

Executive Session

AN EXECUTIVE SESSION OF THE BOARD OF SUPERVISORS WAS HELD ON THE 8TH DAY OF DECEMBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SEVEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 5:35 P.M.

IN RE: EXECUTIVE SESSION

Mr. Hennaman called the meeting to order at 5:35 p.m. and asked the roll to be called.

Rebecca M. Ringley	Present
James H. Burrell	Absent
Frederick G. Bahr	Present
Julian T. Lipscomb	Absent
Mark A. Hennaman	Present

Mr. Hennaman asked the record show Mr. Burrell was out of town attending a seminar he felt would be beneficial to the Board.

Mr. Bahr made a motion for the Board to meet in Executive Session to discuss the acquisition (or sale) of real property for public use pursuant to Section 2.1-344(a)(3) of the Code of Virginia.

Rebecca M. Ringley	Aye
James H. Burrell	Absent
Frederick G. Bahr	Aye
Julian T. Lipscomb	Absent
Mark A. Hennaman	Aye

The motion was carried.

Mr. Lipscomb arrived at 5:42 p.m. and joined the Board in Executive Session.

The Board returned from Executive Session at 6:05 p.m. Mr. Bahr made a motion 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 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.

Rebecca M. Ringley	Aye
James H. Burrell	Absent
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried.

Regular Meeting

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 8TH DAY OF DECEMBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SEVEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:05 P.M.

IN RE: ROLL CALL

Rebecca M. Ringley	Present
James H. Burrell	Absent
Frederick G. Bahr	Present
Julian T. Lipscomb	Present
Mark A. Hennaman	Present

IN RE: DISCUSSION - Senator Bill Bolling will discuss the upcoming legislative session with the Board.

Senator Bolling stated it was a budget year in Richmond and the two issues of most interest are the budget impacts of the proposal to eliminate the Personal Property Tax and what it has to do with funding for education. Senator Bolling thought the Personal Property Tax proposal by Governor-Elect Gilmore will pass. Regarding what impact this will have on local government, Senator Bolling did not think it would have any immediate negative impact. He did not know what the long term financial impact will be. Regarding the impact on education, the state has increased funding for public education by \$750 million dollars in the past two years. As a result of this every local School Board in Virginia is getting more money from state government than they ever received before. Senator Bolling felt this would continue to be the highest priority in government spending. Senator Bolling has proposed the state do more to help local governments pay for the cost of educational infrastructure. He believes changes must be made to the Literary Fund, which is the primary vehicle for getting low interest loans to pay for school construction. He has proposed restrictions on the Literary Funds to be used solely for public education construction. He also has proposed to give localities the ability to impose impact fees on new residential development. He has also proposed taking 50% of the proceeds from the Virginia State Lottery and creating a Public Education Capital Construction Trust Fund, which would be available for matching grants to assist localities in paying for public school construction and renovation projects.

Mr. Bahr asked if people would still have to pay personal property tax on boats and planes. Senator Bolling said the proposal dealt exclusively with personal use cars and trucks. Mr. Lipscomb stated they were requesting a seat on the Virginia State Racing Commission and he would very much like to see this happen. Senator Bolling asked for a history of the dealings the county has had and perhaps they could address the problems. Mr. Hennaman gave Senator Bolling a copy of the county's draft legislative agenda. He said their main concerns were the elimination of the personal property tax and the loss of the growth potential for the county. Senator Bolling asked if the numbers could be run on how fast the personal property tax revenue is growing in the county. Also, regarding education and school funding, the county supports increased funding for education including full funding of the state's share of the actual cost of the standards of quality in full funding of categorical educational mandates. Senator Bolling asked if the county could provide specific areas in which the state is not providing full funding for the standards of quality, he would try to address it. Mr. Lipscomb said he would like to see more

funding for parks and recreation programs. Senator Bolling stated he thought there would be an emphasis on funding and strategies for state parks this year - regarding the Bowcock property. The information was attached to the draft agenda. Mr. Hennaman said they asked that the state consider funding 100% school construction with no obligation on the locality to repay the state. Regarding human services, the county is concerned with the rapidly increasing costs of the Comprehensive Youth Services Act and the county would like to see state funding for the Office on Youth. The county is interested in support for a commuter rail stop in Providence Forge.

Senator Bolling said he felt the emphasis would be placed on the system in northern Virginia. Mr. Hennaman stated in regard to constitutional officers he hoped the Senator would support full funding of those offices. New Kent County is opposed to any legislation that would increase local funding. Senator Bolling said he has been working very closely with the Virginia Sheriff's Association to increase state funding for local law enforcement by decreasing the current staffing ratios from 1:2,000 to 1:1,500. Senator Bolling gave the Board members copies of his legislative report and asked the Board to complete the ten questions on legislative issues and return it to him.

IN RE: CONSENT AGENDA

Mr. Emerson reviewed the Consent Agenda which consisted of: Approval of the minutes from the November 3, 1997 Board Meeting; Abstracts of Votes from the General and Special Elections that were held on November 4, 1997; Award of bid for Administration Building Roof Improvements; Award of bid for Administration Building HVAC Improvements; Award of bid for Airport Lighting Repairs (runway lights); Two Appropriations - State Funds for Highway Safety Grants, \$12,500.00 from Revenue to Expenditures (for Sheriff's Department), and Funds for leased space from VENTURE II for the balance of FY1998, \$1,750.00 from Revenue to Expenditures (Leased Storage Building) for a total supplemental appropriations of \$14,250.00; Two Refunds - Betty A. Lewis for \$7.50 and Thelka M. Metcalf for \$284.54 for overpayment of 1996 Real Estate Taxes for a total refund of \$292.04; Finance Report showing a total expenditures for the month of November of \$699,770.16; there was no Treasurer's Report.

Mr. Bahr asked, in regard to the Metcalf situation, if the Board wanted to give authority to the people in charge (Commissioner and Treasurer) to refund amounts up to \$500.00 or \$1,000.00 without having to get the Board's consent. Mr. Emerson stated the Board has not addressed this and it would take action on the part of the Board. In the past when this was discussed the Board was concerned that if the amount were set at \$500.00 then the Commissioner and Treasurer could make numerous \$500.00 refunds without it coming to the Board and it could total to a large sum. Mr. Bahr questioned the length of time it took to process some of the claims. Mr. Emerson said they were put on the next available Board agenda. Mr. Lipscomb made a motion to approve the Consent Agenda as presented.

Rebecca M. Ringley	Aye
James H. Burrell	Absent
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried.

IN RE: CITIZENS' COMMENT PERIOD

The first citizen to speak was Ms. Gail Mills, P. O. Box 28, Lanexa. Ms. Mills said there was a ballot going out with the 966 and 932 numbers to become local to the Toano/Williamsburg area. She urged everyone to return their ballots with a positive yes for both Toano and Williamsburg. The monthly increase in the phone bill would be sixty cents. The second citizen to speak was Mr. Malcolm Martin, 1800 S. Waterside, New Kent. Mr. Martin opposed the addition of Homestead Road to the Six Year Plan. The third citizen to speak was Mr. William Hill who spoke for his wife, Mary Sue Hill also. Mr. Hill said they are both opposed to the paving of 3/10 of a mile on Homestead Road under the Six Year Plan. His main concern was that widening the road would take 15' from each side of the road. Also, they moved to New Kent County for the country atmosphere and they don't want to do anything to spoil it. They had a letter from Mrs. Judy Morgan (neighbor) who wrote her opposition to paving Homestead Road. He also read a letter from his daughter (Laura Hill Slaughter) who wrote her opposition to paving Homestead Road. The fourth citizen to speak was Mr. Robert Douglas who asked what the intentions of VDOT were regarding Homestead Road. He did not want 30' - 60' taken from each side of the road to widen it for the benefit of the housing project. The last citizen to speak was Ms. Thelma Crump Wilson. Ms. Wilson thanked the Board for their service.

IN RE: ELECTED OFFICIALS REPORTS

Mr. Hennaman gave a brief report on the Richmond Regional Planning District Commission. Mr. Hennaman thanked the members of the community who came to the courthouse over the weekend for the holiday festivities. He also thanked the county staff members who worked so hard and diligently on the events. Mr. Hennaman also extended a warm welcome to Ms. Rebecca Ringley, the newest Board member.

Mr. Lipscomb did not have a report.

Ms. Ringley did not have a report.

Mr. Bahr reported on the meeting that was held several weeks ago regarding paving of Polish Town Road. Mr. Neal of VDOT was there and the meeting went very well. Mr. Bahr commended Dr. Howard who received an award for having the best tree farm in the United States.

Mr. John Crump, Commissioner of Revenue, reported that there was tax being placed on cellular telephones by 360 Communications. He spoke with the accounting office at 360 Communications and told them New Kent County did now allow the additional \$2.00 tax and they are supposed to be refunding the tax to those who reside in New Kent and were billed. Regarding refunds, the Metcalf refund was a result of the last general reassessment, which was done on a property that was incomplete. The adjustment was made because the owners could not move in, and the owner also requested an adjustment for 1996 taxes. Mr. Crump said there would be some refunds coming due to adjustments that were yet to be made for 1997 taxes. Colonial Downs had liens placed against them at the clerk's office and Mr. Crump's office went to the clerk's office and reviewed the list of companies who had filed the liens. They found that many of these companies had never obtained a business license in New Kent County. The records also showed the monetary amount they claimed they had performed and his office has billed them. Regarding personal property, there were only three people handling all the calls they received this year. This year they hope to send statements out in April listing the personal property tax for each person, which will give them more time to respond. He thanked the citizens for their patience.

Sheriff F. W. Howard, Jr. reported Senator Bolling will be meeting with him and several sheriffs to try to get the 1,500:1 ratio passed, which will mean 1 3/4 deputies for New Kent. Also, his office won the National Award for Highway Safety from the International Association of Chiefs of Police (first place in the nation for 25 officers or less) for increasing public awareness in occupant restraints. Deputy Jim Squares gave a brief report on the canine unit. Mr. Hennaman congratulated Sheriff Howard and his department on winning the award.

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

IN RE: STAFF REPORTS

Mr. James E. Cornwell gave a report on the airport bids for fixed base operator. Mr. Cornwell stated two proposals had been received and it was his and staff's feeling this was not indicative of the interest the position should generate. His recommendation was to reject the present proposals and a new round of proposals be sought. Mr. Emerson said the two proposals that were received would be notified they can resubmit if they wish or leave their proposals in for consideration. Mr. Cornwell said his recommendation was not based upon the proposals that have been submitted, but simply the limited number that were submitted as compared to the interest that has been expressed and other factors that come into play. Mr. Hennaman said he felt the Board had a responsibility to try to consider every conceivable option, he was not comfortable awarding a license with only two proposals. He felt it would be prudent to seek additional proposals. Mr. Lipscomb made a motion to readvertise for submittal of proposals.

Rebecca M. Ringley	Aye
James H. Burrell	Absent
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried. Staff was instructed to seek additional proposals.

Mr. Emerson asked that any Member who wished to attend the Board of Supervisors Institute program on January 7, 8, and 9 to please advise him so the registrations can be made.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Bob Riley and Mr. Chris Winstead were present. Mr. Riley gave the following report: For the month of November there were 27 requests for services - all have been completed. There were 11 calls from the Sheriff's Office and 4 calls from the State Police - all have been completed. They have completed cutting trees for sight distance on Rtes. 619 and 638; on Rtes. 665 and 691 brush and limbs were cut that were overhanging the roadway; Rte. 623 the ditches were reshaped and stone was placed on the roadway; Rt. 60 the shoulder and ditch were pulled to improve drainage, also in the Toe Ink area the low shoulders were worked on; the asphalt crew has been working on various routes in preparation of next years surface treatment schedule; and five driveway pipes were installed. Regarding Rte. 604 (Poindexter Road), a partial acceptance has been made for this project. Everything is acceptable except for the final surface course. Corrections to this will be made in the spring.

Mr. Lipscomb commended VDOT on increasing the visibility on Rtes. 638 and 619 where it's been a blind curve for thirty-five years. Mr. Bahr asked if the potholes had been filled on Homestead Road. Mr. Riley said it had been completed. Mr. Hennaman complimented Mr. Riley for addressing the concerns on Rt. 618. Mr. Hennaman also asked if there had been an investigation or resolution to the water problem on Poindexter Road where the water was backing up in a resident's yard. Mr. Riley said the heavy rains had washed the straw from the shoulders into the drainage pipes and blocked them. He did not feel this would happen again.

Mr. Hennaman announced Agenda Item 8 - presentation by Peat Marwick on the County's draft audit for Fiscal Year 1997 has been canceled due to Peat Marwick not being ready.

IN RE: ORDINANCES O-19-97, O-20-97, and O-21-97. Applications from: Milton S. Clarke, Jr. for the addition of 123 acres to the existing Springfield Natts Agricultural and Forestal District; Richard E. Potter for the addition of 159 acres to the existing Pamunkey Farms Agricultural and Forestal District; and Milton S. Clarke, G. G. Crump, Jr., Helen C. Ford, and Ronald D. Ford for the creation of the new Slatersville Agricultural and Forestal District.

Mr. David Maloney gave his report. Mr. Maloney stated the three applicants have applied for extensions to and the creation of one Agricultural and Forestal District. Milton Clarke, Jr. has applied to add 123.33 acres to the Springfield Natts AFD. The property is identified as Tax Map and Parcels: 34-28, 34-28A, and 34-29. Richard E. Potter is applying to add 158.43 acres to the Pamunkey Farms AFD and the property is identified as Tax Map and Parcels: 14-6 and 14-6F; and Milton S. Clarke, Sr., G. G. Crump, Jr., Helen C. Ford, and Ronald D. Ford have applied to create the Slatersville AFD consisting of 317.89 acres identified as Tax Map and Parcels: 25-25, 35-2, 35-2A, 35-4, 35-5, 35-23, 35-23D, 25-23E, 35-23G, 35-(1)-4,8,9,11,13. All applications have been reviewed by both New Kent County Agricultural and Forestal District Commission and the Planning Commission and both have recommended the Board of Supervisors approve the applications as presented.

Mr. Hennaman opened the public hearing. The first citizen to speak was Ms. Becky Philbates, New Kent. Ms. Philbates said she was speaking for George and herself. They are very proud of their heritage and would like to keep the County rural. They were in favor of these ordinances. The next citizen to speak was Mr. Billy Hott, New Kent. Mr. Hott stated any person that would like to keep their property in agricultural should have as much a break as they can as they provide the nation with food and timberland and do not create subdivisions which would mean more schools, teachers and taxes. He was in favor of these ordinances passing. Mr. Hennaman closed the public hearing.

Ms. Ringley declared in consideration of the application of Milton S. Clarke, Jr. and others for the creation of a proposed Slatersville Agricultural and Forestal District, she owns an interest in 60/60 Incorporated. A corporation which owns real estate adjoining such parcel. I note that the application went to thirty-six adjoining property owners and that 60/60 Incorporated is listed as one of the adjoining property owners. I therefore am a member of this group, members of which are affected by this application. I further declare that I am able to participate in this matter fairly and objectively in the public's interest in consideration of this application.

Mr. Lipscomb made a motion to approve O-19-97, O-20-97, and O-21-97 as presented.

Rebecca M. Ringley

Aye

James H. Burrell	Absent
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried. The ordinances were approved.

FOR ORDINANCE O-19-97 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 93.
FOR ORDINANCE O-20-97 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 95.
FOR ORDINANCE O-21-97 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 97.

Mr. Bahr said he sits on the AFD Board. At one time this Board had discussed if they should vote on the various committees they are appointed to. He wanted to know if this issue had ever been resolved. Mr. Emerson said this was a policy issue for the Board as to how they wished to proceed. Mr. Emerson also stated the issue had been discussed at the Board's first Strategic Planning retreat and perhaps they would want to continue discussing it at the next retreat.

IN RE: ORDINANCE O-18-97, Ordinance to amend Section 9-61, 9-68, and 9-245 of Chapter 9 of the New Kent County Code pertaining to Conditional Use Permitting requirements for Communication Towers in excess of 50 feet in height.

Mr. Maloney gave his report. He stated the Planning Commission requested staff to prepare an ordinance amending the conditional use permitting requirements for telecommunication towers in excess of 50 feet in height. These amendments have been reviewed by the Planning Commission. Specifically the Planning Commission sought to: Allow such towers in the C-1, Conservation zoning district with a conditional use permit (under the current ordinance they are not permitted in the C-1 district); Reduce the setback requirement from interstate right of way to 0 feet; All other setback requirements, including setbacks from residential dwelling units would apply; Require the applicant to submit an affidavit from a radio frequency engineer that no other existing structures within the County are suitable for the applicant's needs, and the applicant is offered no other option than to build a new tower; Require the applicant to allow other users on the tower without the requirement that subsequent users enter into reciprocal agreements requiring space on their towers for use by the original applicant; Allow alternative materials to be used in tower construction as circumstances and technology permits. The New Kent County Planning Commission, during its October 20, 1997 meeting, voted to recommend Ordinance O-18-97 to the Board of Supervisors for its review and adoption. Mr. Bahr asked if he put the tower on his property he could waive the setback. Mr. Maloney said that was correct. The minimum setback requirements are from residential dwelling units on adjacent properties, nor do they apply to any residences that are proposed subsequent to the actual construction of the tower. Mr. Bahr asked if a neighboring resident could waive his setback requirement. Mr. Maloney said no, the option would not be available as the zoning ordinance must apply equally to all property owners and the minimum requirements have to be met.

Mr. Hennaman opened the public hearing. The first citizen to speak was Ms. Betty Hicks, Quinton. Ms. Hicks stated that when she was here regarding Old Nottingham Road they were told that only one property would see the tower because of the boundary of mature dense trees. All of the homes now have a view of the tower. She asked to Board to not vote on this ordinance unless they fully understood it and felt it would meet the needs and accomplish the goals. She did favor the amendments. However, she did not think the amendments addressed the question of what in the ordinance is going to assure her that another tower company cannot put a second tower on a parcel? The next citizen to speak was Ms. Jennifer Caldwell, Quinton. Ms. Caldwell stated she was an adjoining property owner to Harold Seitz

who has a telecommunication tower on his property. She went before the Board with her concerns and she believes that time has proved her assessment to be correct and that of the Board to be in error. She sees the tower from four rooms of her house. This tower was to be visible to only one neighbor, but is visible by most of them. She is concerned about it becoming tower city. Her opinion, based on research of the Telecommunications Act and not speaking with representatives from the telecommunication company is that this is indeed a possibility. She requested an additional requirement be added to the proposed policy stating that each tax parcel be limited to only one tower. She asked the Board if they could say that more than one tower would devalue her property. Could they say that multiple towers would not multiply the health risk? She has noticed it was quite common to see clusters of towers along the interstate on the mountainside. She asked a staff member to publicly address this issue - is it a possibility that another tower could go on the (Seitz) site? She personally feels the towers should be placed along the interstate. The third speaker was Mr. Charles Caldwell, 4301 Old Nottingham Road. Mr. Caldwell said he was under the impression at the last Planning Commission meeting that 500 feet from each individual house was mentioned as the distance a tower would be placed. More towers on a small tract of land will devalue property and erode the quality of life in an area. He felt that 500 feet should be from the property owners line and that a small tract of land should be limited to only one tower. He urged the Board to make these changes mentioned - limit the number of towers and be at least 500 feet from adjoining property.

Mr. Hennaman closed the public hearing and asked Mr. Maloney to address the issues brought forth. Mr. Maloney said the first issue pertaining to multiple towers on a single parcel, there is nothing that explicitly prohibits this as part of the existing ordinances or as part of the amendments. There is a stringent requirement requiring the applicant to submit engineering information stating the reasons why an existing structure is not suitable that has to be accompanied by a sworn affidavit stating the same facts. This could open the possibility of multiple towers on a single parcel. There are other considerations also. To address the setback requirements, the original ordinance approved by the Board had a requirement that all towers be setback a distance of 120% of the tower height from residential structures on adjacent owners' properties. The Planning Commission did add a caveat that towers had to be placed 120% of the tower height or 500 feet, whichever distance was greater from an adjacent property. Mr. Hennaman discussed the advantages/disadvantages of additional setback requirements between towers with Mr. Maloney. Mr. Bahr asked Mr. Maloney, regarding the requirement to dismantle upon disuse after 24 consecutive months, if a bond was required. Mr. Maloney answered no. Mr. Hennaman stated the amendments were, in his opinion, ones that needed to be adopted. While they probably didn't address everything, there would most likely be an opportunity to revisit this issue in the future. Mr. Lipscomb made a motion to approve Ordinance O-18-97 as presented.

Rebecca M. Ringley	Aye
James H. Burrell	Absent
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried.

FOR ORDINANCE O-18-97 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 99.

IN RE: ORDINANCE O-17-97, Zoning Ordinance to amend Section 9-37 of Chapter 9 of the New Kent County Code pertaining to definitions of Automobile Service Stations, Convenience Stores, and Retail Stores and Shops.

Mr. Maloney gave the following report. The Board of Supervisors, at its July 14, 1997 meeting requested the Planning Commission review the definitions for automobile service stations, convenience stores, and retail stores and shops to assure that the definitions would not permit activities normally associated with commercial truck stops. Ordinance O-17-97 was drafted for Planning Commission review in response to the wishes of the Board of Supervisors. It should be noted that fueling of trucks and similar commercial vehicles would be a permitted activity for each of the amended uses. Ordinance O-17-97 amends the existing definitions for automobile Service Stations and Retail Stores and Shops, and establishes a definition for convenience stores. The New Kent Planning Commission, during its October 20, 1997 meeting, voted to recommend Ordinance O-17-97 to the Board of supervisors for its consideration and adoption. Mr. Maloney clarified this was drafted to address increased truck stop uses along the interstate interchanges.

Mr. Hennaman opened the public hearing. There were no citizens signed up to speak. The public hearing was closed. Mr. Bahr made a motion to approve Ordinance O-17-97 as presented.

Rebecca M. Ringley	Aye
James H. Burrell	Absent
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried.

FOR ORDINANCE O-17-97 AS ADOPTED, SEE BOARD OF SUPERVISORS BOOK, APPENDIX SIX, PAGE 102.

IN RE: CUP-4-97, Conditional Use Permit for construction of six multi-family units (containing up to six units each) from Garrett Hart, III. The property is shown on Tax Map and Parcel 42A3-1,2,3,4,5, and 6; and is located along State Route 155 in Providence Forge.

Mr. Maloney gave his report. H. Garrett Hart, III has applied for a Conditional Use Permit (CUP-4-97) to construct a multi-family dwelling complex on the property shown on Tax Map and Parcels: 42-(3)-1,2,3,4,5, and 6. The proposed use is one multi-family dwelling unit per lot, containing up to six dwelling units per structure for a total of thirty-six dwelling units. The property is zoned R-2, General Residential, and is located on the south line of State Route 155, south of the CSX Railroad crossing, in Providence Forge. Apartments, condominiums, and cluster-home developments are permitted in the R-2, General Residential zoning district with a Conditional Use Permit. The proposed use is in accordance with the overall County Comprehensive Land Use Plan as well as the Rt. 155/Providence Forge Area Management Plan. The Virginia Department of Health had indicated that waste water treatment can be efficiently accomplished on site. The plans indicate that Providence Forge serves as a key center for retail, service, industrial, and compact residential development. The application has been reviewed by the Virginia Departments of Transportation and Health, and the New Kent County Department of Public Safety. The Department of Transportation has given preliminary approval to the project, but will withhold final comment pending final site plan review and approval. The Department of Health has approved parcels 1-5 for a maximum of twelve bedrooms. Parcel 6 has been approved for a maximum of ten bedrooms. The Department of Public Safety has indicated it will require all building, electrical, mechanical, and plumbing permits meet the Virginia Uniform Statewide Building Code. Additionally, the project will need to meet the requirements of the Virginia Statewide Fire Prevention Code. The Planning Commission recommends the application for Conditional Use Permit CUP-4-97 be approved with the following conditions: A vegetative buffer at least twenty-five feet in depth be maintained along State Route 155; No more than three entrances to State Route 155 be approved for the development; The site

plan for the project must be submitted, reviewed, and approved in accordance with Division 18 of the zoning ordinance; Each building shall contain a single master television antenna system which will serve all dwelling units within the building; No outside area or equipment shall be provided for the hanging of laundry or outside airing of laundry in any manner; No trash or refuse containers shall be located in the front yard area of the development and all such containers shall be screened from public view; No parking shall be permitted in the front or side yards of the parcel; Land area on each parcel shall be reserved and specified on the site plan for active recreation; and the site plan shall be forwarded to the New Kent Planning Commission for review and comment before final approval is granted. The applicant, by way of letter dated November 10, 1997, has requested that Condition 7 be amended to permit parking in the front and side yards provided that the area is screened by a planted, vegetative buffer of Leyland Cypress trees or other similar species that will effectively screen the parking areas from the street and adjoining properties. The preliminary site plan shows there are some environmental constraints on site, thus this request was made. Staff does not have any objection to this minor revision to the application; however, it has not been reviewed by the Planning Commission.

Mr. Hennaman said he had been contacted by one constituent who was an adjacent property owner and she was concerned about the depth of the wells. Mr. Hart said he was aware of this question, the wells would be constructed to State Department of Health standards which will require a drilled well that will exceed 400 feet and go into the middle aquifer and would not affect shallow wells. Mr. Hennaman said the other concern was traffic which already exists on a road with a curve, but they felt the development might actually help this situation.

Mr. Hennaman opened the public hearing. The first citizen to speak was Ms. Thelma Crump Wilson. Ms. Wilson said there was a need for rental houses and apartments. The second citizen signed to speak was Ms. Becky Philbates who was in favor of the permit. Mr. Hennaman closed the public hearing. Mr. Lipscomb made a motion in order to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the county, I move to approve CUP-4-97 with the changes as requested by the applicant.

Rebecca M. Ringley	Aye
James H. Burrell	Absent
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried.

IN RE: ENHANCEMENT GRANT APPLICATION, Resolution R-24-97, for sidewalk improvements linking the New Kent County Government and Schools complex.

Mr. Maloney gave his report. Staff has prepared a grant application for transportation enhancement funds. These are funds provided by the federal government through VDOT to localities and other organizations. They are used for sidewalk enhancement, beautification, historic preservation, and sign control. They are not permitted to be used for actual road construction. Last year the county received a grant for improvement to sidewalks around the administration complex. The first phase would link from the post office to the east, the beginning of the school site to the west, and improvements around the government complex. The second phase would extend the improvements creating a continuous walkway from the administration building to the high school site. The proposed project cost is \$56,718. The

county is requesting the state provide nearly \$45,000 with the balance to be provided as either cash or in-kind match by the county of just over \$11,000.

Mr. Hennaman opened the public hearing. There were no citizens signed up to speak. The public hearing was closed. Mr. Bahr made a motion to approve the Enhancement Grant Application, Resolution R-24-97.

Rebecca M. Ringley	Aye
James H. Burrell	Absent
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried.

FOR RESOLUTION R-24-97 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 104.

IN RE: SIX YEAR PLAN - The Board will designate the three roads to be added to the Six Year Plan. (Action was deferred from last meeting.)

Mr. Lipscomb said he had discussed with Mr. Burrell the adding of Rt. 608 sections A,B, and C. Mr. Bahr said he had a petition from residents of Homestead Road who were in favor of VDOT paving 4/10 of a mile. The Board questioned Mr. Riley and discussed various roads. Mr. Lipscomb made a motion to add Route 608 A,B,C, Route 656, Route 647A to the Six Year Plan. Mr. Bahr made a motion to add Route 620 (4/10 of a mile), Route 647A, and Route 608 A,B,C to the Six Year Plan. Mr. Bahr's motion was voted on:

Rebecca M. Ringley	Nay
James H. Burrell	Absent
Frederick G. Bahr	Nay
Julian T. Lipscomb	Nay
Mark A. Hennaman	Nay

The motion was defeated.

The Board voted on Mr. Lipscomb's motion:

Rebecca M. Ringley	Aye
James H. Burrell	Absent
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried.

IN RE: APPOINTMENTS. The Board will continue to make appointments to various committees.

Mr. Lipscomb made a motion to appoint Tommy Daniels as District One's representative to the Youth Commission for a two year term ending June 30, 1999.

Mr. Lipscomb made a motion to appoint George Tate as District One's representative to the Board of Road Viewers for a one year term ending December 31, 1998.

Mr. Lipscomb made a motion to appoint Elizabeth Yeatts as District One's representative to the Historic Commission for a four year term ending December 31, 2001.

Mr. Lipscomb made a motion to appoint Raymond Bassetti as District One's representative to the Parks and Recreation Commission for a four year term ending December 31, 2001.

Mr. Lipscomb made a motion to appoint Larry Haislip as New Kent County's representative to the Industrial Development Authority for a four year term ending December 31, 2001.

Ms. Ringley made a motion to appoint Herb Jones as District Two's representative to the Board of Road Viewers for a one year term ending December 31, 1998.

Ms. Ringley made a motion to appoint Ray O'Leary as District Two's representative to the Parks and Recreation Commission for a four year term ending December 31, 2001.

Ms. Ringley made a motion to appoint Conway Adams as District Two's representative to the Board of zoning Appeals for a five year term ending December 31, 2002.

Mr. Hennaman made a motion to appoint Patricia Townsend as District Four's representative to the Planning Commission for a four year term ending December 31, 2001.

Mr. Hennaman made a motion to appoint Willard Townsend as District Four's representative to the Agricultural & Forestal Advisory Commission for a four year term ending December 31, 2001.

Mr. Hennaman made a motion to appoint Denise Bartlett as District Four's representative to the Parks and Recreation Commission for a four year term ending December 31, 2001.

Mr. Bahr made a motion to appoint George A. Philbates as District Five's representative to the Transportation Safety Commission for a four year term ending December 31, 2001.

Mr. Bahr made a motion to appoint Bruce Howard as District Five's representative to the Board of Road Viewers for a one year term ending December 31, 1998.

Mr. Bahr made a motion to appoint Paul Davis as District Five's representative to the Wetlands Board for a four year term ending December 31, 2001.

Mr. Bahr made a motion to appoint Nellie Crump as District Five's representative to the Historic Commission for a four year term ending December 31, 2001.

Mr. Bahr made a motion to appoint Paul Davis as District Five's representative to the Parks and Recreation Commission for a four year term ending December 31, 2001.

Mr. Bahr made a motion to appoint Charles M. Davis as New Kent County's representative to the Industrial Development Authority for a four year term ending December 31, 2001.

Rebecca M. Ringley	Aye
James H. Burrell	Absent
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motions were carried.

Ms. Ringley made a motion to appoint Diane Cook as New Kent County's representative to the Capital Area Agency on Aging board of Directors for a three year term ending June 30, 2000.

Mr. Lipscomb made a motion to appoint William J. Wallace, III as New Kent County's representative to the Hanover Health Advisory Board for a two year term ending December 31, 1999.

Mr. Bahr made a motion to appoint Norman Anderson as New Kent County's representative to the Local Disability Services Board for a one year term ending December 31, 1998.

Mr. Bahr made a motion to appoint James Smith as New Kent County's representative to the Building Code Board of Appeals for a four year term ending December 31, 2001.

Rebecca M. Ringley	Aye
James H. Burrell	Absent
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motions were carried.

Mr. Lipscomb made a motion to appoint Becky Ringley as New Kent County's Board of Supervisors representative to the Hanover Health Advisory Board for a two year term ending December 31, 1998.

Ms. Ringley made a motion to appoint Julian Lipscomb as New Kent County's Board of Supervisors representative to the Parks and Recreation Commission for a four year term ending December 31, 2001.

Rebecca M. Ringley	Aye
James H. Burrell	Absent
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 Monday, January 12, 1998 at 6:00 p.m. The Planning Commission will meet on Monday, December 15, 1997 at 7:00 p.m. The Board will meet with constitutional officers at 4:30 p.m. on January 12th for a quarterly meeting.

IN RE: ADJOURNMENT

The Board adjourned at 9:05 p.m.