

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 7TH DAY OF FEBRUARY IN THE YEAR OF OUR LORD TWO THOUSAND IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:02 P.M.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Raynes gave the invocation and led the Pledge of Allegiance.

IN RE: ROLL CALL

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

IN RE: CONSENT AGENDA

Mr. Emerson presented the Consent Agenda, which consisted of the following: Approval of the minutes from the January 10, 2000 regular meeting; Refunds in the amount of \$78.90; Appropriations for funds to purchase a replacement fire engine for Fire Engine 11 - \$72,149.00 from Revenue to Expenditures and Funds from the Department of Criminal Justice Services for the V-Stop Grant - \$18,418.00 from Revenue to Expenditures; Finance Report showing monthly expenditures for January 2000 of \$2,071,322.63 and the Treasurer's Report with the total cash as of January 31, 2000 of \$14,135,617.37. Mr. Lipscomb made a motion to approve the Consent Agenda as presented.

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

IN RE: CITIZEN'S COMMENT PERIOD

Mr. Burrell opened the Citizen's Comment Period. The first person to speak was Mr. Fred Neal, Woodhaven Shores, Quinton. Mr. Neal gave the Board his monthly report on census 2000. The next person to speak was Ms. Becky Philbates, 13231 Clarke Road, New Kent. Ms. Philbates commented on the Batkins rezoning, which the Board was hearing later in the evening. She felt that after people moved into the subdivision they would complain about the trailer park, which is next to it, and try to get rid of it. She felt the acreage was too small for homes. The next person to speak was Mr. George Philbates, 13231 Clarke Road, New Kent. Mr. Philbates was also against the Batkins rezoning. Not only would it burden the schools, roads, and other county services, but if this zoning was passed, then he will be applying for rezoning for his 500+ acres.

The next person to speak was Mr. Phillip Felts, 10001 Tunstall Road. Mr. Felts said he'd watched two developments grow in that area. You can't shut the county down and not allow anyone else to come in, you have to live with growth and adjust to it. The next person to speak was Mr. David Kittner, 4700 New Kent Highway. Mr. Kittner is a builder in the county and if the Batkin's land is rezoned there's a good possibility he could build on the land. He did not want to contradict the other speakers, some of the points were the same ones brought up when the Maplehill rezoning was defeated. At the time he felt those issues were good and valid, and in this case they are still good and valid. The difference in this property is the issue of density. The Comprehensive Plan will have sewer in Bottoms Bridge and it will be one of the first residential tracts to be able to tap into it. Unless the zoning code changes to allow different lot sizes, if this rezoning comes up again he feels the proposal will be for more lots than currently shown. The next person to speak was Ms. Betty Batkins, 8100 Airport Road, Quinton. Ms. Batkins stated they are selling the land because they cannot farm the 69 acres and pay the taxes. The land will be sold and it will be developed. She felt the central water system and the paved roads were the best use of the land. The playground and houses are mixed use. They have complied with the Western Area Plan Amendment to the Comprehensive Land Use Plan. She asked the Board to approve the application for rezoning. The next person to speak was Ms. Alease Christian, 2530 N. Waterside Drive, Lanexa. Ms. Christian was concerned about the snow removal process during the recent snowstorm. When VDOT reploved the road they filled the driveways with snow. Many of the residents are elderly and not healthy enough to shovel the snow so they can use their driveways. She asked if there was a way (with a signed statement from their doctor) the elderly and disabled could get a sign to put by their driveway so they don't have to worry about their driveways being continually filled back up with snow. The next person to speak was Mr. Tolar Nolley, 6331 Pocahontas Trail, Providence Forge. Mr. Nolley told the Board about a concept a group of landowners on Route 60 and Route 249 in the Bottoms Bridge area. They have decided they would like to participate actively in helping develop a sewer project in Bottoms Bridge. They felt this would enable commercial development to come to the county. They would also like to participate in a workshop to help master plan the overlay district of Route 60. The next person to speak was Ms. Mary Bryant, 8400 S. Quaker Road, Quinton. Ms. Bryant asked the Board to vote "no" on the (Batkins) rezoning to protect the citizens by ensuring the needed infrastructure is in place before adding housing developments. Proper sewage facilities and improved roadways are essential. The needs of the new residents will have to be met by the citizens of New Kent County. There will be an increase in the risk of polluted water, road accidents, students without classrooms, and police and fire departments demands. Higher taxes will be needed to fund these needs. The next person to speak was Ms. Jennifer Caldwell. Ms. Caldwell expressed her opinion on the way Fred Bahr was appointed to the Industrial Development Authority. She felt the newly elected Board should have made the appointment. A sitting Board of Supervisor member cannot also hold a position on the IDA. Mr. Bahr voted for himself and with the votes of Mr. Burrell and Mr. Lipscomb the appointment was approved. She felt this was inappropriate. She did not feel Board members should vote for themselves as it creates an imbalance of power that results in the citizens not getting their proper representation. She felt the Board should reach a consensus on this precedent. She felt Ms. Ringley should have been elected vice chairman as the offices seem to be honorary and are passed around and it was her turn. Regarding the Batkins rezoning proposal, she looked up the Western Area Management Plan and found on page 54 (the definition of) "mixed use development". She attended all the meetings the county had on the Western Area Management Plan and a workshop

where they were told the importance of a plan for the county. If the Board passes this rezoning, it is in direct contradiction to the plan in the Western Area Management study. The next person to speak was Mr. H. Worth. Davis, Jr., 3320 New Kent Highway. Mr. Davis was opposed to the rezoning. He felt it would cause more problems than it will cause benefits for the county – especially the residents like himself. The school system is already overburdened as well as the social services, court and judicial systems. More businesses are needed – not more people. He asked the Board if the proposed subdivision was really needed. The next person to speak was Mr. Mark Daniel, 9061 Thompson Road, Quinton. Mr. Daniel is the real estate broker for the Batkins. Yes, industry is needed, but they also need rooftops. Where is the labor force going to live? They have complied with all requests, had two separate appraisals done, and the highway department (traffic study). He felt the project was bread and butter for the community as it would employ local tradesmen. This area has been recommended for growth in the Comprehensive Plan. If it should come back in the future it would be at a significantly higher density. This rezoning has been recommended for approval by the Planning Commission and the Parks and Recreation Commission. Mr. Daniel asked the Board to approve the rezoning. The next person to speak was Mr. J. C. Francisco Jr. Mr. Francisco lives on the property adjacent to the proposed subdivision. He is a licensed real estate agent. He was concerned about how large the lots would be, the information is unclear. He felt there should be a minimum of 1,500 square feet on one acre tracts if the proffer is adjusted to reflect actual value by an appraisal and survey. Also, the 10 +/- acres offered for a recreation site – there is no basis for this value of \$50,000.00 as there is no appraisal or survey to identify and evaluate the raw land. He asked the Board to reject the proposal for rezoning. The next person to speak was Ms. Shirley Francisco. Ms. Francisco opposed the rezoning because she is concerned about the impact of additional children in the schools. The buses and classrooms are crowded. The next person to speak was Mr. John Bryant, Richmond, who was speaking on behalf of his mother Mary Bryant a resident of New Kent. Mr. Bryant said he was having trouble understanding some of the interpretations in the Western Area Management Plan. He read from the Plan “...residential uses should only occur as secondary uses.” Mr. Tyson and Ms. Guy both recommend denial of this application. They felt the zoning proposal was not consistent with the Western Area Management Plan Amendment and it will place a burden on the residents of New Kent County and drain revenue from the county. The next person to speak was Mr. Carter Perry. Mr. Perry asked the Board to consider (adopting a resolution designating) April as alcohol, drug, tobacco and HIV and aids prevention month. The next person to speak was Ms. Isabel White. Ms. White was in favor of the Batkins rezoning. She thought it followed the Comprehensive Plan and the county needed it. She asked the Board to approve the subdivision. The next person to speak was Ms. Peggy Putze. Ms. Putze is an adjoining landowner and she did not agree with the rezoning. There is not enough room on the school buses now – it would mean another bus and another driver. The county does not need this. She didn’t think it was a good place for a county park. Who will supervise this park? She was concerned about drugs and alcohol in the park.

ELECTED OFFICIAL’S REPORTS

Mr. Herbert Jones, Treasurer, gave a report on the county’s financial standing.

Mr. Lipscomb reported construction at the airport (terminal building) and the administration building was coming along.

Ms. Ringley reported work release crews (from Jail East) will be used to clean around the refuse sites and she thanked Sheriff Howard for his assistance. The RRPDC continues working on the wireless tower mapping so they will have the ability to determine tower locations. They will be discussing the allocation of the 10 percent of the regional competitiveness fund at the RRPDC meeting this Thursday. The RRPDC has asked the Board to consider adopting a resolution to authorize the Planning District Commission to apply for VDOT funding for rural transportation planning in the non-MPO portions of Charles City, Goochland, New Kent and Powhatan. They are also considering approving amendments to the 2000 rural transportation plan work program. Regarding the Hanover Health Advisory District, which she serves on, there was a meeting last week concerning inadequate sewer and water in rural homes in their health district.

Mr. Davis thanked the citizens for the help they gave during the snowstorm and commended VDOT and Virginia Power – as the power was not off that long.

Mr. Burrell reported on trash collection, there were problems at 612 (which the snow exacerbated), but he is working with the Director of Central Virginia Waste Management Authority and hopefully resolution will come and the containers will not be too full to allow the citizens to use them.

IN RE: RESIDENT ENGINEER’S REPORT

Mr. Bob Riley, Resident Engineer for VDOT, gave a summary on VDOT’s strategic plan and the achievement of their goals by listening to their customers. Specifically, how this applied to the snowstorm cleanup. The Board members shared their concerns with Mr. Riley.

IN RE: REZONING APPLICATION C-2-99 [C] – The Board will continue to consider the application of Harry Batkins (owner) and P. D. Sweet (contract owner) for the rezoning of a 44.75 acre portion of the property shown on Tax Map and Parcel: 19-49F, located on State Route 665 (Henpeck Road), 1,100 feet south of the intersection with State Route 249 (New Kent Highway). The current zoning is A-1, Agricultural and the proposed zoning is R-1A, Single Family Residential. The proposed use of the property is a single-family subdivision consisting of approximately 42 lots.

Mr. Sweet said if it was approved he would take all the input he could from the neighborhood concerning names, signage, and setbacks. Ms. Guy reported the minimum lot size would be 20,000 square feet, which is the district regulation for R-1A zoning. Streets in the subdivision will be built to state standards and be maintained by VDOT. The subdivision will be served by a central water system and individual septic systems. The Western Area Management Plan Amendment to the New Kent County Comprehensive Land Use Plan recommends the property for mixed use development. At the December 13, 1999 meeting the Board of Supervisors voted to defer action on this rezoning to address two issues: The Board requested VDOT to review the applicant’s transportation study and the Board wanted the Parks and Recreation Commission to have the opportunity to review the applicant’s proffered 10 acre park site. Regarding the transportation study, VDOT reviewed the study and concurred with it’s findings that no

additional auxiliary lanes, right or left turn lanes, were needed to accommodate the 42 lots proposed in the subdivision. If additional development occurs, VDOT would have to revisit the issue. Regarding the proffered park site, which is adjacent to the neighboring trailer park, was visited by staff and representatives from the Parks and Recreation Commission on several occasions to review the proposed park site. The consensus of the commission was that the site would lend itself to development of ball fields in the front open area and a children's playground in the back portion. The commission's recommendation was based on the finding that the overall topography of the site was very good, the property is generally flat to gentle rolling and there are no steep slopes on the property. In addition, there are no Chesapeake Bay Resource Management or Resource Protection areas on the property. The entire property has no wetland areas existing on the property. Access to the site could be accommodated through the internal subdivision streets, which are to be built to the state standards and will become public roads. Staff's reviewed the proffered park, which was reviewed for conformance with the adopted Goals, Objectives, and Strategies of the Parks and Recreation Master Plan. The goals included: New Kent County shall provide the citizens with a comprehensive, efficient, equitable, and affordable park and recreation experience, which is to be accomplished by providing parks and recreation programs using a wide variety of funding sources including proffers offered by developers. This rezoning request has met this goal. Goal three states New Kent County should develop an integrated system of parks, trails, greenways and community facilities and is accomplished by developing a phased county-wide system of neighborhood, community and district parks. The Parks and Recreation Master Plan recommends the county develop a district park facility in a centralized location within the county. Additionally the plan recommended developing two community-size park facilities – one in the eastern end and one in the western end of the county. The plan also recommended developing a water-oriented park on the reservoir. The plan also stated this goal be accomplished by requiring developers of new residential subdivisions to provide onsite recreational amenities. This proffered 10 acre site falls into the neighborhood park category. Goal number three has been met by the application. Staff continues to recommend denial of this request.

Mr. Raynes asked Ms. Guy how a planned unit development could be applied to 69 acres by virtue of the ordinance. Ms. Guy said the planned unit development did not lend itself to this parcel given it's size, but what she thought was envisioned was a planned unit development on larger tracts of land that may have included this parcel. Mr. Lipscomb asked for clarification on the minimum square footage of the homes and the county requirements were discussed. The size of the lots was discussed – Mr. Sweet said the design was for 42 lots, but the Health Department will decide how many lots per acre and one of the lots will be for the well lot. There cannot be more than 50 homesites according to VDOT without building another road. Mr. Sweet plans on building a home for himself (on 12 acres of the parcel). Mr. Cornwell reiterated to Mr. Sweet that he is proffering a conveyance of land to the county and before the county will take title and sign off on that, they would need a survey and a phase one environmental walk-over, title examination and title insurance – these would be at Mr. Sweet's expense. Ms. Ringley brought the following items up for discussion. Her understanding on the denser development was the developer would develop a park for the community instead of giving the land to the county. She didn't know if the county was prepared to accept 10 acres in this development and more acreage in different areas of the county. Will the county be able to support these parks? She was concerned about the developer's lack of effort to address the county's other infrastructure needs,

such as schools, library, fire and rescue. The value of the appraisal of the 10 acres is also questionable – more than if you looked at 10 acres to be used as a park zoned as agricultural property. When the Comprehensive Plan and Western End Management Plan say mixed use development, you can't make someone own 300 acres. It doesn't all have to be by the same owner. The area is recommended to have that combination. Mr. Lipsomb stated 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-2-99[C]. Ms. Ringley said she was disappointed the Board did not want to discuss the issues she had raised. Mr. Raynes said he had been working in the land surveying profession for 20 years and had been involved in developing, he felt there was a hole in the ordinance. This is a smaller parcel than the 300, but we can make it fit, but the problem we will have down the road is how do you make neighboring properties fit into the mixed use development and who do you pick and choose who will do what. He thought as a Board they needed to address that in the Western End Area Management Plan. He understood the concerns for the schools and the roads and he shared those concerns, but there could be a bigger problem (denser development). He felt the land was suited for a residential development. Mr. Lipscomb called for the question.

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

The motion carried. Mr. Burrell said he saved his comments until after the vote because he didn't want to tip-off how he would vote to the other Board members. He said the rights of the property owners as well as the rights of the adjacent property owners had to be considered. He would like to see New Kent remain the way it is, but it will grow and they needed to use tools to manage the growth. By state law they can only go so far when denying growth. Ms. Ringley asked Mr. Burrell as a point of clarification, was it necessary for him not to speak before the vote, to not show the rest of the Board how he will be voting? Mr. Burrell said he expressed himself the way he had the last time.

IN RE: APPOINTMENTS TO STANDING COMMITTEES – The Chairman will appoint committee members to any permanent or temporary committee established by the Board.

Mr. Burrell appointed Mr. Lipscomb to serve on the Finance Committee.

Mr. Burrell appointed Mr. Raynes to serve on the Public Safety Committee.

Mr. Burrell appointed Mr. Davis to serve as the School Board Liaison.

Mr. Burrell appointed Ms. Ringley to serve on the Legal Affairs Committee.

Mr. Burrell appointed Mr. Lipscomb to serve on the Personnel Policy and Management Committee.

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

Ms. Ringley made a motion to appoint Larry Forbes as District Two's representative to the Industrial Development Authority to complete a four year term ending December 31, 2002.

Mr. Raynes made a motion to appoint Lucy Sawyer as District Four's representative to the Heritage Library Board of Trustees to complete a four year term ending June 30, 2002.

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

Mr. Burrell made a motion to reappoint Ercrute Travers as New Kent County's representative to the Charles City, New Kent, Henrico Mental Health and Retardation Board for a three year term ending December 31, 2002.

Ms. Ringley made a motion to reappoint William J. Wallace as New Kent County's representative to the Hanover Health Advisory Board for a two year term ending December 31, 2001.

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

Mr. Lipscomb made a motion to appoint Fred Bahr as the Board's representative to the Capital Area Agency on Aging to complete a three year term ending June 30, 2001.

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

IN RE: MEETING SCHEDULE – The regular meeting of the Board of Supervisors will be held Monday, March 13, 2000 at 6:00 p.m. The Planning Commission will meet on Tuesday, February 22, 2000 at 7:00 p.m.

IN RE: ADJOURNMENT

Mr. Lipscomb made a motion to adjourn.

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

The Board adjourned at 7:47 p.m.