

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 9TH DAY OF OCTOBER IN THE YEAR TWO THOUSAND ONE OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

IN RE: CALL TO ORDER

The meeting was called to order at 6:01 PM.

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 September 10, 2001 work session and the September 10, 2001 regular meeting; Resolution R-22-01 condemning terrorism and supporting our Country's leadership; approval of road names including Kent Pointe Lane, Katherine's Way, Peaceful Lane, Pond Hawk Lane, Toe Ink Trail, Theron Road, and Toe Ink Terrace; Appropriations for FY 2001 – 2002: carry forward funds from the County Garage Design Cost Line Item Number 4-7-91000-9914 - \$44,368.98; carry forward funds from Fire Station #1 Line Item Number 4-7-91000-9935 - \$39,495.86; Appropriations for FY 2002: additional funds for aircraft fuel sales \$37,000.00; additional Compensation Board funds to Commonwealth's Attorney \$1,512.00; additional funds for a One Time Special Request Fund for Local Law Enforcement Agencies \$5,000.00; additional funds to purchase replacement of Engine 2 \$29,000.00; additional funds to pay for services provided to New Kent foster children that have been adopted \$6,752.00; Total Expenditures \$79,264.00, money-in/money-out \$50,264.00, total from General Fund \$29,000.00; Finance Report for September 2001 of \$2,023,672.76; and Treasurer's Report showing total cash as of August 2001 of \$12,189,980.37. Mrs. Ringley made a motion to approve the Consent Agenda.

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: CITIZEN'S COMMENT PERIOD

There were no citizen's comments.

IN RE: ELECTED OFFICIALS REPORTS

Sheriff Howard reported hiring a new deputy and introduced him to the Board. Kevin Martin has recently been hired to replace Lt. Jim Squares who has been moved to the school as the new SRO Officer. Deputy Martin currently lives in James City County, is married and has one child. He has eight years of experience and Sheriff Howard is pleased to have him. The Board welcomed Deputy Martin to the County.

Sheriff Howard also reported that Crater Academy, who supplies all training needs for the County, will be changing their contract with the County. Currently the contract is operating under a joint exercise power of authority as set-up through the General Assembly. The new contract will be separating the Academy from member jurisdictions. Sheriff Howard advised that out of ten (10) academies in the state, six (6) have already made this change and two others are in the process of making the change and it should not affect the County's spending.

Sheriff Howard also reported that his department is working to be accredited by the State. There are 211 standards that must be met and he feels that they are very close to obtaining that goal. He advised once he has been re-assessed, and if he meets the requirements, the State will present a Resolution to the Board to accredit the Sheriff's Office.

Lastly, Sheriff Howard reported on the cellular 911 services in the County. He stated that currently when a cellular user calls 911, the call is received by the State Police and then forwarded to the County. Legislation passed by the 2000 General Assembly made it mandatory that every locality be able to accept cellular calls by 2003. The first phase has been started here in New Kent, costing about \$34,000.00, and will review what we have and what may have to be purchased as far as equipment.

Sheriff Howard commented on a uniform crime report and stated that New Kent has seen an increase in crime over the past few years. New Kent deputies have had more index crime arrests than larger communities like Goochland and Powhatan. Also, due to the recent terrorism and because several of his deputies have been to terrorism training, his Department has been asked by the National Sheriff's Associations to host a two (2) day Terrorist Executive Level Training Program seminar. Tentative dates are January 17 and 18, 2002. The National Sheriff's Association and the Department of Justice, to better prepare executives and their staff in terrorism situations, will host this seminar.

Mrs. Ringley clarified the CDBG Funding for Rt. 33 utilities. The fourteen (14) million dollars is total investment of the companies, not the County. Mrs. Ringley further stated that the County's investment was less than \$200,000.00.

Mr. Burrell inquired about the screening requirements for Commercial Carrier and Mr. Emerson replied the Planning Department was addressing the issue.

IN RE: STAFF REPORTS

Mr. Emerson requested direction from the Board regarding the memorandum he forwarded dealing with the dilapidated farmhouse at the airport. Mr. Emerson feels it would be in the best interest of the Board to have the building taken down as soon as possible to avoid any liabilities.

Mr. Lipscomb asked if the property had a cemetery. Mr. Emerson reported that it did, but the Historical Society has already visited the property and advised the only item of historical value may be the mantle in the home.

Mr. Burrell questioned if the building could be used for some kind of fire training. Mr. Emerson turned that question over to Fire Marshall, Larry Gallaher. Mr. Gallaher advised that he has not been inside the building in quite some time, and would have to check to see if the second floor would be stable for training purposes; however, at this time he feels that it could be of some use for training purposes. Mr. Gallaher advised that the brick veneer would still need to be demolished and removed after any training was completed. The Board agreed to give the Fire Marshall 30 days to hold training sessions after which time they would have the building removed.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Rob Prezioso, Resident Engineer from VDOT, updated the Board on recent activities, projects, and completed jobs within New Kent County. He reported the Rt. 106 Bridge between New Kent and Charles City Counties has been completed and traffic is flowing nicely, clean up and removal of the old bridge should be completed shortly; Rt. 606 construction started this week and should be completed in 30-45 days; Rt. 686, the Terminal Road project, is set to start preliminary engineering this month; Rt. 620 ditch widening and surface treating should begin this week; Brown's avenue and the railroad crossing at Rt. 608 should also begin this week; the I-64 rest area project is being worked on with Mr. Loving. Mr. Prezioso also mentioned that it would soon be approaching the time to review the six (6) year plan and that he would try to have everything together and ready for the November Board Meeting.

Mr. Prezioso also reported on maintenance work within the County; 2nd cut on mowing has been finished; motor graders have been on all dirt roads in the County; ditchers have been on Rts. 616 & 658; major erosion in the Woods Edge Subdivision has been repaired; five (5) driveway pipes have been installed; shoulders have been pulled on Rt. 616; the sweeper has been on Rt. 249 and also in the Eltham and Providence Forge areas; asphalt repairs done on Rts. 619, 60 and 600; tree trimming work has been done in the Toe Ink area along Rt. 60; and dead trees have been removed along the Rt. 33 corridor.

In regards to the concerns brought up by the Supervisors at last month's meeting, Mr. Prezioso reported; Rt. 60 westbound at Windsor Shades has a clogged pipe and is being reviewed; Rt. 637 pothole concerns to be handled; the dead tree on Rt. 651 is off the Right-of-Way and out of

VDOT's jurisdiction; the dips on Rt. 64 and on Rt. 632 are being looked into; Henpeck and Rt. 249 (sight distance) they would prefer to hold on until construction project begins.

Mr. Emerson advised Mr. Prezioso and the Board that the six (6) year plan review would have to wait until December's meeting because of the November meeting occurring one (1) week early. Mrs. Ringley questioned if the hold up on the I-64 Rest Area was due to the crew hitting rock. Mr. Prezioso advised the crew is actually hitting tree stumps while trying to lay pipe work.

Mr. Raynes asked Mr. Prezioso to look into Rts. 649 and 647 where the gravel and paved roads meet.

Mr. Lipscomb asked if the brush at the Henpeck and Rt. 249 intersection could be cut back. He also asked Mr. Prezioso to look into a broken off section of road on Rt. 249 just before Poindexter Rd. He also had concerns about potholes on Rt. 606 between Rts. 609 and 612.

IN RE: PRESENTATION OF RESOLUTION R-20-01

Mr. Burrell presented Mr. Danny Patterson, Jr. with Resolution R-20-01.

IN RE: PRESENTATION REGARDING CAPITAL IMPACT OF DEVELOPMENT

Mr. Steve Jacobs of Robinson, Farmer, Cox and Associates presented the Board information regarding an update of the cash proffer for the County. Mr. Jacobs explained that a cash proffer is a voluntary contribution made by developers at the time of re-zoning to help the County recoup capital costs the County incurs as a result of the development. Currently the proffer is just over \$5,800.00 and based on computation should be \$6,505.00. This amount represents the County's net cost of providing capital facilities for new developments in the County.

Mr. Davis questioned why the same number was used for all households in the County though not all use the same facilities. Mr. Jacobs advised the numbers were based on the total number of households reported in the County and based on the same level of service currently provided. For example, if money used for Fire Station 1 was received strictly from households in that area the computation would be different.

Mrs. Ringley questioned Mr. Jacobs on the financial forecast and wanted to know if it could be placed on the November agenda for presentation. Mr. Jacobs advised he would be prepared to make that presentation in November.

Mr. Emerson asked the members of the Board if they would like to adopt the cash proffer study amount as the new cash proffer document for the County at this time. This new document would be used for the Planning Department to distribute to prospective developers. Mr. Burrell made a motion to adopt the new cash proffer amount as discussed.

The members were polled:

James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye

Rebecca M. Ringley	Aye
Julian T. Lipscomb	Aye

The motion carried.

IN RE: CONSIDERATION OF CONDITIONAL USE PERMIT CUP-02-01

Acting Planning Director, Mr. Jonathan Stanger, reported that the New Kent County Planning Commission recommended approval of this application during their regular meeting on July 16, 2001 with twelve (12) conditions. There were also some issues raised at the Public Hearing on September 10, 2001 Board Meeting. The County Attorney was directed to work with UniSite to come up with a revised set of conditions. The following changes have been made: condition six (6) provide the County with one hard copy record of all tower locations within the county with a legend detailing the parcel number and property owner(s); condition thirteen (13) UniSite shall notify the County no later than March 1 the names, addresses, and telephone numbers of the tower owner, each leasee of the tower owner, and the registered agent for each. Mr. Stanger advised that Mrs. Katz, County Attorney, has worked with UniSite and may be able to answer any additional questions.

Mrs. Katz advised she has one amendment to condition thirteen (13). After March 1, it should read "each year". Mr. Lipscomb asked if Mr. Crump had been notified of these changes. Mrs. Katz advised that Mr. Crump has reviewed and is satisfied with the document.

Mr. Davis questioned if condition thirteen (13) could be imposed on existing towers. Mrs. Katz advised that the Board had asked that changes be made. It will have to go through the planning commission but a similar change will be inserted in the conditional use permit application process. That information should work its way up to the Board in the next two (2) months.

Ms. Ringley questioned if there were records somewhere in the County of all existing towers. Mr. Emerson advised that the Planning Department does have a map of all towers in the County. Mr. Davis made a motion to approve Conditional Use Permit CUP -02-01.

The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING – Ordinance O-11-01 – Sets forth the boundaries of election districts and precincts within the County. (Plan 5) The election district changes will affect elections for both the Board of Supervisors and the School Board.

Acting Planning Director, Jonathan Stanger, reported that the ordinances are from the original plan five (5) however; there are three changes. Three blocks have been shifted to make the map a lot smoother and in doing so, increases the minority percentage by .01% in District Three (3), the Electoral Board also recommended Hopewell Church be used as a polling place for the Tunstall precinct and asked that the precinct boundary line be revised for District One (1) to run along Black Creek railroad to make voting more convenient for residents in that District. Mr. Stanger advised he feels that these changes will improve descriptions and easement administration for the registrar.

The Chairman, Mr. Lipscomb, opened the Public Hearing Portion of the meeting. The only speaker was Ms. Gwen Ellyson, County Registrar. Ms. Ellyson thanked and congratulated the Board and the staff on the manner in which the re-districting has been carried forth in New Kent. She advised that once the County has adopted the plan, and while it is being reviewed by the Department of Justice, the process then moves forward to the Voter Registration Office. She notified the Board that the responsibilities of the Voter Registration Office would not be carried out overnight. Currently they are in "election" mode and the office will not be able to concentrate on identifying voters and making changes to the registration records until after the General Election on November 6, 2001. Ms. Ellyson asked the Board to help her remind citizens in New Kent County that any changes adopted now would not take effect until 2002. There were no other speakers after Mrs. Ellyson. Chairman Lipscomb closed the Public Hearing portion of the meeting.

Mr. Burrell commented that the additional polling places would make voting more convenient for citizens in New Kent County. Mr. Burrell moved to adopt Ordinance O-11-01 as amended.

The members were polled:

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

The motion carried.

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

District One – None

District Two – None

District Three – Mr. Burrell moved to appoint Milton K. Brown, Jr. as District Three's (3) representative to the Industrial Development Authority for an unexpired four-year term ending December 31, 2003.

District Four – Mr. Raynes moved to appoint Phillip Stowell as District Four's (4) representative to the Comprehensive Plan Advisory Commission for a one-year term beginning July 1, 2001 and ending June 30, 2002.

District Five – None

Boards and Commissions not delegated by District – None

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: MEETING SCHEDULE

The regular meeting of the Board of Supervisors will be held on Monday, November 5, 2001 at 6:00 P.M.

IN RE: ADJOURNMENT

Mr. Burrell made a motion to adjourn. 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 7:41 P.M.
