

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 23rd DAY OF JANUARY IN THE YEAR TWO THOUSAND SIX OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 5:00 P.M.

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 at 4:49 p.m. in order to go into closed session.

IN RE: CLOSED SESSION

Mr. Trout moved to go into Closed Session to discuss for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia about actual litigation and public discussion would adversely affect the negotiation or litigation posture of the County, and for discussions relating to real property pursuant to Section 2.2-3711A.3 of the Code of Virginia involving acquisition of real property for public purpose. The members were polled:

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

The motion carried. The Board went into closed session.

Mr. Burrell moved to return to open session. 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.

Mr. Burrell made the following certification:

Whereas, the New Kent County Board of Supervisors has convened 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.

Chairman Sparks 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:

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

The motion carried.

IN RE: OTHER BUSINESS

Mr. Trout moved that the Board of Supervisors continue to negotiate with the Board of Zoning Appeals in the case of *Board of Supervisors v. Board of Zoning Appeals*. The members were polled:

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

The motion carried.

IN RE: CHANGES TO THE AGENDA

Chairman Sparks reviewed the changes to the agenda.

He announced that the discussion on Revenue Sharing had been moved to the January 28 work session.

He announced that at 7 p.m., or as soon thereafter as possible, the Planning Commission would join the Board of Supervisors for continued consideration of the conditional use permit application CUP-06-05 for a water system filed by Farms of New Kent.

He further pointed out that the Board of Supervisors would not be participating in the public hearing later in the evening on the proposed revisions to the zoning ordinance.

IN RE: UTILITY EASEMENTS

Under consideration by the Board was Resolution R-04-06 accepting utility easements.

Mr. Davis asked how many more easements were needed. Mr. Budesky reported that about six remained, some of which were still being negotiated and a few that would have to be decided by the Court because they involved "heir" property.

Mr. Burrell commended Mr. Budesky for his negotiating skills in being able to narrow down the remaining number to so few. Other Board members echoed those comments.

Mr. Davis moved to adopt Resolution R-04-06 accepting utility easements on property identified as tax map parcels 19-1-1, 19-1-6 and 19-45, as presented. The members were polled:

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

The motion carried.

IN RE: INTER-DEPARTMENTAL BUDGET TRANSFERS

Under consideration by the Board were two inter-departmental budget transfers.

County Administrator John Budesky reviewed the requested transfers, one of which was to transfer revenue received through a Social Services program and expended through a Parks & Rec program. The second involved a transfer from the contingency account to make the first debt payment of \$36,274 on the loan for the vehicle maintenance facility.

Board members inquired about the current balance in the contingency account. Accounting & Budget Director Mary Altemus reported that there was about \$200,000, an amount she felt was sufficient for the remainder of the fiscal year.

Mr. Davis moved to approve the inter-departmental budget transfers as presented. 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.

IN RE: CHECK SIGNATURES

Before the Board was Resolution R-07-06 authorizing staff to continue to use the previous facsimile signatures for checks until new signature cards could be processed.

It was explained that it would take approximately two to three weeks for the new signature cards to be processed and staff needed permission to continue using last year's cards that contained the previous Chairman's name. It was further pointed out that even if the Board decided that the chairman's name no longer needed to appear on the checks, a new image that contained only the signatures of the treasurer and county administrator would still be needed. However, next year there would be no need for a new image unless the individuals in those positions changed.

Mr. Burrell moved to adopt Resolution R-07-06 as presented. The members were polled:

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

The motion carried.

There was discussion regarding whether the Board wanted to continue the practice of having the chairman's signature appear on the checks. It was explained that the chairman's signature was not required on the checks, just on the check registers.

Mr. Trout moved to omit the Chairman's signature from checks. The members were polled:

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

The motion carried.

IN RE: AERIAL PHOTOGRAPHY

Before the Board was a request from Jonathan Stanger, Director of Information Technologies, for a commitment to fund the upgrade of the County's aerial mapping in the FY07 budget.

Mr. Stanger reported that he had submitted a request for funds in the CIP for next year to obtain elevation data for the County utilizing LIDAR (\$160,000). He indicated that he had recently learned that under the Virginia Base Mapping Program, the State was being flown this Spring with 200 scale tiles (100 foot resolution) and was offering localities the option to upgrade their photography to 100 scale tiles (6 inch resolution), with payment (estimated at \$64,547) being required upon delivery between December 2006 and January 2007.

Mr. Stanger explained the need for the upgrade and pointed out that the County could save as much as \$45,000 if it proceeded in this manner. He indicated that although there were some advantages to using LIDAR to generate the elevation data, he did not think that the advantages were worth the cost difference.

One of the Board members inquired about the possibility of being able to recoup these costs from developers who ask for elevation data. Mr. Stanger explained that although the photography would be copyrighted by the State and would be exempt from disclosure under the Freedom of Information Act, he thought that the County itself would own the elevation data but he would need to check to confirm that. He apologized for the lateness of his request and indicated that the State had extended the deadline from the previous Friday until the morning following this meeting.

One of the Board members inquired whether other localities were taking advantage of the State's offer. Mr. Stanger stated that he was certain that many were participating.

Mr. Stanger stated that he felt the Board would be very impressed with the product the County would receive, and he explained that the photos would be much clearer than what

was currently available and the elevation data would be much cheaper. He reminded that the funds would not need to be expended until next fiscal year.

Mr. Trout moved to appropriate FY07 funds, not to exceed \$64,547, to the Virginia Base Mapping Program. The members were polled:

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

The motion carried.

Mr. Stanger was reminded that the Board wanted to hear back from him regarding the possibility of recouping these costs from developers.

IN RE: VALUE OF GENERAL AVIATION AIRPORTS

Mr. Budesky introduced Frank Bossio, the County Administrator from Culpeper County, Virginia, and shared information regarding Mr. Bossio's background as a former economic development director, airport manager and his Air Force and aviation experience.

Mr. Bossio spoke to the Board regarding the future trends and changes in general aviation. He reported that there were 55 major hub airports in the United States, compared to 5,500 general aviation airports and 14,000 landing surfaces. He spoke about how the perception that local airports were the "playgrounds for the rich and their toys" was not true in that 85% of those who currently have their own aircraft "have to sacrifice something else". He predicted a new era that will result from changes in the industry. One change will be the new "sport pilot certificate" that will be easier to obtain and maintain in that it does not have a FAA medical requirement and will permit a holder to fly within 50 miles under VFR. He was of the opinion that this would create a new market for hangar and ramp spaces and commented how the New Kent County airport was in an excellent location to benefit.

Mr. Bossio spoke about the more affordable light sport aircraft which will make aircraft ownership accessible to more people. He said that often the \$30,000 - \$80,000 cost of these aircraft was split among two or three owners.

He explained about the Very Light Jet (V L J) aircraft which represent changes in technology including stir friction welding (aluminum frames that can be welded) and integrated avionics. Other advantages would be its low cost (\$1.3 million), operation efficiency, and ability to use the 3,000 foot runways at the 5,500 general aviation airports. He also commented that he felt the integration with the internet would result in a revolution in transportation.

In light of these changes, Mr. Bossio repeated his prediction that the need for hangar space and fuel would substantially increase at general aviation airports.

One of the Board members inquired about FAA approval of the V L J. Mr. Bossio explained that the FAA certification process was expected to be completed in February with the first delivery in April or May, but that all 3,000 of the V L J have already been sold. He did

indicate that there were five other companies building light jets. There was discussion involving stall speeds, cruising speed, altitudes and fuel efficiency.

Mr. Bossio spoke about how these developments would provide better capabilities for connections with commercial flights, indicating that the "break even point" would be reached with three passengers. He stated that he did not believe that the major airlines would be operating the V L Js because of the small number of passengers.

Mr. Bossio recounted the advantages of the V L J to be safety, cost, convenience, environmental and security. He stated that he would urge the operators of all general aviation airports to have a plan in place to provide the necessary infrastructure in order to optimize their opportunities. This would enable general aviation airports to be self-securing and operate their terminals with fewer personnel. Local airports would not be required to install additional ground equipment in order to handle the V L J traffic, although Mr. Bossio did indicate that he thought there would be a market for temporary shelters.

Airport Manager William Kelly reported that the length of the runway at the New Kent Airport was 3,600 feet.

One of the Board members asked Mr. Bossio what kind of preparations he would recommend to New Kent. Mr. Bossio stated that the first thing he would recommend would be to look at the sport market and build hangars, indicating that the FAA and State were permitting localities to roll over ACIP money for this. Regarding hangar size, he indicated that the newer aircraft could be accommodated by smaller hangars.

Mr. Bossio was asked about the personal property tax rates on aircraft in Culpeper. He reported that Culpeper's rate was \$2.50 per \$100 value, but that their Commissioner only billed at one-quarter of the value. He stated that during the upcoming year, personal property taxes on aircraft would be billed at 100% value and that they would be lowering the tax rate, indicating that when they previously lowered the tax rate, they were able to fill their hangars, now have a waiting list of over 100, and couldn't build hangars fast enough. He stated that they have found revenue from hangar rent and gas sales to be greater than what they would receive from a higher personal property tax rate.

He commented that they had not seen any increase in insurance rates as a result of the reduction in the FAA requirements.

The Board members thanked Mr. Bossio for his informative presentation.

IN RE: BORROWING FOR HANGAR PROJECT

Before the Board was a request from Airport Manager William Kelly for authority to borrow \$140,000 from Virginia Resources Authority for the T-hangar project.

Mr. Kelly reported that there was approximately \$765,000 in the current budget for the hangar project and that the bid had come in over budget; therefore, he was proposing a loan of \$140,000 from the VRA in order to be able to complete the project. He distributed a memo outlining what he described as a "conservative approach" on how the loan could be structured. He reported that on January 31, the VRA staff would be recommending approval of the loan to its Board of Directors, and then the Board of Supervisors would need to approve the application and appropriate the funds towards the hangar project. The local share of the project with the current bid price would be about 18.4%. He circulated photos

of the existing hangars which he reported were purchased "used" about 30 years ago and were nearing the end of their service life. He described how wind events resulted in the loss of "bits and pieces" of the hangars.

Mr. Kelly distributed handouts which took into account the revenue from personal property taxes on aircraft that was projected to be generated, as well as escalation of hangar rent at 2% per year (would be recommending a 4% increase every other year). His projections reflected that the project would generate income of \$11,700 during year one, up to \$16,795 during year ten. After the ten-year loan was paid, the County would clear \$32,000 in hangar rental revenue in year eleven.

He indicated that he had located all available grant sources for the project and was asking that the Board approve a VRA loan for the \$140,000 needed to complete the project.

Mr. Budesky pointed out that if the additional \$300,000 in FAA primary entitlement funds was not committed to the hangar project by the County, it would be returned to the government for distribution to other airports.

Mr. Kelly reviewed the airport's current waiting list and cash deposit procedure, and predicted that the new hangars should be filled on day one.

Mr. Kelly was asked about existing facilities. He reported that New Kent airport had 43 based aircraft, and that the existing hangars were limited in the types of aircraft that they can accommodate because of door width and the width of the rear sections. The proposed new hangars would be larger and would accommodate aircraft with larger wing spans. He emphasized that it was important that the County construct larger hangars with the grant funds, and perhaps consider smaller hangars when using 100% local funds.

Questions were raised by the Board regarding the proposed Jet Pod. Mr. Kelly reported that it would be a corporate hangar, in which he has already had two parties express interest. It would be his intention to advertise the Jet pod and if he receives bids beyond the \$95,000, he would negotiate a land lease (leasing out the land upon which the Jet Pod sits). At the end of the lease, the Jet Pod would revert back to the County. If the advertisement does not produce a favorable outcome, then the Jet Pod would be dropped from the project.

There was discussion about the cost of the hangar project and the increase over the budgeted amount. Mr. Kelly pointed out that site preparation was the expensive part of the project, attributing that to the types of drainage and pavement strength required. The hangars themselves would be made of steel and would be nested T-shapes with a square footage of 1,350 each. The bid price was for a "turn-key" job. It was clarified that the local share of the project was about \$310,000 and that all but \$140,000 of that local share was already in the budget.

There was discussion regarding the timetable. Mr. Kelly indicated that the schedule would depend on when federal funds were released, but he anticipated that to be in either April or May, with the hangars available sometime between July and September.

Mr. Kelly estimated that there would be a break-even point in the first month of year six of the loan. Mr. Burrell commented that although the hangars might break even, the airport itself never had. Ms. Altemus reported that local funds spent at the airport last year totaled \$44,399. Mr. Kelly indicated that the \$44,399 included the runway project, for

which the County was still receiving reimbursements, which he estimated at \$30,000 - \$40,000.

Mr. Kelly reiterated that the existing hangars were 40+ years old and would not last much longer, and the County had not done anything to try to provide any type of income-generating infrastructure to support any activities, and if the hangars do become unavailable, there would be no income to replace that revenue.

The Board members commended Mr. Kelly for the fine job he had done at the airport. Mr. Burrell commented that over the years he had fielded many inquiries as to whether it was fair for the general public to pay for a hobbyist airport. However, it seemed that there was some potential there with the new technology and the access to the Fisher parcel. He indicated that New Kent had new development coming on-line and, as industry increased, there would be a much higher demand for services at the airport. He stated that the County had spent over \$1 million in taxpayer money on the airport and he was not suggesting that the Board not approve this request, but he had always felt that the airport should be self-sustaining and up to this point it had just been serving a few. Mr. Kelly agreed that the gap was getting smaller, and that last year was better than "break even". He stated that it was important that the County plan for the future with the hangar projects, pointing out that the airport needed hangar rentals and land leases for revenue, and could not make it on fuel sales alone.

Mr. Trout moved to approve the borrowing of an amount not to exceed \$140,000 from Virginia Resources Authority for the T-hangar project at the New Kent County Airport. 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.

Mr. Kelly recognized and thanked Airport Advisory Commission members Mr. Simpson, Mr. Williams and Mr. Jeffries for their attendance at the meeting, and expressed his appreciation to Mr. Bossio for his presentation.

IN RE: FINANCIAL ADVISOR

Under consideration by the Board was a recommendation to extend the current contract with Davenport and Company LLC for a one-year period to end January 31, 2007, and to re-evaluate for an additional one-year extension in November 2007.

Mr. Budesky reviewed that the contract with Davenport and Company provided for a term of three years with the option for two one-year extensions. Staff recommended that the contract be extended for one year.

The Board members commented that they were pleased with the consistently high quality work provided by Davenport.

Mr. Burrell moved to approve the extension of the contract with Davenport and Company LLC for a one-year period to end January 31, 2007. The members were polled:

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

The motion carried.

Ted Cole of Davenport and Company thanked the Board members for their earlier comments and for the opportunity to continue to work with the County.

IN RE: HOMELESSNESS

Mr. Budesky reviewed a request from the Virginia Peninsula Mayors and Chairs that New Kent join a regional effort to develop a strategic plan to address issues relating to homelessness, and had asked the Board to consider adoption of a Resolution at its February meeting to support this effort. It was clarified that adoption of this resolution would not commit New Kent in any way.

Mr. Davis reported that he had attended many meetings of the Virginia Peninsula Mayors and Chairs and he thanked Rodney Hathaway for his work on this particular issue. He commented that although New Kent did not have a homeless problem, it did see its effects, and that adoption of a resolution would be a show of support for the project.

Mr. Burrell commented that in his work as a member of the Colonial Community Criminal Justice Board and the State Board of Corrections, he had seen how often homelessness was a common factor for those in the prison system.

There was consensus from the Board that the requested Resolution be included on the February Consent Agenda.

Regarding affordable housing, Mr. Burrell commented that according to the Commissioner of the Revenue, the average price of a home in New Kent had risen to \$170,000, with new homes averaging \$200,000. He emphasized that affordable housing was not "the projects" but what teachers and deputies could afford. He urged the Board to seriously look at establishing an affordable housing policy. Mr. Budesky advised that affordable housing was scheduled as an item for the special work session on the following Saturday.

IN RE: SCHOOL FACILITIES RENTAL POLICY

Mr. Budesky reviewed a memo from the School Board regarding a recommended policy and fee schedule that was developed by a subcommittee comprised of School Board Member Terri Lindsay, Dr. Geiger, Supervisor Trout and former Parks & Recreation Director Charles Hester. He reported that the proposal had been approved by the School Board and then sent to the Board of Supervisors for comment and adoption. Mr. Budesky indicated that he was not asking the Board to take immediate action in that there was still some work that needed to be done, but he wanted them to understand the concept. He emphasized that he did not want the County to give the impression that it was not willing to work with groups that needed to use its facilities. He stated that current practice was that all facilities were

managed through the Parks & Rec/General Services to ensure that there were no conflicts with recreational programming. He requested that the Board come to a general consensus that there was interest in moving forward with a policy that would include fees. He explained that it was his intention to bring this back to the Board at a future work session with some additional policy guidelines and fees that made sense, were fair, and were comparable with what was in effect in other localities. He pointed out that use of the facilities outside of the normal school hours resulted in additional costs for the County; however, in reality, there were some groups that would not be able to pay.

The Board members were in agreement that it was difficult to operate without a policy and there was consensus that staff continue to work on this.

IN RE: UTILITIES AT ROUTE 106

Mr. Budesky stated that several months ago he came to the Board with a proposal to consider providing public utilities to Route 106 south of the I-64 interchange through a service district. He indicated that both Roger Hart and Ted Cole were present to provide information and answer questions.

Mr. Budesky reported that staff was continuing to work on this on a daily basis, trying to project needs and estimate costs. He stated that staff believed that this area was a very viable economic development corridor and that there would be a real demand and need for public utilities in the future. The last estimate came in at \$3.2 million, and he indicated that Roger Hart had developed an estimate based on capacity at build-out (over 10 -15 years, at today's cost) in the sum of \$8.7 million. He stated that staff and consultants had looked at this in several different ways – per acreage, by *ad valorem*, just water or just sewer - in order to make it a viable project. He pointed out that the proposed service area was much smaller than Bottoms Bridge, and included the Fisher parcel as well as property owned by Shaia, Shannon, Fisher, Alvis, and Horsley, as well as some individual businesses and about a half dozen residences.

Ted Cole of Davenport and Company distributed a Debt Capacity Analysis handout which reflected that the current taxable value of the real estate in the proposed area was \$7.4 million, which would translate into the value of one penny of real estate tax being equal to \$740 per year. Assuming a 3% annual assessed value growth, the value of that penny would grow to \$832.88/year in five years. Based on the current connection fees, and assuming that there would be new connections of 5 per year in year one and two, 23 in year three, and 25 per year for every year thereafter, it would take 34 years to build out. Based upon borrowing for 25 years at 6%, his computations showed a serious disconnect between debt service needs and revenue expectations. He cautioned the County about the validity of the build-out assumptions and emphasized that the New Kent would be required to pay the debt, whether or not build-out occurred. He also commented that the County had some fairly significant borrowings ahead.

Mr. Budesky indicated that he knew the area had potential and its development would bring an increase in the tax base as well as jobs, but it was hard to put those impacts into the projections. He emphasized that factors could change and conditions might become more favorable, and even if the system was phased in, there would have to be at least 25 new connections a year and no one could guarantee that with any level of confidence. Under the circumstances, at the present time he could not recommend a service district as the way to fund a system in that area.

Roger Hart stated that the estimates were based on land use that was there now. He indicated that he was trying to make sure that capacity in the system would support growth but cautioned that the County needed to look at this carefully.

Mr. Hill stated that it appeared that what was being said was that in order to get commercial development, 400 new homes would be needed to pay for the system. He asked how was the County going to diversify and attract more commercial at these rates.

Mr. Davis stated that he would like to see water and sewer in that area and asked why it cost so much.

Mr. Hart reviewed what would be needed, which included taking water underneath I-64, and the installation of a pump station, a 6" force main, and gravity sewer. He confirmed that this would provide service to the Fisher parcel.

Public Utilities Director Alan Harrison stated that \$3.2 million was the initial cost for the system, which would cover the sewer line, water line and pump station. Needs in the future would include an elevated tank and upgrading the Talleyville station, all of which could be done in phases. It was pointed out that this would provide service one mile down each side of Route 106.

There was discussion about service to the Fisher parcel. Mr. Hart stated that the estimate included putting a pipe across the swamp to serve the Fisher parcel, and those costs were based on existing mapping. He emphasized that the costs did not include any access to the Fisher property, either by road or bridge.

Mr. Budesky pointed out that the Fisher parcel was included in the value estimates/tax revenue estimates made in Mr. Cole's analysis.

IN RE: APPOINTMENTS

There were no appointments.

Chairman Sparks announced a break, after which the Planning Commission would join the Board to continue consideration of CUP application CUP-06-05 that had been deferred at a previous meeting.

IN RE: CONVENING OF THE PLANNING COMMISSION

Chairman Gammon called the Planning Commission to order at 7:10 p.m.

Roll call:

Thomas Evelyn	Present
Patricia Townsend	Present
Clarence Tiller	Present
Sylvia Godsey	Present
Charna Moss	Absent
Louis Abrams	Present
Brenda Snyder	Present
David Smith	Absent
Jack Chalmers	Present

Edward Pollard	Present
Howard Gammon	Present
Stran Trout	Present

IN RE: CUP APPLICATION FOR FARMS OF NEW KENT WATER SYSTEM

Under consideration by the Planning Commission and the Board of Supervisors was Application CUP-06-05 filed by New Kent Farms LLC to construct and operate a water system consisting of a storage tank, well, pumps and distribution system to serve the Farms of New Kent PUD and property in the nearby vicinity. A public hearing was held on January 17 after which time action was deferred.

Planning Manager Rodney Hathaway indicated that at the last meeting, there were some questions raised regarding alternate locations and designs, and that Public Utilities Director Alan Harrison was present in order to try to answer those questions.

Mr. Evelyn asked if Olivet Church Road was the best location for the system and why they couldn't find a site on the PUD property.

Mr. Harrison explained that there had been extensive discussions, pointing out that the initial site for the elevated tank had been closer to Route 249 which was not suitable. He explained that their goal was to minimize the visible impact to residents in adjacent areas as well as to those in the PUD, and that this was the best place. He explained that this was a large parcel, which gave flexibility as to where on the site the tank would be placed, and it had been agreed that the tank could be moved farther west on the parcel, which would mitigate the visible impact.

Ms. Townsend asked about the particular type of tank. Mr. Harrison explained that an elevated tank was more suitable than a ground tank because of the size of the system, the amount of fire flows that would be required, reliability, ease of maintenance and operation costs.

There were questions about danger to the residents from failure of the tank. Mr. Harrison stated that he had never seen a water tank fall, but admitted that it could happen if it was old (100 years) and not maintained, or maybe in a Category 5 tornado. He stated that the structure would be substantial and there were no requirements that it be designed to withstand being hit by an aircraft. If anything happened, the County would respond in the same way that it responded to other emergencies, but he felt the likelihood of an event was remote.

It was pointed out that in many of photographs of damage and aftermath from hurricanes, often the only things that are left standing are water towers.

Mr. Davis pointed out that Mr. Gammon had installed a used water tank at Cumberland Hospital about 25 years earlier and that it was still standing.

Mr. Pollard asked if moving the tank to the west part of the property would take it out of sight of the neighbors. Mr. Harrison pointed out that they were proposing to move the tank about 900 feet from the original site which would minimize the visual impact. It was pointed out that the curved access road would also help to minimize the visual impact.

Chuck Rothenberg, on behalf of the applicant, stated that the parcel had a total depth of 1,000 feet and the proposed new site was 900 feet from Route 618. He indicated that the tank would be more visible from the Farms of New Kent than from the homes along Olivet Church Road. It was pointed out that the new site is right on the edge of the PUD.

There was discussion regarding notice to surrounding residents. Mr. Rothenberg displayed a map showing the parcels whose owners were notified, and provided a list of the recipients. He also pointed out that they had advertised conduction of the visibility tests twice in the Tidewater Review and that the County had sent out notices as well.

Ms. Snyder moved, in order to address, protect and promote public convenience, necessity, general welfare and good zoning practices in the County, that the Planning Commission approve the adoption of CUP-06-05. Motion was seconded and the Planning Commission members were polled:

Thomas Evelyn	Aye
Patricia Townsend	Aye
Clarence Tiller	Aye
Sylvia Godsey	Aye
Charna Moss	Absent
Louis Abrams	Aye
Brenda Snyder	Aye
David Smith	Absent
Jack Chalmers	Aye
Edward Pollard	Aye
Howard Gammon	Aye
Stran Trout	Abstain

Mr. Burrell reported that he had talked with one of the residents who lived next to the proposed tank, and it appeared that the residents now have no problem with the placement of the tank at the newly proposed site. The neighbors seemed pleased that the proposed site of the tank had been moved back and appeared to have more visual impact upon the applicant's development than on the neighborhood.

Mr. Burrell moved to adopt Resolution R-06-06 as presented. The members were polled:

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

The motion carried.

IN RE: MEETING SCHEDULE

Chairman Sparks announced the Board had moved some of its unfinished items to a special work session/retreat that would be held on Saturday, January 28 at 9:30 a.m., at Royal New Kent. The next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, February 13, 2006, in the Boardroom of the County Administration Building.

He remarked that the Board had clearly heard the citizens at the first public hearing on the proposed revisions to the Zoning Ordinance. The Board members met in a special meeting on January 19, notice of which was duly posted, to provide an opportunity to sit down and discuss the issue. He indicated that after a long discussion, with about 40 – 50 residents in attendance, the Board decided to take a more traditional approach to the process and have the Planning Commission alone hold the public hearings. He indicated that the County had much invested in the process and he felt that the public hearings would give the citizens six chances to be heard at the planning level. Once that was completed, a citizens committee would be appointed by members of the Board of Supervisors and Planning Commission, to review and revise the document before taking it back to the Planning Commission. Months down the road, the document would come to the Board for consideration and additional public hearings. He indicated that he anticipated that there would be significant changes to the document. He stated that this change would slow down the process but continue to provide opportunity for citizen input.

Mr. Burrell commented that he wanted all to understand that it was the Board's intention that there would not be any impact on anyone who currently ran a business in New Kent as they would be grandfathered, and that if a weather event would necessitate rebuilding, that the business could be rebuilt as it was. He assured the audience that this process was not intended to put anyone out of business but simply to help the County to manage growth. All comments and input would be recorded and scrutinized, and he predicted that the final document would look different, but it was something to start with. He urged the citizens to continue with their input, and reminded that the process would take months to complete and that everyone would have ample opportunity to make comments and ask questions.

IN RE: CONTINUANCE

There being no further business, Mr. Trout moved to continue the meeting until Saturday, January 28 at 9:30 a.m. The members were polled:

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

The motion carried.

The meeting was suspended at 7:34 p.m.
