

THE BOARD OF SUPERVISORS HELD A WORK SESSION ON THE 10^h DAY OF MARCH, IN THE YEAR TWO THOUSAND THREE OF OUR LORD IN THE COURTROOM OF THE OLD COURTHOUSE IN NEW KENT, VIRGINIA, AT 4:05 P.M.

IN RE: ROLL CALL

Rebecca M. Ringley	Present
James H. Burrell	Present
Dean E. Raynes	Present (Arrived at 4:16 p.m.)
W. R. "Ray" Davis, Jr.	Present
Julian T. Lipscomb, Sr.	Present

Chairman Lipscomb opened the meeting.

IN RE: AGENDA CHANGE

Chairman Lipscomb announced that a discussion with the County Attorney regarding the granting of a utility easement to Superior Disposal, has been added under Agenda Item #2.

IN RE: CLOSED SESSION

Mr. Burrell moved to go into closed session for discussions relating to a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia, consultation and briefings by legal counsel, consultants or staff members pertaining to actual or probable litigation pursuant to Section 2.2-3711A.7 of the Code of Virginia, and for discussions relating to prospective business or industry, pursuant to Section 2.2-3711A.5. The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Absent
W. R. "Ray" Davis, Jr.	Aye
Julian T. Lipscomb, Sr.	Aye

The motion passed. The Board went into closed session at 4:10 p.m.

Mr. Burrell moved to come out of closed session at 5:00 p.m. The members were polled:

James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye
Rebecca M. Ringley	Aye
Julian T. Lipscomb	Aye

The motion passed. Mr. Davis made the following motion in certification of the closed session:

Whereas, the New Kent County 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 Lipscomb inquired whether there was any member who believed that there was a departure from the motion. Members were polled:

Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Julian T. Lipscomb, Sr.	Aye

The motion carried.

IN RE: IRRIGATION WELLS

County Attorney, Phyllis Katz, reviewed the draft of a proposed ordinance to prohibit irrigation wells in any area that is served by a County water system, as well as the regulations that exist in some of the surrounding localities. Following discussion about aquifers, encouragement to industrial users and language in the ordinance, it was the consensus of the Board to consider adoption of an ordinance at the next meeting that will prohibit construction of a well in any area that is served by a county water system, with the exception of a well drilled for non-potable water whose sole source is the Middle Potomac Aquifer. Wells already in existence at the time of the adoption of the ordinance may continue to operate. It was requested that the County Attorney advise the County Administrator of any other changes to the proposed ordinance so that he may share that information with the Board. Mr. Christie suggested that the County give to Colonial Downs some type of assurance of the availability of gray water for irrigation purposes.

RE: UTILITY EASEMENT FOR SUPERIOR DISPOSAL

Mr. Christie and Mr. Davis explained to the Board about the request from Superior Disposal to obtain permission to install water and sewer lines across a piece of property owned by the County. There was discussion about whether this would restrict the County's future use of the land, language for the agreement and amount of any charges. Mr. Davis made a motion to grant the easement and that any agreement entered should limit construction to water and utility lines only, require that Superior Disposal obtain a County business license, payment by Superior Disposal of up to \$1,000 to cover staff and attorney expenses incurred, and provide that installation of these lines would not restrict the County's right to use the land. The members were polled:

W. R. "Ray" Davis, Jr.	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
Julian T. Lipscomb, Sr.	Aye

The motion carried.

RE: EROSION & SEDIMENT CONTROL PROJECT AWARD PLAN

Planning Director, George Homewood, explained to the Board about a proposal to annually recognize a local commercial site or subdivision for completion of an outstanding E&S plan. This program was proposed and approved as a part of CBLAD. Mr. Homewood exhibited a sample of the sign that will be permanently placed at the site. He briefly reviewed the selection criteria, and reported that the cost of the sign is about \$100, compared to \$2,000 saved by the County in trying to correct erosion and sediment control at a site.

The nominee to receive this award for 2002 is Interior Specialty Construction on Emmaus Church Road, and his department would like to present the award at the April Board of Supervisors meeting.

The Board was in agreement to establish this program and make this annual award.

RE: CLUSTER ZONING

Planning Director, George Homewood, briefly described the purposes, advantages and disadvantages of cluster subdivisions. He reported that the Planning Commission has considered this type of zoning for quite some time, formed a subcommittee, has had two public hearings, and is yet unable to make any recommendation. The two aspects that have caused problems for the Planning Commission are the requirement for a homeowners association, and the 15-25 acre exempt subdivisions.

Mr. Homewood indicated that cluster zoning will be included in the new subdivision ordinance, the draft of which is expected to be ready in May or June of 2003, and suggested that the Board wait until then to consider this issue

RE: ADJOURNMENT

There being no further business, the meeting was adjourned at 5:50 p.m.
