

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 22<sup>nd</sup> DAY OF MAY IN THE YEAR TWO THOUSAND SIX OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

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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 at 6:00 p.m.

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IN RE: OTHER BUSINESS

Chairman Sparks announced the recent death of John J. McLaughlin, Sr., who "had spent a significant part of his life in service to others" and suggested that the Board adopt a resolution honoring his life.

Mr. Davis moved that a resolution in recognition of John McLaughlin be prepared for the Board's consideration.

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

The motion carried.

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IN RE: PRISONER CONFINEMENT COSTS

Sheriff Howard appeared before the Board to request additional funds for confinement of New Kent's prisoners at Henrico Jail East. He reported that there was only \$55,221 remaining in his budget to cover those costs for the rest of the fiscal year. He noted that the average monthly bill was \$63,098 and continued to increase, even though the *per diem* of \$35 had not increased in some time. With the steady increase in the number of arrests made in New Kent and the continued growth in the County, he predicted that in three to four years, prisoner confinement could cost the County nearly \$1 million per year.

There was discussion regarding inmate labor. Sheriff Howard reported that VODT used State prisoners for trash pickup and other work, and that work release prisoners from the Henrico Jail East were under the control of the Henrico County Sheriff's Department. He explained that even though some of New Kent's prisoners might be on work release and required to pay \$10 per day, the *per diem* amount charged to New Kent remained the same. He advised that if the Board was interested in using work release labor from Jail East in New Kent, he could try to work that out with Henrico.

Mr. Burrell moved to appropriate \$132,000 for the housing of prisoners for the rest of May and June of this year from General Fund contingency. The members were polled:

James H. Burrell	Aye
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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:           ROUTE 106 ROUNDABOUT

Community Development Director George Homewood requested that the Board send a letter to the Commissioner of the Virginia Department of Transportation to appeal that department's decisions regarding two roundabouts proposed for Route 106 as a part of the improvements being performed in connection with the Farms of New Kent development.

Mr. Homewood reported that four of the six proposed roundabouts had been approved. He stated that the two unapproved roundabouts were compliant with the general standards for roundabouts and that he felt it was a difference of interpretation by County and State staff of the Federal Highway Standards. He explained the areas of the project that would be served by the subject roundabouts and emphasized their importance. He commented that modern roundabouts were not the same as the old style traffic circles, and that a roundabout was not an intersection control device but a design technique. He indicated that although VDOT did not feel that the subject roundabouts were needed, it was reserving sufficient rights-of-way for future construction once traffic volumes increased.

It was pointed out that the developer would be paying for the cost of these two roundabouts as part of the initial road improvements, but if they were deferred and determined to be necessary in the future, the cost would fall to the taxpayers.

During discussion, several of the Board members related their experience with and support of the use of roundabouts.

There was also discussion regarding VDOT's request to eliminate two of the right turn lanes at the intersection of Routes 106, 249 and 609.

Mr. Trout moved to approve the proposed letter to the Virginia Department of Transportation regarding the Route 106 roundabouts. 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.

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IN RE:           FEES, TAX LEVIES AND FY06/07 BUDGET

Before the Board for vote was Ordinance O-06-05 amending Appendix A to change certain fees; Ordinance O-05-06 establishing tax levies; and the proposed FY06/07 Budget.

Chairman Sparks reminded that public hearings were held at a previous meeting.

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County Administrator John Budesky reported that since the previous meeting, updated assessment information had been received from the Farms of New Kent and that, with the increased revenue projections, he was comfortable recommending that the Board reduce the proposed tax rate increase by one penny, to 13 cents. He reminded that the budget was still contingent upon General Assembly action on the Law Enforcement Officers retirement system (LEOS). He indicated that if the legislation failed to pass, then the Board could potentially reduce the tax rate increase by another two cents.

Mr. Budesky explained the LEOS program, which would provide a 25-year retirement for sworn deputies and firefighters. He reported that the benefit was a recruitment tool and that smaller localities frequently trained new officers and firefighters, only to lose them to the larger localities that could afford to offer this benefit. Under the pending legislation, the State would fund the cost of the benefit for State-funded deputies, and the localities would be required to fund the cost of the benefits for its remaining deputies and fire staff. He stated that it was unknown exactly what it would cost New Kent as the results of the actuarial study had not yet been received. It was reported that 8 firefighters and 22 deputies would be eligible for LEOS coverage in New Kent, and 16 – 18 of those deputies were State-funded.

Mr. Burrell moved to adopt Ordinance O-06-06 as presented.

It was pointed out that this ordinance dealt with fees and not the tax rate. It was also noted that although a new irrigation minimum usage fee had been advertised, that fee had been eliminated from the proposed ordinance.

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.

There was further discussion regarding LEOS and the timetable surrounding the Board's ability to reduce the tax rate. It was agreed that the County Attorney would research that issue and report back to the Board.

Mr. Trout moved to adopt Ordinance O-05-06 with the following changes: in paragraphs 1, 2 and 3, removing 95 cents and inserting 94 cents.

Mr. Davis noted that the proposed tax rate represented a 16% increase over last year and a 46.8% increase since the last assessment. He spoke about the hardship on those property owners on fixed incomes. Mr. Burrell echoed those concerns.

Mr. Hill stated that he too had compassion for those on fixed incomes, but he also had compassion for the County and wanted it to move forward and provide the best services it could. He admitted that personally he was not looking forward to paying more taxes but felt that it was the right decision.

Mr. Sparks concurred with the concerns expressed by Mr. Davis, and reminded that the tax relief program had been expanded last year in order that more could qualify. He announced

that the deadline to apply for tax relief had been extended to July 1, and encouraged those who qualified to apply. He asked that this information be circulated throughout the community.

Mr. Burrell commented that many landowners were skeptical about applying for tax relief under the misconception that it would be a liability for their heirs upon their death. He spoke about the tax rate increases anticipated for future years and predicted that the rates would double by 2009. He indicated that although he recognized that the County had needs, he continued to be concerned about the impact that the increase would have on those with limited means, coupled with the State's decrease in personal property tax relief.

Mr. Sparks acknowledged Mr. Burrell's concerns but reminded that the County had acted to encourage business development to help reduce the tax burden on residents. He indicated that the Board had spent countless hours on the budget and had agonized over it. He admitted that the tax increase was not pleasant and emphasized that the Board needed to continue to work to provide relief for those on fixed incomes.

Details of the tax relief program were explained. It was reported that in order to qualify for relief (of up to \$500):

- the applicant must be age 65 or disabled, and an owner of real estate
- the combined annual gross income of applicant and spouse cannot exceed \$30,000 (\$20,000 for applicant)
- the combined financial worth of owner cannot exceed \$50,000 (excludes fair market value of home and up to five acres upon which the home is located)

The members were polled on Mr. Trout's motion to adopt Ordinance O-05-06:

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

The motion carried.

Regarding the proposed budget, Mr. Budesky reminded that it included the utility enterprise fund which was not funded by the tax increase.

Mr. Hill moved to adopt and appropriate the Fiscal Year 2006 – 2007 budget as submitted by the County Administrator in general categories as follows:

General Fund	\$	13,217,474
Social Services	\$	1,281,860
School Capital	\$	49,912,000
Grants	\$	0
Capital Projects	\$	7,832,212
Human Services	\$	1,500,283
Wireless E-911	\$	44,122
E-911	\$	381,115
Schools	\$	22,705,738
School Food	\$	711,316
Litter Control	\$	2,000
Meals Tax	\$	0

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Debt Service	\$ 3,931,200
Airport	\$ 403,601
Water/Sewer	\$ 39,921,410
Bottoms Bridge Sewer	\$ 689,500
Total Proposed FY07 County Budget:	\$ 142,533,831

The members were polled:

James H. Burrell	Nay
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: FINANCE ITEMS

Before the Board were requests for approval of the following inter-departmental budget transfers and appropriations:

Inter-departmental Budget Transfers

- a. Water/Sewer Bond: \$207,192.00 from Fund 98 to properly reflect portion of debt service due
- b. Treasurer's Office: \$1,414 from overtime to professional services, office supplies and ADP equipment
- c. Sheriff's Office: \$35,980 from full time overtime, K-9 materials/supplies and dispatch 3<sup>rd</sup> workstation to part-time salaries
- d. CSA: \$550.61 from salaries & wages to ADP equipment and maintenance service
- e. CSA: \$3,550 from salaries & wages to ADP equipment, furniture & fixtures & office supplies

Appropriations

- a. Additional funds received for utility irrigation connection fees, \$2,550.00
- b. Funds received from insurance proceeds as a result of an Environmental Division vehicular accident on Feb 8, 2006, \$1,441.97
- c. Funds received from the New Kent Rotary Club for development of the Quinton Community Park, \$2,000
- d. Funds for insurance proceeds result from and Fire & Emergency Management Dept. vehicular accident on Mar 13, 2006, \$1,612.59
- e. Funds received in the Treasurer's Office for Discover Card fees, \$29.00
- f. Funds received in the sale of 350<sup>th</sup> Commemoration merchandise to be used for purchase of a new Public Notice Board in the administration building, \$540.50

Mr. Burrell moved to approve the inter-departmental budget transfers and appropriations as presented and that they be made a part of the record. 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

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The motion carried.

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IN RE:           BOTTOMS BRIDGE WATER AND SEWER PROJECT

Public Utilities Director Alan Harrison reported to the Board on the status of the Bottoms Bridge water and sewer project.

He reported that the water main project was 95% complete and they hoped to be finished with bacteria testing and clean up/restoration in the near future.

He reported that the gravity sewer project was 75% complete and on schedule to be completed by July.

He reported that the pump stations at 60 West (Hughes property), 60 East (across from the Cunningham property) and on Clint Lane were in various stages of completion, and were anticipated to be finished in July.

He indicated that the renovations of the Five Lakes well house could not be started until the water tank was in service, but he did not anticipate any problems there.

He reported that the water tank was completely finished, and he anticipated having the bacteria testing completed and the tank in service in June.

Regarding Phase A of the force main project, he reported that the lines were installed and the pump station at Bottoms Bridge at Essex Concrete was anticipated to be finished by June.

Regarding Phase B, he indicated that all pipe had been installed except for the tie-in at the Chickahominy plant, but he did not anticipate any problems.

He reported that the Talleyville pump station was essentially completed, and they were waiting on electrical connections which should be finished by July.

He indicated that there was some other work to be done as part of the Bottoms Bridge project that would be finished up later.

Regarding improvements at the Chickahominy plant, he reported that project would take until October, but would not impact service at Bottoms Bridge.

He reported there were some issues involved with the drilling of a test well and a production well but they would not affect service at Bottoms Bridge.

Mr. Sparks inquired about the effect on water service to residents of Five Lakes resulting from the work being done on the Five Lakes well. Mr. Harrison indicated that the only change that customers might experience would be an increase in water pressure.

Regarding the SCADA project, Mr. Harrison announced that bids would be opened the following day and although that project might take 6 – 9 months, it would not impact service to the district.

He indicated that all easements had been secured and that staff would be meeting with Sands Anderson to work towards final resolution.

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The Board members commented on the tidy work performed by the contractors on the project and thanked Mr. Harrison and his staff, as well as Roger Hart of R. Stuart Royer, the engineering firm on the project, for their stewardship.

There was discussion regarding the fiber optic lines in Bottoms Bridge. Mr. Harrison indicated that fiber optic had been installed in the VDOT right-of-way after the utility project design work had been done but before construction had begun, which had necessitated the re-negotiation of some easements. He explained that fiber optic cable should not co-exist in the same trench as the sewer or water lines because of the expense and problems that would be encountered in making repairs.

Mr. Davis requested that a map showing the progress of the project be included in the Board's weekly packet.

There was discussion regarding the completion date. Mr. Hart announced a substantial completion date (ready to go on-line) of July 28. He explained that they were working diligently to have electrical service provided to the Talleyville pump station, but are still lacking a plat from Mr. Shaia that was necessary for Dominion Virginia Power to run the 3-phase power to the pump station. Other than the Talleyville pump station, he confirmed that most of the project was 80% to 90% completed and ahead of schedule.

Mr. Harrison indicated that in response to most inquiries, he had given mid-August as the anticipated completion date, and was hesitant to suggest any earlier date.

Mr. Budesky reported that staff was planning to mail out letters within the near future, advising those in the District that in August they should expect to receive notification that they will have nine months to connect to the system. This pre-notification letter will give District residents a full year to make arrangements to connect. Mr. Harrison explained that some property owners may have to hire engineers, etc., and the extra lead time will be of benefit.

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IN RE:                   ROCKAHOCK CAMPGROUND

Before the Board for consideration was Resolution R-19-06 -- CUP application filed by Rockahock Campground to expand the number of campsites from 575 to 782, with supportive structures to accommodate accessory commercial uses of the property.

Planning Manager Rodney Hathaway reported that the property consisted of 190 acres in the eastern end of the County, located on the south side of Rockahock Road/Route 649, and currently zoned C-1 Conservation. He noted that the Planning Commission, after public hearing on April 17, voted 10:0:1 to forward the application to the Board with a favorable recommendation. Mr. Hathaway pointed out that there had been some last minute revisions to the proposed resolution that resulted from the recent receipt of wetlands delineation maps from the applicant. He reported that the recently received maps showed more wetlands than County staff expected, and that additional language had been included in paragraph 16 of the resolution in order to provide additional protection to those areas. That language included a requirement that all environmental permits be obtained before any land disturbance was commenced.

Mr. Hathaway reported that staff found the proposed uses to be consistent with the Comprehensive Plan and the zoning, appeared to be meet development standards, and that staff was recommending approval of the application.

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There was discussion regarding the road into the campground and the railroad crossing. It was confirmed that it was a private road and, although the applicant was not required to straighten the road, County staff would have no objection if he did. It was also noted that being a private road, it would be difficult and expensive to have lights and crossing gates installed at the railroad crossing.

Mr. Hathaway reported that Newport News Waterworks, who controlled a surface water source in close proximity to the campground, had received a copy of the application but had made no comment.

There were inquiries from Board members regarding notices given to adjacent property owners and those within the ambient noise level range. Mr. Hathaway reported that the County complied with Code requirements and had notified adjacent property owners.

Mr. Hill commented that although the applicant has listed many of his "intents", there did not seem to any commitment on his part to complete many of the proposed amenities. Mr. Hathaway clarified that the County was not able to accept proffers as a part of CUP application.

Mr. Trout pointed out that campgrounds were commercial enterprises and subject to the occupancy tax.

Mr. Hill advised the applicant that he had heard concerns from some of his constituents who rented space in the campground regarding why they had not been notified of the application. Charles ("Randy") Caldwell, the applicant, advised that signs had been posted for more than a month and that he had answered many questions regarding his plans. He pointed out that the Code permitted eight sites per acre, and with 190 acres, he would be allowed more than the 782 sites that had been requested. He explained that he wanted to proceed with site development in a manner that made sense and to be able to support those sites with appropriate restaurants, stores, clubhouses and pools that would continue to provide the community lifestyle that existed at Rockahock.

Mr. Hill inquired about ambient noise that would be produced as a result of some of the cultural events. Mr. Homewood indicated that ambient noise levels requirements were set forth in Chapter 6 of the Code and nothing in the proposed resolution would change those requirements in any way.

Mr. Hill advised that because of recent events, he had not had enough time to thoroughly review the issue and would prefer to defer a decision to a future meeting, but would abide by the consensus of the Board.

Mr. Trout indicated that the application had been delayed a month by the Planning Commission and action by the Board that night was the right thing to do, in light of the fact that the applicant's season would be starting within the near future. Mr. Davis concurred.

There was discussion regarding some of the cultural events that were scheduled for the campground. Mr. Hathaway reported that the applicant had received all of the necessary permits for the events, and any action or inaction by the Board would have no effect upon them.

Mr. Caldwell expressed his disagreement with the language that had been added to the proposed resolution, which made his CUP contingent upon his having land disturbing permits. He indicated that he was already required to obtain those permits by the building

and development codes and that it was not necessary to have an "extra whip" held over him by the Planning Department. He referred to the additional conditions as "redundant".

Mr. Hathaway pointed out that the ability to revoke a CUP rested with the Board, and not with staff. He indicated that the proposed language in the CUP would require a land disturbing permit only with activity involving 2,500 feet or more, and staff felt that the extra language was necessary in order to adequately protect the environmentally sensitive areas on the property. He advised that if there were a conflict between the conditions required in the CUP and those required by Code, the CUP conditions would prevail.

Mr. Hathaway advised that the CUP would be binding unless the Board changed it. He stated that there were wetlands on the property as well as a nearby drinking source, and it was important for the County to continue to protect them. He indicated that there was some history of the applicant erecting structures on the property without necessary and required permits and staff wanted to insure that would not happen in the future, and this would give the Board additional enforcement authority if the applicant failed to abide by the conditions.

County Attorney Jeff Summers pointed out that if the requirement were set out in the CUP, the Board could revoke the CUP if the applicant failed to abide by the conditions, which could affect the entire expansion and not just a single site. Mr. Caldwell again stated his objection to the added language on the grounds that everything at the campground would be at risk.

Chairman Sparks opened the Public Hearing.

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

The Board took a short break.

Mr. Hathaway suggested some alternative changes to paragraph 16 of the resolution to address some of the concerns that were raised.

There was discussion on wastewater treatment system, fire suppression services and emergency preparedness.

The applicant was questioned regarding the creation of temporary overnight campsites for special events attendees. Mr. Caldwell stated that they did have an overflow site where they permitted people to park and some tent campers. He reported that if someone rented an RV site, that tenant was often allowed to set up a tent on the site as well. He indicated that they do not allow people to sleep in the fields.

Mr. Hill inquired as to whether the applicant would be willing to commit to a schedule for the proposed accessory uses. Mr. Caldwell advised that the requirement that he provide the County with a site plan within six months of CUP approval would take some serious thought and investment of time and money. He reported that if the building permits were issued, he could complete the Youth Center by the end of a year and the County Store within two years. He also related how gas prices could affect his business. He emphasized that the amenities were things that his customers wanted and he had no reason not to do them.

Mr. Hill suggested that the applicant agree to tie the amenities to the number of campsites.

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Mr. Trout disagreed, stating that mandating timelines would be counter-productive to both the applicant and the County and that the business should be able to adjust based upon the market demands and the changes within the industry.

Mr. Davis agreed with Mr. Trout, commenting upon the many improvements made by the applicant at the campground.

Mr. Sparks agreed as well, and thanked Mr. Caldwell for his request to expand his business.

Mr. Hill stated that he too appreciated Mr. Caldwell's request to expand his business, but he didn't want people leaving because there were better amenities elsewhere. He stated that if it was the applicant's dream to operate a Class-A RV park, he wanted the County to facilitate and help him to realize that dream.

Mr. Caldwell expressed his appreciation for Mr. Hill's comments, but clarified that when he leased a site, he did not make promises of things to come. What he sold was the community. He encouraged the Board members to visit the campground one weekend in order to experience the sense of community and welcoming atmosphere. He again asked that the Board remove the language to which he objected, and to leave the document as it was when it went to the Planning Commission.

There was more discussion regarding the requirement for environmental permits being part of the CUP conditions. Mr. Burrell emphasized that the Board was "business friendly" and attempted to allay Mr. Caldwell's fears that the County would abuse its authority.

Mr. Sparks expressed his displeasure that the application had proceeded through the Planning Commission process without the wetlands delineation maps and inquired why there had been a delay in providing such a significant piece of information. Mr. Caldwell explained that the delay was largely on the part of the Army Corps of Engineers and that staff knew that the wetlands delineation was being conducted. Mr. Hathaway explained that the County had used its GIS maps as a guide, and that the possibility that the wetlands information could further change (since final certification had not yet been received from the Army Corps of Engineers) was another justification for the additional language that was proposed for the resolution approving the CUP.

Mr. Trout moved to adopt Resolution R-19-06(R1) with the following changes: in paragraph 14 on line 4 add the word "not" so that it reads "Such garages shall not exceed 250 square feet in area..."; and in paragraph 16, delete the sentences "A Land Disturbance Permit is required for any construction activity over 2500 square feet. All necessary Federal, State and local wetlands or Chesapeake Bay permits must be obtained before land disturbance commences", and insert "All necessary Federal, State and local environmental permits must be obtained before land disturbance commences." 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.

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IN RE: PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

Before the Board for consideration was Ordinance O-04-06 to establish a Purchase of Development Rights (PDR) Program and to amend the New Kent County Code to add Chapter 84.

Planning Manager Rodney Hathaway indicated that at a previous meeting, the Board had directed staff to develop a PDR program for its consideration. He explained that all land in the County came with a "bundle" of rights which included the right to build, subdivide and develop. A PDR program would compensate a landowner who voluntarily sold its development rights to the County, and the County would also be authorized to accept donations. He pointed out that the only change made in the proposal since the earlier work session was the change in the chapter number, from Chapter 47 to 84. He emphasized that this would be a voluntary program. He reminded that there were proffers from the Farms of New Kent for a PDR program, and that the General Assembly had appointed a committee to study the issue and report back in November.

It was reported that the Board would have to designate a program administrator, who could be staff or an outside agency. It was also pointed out that a conservation easement that was given or sold to an outside agency would not come under the County's program.

Mr. Davis expressed his concerns that staff might not have the time or necessary expertise to administer this program. Mr. Hathaway reported that the James City County program was operated by staff, but that a land trust organization would be administering the State's program. Mr. Trout commented that if County money was involved, then the County should be the one to administer the program.

Mr. Hathaway emphasized that the County would purchase the development rights but that ownership would stay with the landowner. He also advised that the Board would be required to appoint an Advisory Committee. Staff's recommendation was that the Advisory Committee be comprised of seven members -- one from each election district and two at-large, whose role would be to review the applications, perform rankings, and present those rankings to the Board of Supervisors. A subcommittee would also need to be appointed as an appraisal review committee, on which the assessor would be a member.

Chairman Sparks opened the Public Hearing.

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

Mr. Burrell moved to adopt Ordinance O-04-06 as presented with the following change: on page 4, the first sentence of the definition of *Program Administrator* shall read "That person or entity placed in a managerial position over the daily operations of the PDR 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.

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IN RE:           TRANSFER OF PROPERTY

Before the Board for consideration was Resolution R-20-06 approving a land exchange with John Kinney, Trustee, to facilitate construction of the Vehicle Maintenance Facility.

Mr. Budesky advised that Mr. Kinney owned a 50-foot easement across property upon which the Vehicle Maintenance Facility was proposed to be constructed, and that staff had worked out a mutually beneficial agreement whereby Mr. Kinney would vacate his easement for an easement to the south of the proposed building site. Mr. Kinney would be required to rebuild the road at his own cost. In consideration, the County would also convey to Mr. Kinney 5.91 acres, more or less, of "topographically challenged" wetlands that were of little value to the County and would be returned to the tax rolls.

Chairman Sparks opened the Public Hearing.

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

Mr. Hill moved to adopt Resolution R-20-06 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.

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IN RE:           HOME OCCUPATIONS

Before the Board for consideration was a request from the Board of Zoning Appeals (BZA) to amend the current provisions in the Zoning Ordinance that dealt with home occupations.

Planning Manager Rodney Hathaway reported that three of the last five appeals to the BZA dealt with home occupations that had been successful and grown outside of the existing regulations. One of those businesses moved to another locality, one was pending, and one had been able to relocate to another site in the County. He indicated that the BZA was concerned about businesses being forced to relocate to other counties because there were very few existing sites that had the necessary zoning and infrastructure. As a result, the BZA had requested that the Board of Supervisors review home occupation regulations to see if there was any way to expand them to accommodate businesses that had outgrown existing requirements. He indicated that the BZA had endorsed the language that staff had included in the proposed zoning ordinance revision which would have allowed a business owner to apply for a conditional use to continue to operate at that location, and would have addressed those problems that most often bring them out of compliance: i.e., parking; storage of equipment; and employees who don't reside on the premises.

Mr. Hathaway reviewed three options available to the Board, the first being that the Board could sponsor the application and refer it to the Planning Commission for review and recommendation within 100 days. The second option would be to refer the request to the Zoning Ordinance Revision Committee (ZORC) and ask it to expedite its review and include it in the first phase of its work. The last option would be to do nothing, and let the ZORC review the issue in either Phase 3 or 4. Mr. Hathaway indicated that the BZA had

requested immediate review in that they did not want the County to continue to lose local businesses because the requirements could no longer accommodate them. He reminded that some of the Fortune 500 firms started out as home occupations.

After discussion among the Board members, there was consensus to ask the Zoning Ordinance Revision Committee to expeditiously review the issue.

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IN RE: MEETING SCHEDULE

Chairman Sparks announced that the next regularly scheduled meeting of the Board would be held at 6 p.m. on Monday, June 12, 2006, in the Boardroom of the County Administration Building.

He announced that the Board would be participating in a closed session but that no further business would be conducted.

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IN RE: CLOSED SESSION

Mr. Trout moved to go into Closed Session for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving zoning. 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.

The Board went into closed session.

Mr. Hill moved to return to open session. 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.

Mr. Hill moved to amend the motion to include discussions relating to business and industry development pursuant to Section 2.2-3711A.5 of the Code of Virginia involving prospective business or expansion of business or industry, 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

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The motion carried.

Mr. Hill 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, as amended, 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:

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:           ADJOURNMENT

Mr. Davis moved for adjournment. 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. The meeting was adjourned at 10:08 p.m.

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