

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON
THE 14TH DAY OF MAY 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: CERTIFICATION OF CLOSED SESSION

Mr. Burrell certified the closed session by stating:

Whereas, the New Kent County Board of Supervisors has convened a closed meeting 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 2.1-344.1 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law;

Now, therefore, 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 meeting requirement by Virginia law were discussed in closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

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

IN RE: CONSENT AGENDA

Mr. Emerson presented the Consent Agenda, which consisted of the following: approval of the minutes from the March 23, 2001 budget work session, April 9, 2001 work session meeting and April 9, 2001 regular meeting; Resolution R-9-01 designating May 2001 as Multiple Sclerosis Awareness Month; Resolution R-10-01 requesting VDOT to put Children At Play signs on Cedar Lane in Five Lakes Forest; refund to Membership Leasing Trust for an erroneous assessment due to DMV garage error - \$1,004.30; refund to Susan Pinson for Parks & Recreation class \$80.00; refund to Rhonda Gamache for Parks and Recreation class \$25.00; refund to C. Candace Baker Bradley for Parks & Recreation class - \$30.00; appropriation for Local Law Enforcement Block Grant No. 01-E1160LO00 - \$2,968.00; appropriation of additional funds for the purchase of jail space - \$165,000 (to which Mr. Emerson explained this additional cost was for housing for incarceration of prisoners); and appropriation for two DMV mini-grants for bike safety programs - \$1,145.00; total supplemental appropriation of \$ 169,113.10; \$4,113.10 from money-in/money out; \$165,000 from general fund balance; Finance Report for April 2001 of \$1,982,813.39; and Treasurer's Report showing total cash as of March 2001 of \$15,859,409.51. Mrs. Ringley noted one change in the minutes of the March 23 budget meeting: the word "not" needed to be added on page 5 after the phrase "As the vote was...overwhelming" so it would read "As the vote was not overwhelming..." Mrs. Ringley also noted in the minutes of the April 9 meeting, on page 3, second paragraph of Mr. Tom Hawthorne's presentation, we needed to note "Mr. Hawthorne stated it would either be DMV or VDOT." Mrs. Ringley made a motion to approve the consent agenda with the two corrections as noted. 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. Mr. John Crump thanked the Board for their help in making the historical brochure for New Kent a reality. He reported he had received many positive comments on the brochure. He also mentioned 2004 would be the 350th anniversary of New Kent. He has already been talking to the people working on the Jamestown celebration.

The second item Mr. Crump mentioned was that the girl's/women's tennis team was having a good year and he wanted to recognize their efforts. They had beaten West Point and were, that night, playing Mathews and he wished them good luck.

IN RE: ELECTED OFFICIALS REPORTS

Mr. John Crump, Commissioner of Revenue, reported his office had personal property notices going out the first part of the week of May 21, 2001. The taxes would be due July 1, 2001. Mr. Davis asked if there was a cut-off date for the elderly to receive reduced tax rates and Mr. Crump stated yes, the date was May 1, 2001. He also said if there were extenuating circumstances, he (Mr. Crump) could extend the deadline.

Mrs. Ringley reported she, Mr. Emerson and Chairman Lipscomb had attended a meeting of the Providence Forge Volunteer Rescue Squad on April 11 and heard the concerns of the squad. She appreciated the opportunity to attend the meeting. She also reported the RRPDC was very busy in their search for an executive director. Mrs. Ringley stated she hoped they were close to finding a new director. Lastly, Mrs. Ringley reported she and several other Board members and Planning Commission members had attended a recent seminar entitled "Growing Greener" which had been co-sponsored by New Kent County. The seminar addressed new concepts of county growth and development.

Mr. Raynes reported he and representatives from the School Board had met with Don Craig & Associates, professional fundraisers, to discuss fund raising possibilities for New Kent schools. This may be an avenue the schools wish to look to in the future. He also stated he had spoken with George Philbates about a couple of items. He asked Mr. Philbates to come forward and explain to the Board what they had spoken about. Mr. Philbates spoke of an old DMV program whereby junk cars would be destroyed for a \$50 fee from DMV. The towing service would receive \$25 and the County would receive \$25. Payment required a form to be filled out and notarized. Mr. Philbates thought it would be profitable for the County to start doing this again. Mr. Emerson stated the program had ended under extenuating circumstances, which he would explain to the Board at a later time.

Mr. Davis reported he had been riding with Robbie Prezioso of VDOT to determine some of the problem road areas in the County. Mr. Davis also reported he had attended Cooks Mill Day and said it was a very nice event.

Mr. Burrell reported he had attended the Richmond Metropolitan Visitor's & Convention Bureau meeting and the new convention center was coming along nicely. There were already 8 big conventions booked involving about 10,000 people. He stated this Center would have a big impact on New Kent. Mr. Burrell had also attended Cooks Mill Day and enjoyed it thoroughly. Lastly, he reported he had attended a retreat of the Colonial Community Criminal Justice Board. The CCCJB would be televising a program dealing with youth and crime and stated it would be a very worthwhile program to view.

Chairman Lipscomb reported he had attended a Chamber of Commerce "after hours" gathering recently and there had been a good turnout of representatives of local businesses.

IN RE: STAFF REPORTS

Mr. Emerson reported the Virginia Cooperative Extension Service in New Kent was preparing to join with the Central Virginia Food Bank in a food give-a-way program in New Kent. They had asked for a commitment from the County for use of the County's flatbed truck (and a driver) once a month to go to Richmond and get the food and a commitment of \$1,000 from the County to buy 2-3 freezers in which to store the food. Mr. Emerson pointed out to the Board the truck is old and there may come a time when some repairs have to be made to it. There was a consensus of the Board to let the Extension Office use the truck and driver every third Thursday and to transfer \$1,000 from the contingency fund to the Extension Office fund in order to allow for the purchase of the freezers.

Mr. Emerson also spoke with the Board regarding redistricting information he had handed out. He read a draft schedule and draft goals for the redistricting process and asked the Board for authorization to advertise these goals and the schedule in the newspaper and to place them on the County's web-site prior to the next meeting. There was a consensus of the Board to authorize Mr. Emerson to go forward with advertising the schedule and goals in the newspaper.

Lastly, Mr. Emerson told the Board he had not forgotten the request of the Board to write a letter to the Governor regarding the weigh station issues. He was gathering the information necessary to write the letters, had that day gotten the information he needed from Sheriff Howard, and would proceed with preparing the letter for review by the Board.

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. Prezioso stated VDOT would be setting up open forum meetings around the County with regard to the weigh station issue. The first forum will be held at New Kent High School on July 24, 2001, 4:00 p.m. - 8:00 p.m. This is the time for the community to come and voice their opinions to VDOT.

Other issues included: Howard Brothers has been awarded the contract for the Rt. 106 project at the County line; the I-64 water/sewer project is continuing mainly in the east-bound direction; work has begun on Airport Road; the project at Rt. 60 at Bottoms Bridge has been delayed due to an easement question; trash pickup continues; pothole repair continues; the Rt. 634 project is 99% complete; water has been pumped on Rt. 613 in New Kent; and the sweeper has been at work in the Bottoms Bridge area.

Mr. Prezioso introduced Gary Jennings, the new Assistant Resident Engineer. Mr. Jennings will be responsible for maintenance and land development issues.

Mrs. Ringley congratulated Mr. Jennings. She also asked Mr. Prezioso whether the 7/24 date for the forum could possibly be changed as she has a conflict that evening. She also asked if there was a completion date for the rest areas, to which Mr. Prezioso responded no. Mr. Prezioso also stated there were no pre-allocation hearings set on the weigh station issue and he still did not know whether this would fall under DMV or VDOT. He will check with Tom Hawthorne.

Mr. Davis inquired of Mr. Prezioso whether there was the possibility of putting signage near the interstate indicating alternatives to the West Point Bridge. It is vacation season again and this is a horrible traffic area. Mr. Prezioso stated he would look into putting a permanent sign near the interstate.

Chairman Lipscomb asked Mr. Prezioso about the time frame for the Rt. 606 improvements. Mr. Prezioso stated they were waiting for the actual signed contracts and then it would be about 30 days later. Mr. Lipscomb told him there was a bad pothole towards Hanover, about 2 curves before Marengo. Chairman Lipscomb also reminded Mr. Prezioso about seeing where Rt. 608 falls in the 6-year plan. Mr. Prezioso stated Rts. 608/620 were budget items and not on the 6-year plan and VDOT hopes to fix them in the next year.

IN RE: PRESENTATION – By Robert Boynton, Boynton Rothschild Rowland Architects, regarding the proposed vehicle maintenance facility exterior plans and provide an update regarding the fire/rescue station project.

Mr. Boynton reviewed with the Board the four exterior options for the vehicle maintenance facility. Those options were:

1. Brick veneer at an estimated cost of \$655,800;
2. Decorative (colored) Concrete Unit Masonry at an estimated cost of \$599,800;
3. Decorative CMU and Metal Panels at an estimated cost of \$574,150; and
4. Metal Panels at an estimated cost of \$547,900.

Mr. Boynton discussed with the Board the pros/cons of each type of finishing material with respect to initial roof system cost, waterproof integrity, maintenance costs, energy costs, resistance to casual abuse and aesthetic context. It was the suggestion of staff to go with either the brick veneer or the decorative block as they felt these would give the longest useful life.

There was much discussion by the Board with respect to wear and tear. After a very long discussion, Mr. Davis made a motion to go with option #3, the Decorative CMU and Metal Panels at the estimated cost of \$574,150. 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	Aye

IN RE: PRESENTATION – By Gary Mitchell, Director of Planning, regarding the proposed highway overlay ordinance and recommendations received from the Planning Commission..

Mr. Mitchell reported to the Board on the progress made by the committee appointed to review the highway overlay district. At the Board of Supervisors meeting in December 2000, the Board sent the highway overlay district proposal back to the Planning Commission for further review. The Planning Commission had appointed a committee to further study the proposal. Staff has now reviewed the results of the committee work and felt a few definitions needed to be included and those are listed in the first section of the revised overlay document. Staff also still has a concern about the setback requirements but is nonetheless sending the revised highway overlay district to the Board of Supervisors with the changes as made by the committee.

There were various opinions expressed by the Board members. The issue of bringing the highway overlay district back for another public hearing was brought up. Mr. Emerson said that was possible but it did not have to be done in that manner. Mr. Emerson also stated Mr. Mitchell was looking to see if this was the way the Board wanted to go with the overlay district and there were choices: they could accept the current proposal; or if they did not want to accept the current proposal, they could tell Mr. Mitchell what they would like to see changed. Mrs. Ringley stated the Board had let this go too long, that a decision needed to be made. After more discussion, it was decided Mr. Mitchell was to clean up the document, put it in final form and present it at the June work session. At that time, the Board would either decide to adopt it in its present form or make the decision to have another public hearing.

IN RE: PRESENTATION – By Gary Mitchell, Director of Planning, regarding the proposed immediate family subdivision ordinance and recommendations received from the Planning Commission

Mr. Mitchell reported to the Board on the progress made by the committee appointed to review the subdivision ordinance and recommend changes. As a sidebar, the County Attorney's office had reviewed the recommended changes and stated they recommended a rewrite of the entire section to incorporate the suggestions of the Planning Commission assuming the Board accepts them, in principle. Alternatively, the separate family subdivisions can be separated from the other exemptions and create a new section. If the second option were considered, the family subdivision sections would have to be expanded to include the necessary language from current subsection (b). They also stated one additional issue which could be addressed with this change is the apparent conflict between Code Section 9-84 and the current Code §9-425. As written, §9-425 allows for the creation of lots of not less than 1 acre unless central water is available. If central water is available, the minimum lot area is to conform to the requirements of the zoning district in which the lot is located. Section 9-84 requires a minimum lot area of 1.5 acres in A-1 zoning except for residential lots created under §9-425. It could be argued that in A-1 areas the minimum lot size created under §9-425 would be 1 acre unless there was

central water, in which event the minimum size would be 1.5 acres, and this does not make sense.

In his presentation, Mr. Mitchell gave the Board three different scenarios. The 5-acre minimum was an issue with several people. After much discussion, Mr. Emerson stated that based on the discussion by the members, it appeared the members preferred the version sent by the Planning Commission to public hearing (#3). The members concurred and asked that version to be cleaned up and brought before them at the next work session.

IN RE: PRESENTATION – By W. Ted Tweel, M.D., M.P.H., District Director of the Hanover Health District of the Virginia Department of Health, regarding the West Nile Virus. Larry Gallaher, New Kent Director of Public Safety, will follow Dr. Tweel with a short presentation regarding the County’s planned action.

Dr. Tweel spoke to the Board and made a powerpoint presentation on the West Nile Virus, what it is, how it is spread and how to keep from having mosquito breeding grounds. Dr. Tweel stated the disease has been detected in Virginia in five different counties. Dr. Tweel also stated in 2000 there had been 21 human cases and 2 deaths resulting from the virus. Birds appear to be the reservoir and mosquitoes are the vector. Mosquitoes feeding on both birds and other animals can transmit the disease. The best practices in fighting the disease are to eliminate potential breeding sites, e.g., discarded tires, children’s pools, bird baths and clogged gutters; you can apply larvacide to sites that cannot be eliminated; and monitor for the disease. Personal protection is very important: avoid mosquito infected areas, especially morning and evening; wear long, loose, light clothing; carefully use insect repellants on skin and clothing according to label directions; and use screens on doors and windows.

Mr. Gallaher followed Dr. Tweel in saying the best way to fight the spread of the West Nile Virus is to eliminate the breeding grounds. New Kent is being proactive in this respect and also has written VDOT asking them to please attempt to eliminate standing water in ditches and right-of-ways. Mr. Gallaher stated New Kent is so large land-wise spraying would be a last ditch effort as it would be terribly expensive.

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

There were no appointments.

IN RE: MEETING SCHEDULE – The regular meeting of the Board of Supervisors will be held Monday, June 11, 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. Also, a public hearing on the proposed budget will be held at 6:00 p.m. on Monday, June 4, 2001.

IN RE: ADJOURNMENT

Mrs. Ringley made a motion to adjourn the meeting. 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

Chairman Lipscomb adjourned the meeting at 9:05 p.m.