

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 9th DAY OF MAY IN THE YEAR TWO THOUSAND FIVE OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Tom Doubt, Fire Department Chaplain, followed by the Pledge of Allegiance.

IN RE: ROLL CALL

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

The meeting was called to order.

IN RE: CONSENT AGENDA

County Administrator John Budesky presented the Consent Agenda, which consisted of approval of the minutes of the Work Session of March 28, 2005; Work Session of April 7, 2005; Regular Meeting of April 11, 2005; and Work Session of April 25, 2005; authorization for the County Administrator and Board Chairman to execute a Deed of Drainage Easement between Thomas & Lynda Elmore, et als and New Kent County; adoption of Resolution R-27-05 in Appreciation of New Kent County businesses; adoption of Resolution R-28-05 authorizing John A. Budesky to apply for National Domestic Preparedness grants on behalf of the County; road name addition: Wisteria Trail; refunds: \$375.00 to Carl Wayne Taylor, withdrawal of parent tract subdivision application; \$67.50 to Walter Bonhoff for duplicate purchase of RPA signs; \$890.00 to Mr. and Mrs. Wayne Pope, for withdrawn CUP application; \$100.00 to Jones & Hawkes Restaurant, for vendors fee for Family Festival; \$283.27 to Pamela K. Pearson for incorrect calculation of permit fees; Hot Air Balloon Ride Ticket refunds to Richard Ellyson \$75.00; Benita Beauman \$15.00; Brandon Currence \$60.00; Kenneth Douglas \$60.00; June Teas \$30.00; Diane Rock \$30.00; Florence Silver \$30.00; Sarah Moore \$225.00; and Carol Gill \$45.00; appropriations: funds received for reimbursement of professional services for Patriot's Landing, Invoice Number PL-05, \$1,272.50; funds for Sheriff's Dept. – DMV Grant (154AL-05-51032-13) for Alcohol and Records Management Education and Training, Phase I, \$1,500.00; funds for Sheriff's Dept. – DMV Grant (154AL-05-51032-14) for Alcohol and Records Management Education and Training, Phase II, \$1,500.00; funds received for Fire & Emergency Management Dept. – VDH Grant (#714A41780) Get Alarmed Virginia! For Smoke Alarm Installation and Education, \$1,383.05; additional funds received for the Two-For-Life grant from the VDH – Office of Emergency Medical Services, \$1,561.00; funds for Sheriff's Dept. – DCJS Grant (05-11160LO04) for Local Law Enforcement Block Grant, \$1,051.00; Total Supplemental Appropriation \$(8,267.55) Total; \$8,267.55 Money-in/Money-out; Inter-Departmental Budget Transfers: \$2,365.38 from Machinery & Equipment (4-1-32100-8001); \$1,525.00 from Education (4-1-32020-5540); \$800.00 from Office Supplies (4-1-32020-6001); \$768.42 from Printing & Binding (4-1-32100-3500); and \$3,147.09 from Machinery & Equipment (4-1-32100-8001) - \$2,365.38 to ADP Equipment (4-1-32100-8007); \$1,525.00 to Education (4-1-32100-5540); \$800.00 to Office Supplies (4-1-32100-6001); \$20.00 to Maint & Svc Contracts (4-1-32100-3320); \$369.00 to Dues & Associations (4-1-32100-

5810); \$379.42 to Books & Subscriptions (4-1-32100-6012); \$970.61 to Uniforms & Apparel (4-1-32100-5410); \$565.52 to Vehicle Supplies (4-1-32100-6009) and \$1,610.96 to Communications Equipment (4-1-32100-8003); \$7,100 from Reserved for Contingency (4-1-91020-0001) to Relocation Expenses (4-1-11010-2830); \$2,200 from Reserved for Contingency (4-1-91020-0001) to ADP Equipment (4-1-13020-8007); \$19,795.00 from Contingency (4-1-91020-1) to Communications Equipment (4-1-43020-8003); \$2,931.00 from Reserved for Contingency (4-1-91020-1) to Security System – Surveillance System w/ cameras (4/1/12130-8105); \$6,482.00 from Reserved for Contingency (4-1-91020-1) to Transfer to Grant Fund (4-1-99010-6700); \$6,482.00 from V-Stop Grant (3-6-24040-70) to Transfer from General Fund (3-8-49010-1); Treasurer’s Report: Cash in Bank as of March 2005: \$20,467,837.80.

Mr. Budesky asked that the Board add Resolution R-29-05 to the Consent Agenda, accepting utility easements from Delaware Corporation, East Coast Properties, Jolene, LLC, Margaret A. and Peter L. J. Tegroen, Daniel P. and Melissa F. Flood, John G. Sowder, Carter Construction Company, John F. Daniel Revocable Living Trust, Southside Bank, Alvin O. and Stacy C. Stitzer, RMS Properties, Inc., Quinton Property Associates, Cecil F. and Leon Bowery, and Tyron and Laureen S. Townsend.

Mr. Burrell moved to approve the Consent Agenda as presented, to include Resolution R-29-05. The members were polled:

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

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Chairman Davis opened the Citizens Comment Period and advised that because of the lengthy agenda, the three-minute time limit will be strictly enforced.

Reece H. Mitchell complained that he had been unable to get requested information from the County regarding on-site sewage systems relating to an issue on tonight’s agenda. He stated that the County was getting ready to amend “a bad law with another bad law”. His concern involved the definition of “permitted sewage handler”. He expressed his fear that untrained and unknowledgeable individuals are going to be the ones that will be giving certifications that exempt property owners from pumping their septic systems every five years. He feels that the Board is getting ready to amend something that is unenforceable. Chairman Davis asked Mr. Mitchell to reserve the remainder of his comments until the Public Hearing for Agenda Item 11, and urged him to sign up to speak at that time.

Rev. Milton Hathaway encouraged the Board to adopt an affordable housing policy. He related that last week he was contacted by or on behalf of two families, one from District 3 and the other from District 4, who were dealing with very deplorable housing conditions. They were able to work with Quin Rivers and staff to fix some of those problems but he thinks the County really does need an affordable housing policy. He realizes that there is a lot of fear as to “what that will bring”. He indicated that adopting a policy will not guarantee affordable housing; however, he can guarantee that by not adopting a policy there won’t be any affordable housing. There are families with deep roots in the County

who can't afford to continue to live here, nor can their children afford to return here to live. He urged the Board to make this a priority.

There being no one else signed up to speak, the Chairman closed the Citizen Comment Period.

IN RE: RESIDENT ENGINEER'S REPORT

Gary Jennings, Assistant Resident Engineer with Virginia Department of Transportation, reported that area crews had been working on patching the secondary roads (some areas are to be paved in June) and ditching along secondary roads, and that mowing has started.

He had reported at last month's meeting that bids for the Route 632 project were much higher than engineering estimates. After discussions with the County Administrator and Board Chairman as well as the Central Office, he indicated that they have looked at the bids again and have found them to be in line. Taking into consideration that a delay may result in even higher costs, he reported that the decision has been made to award the contract, which should take place next week at the meeting of the Commonwealth Transportation Board. He assured the Board that this will not affect the Rt. 632, Terminal Road project which will be advertised this winter. There are sufficient funds to cover these priority #1 and #2 projects, although it has not been determined how it will affect the remainder of the projects in the Six Year Plan.

Mr. Jennings reported that the additional rumble strips on Route 33 at Angel View should be installed within the next two weeks, depending on the weather. They will be installing two sets eastbound and one more set westbound.

He reported that their contractor is continuing to repair potholes along I-64 in New Kent, working Monday – Thursday nights. The work has been on the westbound lanes, and once the contractor reaches Exit 205, he will turn around and start eastbound. There is also a contract to resurface 13 miles westbound, from Route 155 to Bottoms Bridge, as well as a small section from the James City County line to the Route 33 exit.

Mr. Hill inquired about resurfacing work in Kenwood Farms and Greenwood Estates. Mr. Jennings reported that those projects are scheduled for June.

Mr. Hill thanked and commended Mr. Jennings for the bridge repair on Route 608. He inquired about guardrails on Old River Road. Mr. Jennings reported that those rails were on the work schedule but he did not know if they had been installed yet.

Mr. Hill asked about the status of the additional truck restriction signs. Mr. Jennings reported that the additional signs have been ordered but had not yet arrived. However, the restrictions are enforceable on those trucks cutting through on Route 613, even without the additional signage on Route 611 and at the County line.

Mr. Sparks asked Mr. Jennings to look at crumbling pavement at Longview Drive and Route 60. He also inquired if the paving work on I-64 would be done during the spring or summer. Mr. Jennings indicated that he has not yet received a schedule from the contractor, who has until September 1 to complete the project. No work will be done during the weekends.

Mr. Burrell thanked Mr. Jennings for the pothole repair work that has been done throughout the County. He pointed out a problem with water standing in a ditch on Route 632.

Mr. Trout thanked Mr. Jennings for the work on Terminal Road where some parts of the road were sinking and others rising. He inquired about work that is scheduled at the railroad crossing at Colony Trail. Mr. Jennings stated that the Railroad Company was difficult to work with and that VDOT would be "smoothing over" some work in that area that had been performed railroad crews.

Mr. Trout reminded Mr. Jennings about the area of Waterside Drive that is subject to tidal and weather-related flooding and stated that he would appreciate any work that could be done to remedy that situation.

Mr. Trout stated that several motorists struck a pothole on I-64 at Exit 205, sustaining vehicle damage. Mr. Jennings confirmed that potholes on I-64 were a problem.

Mr. Davis asked about the new sign for West Point. Mr. Jennings reported that he had personally ordered the sign about 1 ½ weeks ago.

Mr. Davis asked about restricting truck traffic on Farmers Drive. Mr. Jennings reported that the Board would have to follow the same procedure that it did with Dispatch Road, advertising and holding a public hearing. Chairman Davis asked that staff work with Mr. Jennings to get that scheduled for the June meeting.

Mr. Burrell asked about the construction schedule for the Stage Road project. Mr. Jennings indicated that work should start in June and be completed around November 1.

IN RE: INTRODUCTION OF NEW STAFF

Public Works Director Alan Harrison introduced David Estes, the new Utility Inspector, who previously worked for the Saluda office of VDOT. Mr. Estes will be working on the Bottoms Bridge project once it starts, and in the interim is working on development projects in Brickshire.

IN RE: STATISTICAL PROFILE OF NEW KENT COUNTY

Planning Manager Rodney Hathaway and Planning Intern Amanda Crocker presented the Statistical Profile, which provides information on population, income, housing, schools, economic development and other areas. Mr. Hathaway stated that this document can be used as a tool for economic development, assist with decisions and policy making, and provide information to the general public. Copies will be available in the Planning Department and will be posted on the website. He asked the Board members to let him know if there is additional information they would like to see in the document and he'll attempt to include it in the next analysis. He stated that staff plans to update this document annually as well as when information becomes available. Mr. Hathaway thanked Ms. Crocker for taking the lead in the project and commended her for an excellent job.

Mr. Burrell commented that he has never been able to determine exactly how many square miles there are in New Kent, as there have been differing figures including 216, 220 and 212.

Mr. Sparks asked where the 2003 population figure of 14,843 was obtained. Ms. Crocker reported that the figure was obtained from the Weldon Cooper Center who performs population estimates annually. Mr. Hathaway explained that the Weldon Cooper Center at

UVA gets its information from the Virginia Employment Commission who does a yearly population projection. The figures for 2003 are the latest ones available.

The Board commended them on a job well done.

IN RE: CLOSED SESSION

Mr. Hill moved to go into closed session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia; for discussions relating to real property pursuant to Section 2.2-3711A.3 of the Code of Virginia involving acquisition of real property; and for discussion of plans to protect public safety pursuant to Section 2.2-3711A.20 of the Code of Virginia as it relates to safety. The members were polled:

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

The motion carried. The Board went into closed session. Mr. Sparks moved to emerge from closed session. The members were polled:

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

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 Davis 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
D. M. "Marty" Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion carried.

IN RE: ESTABLISHING TAX LEVIES, FEES, AND FY05/06 BUDGET

Mr. Davis reminded that there would be no vote taken tonight on the budget or taxes.

Accounting & Budget Director Mary Altemus presented the proposed FY05/06 budget. She related that budget highlights include the fact that for the second year, revenue has been earmarked for school construction projects, including six cents of the real estate tax revenue (\$830,682), 50% of the meals tax revenue (\$117,500) and 50% of the Vinton OTB revenue (\$43,000). The proposed budget includes five new full-time positions and one part-time position. Salary upgrades have been assigned to some County positions to bring them in line with surrounding localities. The tax exemption for elderly and handicapped has been increased and the limits revised to increase eligibility. Funds have been budgeted for the first phase of a 2-year CDBG grant for rehab of homes in the Plum Point community. The Bay Transit grant is supported by \$65,050 in local dollars to provide demand-response transit service to New Kent residents. Local appropriation to the schools increased by \$724,365. She reported that there is also an increase in general fund debt service for the renovation projects at the elementary and primary schools, as well as for Phase One of the new high school construction.

She reviewed revenues, which are projected to total \$75,314,053, an increase of \$20,936,220 from the current year. Locally generated revenues are projected at \$18,194,869. Property taxes for 2006 are projected to be \$13,614,273, an increase of \$990,520 from the current year. This is based upon a real estate tax rate of \$0.81 per \$100 assessed value, representing a five-cent increase. There is no proposed change in the personal property tax rate or on the tax for machinery and tools, but the tax on mobile homes is proposed to increase to \$0.81 and the tax on airplanes from \$0.50 to \$1.00. She reported that the impact of the proposed real estate tax increase on a home assessed at \$100,000 would result in annual tax of \$810, an increase of \$50. Other new taxes reflected in the budget are the meals tax and lodging tax. She reported that local taxes are projected to be \$2,785,685, an increase of \$606,258 over the current year, and include new revenues from new and increased consumer utilities tax, a new cell phone tax, an increased cable franchise fee and increased fee for vehicle decals.

Ms. Altemus reported that expenditures for FY06 are budgeted to be \$75,314,053, an increase of \$20,936,220 from last year. Capital project expenditures are projected at \$3,839,977, Human Services expenditures at \$1,254,346, and school expenditures at \$22,037,182, an increase of \$1,694,547, or 8.3%. She reported that water and wastewater expenses are estimated to be \$5,528,435 and Bottoms Bridge construction expenses \$14,763,960.

Ms. Altemus commented that this was an ambitious budget attempting to meet the needs of a growing locality.

Chairman Davis opened the Public Hearing on the proposed FY05/05 Budget.

Kathryn W. Green, Program Administrator for Colonial Community Corrections, addressed the Board regarding CCC's funding request for \$9,642 which has been reduced by administration to \$5,400. She asked the Board for the full amount requested. She related that Colonial Community Corrections' mission is to enhance public safety by providing judicial alternatives to adult incarceration. She stated that alternatives and sentencing options permit localities to preserve jail space for violent and high risk offenders. The cost for community supervision of offenders is \$4.52 per day versus \$54.81 per day for

confinement. CCC is the primary service provider to New Kent's General District Court and Juvenile & Domestic Relations Court's population. Having been flat-funded by the State since 2000, they have made attempts to make up the shortfall by applying for federal money and local grants and conducting fundraisers. However, they are now at a point where they can no longer support the deficit. She has asked each of their client localities to do the same thing and to date all localities have agreed to support their request. She added that at the request of the General District Court Judge and Commonwealth's Attorney in New Kent, CCC provides additional services to New Kent by having staff on site at the criminal dockets on Tuesdays in the General District Court to provide intake services which allows them to get individuals under supervision quickly and also helps those New Kent residents who have problems with transportation to their Williamsburg office. She asked the Board to grant their full request.

Mr. Burrell, the Board representative to the Colonial Community Criminal Justice Board, stated that this was a worthy cause and he confirmed again with Ms. Green that the other localities have agreed to their request for full funding.

Mr. Hill asked the amount of the shortfall. Ms. Green responded that it was \$4,242.

Steve Miles addressed the Board as a volunteer for Meals on Wheels, a board member of Meals on Wheels of Greater Richmond, and a citizen of New Kent, and thanked the Board for its past support. He reported that last year, 6,500 meals were served to New Kent citizens. He indicated that since the program started in 2001, volunteers have driven over 45,000 miles in New Kent and put in over 4,800 hours. On behalf of their 125 volunteers in New Kent, he asked the Board to support their budget request of \$3,090 for the coming year. He indicated that sum would fund 618 meals for next year.

Mr. Davis asked if that would be 618 new meals. Mr. Miles responded that it would not be 618 new meals, but 618 of the meals delivered. Funding for the other meals is raised through fundraising not specific to New Kent. He reported that Meals on Wheels of Greater Richmond has a budget of \$2.5 million to serve the Greater Richmond community. Anyone interested in volunteering should call the Center Kitchen in Richmond at (804) 643-7035.

Bill Kelly, Airport Manager, spoke to the Board about the proposed increase in airport taxes. He stated that if the tax on aircraft was doubled as advertised, New Kent would go from having one of the lowest to one of the highest aircraft tax rates in the Richmond area. He reminded the Board that New Kent Airport is in the process of trying to increase the number of based aircraft in order to bring gasoline sales up, increase rentals and also working to build new hangars to be available in spring 2006. He does not think that doubling the tax will help to increase the based aircraft at the Airport. As far as the aircraft owners paying their fair share for development costs, he wanted the Board to be aware that for every gallon of fuel that is sold to an aircraft owner, there are extensive taxes that return to the County through the Federal Aviation Administration and Virginia Dept. of Aviation in both maintenance and capital improvement costs. Of this year's \$900,000 runway project, the County is only paying 1.4%. Next year's hangar project is funded 20% locally and some only 2% locally. He emphasized that the aircraft owners are already paying significant taxes that come back to the County in the form of sales and use taxes.

Mr. Sparks asked Mr. Kelly about his comments that New Kent would go from having one of the lowest to one of the highest rates in the area. Mr. Sparks stated that was not the information that was given to the Board during discussions about raising the rate, and it was not the Board's intention to go from lowest to highest. Mr. Kelly stated that he was referring to the three airports immediately around Richmond, which is where New Kent's

customer base is. The rate in Chesterfield County is \$0.50, Hanover's is \$1.00, and Richmond uses a sliding scale. He stated that New Kent does not compete with Richmond, which has a different type of aircraft and does not serve small aircraft. The type of airplane that New Kent is now trying to attract has a value of \$17,000 to \$50,000, but hopefully when the new hangars are built, will be \$100,000 to \$500,000. By doubling the tax, the County is looking to receive increased revenues of only \$4,280 but at the same time will be discouraging growth at the airport. Looking at the aircraft that they are trying to attract by the spring of 2006, the tax rate is much more significant to the owner of a higher priced aircraft, and those owners are going to be looking a lot harder at what the tax is.

Mr. Hill asked if either Hanover or Chesterfield has any hangar vacancies. Mr. Kelly stated that they did not. Mr. Hill stated that he receives complaints from his constituents about how much tax they have to pay on their boats. The Board is looking at increasing the tax on aircraft to \$1.00 when boats are taxed at \$3.75. Mr. Kelly reminded that the County does not generate any revenue by renting space to boats nor do they get grant money back that supports the infrastructure. Mr. Hill asked if there are no vacancies in either Chesterfield or Hanover, where is an aircraft owner going to base his plane. Mr. Kelly stated that all of Hanover's closed hangars are full but there is ramp space available. He is not saying that a person who has a plane valued at \$30,000 is necessarily going to pick up and leave. New Kent Airport may lose one or two customers but he doesn't think that the majority will leave because of a tax increase. However, he thinks that the tax increase will discourage growth at the Airport and discourage the owners of "larger, thirstier aircraft".

Mr. Trout commented about Manassas recently contemplating increasing tax on aircraft from one cent to thirty cents, but backed off and kept its rate at one cent. Manassas may have some larger, more expensive aircraft where one cent on a million dollar aircraft is better than thirty cents on a \$10,000 aircraft. He believes Mr. Kelly is trying to point out that if New Kent has one of the lower tax rates, it would have a better chance of attracting some of the higher-dollar aircraft which would use more gas. Mr. Kelly agreed and suggested that the Board needs to consider what facilities are available now compared to neighboring airports. While New Kent is trying to improve its current facilities, it is probably 7 – 8 years behind those other airports in development.

Mr. Burrell commended Mr. Kelly for the great job he's done at the Airport, but he echoed what Mr. Hill said. He hears from constituents who consider New Kent Airport as a "hobby airport" and that the County is basically subsidizing people who like to fly their planes. Mr. Kelly stated that the main point he is trying to make is that New Kent Airport is trying to move from being a hobbyist airport where people fly their planes on the weekends, to attracting more aircraft that are being flown by those who have to fly during the week for business, and a tax increase will discourage that.

Mr. Trout stated that from the way he reads the budget, County funding for the Airport this year is \$20,303, which is actually down almost \$13,000 from the previous year. Mr. Kelly confirmed that his budget had been cut from last year.

There being no one else signed up to speak, the Public Hearing on the budget was closed. Mr. Davis stated that counsel has advised that all of the items that are listed under Agenda Item 3 were advertised separately and if anyone want to speak about any of those items, please feel free.

Chairman Davis opened the Public Hearing on Ordinance O-15-05 Establishing Tax Levies. There being no one wishing to speak, the Public Hearing was closed.

Chairman Davis opened the Public Hearing on Resolution R-26-05 amending Appendix A to increase annual license fee on motor vehicles. There being no one wishing to speak, the Public Hearing was closed.

Chairman Davis opened the Public Hearing on Ordinance O-14-05 Increasing the Cable Franchise Fee. There being no one wishing to speak, the Public Hearing was closed.

Chairman Davis opened the Public Hearing on Ordinance O-18-05 amending Appendix A to change certain Planning Zoning and Permit Fees. There being no one wishing to speak, the Public Hearing was closed.

Chairman Davis stated that the Board will vote on these proposals on May 23. He invited anyone who has additional comments to contact their Supervisor directly.

IN RE: CREATION OF WAHRANI AFD

Planning Manger Rodney Hathaway reported that Howard Brady, Jr. has requested to include 372.6 acres, identified as Tax Map Numbers 37-4, 37-6, 37-7, into the AFD program by creating the Wahrani Agricultural and Forestal District. The property is bounded by Eltham Road and is located west of New Kent Highway. The property is currently zoned A-1 and is surrounded by A-1 zoned property and adjacent to the DragonsRidge Motor Sports Park. The Comp Plan has designated the property as Rural Land with a small portion being designated Economic Opportunity. 99% of the property is devoted to commercial timber use. Mr. Hathaway reported that the application was reviewed by the AFD Advisory Committee on March 31, 2005 whose members voted 6:1:1 to forward with a recommendation for approval, and also that the district be created with a renewal period of ten years. The Planning Commission considered the application on April 18, 2005 and voted 7:1 with one abstention to forward with a favorable recommendation, but with a renewal period of seven years.

He reported that staff is recommending that the application be approved, conditioned upon all parcels having a management plan for the use of the property, with forestry management plans being approved by the Va. Dept. of Forestry and agricultural management plans being approved by the New Kent Extension Office. Staff is also recommending that the district have a five year renewal period, which is a change from the 10-year period that applies to other AFDs in the County. Mr. Hathaway reported that State Code allows a renewal period of four to ten years. Staff is recommending that all new AFDs and all renewals have a five year term to insure that the property is meeting the requirements of the AFD program and that they are following the land use management plans. Another reason for a five-year renewal is that this area is in a potential economic growth area adjacent to DragonsRidge and would be in a strong market for development. In this way, the County would have the opportunity in five years to look at the market to determine if it is still in the best interest of the County for this property to remain in an AFD.

Mr. Trout asked if the AFD could terminate at the end of five years. Mr. Hathaway stated that at the end of five years, the applicant could decide to withdraw and would owe no back taxes. Mr. Trout asked what incentive the landowner would have to stay in the program. Mr. Hathaway stated that the incentive would continue to be the tax breaks.

Mr. Davis asked the County Attorney what would happen if the County approved this application and then decided to run sewer there - would the County be bound to stick by this agreement until the five years has run? Ms. Katz stated that the presence of sewer would have no relevance - it is the use of the land that matters and that it is being used for

agricultural or forestry purposes. The County is only allowing the property to have special use taxation - it is not a zoning issue.

Mr. Sparks asked Mr. Hathaway if he foresaw other AFDs with five year renewals. Mr. Hathaway stated that he would like to see all new AFDs and renewals be five years. Another change that they would like to initiate is to require newly created district applicants to work with the Extension Office, the Va. Dept. of Forestry and Colonial Soil & Water District to devise management plans to make sure that the proposed district is meeting the AFD requirements.

Mr. Davis stated that was the first he has heard of staff wanting a five year renewal term. He indicated that it has been suggested that during the ten year period, there ought to be a review at five years by the Extension Agent and Forestry staff to make sure that the plans are being followed.

Mr. Burrell stated that the County is giving these owners a tax break on their land, and in five years they would have an opportunity to withdraw and not have to pay back taxes. He believes that if this is approved, the County will be inundated with applicants. A landowner would get a tax break for five years and then after five years when the sewer is in and without having to pay back taxes, could market and develop the land. He indicated that a landowner might be less willing to put his land in an AFD for ten years if he would have to pay back taxes should he withdraw it after five years. The whole idea of an AFD is to discourage development and keep things rural.

Mr. Davis and Mr. Sparks agreed with Mr. Burrell's comments.

Jim Wallace, agent for the applicant, addressed the Board. He stated that Mr. Brady is interested in participating for as long a term as the County will permit. He would agree to a 50-year term if that was asked. He has no intention of developing the property and applied for 10 years. Mr. Wallace agreed that a review of the management plan in five years is a good idea, and his client would be amenable to a five-year review in a ten-year term. Mr. Brady is steadfast in his resolve not to develop the land, and to continue to hunt on it with his family.

Mr. Hill stated that he was present at the Planning Commission when Mr. Brady spoke and was adamant that he will not develop the property.

Mr. Sparks asked why the five year renewal date is not set out in the Resolution. Mr. Hathaway admitted that it was not specified in the documents but is allowed by the Code.

Chairman Davis opened the Public Hearing.

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

Mr. Burrell moved to adopt Resolution R-19-05, amended to have a ten year review period. The members were polled:

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

The motion carried.

IN RE: ROCK ADDITION TO WAHRANI AFD

Mr. Hathaway reported that Patricia Rock has applied to add 61.51 acres, identified as tax map number 36-41, to the newly created Wahrani AFD. If approved, the number of properties in this district will increase to four with a total of 434 acres. The parcel is bounded by New Kent Highway and Eltham Road. 100% of the property is devoted to commercial timber. The current assessed value is \$137,800.

Mr. Hathaway indicated that the Comp Plan designates a fairly significant portion of the property as Economic Opportunity as well as Rural Lands. It is zoned A-1 and surrounded by A-1 zoned property, but is close to the DragonsRidge Motor Sports Park.

The application was considered by the AFD Board on March 31, 2005, whose members voted 6:1:1 to forward with a favorable recommendation. The Planning Commission considered the application at its April 18, 2005 meeting, and voted unanimously to recommend approval. Staff recommends approval with two conditions: that a forestry stewardship management plan be submitted within six months and that the parcel follow all guidelines set for the Wahrani AFD which was just approved.

The applicant was not present to address the Board.

Chairman Davis opened the Public Hearing.

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

Mr. Trout asked the Economic Development Director Andy Hagy if he thought adding this property to an AFD, a bulk of which is designated as Economic Opportunity, would hinder economic development in that part of the County. Mr. Hagy indicated that he had not had an opportunity to review this and could not comment.

Mr. Hathaway stated that staff did consider that a significant amount of the property was designated as Economic Opportunity, but feels the market is not ready for that site at the present time. He stated that it might benefit the County to have the property off the market to keep it from becoming residential, as it would be hard to convert it back once that has occurred.

Mr. Davis asked if the only access to the property was from Polish Town Road. Mr. Hathaway stated that there was an easement to New Kent Highway as well.

Mr. Trout moved to adopt Resolution R-20-05 as presented. Mr. Hill asked if this would be for five year term. Mr. Hathaway stated that it would have to conform to the conditions imposed upon the Wahrani AFD. The members were polled:

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

The motion carried

IN RE: LINKA ADDITION TO WADDELL AFD

Mr. Hathaway reported that John and Katherine Linka have applied to add 49.07 acres (tax map numbers 20-3-16S, 20-3-15N, 20-3-15S, 20-3-14S, 20-58 and 20-58A) to the Waddell AFD. The Waddell AFD currently consists of three parcels that total 246 acres.

This land is located on Old Woods Road east of Henpeck Road. 60% of the property is devoted to timber and 32% to tilled cropland. The land is currently zoned A-1 and is surrounded by A-1 zoned land. The Comp Plan designates this area for Suburban Housing.

The AFD Board on March 31, 2005, voted 7:1 to favorably recommend approval of the application. The Planning Commission at its April 18, 2005 meeting voted unanimously to forward the application to the Board with a favorable recommendation. Staff also recommends approval on the condition that the applicant submit a forestry stewardship management plan within six months after approval.

Applicant John Linka stated that he has lived on the property for over fifty years and he wants to see it remain the way it is. He has no plans to develop the property.

Chairman Davis opened the Public Hearing.

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

Mr. Trout asked why the condition requiring a forestry management plan was not in the proposed Resolution. Mr. Hathaway stated that it was not required by State or County Code, but is a condition that can be placed upon the property owner.

Mr. Trout moved to adopt Resolution R-21-05 with the requirement that the property owner submit a forestry plan within six months from the date of approval.

Mr. Davis asked if this would affect the timetable for the Commissioner of the Revenue. Ms. Katz stated that the application could be approved now, and if the applicant fails to file a plan within six months, the Board could go back and assess him for six months' taxes. She recommended that it would be preferable if staff required a plan with the application rather than imposing a condition.

Mr. Hill asked if a forestry management plan can be developed in six months. Mr. Davis responded that a forester would be able to do that for a landowner within that time period.

Mr. Trout asked if that condition was satisfactory to the applicant. Mr. Linka indicated that he had no problem with it.

The members were polled on Mr. Trout's motion:

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

The motion carried.

IN RE: LACY ADDITION TO THE WINSLOW AFD

Mr. Hathaway reported that Dr. Karen Lacy had filed an application to add 59.36 acres (tax map parcels 10-50 and 10-50B) to the Winslow AFD. The Winslow AFD currently consists of two properties that total 215.28 acres.

Located on the subject property are two dwellings (one is unoccupied) and twelve outbuildings. The applicant filed a CUP application several months ago to operate a kennel in one of the outbuildings. The current assessed value of the property is \$483,400. It is zoned A-1 and surrounding by A-1 zoned property. To the east lies the Deerlake subdivision and to the south is Greenwood Estates. The Comp Plan designates the property as Rural Lands.

Mr. Hathaway reported that the application was considered by the AFD Advisory Committee on March 31, 2005 whose members voted 8:0 to recommend approval of the addition of only tax map parcel 10-50 (56.056 acres). The Planning Commission, at its meeting on April 18, 2005 voted 8:0 with one member abstaining, to favorably recommend the addition of only tax map parcel 10-50 to the AFD. The AFD Advisory Board, Planning Commission and staff are of the opinion that the primary use of tax map parcel 10-50B, the 3 acre parcel where the kennel is being operated, is not consistent with AFD regulations. It is also recommended that the applicant be required to submit a forestry management plan within six months of approval.

Mr. Davis stated that he was glad that the other Boards recognize that CUPs should not be given to AFD property.

Applicant Tom Lacy admitted that if they had thought more about it, they would have applied to add only the large parcel, and he and his wife are okay with excluding the smaller one. He indicated that they have talked with a forester and should have a plan in place within the required time period.

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

Mr. Hill moved to adopt Resolution R-22-05 as presented.

Mr. Trout asked about the condition for the forestry plan. Mr. Hathaway stated that the condition is contained in the resolution.

The members were polled

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

The motion carried.

IN RE: TAYOR ADDITION TO THE PAMUNKEY RIVER VALLEY AFD

Mr. Hathaway reported that James and Barbara Taylor have applied to add 65 acres (tax map numbers 10-48A, 10-48G and 9-41A) to the Pamunkey River Valley AFD. The Pamunkey River Valley AFD currently consists of 22 properties that total 4,649.67 acres. The subject property is in the western part of the County, west of Tunstall Road and south of the CSX railroad, contains two dwellings, and is zoned A-1. It is surrounded on the north and west by A-1 zoned property and on the east (Deerlake) and south (Greenwood Estates) by R-1 zoned property.

Mr. Hathaway reported that although this property is farther than one mile to the core of the AFD district, it would qualify because it is contiguous to a parcel that is within one mile. The AFD Advisory Board and Planning Commission both unanimously voted to favorably recommend approval of the application. Staff also recommends approval.

Mr. Hill asked why the Lacy property, which is so close to this parcel, was added to the Winslow AFD and this one is being added to the Pamunkey River Valley AFD. Mr. Hathaway indicated that the Lacy property is also farther than one mile to the core of the Pamunkey River Valley AFD.

The applicant was not present.

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

Mr. Hill moved to adopt Resolution R-23-05 05 as presented. The members were polled

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

The motion carried.

Mr. Sparks requested and received permission from the Board to leave the meeting early. Mr. Trout remarked that he was glad that Mr. Sparks was back after his recent injury and surgery and hoped that he will continue to recover. Mr. Sparks departed at 9:00 p.m.

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

Chairman Davis announced that Item 10 would be heard before Item 9. Mr. Hathaway explained that this change in the agenda was necessary in that AFD-06-05 could not be approved unless AFD-07-05 had been approved.

Mr. Hathaway reported that George and Barbara Tate had applied to add 68.52 acres (tax map 2-49) to the Hampstead-Northberry-Shimokins AFD, which currently consists of 16 properties that total 2,101 acres. The subject property is located at 3701 Hopewell Road, west of Cosby Mill Road and east of Cattail Road, and is zoned A-1. The applicant proposes to devote 33.52 acres to tilled cropland and 32 acres to timber. The property does meet the criteria to be added to an AFD because it is within one mile of the AFD core.

Mr. Hathaway indicated that the AFD Advisory Board considered the application at its March 31, 2005 meeting and voted 7:0:1 to forward with a favorable recommendation. The Planning Commission considered the application at its April 18, 2005 meeting and voted 8:0 with one abstention to forward to the Board with a favorable recommendation. Staff is asking that the applicant be required to submit a forestry management plan within six months of approval.

The applicant advised the Board that he had built there eleven years ago and his only intention is to keep the property as a farm and develop a management plan for timber. He has no plans to develop the property.

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

Mr. Burrell moved to adopt Resolution R-25-05 as presented. The members were polled

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

The motion carried.

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

Mr. Hathaway reported that Joseph and Diane Batkins had applied to add 104.7 acres (tax map numbers 2-49C and 2-50C) to the Hampstead-Northberry-Shimokins AFD, which prior to this evening consisted of 16 properties totaling 2,101 areas. The subject parcels are located at 3601 Hopewell Road which is west of Cosby Mill Road and east of Cattail Road. The property has 17 acres of tilled cropland and 87.7 acres devoted to timber. The property is zoned A-1 and has a current assessed value of \$250,991. The property is surrounded on the north by Hanover County, on the east by Cosby Mill Road (zoned A-1) on the south by A-1 and C-1 zoned land and on the west by Cattail Road (zoned A-1).

Mr. Hathaway indicated that this property is outside of one mile to the core of the AFD but is contiguous to a parcel that is a part of the district (added in the last agenda item). The AFD Advisory Board considered this application at its March 31, 2005 meeting and voted unanimously to recommend approval. The Planning Commission at its April 18, 2005 meeting voted 8:0:1 to recommend adoption. Staff also recommends adoption with the condition that the applicant submit a forestry stewardship management plan within six months.

The applicant advised the Board that he wants to keep the land for his grandchildren to hunt on and has no interest in developing.

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

Mr. Hill moved to adopt Resolution R-24-05 as presented. The members were polled

James H. Burrell	Aye
Stran L. Trout	Aye

Mark E. Hill
D. M. Sparks
W. R. Davis, Jr.

Aye
Absent
Aye

The motion carried.

IN RE: AMENDMENTS TO NEW KENT COUNTY CODE, SECTIONS 94-33, -39, -40 AND
-42, ENVIRONMENTAL-CHESAPEAKE BAY PRESERVATION AREAS, AND
SECTION 38-176 (HEALTH & SANITATION – SEPTIC TANKS)

County Attorney Phyllis Katz stated that over a year ago, the Chesapeake Bay Local Assistance Department approved New Kent's revised local program with the condition that New Kent amend the definition of "substantial alteration" no later than June 30, 2005. In addition, recommendations have been made that the County include some storm water development criteria and the option for inspections in lieu of five year pump-outs. A change proposed by the Planning Department, which has been approved by CBLAD and adopted by some neighboring jurisdictions, is an amendment to Sec. 94-40 requiring a 20-foot setback from all RPA buffer areas. Currently, homeowners often find that there is no room in which to add a deck or patio without encroaching into the buffer. She reported that both Chesterfield and Hanover have imposed additional setback requirements.

Mr. Trout asked if this was a 20-foot setback from the RPA. Ms. Katz stated that it was a 20-foot setback from the buffer.

Mr. Davis stated that the buffer is 100 feet and the proposed change would require an additional 20 feet, and asked if this was something the County had to do. Ms. Katz stated that it is not required; however, it will help to decrease the number of homeowners having to request an encroachment exception from the Planning Director. Mr. Davis stated that much of New Kent is in the RPA or RMA and he thinks 100 feet is enough.

Mr. Trout asked about the size of setbacks in other jurisdictions. Ms. Katz stated that Chesterfield has a 25-foot setback, but she did not know what others had.

Mr. Trout asked if the 100-foot buffer was State mandated. Ms. Katz stated that it was. She stated that the reason this was being suggested was that any lot created after 1989 cannot encroach into the buffer and this proposal would require a builder to provide some backyard usable space. She suggested the Board may want to wait and hear from Community Development Director George Homewood on this issue before taking a vote.

Regarding the proposal relating to septic system pump outs, Mr. Davis asked if the individuals who are proposed to inspect the septic systems are the same who pump them out. Ms. Katz stated they are. He said that they will most likely charge the same thing to inspect the systems as they would to pump it out. Ms. Katz stated that other jurisdictions require pumping every three years, where it is five years in New Kent. Mr. Davis commented that some of the newer systems have view ports or dip sticks and wouldn't have to be dug up to be checked.

The Board reviewed the proposed changes, and it was explained which changes were required and which were only recommended by the State.

Chairman Davis opened the Public Hearing.

Kornell Davis, Jr. identified himself as a New Kent resident and also co-owner of a company called Commonwealth Onsite Solutions which deals with alternative treatment technology which is basically onsite sewer treatment plants. He has problems with the proposed changes dealing with the requirement that a system be "certified by a sewage handler permitted by the State". He said that in order to become a sewage handler, one has to only fill out a three page document, find a truck, and go to the local HRSD and arrange for discharge. There is no requirement to have knowledge of how a septic treatment system operates, and this is the person who will be making the certifications. He feels that additional language needs to be added to "tighten up" the ordinance.

Chairman Davis asked if there was any competency level above "sewage handler". Kornell Davis stated that he has been working on a project for the National Onsite Wastewater Recycling Association and the Virginia Onsite Recycling Association to develop training guidelines for service providers, which would include those who pump septic tanks and the alternative treatment systems. He feels that the most knowledgeable are those that both install and pump systems. He related that none of the 18 septic tank pumpers he interviewed from the Richmond area had any knowledge as to how systems work or which tank they should be pumping out of. He stated that the proposed requirements in the ordinance are weak. He distributed information on one of the onsite treatment systems that is being routinely installed in New Kent, whose quality meets or exceeds the requirements.

Steven B. Barnard, a resident of Woodhaven Shores, a member of the Woodhaven Board of Directors and the Lake Committee, and former member of the Lake Quality Monitoring Committee, addressed the Board. Regarding the RPAs and the proposed 20-foot setback, he thinks that is a good idea. He stated that the RPA area is the last line of defense for the water bodies to filter out pollutants, nutrients, and also provides an ecological habitat. Regarding the septic tank pump outs, he said that Woodhaven, like other parts of New Kent, has some older septic systems and it is very important that these be pumped out. It is hard for someone to come in and open the tank and make a determination as to whether or not it should be pumped. If they are going to dig the dirt off and take off the top to make an inspection, they might as well pump it out. He reported that Steve Fuhrmann from the Hanover Health Dept. at a presentation at Woodhaven's annual Property Owners Association meeting, recommended that systems be pumped every three years, especially in the older areas. Regarding the proposed change in the definition of "substantial alteration", the only place that it appears in the ordinance is with the definitions of a development, and since that is part of the definition of developments, when you go to the development criteria and also additional development criteria for a Resource Protection Area, then you are basically eliminating developments from that permitting process. Someone can perform a substantial alteration of greater than 2,500 feet, and not have to get a permit. This is completely against the Chesapeake Bay Act and what the County is trying to achieve. He stated that the County really needs to protect these areas and not erode its existing policies. Also the requirement for a professional engineer or certified land surveyor appears to be a re-write to clear up some of the language, so basically that shouldn't be able to be waived. Most people don't have the ability to go in to a scaled drawing based on the existing plats, much less those scaled drawings have to include the delineation of an RPA or wetland. In order to properly do that and follow the ordinance, you have to use federal guidelines for delineating jurisdictional wetlands, which is a procedure that would need a biologist just to understand. He stated that he doubted a normal person would be able to properly produce that type of documentation on a plat. RPAs, such as the Pamunkey River, York River, and Chickahominy River, are highly susceptible to erosion resulting from recent substantial storms, such as Isabel and Gaston, and the older plats may not have a proper representation of what the RPA actually is today.

Dennis H. Walters, also a resident of Woodhaven Shores, stated that some of the things that the County is overlooking when it compares itself to other localities, is that New Kent has a different topography and different soil composition which can result in some types of systems not working. In his community where most of the housing is circa late 50's to mid-60's, they have had a number of the old systems fail. Usually this is detected when someone comes to pump the system and tells the owner about a cracked box, bad transfer station, or burned out pump, and these are things that the average homeowner doesn't often find. With all of the ground waters in the area, it is hard to tell if it is off-run or actual septic coming up. Smell doesn't always indicate a problem. His community has tried to "grasp the reins" of this and is trying to get more compliance and to monitor the natural waters to pick up things like e-coli, etc. However, they have found that although the County mandates a pump-out every five years and sends out notices, there is "no bite" to the requirements. There have been septic systems that have failed and have been mandated to be pumped weekly if residents stay there, and nobody is checking up on them. The systems stay open, unabated and un-repaired. He indicated that for a long time the County didn't even have a County Sanitarian, and had to bring in professionals from somewhere else. The County has to put someone in that position or mandate the funds to do that at least. In the process of trying to adopt these "piecemeal" offerings as the legislation comes through, he thinks the requirements really need to be tightened up. He said there might be a system that will last 25 years but families are changing too. A lot of these systems were built for two bedroom homes and now there are grandmother suites and a whole lot of other uses. People are doing more laundry, and unfiltered laundry clogs up the septic systems. He stated that the alternate systems that are now being installed are great because they have to be monitored. The filter quality shows what you are getting out of it. He highly recommended that the language be tightened up where possible.

Reece Mitchell stated that the previous speaker had given the Board a good idea about what is going on. The only requirement to be a certified sewage handler is to have a truck and a pump, and there is nothing to keep an inexperienced person from applying for a permit as a certified sewage handler. Pumpers know only how to pump the systems out. A pump-out does not tell you anything about the actual sewage system and how it is functioning. The drain field is buried – how can you tell if it is working? He stated that there are all kinds of rules and regulations for installation of systems but nothing for maintenance. Measuring of the sludge in the tank is really not the answer, but there is nothing else to go on. He urged the Board to require that only for tanks installed after July 1, 2000, where somebody can come, dip them, measure it and give them a certified statement, will a certification be acceptable in lieu of a pump out. He believes that dips should be installed on older tanks or they should have to be pumped. If someone is going to the trouble to dig it up to check it, he might as well have it pumped. Unfortunately, New Kent has laws with nothing to back them up. The Board has the job of cleaning up a bad law with some good provisions.

George Philbates agreed with the last speaker, and stated that the Board should "put some teeth" in the law. If an older tank needs repairs, a dip stick should be installed. Otherwise, pumping should be required. The County needs to look to the future and require people to put in new systems. Regarding the proposed setback requirement, he feels that is not fair to the existing homes and they should be grandfathered. He agreed that it would be okay to require it for new construction.

Isabel Davis White stated that she does not support the proposal to add a 20-foot setback. Regarding the septic tank proposal, she feels that there are some very reliable septic companies in this County who know what they are doing. She doesn't feel that the County needs to put more regulations on them. If the systems are installed correctly, they shouldn't have any problems.

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

Mr. Trout stated that he thinks the Board needs more time on this issue.

Mr. Burrell stated that the Board has had its Public Hearing but does not need to vote tonight.

Ms. Katz advised that the only time sensitive provision is the one required by the State regarding the definition of "substantial alteration", but the Board has time to consider the other proposals. There were good arguments made during the Public Hearing and she fears that some of the changes may "create mischief". She stated that she will look into the matter and advise the Board.

Mr. Davis suggested that the Board get some more input. He expressed his appreciation for the comments and information provided tonight and will try to learn more about the subject.

There was a consensus to take no action on this tonight.

IN RE: AMENDMENTS TO NEW KENT COUNTY CODE, SECTION 98-782 OF THE
ZONING ORDINANCE TO CLARIFY ABILITY TO ACCEPT PROFFERS,
CORRECTING ERROR MADE DURING RECODIFICATION

Planning Manager Rodney Hathaway reported that Ordinance O-17-05 would correct an error made during the 2001 re-codification regarding conditional zoning, and will return the Code to its pre-2001 status, clarifying that the County can accept cash proffers or property. During the re-codification, Municipal Code Corporation mistakenly took those powers away in one section.

Mr. Hill encouraged the Board to create a committee to work with the Planning Commission to establish a cash proffer system. This would not be to deal with proffers but to help establish what acceptable proffers are. He stated that Chesterfield, Hanover and Henrico have a proffer figure that they rely upon and that the developers are aware of. He stated that he didn't know if it was \$3,500, \$5,800 or \$9,300, and he thinks the only way to establish an amount is to have it determined. This needs to be studied and the Board doesn't have time to do that. He'd like the staff or the Planning Commission to determine what that figure should be.

Chairman Davis asked Ms. Katz if this was more of a job for the Planning Commission than for the Board. Ms. Katz responded that proffers closely correlate with the CIP and she would think that the Board would want to have some involvement in that policy. She suggested that the Board could take recommendations from the Planning Commission or a subcommittee, but most policies are adopted by the Board.

Mr. Hill stated that all he is suggesting is that the Planning Commission could provide the Board with a working document to establish the end result.

County Administrator John Budesky stated that staff should be able to bring something back to the Board.

Chairman Davis returned to the Ordinance, and asked for confirmation that its adoption would restore the Code to what it was prior to re-codification. Ms. Katz confirmed, stating

that MCC had added on contradictory and redundant provisions, and all this ordinance does is return the Code to what it was.

Mr. Burrell asked if the Board were to go ahead and approve this, would it preclude the County from studying it further. Ms. Katz stated that it would not.

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

Mr. Trout moved to adopt Ordinance O-17-05 as presented. The members were polled

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

The motion carried.

IN RE: AMENDMENTS TO COMPREHENSIVE PLAN TO DESIGNATED PUBLIC UTILITY SERVICE AREAS

Planning Manager Rodney Hathaway reported that the proposed ordinance would amend the Comprehensive Plan to incorporate utility service areas. The amendment is a plan and policy developed to reserve capacity for those areas designated for economic development in the County's Comp Plan. The proposal was forwarded to the Planning Commission for consideration and recommendation at the Board's January 2005 regular meeting. The Planning Commission held a public hearing on March 14, 2005. During the Planning Commission's consideration, the most significant issue that arose was how to handle the location of public water service areas, in light of the fact that most of the existing public water service areas are oversized and able to serve a larger area than is currently being served. After reviewing comments from the Planning Commission, it was staff's recommendation that the best approach was to not show water service areas at all, since the land development code and the utility code both provide specific guidance regarding creation of community water systems and guidance regarding the County's policy for those systems. Also staff believes that public water is far less of a driving force for development than sewer. Therefore staff has revised the map and Comprehensive Plan section to refer exclusively to sewer. Staff believes that the map and text amendments are the first steps toward managing growth that can occur as a result of the availability of sewer by directing growth to those designated growth locations in the Comprehensive Plan. The Planning Commission, after considering the revisions, voted unanimously to forward the map and text amendments with a favorable recommendation. He reviewed and explained the maps that were distributed to the Board members. He reminded that the Comp Plan is not parcel specific but represents an area.

County Administrator John Budesky asked how the adoption of this ordinance would affect proposed developments that may be outside of the existing Comp Plan. For instance, based on the proposed map, the proposal coming before the Board on May 23 would extend beyond the service areas. If the Board adopts this ordinance, would it preclude it from approving prospective developments as they come forward? Mr. Hathaway stated that it would not, and that the Comp Plan is a guide for development and how the County wants to serve the community with public utilities, not an actual established service district area. If

the Farms of New Kent is approved, he would imagine that there would be amendments to the map to include that area.

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

Mr. Hill moved to adopt Ordinance O-16-05 as presented. The members were polled

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

The motion carried.

IN RE: ELECTED OFFICIALS REPORT

Mr. Trout, on behalf of John Crump and the Jamestown 2007 Committee, reported that five new welcome signs have been received, and invited anyone with a suggestion as to where they should be placed can contact the Jamestown 2007 Committee.

Mr. Burrell reported that he will have three meetings next week and will report after that. He commented that he has heard many good things from both staff and the public about the new County Administrator, and he thinks the Board made a good choice.

Mr. Davis reported that there was a good turnout at the recent Volunteer Appreciation Dinner on April 28, and he enjoyed meeting the volunteers. He also thanked everyone who came out to the 350th Family Festival at Marengo.

IN RE: STAFF REPORTS

County Administrator John Budesky displayed a plaque given to him by the volunteer rescue squad and fire departments that contained patches from each company. He thanked the volunteers for the presentation and the warm welcome he has received. He stated that the County truly appreciates the efforts of all the volunteers who are responsible for keeping the community and its families safe.

Public Works Director Alan Harrison reported that two bids were received for the concrete pad for roll-off containers at the Route 618 transfer station site, the lowest being from Charles Moss for \$30,694. The second bid was from David H. Rogers Inc. for \$34,000. He indicated that the capital budget line item for this is \$29,000. \$2,500 was spent for engineering for this very large pad, resulting in a shortfall of \$4,194. He requested that the Board authorize a budget transfer from Machinery & Equipment 42030-8001 to 618 Concrete Pad 94200-4001, the capital line item for this project. He also requested that the Board authorize an award of project and entering into a contract with Charles Moss for \$30,694.

Mr. Burrell stated that he has been around some of these sites because of his connection with the Central Virginia Waste Management Authority. He asked about using a steel plate where these containers roll off, which might prolong the life of the concrete. Mr. Harrison indicated that was something that was suggested after the job had been put out for bid, and this contract does not factor that in, but he will consider in the future.

There was a general discussion about designs that would accommodate the wheels of the roll-off containers. Mr. Hill asked how much it would cost to plate the whole pad. Mr. Harrison stated that the pad was 52 x 64 and he imagined it would cost a lot. Mr. Hill stated that it might be worth it to save costs on repaving the pads. Mr. Harrison suggested that it would be best to wait, considering that steel prices are presently at their peak.

Mr. Trout moved that the Board approve the transfer of \$4,450 from Machinery & Equipment, line item 420-30-8001, to 618 Concrete Pad capital line item 94200-4001. The members were polled:

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

The motion carried.

Mr. Trout moved that the Board approve an award of contract to Charles Moss in the amount of \$30,694. The members were polled:

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

The motion carried.

IN RE: DISTRICT APPOINTMENTS

There were no district appointments.

IN RE: APPOINTMENTS TO BOARDS AND COMMISSIONS NOT DELEGATED BY DISTRICT

There were no non-district appointments.

IN RE: MEETING SCHEDULE

The Chairman announced that the next regular meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, June 13, 2005, in the Boardroom of the County Admin Building. A work session that will include a Public Hearing on the Farms of New Kent application will be held at 6:00 p.m. on Monday, May 23, 2005 at 6:00 p.m., in the Boardroom of the County Admin Building.

IN RE: ADJOURNMENT

Mr. Burrell moved that the meeting be adjourned. The members were polled:

Stran L. Trout	Aye
Mark E. Hill	Aye

D. M. Sparks
James H. Burrell
W. R. Davis, Jr.

Absent
Aye
Aye

The motion carried. The meeting was adjourned at 10:38 p.m.
