

A WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 1ST DAY OF JUNE IN THE YEAR TWO THOUSAND FOUR OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:04 P.M.

IN RE: ROLL CALL

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

Chairman Burrell opened the meeting.

IN RE: BUDGET

County Administrator Gary Christie presented the five proposed ordinances and reviewed the proposed FY04/05 budget. Since the public hearing on May 24, the changes to the proposed budget include \$186,803 of new money for the schools, adjustments to the Board health insurance line item, addition of a third investigator for the Sheriff, and a \$905,505 contingency fund. The real estate tax rate increase remains at \$0.12 per \$100 assessed value. Reducing the tax rate increase to \$0.09 would reduce the contingency fund to \$449,841. There was earlier discussion regarding increasing the part time position in Finance to full time, and increasing the COLA increase for employees from 2.1% to 2.5%. He reported a holiday for payment of life insurance premiums, resulting in a savings of \$45,337, as well as some additional telecommunication expenses for the fire department and Community Development, and a dues increase from the RRPDC. Mr. Christie recommended that the Board consider adding two additional positions – an Assistant to the County Administrator and an Administrative Assistant in Community Development. He also recommended that the Board designate \$0.01 of the tax rate increase for capital improvement projects, and suggested a contingency fund of no less than \$200,000.

There was discussion regarding the new positions and where to put them. Mr. Christie indicated that staff would deal with the space requirements. Mr. Davis suggested that rather than creating another full time position in Finance, hire someone part time and have Marilyn Mills devote 2 days per week to Finance (resulting in Finance having 2 part time positions rather than 1 full time).

Mr. Homewood reported that he had requested an Administrative Assistant on two occasions. The person in this position would cover the meetings of the Boards and Commissions, including preparation of agendas and board packets. He indicated that this will enable him to have time to manage the rest of his department. Mr. Trout indicated that the sewer project will place more work on Community Development and the County needs to make sure that work is done right.

Mr. Christie reported that the Assistant to the County Administrator would handle Human Resources and Procurement, as well as preparing reports to the Board in a timelier manner.

It was reported that funding all positions and leaving the COLA increase at 2.1% would result in a fund balance of \$275,852.

Mr. Sparks inquired again about the salary study, and suggested that any additional increase be held until that study is completed. Mr. Davis reminded that there is a little less than \$50,000 in the budget to address the salary study recommendations. The Board asked that the results of the salary study be available before the next meeting.

Following discussion, it was agreed that the COLA increase would remain at 2.1%; to create a new position of Administrative Assistant in the Community Development Department; to create a new position of Assistant to the County Administrator; create a third investigator position; to create a part time position in Finance and have Marilyn Mills split her time 60/40 between Economic Development and the Finance Department (which would provide two part-time positions in Finance rather than one full-time position).

There was discussion on the real estate tax rate increase. Mr. Sparks recommended a \$0.10 rate increase, putting an extra penny into the Schools (total of \$0.06 to be earmarked for Schools). Mr. Hill reminded the Board about the County's CIP needs and stated that the County can ignore those and reduce the tax rate, but eventually will have to deal with the problems. Mr. Trout indicated he would not object to putting an extra penny into the schools. Mr. Davis stated that this was the first Board to ever put money aside for future projects, but reminded that only 1/3 of the households in New Kent have kids in the schools and he is not willing to raise taxes that high and urged the Board not to go overboard.

Mr. Davis moved to adopt Ordinance O-09-04 to amend Appendix A of the Code of New Kent County to increase the water quality impact assessment fee and to add a zoning map maintenance fee, as presented. The members were polled:

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

The motion carried.

Mr. Sparks moved to adopt Ordinance O-10-04 to increase water and sewer rates and to include such rate changes in Appendix A of the Code of New Kent County, as presented. The members were polled:

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

Mark E. Hill	Aye
James H. Burrell	Aye

The motion passed. Mr. Davis recommended that fees should be decreased as more customers connect, and he wants the public to know that these fees are subject to change.

Mr. Trout moved to adopt Ordinance O-11-04 to amend Section 66-330 (Business License) of the Code of New Kent County to reduce the tax rate, as presented. The members were polled:

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

The motion carried.

Mr. Sparks moved to adopt Ordinance O-12-04 to establish and levy an ad valorem tax on real estate in the Bottoms Bridge Service District, as presented. The members were polled:

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

The motion passed. Chairman Burrell explained that this tax would only apply to property located in the District.

Mr. Davis moved to adopt Ordinance O-13-04 with the following change: that the real estate tax rate will be \$.75 per \$100. Mr. Sparks amended the motion to provide for a \$.76 tax rate, with \$.06 being earmarked for school capital. The members were polled on Mr. Sparks' amended motion:

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

The motion passed.

Mr. Sparks moved to adopt the FY04/05 budget with the following changes: addition of Assistant to the County Administrator position, Sheriff's Investigator position, Administrative Assistant position in Community Development; \$10,230 for fire, telecommunications and the

Richmond Regional Planning District Commission, and changing the group life insurance to zero. The members were polled:

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

The motion passed.

IN RE: DRAGONSRIDGE PUD APPLICATION

Chairman Burrell announced that the County had received a signed proffer statement from the applicant.

Chuck Rothenberg made a presentation to the Board on behalf of the applicant and reviewed some of the changes and negotiations made between his client and the County, including operating hours, noise levels, proffers, and road improvements. He stated that he believes the project does conform to the Comprehensive Plan, will maintain the County's rural character and bring economic development to the interstate interchange area. He feels this project will have a positive long range impact on the County and asked the Board to approve the applicant's version of the ordinance.

John Crump, Commissioner of the Revenue, reported that it was difficult to get a good handle on the projected revenue. He explained how he assesses a new business, which is on a cost basis rather than from an operating standing. Although his estimates were based upon the advertised tax rate, he believes the County will receive \$77,000 more in tax revenue than what is currently being collected from that property. (As an aside, he stated that New Kent, at a real estate tax rate of \$0.76, has one of the lowest rates in the area.) He indicated that he had called VNR to confirm that his assessment method was in line. Tax revenues from personal property are estimated to be \$15,000 per year. After calling other tracks and basing his estimates on the number of visitors, he projects revenue of \$7,500 from admissions. For revenues from business license taxes, he estimates greater revenue in the earlier years of the project when contractors will have to purchase business licenses, at \$7,000 per year. He could not estimate sales tax revenue. He estimates a total increase in revenue of \$118,000 per year at the end of Phase I. He was unable to predict income from any spin off business.

Mr. Crump indicated that if large lot subdivisions with mid-sized homes were built on the property instead, it would take 32 homes to produce that revenue, but that does not take into account the services needed for those homes. His figures do not include the proffers.

Mr. Crump stated that if the project proceeds, DragonsRidge would be the second largest producer of revenue in the County, after Colonial Downs which brings over \$1,000,000 per year. He reminded the Board that if they want to keep the revenue ratio of 70% residential to 30% commercial, it is necessary to bring businesses into the County.

Mr. Hill inquired about the devaluation of homes in the area surrounding the project area. Mr. Crump reported that he called other localities – in one there was a negative impact on values of immediately neighboring properties and in another there was an increase. It is difficult to compare it to Colonial Downs where the only close neighborhood is Brickshire, and the value of that property did increase.

Chairman Burrell opened the Public Hearing.

Gordon Lawrence Martin told the Board that this was its opportunity to lead the County in the right direction and vote against the application. He is against the project because of the increase in traffic and noise. He stated that he moved to New Kent for peace and quiet. He stated that the applicant does not care about the residents and is already a problem for the County. He does not feel that the advantages outweigh the disadvantages. The applicant does not have a proven track record and he urged the Board to vote smart.

Gregory W. Smith spoke in favor of the application. He has been a club racer since 1969. He described events at these tracks as family oriented, and that many middle income tourists use the events as vacations. He indicated that the average participant will spend \$3,500 on lodging, meals, gas, racing fees, entertainment and racing fuel. New Kent borders two major regions and he feels that the applicant would be a good neighbor.

Stephen Wayne Williamson is opposed to the track because of the loud noise and increased traffic. He built a home on Hidden Lane in 2000 and feels that the sound will travel beyond Stage Road and annoy the residents. He is also concerned about the danger to motorists trying to make left turns from Stage Road onto Route 33, and feels that many will try to use Polish Town Road instead. He feels the applicant is understating the noise and overstating the revenues.

Jerry Benson feels this project will do great harm to New Kent. Beneficiaries of the project will be other than County residents, and he feels that it will have a negative impact on hundreds of families. He feels that the project is at odds with the Comp Plan and will be a public nuisance. He feels the revenues from proffers will not exceed the expenses. He urged the Board to wait for legitimate businesses that will be good neighbors and good for the whole County.

George A. Philbates reminded that no one wanted Colonial Downs years ago. He stated that the project will not cost the County and will not result in education expenses. Participants will leave and go home. He stated that if 41 homes were built there instead, traffic would be a greater problem. He indicated that there are no pollution regulations for single family homes like there are for businesses. He stated that no deed in New Kent guarantees peace and quiet.

Ron Sherenco thanked the Board for the speaker and chairs that were set up outside. He stated that New Kent was being observed by businesses. He feels that the Planning Commission showed a lack of support for staff recommendations, as well as the comments and data from those in opposition. He believes that the Governor's Motorsports initiative does not fit in New Kent and that it is now the Board's turn to decide what is in the best interests of New Kent.

Becky Philbates, who stated that her family's property was a land grant from the King of England, said that most of the opponents to the project are newcomers. She feels that DragonsRidge will help the County financially. Traffic has not been a problem at Colonial Downs except at the Strawberry Hill races, and she feels the County should give the applicants a chance to prove themselves and shouldn't let a few people decide.

Dan Elam identified himself as a frequent traveler through New Kent and is surprised at the level of misinformation that is being circulated. He feels that projected attendance of 20,000 is way too high, and that 600 – 1,000 is more likely. Traffic around these tracks is seldom a problem, and they are not usually very noisy. He believes "fear of the unknown" is the reason for most of the opposition. These tracks are normally very good neighbors and he urged the Board to approve the application.

Patrick Hester presented the Chairman with a petition with 516 signatures in opposition to the project. He stated that the PUD is ill suited and ill conceived, and the information provided by the applicant is flawed and full of inaccuracies. He does not think that the project fits into the Comprehensive Plan and it does not fit into the County.

Cynthia Hester expressed her opposition to the PUD. As a teacher in the County, she stated that all children need the same quality of life given to the western end of New Kent.

Tom Watson, a teacher at the high school, sees educational opportunities at the track. It will provide jobs close to home for the County's youth. He stated that if noise was going to be the deciding factor, then the County should consider relocating I-64.

Erika St. Dennis indicated that there are rumors that the Board has already made its decision. She feels that the applicant has treated the Board and staff poorly by being late with their paperwork. She asked the Board not to "kill its chances" for business that fits the Comp Plan. She stated that Colonial Downs has hardly been the savior of New Kent. She noted that there is no mention of New Kent on the applicant's web site. She feels that attendance numbers will be lower than predicted.

Frederick G. Bahr expressed his sympathy and empathy with the Board members and he feels that they have the County's best interest in mind. He urged approval of the project, stating that it won't make the school problems worse.

Sheryl Clark Benson is concerned with the project's effect on the Diascund Reservoir. She stated that I-64 was there when she and 17 others bought property in the area but DragonsRidge was not. She understands that the County is looking at promises of economic return but "no amount of money could justify this intrusion". She asked the Board not to sell to the first bidder, and stated that this property was an ideal location for a non-intrusive business.

M. L. Crandall, DVM, of Barhamsville, stated that the Board would be making a mistake if they turn down the project. This is a clean industry that will bring money. He understands the "not

in my backyard” argument but he does not think it will affect his life. He urged the Board to think of the citizens of the County.

Jim Christensen stated that he is not affiliated with the applicant and is not a racer, but he believes the County needs strong economic development and that DragonsRidge will provide that. Development and maintenance of a pro-business climate is obtained “one business at a time”. He stated that if the Board did not approve the application, it will send a message that the County is not pro-business. This decision will set a precedent for all decisions and will be used for all subsequent evaluations.

Tom Hamilton of Colonial Downs spoke in support of the application. Although the amount of positive impact is uncertain, he feels that it will broaden the tax base of the County and fits in with Governor Warner’s Motorsports initiative. He stated that these events will bring people with money into the County and will raise the profile of New Kent. It will create jobs and lead to other businesses.

Edward B. Wood stated that this was one of the best businesses that could come to the County. Spectators will come, spend money and leave, and the business will not impact the schools. As far as the noise, there are different types of racing, and this will not be as noisy as stock cars would be. He thinks having this type of business here will be positive for the County.

Annie H. Benedetti urged the Board to reject the application. She stated that the real issue is what the project offers New Kent. She thinks it offers very little and will permanently damage the eastern end of the County. She urged the Board to reject the application and send a message that New Kent has high standards.

Joseph P. Benedetti supports responsible growth in New Kent and he does not feel that DragonsRidge represents responsible growth. This is not an opportunity but a tragedy. It will be a disaster come to stay, unlike Hurricane Isabel. The Board has control over this disaster, and urged the Board not to do this to the County and its neighbors.

Doug Dill stated that the citizens look to the Board for leadership to represent them. 90% of those in attendance are against it and most of the ones that support the project are not from the County. He asked the Board to vote against the application, and stated that there is a lot of opportunity for other businesses which will be better for the County. He asked the Board to listen to the people who live in the County, not the ones that aren’t.

John Girimont stated that this would be disastrous for New Kent. He feels the noise would cross the threshold of noise tolerance and the County should not allow motorcycle racing.

Cindy Kosier stated that they did not know about the track when they bought their land and inquired why the County permitted this land to be sold as residential. She feels there are other businesses that would be better for New Kent and be welcomed by the community. She feels that 99% of the events will be private, and questioned why the Board would risk 600 acres on this project. She urged the Board to vote no.

Neale Kosier stated he would not have moved here if he'd known about the project. He compared the people who live in the area to "casualties of war". He stated that he likes racing but New Kent is not the place for it. There will be opportunities for other businesses to come to New Kent that won't sacrifice the County residents. He wondered where were all the New Kent residents that are in favor of the project. He also questioned why the Board would consider changing the sewer requirements for them, and what kind of message that is delivering. He also wondered if the Board members could tolerate 65 decibels of noise at their homes.

David L. Horsley, Sr. spoke in favor of the track, and stated that there were a lot of people in New Kent that support the project. He told the Board that they were put into office to do the right thing. He feels that this project will bring other businesses into the County.

Wayne Hayden thanked the Board members for visiting other tracks. He does not think that sound is the real issue. He stated there was a propaganda campaign to stir up people who don't understand. This property was designated as industrial, and homes have been built since DragonsRidge bought their property. Business leaders and previous Boards have supported industry in this area and DragonsRidge was directed to this property by County staff.

Mark Daniel stated that there was a lot of misinformation and there was a lot of fear of change. What is reasonable is that the project will bring in money to pay for schools and teachers, and the County won't have to further raise real estate taxes. He urged the Board to approve the project.

Duane Staskiel spoke in opposition to the project and asked the Board to vote against it.

Chester Alvis stated that there were a lot of misguided but well-meaning citizens "whipped into frenzy". He stated that the Board should base its decision on fact and has a duty to all the citizens of the County. He questioned how those who live south of I-64 could hear noise from the track. He did compliment the opposition on its efforts to incite the residents.

Brenda Woods lives adjacent to the PUD property and stated that she has the right to privacy and not to have her home invaded, as well as protection from government greed. She stated that this was "n unwanted business doomed to failure" and the County will be left with an eyesore. She asked the Board to vote no.

Harry Bullock read a letter from Wayne Woods who could not attend. Mr. Woods is opposed to the project because it is too close to residents some of whom work shift work and sleep during the day. The project does not have the support of its neighbors and will destroy the eastern end of the County.

Mike Hanger considers himself sane and rational and able to think for himself. He indicates that he has been whipped into frenzy by the lack of professionalism and disrespect shown by the applicant. He would be willing to pay higher taxes in order to keep this project out. He urged the Board to vote against the project, and stated that he did not purchase his property until after the County passed the Comp Plan.

Randall Prince stated that New Kent does not want nor need this private race track. It will be unhealthy and lead to the loss of peace and quiet. The applicant has continually stonewalled the County and stymied the staff. He asked the Board not to permit racing on Sundays.

Kenneth S. Clark stated that he does not want to have to listen to motorcycles or go karts. This project is not a panacea for the County, and New Kent can do better than this. It is the wrong decision for New Kent.

Christopher Jon Cobetto stated that he represents some of the individuals who rent these courses, and described the members of these racing clubs and their spending habits. He stated that New Kent's proximity to Richmond and Tidewater, as well as the Raleigh and D.C. markets is important. He stated that these tracks are not "playgrounds for the rich", and will bring in other business to the County.

James Packer spoke on behalf of the racing community. He believes that the track will bring money to the County. The participants will support the community, respect its roads and the privacy of the neighborhoods. They want the project to be successful and will work in harmony to make it happen.

Douglas Schuler spoke against the application. He has seen a lot of developers come and go and Localities should not let developers set the standards. He urged the Board to remain reasonable. Business is coming and the County needs to grow responsibly and make the right decisions.

Barbara Schuler feels she and her neighbors have been "hoodwinked" into buying home sites in the area. This is not the only opportunity for the County and feels that there are other options that would benefit all the citizens. She stated that she'd be willing to pay increased taxes to make up the difference in revenues if the applicant is turned down.

Eric Cruz stated that residents cannot expect that there be no change. Money has to come from somewhere. He thanked the Board members who visited other tracks. He stated that a noise level of 65 decibels at the property line is 10 decibels less than the noise level from I-64. This is an opportunity to bring the second largest revenue producer into the County and the Board should consider it and make the right decision.

Sean Maisey spoke in support of the project. The County needs money for schools and the project will help from a tourism standpoint. He urged the Board to approve the project.

Brian Blankenship stated that he has bought property on Polish Town Road but will not build if the project is approved.

Vicki A. Sprigg doesn't want to compromise her quality of life. She supports economic development and is sensitive to the needs of the community but does not feel that this is the right fit for the community.

Father Russell Smith spoke on behalf of the sixteen nuns from the Sisters of Poor Clare monastery who are against the project. The proponents are from outside of the County. The Planning Commission did not properly represent the community. The letter asked the Board not to sacrifice and to keep the promises made in the Comp Plan. Their monastery is only 4 ½ miles from the proposed track.

Nelda Pressly spoke on behalf of Makemie Woods, and expressed her concern with a racetrack that will be 1 ½ miles west of their camp. She reminded the Board that the prior Board, on June 11, 2001, had approved construction of their conference center, for which they are about to launch a fundraising campaign for construction funds. August 2005 is the planned groundbreaking for this facility which is exactly the type of low impact development that New Kent needs.

Rev. Michelle D. Burcher addressed the Board on behalf of Makemie Woods. If the racetrack is approved, it will impact their plans for a church related camp and retreat. The noise from the track will not be compatible with a residential camp setting, and urged the Board to support what has already been approved and deny the application.

Jonathan Massey spoke against the track. He is an avid car enthusiast but does not want this in his back yard. It will produce unwanted noise and he wants peace and quiet.

Ed Tober read from one of Mr. Burrell's campaign letters in which he promised to protect the rural character of the County, and urged him to follow through on that promise. He stated that local kids will not be able to afford this go kart track. He indicated that the proponents were business members recruited by the applicant and given speaking "points".

Regina Jeter stated that the track will be too expensive for County residents to attend. She stated that the County would be ignoring the Comp Plan if they approve the project. She talked about the noise and asked if the sacrifice would be worth the money. She asked the Board to not ignore their financial experts who have stated that the revenues would be equal to 1.25 cents in tax rates. She asked the Board members not to ignore its neighbors and those who voted for them.

Doug Cash stated that the developer has no track record and has made no guarantees. There will be no profits for 6 years. The applicant is unwilling to compromise on Sunday racing and has been slow to provide information and answer questions.

Rev. Milton A. Hathaway spoke against the development which he feels will impact the whole County. Revenue is only one part of the equation. The Board was elected to look out for the people and the developers have continued to rush to answer questions and change proffers. Quality of life is attractive to businesses and developers are looking at communities with smart growth principles. The staff has recommended against the project and he urged the Board to vote now.

Rebecca A. Holliday spoke against the project. She does not think this will be a go kart track that kids can afford. Phase II is highly contingent on success of the road track.

Brian P. Dailey said he never heard any mention of the track when he was looking to purchase property. He doubts people will want to move to the area in the future, and wonders if people will be able to sell their homes, and at what loss of value. He questioned if revenues are so great from Colonial Downs, why the County had to raise the tax rates. He was also concerned about road safety with the increase in traffic.

Robert Downin spoke against the project. He does not believe it is a good business venture for the County. He stated that the Planning Commission didn't clear up any of the issues and there are too many unknowns. He does not think the racers will spend any money here. He urged the Board to vote no.

Steve Holliday spoke against the project. He feels he is open minded and has tried to put together all of the pieces of the puzzle. However, he feels that there is false and missing information. He spoke about the noise from motorcycles and racing on Sundays. He urged the Board to vote against the project.

Jane Keegel was opposed to the project. She stated that the zoning regulations did not allow motorized racing and she read the vision statement to maintain a peaceful rural setting. She is vehemently opposed to motorized racing in New Kent County. Had she known that New Kent would consider this project, she would not have built her home in New Kent. She stated that it was not fair to change the zoning regulations which would cause a decline in property values and the quality of family life, as well as increase traffic and create a negative atmosphere. She urged the Board to protect its citizens.

Blase Keegel stated that he had taken an informal straw poll of those in attendance and finds an overwhelming majority (5:1) are against the track. He reminded the Board it was their constituents here tonight speaking against the project, and noted there were few residents speaking in favor. It is the Board's job to support the residents, and believes that the County should wait for a better opportunity.

Tom Lucy read a letter from his sister, which stated that "quiet" is an intangible that is hard to put a price tag on and when it is gone, it's gone.

Anderson Bradshaw, a member of the James City County Board of Supervisors, thanked New Kent's staff for their professional courtesy. He asked the Board to consider its neighboring localities when it makes a decision. He asked that the Board evaluate Route 30 and its ability to handle increased traffic, as well as the adequacy of noise leveling procedures.

Preston Sparrer thinks the financial benefit will be small, taking 6 years to break even. He moved here for a peaceful and safe place to live and the County should conform to the Comp Plan's objective of preserving the County's rural character. He urged the Board to vote no.

Carlos Secrist expressed his concern about the adequacy of the roads to handle the increased traffic.

Debbie Secrist spoke against the track. She noticed that the Commissioner did not provide information about how much homes around other tracks had decreased in value. She is opposed to the project and will work against those who vote for it.

Rolf Lusk said people don't want the track and asked the Board to listen to those who will be most affected.

George D. Tremblay said it was criminal for the County to allow lots to be sold in this area for homes, and asked the Board to vote against the project.

Rob Whitehurst spoke on behalf of his partner, Roy, who is building a home next to the track property. He stated that the noise from the track will not be as loud as people think. He thinks the track will be good for the County and the community and asked the Board to vote in favor.

Perryann Whitehurst asked that the Board approve the track, and to hear the thousands that aren't here tonight who support the track.

David K. Clark, Jr. said he hunts in Danville close to the track there and there is noise all day, 7 days a week. He wonders why residents in District 3 are being treated as second class citizens. It's not allowed in Brickshire. If the project is approved, he suggested that the County rescind the noise ordinance in Brickshire.

Timothy O. Trent, II, attorney with Kaufman & Canoles, spoke on behalf of his client, Ken McDermott who owns 3000 acres in New Kent. He has put part of the property into a conservation easement along Weir Creek and plans to place the remainder into conservation this year. He is concerned about the environmental impact and noise nuisance, and the inconsistency of the project with the comp plan. His client is a proponent of responsible development that is complementary to the community and will set a precedent for economic development. He stated that there is no certainty in the projected revenue and requested that the application be denied.

Ronald K. Binge spoke out against the application because of the noise, increased traffic and decrease in land values.

John Montgomery, attorney for property owners in the area, warned that this project will bring costs to the County, and spoke against permitting the applicant to not connect to the sewer trunk line. His clients are opposed to racing on Sunday and feel that the applicant's proposal is not adequate. He asked that the Board deny the application, but if approved, to prohibit racing on Sundays.

Julian T. Lipscomb said that New Kent is bringing development and noise to the Bottoms Bridge area and should bring it to the other areas as well. He urged the Board to approve the application.

Emily B. Dill spoke against the project. She stated that citizens should respect their elected officials, but that leaders must earn respect by the decisions they make. She urged the Board to vote no.

Robert A. Hershberg stated that this project had been rejected by the previous Board and a similar proposal was rejected by citizens in James City County. He indicated that the racetrack is in opposition to what New Kent stands for and does not fit the comprehensive plan. He stated that the Board, as elected representatives, had a duty to respect the majority and reject the application.

Stacy Simmons stated that the project will be a great addition to the community. The County needs money for its schools and parks, places for kids to go and businesses. She also admonished some of the audience for their inconsiderate and disrespectful behavior.

Rosa Mayes voiced her concern about what impact this project will have on her shallow well, as well as whether oil will get into the water supply. She talked about the noise, which will add to the noise of I-64, and she feels traffic will increase on Route 30 which is not adequate. She stated that the neighbors to the proposed project should not be treated as second class citizens and urged the Board to vote no.

Scott Werner stated that he works as an aircraft inspector and hears noise all day, and cherishes the peace and quiet of his backyard. He has three motorcycles but is careful to avoid bothering his neighbors with noise. He does not think Polish Town or Stage Road are adequate to handle traffic from the project and urged the Board to vote against it.

Jeanne Sanders asked the Board to follow the Comp Plan and vote against the project.

David Wentling spoke in favor of the project. He feels it is an opportunity for the County to enhance its revenue. He formerly lived in Pennsylvania with similar growth problems, where the Pocono Raceway was a good neighbor and increased the value of nearby properties. He feels that noise will not be an issue.

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

Mr. Trout thanked everyone for their attendance, comments, e-mails, letters, phone calls and input from citizens who care about the County and its future.

Mr. Davis expressed his thanks for the e-mails, letters and phone calls.

Mr. Burrell stated that government works best when people get involved.

George Homewood reviewed the agreed-upon language changes to the proposed Ordinance, and thanked Mr. Trout for his assistance in working out the differences in the noise monitoring issues.

John Anzivino and Paul Steinman from Springsted reviewed the Fiscal Impact Analysis. They find that the applicant's build out projections are aggressive and inconsistent. It was also their opinion that the proffer estimates will not cover the County's costs. Their conclusion is that the build out schedule is subjective, and that subsequent phases rely upon the success of the preceding phases. The greatest variable is attendance and ticket sales.

Harvey Naur, noise expert, reviewed the noise measurement process, beginning with a noise inventory of existing levels prior to construction. There will be 4 - 6 permanent noise measurement locations at trackside and 4 - 6 near the northern and eastern boundary lines near existing residences. Regular reporting will be required and costs are to be borne by the applicant. Exceeding accepted levels will trigger a review and analysis.

Darrell Rickmond of Rickmond Engineering reviewed the water and sewer aspect of the project. He recommended that the applicant be required to connect to public sewer. The County does have water and sewer in the area with adequate capacity. He stated that there is no evidence that an onsite system would work there. There are six different types of soil on the 600 acres, all of which are inadequate for a subsurface drain field. If they are allowed to have a temporary septic system system, he would recommend that they be required to post a bond to make sure that there are sufficient funds to pay to connect to the sewer system.

Mr. Trout inquired whether he would suggest that the sewer be installed along Route 33. Mr. Rickmond indicated that sewer would enhance commercial development along Route 33 but he would suggest a loop system.

Mr. Hill indicated that he would be more comfortable with a surety, since 5 years is a long time to wait to connect to the sewer system, but he did not think it would be fair to ask any business to run sewer along Route 33 so that it would open opportunities for other businesses, without that business receiving anything in return.

Ms. Katz indicated that the subdivision ordinance is the one that requires a PUD to connect to county utilities, not the PUD ordinance.

Mr. Davis inquired about Newport News Waterworks having authority over the storm water management. Mr. Rickmond indicated that NNWW is aware of the project and will have an opportunity to review and address the storm water management plan.

Mr. Rickmond reported that it is estimated to cost \$1.2 million to bring water and sewer to the project, and there are several options regarding surety, including a line of credit, certified funds to be held in escrow or a performance bond.

Mr. Trout suggested that since there were 11 pages of differences between the applicant and the staff, and in light of the introduction of recent information, that a decision on the project be continued to another time.

Mr. Hill stated that the Board should have been open with the public that a decision might not be made tonight, and that he was ready to move forward now.

Mr. Sparks admitted that it would be a favor to the citizens to conclude this issue tonight, but he would suggest that everyone should be clearheaded and recommended a vote on June 14.

Mr. Davis indicated that the only changes were the proffers and noise limits.

Mr. Hill expressed his concern about how many documents might change over the next 14 days of which the public wouldn't have a chance to be informed.

Mr. Trout suggested that the Board meet earlier, perhaps on June 3 or 9 to work on the final changes.

There was consensus to continue the discussion until June 7 at 7:00 p.m.

The meeting was suspended at 12:12 a.m.
