

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 13th DAY OF MAY IN THE YEAR TWO THOUSAND TWO OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:03 P.M.

IN RE: ROLL CALL

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

Chairman Davis called the meeting to order.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: CONSENT AGENDA

Mr. Ellyson presented the Consent Agenda, which consisted of the following: approval of the minutes of the April 8, 2002 work session, April 8, 2002 regular meeting, April 17, 2002 budget work session, April 25, 2002 work session, and April 26, 2002 meeting with Congressman Robert C. Scott; road name additions of Green Box Road, Diascund Shores Lane, Mountain Laurel Lane, and Eastry Road; Resolution R-13-02, Requesting VDOT to accept Kentland Trail into the secondary system of state highways; Resolution R-16-02, Authorizing the Treasurer to act on behalf of the County to sell, assign, transfer and/or deliver any and all stocks, bonds or other financial securities in the accounts held by Raymond James and Associates, Inc.; Resolution R-17-02 Authorizing the issuance by the Industrial Development Authority of New Kent County, Virginia, of a revenue bond in an amount up to \$6,000,000 for the Christopher Newport University Educational Foundation, Inc.; Resolution R-18-02, of the Board Of Supervisors of New Kent County, Virginia declaring its intention to reimburse itself or the School Board, as appropriate, from the proceeds of one or more tax-exempt financings for certain expenditures made and/or to be made in connection with the acquisition, construction, renovation and equipping of New Kent County school capital projects; Refund of \$173.88 to David Wayne Jackson, 1996 personal property taxes; Appropriations for FY2001-2002, to appropriate additional funds to the Commissioner of Revenue for Part-Time Salary, \$1,728.00; to appropriate DMV "Child Safety Seat Mini-Grant" J302-55-58655-4, \$500.00; to appropriate DMV "Smart, Safe & Sober" Grant OP02-11-58211-8, \$800.00, Total Supplemental Appropriation \$3,028.00; \$1,300.00 Money-in/Money-out; \$1,728.00 From General Fund Balance; budget transfers for the month of April, 2002; Monthly Revenues during April 2002 - \$1,963,652.52; Monthly Expenditures during April 2002 - \$2,281,234.20; Treasurer's Report showing total cash as of March 2002, of \$17,292,276.18; amendment of the Capital Projects Budget for 2003 to show \$1,359,000 as a carry over for Fire Station #1, and \$750,000 as a carry over for the Vehicle Maintenance Facility.

Mrs. Ringley made the following corrections to the April 8 minutes: correction of the spelling of Andrew Cason's name (from "Caison"). She also made a change to paragraph 5 on page 3, to read "...grant money that Richmond Regional Planning District Commission has been administering, mainly for work force development, has been reduced from \$1.2 million to *approximately* \$100,000".

Mr. Lipscomb moved to approve the Consent Agenda, as presented, subject to the corrections to the minutes and the additions to the Capital Projects budget.

The members were polled:

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

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Emerson Lewis, of 4601 Hidden Lane in District 5, addressed the Board concerning the poor condition of Hidden Lane. Hidden Lane is a private road, 1.2 miles long, with 26 homes. He described the problems experienced by the citizens, including no mail or school bus service, and asked that the County take action to help them.

Tom Fielder had similar comments, and asked for any help from the County, including a load of gravel.

James George addressed the Board about the same problem. He indicated that there were many elderly residents on this road who have no children but still pay taxes to the County. He encouraged the County to do something to improve the road and the services that they receive.

Judy Robertson signed up to speak but passed.

Gina Goad advised the Board that she is the last resident on this road, and described the many problems that she has had with her vehicle which she attributes to having to drive up and down Hidden Lane. She described the problems after bad weather, and the fear of hitting the children waiting for the bus because of sliding in the mud.

Chairman Davis closed the Citizen Comment Period.

IN RE: ELECTED OFFICIALS REPORTS

John Crump, Commissioner of Revenue, reported that personal property notices will be sent out during the next month, and urged citizens to notify his office as soon as possible if there are any changes that need to be made prior to the time that bills are sent out. This will save a lot of time and paperwork.

Mr. Lipscomb reported the recent deaths of two citizens, Andrew Mihalcoe, a volunteer with the Fire Department and Boy Scouts, and Jesse Beauman who worked for the Court system. He expressed the County's condolences to their families, and suggested that Resolutions be passed at the next meeting, recognizing their service to the County.

Mr. Burrell reported on a recent meeting of the Colonial Community Criminal Justice Board, and that a substance abuse task force has been formed between New Kent and Charles City. He also attended a meeting of the Richmond Metropolitan Convention and Visitors Bureau Board and is working to have New Kent included in their tourism efforts.

Chairman Davis announced the illnesses of local volunteer Jerry Sprouse, and School Board member Lisa Gill, and sent the Board's thoughts and prayers to both.

Chairman Davis also reported on the Volunteer Recognition Dinner that was held on April 25. 125 volunteers attended and he hopes that there will be a better turn out next year.

Mr. Burrell congratulated County Attorney Phyllis Katz on her recent Volunteer Achievement Award from the Junior League of Richmond for her work with the Legal Information Network for Cancer (LINC).

IN RE: STAFF REPORTS:

Mr. Ellyson indicated that 20 applications have been received to date for the position of Airport Manager. Slavin Management Consultants reported receipt of 36 applications for the position of County Administrator.

Mr. Ellyson reported that a Resolution concerning the School Board Referendum for the New High School will be on the agenda for the Board's meeting on June 10, as well as a joint public hearing with the Planning Commission in order to re-adopt the Family Subdivision Ordinance that Municipal Code Corporation had mistakenly removed from the New Kent County Code.

Mr. Ellyson reported that Engine 2 is still in manufacture, and due to be delivered in July or August. Tanker 3 is in service, as well as Medic 22 which was in the parking lot and available for inspection.

Regarding the radio system, Mr. Ellyson reported that a third set of redundant receivers had corrected the "talk in" problems, and County staff is still working with the vendor to correct the persisting "talk out" problems.

Mr. Ellyson reported that work is underway to finalize the contract for Fire Station #1.

Mr. Ellyson reported that the Richmond Civil Air Patrol has expressed interest in placing a squad at the Airport, using the original terminal building.

Mr. Ellyson reported that the asset inventory has been completed in preparation for GASB34. Accounting and Budget Director Mary Altemus will start work on the personnel policy manual and the purchasing manual as soon as the budget and GASB34 are finished. The County Attorney is working on the policy for the employees of the Constitutional Officers.

Mr. Burrell inquired as to the status of communications with Cox regarding the poor transmissions of the Board meeting videos. Videographer Dean Simmons reported that Cox had promised to have its new VCRs in operation by this month and it is hoped that the new equipment will prevent those problems in the future. Mr. Ellyson indicated that letters had been written to Cox representative Tom Prevette concerning these continuing problems.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Gary Jennings, Resident Engineer from VDOT, reported that the construction project on Route 60 at Bottoms Bridge had been awarded to Howard Brothers, and construction is anticipated to begin after July 4. The work on 249 at 665 and 155 has also been awarded to Howard Brothers and is scheduled to begin on June 10. He reported that the work on 106 at the New Kent/Charles City line has been completed. It is hoped that the work on 608 will be completed during the first part of June.

Mr. Jennings reported on the annual maintenance work that has been done along Route 33 and Route 60. Crews are busy ditching, mowing, patching, brush cutting and tree trimming.

Mr. Raynes asked about the possibility of donating old crushed asphalt to the residents of Hidden Lane. Mr. Jennings reported that contractors now recycle that material themselves, but he will have someone from his department look at Hidden Lane tomorrow and report on what has to be done to bring it into their system, possibly through the rural addition process.

Chairman Davis asked about the problem of dead pine trees along the County's roads, and reported that he counted at least 30 between Route 33 and the Courthouse area. Mr. Jennings indicated that he will "add that to the list".

IN RE: PRESENTATION - Resolution R-15-02 - in recognition of April Bassett Holmes

Mr. Ellyson reported that this was a request from Sheriff Howard to recognize a former employee who worked as a dispatcher from 1990 - 1995. Mr. Ellyson read the proposed Resolution aloud. Mr. Burrell made a motion to adopt Resolution R-15-02 as presented. The members were polled:

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

The motion carried.

Mr. Ellyson indicated that Ms. Holmes' family will be invited to the June meeting to accept the resolution.

IN RE: PRESENTATION - Resolution R-11-02 - contract for banking services with Citizens & Farmers Bank

Mr. Ellyson read a letter from Herb Jones, Treasurer, recommending that the County continue to employ Citizens & Farmers Bank.

Mrs. Ringley made a motion to Adopt Resolution R-11-02, as presented. The members were polled:

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

The motion passed.

IN RE: PRESENTATION - Resolution R-12-02 - notice of referendum on November 5, 2002, regarding proposed meal tax

Mr. Ellyson briefly reviewed this proposed Resolution, reading part of it aloud for those in attendance. The Resolution provided for an Order to be entered by the Circuit Court calling a special election to be held on November 5, 2002, so that the registered voters of New Kent may vote upon imposition of a 4% meal tax. There was some discussion about calling for a tax of "not more than 4%" and the County Attorney recommended that the Board decide on a specific rate.

Mrs. Ringley made a motion to adopt the Resolution, as presented. The members were polled:

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

The motion passed.

IN RE: APPOINTMENTS

The Board will continue to make appointments to various committees.

Mr. Lipscomb had no appointments for District 1.

Mrs. Ringley had no appointments for District 2.

Mr. Burrell had no appointments for District 3.

Mr. Raynes had no appointments for District 4.

Mr. Davis had no appointments for District 5.

Mrs. Ringley appointed Richard S. Ellyson as New Kent County's representative (alternate) to the Richmond Area Metropolitan Planning Organization to complete a four-year term ending December 31, 2003.

The members were polled:

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

The motion carried.

A recess was taken from 6:50 p.m. until 7:05 p.m.

IN RE: PUBLIC HEARING- Ordinance O-10-02 Establishing Tax Levies for New Kent County, FY2002-2003 Budget, and Ordinance O-11-02 Establishing Water and Sewer Rates and Fees and Water and Sewer Connection Fees

Mr. Ellyson gave a power point presentation on the proposed budget for New Kent County for the next fiscal year. This budget is based on an increase in the real estate tax rate from \$.77 to \$.80 per \$100 assessed value, with no change in any other fees, with the exception of the personal property tax rate on mobile homes which has also been increased to \$.80 per \$100 assessed value.

Chairman Davis opened the Public Hearing.

Lynn McPherson addressed the Board, identifying herself as a parent of three from District 1, and the president of the New Kent High School PTSO. She thanked the Board for funding the School's budget which will enable the teachers to again receive a 6-7% raise, bringing teacher salaries closer in line with the state average. She also asked that the Board and the citizens support the School Board's proposed Bond Referendum.

Walker Ware urged the Board not to increase the tax rate. He complained about the Airport's losing money and suggested that Mr. Worley be asked to resume operation. He also complained about the lack of County services, the planning department, the zoning ordinances, urban sprawl, and asked the Board not to put the bond referendum on the ballot.

John Crump requested regular meetings of the Finance Committee, and also addressed the benefits derived by the County as a result of funds received from the State Compensation Board. He cited the

great volume of work performed by the limited staff in his office. On behalf of the New Kent Historical Society, Mr. Crump urged the Board not to eliminate the historical assets in the County, and repeated his request for a historical survey. He indicated that the Society would match any funds that the County might designate for the proposed archeological evaluation of the Old Courthouse area. As President of the Jamestown 4-H Center, he thanked the Board for its support of that organization.

Steve Miles, from District 5, spoke in support of the Meals on Wheels program. They are currently providing meals to sixteen New Kent County residents. \$2,500 will provide for 500 meals. He anticipates that the need for these services will continue to grow and thanked the County for its support. As a parent of children in the school system, he also thanked the Board for its support of the School's budget.

Fred Bahr had some specific questions about the proposed budget. He also complimented Michael St. Jean on his management of the airport.

Julia Taylor, who helps deliver for Meals on Wheels, thanked the Board for its support of this program.

Brian McGirk, rector of St. Peter's Church which is the host site for Meals on Wheels in New Kent, asked the Board to continue its support of this program. He feels that the program does a wonderful job and sees a continuing need for it in the County.

Donna Friend, a resident of Brickshire, asked about the water and sewer rates, and asked the Board to consider separate water meters for sewer credits for irrigation.

Jennifer Caldwell spoke out against any increase in the tax rate. She feels that the members of the Board of Supervisors are not good stewards of citizen tax dollars, and questioned the money spent on the Boardroom, consultant fees, and the salary paid to the Treasurer while he is on active duty.

Frank Carlie spoke out against the tax rate increase and urged cutting waste in Government spending.

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

IN RE: PUBLIC HEARING - An Ordinance amending Chapter 10 of the Code of New Kent County to include domesticated animals among those animals prohibited from running at large.

Chairman Davis read the proposed Ordinance.

Chairman Davis opened the Public Hearing.

Gary Green urged the Board not to make the proposed changes, and cited the problems that such an ordinance will have on small farmers and other animal owners.

Becky Philbates also urged the Board not to approve the amendments to this Ordinance, citing the problems with that citizens will have as it pertains hunting dogs, cats, chickens and geese.

Edith Brown urged that the County enforce the laws it now has regarding stray dogs.

George Philbates also spoke out against the language in this ordinance, but urged the County to enforce the leash law in order to control stray dogs.

Chris Madison asked that the Board reconsider the proposed amendment, and suggested that residents talk with the owners of animals that are causing problems.

Phillip Felts also spoke out against the proposed amendment, and urged the County to enforce the ordinances that are in effect now.

Gina Goad spoke out in favor of fences and the responsibility of owners to protect their animals and respect the rights of others. She urged animal owners to take responsibility for their pets.

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

Mr. Lipscomb expressed his opinion that there is no need to change the ordinance, and that animals roaming off their owner's property is just a part of the rural atmosphere. He did agree that stray dogs are a problem and that the leash law should be enforced.

Mrs. Ringley moved that this matter be deferred to give the Sheriff and County Attorney an opportunity to revisit the language contained in the amendment.

Mr. Burrell agreed that the matter should be deferred, and that the language needed to be reconsidered.

Mr. Raynes expressed his opinion that this would just be another law on the books, and questioned whether it was needed.

Chairman Davis indicated that this change was originally requested by the Sheriff as a result of problems caused by horses not being fenced, but felt that the intent was lost in the translation.

Mr. Lipscomb expressed his opinion that he did not think that the County was being plagued by these problems and made a motion to deny the proposed changes in the ordinance.

There being two motions on the floor, Chairman Davis asked that the members be polled on Mr. Lipscomb's motion to deny:

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

The motion carried.

There was a recess from 8:20 p.m. until 8:30 p.m.

IN RE: **PUBLIC HEARING** - Wilton Real Estate and Development has applied to rezone approximately 112 acres from A-1 (Agricultural) to R-1 (Single-Family Residential) subject to proffers, for the purpose of developing 73 lots, all with a size of 1 acre or greater.

George Homewood, Director of Planning, reviewed the particulars of this request and its history with the Planning Commission. Of major concern is the potential doubling of traffic on Old Roxbury Road which is, in his opinion, inadequate to handle more traffic. He recounted the proffer conditions offered by the developer, but indicated that the cash proffers would not come close to balancing the operating costs that will result from such a subdivision. He reported that there had been two separate public hearings before the Planning Commission, who had recommended denial of this rezoning request. Planning staff joins in the recommendation to deny.

Developer, Henry Wilton, addressed the Board and provided the members with a layout of this proposed development. He represented that this plan was in conformance with the Comprehensive Plan. The development will have a central water system. Homes will range from 1600 square feet for ranchers, to 2000 square feet for two-stories, at a price of \$160,000 to \$185,000+. He represented that there has been a wetlands delineation by the Army Corps of Engineers. No homes will have direct access to Old Roxbury and he has offered to provide a buffer along Old Roxbury, thereby preserving some of the larger

trees. He expressed his belief that Old Roxbury Road is safe, and represented that VDOT has expressed no concerns with the increase in traffic that would result from the proposed subdivision, nor had VDOT requested the installation of turn lanes. Mr. Wilton reported that he had spent \$4,000 on a traffic study at peak hours in the area of the proposed entranceways to the subdivision, which study indicated that Old Roxbury could handle the increased traffic. He reiterated that this plan meets the land use and that the County should not deny the rights of the landowner. He also asked for an opportunity for rebuttal after the Public Hearing.

Mr. Lipscomb inquired about the intersection of Old Roxbury and Route 249, and how Mr. Wilton would propose to improve that area. Mr. Wilton represented that the road could be straightened, and estimated that it would cost \$250,000 to make the off-site improvements in Old Roxbury Road. He suggested that the County might elect to use some of the cash proffers to make those improvements. He represented that the public opinion that the road is unsafe is not warranted.

Mr. Raynes inquired as to what builders would be involved in the proposed development. He also inquired what the \$250,000 in road improvements would entail.

Mr. Burrell questioned how much value the proposed cash proffers would have balanced against the cost of educating the children connected with the subdivision.

Mr. Lipscomb reminded that the Board's duty is to the current residents of the County, not to those yet to come.

Chairman Davis opened the Public Hearing.

W. C. Pearson identified himself as 50% owner of the land in question. He indicated that his tax burden has doubled in the last 3 - 4 years and the money generated from the land's use is less than 10% of what is paid out in a year. He represented that Wilton has met every requirement and wonders why the County is picking on this development. He expressed his opinion that Old Roxbury Road is no worse than other roads on which developments are being built. He feels that this is a well-planned community. He reported that he volunteered in the community for many years and wants the County to support him and approve this rezoning.

Brenda Mula spoke out against this rezoning. She presented the Board with photographs and drawings, and urged the Board to follow the recommendation of the Planning Commission by denying this request. She cited safety problems with the road and the curve that exists between the two entrances to the proposed development, and also reminded the Board about the dangerous L-shaped curve in the road, and the recurring draining problems. She indicated that in order to improve the intersection with Route 249, it would necessary to take property from the Church cemetery and/or the adjacent landowners. There are currently 84 homes along Old Roxbury, and another 70 would nearly double the existing traffic. She reported that the road study performed by the developer was only done in front of his development. There is no county or state money available to make road improvements, and if the rezoning application is approved, it would compromise the safety of the residents neighborhood. She reminded the Board that they have a responsibility to the current residents.

Walker Ware expressed his opinion that the County has a responsibility to take care of the roads and that infrastructure is just as important as schools. He said that the developer and owner should not be penalized for the County's failure to fix the road and that the County cannot deny them the right to develop. He again complained about the money spent at the Airport, and questioned why the County pays for a full time recreation coordinator, but doesn't have paid firemen. He criticized the County for not taking this opportunity to increase the tax base.

Dennis Williams urged the Board to deny this request, citing road safety, and did not agree with Mr. Wilton's assessment that Old Roxbury Road is safe. He cited the many accidents that occur on that road. He also reminded the Board that, according to the Budget reviewed tonight, VDOT is only spending \$250,000 on roads in the entire county for this year. He also felt that the development would result in

more than the projected 55 new schoolchildren. He questioned whether the developer has received approval from the Army Corps of Engineers. He sympathized with the owner, but stated his opinion that a development with a reduced number of homes would be more appropriate.

Morty Terry also urged the Board against approval, citing road safety, desirability of maintaining the peace and quiet of the neighborhood, and the increase in the number of children that the County will have to educate.

Catherine Hargan also asked the Board to deny the application. She agreed with the recommendations of the Planning Commission, based on the unsafe nature of Old Roxbury Road and lack of infrastructure in the County.

Kim Brightwell asked the County to deny this application, citing the overcrowding in the schools. She believes that the development would result in 73 - 146 new children. She expressed her belief that County services are already stressed, and mentioned that the recent destruction of two homes by fire may have been prevented if there was a paid fire department. She indicated that there have been 17 accidents on Old Roxbury, resulting in 14 serious injuries, and that the County cannot count on the Bond Referendum to build new schools.

Jennifer Caldwell commended Mr. Homewood for his work on this project. She also questioned Mr. Wilton's claim that he had VDOT's blessing for this project. She has called VDOT herself and was advised that they do not get involved in these kinds of issues. She does not agree with Mr. Wilton's estimate of \$250,000 to improve the roadway, as it is her information that it is closer to \$1.7 million. She also questioned whether or not it would be legal to use any of the cash proffer funds to perform road improvements. She expressed support for Mr. Pearson, but felt that to be irrelevant to the issue. She indicated that she has restrictions on her 15 acres, and felt that he had options other than this development. It was her opinion that the road is dangerous enough without adding this development, and indicated that the road was so narrow that VDOT will not even put a yellow line down the middle. She asked the Board to deny the application, and also asked for an opportunity for rebuttal.

Anjum Smith also spoke out against approval. She indicated that she had a 71-signature petition in opposition to the rezoning. She cited safety issues on the road. She also reminded the Board that any cash proffers that are paid will come in increments as the homes are built. She also mentioned the 17 accidents on Old Roxbury in the last 5 years. She urged the Board to accept the recommendations of the Planning Commission and the Planning Department.

Doug Rice also spoke out against approval of the rezoning. He indicated that there is a total of eight curves on the Road.

There being no one else signed up to speak, Chairman Davis closed the Public Hearing and returned the floor to Mr. Wilton.

Mr. Wilton indicated that he would provide the details of his traffic study as well as the identity of the individual at VDOT with whom he has been dealing.

Mr. Lipscomb commented that VDOT does not usually make decisions on turn lanes until after a project is completed.

Mr. Raynes commented that it sounded like Mr. Wilton had a level of service analysis performed rather than a traffic study. He also commented that he believed Mr. Wilton had far from a ringing endorsement from VDOT. He indicated that he is mindful of the rights of Mr. Pearson, the owner, to develop his property, and he wishes he had chosen another option. Mr. Raynes suggested that the residents could pool their money and pay for a good traffic study themselves.

Mrs. Ringley commented on the road improvement process. She indicated that there is no VDOT money to improve Old Roxbury, and it is not and never has been a part of VDOT's six-year plan. Allocated funds from VDOT often require matching funds from residents.

Mr. Lipscomb reported that he had spoken with staff from VDOT, who has cut funding back to approximately 40%, and that the only three roads in New Kent that are scheduled for work now are Stage, Terminal and Old Telegraph.

Mr. Burrell indicated he is aware that the road is narrow and winding, and he does not believe the increased cost of services would be offset by the increase in business services.

Mrs. Ringley made a motion to deny Application C-05-01 as presented. The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING - Beattie Charters, L.C. has applied to rezone 5.046 acres of property from A-1 to M-2.

George Homewood explained to the Board that Mr. Beattie had recently acquired 5.046 acres on the south side of Eltham Road as an addition to 2.7 acres fronting on Eltham Road. If approved, this application will consolidate all of Mr. Beattie's holding under M-2.

Mr. Homewood reported that Mr. Beattie has indicated that he will be tearing down the building formerly operated as Green's Restaurant, but has no specific use in mind for the property. Mr. Beattie's desire is to have the entire parcel under a single business-friendly zoning classification in order to be prepared to act upon whatever opportunities may arise. Mr. Homewood reported that any development would be an aesthetic improvement and enhance the County's tax base. He indicated that this request conforms with the Comprehensive Plan and the Planning Commission recommends approval.

Mr. Harry Beattie was present in order to answer any questions.

Chairman Davis opened the Public Hearing. There being no one signed up to speak other than Mr. Beattie, he closed the Public Hearing.

Mr. Burrell asked Mr. Beattie about his timetable for tearing down the building. Although Mr. Beattie was unable to give an exact time, he estimated it would probably be sometime within a year.

Mr. Lipscomb made a motion to approve Rezoning Application ZM-2-02, rezoning 5.046 acres from A-1 to M2, as presented. Chairman Davis read the final paragraph of the proposed Resolution for clarification. The members were polled:

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

The motion carried.

IN RE: **PUBLIC HEARING** - Consideration of an amendment to Section 98-706 of Chapter 98, Zoning, of the New Kent County Code to provide opportunities for a wide variety of entertainment uses in the Equestrian Planned Unit Development to be authorized via a use permit.

Mr. Homewood explained this application, sponsored by the Planning Commission. When Colonial Downs applied for a blanket permit to cover activities to be hosted at the racetrack, it was discovered that none of the non-horse related activities were permissible under the terms of the Zoning Ordinance. It is proposed that the Equestrian Planned Unit Development would become the Equestrian and Entertainment Planned Unit Development, and this amendment would eliminate an apparent oversight in the Zoning ordinance and improve the business climate for Colonial Downs and any other similar entity that may subsequently choose to locate in New Kent. Staff recommends approval through adoption of proposed Ordinance O-14-02. Planning Commission voted unanimously for approval after a public hearing at its March 18, 2002 meeting.

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

Mr. Burrell made a motion to adopt Zoning Ordinance ZO-01-02, as presented. The members were polled:

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

The motion carried.

IN RE: **PUBLIC HEARING-** CUP-2-02: Colonial Downs has requested a use permit to authorize a large number of ancillary activities at the facilities located at Colonial Downs

Mr. Homewood explained that this is a request for a use permit to authorize a large number of ancillary activities at Colonial Downs under the Section just amended. There is no motorized racing included in the permit or in the request. The Planning Commission voted 9:2 to approve this permit, on the condition that the permit will only be valid as long as Colonial Downs holds a pari-mutuel license from the Virginia Racing Commission. Planning staff recommends approval.

There was some discussion about the specifics of some of the uses, including camping and automobile test-drive demos.

Chairman Davis opened the Public Hearing.

Phillip Felts spoke in favor of the permit, and feels that it is important to support and work with Colonial Downs.

Linda Callahan, a resident of Brickshire, is not opposed to expanding the uses, as long as they do not include motorized racing, or any other event that will negatively impact the peace and quiet of the neighborhood.

Donald Friend also urged the Board to make sure that the peace and quiet of the area is maintained.

Larry Haviland spoke out against having any loud rock concerts.

Jan Hagland agreed with her neighbors.

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

Mr. Lipscomb made a motion to approve Conditional Use Permit CUP-2-02, as presented. The members were polled:

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

The motion carried.

IN RE: **PUBLIC HEARING-** Consideration of an amendment to Section 98-745 of Chapter 98, Zoning, of the New Kent County Code to provide opportunities for administrative approval of certain telecommunications antenna installations meeting the Comprehensive Plan definition of co-location including those on or within existing structures and those utilizing the "Fort Worth Mount" and similar types of mounting poles.

George Homewood reported that this proposed amendment to the Zoning ordinance, sponsored by the Planning Commission, would facilitate the permitting of certain telecommunications towers that should be encouraged in the County. This request was prompted by an application for a conditional use permit to place a monopole single-tenant wireless communications tower inside an existing Dominion Virginia power electrical transmission tower. The first issue raised by the application was whether this was in fact a "tower", in that it was not a stand-alone unit, but because the pole extended into the ground, it met the literal definition of "tower" in the Zoning Ordinance.

The second issue is that the Zoning Ordinance requires that any telecommunications tower be engineered to allow no fewer than 4 full antenna arrays. Unfortunately, the proposed system cannot be engineered to do so and even if it could, Virginia Power will not permit more than a single array tower. The existing requirements have the unintended consequence of precluding location on certain existing structures, as encouraged in the Comprehensive Plan. By permitting administrative approval, and thereby reducing the time, fee and paperwork costs involved in two public hearings, applicants would be encouraged to pursue all available options before bringing forth requests to erect new stand-alone towers. Staff recommends that a maximum height could not increase more than 12.5%, with a maximum height of 199 feet.

Mr. Homewood reported that Planning staff was also recommending that camouflaged towers be placed in the same category, with limitations to keep such towers to 12.5% above the adjacent tree line.

He indicated that while the existing tower network in the County provides reasonable coverage along I-64, the next wave of coverage requirements will likely extend to the more rural parts of the County, and along the shorelines. Consequently, it appears prudent to encourage more creative and less visually obtrusive options.

The proposed changes would permit an administrative review and approval of these special types of installations, but vests the zoning administrator with the authority to require that any application, even while meeting all of the criteria, be referred to and approved by the Planning Commission and Board of Supervisors.

The Planning Commission considered this application at their March 18 meeting and voted 10:1 to recommend approval for the provisions for co-location on existing structures, including the "Ft Worth" mount that gave rise to the application. The Commission did not support the inclusion of camouflaged towers and their motion to approve specifically excluded them.

Staff continues to recommend approval of the Ordinance amendment to include camouflaged towers.

Chairman Davis opened the Public Hearing.

Chuck Boyd from Verizon Wireless had signed up to answer any questions, and urged the Board to approve this amendment.

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

There was some discussion as to why the Planning Commission had not approved the inclusion of camouflaged towers in the amendment.

Mrs. Ringley indicated that she agreed with the Planning Commission, and feels that a new tower still needs to be approved by the Planning Commission and Board of Supervisors.

Mrs. Ringley made a motion to adopt Zoning Ordinance ZO-02-02, after removal of all references to camouflaged towers. After discussion and upon the request of Mr. Homewood, Mrs. Ringley withdrew her motion and moved that the matter be deferred until Planning Staff could provide the Board with a re-drafted Ordinance for consideration.

The members were polled:

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

The motion passed.

IN RE: MEETING SCHEDULE

The Board of Supervisors will meet on Thursday, May 23, 2002, at 6:00 p.m. for adoption of the FY 2002/2003 Budget. There will also be a joint Public Hearing with the Planning Commission at the next regularly scheduled meeting on June 10, 2002, at 7:00 p.m.

IN RE: ADJOURNMENT

Mrs. Ringley moved for adjournment. The members were polled:

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

The meeting was adjourned at 10:20 p.m.