mr. Green's request to the traffic engineering section for their advice. Mr. Hennaman thanked Mr. Riley for his help with the drainage problem at Heritage Library. Mr. Hockaday on Carriage Road had called Mr. Hennaman to say that a culvert was put in, but no ditches were built to accept the flow from the culvert and it was causing problems. Mr. Hennaman asked Mr. Riley to look into this situation.

IN RE: PRESENTATION OF THE FINAL REPORT OF THE BOARD OF EQUALIZATION  
BY EDGAR E. HAYES, CHAIRMAN.

Mr. Hayes stated that the Board of Equalization is the group that is appointed by judges to sit in judgment of assessment appeals and the Board existed and was at its work between March and October of 1996. During that period they heard appeals on 136 parcels of property resulting in approximately 100 reductions in assessments and about 25 increases in a dozen or so properties. The recommendations from the Board of Equalization are: 1) Hire a full time assessor. 2) Commissioner of Revenue should investigate alternative options to the existing assessment system. 3) Integrate assessment system to other administrative systems. 4) Provide technical resource to deal with the integration of the existing systems. 5) Look at other assessments that exist - should be accurate and uniform. The Commissioner of Revenue said that he agreed with the report and the recommendations that are contained in the report and his office would like to work to resolve the problems. Board members questioned Mr. Hayes about the reassessments. Mr. Burrell thanked Mr. Hayes and the rest of the Board for their efforts.

IN RE: PUBLIC HEARING - DELMARVA PROPERTIES' REQUEST FOR ROUTE  
155/PROVIDENCE FORGE AREA MANAGEMENT PLAN AMENDMENT.

Mr. Hennaman stated that the Board will consider adopting this amendment, which clarifies existing language and does not alter the intent, goals, objectives, or policies of the plan.

This issue is simply on the topic of the amendment, it doesn't have anything to do with the approval or denial of the PUD. Mr. Hennaman asked Mr. Maloney to give his report. Mr. Maloney stated Delmarva Properties has requested an amendment to State Route 155/Providence Forge Area Management Plan and request is made in conjunction with commencement of formal public review of Delmarva's proposed Planned Unit Development application for a 3,165 acre tract in the area of the Route 155 Plan. The proposed amendment is a clarification to existing language, and does not alter the intent, goals, objectives, or policies of the plan. The amendment language proposed by Delmarva would read as follows: The nonresidential square footages shown on Tables 2 and 3 are provided as examples of levels of development and phasing that are supported by the infrastructure envisioned by the Plan. Greater square footages may be considered consistent with the plan if adequate infrastructure is ensured, other mitigating factors can be shown, and goals, objectives, and implementation policies and strategies of the plan are satisfied. Delmarva justifies this request in the application by stating: Although not intended by the Plan, the specific nonresidential square footages shown on Tables 2 and 3 may be misconstrued as thresholds beyond which development should be considered inconsistent with the Comprehensive Plan and should not be approved by the County. Addition of the proposed language would clarify the intent of the Plan to be general, and would avoid any potential constraint on the county's ability to consider development proposals based on their impact, benefits to the county and adequacy of supportive infrastructure. Again, the totals shown on Tables 2 and 3 are targets, and were not intended to be utilized as absolute limits on development. Because water and sewer utilities will be owned and operated by New Kent County, the county will have the ability to directly control growth in the area by the extension of the public utilities. The Planning Commission at their January 22, 1997 meeting voted to recommend this amendment for adoption by the Board of Supervisors. Representatives from Delmarva were present to answer questions. Mr. Bahr questioned if there was a request to add to the nonresidential numbers minus the commercial then would it require an additional drain on the sewage system built by Delmarva and handed over to the County; and, will Delmarva build a separate sewage treatment plant? Mr. Maloney responded that he was not sure that Delmarva would commit to build any sewage treatment plant. Clearly the County would have the ability to determine whether any additional flow going into the wastewater treatment/sewage treatment plant could be handled by the plant. If not, the County would look at the Developer to provide the financing for any necessary upgrades - it would be the decision of the Board of Supervisors of whether they wanted to undertake those activities themselves or allow the developer to upgrade the plant at its own cost. It is the Board's decision of when to upgrade the plant and if the Board felt that it was not in the interest of the County to expand at that time, then the development proposal would be denied based on the inability of the sewage plant or any other infrastructure required with an increased development. There were no further questions or discussion from the Board. Mr. Hennaman opened the public hearing. The first to speak was Mr. W. M. Marshall, 505-E Main Street, Richmond, Virginia. Mr. Marshall spoke against the amendment. Mr. Marshall stated that he was a lawyer who represented Frank McCreery, who has an interest in what Delmarva does with the property because his property is adjacent to Delmarva's. He stated that Delmarva paid \$70,000 for the Route 155 road study. Delmarva has given the Planning Department a conceptual idea of what they plan to do on the 7,000 acres. He was bothered that Delmarva got whatever they wanted. Mr. Marshall has also heard that Delmarva plans to sell the remaining 4,000 acres to Delweb for some type of retirement home. If the Board changes what they have already adopted, then you don't have any control and Delmarva will use up every gallon of capacity of the well that's built into that and they are only paying 1/3, and there will be nothing left for the County or anyone else. Mr. Marshall asked that it be deferred or denied. Mr. Marshall stated he disagreed with Mr. Maloney who said that the amendment doesn't make any changes because it does. They (Delmarva) will use the full capacity of the well. The second citizen to speak was Mr. Stan Stanfield, 6601 Marlowe Road, Richmond, Virginia. Mr. Stanfield stated he was a land use consultant and zoning law specialist. Raising the capacities troubles him, its not good planning practices. A 500,000 gallon water treatment plant that can be increased to 1.5 million. They are building 1/3 of the land and 1/3 of the capacity of the well. There will not be capacity for those people who have property surrounding this development. Under Section 9.240-1 of the Equestrian PUD it says 9-236 divisions 4, 6,

11 and 13 will apply. These concern the ratios of development that will be put on this land. The third paragraph of that section specifically provides, however, that the Board cannot act in a particular act to alter such ratios. Please defer or deny this amendment. Mr. Hennaman closed the public hearing. Discussion followed amongst the Board members. Mr. Burrell stated that he was not prepared to vote on it tonight. Mr. Lipscomb agreed with Mr. Burrell and suggested it be deferred until the April meeting. Mr. Burrell made a motion to defer Delmarva Properties' request to amend the Route 155/Providence Forge Area Management Plan until a later date, the next regular meeting in April could be the earliest it could be brought up again. Mr. Hennaman asked if anyone from Delmarva cared to address the issues brought up. Mr. Maloney stated that for the benefit of the public, it does not pertain to any specific development application. This is an amendment to language in the Comprehensive Plan which would guide over all development in the Route 155 corridor. Should Delmarva choose to expand this PUD as proposed, or another developer request a similar proposal, the rezoning process would still be in place and it would not transfer the right of anybody to do anything on the land without going through a similar rezoning process. Mr. Emerson stated that the County's policy on development of utilities is that the developer build utilities based upon his demands on those utilities and if someone else wants to build, then they are expected to bear the cost of the expansion of the utilities. Mr. Hennaman stated that he had the utmost confidence in the Planning staff and found the remarks offensive, that the County would knuckle under to any developer. Mr. Burrell again stated that he wanted to defer this item as he needed to peruse it more before he cast his vote. Mr. Bahr asked the date of the meeting with Delmarva and the Planning Board. Mr. Emerson stated that it had not been established, he would get a date for a work session for the Board to go over the information. Mr. Green made a motion that it be adjourned without date. Mr. Burrell withdrew his motion. Mr. Hennaman restated Mr. Green's motion to defer action on this issue until they had time to have a work session with Delmarva and the County planners on this PUD. There was no further discussion. The Members were polled.

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

The motion was carried.

IN RE: PUBLIC HEARING - C-9-96, REZONING APPLICATION BY J-MER ASSOCIATES, INC. THE BOARD WILL CONSIDER APPLICATION BY J-MER ASSOCIATES, INC. FOR REZONING TAX MAP AND PARCEL 30-1 CONSISTING OF 144.6 +/- ACRES ON THE SOUTH LINE OF U. S. ROUTE 60, APPROXIMATELY 1.76 MILES EAST OF STATE ROUTE 249 FROM A-1, AGRICULTURAL TO B-2 (C) LIMITED BUSINESS (CONDITIONAL).

Mr. Hennaman asked Mr. Maloney to give his report. Mr. Maloney stated that this property is currently zoned A-1, Agricultural and the proposed zoning of the property is B-2 (C), Limited Business (conditional). No specific uses have been identified for the parcel. The following uses have been excluded from the list of permitted uses by the applicant's proffer statement: Amusement parks, game rooms, and amusement facilities; auto sales and service facilities; clubs; cemeteries, and kennels. The Future Land Use map contained in the New Kent County Comprehensive Plan designates this parcel for Mixed Use and Low Density Residential uses. The Comprehensive Plan identifies potential uses to include a variety of residential uses and "commercial uses, commercial recreation uses, warehousing, [and] light industrial" uses in addition to single family dwellings. The proposed uses for this site all are identified as "acceptable" under the Plan for the western portion of the parcel only. Over 36% of the

parcel is a "non-Chesapeake Bay Preservation Area." Over 50% of the parcel area lies within a Chesapeake Bay Resource Management Area, and slightly over 12% of the parcel is within a Chesapeake Bay Resource Protection Area. The Soils Map and Slopes Map indicate that hydric soils are present near the center and western boundary of the site, and that a small portion of the parcel have slopes exceeding 15%. The Comprehensive Plan discourages development on lands having slopes exceeding 15%. This application has been reviewed by the Virginia Department of Transportation (withheld any comment pending more specifics as to size and type of development); the New Kent County Health Department (no comments at this time because of a lack of soils data); and, the New Kent County Department of Public Safety. The Planning Commission voted to recommend denial as only the western most portion of the parcel is slated for commercial development under the current Comprehensive Land Use Plan, while the remainder of the parcel is slated for low density residential use. Only the western portion of the parcel is in compliance with the County's stated land use goals and objectives. The hydric soils located in the western portion of the parcel pose a serious impediment to the environmentally sound development of the property. Discussion followed among the Board members as to the current zoning, the Comprehensive Plan, and the study being done on that area. Mr. Hennaman asked if the applicant wanted to address the Board. Mr. Renney declined to comment. There were no further questions from the Board. The public hearing was opened. There were no citizens signed up to speak, the public hearing was closed. Mr. Hennaman asked for discussion. Mr. Green made a motion to deny rezoning application C-9-96 as presented. Discussion followed among the Members regarding the study to be done and the current vacant space for commercial development in the area. Mr. Cornwell clarified that the discussion and motion is because of failure of the property to be within that zoning under the comprehensive land use plan as well as the soil problems? Mr. Green said yes, and also they have a study beginning now in the Bottoms Bridge area and this is a large tract that he thinks should wait until the study is done. 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.

IN RE: PUBLIC HEARING - CUP-15-96, CHARLES R. CALDWELL, III. THE BOARD WILL CONSIDER CONDITIONAL USE PERMIT CUP-15-96 BY CHARLES R. CALDWELL, III FOR TAX MAP AND PARCEL 15-21 (ZONED C-1, CONSERVATION) TO DEVELOP A 575 CAMPSITE CAMPGROUND, RENOVATE EXISTING CAMP STORE, AND CONVERT AN EXISTING STRUCTURE TO A RESTAURANT. A 26 UNIT MOBILE HOME PARK IS ALSO LOCATED ON THIS SITE, WHICH IS ON STATE ROUTE 649 (ROCKAHOCK ROAD), FORMERLY KNOWN AS CHICKAHOMINY OUTPOST CAMPGROUND.

Mr. Hennaman asked Mr. Maloney to give his report. Mr. Maloney stated that he had additional information received from Newport News Waterworks (an adjacent property owner) on this past Friday, which he handed out to the Board. Charles R. Caldwell, III has submitted an application for a conditional use permit to develop a 575 campsite campground, renovate existing camp store, and convert an existing structure to a restaurant on Tax Map and parcel 15-21. In addition to the campground and retail uses, a twenty-six unit mobile home park is located on site. This property is located south of State Route 649 (Rockahock Road), at the site of the former Chickahominy Outpost Campground. The property is zoned

C-1, conservation, and these regulations permit campgrounds with accessory uses with a conditional use permit and an approved site plan. Section 9-245 of the New Kent County Zoning Ordinance sets forth the following specific use conditions for campgrounds, camping units, and campsites. Applicant proposes to develop the campground in two phases. The first phase will consist of the renovation of 50 overnight recreational vehicle campsites, the development of 155 annually rented camper trailer sites, and the construction of an area to accommodate 25 tent campsites. The 25 tent sites will be served by a new bath house with shower and toilet facilities. A new 18' access road will be constructed for internal site circulation, all secondary electric service lines will be buried, all existing septic tanks and drain fields located in the former campground will be abandoned, and a wastewater treatment system, central sewer system, and two new wells will be installed. The existing retail and restaurant facilities will be expanded and interior renovations undertaken. Phase II of the project will consist of the development of the remaining 345 annually rented campsites. No additional mobile homes will be installed. Two illegal mobile homes will be removed from the campground portion of the property, leaving one mobile home to serve as a manager's residence. The manager's residence was approved by the Board of Supervisors in 1980. The project as proposed by the applicant meets the minimum specific use conditions set forth in Section 9-245 of the New Kent County Zoning Ordinance. The application has been reviewed by the Department of Public Safety, Department of Transportation, and the Department of Health. The Department of Public Safety has identified the following areas of concern related to fire and emergency vehicle access and safety practices, the necessity for demolition and building permits before construction activity, and the need for signage at the CSX railroad crossing. Neither the Department of Transportation nor the Department of Health have any concerns on the project at this time. Applicant has submitted a proposed lease agreement for tenants of the campground with the actual camping season as March 1st through November 30th of each year. As per the lease, no tenant shall be allowed to occupy a site for more than one hundred eighty days during any calendar year, and no tenant shall be allowed to occupy a site for more than ninety consecutive days. Applicant has submitted application for preliminary/final site plan approval as required by the County Zoning Ordinance. It is anticipated that the issues identified by the Department of Public Safety can best be addressed in the site plan review process. Newport News Waterworks did respond and identified some issues they would like Board consideration. They do state in their letter that they are not opposed to this conditional use permit, they do have concerns they want the Board to address: Road right of way - 30' easement through the property that the applicant is choosing to expand to 50' - want assurances that no part of this 30' right of way will be abandoned at any time and they will be able to continue to have access along the 30' right of way to their facilities adjacent to the campground. Also, a road way maintenance agreement (between NN Waterworks and applicant) should be entered into to properly maintain the road throughout the life of the project. Also, regarding the railroad crossing NN Waterworks is asking that the applicant speak with CSX about upgrading the crossing. NN Waterworks may be willing to enter into some type of cost share arrangement with the applicant should upgrading the crossing be feasible. The entrance road into the campground site - NN Waterworks (as well as the applicant) would like to see it upgraded to VDOT standards and having that section of the road brought into the state highway system - if feasible. Applicant responded to these issues stating that he and NN Waterworks see eye to eye and both are interested in a mutual understanding and arrangement to address these needs. Because this information was received last Friday, the Planning Commission has not reviewed it. Staff in addition to the recommendation of the Planning Commission, which was to recommend approval with one additional condition of forwarding to the Planning Commission for review before final site plan approval is granted. Staff added the following conditions: a road maintenance agreement be completed within six months of Board approval of the conditional use permit, if approved, and a copy of the agreement be submitted to the Department of Planning and Community Development and be maintained in the department's files. Applicant working with CSX and NN Waterworks must study the feasibility of upgrading the existing railroad crossing and report to the Department of Planning and Community Development the final outcome of its investigation within six months of approval of the conditional use permit by the Board. Upon further review of the lease language, recommend two additional conditions: cease all residential camping activities and no

residents will be permitted to reside on site from December 1st through February 28th of each year, and the manager of the site would be required to maintain a log of all on site tenants - arrival and departure dates, and such log be submitted to the Department of Planning and Community Development on a monthly basis during the months the campground is open. Mr. Hennaman asked if Mr. Caldwell wanted to add anything. Mr. Caldwell shared with the Board his plans for the Rockahock Campground. Mr. Hennaman asked if there were any questions from the Board. Mr. Lipscomb asked Mr. Caldwell if he agreed with all the conditions stated. Mr. Caldwell replied in the affirmative. Mr. Lipscomb said that he had a problem with the requiring Mr. Caldwell to reach an agreement with NN Waterworks as a condition. Mr. Lipscomb did not think that we should get involved in a road situation. Mr. Cornwell said that the Board can require reasonable conditions that are appropriate for this property. Mr. Lipscomb said he also had a problem with the second requirement also. The applicant should not be compelled to go into working with CSX on upgrading the crossover. Mr. Cornwell stated that the applicant had offered to do so, because there were going to be a lot of people going across the railroad crossing and he didn't think it was fair to require the crossing to be upgraded, but he thought it was fair to have CSX look at it and see what could be done. Mr. Hennaman stated that he did ride down to the site and was impressed with what he saw. Mr. Bahr said that he had also seen the improvements. Mr. Hennaman opened the Public Hearing. The first person to speak was Mr. Jonathan Blair Wilson, 720 Main Street, West Point, Virginia. Mr. Wilson represents the applicant. There were no questions for him, he thanked Staff for their assistance. The second citizen signed up was Ms. Denise Bartlett, 304 Cove Court, Lanexa, Virginia. Ms. Bartlett stated that Mr. Caldwell answered her question about how renovations could start on something prior to the public hearing. Mr. Hennaman closed the public hearing. Mr. Hennaman asked if any of the Members had any discussion. Mr. Burrell stated that he was prepared to make a motion and moved that CUP-15-96 be adopted as presented. Mr. Cornwell requested that the following language changes be made: the four additional conditions should be numbered 11, 12, 13 and 14; also he recommended a language change on the last condition on the first page of the supplemental memorandum to read "a condition that although stated in the draft lease agreement to cease all (strike residential) camping activities and no change of residence of campers would be permitted on site from December 1st through February 28th of each year. This would remove any issue of whether they were going to be residents. Mr. Caldwell stated that they had personal property there and you couldn't do that. Mr. Cornwell stated that he would then recommend as an alternative that no campers would be permitted to camp on site overnight. Mr. Caldwell stated that the word "overnight" is what the zoning ordinance requires. Mr. Green asked if this meant that there could not be transient campers during this period? Mr. Caldwell said it was his understanding that he could not. Mr. Cornwell stated that there had been a problem with campers being in a campground and putting their children in school and our ability to control that has been severely limited in letting people stay on the property for twelve months out of the year. Mr. Cornwell further stated that the manager's log did not take care of the problem. Mr. Hennaman asked if Mr. Caldwell had a problem with the current requirement in concern to the time of the campers. Mr. Caldwell stated that the lease (due to the zoning ordinance requirements) dictates that two months out of the year it has to be shut down completely for overnight use. Mr. Maloney stated that what the draft lease agreement specifically states is a lease requirement, not an ordinance requirement. This specific conditional use permit would enforce the draft lease requirement as presented by the applicant. Mr. Emerson agreed and explained that this is reflecting what is in the lease, what's in the ordinance requires that no camper be allowed to stay over 180 days period. It does not address the duration of time the camp site has to be closed down in total. Mr. Hennaman stated that the applicant doesn't have a problem with it, then what's the issue? Mr. Lipscomb asked if Mr. Burrell would accept an amendment to his motion to exclude paragraph number eleven, the road maintenance agreement. Mr. Burrell said he would accept that. Mr. Lipscomb stated the changes to the motion would be: to exclude paragraph number eleven, which states a road maintenance agreement be completed within six months of the Board's approval of the conditional use permit and a copy of the agreement be submitted to the Department of Planning and Community Development and maintained in the department's file. Mr. Hennaman clarified the motion (made by Mr. Burrell) to approve Conditional Use Permit as presented with the changes in the language

that were recommended by the County Attorney with a friendly amendment to delete paragraph number eleven with regards to the road maintenance agreement. Mr. Burrell confirmed the motion as correct. 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.

IN RE: DISCUSSION WITH FIRST COMMONWEALTH COMMUNICATIONS. THE BOARD WILL QUESTION WILLIAM T. NEWBORG, GENERAL MANAGER, ABOUT THE OPERATION AND EXPANSION OF THE CABLE SYSTEM IN NEW KENT COUNTY, PARTICULARLY IN THE RURAL AREAS OF THE COUNTY.

Mr. Hennaman asked Mr. William T. Newborg to step forward. Mr. Newborg assured the Board that he sees no problem with running rebroadcasts of the Supervisors' meetings on cable channel 24, and if the Board has suggested times to please let him know. Mr. Hennaman said that he would get the times to the Administrator and have him forward them to his office. The Board Agendas are posted on channel 24 as well. Mr. Newborg stated there had been a lot of changes in the company and the services they offered. In October of 1987 they proposed to offer a twenty channel basic service and three optional pay services. In June of 1989 they were providing 36 channels of basic service and four optional pay services. Today they have approximately 2,000 customers in New Kent with a forty-seven channel basic service, five optional pay services, and optional five channel tier service, two pay per view channels, additional thirty channel audio service, and Sega game channel. In February 1996 they began broadcasting the Board meetings on a twenty-four hour delay basis on cable channel twenty-four, in March of 1996 they installed the first three fiber optic nodes in the County to increase the picture quality. In June of 1996 they installed an automatic standby generator at the headin tower site, and a series of battery operated standby cable power supplies. In October of 1996 they completed the rebuild at Five Lakes, Woodhaven Shores, Emmaus Church Road, sections of Henpeck Road and Old Roxbury Road. These areas are now capable of receiving approximately 80 channels. In January of 1997 they completed the rebuild of the balance of the system to a 60 channel capacity, and they plan to take it to the 80 channel with more fiber optic facilities in the very near future. The Board has expressed its interest in areas being considered for expansion. While is it difficult to project exact time schedules for completion, they are looking at several areas including an area in Chickahominy Shores extending into the Turner Landing subdivision. Other areas are in various stages of evaluation. The cumulative areas of service account for approximately 162 miles of plant passing approximately 3,232 homes. There are very few companies that build to that low of a density. The future includes digital compression, which will bring more channel capacities. Mr. Hennaman asked if any of the Board members had any specific questions or comments. Mr. Green said he had problems in the lack of service to some areas. In October of 1987 at a public hearing Ms. Morgan stated that First Commonwealth would have an office located within the County and that the entire project would be completed within 18-24 months after award of the franchise, and from what he understands, it was one of the keys to securing the franchise. Mr. Green further stated that it costs a lot of money to run the cable company, but every day that houses are not served with cable and a dish is installed, that is every day the County loses potential revenue. The eastern end of the County is practically void of cable service, the northern section in Tunstall and the western end where he lives should be looked at to expedite service into before the dishes take over. Mr. Newborg responded that his (Mr. Green's)

interpretation might not be what the intent and the explanation was at the time it was made. They were the only company that agreed to try to get service to as many parts of the County as possible. The original plan was to send the signal via microwave; however, due to the cellular phone towers it turned out to be cheaper to use hard cable. He rode with every supervisor (at that time) and toured each district. There were also construction delays, and the unavailability of land for tower sites at reasonable rates. Would be happy to tour the districts again. There are overall 20 homes per mile in this system, and it's a very low home per mile average in our industry. Franchise fees are paid to the County for every subscriber. He does not feel there is a level playing field in regard to the dishes. They have never promised to serve everyone in the County - it can't be done. The determining factor is how many homes can you pass and how much is the cost. Mr. Lipscomb stated that they would all like to see it offered to everyone in the County. Mr. Green stated that they (Cablevision) was not alone in expanding their system by going down as low as 20 homes per mile – it's happening in all rural areas. Mr. Green said he would like to take Mr. Newborg up on his offer of touring his district. There were no other questions for Mr. Newborg from the Board. Mr. Hennaman thanked him for his presentation.

IN RE:                    ADOPTION OF CHANGES TO THE BYLAWS. THE BOARD WILL REVIEW AND CONSIDER ADOPTION OF THE CHANGES TO THE BYLAWS PROPOSED AT THE JANUARY MEETING.

Mr. Hennaman asked Mr. Cornwell to explain the changes to the Bylaws. Mr. Cornwell stated that the changes requested in the January meeting have been put into a resolution as well as a new draft of the Bylaws with the changes in them. The changes relate to the submission of the items for the agenda (he read the changes for the benefit of the public). Supervisors and others may submit to the County Administrator items for the agenda at any time prior to noon, Monday two weeks preceding the regular meeting which such item relates. All agenda items shall be approved by the Chairman. Copies of the agenda shall be made available at the office of the County Administrator for each Supervisor and for members of the News Media serving the County not later than Noon on the Monday preceding the meeting to which it relates. These were merely language changes. Also, Item K has been changed to renumber it, making it 1, 2, 3 and 4. Also, the language under order of business, citizens comment period shall be limited to fifteen minutes unless such time period is waived by a majority vote of the Board was struck. Provided under Citizens Comment Period that each speaker shall be allowed three minutes for comments to the Board rather than five. Discussion followed clarifying these changes and other various questions the Members had. There was no further discussion. Mr. Bahr moved to adopt the changes to the Bylaws of the Board of Supervisors, New Kent County as presented. 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, the changes involved are adopted.

FOR RESOLUTION R-6-97 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 30.

IN RE: APPOINTMENTS - THE BOARD WILL CONTINUE TO MAKE APPOINTMENTS TO VARIOUS COMMITTEES.

District One - no appointments were made.  
District Two - no appointments were made  
District Three - no appointments were made.  
District Four - no appointments were made.  
District Five - no appointments were made.

Boards and Commissions not delegated by district: Mr. Hennaman stated that there was unfinished business from last month. Mr. Emerson clarified that Francis Lemons declined her appointment to the Quin Rivers Community Action Board and a new appointment needed to be made. Also, the Board was reconsidering the reappointment of Mr. Moss for the Building Code Board of Appeals, with Mr. Burrell planning on checking with him to see if he wished to continue. Mr. Burrell stated that he had someone else and made a motion to appoint Mr. Alex Baine as the County of New Kent's representative to the Building Code Board of Appeals for the term ending December 31, 1999. Mr. Bahr made a motion to appoint Maxine Bradby to the Quin Rivers Community Action Board for the term ending December 31, 1999. There were no other appointments. Mr. Burrell made a motion that the Board act on the appointments. 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.

IN RE: MEETING SCHEDULE

The regular meeting of the Board of Supervisors will be held on Monday, April 14, 1997 at 6:00 p.m. The planning commission will meet on Monday, March 17, 1997 at 7:00 p.m. Also, the Board will meet for budget sessions with agency and department heads on Tuesday, March 11, 1997 at 12:00 noon and Monday, March 17, 1997 at 12:00 noon.

IN RE: ADJOURNMENT

Motion was made by Mr. Bahr to adjourn this meeting to reconvene tomorrow at 12:00 noon. 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 8:50 p.m. until March 11, 1997 at 12:00 p.m.