

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 8th DAY OF DECEMBER THE YEAR TWO THOUSAND THREE OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:05 P.M.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Raynes gave the invocation and led the Pledge of Allegiance.

IN RE: ROLL CALL

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

Chairman Lipscomb called the meeting to order.

IN RE: CONSENT AGENDA

County Administrator Gary Christie presented the Consent Agenda, which consisted of approval of the minutes for the meetings on October 22, 2003, October 27, 2003 and November 3, 2003; adoption of Resolution R-43-03 in recognition of the Greater Lanexa Studio Tour; authorization to write off accounts #595 (\$106.34), #1138 (38.93) and #1994 (86.97) as utility bad debts; adoption of Resolution R-49-03 authorizing Vice Chairman James H. Burrell to sign checks and registers until such time as the 2004 Chairman is elected and new signature cards can be processed; Abstracts of Votes prepared by the New Kent Electoral Board for recording in the record book of the Board of Supervisors; Appropriations: to appropriate additional Federal Funds to reflect changes in the projected federal budget, \$112,722.00; to appropriate additional State Funds for View AFDC Working Day Care due to increased demand for services, \$6,000.00; to appropriate additional State Funds for Subsidized Adoption due to increased demand for services, \$3,500.00; to appropriate FEMA reimbursement for costs incurred for clean up of the Wahrani Nature Trail due to Hurricane Isabel, \$40,348.42; Total Supplemental Appropriation: \$(162,570.42) Total; \$161,970.42 Money-in/Money-out; \$600.00 From General Fund Balance

Mrs. Ringley moved to approve the Consent Agenda, as presented. The members were polled:

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

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Chairman Lipscomb opened the Citizens Comment Period.

May G. O'Leary, a resident of District 2, thanked Rebecca Ringley for her many years of service, her professionalism, communication, preparedness, courage, patience, confidence, loyalty and dedication.

Terry Lawler provided each of the supervisors with a poinsettia grown by the students at New Kent High School. She expressed her gratitude to Mrs. Ringley for her service and thanked her for always holding the School Board accountable.

Gary Green thanked all of the members of the Board for the good job they have done and said that the County will miss those who are leaving.

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

IN RE: ELECTED OFFICIALS REPORT

Mr. Davis reported on the fire station dedication held on December 7 and thanked all of the volunteers in the County for all they do.

Mr. Burrell reported that Congressman Bobby Scott had attended the fire station dedication. Mr. Burrell suggested that any other events held on Sunday be scheduled to start later than 1 pm. On behalf of the Central Virginia Waste Management Authority, he asked residents to separate holiday foil from paper before placing in the recycled paper receptacles. He congratulated New Kent for having one of the highest per capita recycling rates. He also reported that, in the recent election, the voter turn-out in New Kent was higher than many of the surrounding jurisdictions.

Mrs. Ringley thanked May, Terry and Gary for their comments. She stated that she had enjoyed serving District 2 and felt she is a better person for having done so and hoped she is leaving New Kent a better place. She does not regret running and does not regret her decision not to run again. She was happy to serve and thanked the citizens for their input and questions over the years. She invited the new board members to attend the next meeting of the Metropolitan Planning Organization, of which she has been serving as chair, and urged the Board to give consideration to this appointment in January. She reported that she had attended a public hearing last week in Petersburg on VDOT's Six Year Plan and distributed a handout to the members which reflected that a project to widen I-64 through New Kent is a candidate for addition to the plan.

Mr. Lipscomb expressed his appreciation to the Board members for their hard work, especially in improving the financial condition of the County and reviewed their accomplishments. New Kent owes less than \$6,000,000 and it is unusual for a locality to have such a low debt. He stated that when he came onto the Board, the County had to lease purchase its sheriff's cars and school buses, and now it can pay for them up front. The refuse facilities and landfill have been modernized. Roads and buildings have been improved. New Kent's teachers have received the some of the best raises in the State. All of this has been done with very little increase in the real estate tax rate. The County has benefited from Colonial Downs, the golf courses and the businesses on Route 106 and Route 33. He stated that he hopes that this Board is leaving the County in good hands and in a good position.

IN RE: STAFF REPORTS

County Administrator Gary Christie reported that on September 24 the Board had approved the waiver of building permit fees for a period of sixty days for repair and restoration of damage done by Hurricane Isabel. That period has now elapsed and staff is requesting that those fees be waived for another 60 days. To date, 30 no-fee permits have been issued by the Permit Center, and staff feels that there are more that are eligible. Mrs. Ringley moved that an emergency be declared and that that the County enact an emergency ordinance waiving all inspection fees and building permit fees for repair of storm-damaged structures, for a period not to exceed 60 days. 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, Sr.

Aye

The motion carried.

Mr. Christie reported that the ABC Board has published a legal notice that they are looking to locate an ABC store in New Kent, and he suggested that if the Board wished to comment, this would be a good time. Chairman Lipscomb read aloud a proposed letter which he had asked Mr. Christie to prepare, expressing the Board's strong support of locating a store in New Kent and offering the County's assistance in finding a location. Mr. Lipscomb stated that the percentage that the County gets from ABC sales through the Literary Fund would increase, and the County would also benefit from its portion of the sales tax. ABC stores also increase the walk-in business of its neighbors.

Mr. Raynes stated his opposition.

Mr. Burrell indicated he would support it.

Mrs. Ringley questioned how much of an impact a letter of support would have, although she would not be against it. Chairman Lipscomb stated that a letter of support would get a store here. Mrs. Ringley stated that the ABC Board is already moving in that direction without any support from the Board.

Mr. Davis stated that people who want something from an ABC store is going to get it, whether it be in New Kent or elsewhere. He does not think ABC stores encourage more people to drink. He reported that there is a chance that a store also might come to the eastern end of the County when the West Point store is displaced by the new bridge.

Mr. Davis moved to send the proposed letter of support to the ABC Board, amended to remove the word "strongly". The members were polled:

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

The motion carried.

IN RE: RESIDENT ENGINEERS REPORT

R. E. Prezioso, Resident Engineer with VDOT, thanked Mrs. Ringley for attending VDOT's Public Hearing. He explained that VDOT periodically updates its Six-Year Plan for the interstates and primaries. Their staff recognized the pressing need for widening I-64 through New Kent and have proposed that the project be added to the plan.

He reported that local crews have been wrapping up mowing operations, and also been busy replacing driveway pipes, cleaning ditches, extending the turning lane in front of Five Lakes, and preparing for snow season.

He reported that debris removal from the hurricane is 80% complete and the contractor is now focusing on the primary roads. Mrs. Ringley inquired about the contractor's handling of trees falling from yards into the rights-of-way and Mr. Prezioso reported that each circumstance is different. He stated that the contractor will be returning to remove the root balls that were left behind. Mrs. Ringley expressed her concern about checking behind the contractor and Mr. Prezioso reported that a VDOT employee is paired with each crew on the job. He reported that the project is to be completed by December 31 and appears to be on track.

Mr. Burrell inquired when the widening of I-64 through New Kent will take place. Mr. Prezioso reported that if it is added to the plan, it would be added at the end and would probably take seven or eight years. Although this project was previously on the plan and then removed because of funding problems, no development work was ever done. In preparing for the Jamestown 2007 celebration, VDOT plans to spend \$25,000,000 to do overlay and patch work along the interstate, which they hope to have completed by the end of 2006.

Mr. Davis reminded Mr. Prezioso that the potholes on Cumberland Road are worsening, and about the requested deer crossing sign at Brickshire and signs at the fire department. He inquired about the timetable to clean up the debris storage sites. Mr. Prezioso reported that the contractor intends to have all operations completed within 30 days after the project deadline. Mr. Davis reported that one of the debris sites was next to a church and asked that the chipper not be operated on Sunday mornings. He thanked Mr. Prezioso for the clean up that was done in Eltham.

In response to inquiry from Mr. Davis, Mr. Prezioso reported that the bridge replacements in West Point are still on schedule: work on the bridge crossing the Mattaponi is due to start in January and on the Pamunkey in July.

In response to an inquiry from Mr. Davis regarding the timetable for paving under the Rural Rustic Roads program, VDOT expects to get a contract this winter and be ready to go in April or May, having one contractor for all of the work.

Mr. Prezioso reviewed proposed Resolution R-45-03 which will remove St. Peters Road (at residents' request) from the list of roads to be paved and substitute Route 658 in its place, which will result in that road being paved sooner than if it remained on the Six Year Plan. Chairman Lipscomb reported that he had heard from other residents on St. Peters Road that wanted the road to remain on the plan to be paved. There was discussion about adding it back in next year.

Mr. Davis moved to adopt Resolution R-45-03 as presented. 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.

IN RE: 2004 LEGISLATIVE AGENDA

County Administrator Gary Christie reviewed the proposed legislative package which includes the items from last year, adding use of inmate labor on county road ways, supporting VACo's agenda and endorsing the agendas of the School Board and Henrico Area Mental Health. Chairman Lipscomb inquired about plans to meet with the legislators to present these items. Following discussion, it was the consensus of the Board to have Mr. Christie schedule meeting(s) with the legislators during the first week of January.

Regarding the issue of impact fees, Mr. Burrell stated that it was important to send letters to several members of the General Assembly. Following discussion, it was the consensus that letters be sent to the legislators of those localities served by the Richmond Regional Planning District Commission.

Mr. Burrell moved to adopt the 2004 Legislative Agenda as presented, as well as endorse the agendas presented by Henrico Area Mental Health and the New Kent County School Board. The members were polled:

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

The motion carried.

IN RE: RECOGNITION OF BOARD MEMBERS

Chairman Lipscomb presented plaques to Mrs. Ringley and Mr. Raynes in recognition of their service to the County. Mrs. Ringley thanked the Board members, acknowledging that although they didn't always agree, they all tried to do what was best for the County. Mr. Raynes thanked the citizens for all of their phone calls and comments, stating that he had learned a lot and had tried to make good decisions.

Chairman Lipscomb congratulated the incoming board members, Mark Hill, Marty Sparks and Stran Trout, who were presented with New Kent lapel pins. Mr. Sparks stated that he was looking forward to serving the County over the next four years, and promised to work hard, make good decisions and listen to the citizens. Mr. Hill stated that he was looking forward to representing District 1 and the entire County, working with the staff, and thanked the three outgoing board members for their service as well as the two that are returning. Mr. Trout stated that he was looking forward to the next four years, and feels like the incoming members will make an excellent board, and it will be up to the citizens and others to come together to make sure that the County reaches its potential while maintaining its quality of life.

Mr. Burrell presented Chairman Lipscomb with a plaque in recognizing his service to the County. Mr. Burrell stated that he had worked with Mr. Lipscomb for the past eight years and, although they didn't always agree, Mr. Lipscomb was always a gentleman and a professional, and had one of the best memories he had ever seen. He is going to miss him and his vast knowledge and extended his thanks. Chairman Lipscomb stated that he had enjoyed serving the County.

IN RE: CHANGE OF NAME OF THE INDUSTRIAL DEVELOPMENT AUTHORITY

County Administrator Gary Christie reported that this was the last step in changing the name of the Industrial Development Authority to the Economic Development Authority, and Ordinance O-17-03 will make that name change in the New Kent County Code.

Mrs. Ringley moved to adopt Ordinance O-17-03 as presented. 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, Sr.	Aye

The motion carried.

IN RE: ECONOMIC DEVELOPMENT AUTHORITY'S ISSUANCE OF REVENUE BOND FOR VIRGINIA SPORTS HALL OF FAME

County Administrator Gary Christie reported that the New Kent Economic Development Authority was approached by the Virginia Sports Hall of Fame for issuance of a revenue bond in an amount up to \$8,500.00 before the end of December, 2003. This will be tax-exempt borrowing, for which the EDA will be paid a handling fee. This will not affect the County's credit nor does it obligate the County in any way. The EDA approved this issuance following a public hearing.

Mrs. Ringley wanted to clarify that this does not obligate the County in any way, and that the EDA realizes revenue which it uses to promote economic development in the County, like in the commerce park on Route 33.

Mr. Davis asked how many bond issuances the EDA has done, and how much fee will be made on this bond. Mr. Christie responded that the EDA has issued two bonds for Christopher Newport University. Although the exact amount of the fee has not been calculated, it is estimated to be between \$100,000 and \$110,000.

Mr. Davis moved to adopt Resolution R-50-03 as presented. The 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: PATRIOT'S LANDING – APPLICATION FOR PLANNED UNIT DEVELOPMENT

County Administrator Gary Christie reported that East West Partners have applied for a rezoning of the Peavy tract, from R1 (124 acres) and B1 and B2 (128 acres). Current zoning permits up to 250 single family homes to be built on the tract on well and septic systems. The applicant proposes that the PUD, to be named Patriot's Landing, will have up to 640 residential units (single and multi family housing and 110 units to be marketed to active adults) and 270,000 square feet of retail and office space. Two hearings were held by the Planning Commission, who has recommended approval of the application by a vote of 9:1:1. Approval also has been recommended by the Director of the Community Development Department. Build out is anticipated in five years and is estimated to result in a positive net income to the County of \$800,000 per year. The applicant has made a cash proffer of \$1,500 per residential unit for schools and \$325 per unit for fire and rescue services. East West proposes to provide public water and sewer systems, including a 750,000 gallon elevated water tank and running sewer lines to Henrico for treatment of wastewater. Three recent changes in the ordinance include adding the date of December 4, 2003 at the bottom of page one as the date of the last proffer statement amendment; to remove language from section h on page 19 that County staff agreed to delete but failed to do so; and on page 41, correctly reflecting the date of the proffer statement to be December 4.

The applicants verbally confirmed that they are still in agreement with the proffers.

John Cogbill, on behalf of East West Partners, introduced Mr. Carlisle and Mr. Corrada from East West, and expressed his thanks to County staff for all of their hard work during this long process. He described how the proposed project will improve what is allowed in the current zoning of the Peavy tract. Under current zoning, there are no development standards, no water and sewer systems, no requirement for open space, no repair to the dams in Five Lakes and no cash proffers. He described plans for the open spaces, which include pocket parks, lake front buffers and buffers along I-64. He displayed a current photograph of Swift Creek as an example of what the waterfront buffers will look like. He indicated that the housing units will include traditional single family homes, neo-traditional homes, condos and apartments. He believes that this project will be a catalyst for a significant amount of pent-up demand for new commercial development in Bottoms Bridge. He indicated that there will be over one quarter of a million square feet of commercial office space in Patriot's Landing and over a million square feet in other parts of Bottoms Bridge.

Mr. Cogbill reviewed the projected economic impacts of the project, which includes \$800,000 per year net income at build out (resulting in revenue of \$9.4 million over 20 years). It is projected that the Bottoms Bridge area will produce \$1.8 million per year at build out, which totals \$15.6 million over 20 years. He did admit that there would be negative impacts on schools and fire/rescue services, which are not fully

addressed by their cash proffers. It is anticipated that repairs to the dams in Five Lakes will cost about \$700,000.

The applicants are suggesting a Community Development Authority to develop the \$4.35 million water and sewer systems to serve the area. He displayed a map of the area, showing the PUD as well as the commercial business owners in Bottoms Bridge who have expressed interest in joining a CDA. They have been advised that the residential component of the project will increase the marketability of any CDA bond that is issued.

Mr. Cogbill estimated that the County will experience a positive fiscal impact by the eighth year. He feels that this project complies with the Comp Plan as it relates to the concepts of suburban housing and villages. The project will protect the natural environment and help maintain a low real estate tax rate. His company has a positive track record and requests that the PUD be approved. If the application is denied, the County will maintain the status quo. If the application is approved, the County will have a high quality development, a catalyst for development of water and sewer, open space requirements, design standards, development of a community. He believes that this will provide housing opportunities that do not now exist in New Kent, including affordable housing. He asked permission to address any concerns at the end of the Public Hearing.

Mr. Davis inquired about the design and size of the apartments. Mr. Cogbill stated that the apartments have not yet been designed, and they are just asking permission to develop them as the need arises. It may be that apartments are never built.

Mr. Raynes asked about projected rent to be charged for the apartments. It was reported that it is projected that rent will be in the \$800 - \$1100 per month range, but that depends on market studies. Rent is based on numbers of bedrooms. It is their plan to bring in an apartment developer to handle that part of the project who would then bring the site plan to the Planning Commission for approval.

Mr. Burrell asked if there was going to be a minimum square footage for the single family homes. Mr. Cogbill reported that there would not. He anticipates that the houses will sell for \$250,000 and above, although market and lot size drive the price. He would anticipate that the typical home would have 2200 – 2400 square feet, which is something that would be in the covenants which would be brought to the County for approval. He reported that the homes to be marketed to the active adult would be smaller. It is their plan to place three or less homes per acre.

Mr. Burrell asked what would happen if it costs less than \$700,000 to repair the dams in Five Lakes. Mr. Cogbill replied that in that case “everyone wins”. It is anticipated that the community association will maintain the lake and dams. Currently the association in Five Lakes does the minimum to the lakes.

In response to Mr. Davis’ inquiry, Mr. Cogbill confirmed that East West would be installing a stop light, if required. The conduit and other equipment will be installed, and the light will be put in if warranted. Ms. Katz referred everyone to the phasing schedule, which provides that if the signal is not warranted by VDOT, then the developer’s responsibility to install the light will cease on or before one year after the recordation of all residential lots in areas A, B, C and D, or ten years from the date that the zoning is approved by the Board of Supervisors, whichever occurs first.

Chairman Lipscomb contended that some of the proffers are really not proffers, including the 270,000 square feet of office/commercial space.

Mrs. Ringley inquired about the architectural review committee. It was reported that this committee would be a part of the covenants, and developer-controlled to a certain point. Three people are appointed by the developer, which will include a builder and others. Eventually, that committee is turned over to the community to take over as part of the homeowners association. The builder-associated committee is concerned with building requirements, where the community-based committee would oversee additions, changes, etc.

Chairman Lipscomb opened the Public Hearing.

Jeff Grau, a resident of Brook Boulevard, stated that it was a good project and would make a nice marriage with New Kent, Bottoms Bridge and Five Lakes. He feels it is the right time for this project. The land has remained undeveloped for thirty years. The project will protect the lake, which no one is doing now. He related conversations he has overheard in which parents are planning to relocate to other communities because of the condition of New Kent schools. He stated that although the recent salary increases have slowed down the teacher turnover, the schools need more and he thinks this project will bring in revenue to help. It is better than what could be put on that property and he feels it is a good solution for New Kent.

George A. Philbates does not agree with the ratio of business to residential acreage (6 to 248), and feels that a larger part of the project should be dedicated to business. He disputed the estimated number (179) of additional school-aged children that will result from the 640 residential units, which he thinks could be as high as 848, and he does not think our current schools can handle any more students. He stated that it costs \$4,700 to educate a child each year. He does not believe the school proffers are high enough. He stated that the active adult homes should be changed to age-restricted.

Doug Houston thanked Mr. Lipscomb for his eight years service on the Board. He stated that although he has not always agreed with Mr. Lipscomb, he always found him willing to share his wealth of information. Mr. Houston stated that he was in favor of the project; he feels it fits the Comp Plan and the Bottoms Bridge area and everybody would benefit from the water and sewer. He agreed that he'd like higher proffers, but approves of the provision for common areas and commercial space. He stated that this project will give the County a chance to "wet its feet" with a CDA.

Becky Philbates stated that she lives at the other end of the County, but does not think this is a good idea. She described some of the problems that apartments have brought to other communities, and thinks they'll be overcrowded and bring too many children.

Billy Hott, of Clark Road, stated that this was an opportunity to bring water and sewer to Bottoms Bridge. He thought that Henrico County was supposed to do that in exchange for building the Jail in New Kent, but that hasn't happened. He stated that we need to put more focus on bringing businesses into New Kent.

P. D. Sweet, of Quinton, expressed some of his concerns. He said that when he built Quinton Park, he proffered 10 acres for a park, which cost him more than if he had made cash proffers. He feels \$3,000 - \$4,000 per lot would be a better proffer. He also does not agree with the proposed amount of commercial space. He is concerned about permitting apartments without commercial space to support schools to handle the children that will result. He believes that Five Lakes should be taking care of the dams because they are on private property. He questions if a CDA is the right way to bring water and sewer to Bottoms Bridge, and he would rather see a service district or financing with an IDA bond.

W. O. Isgett thanked the Board members for their years of service. He lives on Quaker Road, but owns property in Bottoms Bridge and supports the project. He believes it may be the vehicle for the rebirth of all of New Kent, not just Bottoms Bridge. He believes that 600 new homes will bring more children; however, if the project is approved and water and sewer is installed, the County will enjoy increased real estate tax revenue compared to what it is receiving now for the undeveloped land, as well as additional sales tax. Plans for his property in Bottoms Bridge includes a family style restaurant and a fast food restaurant, both of which would generate money for schools. He urged the Board to vote in favor of the project.

Roy Carter, of Quaker Road, has property in Bottoms Bridge and is in favor of the project, and thinks it will bring in money for schools and places to eat.

Jennifer Caldwell, of Quinton, is opposed to the increase in the number of homes that the project will bring because the County does not have the services to handle it. She is not impressed with the proffers and feels that the citizens will end up paying for it in the way of higher taxes.

Dave Ruslander, of Pocahontas Trail, thanked the Board for its hard work. He supports this project and stated that it is important to focus on the market of 60,000 for the area. There are three to four hundred acres surrounding Patriot's Landing which would be served by water and sewer, and the increase in revenues from development of that area will more than offset the costs associated with the 240 acres of residential units in the project. These developments are well designed, well cared for and attract the right kind of people. He urged the Board to approve the application.

David L. Horsley, of Pocahontas Trail, said that as a businessman, he is in favor of the project. He is scared of the apartments, and would like to see a minimum/maximum standard. It is a way to bring in water and sewer to Bottoms Bridge. The project will bring good quality people into the community and a market for the businesses. He believes the good outweighs the bad.

William D. Harris, who has been in New Kent for three years, stated that East West Partners are businessmen looking out for their own interests and he does not see why the County needs this particular vehicle and there might be better offers from other developers. He fears schools will get worse. He reported that at a local community meeting last week, it was reported that 3 homes, not 2, were going on each acre. He stated that it is not clear who owns the dams or the lakes and he fears that if the developer puts up money to fix them, then the developer will own them.

John Montgomery represents many of the business and property owners in Bottoms Bridge and they support this project. He stated that there is no question but there is untapped potential in Bottoms Bridge and that the County can tap that potential with water and sewer. He stated that the figure of \$4 million to bring water and sewer does not include the cost of financing. He addressed the liability of the dams in Five Lakes. He stated that the Bottoms Bridge property owners are committed to supporting half of the cost of the water and sewer, with Patriots Landing providing for the other half, all at no cost to the County. This project has been "debated to death". An affirmative vote will bring the opportunity to finance those without a burden on taxpayers. A negative vote will mean status quo.

Fred Bahr stated that sewer is essential for Bottoms Bridge and Providence Forge. He does not understand why high concentration is acceptable here but was not for Farms of New Kent. East West intends to construct a pumping station for transport and treatment at the Elko plant in Henrico, not a wastewater treatment plant. He has concerns about how much of the 500,000 gpd capacity that Patriot's Landing will use at full build out. He would rather have businesses using the sewer capacity than apartments. He does not feel that repairs of the dams at Five Lakes is really a proffer because the developer would have to do that anyway.

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

Mr. Cogbill reported that 30 acres of the project are designated for commercial development. They are proposing to pay cash proffers on every residential unit, even the small active adult units. Apartments in some of their other developments have an average of 1 – 2 children. The apartment lease controls how many people can live in each unit, which is not something that can be controlled in single family housing. He stated that they do not have to repair the dams and that is a proffer. He acknowledged that there are other ways to bring in water and sewer and they are not insisting on a CDA but want to work with the County and community. He stated that the proffers are not passed on to the property owners. He urged the Board to consider their decision carefully. East West are businessmen who rely on their reputation in the communities. He reminded that other developers have looked at this property and left – East West is making a commitment. The proffers they have made have been voluntary. It is their plan to have two single family houses to an acre but has a right to increase it to three. He stated that this project will inure to the benefit of the County and they will work on financing for water and sewer.

Mr. Davis stated that he normally votes yes on subdivisions. This one is not as good as he'd like, but admits he always wants more. The main advantage is that it will bring water and sewer to Bottoms Bridge. Without this project, there is not enough flow to justify running the pipeline, and the County would be obligated to pay for the flow even it does not exist. With the Bottoms Bridge businesses and Patriot's Landing, the County can justify that and it would be a win/win situation for everyone. He has some reservations about the proffers and the estimated number of school children. He does not think that the apartments will have people spilling out of them, but will be a first class operation. Bottoms Bridge will grow and the County needs the tax revenue.

Mr. Raynes had an issue with the apartments. He would like to see increased proffers. He thought that it was amusing that last month there was a cry that New Kent didn't want to look like Chesterfield and now everyone wants one of its developers. He stated that the key issue is that water and sewer is needed at Bottoms Bridge but wonders if this is the best way to get it. If the business owners are willing to fork up half of the money, there might be other options other than a CDA. He has a problem with sending the sewer to Henrico and feels it will cost the County. New Kent has a plant at Brickshire and one at Parham Landing, and will need to bring it all together at some point in the future. The County needs to focus on a centralized system, not what costs less now, and needs a plan on how to deal with it. It will probably be expensive, but the County may have to build a central plant and needs to be ready.

Mr. Lipscomb had concerns about water/sewer and housing. He feels that the County should make a decision now as to whether to have a CDA or a service district. The cost of financing is high because the developer is financing the first five years of payments into the cost. It would be less expensive if the County had a sewer district instead of pushing payments out into the future. The County could float it for 18 months or 2 years, and then the sewer district could take over, which would be better than having a CDA.

Mr. Burrell had concerns about the proffers, but acknowledged that they have been increased since the last meeting. He stated that the deal with Henrico has been just sitting there, waiting for business growth without placing a tax burden on the homeowners. This is an opportunity bring in sewer. This is not what he wants but a better deal than others and could be a win-win situation.

Regarding the cash proffers for fire and rescue, Mr. Raynes stated that he like to see some of that money dedicated for new staff in the planning/zoning/permitting offices to deal with the influx of work that will be generated. Apartment inspections are more intense than for a single family residence.

Mr. Lipscomb agreed, but said that fire and rescue is a priority. Two story apartments will need a ladder truck, and he thinks those proffers need to stay there.

Mrs. Ringley stated that the \$325 per unit frees up some dollars that the incoming board can use towards hiring more staff. She indicated that financing options will not be decided tonight, but reminded the Board about the VACo/VML financing as an option. She stated that no one is married to a CDA, and if the rezoning is approved tonight, the County will have to find out how to make it happen. She thinks the projects fits the Comp Plan and Bottoms Bridge is where the development should be. The County needs to make that a quality commercial and residential area, and has already designated it as a primary growth area. It will provide housing options not currently available. There is an aging population in the County that is looking for housing with less acreage. The repair of the dams will have to be done, and it may ultimately fall to the taxpayers to pay for it. She likes the idea of an architectural review committee to provide control and management, and approves of the buffers and recreational amenities. Even though this project is in her backyard, she thinks it is a good plan. She is comfortable with the proffers, feels it fits the Comp Plan and believes it brings to New Kent the things for which people have been asking for years.

Chairman Lipscomb stated that some of the proffers are strictly development costs and should not be considered proffers. The commercial component is "conceptual" and not a proffer. He feels the proffers are vague and do not commit the developer to anything other than to build houses. The cash proffers for schools and fire/rescue are the only true proffers. The water and sewer may be a proffer – but the developer would have to put in wells and septic tanks otherwise. The developer can build the 640

units any way they want, even 640 apartments. He stated that 90% of the proposed commercial property is wetlands, and there has been no commitment to delineate them.

Community Development Director George Homewood stated that the application came with a preliminary wetlands delineation prepared by Williamsburg Environmental Group which indicated that there were significant wetlands on the property. Because of the wetlands along the frontage of the commercial area, the ordinance requires that they show how 270,000 square feet commercial area can be designed and laid out, taking the wetlands into account. He stated that he was comfortable that with the site plan requirements, subdivision requirements and Ches Bay requirements, the wetlands will be adequately protected. He identified one of the wetlands area as being non-tidal wetlands that connected by surface flow, and that the wetlands along the frontage on Route 60 are probably isolated wetlands that are not connected by surface flow except through drainage structures.

Mrs. Ringley moved to adopt Ordinance O-16-03 as presented. 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.	Nay

The motion carried.

Mr. Burrell stated that he was not in favor of a CDA and moved that the County Attorney, working with the County Administrator, prepare an ordinance establishing a service district in the Bottoms Bridge area incorporating the Route 60 area from the Park and Ride lot to the Star Motel including the southern side of Route 60 to the Chickahominy River and all the property on the north side of Route 60 abutting Route 60. Such ordinance should be advertised for public hearing at the Board's February 9, 2004 meeting with an implementation date of July 1, 2005. The service district shall be established for the purpose of providing water and sewer service to the tax parcels included in this area. Mrs. Ringley commented that there will be ample time for all involved to comment on this at the Public Hearing, and that it does not eliminate the possibility of a CDA or any other manner that is determined to be best for all involved. The members were polled:

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

The motion carried.

IN RE: AFD PRESENTATIONS

Environmental Planner, Courtney Fisher, reviewed the purpose and effects of AFDs which include to conserve and protect and to encourage the development and improvements of the County's agricultural and forestal lands for the production of food and other agricultural and forestal products. The AFD process provides a means for a mutual undertaking by landowners and the County to protect and enhance agricultural and forestal land as a viable segment of New Kent's economy and an important environmental resource. She reported that AFDs are reviewed no earlier than 4 years and not later than 10 years, and also when adding land to or removing land from a district. She reviewed the judgment criteria which applies to AFDs.

AFD-01-03 is an application by Mr. and Mrs. Marvin Rhodes to add 40.72 acres (TM #38-1) to the York River AFD. Approval has been recommended by the Dept. of Forestry, and there has been no comment by either Virginia Cooperative Extension nor the Colonial Soil and Water. The AFD Committee and

Planning Commission have both made favorable recommendations. Approval can be accomplished by the adoption of Resolution R-36-03.

Ms. Fisher reported that a request to add 64.52 acres to the York River AFD previously filed by Robert and Becky Hogge has been withdrawn and, as a result, the request by Charles Harwood (AFD-03-03) to add 108.61 acres to the York River AFD has now become illegible.

AFD-04-03 concerns a request by J. Harold Black to withdraw 110 acres (TM#9-32 and 9-33) from Old Tavern AFD. Mr. Black will have to pay the roll back taxes on the property should this application be approved. Both the AFD Committee and the Planning Commission voted to favorably recommend this application. Approval can be accomplished by adoption of R-33-03.

Ms. Fisher reported that the East Providence Forge AFD is set for expiration in December 2003 unless renewed by the Board. The total acreage is 646.26. Both the AFD Committee and Planning Commission voted to favorably recommend the renewal. Renewal for a period of ten years can be accomplished by adoption of Resolution R-34-03.

Ms. Fisher stated that the Pamunkey Church AFD is set for expiration in December 2003 unless renewed. Total acreage is 536.77. She reported that the AFD committee had made a recommendation to approve renewal of AFD-06-03 with the exclusion of tax map parcels 26 (2) 1, 26 (2) 2, 26 (2) 3 and 26 (2) 4. The Planning Commission subsequently deferred a decision on this application so that staff could collect information from the owners of the excluded parcels. Staff determined that owners of parcels 26 (2) 1, 26 (2) 2 and 26 (2) 4 wished to remain in the district, and a motion was made at the Planning Commission meeting to renew the district with the exception of 26 (2) 3. That motion failed and a new motion passed to favorably recommend the renewal of the Pamunkey Church AFD for a period of ten years with the exclusion of 26 (2) 1, 26 (2) 2, 26 (2) 3 and 26 (2) 4, which would be accomplished by adoption of R-42-03. Ms. Fisher explained that the parcels in question previously constituted a 100-acre parcel that was owned by Sally Vail Powers. This parcel has been divided into four parcels. She stated that she believes that the AFD guidelines would uphold keeping all four parcels in the district, and asked that the Board consider adoption of R-42-03 (R).

Ms. Fisher reported that the Osborn AFD is set for expiration in December unless renewed by the Board. Total acreage is 234.87. Both the AFD committee and the Planning Commission voted to favorably recommend the renewal. The Osborn AFD can be renewed by adoption of Resolution R-35-03.

AFD-08-03 is a request for withdrawal of 125 acres (TM 19-21, 22, 23) from Old Tavern AFD. Mr. Black will have to pay roll back taxes. Both the AFD Committee and the Planning Commission voted to favorably recommend this application. That can be accomplished by adoption of Resolution R-47-03.

Ms. Fisher reported that AFD-09-03 is a request by Dixon Jackson to add 143 acres to the Slatersville AFD. The application received favorable recommendations by both the AFD Committee and the Planning Commission, and can be approved by adoption of Resolution R-48-03.

Chairman Lipscomb opened the Public Hearing.

Dan Radford stated that he hopes to move to New Kent next year and is requesting that his property remain in the Pamunkey Church AFD. He thanked Ms. Fisher for keeping them informed on the process. He reported that owners of all of the parcels which have been proposed for exclusion, want to remain in the AFD and find it burdensome to be required to re-apply. He has no intention of clear cutting the property, and asked that the AFD be renewed with no exclusions.

John King reported that he has built on his property and has cleared four acres. It is their intent to have vineyards and blackberry bushes on some of the property and leave the rest as wildlife habitat. He asked that his property be included in the renewal of the Pamunkey Church AFD.

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

Ms. Fisher reported that the owner of a third parcel was present but had not signed up to speak.

There was discussion regarding the parcels recommended for exclusion from the Pamunkey Church AFD, and Mr. Davis stated that because of the way it was divided up, the parcels are not eligible for inclusion and do not fit the criteria for an AFD, although they might in the future. It was also stated that there would be no back taxes due from the owners because it was at the end of the renewal period.

Mrs. Ringley moved to adopt Resolution R-36-03 as presented. 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, Sr.	Aye

The motion carried.

Mrs. Ringley moved to adopt R-33-03 as presented. The 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.

Mr. Raynes moved to deny R-32-03 as presented. 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

Mr. Davis moved to adopt R-34-03 as presented. The members were polled:

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

The motion carried.

Mr. Davis moved to adopt R-42-03, which excludes tax map parcels 26(2)1, 26(2)2, 26(2)3 and 26(2)4. 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, Sr.	Aye

The motion carried.

Mr. Raynes moved to adopt Resolution R-35-03 as presented. The 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.

Mr. Raynes moved to adopt R-47-03 as presented. 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

Mr. Burrell moved to adopt R-48-03 as presented. The members were polled:

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

The motion carried.

IN RE: DEPARTMENT OF TRANSPORTATION SIX YEAR PLAN

Assistant Resident Engineer Dan Mott reviewed the proposed changes in the Six-Year Plan and the projects currently on the plan which include the roads listed on the Rural Rustic Roads revenue sharing plan, as well as

- Route 686 (Terminal Road)
- Route 632 (Stage Road)
- Route 628 (Mt Pleasant)
- Route 665 (Henpeck Road)
- unnamed roads to be determined at a later date

Chairman Lipscomb opened the Public Hearing.

Alan Files expressed his gratitude to those who are leaving the Board and his appreciation for their service to the County. He stated that he lives on the unpaved portion of St. Peters Lane and would like to see it paved. He described the increased traffic and his many calls to VDOT during the past year regarding potholes and the "washboard" effect on the road.

Mr. Prezioso reported that St. Peters Lane could be placed on the Six Year Plan as a pave in place but that revenue sharing would be quicker. He reminded the Board that for FY02/03 revenue sharing funds of up to \$500,000 were set aside for rural rustic roads and the same amount for FY03/04. The Board could ask Mr. Christie to put it on the list to consider through the budget process, and it would not be necessary to have another Public Hearing. However, the road has to be on the Six-Year Plan in order to

be considered for Rural Rustic Roads and he suggested that the Board direct Mr. Christie to send him a letter to add it back to the Plan.

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

Mr. Davis moved to reconsider Resolution R-45-03 leaving Route 642, St. Peters Road, on the list of Rural Rustic Roads. Mr. Prezioso reminded the Board that Resolution R-45-03 substituted Route 658 for St Peters (Route 642) and there are not sufficient funds for both roads to be included. If the Board wants both roads included, then Route 642 will have to be added back on and he and Mr. Christie can work on the financing. Mr. Davis withdrew his motion.

Mr. Raynes moved to adopt Resolution R-46-03 with the following change: Route 642 will remain on the Six-Year Plan. 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, Sr.	Aye

The motion carried.

IN RE: ABATEMENT OF LEVIES

County Administrator Gary Christie reported that the relief granted by the proposed ordinance, although prompted by the recent hurricane, would apply to any fortuitous event.

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

Mrs. Ringley moved to adopt Ordinance O-14-03 as presented. The 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: COURTHOUSE IMPROVEMENTS

County Administrator Gary Christie reported that he, Chairman Lipscomb and Mr. Davis had met with Randy Vaughan of Wiley & Wilson, and by merging the HVAC and 2nd floor projects together into a single bid, the County would save \$13,000. It is staff's recommendation to proceed in this manner, and would request a motion to authorize Wiley & Wilson to begin design and bid specifications work for the second floor of the Courthouse at an additional architect's cost not to exceed \$72,000.

Mrs. Ringley stated that she was not in favor of the project. This was no reflection upon Wiley & Wilson. She is in favor of the HVAC project alone.

Mr. Lipscomb reminded the Board that the problem with County office space is not going away, and it is important to have all Court personnel under security. He understands that the renovation of the second floor would serve office space needs for at least the next ten years.

Mrs. Ringley stated that she cannot support improving office space when the County wouldn't improve the schools. She indicated that the County needs to get its priorities straight.

Mr. Lipscomb responded that the Board now has a chance to rectify the office space problem.

No action was taken by the Board.

IN RE: OTHER BUSINESS

County Administrator Gary Christie reported that the item regarding debris pick up in Woodhaven had been pulled from the agenda after learning that FEMA would not consider reimbursement.

Mr. Burrell moved to cancel the Board work session scheduled for December 22, 2003. 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

IN RE: APPOINTMENTS

The Board will continue to make appointments to various committees.

Mr. Burrell moved to appoint Louis Abrams as a representative to the Planning Commission from District Three to serve a term beginning January 1, 2004 and ending April 30, 2004.

Mr. Burrell moved to appoint Brenda Snyder as a representative to the Planning Commission from District Three to serve a four-year term beginning January 1, 2004 and ending December 31, 2007.

Mr. Burrell moved to appoint Jean Street as District Three's representative to the Wetlands Board to serve a four-year term beginning January 1, 2004 and ending December 31, 2007.

The members were polled:

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

The motions carried.

Mr. Raynes moved to appoint M. Theresa Carter as District Four's representative to the Clean County Commission to complete a four-year term ending December 31, 2004. 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, Sr.	Aye

The motion carried.

IN RE: MEETING SCHEDULE

The next regular meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, January 12, 2004, in the Boardroom of the County Administration Building.

IN RE: CLOSED SESSION

Mrs. Ringley moved to go into closed session for discussions relating to the acquisition (or sale) of real property pursuant to §2.2-3711A.3 of the Code of Virginia; for discussions relating to prospective business or industry pursuant to §2.2-3711A.5 of the Code of Virginia; and for consultation and briefings by legal counsel, consultants, or staff members pertaining to actual or probable litigation or other legal matters pursuant to §2.2-3711A.7 of the Code of Virginia, The 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 passed. The Board went into closed session.

The Board emerged from closed session. Mr. Davis moved to come out of closed session. 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.

Mr. Burrell made the following certification:

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. The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye

W. R. "Ray" Davis, Jr.	Aye
Julian T. Lipscomb, Sr.	Aye

The motion passed.

Mr. Davis moved to amend the agreement with Newport News so that New Kent can get the money to use for purposes other than Parks and Recreation and negotiate a contract contingent upon approval of the Board. 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, Sr.	Aye

The motion carried.

IN RE: ADJOURNMENT

Mr. Davis moved to adjourn the meeting. The 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 passed.

The meeting was adjourned at 12:00 midnight.
