

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON
THE 12TH DAY OF JUNE IN THE YEAR TWO THOUSAND OF OUR LORD IN THE
BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Ringley gave the invocation and led the Pledge of Allegiance.

IN RE: ROLL CALL

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| 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 May 8, 2000 regular meeting and the May 17th budget adoption meeting; Resolution R-18-00 approving the updated quadrangle maps for the Chesapeake Bay Preservation Areas; Resolution R-19-00 establishing an escrow account for the unspent lottery proceeds which have been allocated to the school system by the State of Virginia which is being done in accordance with requirements by the state; refund to First Union National Bank of \$312.66 for personal property tax; refund to Karen Shaffer of \$24.60 for set-off debt; refund to Christine Piggot of \$285.47 for duplicate bill; refund to Patricia Powell of \$69.22 for personal property; refund to Timothy O'Brien of \$95.40 for personal property; refund to Shelby Harris of \$197.66 for personal property; refund to Mark Thurston of \$7.50 for personal property; refund to Georgia Music of \$266.71 for BPOL; refund to Yvonne Boisseau of \$6.00 for BPOL; refund to InterTEAM Software Corp. of \$288.43 for BPOL; refund to Greg Armstead of \$186.24 for personal property; refund to Robert Stroube of \$10.00 for personal property; refund to Jeffrey and Barbara Lindley of \$130.31 for personal property; refund to Toyota Motor Credit Corp. for \$285.47 for personal property for total refunds of \$2,165.67; appropriation of funds received by the School for the Community that Cares Grant \$7,600; appropriation of funds received by the Library of Virginia to the Clerk of the Circuit Court for Records Preservation \$25,817.00; appropriation of funds received from the Compensation Board to the Sheriff's Office \$8,107.15; appropriation of funds received from the Compensation Board to the Treasurer's Office \$164.00; appropriation of funds received from the Virginia Sheriff's Association to the Sheriff's Department \$1,800.00; appropriation of additional funds for contracted refuse collection and disposal \$35,000.00; total supplemental appropriation \$78,488.15, \$43,488.15 money in/money out leaving total of \$35,000.00 from the General Fund Balance; Finance Report showing monthly expenditures for May 2000 of \$1,859,591.20; and Treasurer's Report showing total cash as of May 2000 of \$12,284,247.09. Mr. Lipscomb made a motion to approve the consent agenda.

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| 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 persons to speak were Mr. Jon Laubach and Mr. Dale Dippre. The gentlemen handed a petition to Chairman Burrell requesting the county allow rifle hunting for big game from stands elevated at least ten (10) feet in the air. Chairman Burrell asked the members of the Board if they would be willing to discuss this issue at this time and the Board agreed they feel the need to poll their constituents and get staff to work up information regarding rifle hunting before making a decision. Mr. Laubach stated the petition for resolution was given at this time so the hunting regulations for the 2000-2001 season would be provided for the State. If action was taken soon enough, the regulation could be put into effect for next year. The next person to speak was Ms. Jennifer Caldwell who thanked Mr. Riley from VDOT for the mulch that was provided free of charge to the residents of New Kent County. Ms. Caldwell stated she heard a comment at last month's regular meeting with regard to keeping the area around New Kent Courthouse rural by not building small houses or letting trailers be placed in the area. Ms. Caldwell feels that the County should avoid "generalizing" people by the size of the home in which they live.

IN RE: ELECTED OFFICIALS REPORTS

Mr. F. W. Howard, Jr., Sheriff, reported continuous problems with the 911 system in the County. On May 19, 2000 the County suffered from failure of the system when power was lost and the back-up generator failed to take over. All phone lines were lost and calls were transferred to West Point Police Department as per protocol to avoid 911 calls being lost. The system was down for approximately 31 minutes until the generator was started manually by a Bell Atlantic employee. The Sheriff has again requested that half of the lines be re-wired with copper. Mr. Howard stated that if it had not been for West Point, the County would have had no 911 service whatsoever. Mr. Howard then advised the Board members that on May 26th, service to the lines which provides all the communications with the State Police computer in Richmond was down. It was reported to the State Police who narrowed the problem down to a line coming into the New Kent County Sheriff's office. This service was out for the entire Memorial Day weekend and left the Sheriff and his deputies extremely vulnerable because they had no way of checking to see if the vehicle or the person they stopped was wanted on any other offenses. Sheriff Howard summed up that he has done everything he can do, and would like it if the County or the Board of Supervisors could file a complaint with the State Corporation Commission. Sheriff Howard also advised the Board that on Memorial weekend the traffic on Route 33 going into West Point was extremely congested. Sheriff Howard stated his concern regarding how an ambulance or fire truck could respond in a timely manner in the event of an emergency. Ms. Ringley asked if, by consensus, a complaint could be filed with the SCC by Mr. Emerson on behalf of the Board of Supervisors. Mr. Emerson stated he would take appropriate action along with the County

Attorney to contact Bell Atlantic and get the problem resolved. Mr. Davis asked if a letter could also be drafted, by consensus, to have the West Point Police Department manually operate the lights on Friday afternoons. Mr. Lipscomb stated that perhaps a letter to Norfolk Southern might also be warranted to have them upkeep the railroad tracks.

Mr. Davis reported he met with VEPCO and VDOT on June 5 to discuss problems in his district. He also met with Volunteer Fire Company 3 on June 7 and saw the new brush truck that was just purchased. Mr. Davis also reported that the Board of Supervisors retreat was very beneficial and enjoyable.

Mr. Raynes proposed a motion for the elected official's report stating that his original motion from April 10th regarding the creation of a committee to review the Subdivision and Zoning Ordinances was approved but he failed to clarify the sections of the ordinance he wished reviewed. Mr. Raynes moved to have the Subdivision and Zoning Ordinance Review Committee be restricted to reviewing the following areas:

- ?? In the Zoning Ordinance, under Agricultural A-1, Section 9-84, area requirements 9-85, setback requirements 9-86, width requirements 9-87, yard requirements.
- ?? In the Subdivision Ordinance, Division 5, special provisions and exemptions, Section 9-425 exemptions and 9-427 parent track minor subdivision.

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

Ms. Ringley reported that she attended the New Kent County High School graduation on June 3 and wanted to congratulate the School Board and the Administration on a job well done. Ms. Ringley is requesting that the Parks and Recreation Committee members they have appointed be more active. Ms. Ringley questioned if there would be public notices of when the Zoning Ordinance Review Committee will be meeting and Mr. Emerson advised all meetings will be advertised. Ms. Ringley asked for feedback from citizens in regards to the new traffic signal in Bottoms Bridge. Ms. Ringley also made a clarification to Ms. Caldwell's comment about the statement made at last month's regular meeting and advised that it was not a Board Member who had mentioned small houses or trailers but that comment had come from another venue.

Mr. Lipscomb reported on Friday and Saturday June 9 and 10 he attended a rodeo at Colonial Downs that was very well attended by approximately 3,500 people each night and was very enjoyable. Mr. Lipscomb reminded everyone of a Chamber of Commerce meeting on Tuesday June 13.

Mr. Burrell commented that like Ms. Ringley he enjoyed the High School graduation and noted that there were more honor graduates this year than ever before. Mr. Burrell confirmed Mr. Davis' statement that the retreat was very beneficial and enjoyable. Mr. Burrell advised Mr. Emerson that he would talk with the Central Virginia Waste Company as he is on their Board and try to find out why there has been such a tremendous increase in expenditures. Mr. Burrell reported that construction on the parking lot next to the Old Courthouse has been halted until an archeological study can be made to determine that the site does not hold any historical significance.

IN RE: STAFF REPORTS

Mr. Charles Loving, Department of Public Works, reported on three (3) improvement projects that have been under way.

- ?? Re-paving of the refuse site at 647 went very smoothly. The site had to be closed for three (3) days last month but it has been completed and the project went very well.
- ?? The refuse site at 618 where a process to build a four (4) bay retaining wall is under construction to hold open top containers that will accept metal and open top trash. A problem with the foundation was encountered that the extent of the lower level of the trash is more extensive than anyone from the county had anticipated. Mr. Loving consulted with the engineer and they have advised that the site was closed prior to 1988 and should not hinder further excavation. A change order has been requested from the contractor and should be received within a few days.
- ?? The final project is paving the parking lot next to the Old Courthouse, which has been halted due to discovery of artifacts. The county has engaged the services of Browning and Associates, LTD to look over the artifacts found and survey the area for any historical significance. Mr. Loving introduced Mr. Lyle Browning.

Mr. Lyle Browning, a professional archeologist, reported that he has looked at the parking lot site and that the ground seems to be uniform. The artifacts found thus far date back to the eighteenth century. Mr. Browning advised at this time he is unfamiliar with what might be underground, but proposes to do a metal detector survey to look for metal pieces that may be beneath the surface. He also is going to remove more dirt to see if foundations are below. Mr. Browning advised that there are several options if building foundations are located. The first option is to cover the site back up, make a parking lot out of the area and commemorate it with some sort of historical sign. The second option is to go into the expensive mode and excavate the area completely which will give a huge amount of information of archeological interest as to what is there. And the third option is a combination of the other two, find out what the buildings are, mark the corners of the buildings and excavate inside those areas. The cost is unfortunately unknown at this time. Mr. Davis questioned how long this will take and Mr. Browning advised he expects to know general information by the end of the week.

Mr. Emerson reported that the lease agreement for the farmers market in Eltham fell through as the owner of the original site feels he may want to expand his business at that location sooner than he originally anticipated. Mr. Emerson has two new leases -- one with the Federal Land Bank of Richmond, also known as Colonial Farm Credit, and the other with the property owner adjacent to that location, the Savages. The concept now is that the County leases the parking lot from Farm Credit for \$1.00 and the land next door for \$1.00 and essentially achieve the same goal as the property originally viewed. These are the very same agreements that were approved previously and the only differences are the property description and the names of the owners. Mr. Emerson requests that the Board authorize Chairman Burrell or himself to execute the documents once approved by the County Attorney. Mr. Davis made a motion to authorize Mr. Emerson to execute the document for the Farmers Market.

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

Mr. Emerson reported that LGOC is in August and rooms have been reserved at the Omni Hotel where the conference will take place. Mr. Emerson is requesting that each member advise him as soon as possible if he or she will be able to attend so he can confirm those rooms and get registration forms completed. Mr. Emerson also requested scheduling a work session possibly prior to the July meeting to discuss the overlay zone and recommended getting back on track in August with quarterly meetings with constitutional officers. Mr. Emerson also reported that he has been working with the proposed Regional Economic Development Group and they have been trying to work up some dates to meet with the Board of Supervisors. Mr. Emerson is waiting to hear from Virginia Tech but asked the board members to hold open July 20th and July 31st for possible meeting dates.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Bob Riley, Resident Engineer for VDOT, reported tasks that have been completed or are scheduled to be complete in New Kent County and gave a copy to each Board member. The Board members shared their concerns with Mr. Riley.

IN RE: REZONING APPLICATION C-2-99[C] – The Board will consider the application of Patrick E. O'Brian (owner) for the rezoning of a 0.828 acre portion of the property shown on Tax Map and Parcel : 45-29, located on the north side of State Route number 60, approximately 300 feet east of State Route number 627. The existing zoning of the property is A-1, Agricultural. The proposed use of the property is a small office/retail store.

Mr. Raynes advised the Chairman that he would be abstaining from conversation on this matter due to a conflict of interest. Ms. Guy reported the parcel is just under one acre and is currently vacant. The rezoning application is offering the following proffers:

- ?? The property will not be utilized for auto sales or services
- ?? The property will not be utilized for a service station with minor repair under cover
- ?? The property will not be utilized as an adult video, adult book store or as a night club

Ms. Guy advised that the parcel is sitting 1,800 feet outside of the Lanexa Village area and the rezoning request is not consistent with the Comprehensive Land Use Plan. On April 17th, the Planning Commission voted 7 to 2 (with 2 absent) to recommend approval of this rezoning application. Ms. Guy reported that the Department of Planning and Community Development does not recommend approval of rezoning but advised that state law requires a review of the Comprehensive Plan every five years to make appropriate revisions. As a part of this process the Planning Commission and Board of Supervisors may wish to make changes to or expand the boundaries of the County's designated village areas, including Lanexa Village.

The applicant Mr. Patrick O'Brian spoke to the Board and stated that when the Comprehensive Plan was made it seems that the existing hotel, service station and grocery store should have been included in that village area. Mr. O'Brian stated that there are five businesses outside of the current village area although not all are zoned as business or industrial.

IN RE: PUBLIC HEARING CONCERNING REZONING REQUEST C-5-99

Ms. Alease Christian of North Waterside Drive handed a petition to Chairman Burrell with signatures of persons requesting the rezoning application of Tax Map number 45-29 be denied. She and the other residents on the petition are concerned with the development of Lanexa as there are many senior citizens and small children in the area surrounding the proposed rezoning. The residents also expressed concern that the county could not prohibit the type of business placed there in the event of a buy out. The next person to speak was Mr. Walker Ware. Mr. Ware states that New Kent County is desperate for business and he feels that Route 60 is the business route of New Kent. Mr. Ware is in support of the rezoning and feels the Comprehensive Plan needs to be updated.

The members of the Board discussed the issue and determined that Mr. O'Brian could have petitioned for an amendment to the Comprehensive Land Use Plan and feel that is not an unreasonable request. Mr. Lipscomb advised Ms. Christian that the proffers in the rezoning application, if approved, would become law and can prevent future owners from operating the types of businesses listed in the proffer. Mr. Lipscomb made a motion to defer action on rezoning application C-5-99. A recommendation was made to the applicant to apply for an amendment to the Comprehensive Land Use Plan.

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

IN RE: PRESENTATION – Ms. Marcy Greenberg, Parks and Recreation –
 Community Park

Ms. Marcy Greenberg advised the Board that Mr. Horsley and Mr. Nolley proffered approximately 61 acres of land to New Kent County on November 30, 1999 to establish a community park site. The majority of this land is wooded with approximately 16 acres cleared and which borders the Chickahominy River. The parcel does lie within the 100-year flood plain therefore; it is classified as a Chesapeake Bay Resource Protected Area. In January of 2000 the Parks and Recreation Commission toured the site and made a recommendation to accept and in March of 2000 the Planning Director, Ms. Guy, also recommended accepting the offer on the contingency of an environmental assessment plan, which has been done by Resource International. The assessment was received in May 2000. The environmental assessment addressed the environmental conditions, endangered species, historical concerns and wetlands on the property and nothing was found that caused any concern in probable development. In summary, Ms. Greenberg advised that this property could be beneficial to New Kent County in offering a plethora of non-active and active amenities to its citizens and recommended the Board of Supervisors approve the acceptance of this offer.

The Board discussed the recommendation and Mr. Raynes stated it concerns him that the parcel is designated RPA and feels the cost to develop the property could become immense. Ms. Greenberg advised since New Kent County does not currently have any parks, that the county does qualify for grants to aid in the funding. Mr. Lipscomb made a motion to adopt the Department of Parks and Recreation’s recommendation upon a contingency to obtain a clear title from the current owners for the development of a community park.

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

IN RE: PRESENTATION – Iris Holliday with Dominion Virginia Power

Ms. Holliday introduced herself and other members of Dominion Virginia Power as Mr. Bill Duis, Mr. Emory Nadeau and Mr. Max Bartholomew and advised the purpose of their presentation was to discuss the power outages of May 19 and May 20, 2000. Ms. Holliday advised the Board that large live trees across lines were the reason for the outages. The circuit that was damaged affected approximately 1,361 customers in the Courthouse, Talleyville, Quinton and Bottoms Bridge areas. The newly developed loop scheme, which is designed to automatically transfer customers to other sources, significantly reduced the amount of customers affected by the outages in these areas. 935 customers were transferred to other sources and 436 customers were without power for varied lengths of time. An additional 550 customers in the Eltham area were affected from damage to another circuit. The loop scheme is still being studied for the Eltham area and it is not optimistic that it will be completed before this year due to the fact that

higher voltage must be enhanced and updated. Ms. Holliday requested to be added to the July 10 regular meeting agenda to discuss further issues.

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

Mr. Lipscomb made a motion to appoint J. C. Francisco as District One’s representative to the Clean County Commission to complete a four-year term ending December 31, 2003.

Mr. Lipscomb made a motion to re-appoint Patricia Fox as District One’s representative to the Board of Trustees of the Heritage Library for a four-year term ending June 30, 2004.

Mr. Lipscomb made a motion to appoint David Kittner as District One’s representative to the Citizens Committee for the review of the subdivision and zoning ordinances.

Mr. Burrell made a motion to appoint Mr. Tolar Nolley as District Three’s representative to the New Kent Clean County Committee for a four-year term ending December 31, 2003.

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

IN RE: MEETING SCHEDULE – The regular meeting of the Board of Supervisors will be held Monday, July 10, 2000 at 6:00 P.M. A work session will be held on Monday, July 10, 2000 at 4:00 P.M. prior to the regular meeting. The Planning Commission will meet on Monday, June 19, 2000 at 7:00 P.M.

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

IN RE: ADJOURNMENT

Mr. Lipscomb made a motion to adjourn.

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| 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 8:29 P.M.

