

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON
THE 11TH DAY OF JUNE 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 May 14, 2001 work session meeting and May 14, 2001 regular meeting; approval of the Regional Economic Development Memorandum of Understanding; refund of \$7.00 to Kathy Christian for misprinted Parks and Recreation merchandise; appropriation to the Department of Environmental Quality for Litter Prevention Grant - \$9,385.00; appropriation of additional money to the Sheriff's budget - \$8,000; appropriation of additional money to the Buildings and Grounds and Refuse Collection budget - \$64,850; and appropriation of additional money to the Water Fund budget - \$23,787.55; total supplemental appropriation of \$ 106,022.55; \$72,850.00 from general fund balance; \$23,787.55 from water fund balance; \$9,385.00 from litter control fund balance; Finance Report for May 2001 of \$2,092,666.67; and Treasurer's Report showing total cash as of April 2001 of \$15,195,075.09. Mr. Davis 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. Mr. Richard Bates was the first person to speak. He is an employee of Massey Oil Co. and wanted the Board of Supervisors to know when the fuel oil contract comes up for bid, Massey is interested in bidding. Mr. Bates was under the impression the fuel contract with the present company was up on June 30, 2001.

Mr. A.C. Worley was next to speak. Mr. Worley was concerned about the real estate budget increase and how it would affect those citizens on limited budgets. He asked the Board members to please consider the budget and if they had not made up their minds, to please think about people on fixed incomes when casting their votes on the tax increase.

Mr. George Philbates was next to speak. Mr. Philbates spoke in favor of the admissions tax; not in favor of dropping the aircraft tax; and thought the Board should re-visit the idea of a restaurant tax.

IN RE: ELECTED OFFICIALS REPORTS

Sheriff F. W. Howard introduced a new deputy, Calvin Vann, to the Board. Sheriff Howard explained Deputy Vann is from Birmingham, Alabama and has a law enforcement background. He was formerly with Richmond Airport Security. The Board welcomed Deputy Vann.

Sheriff Howard also introduced Cpl. Lee Bailey and Walt Harris from State Farm Insurance. Cpl. Bailey heads up the Highway Safety program for New Kent County. He stated the Sheriff's Department was trying to get donations in order to purchase a child safety seat trailer (for \$4,500). The New Kent Sheriff's Department is very active in the area of highway safety, and the proper training for use of child safety seats is part of this program. Cpl. Bailey gave some alarming statistics, stating at a recent check of seats in New Kent County, 99% of the seats inspected were incorrectly installed. The Sheriff's Department is working toward educating users of these seats in proper installation. Mr. Harris commended the New Kent Sheriff's Department for their efforts in this area and presented Cpl. Bailey with a check for \$500 to go toward the purchase of the trailer.

Chairman Lipscomb thanked State Farm for their contribution.

Mr. Herb Jones, Treasurer, reported to the Board they should have received a letter from him requesting an appropriation of \$10,000 to use for legal fees in an effort to collect delinquent taxes. He stated his office could not bear the burden of these fees and asked the Board for their help in this regard.

Mrs. Ringley reported she had received several questions regarding redistricting and stated it would be discussed later on the agenda. She also reported she had gotten some feedback on the proposed cell phone tax. That, too, would be addressed later in the meeting. She also reported she had received several complaints about unattended

burning. She cautioned County citizens who were present as well as those who may be watching on TV against the dangers of unattended burning.

Mr. Burrell reported he had missed a recent meeting of the Colonial Community Criminal Justice Board due to a work session of the Board and he would soon be attending a meeting of the Central Virginia Waste Management Authority and would report back to the Board. Chairman Lipscomb asked if the waste refuse sites accepted batteries and Mr. Burrell responded the Rt. 618 site does. Mr. Burrell also commended the County staff on the nice new facility at the 618 site.

Mr. Davis stated he wanted to commend the school system as well as the students on the successful 2000-2001 school year, stating the students had handled themselves very well in sports as well as extra-curricular activities.

IN RE: STAFF REPORTS

Mr. Emerson recognized Gary Mitchell who gave a brief overview on the changes in the Erosion and Sediment Control Law. The law was revised by the General Assembly and now requires land disturbers to be certified by the State. The perplexing problem surrounding this regulation is that DCR is in the process of designing the program to certify land disturbers. Currently, no program exists for individuals to obtain this certification. The County is required to enforce the State's Erosion and Sediment Control Law, therefore, after July 1, the Environmental Planner will be unable to approve plans submitted to her office by an individual who does not hold a land disturber's certificate. In the meantime, the Board needs to be aware this is a State mandated regulation that is locally enforced. Mr. Emerson stated this new plan primarily affects single family site plans. The staff will keep the Board members apprised of the situation.

Mr. Emerson stated he had one other order of business. The County Attorney has a resolution regarding a right-of-way issue dealing with the sidewalk project. Jack Catlett explained to the Board he was bringing Resolution R-11-01 in order to obtain the easement necessary from Thomas and Ruth Crump to complete the sidewalk project in progress around the County buildings. The process will involve having an appraisal of the property done, making an offer on the property and then proceeding with condemnation if the offer is rejected.

Mrs. Ringley made a motion to adopt Resolution R-11-01. 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: 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. He stated VDOT had been patching potholes; surveying on I-64 for the projects on the 6 year plan which may take I-64 to six lanes to James City County; the mowing crew has been at work; the Route 606 project is scheduled to begin in 30 days; the Route 676 project is near complete (30-45 more days); there were specific concerns in Plum Point about junk cars and VDOT is working with the Sheriff's Department to remedy that situation; paving the edges of the roads in Five Lakes; and VDOT has spoken with the Fredericksburg District about synchronizing the lights in West Point in an effort to alleviate the traffic congestion. Mr. Prezioso stated there will be a pre-allocation hearing on July 12, 2001 at John Tyler Community College and an open forum meeting dealing with the weigh station issue on July 31, 2001, 4:00 - 7:00 p.m. Mr. Lipscomb mentioned several places where limbs and brush was blocking vision so Mr. Prezioso said he would take care of that. Mrs. Ringley stated Mr. Tom Brown, who lives on Ashland Farm Road, could not be at the meeting but wanted to express his thanks for the work VDOT had done on that road. Mrs. Ringley also pointed out a drainage problem at Rt. 60 and Rt. 640 which needed to be checked out. Mrs. Ringley also asked about an agenda for the July 31 meeting. Mr. Prezioso stated he assumed it would be an open style meeting but was not certain. Mr. Burrell mentioned there were some signs around the County which were obscured by trees and asked Mr. Prezioso to have his crews be mindful of that as they travel the County. Mr. Davis asked about the status of Brown's Avenue. Mr. Prezioso stated the deed was with the Attorney General's office and they were still hoping to move forward. Mr. Davis also asked about the traffic sign for the Eltham area which was discussed at last month's meeting. Mr. Prezioso stated he had spoken with Sheriff Howard and they both were not completely comfortable with that idea. Sheriff Howard spoke up and said it would not be good to have the sign there every Friday as the motorists would get used to seeing the sign and would not heed its warning. Mr. Davis asked about the possibility of having a VDOT traffic flow engineer in the Eltham area on a Friday to study the traffic flow. Mr. Prezioso asked the Board to send him a letter outlining this request.

IN RE: PRESENTATION – **ORDINANCE O-02-01** establishing Tax Levies for New Kent County, FY2001-2002 Budget, **ORDINANCE O-06-01** establishing Water and Sewer Rates and Fees and Water and Sewer Connection Fees, **ORDINANCE O-03-01** establishing A Tax on Admissions Charged for Attendance at Events in New Kent County, Virginia, and **ORDINANCE O-04-01** establishing A Tax on Mobile Local Telecommunications Services in New Kent County, Virginia.

Chairman Lipscomb asked Mr. Emerson to present the budget information. Mr. Emerson stated based on the direction from the Board, he had his staff prepare the documents necessary for adoption of the budget by the Board. The water and sewer rates would remain the same as last year; the proposed admissions tax would be at a 2% rate; the estimated tax levy on real estate would increase \$.05 to \$.77 per \$100. The motion

before the Board deleted the proposed cell phone tax for this calendar year and reflected the requested changes of the Board (removal of \$80,000 for t-hangar renovation at the airport and a \$.01 decrease from the proposed real estate tax increase which is approximately \$91,000). Mr. Emerson stated he and staff would go through the budget and make the \$91,000 adjustment.

Chairman Lipscomb asked for any discussion.

Mrs. Ringley made a motion to adopt Ordinance O-06-01, Ordinance O-03-01 and Ordinance O-02-01. 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

The motion carried.

IN RE: PRESENTATION – By Iris Holliday, External Affairs Manager for Dominion Resources Services, Inc. regarding concerns Virginians may have about our local energy supply and also regarding customer choice as to their energy supplier

Ms. Holliday addressed the Board about Virginians making the transition to customer choice for their energy suppliers beginning January 1, 2002. She also addressed California’s continuing problems with electricity reliability and the recent National Energy Policy Report by the Bush administration’s energy task force and the elevated concern of customers about this important commodity. She briefly outlined the differences between California’s approach to deregulation and Virginia’s plan. Virginia localities will be phased in but Ms. Holliday could not be specific as to when New Kent County would be phased in.

Mr. Davis asked Ms. Holliday to check on the status of the loop scheme line replacements. She stated she would find out what the status is.

IN RE: PUBLIC HEARING – Zoning Ordinance Amendment ZO-01-01 to amend Section 9-37 of the New Kent County Zoning Ordinance to add a definition for “Conference Center.”

Mr. Mitchell presented Zoning Ordinance Amendment ZO-01-01 application request by Makemie Woods to add a definition for “Conference Center” to Section 9-37 of the New Kent County Zoning Ordinance. Mr. Mitchell stated a conference center is permitted within the B-2 Zoning District; however, to rezone this area to B-2 could potentially be viewed as spot zoning. Also, the B-2 zoning would open the door to other retail uses, which are not intended in the Conservation (C-1) Zoning District or in the New Kent County Land Use Plan. He further stated since the zoning ordinance lists conference

center as a permitted use in the B-2 Zoning District, it would behoove the County to add the definition for “conference center” whether or not they approved it for Makemie Woods. The staff recommended approval of the zoning ordinance amendment.

Chairman Lipscomb opened the public hearing.

Mr. Bruce Hulcher of Hulcher & Associates spoke on behalf of Makemie Woods. He stated he believes this is positive growth for New Kent, that the building is such that it fits in with the natural surroundings. Mr. James Pressly also spoke on behalf of Makemie Woods and in support of the zoning ordinance amendment. Mrs. Nelda Pressly had signed up to speak but did not.

Chairman Lipscomb closed the public hearing, asked for discussion from the Board and called for a motion. 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 ordinance amendment ZO-01-01. 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 – Zoning Ordinance Amendment ZO-02-01 to amend Section 9-68 of the New Kent County Zoning Ordinance to add “Conference Center” as a conditionally permitted use in the Conservation District (C-1).

Mr. Mitchell stated Mr. Bruce Hulcher, of Hulcher & Associates, the agent for Makemie Woods, had submitted an application to amend Section 9-68 of the New Kent County Zoning Ordinance to add “Conference Center” as a conditionally permitted use in the Conservation District (C-1). In light of the just passed amendment, staff recommended approval of the zoning ordinance amendment ZO-02-01.

Chairman Lipscomb opened the public hearing. No one had signed up to speak. He closed the public hearing and asked for discussion from the Board. There being no discussion, Mrs. Ringley 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 ordinance amendment ZO-02-01. 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 – Conditional Use Permit 01-01 for Makemie Woods to construct a conference center to be used by both the Church and other groups whose mission and purpose is consistent with the Church. The existing zoning is C-1.

Mr. Mitchell explained the request of Makemie Woods for a Conditional Use Permit for the proposed conference center to be located at 3700 Roper’s Church Road. Mr. Mitchell reviewed the elements of the request which involved surrounding land uses and zoning, its relationship to the 1992 Comprehensive Plan, transportation issues and natural resource issues. Mr. Mitchell stated the application has been reviewed by VDOT, the New Kent County Health Department, the New Kent County Departments of Public Safety and Public Works and the comments of these agencies have been incorporated into the recommended conditions associated with the 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 Board of Supervisors grant approval for this application with the eight conditions as set out in Mr. Mitchell’s report.

Chairman Lipscomb opened the public hearing. No one had signed up to speak but Mr. Pressly stated Makemie Woods agreed to the eight conditions of the Planning Department. Chairman Lipscomb closed the public hearing and asked for discussion from the Board. Mr. Davis asked Messrs. Pressly and Hulcher if Makemie Woods had plans for a backup generator. The gentlemen answered the plans for the generator were not specifically set out but that they were sure plans were to call for a backup generator. Mr. Davis asked if the building would be available for shelter in the case of an emergency. The gentlemen did not directly answer that question. There being no further discussion, 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 Conditional Use Permit 01-01 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: PRESENTATION – Mr. Emerson presented the Redistricting Goals and Schedule to the Board.

Mr. Emerson stated these were the goals and schedule approved by the Board at the May meeting for advertising. The goals and schedule had been advertised in the newspaper as well as on the County’s web site. Only one comment had been received and it was from Ed Pollard, President of the New Kent County Branch of the NAACP. According to Mr. Pollard’s letter, “the only comment we have at this time is that goal number 5 is something that we hope will be a benchmark from which to proceed with redistricting.”

Mr. Emerson stated there had been minor changes to the goals made by the County Attorney. This consisted of adding the word “election” before the word “district” in several places and adding the word “final” before “redistricting” in number 8.

Mrs. Ringley made a motion to adopt the Redistricting Goals and Schedule 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: APPOINTMENTS – The Board will continue to make appointments to various committees.

Mrs. Ringley moved to appoint Mary Obermeyer as District Two’s representative to the Board of Trustees for the Heritage Public Library for one year of a four-year term beginning July 1, 2001 and ending June 30, 2005. (Ms. Obermeyer’s term will end June 30, 2002.)

Mrs. Ringley moved to appoint Karen Schureman as District Two’s representative to the Youth Services Commission for a four-year term beginning July 1, 2001 and ending June 30, 2005.

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 motions carried.

Mr. Burrell moved to appoint Stran Trout to the Public Facilities Authority for a five-year term beginning July 1, 2001 and ending June 30, 2006.

Mrs. Ringley moved to appoint Robert Nelms to the Public Facilities Authority for a five-year term beginning July 1, 2001 and ending June 30, 2006.

Mr. Burrell withdrew his nomination of Mr. Trout.

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.

Mr. Burrell moved to appoint Julian Lipscomb as the Board of Supervisors representative to the Regional Economic Development Group.

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.

Mr. Burrell moved appoint Charles Davis, Chairman of the Industrial Development Authority, to the Regional Economic Development Group.

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

The motion carried.

Mr. Lipscomb moved to appoint Katherine Ringley to the Youth Services Commission as the youth representative for a one-year term beginning July 1, 2001 and ending June 30, 2001.

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

The motion carried.

Chairman Lipscomb moved to appoint Mr. Davis as the New Kent County elected official representative to the Greater Richmond Chapter of the American Red Cross. The members were polled:

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

The motion carried.

IN RE: MEETING SCHEDULE – The regular meeting of the Board of Supervisors will be held Monday, July 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

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 8:19 p.m.