

AN EXECUTIVE SESSION OF THE BOARD OF SUPERVISORS WAS HELD ON THE 2ND DAY OF AUGUST IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-NINE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 5:35 P.M.

IN RE: ROLL CALL

Mark A. Hennaman	Present
Julian T. Lipscomb	Present
Rebecca M. Ringley	Present
James H. Burrell	Present
Frederick G. Bahr	Present

IN RE: EXECUTIVE SESSION

Mr. Burrell made a motion to go into executive session to discuss a personnel matter pursuant to §2.1-344(a)(1) of the Code of Virginia.

Mark A. Hennaman	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye

The Board returned from executive session at 6:02 p.m. Mr. Burrell gave the certification: Whereas, the New Kent County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and Whereas, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law; Now, therefore, be it resolved that the Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirement by Virginia law were discussed in executive meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

Mark A. Hennaman	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye

The Board recessed for a short break.

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 2ND DAY OF AUGUST IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-NINE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:09 P.M.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: PRESENTATION – Resolution R-19-99 – The Board will present a framed copy of Resolution R-19-99 to Mr. Thomas Mears recognizing his heroic actions.

Mr. Bahr read the resolution and he and Mrs. Ringley presented the framed copy to Mr. Mears.

IN RE: CONSENT AGENDA

Mr. Emerson reviewed the Consent Agenda, which consisted of: Approval of minutes from July 12, 1999 regular meeting; Resolution R-25-99 recognizing Jeffery Alan Ozmon’s achievement of Eagle Scout, Resolution R-26-99 – acceptance of roads in the Woods at Five Lakes – Section I, Resolution R-27-99 – CDBG application for water and sewer lines improvements in the Route 33 corridor; Refunds for AFD renewal fees totaling \$5,400.00; Appropriations – to adjust the FY2000 Office on Youth Budget to amounts allocated by the State - \$905.00 from Revenue and \$186.00 from the General Fund Balance to \$1,091.00 in Expenditures and additional funding received from the Compensation Board for the new deputy position - \$6,023.00 from Revenue to Expenditures; Finance Report showing monthly expenditures for July 1999 of \$1,719,916.09; and a Treasurer’s Report showing total cash as of July 1999 of \$9,011,516.43. Mr. Burrell corrected the minutes from July 12, 1999 on page two, under Elected Official’s Reports, second paragraph – the Metro Richmond Convention and Visitors Bureau has changed its name to Richmond Convention and Visitors Bureau, not Richmond Convention and Business Bureau. Mr. Hennaman made a motion to approve the Consent Agenda as presented with Mr. Burrell’s corrections.

Mark A. Hennaman	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye

FOR RESOLUTION R-25-99 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 219.

FOR RESOLUTION R-26-99 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 220.

FOR RESOLUTION R-27-99 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 221.

IN RE: CITIZEN’S COMMENT PERIOD

There was no one signed up to speak.

IN RE: ELECTED OFFICIAL’S REPORTS

Mr. Hennaman stated he attended Jeffery Ozmon’s honor court last month where he was awarded Eagle Scout rank. It was an enlightening event in this young man’s life.

Mr. Burrell stated the Central Virginia Waste Management Authority has a new contract on curb side, but it does not affect New Kent.

Ms. Ringley did not have a report.

Mr. Lipscomb did not have a report.

Mr. Bahr handed out proposed Resolution R-28-99, which he asked the Board to consider. This resolution regarded Route 606 (Old Church Road), which he would like to ask VDOT to investigate the possibility of designating Route 606 a Virginia Byway. Ms. Ringley was concerned about reversing this decision in the future if deemed necessary. Mr. Lipscomb asked if there could be a public hearing on this issue at the September meeting. Mr. Bahr asked Mr. Emerson to place it on the September agenda as a public hearing.

IN RE: STAFF REPORTS

Mr. Emerson asked Mr. Gallaher to give a staff report on the simulated emergency exercise tomorrow. Mr. Gallaher said they would participate in the Surry Nuclear Power Station Drill, which is mandated by the Nuclear Regulatory Commission, tomorrow. These exercises are to be done every two years. New Kent serves as a host jurisdiction that accepts evacuees from Williamsburg and York County. Mr. Gallaher also reported on the EMS license for the fire departments. As directed by the Board in May, the Chiefs Association considered this issue with a mediator (Mr. John Donnelly) on June 23. At the end of this meeting Mr. Donnelly felt that staff (Mr. Gallaher and Mr. Emerson) made the only right decision of the county taking over the license at that particular time and maybe the only legal decision. Company Two was still of the opinion they should have a single license. The other two chiefs were of the opinion the license should be unified. At the Chiefs Association meeting July 29, the matter was officially considered and the vote was taken. It was decided that there would be one license under the county. Chief Pearson said Company Two had a sense of ownership since they had built this service from the ground up, the other two chiefs thought because they come under the county's license they enjoy certain additional insurance benefits they would not normally have and sovereign immunity, and in order to be unified all three needed to be under the same license. Mr. Emerson also reported on Senate Bill 1008, which took effect July 1, 1999 and requires the county to pay the same interest rate back to citizens of the community for erroneous assessments as the citizen's would pay if they are delinquent taxpayers. There are questions as to what an erroneous assessment is as some of the information which assessments are based come from the State Department of Motor Vehicles. Exactly whose responsibility it would be to pay the interest in these cases needs to be sorted out. It appears the county's current policies are sound and should not be changed. Mr. Emerson asked the Chairman to refer this issue to the Finance Committee to make a decision and recommendation to the Board. Mr. Bahr referred the issue to the Finance Committee.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Bob Riley, Resident Engineer, gave a summary of work performed by VDOT during the month of July 1999. The Board members shared their concerns with Mr. Riley.

IN RE: PRESENTATION – Mr. Jim Pyne with Hampton Roads Sanitation District will present draft proposals for the operation of the county's sewage treatment facilities.

Mr. Pyne explained Hampton Roads Sanitation District is a political subdivision of the Commonwealth of Virginia formed by an enabling act of the general assembly. They were formed specifically to collect and treat wastewater. They are governed by a Board of Commissioners, each commissioner is appointed by

the governor and serves a four year term. They do not provide water, build reservoirs, and they do not look for ground water. They do provide wastewater treatment plant operation and build wastewater interceptors, which are the major lines. The cities and counties provide the individual collection systems and operate the collection systems. They also offer a billing system where the county can bill for their water services on the same bill. They try not to intervene with the county's planning system. No one can connect to the HRSD system without first being approved by their locality. To become involved with HRSD typically a locality petitions their circuit court to have HRSD's boundaries extended. Once the judge enters his order, they ask in the next legislative session to officially change the enabling act to include the specified areas inside the boundaries. An agreement to provide wastewater service would be drawn up, or possibly a lease agreement for the existing treatment plant in New Kent. Mr. Emerson confirmed the Parham Landing and Chickahominy (Colonial Downs) facilities would be the only two considered for this agreement.

IN RE: PRESENTATION – Resolution R-20-99 and Resolution R-21-99 – The Board will present framed copies of Resolution R-20-99 to Sharron Ann Frank and Resolution R-21-99 to David Frank recognizing their contributions to the Heritage Public Library.

Mr. Bahr read the resolutions and presented them to the Franks with Mr. Lipscomb.

IN RE: PUBLIC HEARING – C-4-99 – Rezoning application from Cochran Cabinets (owner) and Mr. R. M. Minick (contract owner) to rezone property shown on Tax Map and Parcels: 45-62, located on Route 60 (Pocahontas Trail), 500 feet west of the intersection with State Route 1002 (Carter Road). The property is currently zoned M-1, Light Industrial and the proposed zoning is M-2, Heavy Industrial. The proposed use of the property is a decorative brick and block fabrication plant.

Mr. Tyson gave his report stating the Comprehensive Land Use Plan designates this area for "Village" land uses. The intent of this designation is to provide areas of compact development to function as cohesive community centers, serving as primary commercial and retail areas and offering a range of residential types and employment opportunities. Site planning will be used to ensure that the necessary buffering and separation of uses is accomplished to enable the existing mix of uses to remain. U. S. Route 60 is classified as a "major collector" street and is a four-lane divided highway. According to the applicant, the employment of the facility will be limited to one or two individuals, and the resulting traffic generated will be less than the current cabinet sales and manufacturing use. As a commercial operation, the business can be expected to generate real estate, personal property, sales, machinery and tools, and business license taxes while having no impact on the existing infrastructure of the county. The M-2, Heavy Industrial classification is required by the New Kent County Zoning Ordinance, even though no more effects than those associated with the existing cabinet manufacturing company are anticipated. The New Kent County Department of Public Safety has reviewed this application and will require that any structures built comply with the Virginia Uniform Statewide Building Code and Virginia Statewide Fire Prevention Code. The New Kent County Department of Public Works has no comments on this application because neither central water or sewer is proposed or required. The New Kent County Health Department has determined the existing well and septic system should be sufficient to serve the anticipated number of employees and customers. Should the number of employees rise above 25, a non-community water system must be installed. The Virginia Department of Transportation has no comments on the project. The Planning Commission voted to recommend approval of this application at their June 1999 meeting. Mr. Minick has also submitted a proffer statement whereby if the property changes hands, he will apply to rezone the property back to M-1 designation. Mr. Ron Minick showed the Board photos of the type work that will be performed at the facility. The Board discussed the proffer statement. Mr.

Bahr opened the public hearing. Mr. George Philbates was the only person signed up to speak. He said as a another businessman he felt it would be an asset and should be passed. Mr. Bahr closed the public hearing. Mr. Burrell 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-4-99 as presented.

Mark A. Hennaman	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye

IN RE: PUBLIC HEARING – C-3-99 – Rezoning application from Chesapeake Forest Products Company to rezone a 809 acre portion of the properties shown on Tax Map and Parcels: 38-80, 38-81, and 39-10 located on State Route 600 (Holly Fork Road). The property is currently zoned C-1, Conservation, the proposed zoning is A-1, Agricultural. Three hundred seven (307) acres of the properties will remain zoned C-1, Conservation. Proposed use for only one of the properties has been identified: The property shown on Tax Map and parcel: 38-81 is to be used as the site for a church and monastery owned by the Poor Clare’s Monastery.

Mr. Tyson reported Churches and accessory uses are permitted in the A-1, Agricultural zoning districts with an approved site plan. Property that is zoned A-1, Agricultural may also be used for single family homesites, but may only be divided under a limited set of circumstances with a maximum residential density of 1 unit per 5 acres. The proposed use as a monastery is an acceptable use under the provisions of the Comprehensive Land Use Plan. State Route 600 is classified as a “local road” by the Virginia Department of Transportation. The traffic generated by the proposed church is expected to be minimal and sporadic. The New Kent County Subdivision Ordinance permits the division of A-1, Agricultural zoned property only under a limited set of circumstances. Fifteen-acre parcels may be created, provided that a private road, built to County private road standards serves them. Mr. Tyson reviewed the conformity with stated goals and objectives in the Comprehensive Land Use Plan. The New Kent County Department of Public Safety has reviewed the application and will require that any structures built comply with the Virginia Uniform Statewide Building Code. The Virginia Statewide Fire Prevention Code will apply to any structures other than one or two family dwellings. The New Kent County Department of Public Works has no comments on this application as neither central water or sewer is proposed or required. The New Kent County Health Department has no comment at this time, but will comment on the required site plan for the church/monastery and will permit any individual home septic systems. The Virginia Department of Transportation has no comments on this project. The New Kent County Planning Commission voted to recommend approval of this application at their June 1999 meeting. The applicant, Mr. Charles Kerns, Manager for Bulk Forest Land Sales for Chesapeake Forest Products Company, stated the monastery site is secluded with ravines on either side and there are no plans at this time for the remaining land. He also pointed out that the land surrounding the requested rezoning area, is all zoned A-1, Agricultural. Mr. Bahr opened the public hearing. The first citizen to speak was Mr. Ray Davis. Mr. Davis said he was representing several people who live on Holly Forks Road who are not opposed to having the convent built on the property, which would not tax the county budget, Sheriff’s Department or school; but, they are concerned about what will happen with the rest of the property. The next person to speak was Ms. Jennifer Caldwell. Ms. Caldwell said she was not opposed to the monastery, but she was concerned about why this large parcel has to be rezoned at this time. She was in favor of limited slow growth in the county. She was concerned about water in the county. The next person to speak was Mother Colette, with the Poor Clare’s. She described the lifestyle at the

monastery and their desire to build on this parcel of land where it is secluded and quiet. The next person to speak was Father Jim Arson. He is one of the sisters' priests in Newport News. He assured that the services were sparsely attended and the impact on road traffic would be minimal. The next person to speak was Mr. Charles Adams, who was with a group of people from Holly Fork Road. They were not concerned about the monastery, but were concerned about the rest of the acreage to be developed. Will Holly Fork Road be expanded and developed? What about the future? The next person to speak was Father Russell Smith who has been the confessor for the Poor Clares. He described the property the Poor Clares now occupied where noise from trains, and aircraft disrupted them. The last person to speak was Ms. Cathy Grant, a resident of Holly Pines Lane, supported the monastery, but didn't support the rezoning by Chesapeake. She did not want to see the property developed. Mr. Bahr closed the public hearing. Ms. Ringley said that what she has heard is that there is no problem with the monastery, but there seems to be a problem with the unchartered rezoning of the other acres. Once it's rezoned, even if they did state what they were going to do, they can change their mind unless there was a proffer that held them to their stated plans. Mr. Burrell said he has been working to manage growth. He welcomed the monastery, but was concerned about the development in that area. Mr. Hennaman said when considering a rezoning they need to look at it from the standpoint of addressing, protecting, and promoting public convenience, necessity, general welfare, and good zoning practices. He also thought the monastery would be a welcome addition. He also thought there was a valid concern in the remaining acreage without any details of what could happen there, it's difficult to judge the merits of a rezoning application. He felt a statement addressing the potential impact that the development of the additional acreage could cause was missing from the application. Mr. Bahr questioned Mr. Tyson if it was necessary for the monastery land to be rezoned from conversation to agricultural. Mr. Tyson said yes, conservation designation does not permit churches and accessories. Mr. Bahr asked Mr. Kerns where the present Stonehouse project touched upon the land. Mr. Kerns said in the lower left corner. Mr. Bahr questioned how many acres were currently in the Stonehouse project. Mr. Kerns answered approximately 2,000, which is also zoned agricultural. Mr. Lipscomb made a motion to approve Parcel 38-81 for the monastery and deny parcels 38-80 and 39-10 until use is identified and the county's infrastructure can be evaluated. Mr. Bahr questioned counsel if they could defer zoning until they receive an impact study report from Chesapeake. Mr. Cornwell said yes they could defer, they have a year from the public hearing to make a decision on zoning. They may also approve the zoning in part. Mr. Bahr asked if Mr. Lipscomb would accept a friendly amendment to change the word "deny" to "defer" in his motion. Mr. Kerns stated the county's Comprehensive Plan states this area is intended to be agricultural. He did not feel there was a logical explanation for it being currently zoned conservation. Mr. Bahr asked if the areas were zoned conservation at the request of Chesapeake. Mr. Kerns said no, not to his knowledge. Ms. Ringley clarified the monastery property would be tax exempt under State Code. Mr. Hennaman stated Chesapeake and Delmarva had always been good citizens of New Kent County, but he would feel better if there was a specific proposal. Mr. Lipscomb would not accept the friendly amendment.

Mark A. Hennaman	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Frederick G. Bahr	Abstain

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

Mr. Burrell made a motion to appoint Alma Randolph as District Three's representative to the Board of Social Services for a four year term ending June 30, 2003.

Mark A. Hennaman	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye

IN RE: MEETING SCHEDULE

The regular meeting of the Board of Supervisors will be held Monday, September 13, 1999 at 6:00 p.m.
The Planning Commission will meet on Monday, August 16, 1999 at 7:00 p.m.

IN RE: ADJOURNMENT

Mr. Lipscomb made a motion to adjourn.

Mark A. Hennaman	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye

The Board adjourned at 8:08 p.m.