

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 8<sup>th</sup> DAY OF JANUARY IN THE YEAR TWO THOUSAND SEVEN OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Burrell gave the invocation and led the Pledge of Allegiance.

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IN RE: ROLL CALL

Mark E. Hill	Present
David M. Sparks	Present
James H. Burrell	Present
Stran L. Trout	Present
W. R. Davis, Jr.	Present

Chairman Sparks called the meeting to order and turned the meeting over to the County Administrator to proceed with reorganization.

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IN RE: REORGANIZATION

County Administrator John Budesky opened the floor for nominations for 2007 Chairman of the Board. Mr. Davis nominated Stran Trout to serve as Chairman of the Board of Supervisors for a one-year term. Mr. Burrell moved to close the nominations. The members were polled:

Mark E. Hill	Aye
James H. Burrell	Aye
Stran L. Trout	Abstain
W. R. Davis, Jr.	Aye
David M. Sparks	Aye

The motion carried.

Mr. Davis moved to elect Stran Trout as Chairman of the Board of Supervisors for a one-year term. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Abstain
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
David M. Sparks	Aye

The motion carried.

The meeting was turned over to Chairman Trout who opened nominations for Vice Chairman. Mr. Sparks nominated Mark Hill to serve as Vice Chairman of the Board of Supervisors for a one-year term. Mr. Burrell moved to close the nominations. The members were polled:

W. R. Davis, Jr.	Aye
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Mark E. Hill	Abstain
David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye

The motion carried.

Mr. Davis moved to elect Mark Hill as Vice Chairman of the Board of Supervisors for a one-year term. The members were polled:

W. R. Davis, Jr.	Aye
Mark E. Hill	Abstain
David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye

The motion carried.

Chairman Trout presented a plaque to Mr. Sparks in recognition of his term as 2006 Chairman. Mr. Sparks expressed his pleasure and appreciation for the opportunity to serve the community.

Mr. Budesky presented Resolution R-01-07 setting the 2007 meeting schedule. There was discussion and some concerns expressed regarding the proposal to add a second work session on the first Monday of the month. Staff reported that it had not considered another day of the week for the extra work session and did not know what scheduling conflicts might be encountered. It was noted that the agenda for an early work session on February 5, 2007 was full.

Mr. Hill moved to adopt Resolution R-01-07 with the following changes: that the Board accept the proposed business meeting and late work session dates and the February 5, 2007 early work session date only, and the remainder would be discussed at a later date and time. The members were polled:

Mark E. Hill	Aye
D. M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Stran L. Trout	Aye

The motion carried.

Mr. Burrell suggested that the Board adhere to the adopted meeting schedule and make an effort not to change the dates unless there was a "dire need". It was also noted that the Board needed to determine a mutually agreeable date for a retreat in the near future.

The Board members reviewed the previously suggested changes to the bylaws which would eliminate the necessity for the Chair or Vice-Chair to sign-off on check registers, as well as a new request to expand to seven minutes the time given to speakers representing "groups" during Citizens Comment or Public Hearings.

There was discussion regarding "groups" and identification of its members, and there was consensus among the Board members to leave that determination to the Chairman's discretion.

Mr. Burrell moved to change the proposed bylaws in Article IV, Paragraph I. (4) and in Article VI, Paragraph C. (4), for speakers representing groups, from five minutes to seven minutes. The members were polled:

David M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
Stran L. Trout	Aye

The motion carried.

Mr. Davis moved that the bylaws be amended with the proposed changes and those approved in the previous vote and that they be set for adoption in no less than 30 days. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
David M. Sparks	Aye

The motion carried.

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IN RE: CONSENT AGENDA

County Administrator John Budesky presented the Consent Agenda as follows:

1. Approval of Minutes
  - a. Work Session of November 27, 2006
  - b. Work Session of December 7, 2006
  - c. Regular meeting of December 11, 2006
2. Miscellaneous
  - a. Road Name Additions
    - i. Bossie's Lane
    - ii. Gelding Way
    - iii. Rock Creek Villa Drive
    - iv. Rock Creek Villa Way
    - v. Pergola Lane
    - vi. Pergola Court
    - vii. St. Leger Drive
3. Refunds
  - a. \$658.21 to David Goodwin for building permit
  - b. \$4,182.75 to Farm Credit Leasing Services Corp for personal property taxed in error
4. Appropriations FY2005-2006
  - a. Funds received from Colonial Downs for law enforcement services through Nov 2006, \$12,009.00
  - b. Funds donated by Little Elam Baptist Church to Fire Station #1, \$300.00

- c. Funds approved by King William County as a match for the Revolutionary War Road & Transportation Study, \$1,000.00
- d. Funds awarded from the Virginia Dept. of Fire Programs for a VFIRS Hardware grant to be used for laptops for training purposes, \$4,000.00
- e. Funds from the Dept. of Criminal Justice for the Virginia Sexual and Domestic Violence Victim Fund grant to be used by the Commonwealth's Attorney's Office for the personnel costs of a part-time attorney to further dedicate existing resources to prosecute crimes involving domestic violence, sexual abuse, stalking and family abuse, \$20,000.00
- f. Funds received in the Treasurer's Office for DMV collection fees, \$100.00
- g. Funds received in the Treasurer's Office for Discover Card fees, \$142.00
- h. Additional funds received for utility irrigation connection fees, \$2,400.00

Total Supplemental Appropriation:                   \$ (39,951.00) Total  
   \$ 39,951.00 Money-in/Money-out

- 5. Inter-Departmental Budget Transfers
  - a. *General Services*: \$5,000 from Contracted Refuse Collection to Overtime
  - b. *Fire & Rescue*: \$2,000 from VEPCO funds to Overtime
  - c. *Financial Services*: \$3,800 from Salary line items to Advertising
  - d. *Commonwealth's Attorney*: \$13 from Worker's Comp to Grant Funded Wages
- 6. Treasurer's Report: Cash in Bank as of November 2006: \$29,149,199.52

Mr. Hill moved to approve the Consent Agenda as presented and that it be made a part of the record. The members were polled:

W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye

The motion carried.

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IN RE:           CITIZENS COMMENT PERIOD

Chairman Trout opened the Citizens Comment Period.

There being no one signed up to speak, the Citizens Comment Period was closed.

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IN RE:           RESIDENT ADMINISTRATOR'S REPORT

Richard Wood, Assistant Resident Administrator with the Sandston Residency of the Virginia Department of Transportation, reported on issues raised at previous meetings. He congratulated Mr. Trout and Mr. Hill on their elections.

As a result of recent head-on fatal vehicle collisions on Route 33, Mr. Wood advised that their traffic engineer was looking at the suggestion of raised pavement markers as well as other options.

Mr. Wood reported that, depending on continuing good weather, repairs along Cosby Mill Road were anticipated to begin the following day.

He reported the installation of a stop bar at Routes 613/611, and that deer crossing signs had been ordered and would be installed in the near future.

Mr. Wood advised that although it was possible to post separate speed limits for trucks and cars along Route 30, preliminary discussions with their traffic engineer indicated that the current 55 mph limit for both trucks and cars was appropriate. Mr. Burrell raised safety concerns, especially with school buses, and Mr. Wood indicated that he would request another speed study for that area.

Mr. Wood reported that work performed during the past month included sight-distance clearing, pothole patching, stop sign and speed limit sign replacements, shoulder repairs and brush cutting.

He reported that there had been some rain-related issues in the Stage Road project and that the contractor had installed some geo-tech fabric and stone, but he admitted that it was a condition that would most likely continue throughout the winter and would have to be monitored.

He requested that citizens contact the 24-hour VDOT hotline at 1 800 367 ROAD to report any hazardous road conditions or other safety concerns.

Mr. Wood reported that the work on the westbound I-64 rest area remained on schedule and still due for completion by June 2007.

He reported that there was no planned maintenance work relating to the Eltham Bridge project that would delay traffic and that the project itself was still expected to be completed by Fall 2007.

Mr. Davis questioned whether the timing of the traffic signal at Farmers Drive and Route 33 could be adjusted to decrease the number of collisions in the area. Mr. Wood agreed to look into that possibility.

Mr. Sparks inquired about the necessity for a permit for ditching along Henpeck Road and Mr. Wood indicated that although he understood that the work had been approved, he would check on that and report back to Mr. Sparks.

Mr. Burrell expressed his concerns about the work on Stage Road and suggested that the contractor have personnel on site when heavy rain was expected. He also commented that guardrails were needed in areas where there were steep embankments.

Mr. Hill thanked Mr. Wood for his department's quick response to issues on St. Peter's Lane and although he was pleased that there would be some pothole repairs along Cosby Mill Road, he was not convinced those measures would be sufficient. Mr. Wood clarified that they were looking to correct the "soft spots" and then install asphalt which should improve the integrity of the roadway.

Mr. Hill expressed his displeasure that the ditches had not yet been cleaned along Route 607. Mr. Wood explained that the work needed to be performed when the ditches were not holding so much water, and that they were watching the area closely and were aware that the work needed to be done before nesting eagles again became a problem.

Mr. Trout commented upon the flooding problems along South Waterside Drive. Mr. Wood advised that the State remained aware of the issues and were willing to work with the County and the community to find a solution.

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IN RE: INTRODUCTION OF NEW STAFF

Sheriff F. W. Howard, Jr. introduced new deputies Cheryl Breder, Wyatt Johnson and Tom Mears, and expounded upon their credentials and experience. The Board members welcomed the new deputies.

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IN RE: PRESENTATION OF AWARDS

Sheriff Howard announced that the New Kent Sheriff's Office had received its sixth national award which he attributed largely to the work of Sgt. Lee Bailey. He explained how Sgt. Bailey had become involved in the Child Safety Seat Installation program, was recognized State-wide as an expert, and had been asked by the National Highway Transportation Safety Commission to serve on a committee to develop a nationwide occupant protection curriculum. Sheriff Howard commented that it was unusual for an officer from such a small department to be invited to participate in a project of this scope and that Sgt. Bailey's participation would be paid for by the Agency. He explained how Sgt. Bailey had motivated others in the department.

Sheriff Howard thanked the Board for its support of traffic safety efforts in New Kent and commented that the award belonged to the County and not just to his department.

He then presented Sgt. Bailey with the first place award in the Law Enforcement Challenge, and explained that they had traveled to the National Chiefs' Conference in Baltimore to receive recognition.

Sgt. Bailey thanked the Board, Sheriff Howard and the members of the Sheriff's Office, commenting that it was the result of a department effort.

There was discussion regarding the amount of protection provided by child restraints in side impact collisions. Sgt. Bailey reported that manufacturers were attempting to improve protection in side impact crashes.

Board members congratulated Sgt. Bailey, the Sheriff's Department and Sheriff Howard for their accomplishments.

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IN RE: TRAFFIC FATALITIES

Sheriff Howard reported that there were nine fatal collisions in New Kent in 2006 - twice the amount that occurred in 2005.

He explained that when there was a fatality, it was protocol for a special reconstruction team to perform its investigation before the roadway was reopened to traffic, which was the reason why Route 33 was closed for an extended time after recent collisions.

He reported that on November 27, 2006, a collision occurred at 7:27 a.m. in heavy fog, 150 feet west of Route 273, when an eastbound vehicle crossed the center double line and struck a second vehicle head-on. He reported that a second collision had occurred at 4:30 p.m. on Saturday, December 9 in about the same location, when a vehicle traveling west crossed over the center line and struck a second vehicle head-on. He indicated that

although final reports were pending, neither speed nor alcohol appeared to be factors in either collision. He advised that there was some indication that the collisions resulted from inattentiveness and/or drowsiness.

Sheriff Howard indicated that in most of the fatal vehicular accidents that occurred in New Kent, victims were ejected from the vehicle and were not wearing seatbelts. He commented that although his department did its best to try to educate the public, there was no primary seatbelt law in Virginia and that citations for not wearing restraints could only be written if there was another offense which resulted in the traffic stop.

There was discussion regarding the speed limit in Eltham. Sheriff Howard advised that the bridge construction project had significantly slowed down traffic and that his department would be targeting that area once the bridge project was completed. He asked that VDOT again conduct a speed study for that area.

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IN RE:            APPROPRIATION REQUEST – HEALTH DEPARTMENT

Before the Board for consideration was a request from the Chickahominy Health District for an additional \$2,000 in local funding to draw down additional State dollars to cover salary and benefit increases as well as increases in the mileage reimbursement rate.

Dr. Ted Tweel was present and was welcomed back to his position as District Director. He reported that it was highly unusual to receive additional State dollars and explained that their budget projections had been .5% less than the benefits package and pay increases passed by the General Assembly. He represented that the additional \$2,000 local match was needed to draw down the additional State money for the current fiscal year.

Mr. Hill moved to appropriate \$2,000 additional local match to draw down State funding for the New Kent Health Department, to be paid from General Fund contingency. The members were polled:

Mark E. Hill	Aye
D. M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Stran L. Trout	Aye

The motion carried.

Dr. Tweel reported that it was not too late to get flu shots and that the New Kent Health Department had ample vaccine.

Mr. Budesky reported on efforts to obtain office space for human services agencies and thanked Dr. Tweel for the Health Department's efforts in applying for and receiving additional funding for new office space. Dr. Tweel confirmed that additional space was needed but clarified that the additional money had not actually been received but had been included in the Governor's budget, and would cover moving expenses and lease payments.

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IN RE:            APPROPRIATION REQUEST – PUBLIC UTILITIES DEPARTMENT

Before the Board for consideration was a request from the Public Utilities Department for an appropriation of \$170,000 from the utility fund balance to renovate and furnish a portion of one of the buildings on the former VDOT site for use as office space.

Public Utilities Director Alan Harrison pointed out that the County had budgeted the sum of \$250,000 to purchase the site, which sum would no longer have to be spent. He explained that General Services Director Jim Tacosa had provided estimates on what it would take to rehabilitate the building, and that additional funds had been included to cover furniture and fixtures.

It was reported that the County had recently received the necessary documents to transfer ownership from VDOT to the County and that they would be signed in the near future and forwarded on to the Governor's Office for his signature. County Attorney Jeff Summers explained that the process had been delayed in order to obtain and record a current survey with a valid description but that he did not expect any additional delays on the part of the County.

Board members expressed their reluctance to consider the request until ownership had transferred and without more details as to what was planned.

Mr. Harrison explained that no funds would be spent until ownership was transferred.

Board members indicated that although it had approved the concept, it needed more information and time to review the matter before making a decision.

Mr. Sparks moved to postpone until next work session the consideration of a request for an appropriation from the utility fund balance for renovation and furnishing of the former VDOT headquarters for Public Utilities office space. The members were polled:

David M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
Stran L. Trout	Aye

The motion carried.

Mr. Harrison was asked to coordinate with the Board members to visit the site before the next work session. It was confirmed that a Phase I environmental assessment had been completed on the property, which revealed no concerns or issues that would require further studies.

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IN RE:           AUDIT

Assistant Financial Services Director Amy Stonebraker presented the annual financial report for fiscal year 2006. She pointed out highlights from the report, which included that the \$4.9 million unreserved, undesignated general fund balance was an approximate 7% increase from the prior year; that primary government net assets increased by \$12.6 million, primarily as a result of conservative budget practices whereby actual revenues were greater than budget and actual operating expenditures were below budgetary thresholds, as well as receipt of sewer availability fees from the Farms of New Kent; the \$4.9 million unreserved, undesignated general fund balance represented 15% of operating expenditures, in accordance with policy, which provided resources for unanticipated expenditures and cash flow reserves; and some changes to the statistical section to comply with new reporting requirements.



She then introduced external auditors Greg Akers and Brian Mino of Cherry Beckaert & Holland to further review their audit results and letter to management, as well as answer questions.

Board members inquired as to the cost of complying with GASB34. Mr. Akers advised that the true cost was in staff time for the Financial Services Department to keep track of capital assets and added that the true benefit was being able to see the financial position of the County in a way that was more in line with that of a business.

Mr. Akers reviewed the report with the Board. He noted that they had given an "unqualified opinion" which was the best one to be given, and that the audit was performed in accordance with government auditing standards.

He reported that the audit did identify a reportable condition relating to the Economic Development Authority and land that was accounted for as a capital asset of the County rather than of the EDA; however, he emphasized that it was not a significant mistake, and that overall, there were no findings of non-compliance or material weaknesses identified.

He recognized that the County had received the GFOA certification for 2005 and had submitted an application for 2006.

He reviewed some of the recommendations made, which included the establishment of a more formal accounting or general ledger for the EDA; cash management practices; and identified improvements to some automated systems.

There was some discussion regarding cash management practices. Mr. Akers clarified that although the County had not lost any revenue, by not requesting PPTRA funds earlier in the year, it had lost ability to earn investment income.

In summary, Mr. Akers reported that the only significant issue involved the EDA, and that there were no others that were not corrected by management.

He spoke about new accounting pronouncements on the horizon, including GASB45 which will include post employee benefits other than pensions.

Board members congratulated the Finance Department for a job well done.

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IN RE:           BOTTOMS BRIDGE SERVICE DISTRICT

Before the Board for consideration was Ordinance O-16-06 to amend and re-create the Bottoms Bridge Service District.

County Attorney Jeff Summers advised that this was an opportunity to review, revise and re-adopt the ordinance and noted the changes that were being proposed which included a change in the distance for mandatory connection; incentives for commercial growth; and the addition of a boundary line map.

The Chairman opened the Public Hearing.

There being no one signed up to speak, the Public Hearing was closed.

It was clarified by staff that the ordinance contained in their meeting books provided for a mandatory connection to services within 400 feet of a structure, and that if the Board

members remained in favor reducing the distance to 200 feet, as was the consensus at the previous work session, then that change would need to be noted in any motion. It was reported that the Board's intent had been to encourage commercial growth and not residential, and that only a small number would be affected if the distance remained at 200 feet; however, extending the distance to 400 feet would bring in additional homes and, in hindsight, staff was recommending that the mandatory connection distance remain at 200 feet.

There was discussion about the time of required connection. The proposed ordinance provided for connection at the time that the building permit was issued, but it was pointed out it would be difficult to connect before there was a building. Building Official Clarence Jackson suggested that the ordinance be amended to require connection prior to the time that the certificate of occupancy was issued.

There was some confusion as to when connection fees were to be paid. It was clarified that connection fees were due at the time of connection to the system and were based on meter size. In a situation where a property owner needed more than what was projected, then an availability fee for the excess capacity would need to be paid within 36 months (to include those parcels that had not yet connected). It was confirmed that a property owner or developer could connect earlier if water was needed.

Mr. Davis moved to adopt Ordinance O-16-06 with the following changes: under paragraph 6.a., changing "400 feet" to "200 feet" and paragraph 6.b. amended to read "*Structures constructed on parcels of land in the Bottoms Bridge Service District after adoption of this Ordinance must connect to public utilities prior to issuance of the Certificate of Occupancy*". The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
David M. Sparks	Aye

The motion carried.

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IN RE: LANDSCAPING REQUIREMENTS

Before the Board for consideration was Ordinance O-18-06 which provided for amendments to Chapter 98 of the New Kent County Code in order to provide for landscaping requirements.

Planning Manager Rodney Hathaway explained that the proposed requirements would only apply to those developments that required a site plan, and would not apply to single family homes or any existing land uses. He reviewed some of the provisions, including the requirement to preserve existing vegetation where possible, and the buffering and maintenance requirements.

He reported that the proposal had been reviewed by the Zoning Ordinance Rewrite Committee (ZORC) and forwarded to the Planning Commission and the Board of Supervisors with a favorable recommendation. He further noted that the Planning Commission had considered the proposal at its November 20, 2006 meeting and had voted to forward it to the Board of Supervisors with a favorable recommendation.

The Chairman opened the Public Hearing.

There being no one signed up to speak, the Public Hearing was closed.

It was explained that current ordinance required submission of a landscaping plan but did not specify what those plans should be, sometimes resulting in a haphazard process. It was clarified that the new requirements would not apply to a development where a site plan had already been approved, and that it would seldom apply to Planned Unit Developments (PUD) which had their own landscaping requirements.

There was discussion regarding pending applications. Mr. Summers advised that the new ordinance would not apply to those applications upon which some "affirmative government action" had been taken. Mr. Hill expressed his concerns on how this would affect Rock Creek Villas which had been negotiating on its site plans, and it was reported by staff that Rock Creek Villas had received approval for its residential site plan but had not yet submitted its commercial site plan.

Mr. Burrell indicated that he was pleased that the ordinance would require maintenance of the landscaping.

Mr. Davis voiced his concern that the ordinance would require that nursery stock be from nurseries that had been inspected by the Virginia Department of Agriculture and Consumer Services, pointing out that stock from nurseries inspected by similar agencies in other states would not be acceptable. Mr. Hathaway advised that staff felt that Virginia's agency would have more knowledge of species that would survive within this state. Mr. Summers advised that this had been a matter of extensive discussion among the Planning Commission members and that the language had been developed in order to permit stock that was grown according to recognized industry standards or inspected by the State agency in lieu of having to post a surety. It was noted that the Planning Commission had voted 9:0 to forward the proposal to the Board with a favorable recommendation.

Mr. Burrell moved to adopt Ordinance O-18-06 as presented. The members were polled:

W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye

The motion carried.

The Board took a short break.

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IN RE: HOME OCCUPATIONS

Before the Board for consideration was Ordinance O-14-06(R2) amending the Code regarding home occupations.

Planning Manager Rodney Hathaway reviewed that the proposed amendments to the home occupations ordinance had been requested by the Board of Zoning Appeals (BZA) in an effort to reduce the number of cases brought before that body. He indicated that the BZA felt the County's ordinance needed more flexibility to accommodate businesses that had outgrown the limitations but were not large enough to move to another location. He

pointed out that special standards for small contracting businesses had been added to the ordinance in order to protect surrounding properties from some of the nuisances. He reported that since the public hearing held by the Board on November 8, 2006, staff had sought input from the Chamber of Commerce and others, resulting in some revisions and clarifications. He added that staff had also met with the ZORC to discuss the proposed revisions, and that body had voted 8:3 to forward the revisions to the Board with a favorable recommendation. He advised that the three ZORC members in opposition had concerns that the minimum lot size should be 10 acres as requested by the BZA instead of 5 acres that was reflected in the ordinance. He noted that the 10 acre minimum was set forth as Option 1.

The Chairman clarified that the public hearing on this matter had been held in November and there would be no opportunity for public comment at this meeting.

It was noted that the item at issue revolved around the minimum lot size for a contracting business and that if the Board members wanted to increase it from five to ten acres, then a motion would have to be made. It was pointed out that the Planning staff had recommended 10 acres, as had the BZA who had originally recommended the changes in order to defuse some recurring conflicts dealing with contractor storage and nuisance. Mr. Hathaway noted that it was felt that ten acres would be sufficient to buffer the activity and reduce noise and nuisance to the neighbors. He indicated that staff also felt that requiring a ten acre minimum would exclude many of the five acre subdivisions located throughout the County. He pointed out that if the Board chose the ten acre minimum, a business owner still had the option to request an exception, and the County would have the ability to review the requests on a case by case basis.

It was noted that it had been about a year since the BZA had heard a case involving home occupations. Mr. Hathaway confirmed that was true, and that recent court rulings had made it more difficult to request variances.

Mr. Sparks pointed out that the amount of noise heard by neighbors from a contracting business would depend as to where on the site the activity was located, that parcel size would make little difference if the business activity was near the property line, and that he did not believe that it was a strong enough argument.

Mr. Davis expressed his concern that if the minimum lot size was increased to ten acres, it would decrease the number of home occupations. He stated that if someone was "going to be a bad neighbor, he'd be a bad neighbor no matter how many acres" his business was located on, and that he did not want to hurt legitimate home occupations

Mr. Sparks moved to adopt Ordinance O-14-06(R2) as presented.

The members were polled:

Mark E. Hill	Aye
David M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Stran L. Trout	Aye

The motion carried.

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IN RE: HOME OCCUPATIONS CONDITIONAL USE FEE

Before the Board for consideration was Ordinance O-15-06 establishing a conditional use permit fee for home occupations.

Planning Manager Rodney Hathaway explained that the existing conditional use permit (CUP) fee was \$1,600 plus \$20 per acre. He advised that staff felt that home occupation CUPs would not involve as much staff time as other CUPs and that a lesser fee of \$600 would be more appropriate.

To clear up some confusion regarding the Public Notice, it was clarified that this was not a home occupations fee but a fee only for exceptions, and that the fee for CUPs for everything else would remain at \$1,600.00

Mr. Burrell moved to adopt Ordinance O-15-06 as presented. The members were polled:

David M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
Stran L. Trout	Aye

The motion carried.

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IN RE: ELECTED OFFICIALS' REPORTS

Mr. Davis expressed his relief that the County had survived the holidays with no traffic fatalities or power outages.

Mr. Sparks wished the citizens a prosperous, happy and healthy year.

Mr. Burrell echoed those sentiments to citizens and staff. He also commented on the recent Recruit Academy graduation and commended Fire Chief Hicks and his department for hosting the Academy, which had participants from New Kent as well as from Charles City Chesterfield, Hanover and James City County.

Mr. Sparks thanked Chief Hicks for his recent weather updates.

Mr. Hill echoed the sentiments expressed by the other Board members, stating that he was looking forward to a fourth consecutive year of good work from the Board, volunteers and staff.

Mr. Trout encouraged everyone to vote in the upcoming election for Commissioner of Revenue, identifying the three candidates and wishing them well. He also announced an upcoming Legislative Day in Richmond sponsored by Virginia Association of Counties and the Virginia Municipal League, and encouraged everyone to attend to receive updates on pending General Assembly legislation.

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IN RE: STAFF REPORTS

County Administrator John Budesky commended the Accounting Department for its hard work on the audit, as well as the Fire Chief for the recent Recruit Academy. He also

reported that he, the County Attorney, two Board members and the Community Development Director would be meeting with Delegate Chris Peace to review New Kent's legislative agenda.

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IN RE: DISTRICT APPOINTMENTS

The Board continued to make district appointments to boards and commissions.

Mr. Hill moved to appoint Pat Wilson as District One's representative to the Airport Advisory Commission to serve a four year term beginning January 1, 2007 and ending December 31, 2010.

Mr. Hill moved to appoint Tim Harris as District One's representative to the Clean County Commission to serve a term ending December 31, 2010.

Mr. Sparks moved to appoint Larry Forbes as District Two's representative to the Economic Development Authority to serve a four year term beginning January 1, 2007 and ending December 31, 2010.

Mr. Burrell appointed Robert Randall as District Three's representative to the Clean County Committee to serve a term ending December 31, 2008.

Mr. Trout moved to appoint William Mountcastle as District Four's representative to the Agricultural and Forestal District Advisory Committee to serve a four year term beginning January 1, 2007 and ending December 31, 2010.

Mr. Trout moved to appoint Earlyne Leary as District Four's representative to the Clean County Committee to serve a term ending December 31, 2009.

Mr. Davis moved to appoint Jimmy Dean as District Five's representative to the Clean County Committee to serve a term ending December 31, 2010.

Mr. Davis moved to appoint Edward Pollard as a District Five representative to the Planning Commission to serve a two year term beginning January 1, 2007 and ending December 31, 2008.

Mr. Davis moved to appoint Howard Gammon as a District Five representative to the Planning Commission to serve a four year term beginning January 1, 2007 and ending December 31, 2010.

Mr. Davis moved to appoint Bruce Howard as District Five's representative to the Board of Road Viewers to serve a one year term ending December 31, 2007.

Mr. Davis moved to appoint Perrryann Whitehurst as a District Five representative to the Transportation Safety Commission to serve a four year term beginning January 1, 2007 and ending December 31, 2010.

Mr. Davis moved to appoint Paul Davis as District Five's representative to the Wetlands Board to serve a five year term beginning January 1, 2007 and ending December 31, 2011.

The members were polled:

James H. Burrell

Aye

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
David M. Sparks	Aye

The motions carried.

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IN RE: NON-DISTRICT APPOINTMENTS

The Board continued to make non-district appointments to boards and commissions.

Mr. Davis appointed Diane Walls as an at-large member of the Clean County Committee to serve a term ending December 31, 2008.

There was some discussion regarding appointments to the Board of Building Code and Fire Appeals. It was suggested that volunteer firemen might make good appointees and Fire Chief Hicks agreed to make some recommendations.

There was also discussion regarding the at-large appointment to the Economic Development Authority. It was noted that although Conway Adams had moved to Henrico County, State statute permitted someone from an adjacent county to serve. Mr. Sparks indicated that he would speak with Mr. Adams and report back to the Board.

Mr. Burrell moved to appoint W. R. Davis, Jr. as the Board's representative to the Agricultural and Forestal District Advisory Committee to serve a one year term ending December 31, 2007.

Mr. Davis moved to appoint D. M. Sparks as the Board's representative to the Airport Advisory Commission to serve a one year term ending December 31, 2007.

Mr. Hill moved to appoint Dean Simmons as a representative to the Board of Building Code Appeals/Board of Fire Prevention Code Appeals to serve a term beginning January 1, 2007 and ending December 31, 2010.

Mr. Trout moved to appoint Alan Files as a member of the Farms of New Kent Community Development Authority Board to serve a four year term beginning January 1, 2007 and ending December 31, 2010.

Mr. Hill moved to appoint Stran Trout as the Board's representative to the Historic Commission to serve a one year term ending December 31, 2007.

Mr. Sparks moved to appoint James Burrell as the Board's representative to the Parks & Recreation Advisory Commission to serve a one year term ending December 31, 2007.

Mr. Sparks moved to appoint James Burrell as the Board's representative to the Planning Commission to serve a one year term ending December 31, 2007.

Mr. Sparks moved to appoint James Burrell as the Board's representative to the Central Virginia Waste Management Authority Board of Directors to serve a four year term beginning January 1, 2007 and ending December 31, 2010.

Mr. Burrell moved to appoint James Tacosa as a County representative to the Central Virginia Waste Management Authority Board of Directors to serve a four year term beginning January 1, 2007 and ending December 31, 2010.

Mr. Trout moved to appoint Carolyn Ito as a New Kent representative to the Chickahominy Disability Services Board to serve a one year term ending December 31, 2007.

Mr. Burrell moved to appoint Charles Moss as a New Kent representative to the Colonial Community Criminal Justice Board to serve a four year term beginning January 1, 2007 and ending December 31, 2010.

Mr. Burrell moved to appoint Barbara Moss as a New Kent representative to the Hanover Health Advisory Board to serve a two year term beginning January 1, 2007 and ending December 31, 2008.

Mr. Davis moved to appoint D. M. Sparks as the Board's representative to the Hanover Health Advisory Board to serve a one year term beginning January 1, 2007 and ending December 31, 2007.

Mr. Sparks moved to appoint Mr. Davis as the Board's representative to the Social Services Advisory Board to serve a one year term ending December 31, 2007.

Mr. Hill moved to appoint James Burrell as New Kent's Director of Emergency Management to serve a one year term ending December 31, 2007 as required by Virginia Code Section 44-146.19.

The members were polled:

W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye

The motions carried.

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IN RE: MEETING SCHEDULE

The Chairman announced that the next meeting of the Board of Supervisors would be held at 6:00 p.m. on February 12, 2007, and the next work session at 6:00 p.m. on January 22, 2007, both in the Boardroom of the County Administration Building, New Kent, Virginia. It was announced further that the Board would join the Planning Commission for a joint public hearing on Tuesday, January 16, 2007, at 7:00 p.m. in the Boardroom of the County Administration Building.

There was discussion regarding a retreat. Consensus was to schedule the retreat for Saturday, February 10. Chairman Trout asked the Board members to submit suggested agenda items.



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IN RE:           ADJOURNMENT

There being no further business, Mr. Sparks moved to adjourn the meeting. The members were polled:

Mark E. Hill	Aye
David M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Stran L. Trout	Aye

The motion carried.

The meeting was adjourned at 8:50 p.m.