

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 6TH DAY OF NOVEMBER 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

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: WORK SESSION/CLOSED SESSION

Chairman Burrell asked Mr. Emerson to inform the public as to the business conducted during the work session held prior to the regular meeting of the Board of Supervisors. Mr. Emerson reported there had been a work session at 4:00 p.m. in the old courtroom. During this time the Board of Supervisors had discussed contractual matters as well as a personnel matter.

IN RE: CONSENT AGENDA

Mr. Emerson presented the Consent Agenda, which consisted of the following: Approval of the minutes from the October 9, 2000 work session and the October 9, 2000 regular meeting; Resolution R-44-00 recognizing the contributions of Roland H. Riley, Jr. ("Bob"); refund to Kenneth A. Harlan for \$30.00 for Parks & Recreation class not taken; refund to Ann Reams for \$40.00 for Parks & Recreation class not taken; refund to Peggy Lyon for \$14 for Parks & Recreation class not taken; appropriation of \$43,848 to adjust New Kent County School's 2000-2001 appropriation in State, Federal and Other funds due to a revised enrollment of 2,350 students, adjustment to Federal grant awards, and local funds; total supplemental appropriation of \$43,848.00, a total of \$43,848.00 from money in/money out; Finance Report showing monthly expenditures for October 2000 of \$2,104,194.13; and Treasurer's Report showing total cash as of September 2000 of \$9,777,899.81. Mrs. Ringley made a motion to approve the Consent Agenda. The Members were polled:

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

The motion carried.

IN RE: CITIZENS' COMMENT PERIOD

Chairman Burrell noted there were no citizens signed up to speak at this time.

IN RE: ELECTED OFFICIALS' REPORTS

Chairman Burrell asked for elected officials' reports. There were none.

IN RE: BOARD MEMBERS' REPORTS

Mrs. Ringley made mention of a letter from Gary Mitchell, Acting Director of Planning, regarding enforcement of County ordinances and issues. Mrs. Ringley reminded the Board members that as budget time approaches, the Board needs to be mindful of the staff required to enforce our County ordinances and issues. On another issue, Mrs. Ringley also ask the Board if they would like to direct Mr. Emerson to proceed in hiring an auditor to audit New Kent's sales taxes as had been brought up in the work session of October 9, 2000 by John Crump. After some discussion, it was decided the Board should take this matter under advisement until another time.

Mr. Davis reported the Board had a facilitated meeting with the School Board on Friday, November 3, 2000 to discuss needs and issues involving the schools of New Kent. He felt it was a very productive meeting. Mr. Davis reminded everyone that November 7 was Election Day and encouraged everyone to get out and vote.

Mr. Burrell had no report but he, too, encouraged everyone to get out and vote.

IN RE: STAFF REPORTS

Mr. Emerson stated there were no staff reports.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Bob Riley reported on the ongoing tasks of VDOT. These tasks included pulling ditchlines, reshaping and stoning shoulders, cleaning and reshaping ditches in Quinton Subdivision, performing overlay work on Routes 606 to 608, 618 and 690; asphalt work on Route 60 both near Bottoms Bridge and in the Providence Forge area; pothole patching on I-64; tree removal on Route 677 and Route 155; street sweeping in Bottoms Bridge area, all bridges crossing over I-64 and the Eltham area; sewer jet cleaned driveway pipes on Route 638; installed 7 driveway pipes; and are addressing a sight

distance problem at the railroad crossing on Route 155 and the need for "School Bus Stop" signs on Route 249 (waiting to receive the signs from the District Office).

IN RE: PRESENTATION - Mr. Gary Mitchell, Acting Director of Planning, presented recommendations of the Planning Department for the proposed Western Area Highway Overlay District Regulations.

Gary Mitchell, Acting Director of Planning, gave a brief review of the Highway Overlay District with the adjustments as suggested at the October 2000 Board of Supervisors meeting. The Planning Department staff believes this ordinance addresses the issues as identified in the Western Area Management Plan and strikes a fair balance between private and public sector interests. He stated the staff recommended the plan be brought for public hearing at the December 2000 Board of Supervisors meeting. After some discussion by the Board members, Mrs. Ringley made a motion to bring the Highway Overlay District Ordinance for public hearing at the December 2000 Board of Supervisors meeting. The Members were polled:

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

The motion carried.

Chairman Burrell stated the meeting was ahead of schedule and too early for the public hearings to begin so the next item of business was appointments.

IN RE: APPOINTMENTS

Mr. Raynes made a motion to appoint Mr. Julian Ward as District Four's representative to the Parks & Recreation Advisory Commission to complete the remaining term ending December 31, 2001.

Mr. Davis made a motion to appoint Mrs. Faye Patterson as District Five's representative to the Board of Social Services for a four-year term ending June 30, 2001. Mr. Davis thanked Ms. Rachel Dean who had served in this capacity until she had to resign due to personal reasons.

Chairman Burrell made a motion to appoint Ms. Jean Street as District Three's representative to the Historic Commission for a four-year term ending December 31, 2003.

The Members were polled:

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

The motions carried.

At this time, it still not being 7:00 p.m., Mrs. Ringley reported to the citizens present the Board would be attending the Virginia Association of Counties conference November 11-14, 2000 at the Homestead.

Chairman Burrell recessed the meeting until 7:00 p.m.

IN RE: PUBLIC HEARING – CUP-01-00 of Luck Stone to operate a sand and gravel mining operation at the southeast corner of Route 609 and Route 608.

Mr. Gary Mitchell, Acting Director of Planning, gave a brief presentation of the conditional use permit requested by Luck Stone to build a sand and gravel mining operation at the corner of Routes 609 and 608. Mr. Mitchell reported the conditional use permit had been approved by the Planning Commission and was being brought to the Board of Supervisors for their approval. Mr. Charlie Luck, President of Luck Stone spoke to the group stating his company was excited about the prospect of coming to New Kent County. Mr. Luck stated his personal commitment to make the facility one that the County would be proud of. He stated he knew safety was one of the main concerns of the citizens and he wanted the Board to know that safety was the key focus of Luck Stone. Mr. Ron Hendrickson, General Manager of Sand and Gravel of Luck Stone, also spoke to the group, saying Luck Stone would be good stewards to New Kent County. For those who were concerned about environmental issues, Mr. Hendrickson stated Luck Stone was required to comply with the regulations of many agencies, including the EPA, Army Corp of Engineers, VDMME, DEQ and VDOT. He assured the citizens of New Kent that Luck Stone had every intention of running an environmentally sound and safety conscious facility. Mr. Hendrickson had some wording changes he suggested for the conditional use permit requirements. Those issues were discussed and suggestions were made by James Cornwell, County Attorney, for those language changes.

Chairman Burrell opened the public hearing at 7:35 p.m. Citizens hoping the conditional use permit would be approved included: David Horsley, Phillip Felts, Chester Alvis, Tolar Nolley, Mark Daniel, George Philbates, Stran Trout, Charlie Evelyn. Those opposing the conditional use permit included, Ed Hayes, Don Lauter, Scott Wallace, Vernon McMurtress, Joe Mehlbrech, Jr., Margaret Ganzert, William Dervishian, Mike and Helen Henrick, and Richard Hunkel. Dr. Wendell Merritt voiced his concern over how the whole Luck Stone issue was handled by the County and S. Ty Looney stated he had worked in the water business from Saudi Arabia to Alaska and wanted the Board to be sure to that Luck Stone planned to have a water engineer present when the building was done.

Chairman Burrell closed the public hearing. There was more discussion among the members. Bob Riley, resident engineer from VDOT, was questioned regarding the adequacy of the road. Mr. Riley felt with the improvements to be made by Luck Stone the road would be adequate. Again, reference was made to the letter agreement with Luck Stone. As a result of that discussion, Mr. Lipscomb made the following motion:

In order to address, protect and promote public convenience, necessity and general welfare practices in the County, I move to approve CUP-01-00 with the following changes:

The conditional use permit would be amended as follows:

#3 should read: An Agreement filed with VDOT for the improvements associated with Route 608 per VDOT's specifications in their letter dated November 3, 2000.

#8 -- Neither the County Attorney, nor Mr. Emerson, nor the staff recommended any change to paragraph 8.

#12 -- The County Attorney recommended a mitigation plan be filed by the applicant along with a letter of credit or bond to insure the mitigation plan and that any negative effects to any groundwater or wells within the community would be required to be posted. Mr. Emerson stated the mitigation plan would be similar to what the County or anyone has to do in terms of drilling a well that might harm adjacent properties as required by the Department of Environmental Quality.

The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING Rezoning request C-2-00 of Rappahannock Concrete to rezone 6.686 acres adjoining the current concrete plant located west of Ready Mix Drive and to the rear of Rappahannock Concrete.

Mr. Gary Mitchell, Acting Director of Planning, briefed the Board regarding this request by Rappahannock Concrete. Mr. Mitchell stated this property was located to the rear of Rappahannock Concrete and he also stated he had been told this property was bought for possible future expansion. Mr. Mitchell stated the Planning Commission had approved this request with three conditions: (1) to preserve a minimum of 50 ft. buffer along the rear and northern property lines as shown on the Boundary Line Adjustment Plat dated April 28, 2000. This buffer is to be left in its natural state. None of the existing vegetation shall be removed without prior approval from New Kent County Planning

Department; (2) Rappahannock Concrete will comply with all requirements in VDOT's letter; and (3) to connect to the public water and sewer when it is available. Staff concurs with this recommendation.

Mr. John Finney, President of Rappahannock Concrete, stated he had purchased this land from Chesapeake because it tied in very nicely with his concrete plant. This will give them room to expand. He hopes to expand at some point and stated he would not sell the land since the only way to access the land is across Rappahannock Concrete's property.

Chairman Burrell opened the public hearing. Mark Daniel had signed up to speak. Mr. Daniel wanted to take this opportunity to congratulate the Board on considering an expansion for land that would generate tax revenues for the County. He also stated he would like to address an issue that had come up earlier in the meeting – the idea of allowing an outside entity to audit the sales taxes of the County. He did not like the idea of hiring someone and having them paid strictly on errors they found. Mr. Daniel stated Commissioner Crump had said he had every Schedule C reviewed and Mr. Daniel felt for a County the size of New Kent, this should be sufficient. Mrs. Ringley objected to Mr. Daniel's discussion of the audit issue as this was the public hearing for the rezoning request by Rappahannock Concrete. Chairman Burrell concurred and asked Mr. Daniel to please tie in his discussion to the public hearing at hand. Mr. Daniel continued his discussion opposing the idea of an outside auditor. Upon completion of his discussion, Chairman Burrell asked Mr. Daniel whether or not he supported the idea of the rezoning request for Rappahannock Concrete and Mr. Daniel replied yes, he did.

Chairman Burrell closed the public hearing.

Mr. Lipscomb made the following motion:

In order to address, protect and promote public convenience, necessity, general welfare and good zoning practices in the County, I move to approve rezoning application C-2-00 with conditions as presented. The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING – Ordinance 0-10-00 to be known as Section 14-83 of the New Kent County Code imposing and levying a monthly tax on each purchase of natural gas delivered to consumers by pipeline distribution companies and gas utilities.

James Cornwell, County Attorney, presented this Ordinance and stated it was not a new tax. This tax is being submitted as part of the General Assembly’s deregulation of consumer utility taxes. Although New Kent does not presently have this tax, the County has been receiving some money from natural gas suppliers in the County and the purpose of this tax is to ensure that when natural gas becomes more widely available with the County, the tax will be imposed as electrical service is taxed presently.

Chairman Burrell opened the public hearing. Edward Pollard had signed up to speak but stated Mr. Cornwell had answered his questions. Chairman Burrell closed the hearing. The Board members had no questions.

Mrs. Ringley made a motion as follows:

In order to address, protect and promote public convenience, necessity and general welfare practices in the County, I move to approve Ordinance 0-10-00.

The members were polled:

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

The motion carried.

IN RE: MEETING SCHEDULE

The next regular meeting of the Board of Supervisors will be held Monday, December 11, 2000 at 6:00 p.m.

A work session will be held on Monday, December 11, 2000 at 3:00 p.m., prior to the regular meeting.

Before adjourning, Mrs. Ringley pointed out that Mark Daniel is a member of the Planning Commission and as such knows the rules of public hearings. Mr. Daniel was out of order. He tied his discussion into the rezoning request in a very vague way and did not even point out that he was in favor of the request until Chairman Burrell asked him. Mrs. Ringley further stated that the audit idea had come to the Board from the Commissioner of Revenue. Mrs. Ringley stated as she prepared for each meeting, she reviewed the minutes from the prior meeting and tried to be sure that the Board followed

through on all issues. She ended by saying the Board has the right to levy and collect taxes and also to ascertain that those taxes are being recorded in an accurate manner.

The Board needs to be mindful of the rules of public hearings. Only the matter at hand is to be discussed during that time.

Chairman Burrell thanked Mrs. Ringley for her comments and stated he thought Mr. Daniel was going to tie his discussion in to the rezoning request.

IN RE: ADJOURNMENT

Mr. Lipscomb made a motion to adjourn. The Members were polled.

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

Chairman Burrell adjourned the meeting at 9:43 p.m.