

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON
THE 12TH DAY OF FEBRUARY IN THE YEAR TWO THOUSAND ONE OF OUR
LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING
AT 6:00 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
Dean E. Raynes	Present
W. R. "Ray" Davis Jr.	Present
James H. Burrell	Present
Julian T. Lipscomb	Present

IN RE: CONSENT AGENDA

Mr. Emerson presented the Consent Agenda, which consisted of the following: approval of the minutes from the January 8, 2001 work session meeting, January 8, 2001 regular meeting, January 11, 2001 meeting with Delegate Grayson and January 25, 2001 meeting with Congressman Bobby Scott; Resolution R-7-01 designating February 2001 as PETFIX MONTH 2001. \$20.00; refunds: - \$20 - Olga Baez for a Parks and Recreation class cancellation, \$20.00 - Edna Trudeau for a Parks and Recreation class cancellation, \$20.00 - Cheryl Bauman for a Parks and Recreation class cancellation, \$20.00 - Raymond Thomas for a Parks and Recreation class cancellation, \$40.00 - Gerry Mephram for a Parks and Recreation class cancellation, \$35.00 - Candace Kuhn for a Parks and Recreation class cancellation, \$10.00 - Rick Logan for a Parks and Recreation class cancellation; appropriation of grant funds from the Department of Motor Vehicles Highway Safety grants - \$3,500; appropriation of additional revenues to be received by the School Board - \$5,250; reduction of appropriated revenues to the School Board - \$22,766. total supplemental appropriation \$14,016.00, a total of \$14,016.00 money in/money out; Finance Report showing monthly expenditures for January 2001 of \$2,268,848.96; and Treasurer's Report showing total cash as of December 2000 of \$15,880,074.46. Mr. Burrell made a motion to approve the consent agenda. The members were polled:

Mrs. Ringley	Aye
Mr. Burrell	Aye
Mr. Raynes	Aye
Mr. Davis	Aye
Mr. Lipscomb	Aye

The motion carried.

IN RE: CITIZEN'S COMMENT PERIOD

Chairman Lipscomb opened the Citizen's Comment Period. The first person to speak was Mr. John Crump, President of the New Kent Historical Society. Mr. Crump reported that the history brochure was ready to be printed and asked the Board to authorize the Historical Society to spend up to a certain amount for the printing of the brochure. He reported the brochure looked very nice and the project had gone very well thus far. Mr. Emerson told the Board he had asked Mr. Mitchell to research prices for the printing and we were waiting on those prices, so this request really required no action on the part of the Board. Mr. Crump also told the Board the Historical Society has a web site -- newkenthistory.com.

IN RE: ELECTED OFFICIALS REPORTS

Mr. Crump reported on behalf of the Revenue Department. He stated New Kent should receive approximately \$700,000 increase in personal property taxes. He stated there were few new businesses in the County but people had purchased a lot of new cars and he felt this increase in buying may have been a result of the Governor's car tax cut.

Sheriff Howard introduced two new deputies to the Board. The first deputy, Debbie Lindenmuth, joined the Department full time in June. She had previously worked as a part-time dispatcher. The second deputy, Butch Gay, will work as a "fill in" person when someone is out. Mr. Davis asked Sheriff Howard about the new 12 hour shifts. Sheriff Howard responded the new shift time was working well but was hard on the deputies when they had to pull time in court the next day.

Mrs. Ringley reported the RRPDC is continuing their search for an Executive Director. Also, in March the Metropolitan Planning Organization will be making their recommendation for their regional priority transportation projects. Last year the I-64 expansion from Richmond to Hampton Roads was placed on the "other" list, not on the "priority" list. Mrs. Ringley hopes this year the project will be moved to priority ranking. She asked that the Board MPO representative or an alternate please attend the meeting in March so New Kent will get its full measure of votes.

Mr. Davis reported the railroad crossing in West Point had finally been fixed. Hopefully this will alleviate some of the traffic problems.

Mr. Burrell reported he had attended a meeting the past week of the Colonial Criminal Justice Board. The board will have a retreat April 30 - May 1, 2001. He had also

attended the Richmond Convention and Visitors Bureau meeting. The overall effort of the Bureau is to get more tourism to the entire area, not just Richmond. Lastly, Mr. Burrell reported the Central Virginia Waste Management Authority will meet later in the month. He encouraged re-cycling among New Kent residents.

Chairman Lipscomb re-visited the issue of the depth of septic tanks. He stated he would like to see an ordinance enacted permitting septic tank burial no more than 60 inches in the ground. He is concerned about the health hazards associated with deep wells. There was discussion by the Board members and there was a consensus that Mr. Emerson would request the County Attorney to draft an ordinance in this regard and submit it to the Board for their review.

Chairman Lipscomb also reported on the Vision 20/20 committee. This is an effort to have citizen involvement in the updating of the County's Comprehensive Plan. The committee needs representatives from each district (2), civic clubs and all the boards and commissions active in the County. There will be three community meetings to discuss the issues the committee will be reviewing -- 2/22/01, 3/1/01 and 3/8/01. As the committee meetings will commence prior to the next Board meeting, the Board members will ask folks from their districts now, but will make the official appointments at the next Board meeting. Chairman Lipscomb reported he had two appointments from his district: Lisa Guthrie and David Kitner. Mr. Emerson confirmed the staff would ask for an appointment from each board or commission, as well as civic clubs. Mrs. Ringley also suggested asking for a representative from each of the school PTOs.

IN RE: STAFF REPORTS

Mr. Emerson stated he had no staff report except to report the Board of Supervisors, along with the School Board members, would be going on a fact-finding trip to the new Goochland High School on Tuesday, February 13, 2001.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Rob Prezioso, Resident Engineer from VDOT, updated the Board of Supervisors on projects which have been accomplished within New Kent County and other tasks which are scheduled to be completed. Mr. Davis told Mr. Prezioso the pull-off in Eltham had gotten in really bad shape and Mr. Prezioso said they were in the process of getting signs for the pull-off which should help keep trucks from pulling in there. Mrs. Ringley thanked Mr. Prezioso for filling in some of the mail box turnouts down from Rt. 613 but told him they had missed some holes. Mrs. Ringley confirmed Mr. Prezioso would meet with her at some point regarding the issues at Woodhaven Shores.

IN RE: APPOINTMENTS TO STANDING COMMITTEES

Chairman Burrell made the following appointments to standing committees:

Finance Committee - Mr. Burrell

Public Safety Committee - Mr. Raynes
School Board Liaison - Mr. Davis
Legal Affairs Committee - Mrs. Ringley
Personnel Policy and Management Committee - Mr. Burrell

IN RE: APPOINTMENTS – The Board will continue to make appointments to various committees.

Mr. Burrell moved to appoint Eugene Williams as District Three’s representative to the Airport Advisor Commission for a one-year term ending December 31, 2001.

The members were polled:

Mrs. Ringley	Aye
Mr. Burrell	Aye
Mr. Raynes	Aye
Mr. Davis	Aye
Mr. Lipscomb	Aye

The motion carried.

Mr. Burrell stated he had asked Mrs. Arrington to contact Norman Anderson with regard to serving on the Local Disability Services Board. Mr. Burrell will report on Mr. Anderson’s’ response at the next Board meeting.

IN RE: PUBLIC HEARING – Rezoning application C-05-00 of Gabriella Horvath to rezone approximately 1.14 acres along Route 60 from R-2 to B-1.

Gary Mitchell, Director of Planning, provided the background information for Ms. Horvath’s request. Mr. Mitchell stated the staff’s recommended condition of approval was “to preserve a minimum 50 ft. buffer beyond the Virginia Department of Transportation’s ultimate right-of-way along the front of the property, facing Rt. 60.

Chairman Lipscomb opened the public hearing. No one had signed up to speak.

Chairman Lipscomb closed the public hearing.

Mrs. Ringley requested that in the future Mr. Mitchell include a copy of the section of the Code which pertains to the zoning requests.

Mr. Burrell made a motion in order to address, protect, and promote public convenience, necessity, general welfare and good zoning practices in the County, to approve rezoning application C-05-00 with conditions as presented. The members were polled:

Rebecca M. Ringley	Aye
Dean E. Raynes	Aye

W. R. "Ray" Davis Jr.	Aye
James H. Burrell	Aye
Julian T. Lipscomb	Aye

The motion carried.

IN RE: PUBLIC HEARING – Sludge Permit Application BSP-01-01 by L.C. Davis Sons to cover the entire site listed as L.C. Davis Sons, NK 9 fields (1-10), on tract numbers T-227 & T-206.

Mr. Davis excused himself from discussion and vote on this issue as he had a conflict of interest.

Gary Mitchell, Director of Planning, provided the background information for this request. The staff recommended approval of this application in accordance with the following conditions, which are part of the local code:

1. The landowner will participate in training conducted by Virginia Tech Agricultural Extension Agent on the soil and crop management.
2. The sludge is incorporated into the soil within a 24-hour period unless special circumstances require modifying the incorporation time, subject to approval by the County.
3. The crop planting be completed within a 30 day period after the sludge application, weather permitting.
4. The contractor notifies the County prior to applying the sludge.

Chairman Lipscomb opened the public hearing. Mr. George Philbates spoke in favor of the permit. Mr. Paul Davis offered to answer any questions.

Chairman Lipscomb closed the public hearing.

Mrs. Ringley made a motion to approve Sludge Permit Application BSP-01-01. The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING – Rezoning application C-04-00 of March Properties to rezone approximately 3.83 acres along Route 249 from B-1 to B-2.

Gary Mitchell, Director of Planning, provided the background information for March Properties' request. Mr. Mitchell stated the location of the property and the applicant's

request complies with the County's Comprehensive Plan and it was staff's recommendation that the application be approved with the condition that a minimum of a 25 foot buffer beyond the Virginia Department of Transportation's ultimate right-of-way along the front of the property, facing Route 249. This buffer will be used for a landscaping area.

Mark Daniel spoke on behalf of March Properties, stating the planned use for the site was for mini-storage units of various sizes. There was concern by the Board members as to what could be stored at the units. Mr. Daniel assured the members his consultant has a typical agreement and will follow the law as to storage requirements. Specifically, vehicle storage outside was a concern. Mr. Emerson stated the Planning Department would monitor the storage and requirements.

Chairman Lipscomb opened the public hearing. No one had signed up to speak.

Chairman Lipscomb closed the public hearing.

Mr. Burrell made a motion in order to address, protect, and promote public convenience, necessity, general welfare and good zoning practices in the County, to approve rezoning application C-04-00 with conditions as presented. The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING – Ordinance O-12-00 -- Ordinance revision for Chapter 11 of the New Kent County Code (outdoor gathering) to revise regulations for the conducting of cultural events.

Mr. Mitchell provided the background information for the ordinance change. The ordinance is enacted pursuant to § 15.1-510 of the Code of Virginia, as amended, for the purpose of providing necessary regulations for the conducting of cultural events, which are conducted in open spaces and within enclosed structures specifically constructed for such a purpose. These changes also provide for stricter security controls by requiring the applicant to have one security officer or off-duty policeman for every 250 people in attendance.

Mr. Davis stated he was not in favor of the section requiring minors to be accompanied by an adult. Other members concurred. There was also discussion about excluding churches from the ordinance. The members also thought the 90-day advance permit time was a bit long.

Chairman Lipscomb opened the public hearing. Ian Stewart from Colonial Downs stated he could understand the need for such an ordinance but he thought the 90 day permit application was too long Mr. John Mooney from Colonial Downs was next to speak. He was concerned, too, that the 90 day permit application was too long and not very practical. Mr. George Philbates stated he did not want the ordinance to hurt businesses and he thought churches should be exempt. Ms. Jennifer Caldwell was last to speak and she wanted to be sure the land around her was zoned so as not to be able to hold anything near her.

Chairman Lipscomb closed the public hearing. Mr. Emerson voiced the concern shared by Sheriff Howard that there needs to be a permit application time long enough to let the Sheriff's Department and other county offices have enough time to prepare properly for these outdoor gatherings. Sixty days would probably allow enough time but 30 would not be enough.

Mrs. Ringley moved to approve Ordinance O-12-00 with the following changes: in §11-2, on-site church activities needs to be added; in §.11-5, 90 days needs to be changed to 60 days; § 11-10 needs to be deleted; and in § 11-6 60 days needs to be changed to 30 days. The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING – Resolution R-06-01 authorizing the transfer of property from New Kent County to VDOT for the purpose of improving and expanding Ashland Farm Road.

Mr. Emerson explained that a public hearing is required anytime a government body transfers or sells property.

Chairman Lipscomb opened the public hearing.

Chairman Lipscomb closed the public hearing. No one had signed up to speak.

Mrs. Ringley moved to adopt Resolution R-06-01 as presented. The members were polled:

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

Julian T. Lipscomb Aye

The motion carried.

IN RE: MEETING SCHEDULE – The regular meeting of the Board of Supervisors will be held Monday, March 12, 2001 at 6:00 P.M. A work session will be held on Monday, March 12, 2001 at 4:00 p.m., prior to the regular meeting.

IN RE: ADJOURNMENT

Mr. Burrell made a motion to adjourn the meeting. The members were polled:

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

Chairman Lipscomb adjourned the meeting at 8:33 p.m.