

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON
THE 12TH DAY OF MARCH 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. Burrell 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	Present

IN RE: CONSENT AGENDA

Mr. Emerson presented the Consent Agenda, which consisted of the following: approval of the minutes from the February 12, 2001 work session and the February 12, 2001 regular meeting; Resolution R-08-01 designating April 2001 as "Alcohol, Drug and Tobacco, and HIV Prevention Month"; request of Gary Mitchell for approval of two road name changes -- Pocahontas Station Road and Matachanna Lane; letter from the County Attorney attaching deed conveying land to New Kent County from Delmarva Properties for \$5,561.50, requesting the Board of Supervisors execute the deed; appropriation of additional fuel funds from the State - \$1,328.00; appropriation of additional State revenues for Special Needs Adoption and Subsidized Adoption - \$590.00; re-appropriation for July and August General Fund amounts that had been moved to COPS in School Grant in November/December 2000 - \$5,533.88; appropriation of additional funds to Fire Department for FY 2001 - \$5,500; total supplemental appropriation \$7,418.00, a total of \$1,918 money in/money out; \$5,500 from general fund balance; Finance Report showing monthly expenditures for February 2001 of \$2,543,208.66; and Treasurer's Report showing total cash as of January 2001 of \$16,703,747.21. 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. No one signed up to speak.

IN RE: ELECTED OFFICIALS REPORTS

Mr. Crump reported on behalf of the Revenue Department. He stated his office had finished all the downloading from DMV. His office should be finished with the process and reports should go out to citizens by the end of April. His office also has completed almost all the work for real property assessments for the book, which is earlier than ever before. His office is in the process of the conversion from the Eagle System to the Bright System. Those numbers should be available earlier than ever before. Mr. Crump stated he had been working with the Director of Accounting and Budget, Mary Altemus, who has been working very long and hard and helping Mr. Crump with budget figures.

Mrs. Ringley reported she had attended the Hanover Health Advisory Board meeting where they had discussed the Cardiovascular Health Pilot Program. She stated there is the potential for some grant money which could possibly pay for walking paths and such and suggested the Board might look into those grants. Also, at the RRPDC meeting, there had been discussion about the Workforce One program which trains school students for industry jobs once they graduate. She stated she hoped our schools were working with the Workforce One project to bring our children to the level of training so that when they graduate they could be in line for some of the local industry jobs such as Infineon, Motorola, etc. Mrs. Ringley also stated the RRPDC had deferred action on ranking the regional priority transportation projects. They would be talking about that list next month. She hopes to get the I-64 widening on that priority list. They did adopt regional priorities for the CDBG program and approved the filing of the grant application for Virginia Coastal Resource Management Fund, some of which will affect New Kent County.

Chairman Lipscomb asked Mrs. Ringley to comment on the upcoming Commonwealth Transportation Board meeting. Mrs. Ringley, Mr. Davis and Chairman Lipscomb hope to attend the meeting on March 15 as there has been some indication the weigh station presently located in Henrico County may be moved into the New Kent Area. The Board members want to voice their concerns to the CTB that New Kent has not been sufficiently consulted where this project is concerned.

Mr. Davis thanked the citizens who had attended the Vision 20/20 meetings.

Mr. Burrell reported he had attended a meeting of the Richmond Convention and Visitors Bureau meeting. They are still ahead of schedule as far as opening the new convention center. Mr. Burrell reminded them again that New Kent is part of the region and that New Kent wants to be included in any advertising they might have. Mr. Burrell reported the Central Virginia Waste Management Authority will continue their recycling efforts. Mr. Burrell also thanked the citizens for their participation in the Vision 20/20 meetings.

Mr. Burrell asked the County staff to look at the vicious dog ordinance in light of the recent dog attack in Five Lakes East. Mr. Burrell thought there was something more we could do to the owners of these vicious dogs. Mr. Cornwell stated the County is restricted in the ordinances it can adopt under State Code and New Kent adopted exactly what the State Code provided. Mr. Cornwell stated he would be happy to check into the ordinance again.

Chairman Lipscomb sent condolences to the family of Mrs. Elizabeth Peace who had recently passed away. Mrs. Teace worked for the School Board for 33 years.

IN RE: STAFF REPORTS

Mr. Emerson stated he had attended the Virginia Local Government Manager's Association meeting in Roanoke. New Kent County's staff received an award for its prompt response in connection with the e-broadcast system established by the Virginia Institute on Government. Mr. Emerson stated he thought this was very much a compliment to the New Kent County staff that we are all able to respond quickly and with usable answers to other localities throughout the state.

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, including patching potholes, patching at Woods Edge, trash pickup, placing stone along Rt. 249 on the shoulders at mailbox turnouts, asphalt repair on Rt. 60 and I-64, tree trimming. He stated the Rt. 676 project was awarded to Stanley Construction. The Rt. 606 project was being advertised now. VDOT is also continuing the patching on Rt. 60 near Providence Forge. Mr. Davis inquired about the Brown's Avenue project, which Mr. Prezioso stated they were still waiting for the paper work to be complete. Mr. Davis also stated Motel Drive (Rt. 668) had a bad culvert. Also on Farmer's Drive, VDOT needs to pull the ditches. Mr. Burrell stated he had received a complaint that the street sign at South Garden was down and needed to be replaced and he inquired as to what VDOT had in mind for the bad intersection near the Heritage Library. Mr. Prezioso reported VDOT was having their traffic engineering research department research solutions at this time. Lastly, Mr. Burrell asked Mr. Prezioso to check the potholes on I-64. Chairman Burrell asked Mr. Prezioso to check out the condition of Rt. 619.

IN RE: PRESENTATION – By Mr. John Crump regarding the Jamestown 4-H Education Center.

Mr. Crump introduced Marcia Meador, Center Director, and Brittany Mangold, Assistant Program Coordinator. Ms. Meador gave the Board members a slide show about the camp and its new facilities, as well as the plans for continued improvement at the camp. It is hoped that the camp will soon be a year-round facility. Presently the camp is a 9-week program involving children from 22 counties. Mr. Crump and Ms. Meador thanked the

Board for the support they give to the camp and invited everyone down for a camp tour. At the end of the presentation, Mr. Crump presented Chairman Lipscomb with a “Gold Award” in recognition of New Kent County’s contributions and support of the Jamestown 4-H Education Center.

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

Mr. Raynes moved to appoint Jon Ackley as District Four’s representative to the New Kent County Historic Commission for a four-year term ending December 31, 2004.

The members were polled:

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

The motion carried.

Mr. Burrell made a motion to appoint Norman Anderson as New Kent County’s representative to the Local Disability Services Board for a one-year term ending December 31, 2001.

Chairman Lipscomb made a motion to appoint Mrs. Ringley as New Kent County’s representative to the Senior Connections, Capital Area Agency on Aging for a three-year term ending December 31, 2002.

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

The motions carried.

IN RE: PUBLIC HEARING – Rezoning Application C-09-00 of Delmarva Properties to modify uses permitted on parcel A3 of the Kentland PUD.

Before proceeding with the application, the County Attorney, James Cornwell, pointed out to the Board members this was not really a “rezoning” but an amendment to the PUD. Delmarva was asking to add another use, not to rezone. That being said, Gary Mitchell, Director of Planning, provided the background information. He stated to the north, south and west of the subject property the land use is vacant commercial land. The zoning is PUD with a highway commercial orientation. To the east is commercial recreational (Colonial Downs). This proposal will be a “high end” industrial park with the emphasis

on clean industries. The PUD amendment request increases the County's ability to attract high tech and clean industrial businesses. The applicant's request demonstrates substantial evidence in furthering the County's plans and the amended PUD request meets the goals and objectives of the Comprehensive Plan and the Route 155 Area Management Plan. The staff recommended approval of this application. Mr. Steve Campitell of Delmarva Properties gave a brief presentation to the Board members, saying Delmarva had had similar successes such as this in other areas, Stonehouse being one. Delmarva's plans include very strict covenants and restrictions for the area. Mr. Davis asked Mr. Campitell if he had any clients lined up and Mr. Campitell responded no contracts had been signed as of yet.

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 the application for amendment of the Kentland PUD, C-09-00 with conditions 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	Aye

The motion carried.

IN RE: PUBLIC HEARING – Rezoning Application C-07-00 of Chester Alvis and Mark Daniel to rezone the existing B-1, General Business, portion of parcel 3-16 to A-1, Agricultural.

Gary Mitchell, Director of Planning, provided the background information for this request. Mr. Mitchell stated the location of the property was 5310 Hopewell Road. To the north, south, east and west of the subject property, the land use is low density residential and agricultural/forestal. The zoning of the surrounding properties is A-1. Mr. Mitchell stated the application had been reviewed by the following agencies: Virginia Department of Transportation, New Kent County Health Department and New Kent County Departments of Safety and Public Works. These departments had no comment on this proposal. Mr. Mitchell further stated the location of the property and the applicant's request complies generally with the County's Comprehensive Plan. The County staff recommends approval of this application. Mr. Chester Alvis told the Board members the sole purpose of this request was to make the parcel compatible with the surrounding parcels. Mr. Davis inquired whether this was being done with the idea of developing a parent tract to which Mr. Alvis responded maybe in the future. He just was not sure at this point.

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

Chairman Lipscomb closed the public hearing.

Mr. Raynes 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-07-00 with conditions 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	Aye

The motion carried.

IN RE: PUBLIC HEARING – Application C-08-00 of Patrick O’Brian to amend the County’s Comprehensive Plan to expand the Lanexa Village Area westward 2,400 feet and rezone approximately .828 acres from A-1, Agricultural to B-1, General Business.

Mr. Mitchell provided the background information to the Board members. He reminded the Board members that Mr. O’Brian had previously come to this Board requesting this rezoning. His request had been put on hold pending his request for a Comp Plan amendment, which Mr. O’Brian had since filed. This is to expand the Lanexa Village Area westward 2,400 feet and rezone .828 acres from A-1 Agricultural to B-1 General Business. To the north, south, east and west of the subject property the land use is low density residential and agricultural/forestal. The zoning of the surrounding properties is A-1. Five hundred feet to the southwest of the subject property is property zones as M-1, Light Industrial and Warehousing, 1,200 feet to the southeast of the subject property is a parcel zoned as B-1 General Business, and 3,000 feet to the east is a parcel zoned as B-2 Limited Business. Mr. O’Brian’s request is based upon the fact that there are a number of preexisting businesses in the area. This application has been reviewed by the Virginia Department of Transportation, New Kent County Health Department and the New Kent County Departments of Public Safety and Public Works. Only VDOT had a comment, saying a commercial entrance will be required.

Mr. Mitchell stated it was the staff’s recommendation that this application be denied. There was much discussion by the Board members. Mr. Raynes stated he felt by keeping the village concept as we have in the Comp Plan, we are limiting ourselves as to the growth in the area. There was discussion as to what would become of the business if Mr. O’Brian’s business was not successful. Mr. O’Brian stated he plans on having a tourism/souvenir business.

Chairman Lipscomb opened the public hearing. John Crump was the first to speak in favor of Mr. O’Brian’s request. George Philbates, Mark Daniel, Phillip Felts and Chip

Alvis also spoke on behalf of Mr. O’Brian’s request. John Brooks, Jr. and Benjamin Sipe, neighbors of the subject property, spoke against the request.

Chairman Lipscomb closed the public hearing.

There was more discussion by the Board members. Mr. Raynes stated he did not like the idea of a strip but he felt the Board had asked several things of Mr. O’Brian and that Mr. O’Brian had complied with the requests; therefore, Mr. Raynes felt the Board should approve the request. Chairman Lipscomb stated what he had heard was that Lanexa is a village area with very little developable land and he (Lipscomb) did not see what harm would be done to pass the request. Mrs. Ringley had concerns about the Comp Plan and how this request would fit into the Plan.

Mr. Raynes made a motion in order to address, protect and promote public convenience, necessity, general welfare and good zoning practices in the County, he moved to approve the Comp Plan Amendment C-08-00 with conditions as presented and recommended by the Planning Commission. The members were polled:

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

The motion carried.

IN RE: RECONSIDERATION OF REZONING APPLICATION – The Board reconsidered Rezoning Application C-5-99(c) of Patrick O’Brian.

Mr. Mitchell gave his staff report, which summarized the report from the original submission of the request by Mr. O’Brian. The existing zoning of the parcel is A-1 Agricultural, the proposed zoning is B-1 General Business. The property consists of approximately .828 acres and is presently vacant. The proposed use of the property is a proposed small office retail store. The application for rezoning has been reviewed by VDOT, the New Kent County Health Department and the New Kent County Department of Public Safety. VDOT will require any commercial entrance be hard surfaced with curb and gutter and surfacing installed to VDOT standards. The Virginia Department of Health has no comment at this time. The location of the proposed drainfield and reserve drainfield are shown on the survey plat. The New Kent County Department of Public Safety will require all improvements meet the Virginia Uniform Statewide Building Code and Fire Prevention Code. The Department of Public Works had no comment at the time. The Public Works Department does not provide utility service to this area of the County. The small office/retail store at this location will require the submittal, review and approval of a site plan per Division 18 of the New Kent County Zoning Ordinance before a building permit may be issued. With the proposed amendment the Board just passed, the proposed use of the property is consistent with the New Kent County Comprehensive Land Use Plan. Mr. O’Brian proffered the property would not be used for the following

uses: automobile sales or service establishment; service station with minor repair under cover; adult video or book store or night club. The Planning Commission on April 17, 2000 voted 7:2 with 2 abstentions, to recommend approval of this rezoning request. The Board tabled this request at its June 2000 meeting pending compliance with the Comp Plan.

Mr. Cornwell confirmed the Board did, in fact, conduct a public hearing at that time and then took the matter under advisement.

Mr. Raynes made a motion in order to address, protect, and promote public convenience, necessity, general welfare and good zoning practices in the County, he moved to approve rezoning application C-5-99(c) with conditions as presented.

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

The motion carried.

IN RE: MEETING SCHEDULE – The regular meeting of the Board of Supervisors will be held Monday, April 9, 2001 at 6:00 p.m. A work session will be held prior to the regular meeting at 4:00 p.m. in the courtroom of the Old Courthouse.

IN RE: ADJOURNMENT

Chairman Lipscomb recessed the meeting at 8:28 p.m. The meeting will resume on Friday, March 23, 2001 at 8:30 a.m. for a budget work session.