

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 9th DAY OF JULY 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.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: ROLL CALL

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

The Chairman called the meeting to order and announced that new video and audio equipment had been installed in the Boardroom which should improve the quality of the broadcasts of meetings over the government cable channel. He noted that the upgrades had been installed by local resident, Kevin Eddowes, of Information Technologies Cooperative.

IN RE: CONSENT AGENDA

County Administrator John Budesky presented the Consent Agenda as follows:

1. Approval of Minutes
 - a. May 29, 2007 work session
2. Miscellaneous
 - a. Employment contract with County Attorney
3. Refunds
 - a. \$2,534.17 to Parker & Orleans, cancelled permit
 - b. \$500.00 to Winfred O. & Elizabeth E. Isgett, AFD fee
4. Carry Forward Appropriations FY2007-2008
 - a. Capital Funds for the ISTE Grant not completed in FY07, \$96,158.27
 - b. Capital Funds for the emergency complex generators project not completed in FY07, \$104,140.65
 - c. Capital Funds for the Water Supply Plan project not completed in FY07, \$72,750.00
 - d. Capital Funds for the VDOT Revenue Sharing project not completed in FY07, \$894,000
 - e. Capital Funds for the GIS Topography Project not completed in FY07, \$120,000
 - f. Capital Funds for the Purchase of Development Rights program not used in FY07, \$50,000
 - g. Capital Funds for the Community Development software project not completed in FY07, \$50,000
 - h. Capital Funds for the Real Estate Reserve project not completed in FY07, \$412,001.00

Total Carry Forward Appropriation:

\$ (1,801,299.92)	Total
\$ 36,296.46	Money-in/Money-out
\$ 1,765,003.46	From Fund 7 – Capital Fnd Bal

5. FY07 Supplemental Appropriations

- a. Funds donated by Curtis Contracting, Inc. to Fire Station #1, \$500.00
- b. Funds donated by Medlin Motor Co. Inc., to Fire Station #1, \$100.00
- c. Insurance proceeds for the Jun 5 2007 accident involving a deputy's vehicle striking a deer, \$1,841.00
- d. EDA funds received for the Eltham Battlefield project, \$2,527.00
- e. Colonial Downs funds received for Sheriff's personnel coverage at the Triple Crown races in May 2007, \$1,455.00
- f. Colonial Downs funds received for fire-rescue ambulance standby May 21 – Jun 10, 2007, \$4,775.00
- g. Funds received from the high school for security coverage at the Jun 9 high school graduation \$339.00
- h. Funds collected from Casual Day for a Cause on Jun 8 designated to the Sheriff's Honor Guard, \$88.00
- i. EDA Budget for FY07 (new Fund 25 created), \$1,411,796.00
- j. Additional funds from EDA for Economic Development Budget for FY07, \$3,500.00
- k. Animal Shelter donation from Marjorie and Edward Watkins, \$50.00
- l. Funds received from the American Cancer Society for security coverage at the Relay for Life event on Jun 2, 2007, \$950.00
- m. Funds collected from Casual Day for a Cause on Jun 22 2007 designated for the Animal Shelter, \$62.00
- n. Funds received in the Treasurer's Office for Discover Card fees, \$5.00
- o. Additional funds received for Utility irrigation connection charges, \$300.00

Total Supplemental Appropriation:	\$ (1,428,288.00)	Total
	\$ 1,428,288.00	Money-in/Money-out

6. FY08 Supplemental Appropriations

- a. Additional funds to reflect final State revenue figures for FY08 for the Schools, \$21,581.00

Total Supplemental Appropriation:	\$ (21,581.00)	Total
	\$ 21,581.00	Money-in/Money-out

7. Inter-Departmental Budget Transfers

- a. Financial Services: \$50,000 from financial software upgrade to software-building/planning/zoning permits
- b. Revenue Sharing: \$250,000 from Comm Development to Revenue Sharing (to consolidate for carry forward)
- c. Clerk of the Board: \$29.00 from Travel to Career Development
- d. Community Development: \$179.00 from Contingency to RRPDC
- e. General Services: \$2,156.00 from Parking Lot Paving to County Facility Rehab Project

8. Treasurer's Report: Cash in bank as of May, 2007, \$30,861,851.84

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

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

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Chairman Trout opened the Citizens Comment Period.

Carter Perry expressed his concern about the lack of activities for "at risk" and other youth in New Kent and suggested that the County resurrect its "youth department" as well as the 911 Club. He referenced a letter that he had previously delivered to the Board Chairman regarding the issue and commented that perhaps there were some "roll over" funds in the budget that could be dedicated to some programs. He indicated that he had spoken about these needs with representatives of Delegate Chris Peace and Congressman Bobby Scott. He stated that he felt that the youth and senior citizen populations were being "forgotten" by the County.

Susan Brucker spoke to the Board on behalf of the Heritage Library Board of Trustees. She reported that attendance was up 13% and circulation up 8.5%, and that the community was continuing to participate in the Library's programs. She described some of the upcoming events and programs and invited all to stop by and take advantage of their extensive collection of "books on tape" and "books on CD". She indicated that the failing septic system had undergone some temporary emergency repairs and encouraged the Board to continue in its support and enthusiasm for moving the Library to a new building as soon as possible.

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

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 reported that the Acting Resident Administrator, Lezlie Ellis, had been unable to attend. He introduced his Maintenance Operations Managers, David Sheaffer and David Christoph.

Mr. Wood reported that sweeping had been completed along Route 30 and 33 last week and potholes repaired at Routes 30/249 and at Route 623 and Fern Lake. He indicated that the height signs in Eltham would be removed and that they were continuing to remove dead trees. He reported that logs in the ditch along Route 33/30 had been removed.

He advised that dead trees at Routes 1208/60 were scheduled for removal, and that they were still working on the speed limit issue on Route 60. He indicated that edge repairs had been made along Route 1209, but that they would need a contractor to perform the work at Routes 1208/1245 which would likely not be finished until early fall.

Regarding overdue comments from the Residency on pending projects in New Kent, Mr. Wood advised that they were undergoing intensive management evaluations and continuing to work through the list.

He confirmed that CSX had finished repairs to the crossing at The Colonies, and that he was in the process of scheduling a meeting with CSX to discuss issues with the crossing into Chickahominy Shores.

He advised that maintenance work performed during the past month consisted of shoulder repairs, grading, mowing, ditch cleaning, and sight distance improvements. He indicated that contractors had been hired to assist with pothole repairs and litter pick-up. He also reported that 120 to 125 dead trees had been taken down along Route 249.

Mr. Wood advised that he expected to soon have an answer regarding the addition of guardrails to the Stage Road project, which remained on schedule to be completed by mid-September.

He confirmed that the contractor working on the new Eltham Bridge had requested a closure of the bridge on July 24 and July 26 from 10:30 p.m. until 5:00 a.m. He advised that all traffic would be stopped during those hours, but that they would work with emergency vehicles that might need to cross. He indicated that signs would be posted advising of the closures and that flagmen would be on site.

Mr. Wood reported on some new projects. He advised that they were looking to resurface Route 618 from the County line to Route 60, to be completed by November 15. He advised that on eastbound Route 60 and eastbound Route 33, they had replaced wooden sign posts with metal posts, as well as replaced traffic control signs and posts in some of the subdivisions.

Board members shared some of their concerns with Mr. Wood.

Mr. Davis acknowledged the gutter cleaning in Eltham and asked about chemical control of the Johnson grass. Mr. Wood advised that chemical controls were handled by the District Office and not the Residency and that he would advise them of the request.

Mr. Davis asked about the timeline to pave Homestead Road. Mr. Wood indicated that a date had not yet been scheduled but he would advise Mr. Davis as soon as it had been set.

Mr. Davis noted that many of the unpaved roads had become "wash-boarded".

Mr. Sparks indicated that Mr. Wood was already working on a list of things that they had discussed earlier.

Mr. Hill expressed his concern that those affected by the closing of the Eltham Bridge would receive sufficient notice. Mr. Wood advised that the contractor had indicated that signs would be posted by July 19.

Mr. Hill reported that there was flooding along Route 613 during a recent storm because the ditches were clogged. He also noted a large pothole at 9065 Woods Edge Drive in the area where buses turn around.

Mr. Hill indicated that it was his information that Quaker Woods Drive was ready to be accepted into the State system and that the residents were anxious for this to be done so that school buses could drive in to pick up students.

Mr. Trout thanked Mr. Wood for his help in getting the work done by CSX on the crossing into The Colonies, commenting that the road was in the best shape that it had ever been. He confirmed that VDOT was still working to find a solution to the flooding problem on South Waterside Drive. He also asked Mr. Wood to advise him of the date and time of any meeting with CSX.

Mr. Trout asked about the status of the sink hole that had closed westbound Route 60 east of Providence Forge. Mr. Wood advised that the repairs had been completed and the road was reopened.

Mr. Hill asked about the status of paving westbound I-64 between Bottoms Bridge and I-295. Mr. Wood confirmed that the eastbound lanes had been paved but that there were no plans to pave the westbound lanes, although they were aware that it needed to be done.

IN RE: GENERAL RE-ASSESSMENT UPDATE

Andy Lankford, on behalf of William Coalson of Tri-County Appraisers, reported to the Board on the re-assessment project. He advised that over 5,500 properties had been inspected and that their teams were working in the West Point and Bottoms Bridge areas. He indicated that the project was on schedule.

Mr. Hill advised that he was at home at the time that the inspector came to his house. He described the inspector as polite and articulate, indicating that she had taken the time to explain the process to him.

IN RE: PRESENTATION

Sheriff F. W. Howard, Jr. advised that he and Sgt. Lee Bailey had traveled to the National Sheriffs' Conference in Salt Lake City to receive two awards. He reviewed the numerous safety awards received by the New Kent Sheriff's office over the years and emphasized that although it was the Sheriff's Department employees who did the work, the common thread in all of these awards had been Sgt. Lee Bailey. He explained how Sgt. Bailey had become involved in these efforts initially with an interest in learning how to correctly install child safety seats. He then invited John Jones, Executive Director of the Virginia Sheriffs' Association, to present the awards.

Mr. Jones explained that the J. Stannard Baker award was presented annually to an officer who best promoted highway safety, and was sponsored by the National Sheriffs' Association, the National Highway Transportation Safety Agency, and Northwestern University Traffic Institute, in honor of Dr. Baker, a physics professor at Northwestern who created the science of traffic safety investigations and wrote manuals that serve as the basis for traffic accident reconstruction. On behalf of the Virginia Sheriff's Association, Mr. Jones commended the New Kent Sheriff's Office and Sgt. Lee Bailey, the only Virginia deputy to ever receive this national award.

Sgt. Bailey thanked his family, Sheriff Howard and his coworkers for their support and allowing him to do something that he loved, adding that the award belonged to his coworkers as much as it did to him.

Mr. Jones presented to the New Kent Sheriff's Office the National Occupant Protection Award, recognizing the department as a leader in highway safety at the state and national level. Sheriff Howard gave credit for the award to Sgt. Bailey who again attributed the award to his department.

Chairman Trout expressed the Board's appreciation for the good work of the Sheriff and his staff and his thanks to Mr. Jones for taking time from his vacation to make the presentation.

IN RE: INTRODUCTION OF NEW STAFF

Sheriff F. W. Howard, Jr. introduced patrol deputy Edward Jones, as well as E-911 dispatchers Joseph Bell, Jr. and Jade Blackburn.

Community Development Director George Homewood introduced Amy Walker, new Environmental Planning Manager.

Finance Manager Mary Altemus introduced Margaret Jefferson, new Finance Assistant/Payroll.

The Board members welcomed the new staff.

IN RE: ACCEPTANCE OF UTILITY EASEMENTS

Before the Board for consideration was Resolution R-37-07 accepting easements for public water and sewer facilities.

County Attorney Jeff Summers advised the Board that it had previously authorized condemnation on some parcels along the I-64 corridor. He indicated that issues with the property owner had since been resolved, an agreement reached, and condemnation would not be necessary.

Mr. Hill moved to adopt Resolution R-37-07 as presented, accepting easements for public water and sewer facilities on property identified as Tax Map parcels 34-4-1, 34-4-2, 34-4-3, 34-4-4, 34-4-5, 34-4-6, 34-4-7, 34-4-10, 34-4-11 and 34-4-12. The members were polled:

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

The motion carried.

IN RE: ACCEPTANCE OF VISITORS' CENTER AND FIVE SURROUNDING ACRES

Before the Board for consideration was Resolution R-38-07 accepting a Deed of Dedication to the Visitors' Center building and the surrounding five-acre site as partial fulfillment of the proffers from the Farms of New Kent.

County Attorney Jeff Summers advised that some years ago during consideration of a Planned Unit Development for Farms of New Kent (now New Kent Vineyards), a proffer of a fire house had been made and accepted. He indicated that some time later the County

elected to convert that structure into a Visitors' Center. He advised that Resolution R-38-07 formally accepted the deed to the building and property in fulfillment of the proffer.

Mr. Trout confirmed that it was partial fulfillment of the proffers. Mr. Summers clarified that it only referred to the firehouse (now known as the Visitors' Center) and the five acres that surrounded it.

Mr. Hill inquired if this would fulfill the developer's obligation at that location. Staff indicated that it would, with the exception of the payment of \$750,000 to be paid ten years from the approval of the PUD.

There was a discussion on the future placement of a firehouse at this location. Mr. Budesky indicated that the County had the option to either attach a firehouse to the Visitors' Center or to have a stand alone structure, and that the \$750,000 payment due from the developer could be used for that purpose.

There was concern that the County was accepting the building when it had not yet been completed. Mr. Summers explained that there was an issue with the time limit for fulfillment of the proffer and it had been hoped that the building would have been completed. Mr. Budesky confirmed that completion was behind schedule because of a delay on the part of the power company in running power to the building and that it was expected that the building would be complete within the next few weeks. He noted that site work was being purposefully held up in order to coincide with the road work.

It was clarified that by adopting the resolution, the Board would not be accepting the building as complete but would be acknowledging partial fulfillment of the proffer and permitting the County to take ownership of the building.

Mr. Hill moved to adopt Resolution R-38-07 as presented, accepting the Deed of Dedication of the Visitors' Center building and the surrounding five-acre site. The members were polled:

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

The motion carried.

The Board took a recess and came back to order at 7:00 p.m.

IN RE: BROCKWELL ADDITION TO THE OLD TAVERN AFD

Before the Board for consideration was Resolution R-28-07 pertaining to a request by Janet D. Brockwell to add 99 acres (tax map parcels 20-27 and 20-28) to the Old Tavern AFD.

Planning Manager Rodney Hathaway advised that the Old Tavern AFD currently consisted of nine properties totaling 380 acres, and that the AFD Advisory Board and the Planning Commission had both reviewed the application and forwarded favorable recommendations.

The Chairman opened the Public Hearing.

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

Mr. Sparks commented that this property was in his district and he thought that it was a good opportunity to protect the land.

Mr. Hill moved to adopt Resolution R-28-07 as presented. The members were polled:

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

The motion carried.

IN RE: CREATION OF THE TUNSTALL STATION AFD BY MARL SPRINGS FARM LLC

Before the Board for consideration was Resolution R-30-007 pertaining to a request by Marl Springs Farms LLC to create the Tunstall Station AFD with the addition of 237 acres (tax map parcel 10-44).

Planning Manager Rodney Hathaway advised that the applicant had expressed its preference to create a new AFD rather than join an existing one in order to take advantage of the full ten-year period.

The Chairman opened the Public Hearing.

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

Mr. Davis reported that the AFD Board had some initial concerns about the applicant being a Limited Liability Corporation (LLC) but had been advised that LLCs were treated just like individuals.

Mr. Davis moved to adopt Resolution R-30-07 as presented. The members were polled:

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

The motion carried.

IN RE: TAYLOR ADDITION TO THE TUNSTALL STATION AFD

Before the Board for consideration was Resolution R-29-07 pertaining to a request by Wayne Taylor to add 25 acres (tax map parcel 10-38) to the Tunstall Station AFD.

Planning Manager Rodney Hathaway advised that both the AFD Advisory Board and the Planning Commission had reviewed the application and forwarded favorable recommendations.

It was clarified that this was an addition to the just-created Tunstall Station AFD.

The Chairman opened the Public Hearing.

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

Mr. Sparks moved to adopt Resolution R-29-07 as presented. The members were polled:

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

The motion carried.

IN RE: DURRER ADDITION TO THE HAMPSTEAD-NORTHBERRY-SHIMOKINS AFD

Before the Board for consideration was Resolution R-31-07 pertaining to a request by Ronald and JoAnn Durrer to add 25 acres (tax map parcel 2-1B) to the Hampstead-Northberry-Shimokins AFD.

Planning Manager Rodney Hathaway advised that this AFD was one of the largest in the County, containing twenty parcels totaling 2,275 acres, and encompassed a large portion of the County's northwest boundary. He reported that the AFD Advisory Board and the Planning Commission had both reviewed the application and forwarded favorable recommendations.

Mr. Durrer was present to answer any questions that the Board might have.

The Chairman opened the Public Hearing.

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

Mr. Hill moved to adopt Resolution R-31-07 as presented. The members were polled:

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

The motion carried.

IN RE: PARSLEY ADDITION TO THE OLD DISPATCH AFD

Before the Board for consideration was Resolution R-32-07 pertaining to a request by Doris Marie Parsley to add 66 acres (tax map parcel 9-29) to the Old Dispatch AFD.

Planning Manager Rodney Hathaway advised that the Old Dispatch AFD consisted of twenty-two properties totaling 1,425 acres, and that both the AFD Advisory Board and the Planning Commission had reviewed the application and forwarded favorable recommendations. He indicated that the applicant had the option to join the Pamunkey River Valley AFD but elected to join the Old Dispatch AFD instead because it would not expire until 2012.

Mr. Hill asked about the distance from the subject parcel to the AFD properties. Mr. Hathaway reported that the Code required that a parcel be within one mile of the 200-acre core of a district and that the proposed parcel did qualify.

The Chairman opened the Public Hearing.

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

Mr. Hill moved to adopt Resolution R-32-07 as presented. The members were polled:

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

The motion carried.

IN RE: RENEWAL OF THE SLATERSVILLE AFD

Before the Board for consideration was Resolution R-35-07 pertaining to the renewal of the Slatersville AFD consisting of tax map parcels 31-8-8, 3-1-13, 35-47, 36-7B, 25-25, 35-2, 35-24A, 35-4, 35-5, 35-23, 35-23D, 35-23E, 35-1-4, 35-1-9, 35-1-11, 35-23G, 8-9, 8-3 and 8-2.

Planning Manager Rodney Hathaway advised that the Old Tavern AFD was created in 1987 and in 1997 was renewed for another ten years. He indicated that staff had contacted all of the property owners in the district and all had advised that they wished to continue membership, and staff was recommending that the district be renewed for another ten-year period.

He indicated that during the review by the AFD Advisory Board, it was noted that the two parcels owned by Dixon Jackson on the south side of I-64 were, at the time they were added to the district, contiguous to a parcel that was within one mile of the 200-acre core; however, that adjacent parcel had since been removed from the AFD as the result of settlement of an estate. He advised that he could find nothing in the Code that required that Mr. Jackson's parcels be removed.

It was the Board's consensus that Mr. Jackson should not be penalized because the adjacent property had been removed.

Mr. Hathaway indicated that the Board had the option to renew districts for a term of four to ten years but historically AFDs in New Kent had ten-year terms.

The Chairman opened the Public Hearing.

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

Mr. Davis moved to adopt Resolution R-35-07 as presented. The members were polled:

Mark E. Hill	Aye
David M. Sparks	Aye

James H. Burrell	Absent
W. R. Davis, Jr.	Aye
Stran L. Trout	Aye

The motion carried.

IN RE: CRUMP ADDITION TO THE SLATERSVILLE AFD

Before the Board for consideration was Resolution R-33-07 pertaining to a request by I. Drexel Crump to add 40 acres (tax map parcels 25-29 and 25-31) to the Slatersville AFD.

Planning Manager Rodney Hathaway advised that the Slatersville AFD consisted of nineteen properties totaling 628 acres, and that the AFD Advisory Board and the Planning Commission had both reviewed the application and forwarded favorable recommendations.

The Chairman opened the Public Hearing.

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

Mr. Davis moved to adopt Resolution R-33-07 as presented. The members were polled:

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

The motion carried.

IN RE: PERFORMANCE STANDARDS FOR NEW AND EXPANDED BUSINESS,
COMMERCIAL, MANUFACTURING, INDUSTRIAL AND STORAGE TYPE USES

Before the Board for consideration was Ordinance O-18-07 amending the New Kent County Zoning Ordinance to add sections 98-870 through 98-872 to establish performance standards for all new and expanded business, commercial, manufacturing, industrial and storage-type uses.

Planning Manager Rodney Hathaway explained that this request would amend the Zoning Ordinance to add performance standards for all new and expanded businesses relating to such things as landscaping, light, noise, and traffic control. He indicated that the purpose was to ensure compatibility with surrounding land uses and conformity with the Comprehensive Land Use Plan. He noted that many of the proposed performance standards might seem familiar to the Board as some were in the existing ordinance and others had been in some of the Conditional Use Permits that had been considered.

He noted that there was one sentence that needed to be added for clarification at the end of the proposed ordinance – “and renumbering the remaining items accordingly”.

Mr. Hill commented that the Board had remained committed to attract businesses to the County and that he hoped the County was not creating standards that would drive away businesses.

Julian Lipscomb, Chairman of the Zoning Ordinance Rewrite Committee (ZORC) was asked to comment on the proposed changes. Mr. Lipscomb advised that there had been a lot of discussion and months of "nitpicking" and deletions, and although he could not recall exactly what the votes were, everyone on the ZORC seemed happy with the final product. He indicated that he had been asked, on behalf of ZORC, to request that the Board adopt the proposal as presented, with the one additional phrase suggested by Mr. Hathaway.

Staff confirmed that the changes would apply to new and expanding businesses only and not to any of the County's existing businesses, and that if an existing business expanded, only the expansion would be subject to the new standards. Mr. Lipscomb advised that the ZORC concurred that it was not fair to hold existing businesses to the new standards.

Mr. Sparks commented about an existing vacant structure in his district that had become an eyesore, and although he realized that the new standards would not apply, he'd like to have some conversation with staff about what could be done.

Mr. Summers advised that ZORC had discussed some of the problems with existing structures and that it had been his intention to bring a blight ordinance to the Board for consideration; however, the General Assembly recently made changes in the State ordinance and he was waiting for that process to be complete so that New Kent's ordinance would conform.

The Chairman opened the Public Hearing.

George A. Philbates, Jr. commented that if the County kept adding more restrictions, businesses would move elsewhere. He indicated that although his business would be grandfathered, the new standards might affect his ability to use other property that he owned.

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

Mr. Sparks reviewed some specific questions and concerns he had with the ordinance. On page 3, he suggested that language be added to clarify that the minimum setback was from the property lines.

There was discussion of the fact that, under these standards, many of the gasoline stations in the County would be illegal, as well as discussion about the varying rights-of-way in different parts of New Kent. Mr. Hathaway explained that parcels located in the village areas were allowed lesser setbacks.

It was pointed out that underground tanks were not "structures" and would not be regulated by the setback line requirements.

It was also confirmed that an existing business would remain grandfathered even if ownership changed, unless it remained closed for more than two years.

There was continuing discussion regarding setbacks. Mr. Homewood advised that the proposed setbacks were actually less restrictive than what was currently required for M1 and M2 zoned properties.

Mr. Sparks asked about item #9 regarding vehicle and pedestrian traffic and whether a stand-alone shop would be required to design to these standards. Mr. Homewood explained that the standards would be required for large scale development (65,000 square

feet or more) to preserve the carrying capacity of the roadway and would not apply to stand-alone shops.

It was also clarified that "outdoor storage" was not the same as "outside display or sales".

Mr. Sparks asked about requirements for car washes to use 80% recycled water. Staff explained that was a standard for new car washes. Mr. Sparks questioned how it had been determined that 80% was the industry standard. Mr. Trout suggested that it could be the requirement for New Kent and if it was discovered that the standard could not be met, then it could be revised.

Mr. Hill questioned the need for traffic impact studies for convenience stores, restaurants and fast food establishments. Mr. Hathaway advised that the Board had recently adopted an ordinance requiring traffic impact studies for any use that resulted in 100 or more trips in a peak hour, and it was suggested that paragraph #13 be deleted.

Mr. Sparks asked why it was proposed that kennels have their waste management plans approved by the Health Department but veterinary establishments have their waste management plans approved by the Zoning Administrator. Mr. Hathaway explained that the Health Department was a part of the County's in-house review team and would review any plans submitted by a veterinary business. Mr. Davis expressed his doubts that the Health Department would be involved in animal waste plans at all, but staff confirmed that they were and had routinely reviewed these plans in the past. It was suggested that on page 19, a phrase be added to the effect that "shall be reviewed and approved by the Health Department". It was pointed out that this would be for commercial and business-zoned property only and would not apply to agricultural land where large animals were kept.

Mr. Hill questioned the requirement that some of uses were to be 200 feet away from the property line instead of from a structure. It was clarified that the requirement was that specific uses be at least 200 feet from any residential lot line. There was also a clarification of the definitions of "amusement facility" and "game room".

There was a discussion regarding the proposed standards for time share resorts. It was pointed out that New Kent Vineyards had its own zoning requirement in the PUD and that it was important to note that a time share resort was different from a resort.

Regarding the proposed requirements for veterinary clinics, Mr. Sparks inquired how one would determine that soundproofing was "adequate". Mr. Hathaway explained that certain building materials had ratings and that the determination would be made during the building plan review process by the building inspector, planning and zoning. He admitted that staff would need to do some research on the issue. Mr. Trout suggested that the adequacy would most likely be determined after the fact and if the facility was not adequately soundproofed and there were complaints from the neighbors, then the owner would need to take care of it. Mr. Summer confirmed that the burden to show adequacy would be on the applicant.

Mr. Davis inquired about the requirement that a recycling center be 200 feet from adjoining property, and how that would affect an existing pallet company that wanted to expand and actually owned the adjoining property. Mr. Hathaway stated that the only way they could expand would be if the land was zoned industrial. If it was operating under a CUP, then it would be grandfathered.

Mr. Davis suggested that the Board needed more time to review the proposed changes. Mr. Hill agreed, asking that members of the ZORC attend the next work session and spend some time going over some of the Board's concerns.

Mr. Davis asked that staff provide a revised document with the suggested changes.

It was noted that another public hearing would not be needed unless there were substantive changes to what had been advertised. There was consensus to continue consideration to the next work session and Board members and others were asked to identify any additional concerns so they could be addressed.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Sparks shared that he had visited Colonial Downs on a couple of occasions during the current racing season and encouraged others to try it out.

Mr. Hill referred to a letter received from Governor Kaine regarding work force housing and asked the County Administrator to draft a response.

Mr. Trout announced the details of some upcoming events, including the Virginia Derby, the NACO Conference, the Music America Festival at Rockahock Campgrounds, and the grand opening of Quinton Park.

IN RE: STAFF REPORTS

Mr. Budesky advised that New Kent was a member of the Capital Area Investment Board (CAIB), comprised of all localities in the region except for the City of Richmond, and that the CAIB was in the process of drafting a regional response to Governor Kaine's letter. He also reported that he was a member of a task force looking at the possibility of the CAIB combining with Richmond's Board.

IN RE: DISTRICT APPOINTMENTS

There were none.

IN RE: NON-DISTRICT APPOINTMENTS

There were none.

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 August 13, 2007, and the next work session at 4:00 p.m. on July 23, 2007, both in the Boardroom of the County Administration Building, New Kent, Virginia.

IN RE: CLOSED SESSION

Mr. Davis moved to go into Closed Session for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving pending litigation and to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving an employee. The members were polled:

James H. Burrell

Absent

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

The motion carried. The Board went into closed session.

Mr. Sparks moved to return to open session. The members were polled:

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

The motion carried.

Mr. Davis made the following certification:

Whereas, the New Kent County Board of Supervisors has convened in a closed session 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 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia law;

Now there 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 session requirements by Virginia law were discussed in closed session to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board.

The Chairman inquired whether there was any member who believed that there was a departure from the motion. Hearing none, the members were polled on the certification:

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

The motion carried.

IN RE: ADJOURNMENT

Mr. Hill moved to adjourn the meeting. The members were polled:

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

The motion carried.

The meeting was adjourned at 8:55 p.m.