

A WORK SESSION OF THE BOARD OF SUPERVISORS WAS HELD ON THE 13TH DAY OF DECEMBER 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 Hennaman	Absent (arrived at 6:06 p.m.)
Julian T. Lipscomb	Present
Rebecca M. Ringley	Present
James H. Burrell	Present
Frederick G. Bahr	Present

Mr. Emerson stated he had several issues to bring the Board up to date on. The first item was the building renovations for the Administration Building. The bid has been awarded in the amount of \$19,800 to Grand Metro, but the construction schedule they gave is not acceptable. The furnishings to go along with these renovations will be from Open Plan Systems. The price started out at \$32,743.17 and Mr. Emerson managed to work with the vendor to get it down to \$22,873.60. After these cost are paid there is a residual of \$28,238.65. Also, out of this money, a new desk for the new Treasurer will need to be purchased. Mr. Emerson does not have the cost for this yet. Mr. Emerson stated that hopefully there would be money remaining for further renovations to the building's boardroom.

Capital Improvement Projects – The Board discussed capital improvements to resurface the parking area for the Route 647 refuse center, drop-off site improvements at the refuse center on Route 618, and the parking lot next to the old courthouse. Mr. Emerson recommended bidding each project out. Then it would be brought back to the Board in January or February. The Board recommended sending the capital improvements out for bid. After receiving the bids the Board will decide which they will fund.

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 13TH DAY OF DECEMBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-NINE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:06 P.M.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: PRESENTATION – A framed copy of Resolution R-36-99 will be presented to Mark Edward Thatcher for his achievement of Deputy of the Year for the State of Virginia.

Mr. Bahr and Ms. Ringley made the presentation.

IN RE: CONSENT AGENDA

Mr. Emerson presented the Consent Agenda, which consisted of the following: Approval of minutes from the November 1, 1999 regular monthly meeting; Official Abstracts of Votes for the General Elections; Resolution R-38-99, VACo Resolution for Funding for Child Day Care Fee System; Resolution R-39-99 transferring King George County's membership from the Middle Peninsula

Commission to the Rappahannock Commission of the Juvenile Detention Commissions; Resolution R-40-99 which allows the School Board to spend funds budgeted for technology prior to the state bond sale; Resolution R-41-99 continuing the AFDs that are due to expire on 12/31/99; Legislative Package 2000; Refunds of \$183.36 for Set-Off Debt that was abated; \$14.84 for Set-Off Debt that was abated; Bell Atlantic \$94,388.56 refund for E911 tax payment error; Appropriations – Grant funds from the Virginia State Sheriff’s Association for selective enforcement projects \$1,800.00; Carry forward funds for the DMV Occupant Protection Grant \$6,900.00; Grant funds for a new DMV Alcohol Awareness Grant \$1,500.00; Additional funds received from the Compensation Board for a Sheriff’s Deputy upgrade to a Master Deputy \$1,938.00; Carry forward funds for the Western Area Management Plan \$1,920.00; Funding allocated by the State Department of Social Services for the Auxiliary Grants Aged and Disabled programs \$15,301.00; Additional funds allocated by the State Department of Social Services for foster care workers \$284.00; Finance Report showing monthly expenditures for November 1999 of \$1,822,511.63; and the Treasurer’s Report showing total cash as of November 30,1999 of \$11,000,135.55. Mr. Burrell made a motion to approve the Consent Agenda as presented.

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

FOR OFFICAL ABSTRACTS OF VOTES FOR THE GENERAL ELECTIONS AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 236.
 FOR RESOLUTION R-38-99 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 270.
 FOR RESOLUTION R-39-99 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 271.
 FOR RESOLUTION R-40-99 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 275.
 FOR RESOLUTION R-41-99 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 277.

IN RE: CITIZEN’S COMMENT PERIOD

The first person to speak was Mr. Ron Lang who was concerned about the speed limit in Eltham and would like to see it changed to 35 m.p.h. The next person to speak was Mr. Alan Files. Mr. Files of the New Kent Ruritans gave a check to the county for reimbursement of the county fair in the amount of \$7,400.00. The next person was Mr. Fred Neal of Woodhaven Shores. Mr. Neal is the U.S. Census Bureau representative for New Kent County Census 2000 and presented information on temporary job opportunities. Next was Mr. Chris Madison. Mr. Madison stated he already spoke to Virginia Power. Next was Ms. Jennifer Caldwell. Ms. Caldwell expressed concern about the approval of the Planning Commission minutes and whether this process could be speeded up. Next was Ms. Isabel White. Ms. White was concerned about the VDOT area and the water drainage on her son’s property. Last to speak was Ms. Thelma Crump Wilson who thanked the Board for all their work during the year.

IN RE: ELECTED OFFICIAL’S REPORTS

Mr. John Crump, Commissioner of Revenue, handed out a workload data indicator. This data gives an indication of some of the things going on in the county. On the refund issue, he has not heard from the Board yet and is still waiting for their response.

Sheriff Howard reported he supported the Eltham speed limit reduction. New Kent won first place in 1998 for Transportation through the International Association of Chiefs of Police. He commended his department.

Mr. Lipscomb reported on the repairs to the airport. He also reported on the airlift of toys to the Franklin area.

Ms. Ringley stated she would like to see the census workers hired from within the county. She congratulated Sheriff Howard and his department.

Mr. Burrell discussed the difficulty in recycling Christmas wrap due to the high ink content and aluminum foil.

Mr. Hennaman congratulated Sheriff Howard and his department. He commented that New Kent County has been very generous in providing materials to Franklin.

Mr. Bahr expressed his pride in the New Kent Football Program.

IN RE: STAFF REPORTS

Mr. Emerson reported he has received an offer of 61 acres in the Bottoms Bridge area for a County Parks and Recreation area. Mr. Horsley and Mr. Nolley made this offer to the county for property located across the road from Brianwood. A survey needs to be done to determine usable acreage. He recommends it be referred to the Parks and Recreation Commission to review for compliance with the Parks and Recreation Plan. Mr. Bahr asked what possible adverse environmental impact would be. Mr. Emerson said you need to make sure there are no hazardous contaminants that have been placed there. Mr. Nolley gave a brief description of the property. It was the Board's recommendation to move forward with the Phase 1 environmental impact study and send it to the Parks and Recreation Commission for their review. Mr. Emerson stated the Board received a package containing a survey on legal services. Mr. Emerson stated there is a cemetery at the New Kent Airport and a tree has fallen on it. A request was received to look into the removal of the tree. Mr. Loving's staff received an estimate of around \$3,000. Mr. Emerson said he felt they would need an archeologist to determine if there were other gravesites before going in with heavy equipment. The Board recommended forwarding this to the Historic Commission for review. Mr. Emerson stated they are moving forward with the turnover in the Treasurer's Office.

IN RE: RESIDENT ENGINEER'S REPORT

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

IN RE: PRESENTATION – Representative from Virginia Power will give a presentation on the power outages due to hurricane Floyd.

Mr. Hiram Johnson, and other representatives of Virginia Power, stated that improvements have been made and future improvements will continue to be made in the county. They addressed the Board concerning Hurricane Floyd and the impact it had on New Kent County. The representatives addressed concerns the Board had.

IN RE: PUBLIC HEARING – REVISED SECONDARY ROAD IMPROVEMENT SIX YEAR PLAN FOR 2000-01 AND THE SECONDARY ROAD IMPROVEMENT BUDGET PRORITY LIST FOR FY 2000-01 THROUGH 2005-06.

Mr. Riley reviewed the current six year plan. The Board discussed which new projects they wanted to add and the secondary improvement budget priority list for FY 2000-01 through 2005-06. The Board had several questions for Mr. Riley. Mr. Bahr opened the meeting to citizens comments. Mr. Jerry Benson, 3902 Homestead Road, would like to see improvement made to Homestead Road. Ms. Merry Sue Hill, 3801 Homestead Road, presented the proposal of the residents of Homestead Road. Mr. Bob Hershberg, a resident of 3904 Homestead Road, supported the petition Ms. Hill read. Mr. Tommy Ellis Jr., 12730 Old Telegraph Road stated the residents of Route 647 (Old Telegraph Road) were never consulted about the addition of their road to the Six Year Plan and they do not want it on the list and had a petition with 17 signatures supporting this view. Also, the residents of Route 647 would like to have a speed study done and speed limit signs erected. Mr. Thomas Ellis Sr., 13200 Old Telegraph Road, agreed with his son and reiterated the residents concerns. Mr. Bahr closed the public hearing. The Board members discussed their concerns and suggested projects to be added to the Six Year Plan. Mr. Riley reviewed the Secondary Road Improvement Budget Priority List for FY 2000-01 through 2005-06. Ms. Ringley made a motion to approve Resolution R-35-99 for the Secondary Improvement Six Year Plan and the Secondary Improvement Budget Priority List for FY2000-01 through 2005-06 as presented and that being for hard surface roads, the intersection of Route 630 and 249, Route 686, and Route 665 from the overpass at Route 64 to Route 249; for unpaved roads Route 632, .5 miles on Homestead Road, Route 658, and Route 626.

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

FOR RESOLUTION R-35-99 AS ADOPTED, SEE BOARD OF SUPVISORS ORDER BOOK, APPENDIX SIX, PAGE 278.

IN RE PUBLIC HEARING – C-2-99[C] – Harry Batkins (owner) and P. D. Sweet (contract owner) application to rezone a 44.75 acre portion of the property shown on Tax Map and Parcel: 19-49F, located on State Route 665 (Henpeck Road). 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 residential subdivision consisting of approximately 42 lots.

Ms. Guy gave her report stating under the R-1A, Single Family Residential zoning district regulations, the minimum lot size for the district is 20,000 square feet. The minimum house size is 1,300 square feet for a two-story dwelling and 1,200 square feet for a one-story dwelling. The Western Area Management Plan designates this area for “mixed use development” land uses, at a maximum residential density of 6 units per acre. The density for the proposed development is 1.07 dwelling units per acre. The plan identifies “mixed use development” as a “category designated for major non-residential Planned Unit Developments.” Such development proposals would accommodate a full range of commercial and light industrial uses. Residential uses should only occur as secondary uses but may be of a wide variety. It is required that “mixed use development” land uses be located in areas identified as Capital Improvement Investment Areas and the development be served with public water and sewer services. While there is no central sewer system in the area slated for development, the developer will be required to install a central

water system that may then be transferred to the county for operation and maintenance. According to VDOT, State Route 665 (Henpeck Road) is classified as a "local road" with a design speed of 25 m.p.h. and a traffic capacity of up to 250 vehicles per day. The properties adjacent to this parcel are zoned A-1, Agricultural with the exception of the parcel fronting directly on State Route 249, which is R-1, Single Family Residential. The fiscal impact model (to gauge potential effects of residential development) shows the net capital cost of a single family dwelling, in county government services is \$5,796 and the potential cost of the proposed development in county government services is \$243,432. The applicant has proffered the donation of a portion of the remainder of the parcel for parks and recreation use. The New Kent County Department of Public Safety has reviewed the application and finds the proposed dual lane roadway is favorable from a public safety perspective. Should the proposed subdivision be expanded in the future, the Director of Public Safety recommends another entrance/exit be identified. The New Kent County Department of Public Works will require construction drawings for all public improvements be supplied for review and the improvements be installed to County Water and Sewer Construction Standards. The proposed interior well lot location is unacceptable due to its conspicuous location. The New Kent County Health Department has no comment at this time due to lack of soils data. The proposed water system will be required to conform to the Virginia Department of Health Waterworks Regulations. VDOT will require a right-of-way dedication along the entire frontage of the property. All construction in the VDOT right-of-way must receive prior review and approved permits from VDOT. The interior road system must be constructed to VDOT standards. Ms. Guy handed out copies of the traffic study that was prepared by DRW Consultants and the application appraisal. These items were supplied to the Planning Commission. The traffic analysis indicated the traffic on Henpeck Road, during peak hours was operating at a level of appropriate speed and an additional turn lane for traffic going north as well as south did not appear to be needed. The proposed use of the property is considered "acceptable" use under the Western Area Management Plan if it is part of a mixed use planned unit development. The proposed development will have an effect on the County's ability to provide government services to the property in question and the county as a whole. At its meeting on August 5, 1999, the Planning Commission voted 5-1-1 (Mr. Daniel abstained) to recommend approval of this application. Mr. Bahr opened the public hearing. Mr. George A. Philbates, Clarke Road, was against the application for many reasons – ground water depletion, the number of houses per acre, and overloading county services. Ms. Rebecca Philbates was also against the rezoning application mostly because of the overloading of schools and the disappearance of farmland to produce food. Mr. William Hott, Clarke Road, was against the application request. Mr. Joe McLaughlin, Sr., 7500 Old Roxbury, was against the rezoning application because of increased road traffic on Routes 249 and 665. Mr. Chris Madison, 19311 Eltham Road, was against the application because of the wildlife problems it would cause. Ms. Isabel Davis White, 5711 Farmers Drive, said farming is no longer profitable and was in favor of the application. She felt if large corporations were given approval, then small land owners should be given the same approval. Ms. Jennifer Caldwell, Quinton, was against the application because the tax base can't support it, as well as overburdening other county services. Mr. Charles Bowery, 7830 N. Henpeck Road, is an adjacent landowner who raises livestock. He was against the application because of the traffic, trespassing, and water problems it would cause. Mr. John Bryant, 7113 Cherokee Road, Richmond, was against the application because of unplanned development problems, sprawl, and the burden on schools and other utilities. Ms. Donna Bryant, 7113 Cherokee Road, Richmond, was opposed to the application because of the environmental impact (environmental impact study was never submitted), the burdening of the county's schools and other services as well as traffic concerns. Mr. J. C. Francisco, 3141 New Kent Highway, was opposed to the application and felt the developer had not yet established the value of the property. Ms. Shirley Francisco, 3141 New Kent Highway, was opposed to the application because of the impact it would have on the schools. Ms. Mary Bryant, 8400 S. Quaker Road, was opposed to the application due to sprawl. Ms. Betty Batkins, 8100 Airport Road, was in favor of the development, which was less than ½ mile from Route 249 on a completely straight section of Henpeck Road. She stated Glenda Batkins lives on 8 acres before the entrance to the proposed development and other family members live on three acres adjoining Glenda Batkins property. None of these people would be bothered

by the development. They are in compliance with the Comprehensive Plan. Mr. Mark Daniel, was in favor of this application. He represents the Batkins family. They are in compliance with the West End study and the Comprehensive Plan. They are offering land for parks and recreation. Mr. Herb Jones, 6724 Forest Drive, was in favor of a park where he could take his son. Ms. Peggy Putze, 8020 N. Henpeck Road, owns the trailer park next to the proposed development. She was opposed to the development because of trespassing and traffic problems. She had a petition for the Board from the residents of the trailer park. Ms. Glenda Batkins, Henpeck Road, who owns the property that is surrounded by the proposed development, was concerned about the traffic and safety issues. Mr. Ray O’Leary, 3535 S. Woodland Circle, was in favor of the proffer for the parks and recreation facility and felt the homes would be a good place for young teachers. Mr. H. W. Davis, Jr., 3320 New Kent Highway, was in favor of the rezoning. Mr. Pete D. Sweet (applicant) stated this was an isolated subdivision of starter homes. He felt the development would increase surrounding property values, would generate a tax base, and give local developers a chance to build. Mr. Bahr closed the public hearing. The Board questioned Mr. Sweet on several issues regarding the proposed development/rezoning. Mr. Bahr clarified that VDOT has not reviewed the traffic analysis. Ms. Ringley clarified that the Planning Commission reviewed the traffic analysis the night they met, but staff did not have time to include it in their report. Ms. Ringley made a statement that she had a problem with the Board receiving information that was not complete. Procedure is not being followed – the Board needs complete information and the Planning Department needs to follow guidelines that are the same for every applicant. They also need the Planning Commission to act within the parameters of their duties and follow the same guidelines for every applicant. Mr. Burrell commented on the amount of time the Board is given to consider information before the meetings. Also, he stated he is anti-sprawl and the property owners’ rights must be balanced with those of his neighbors. The NIMBY (Not In My Back Yard) view seems to be prevalent, but you have to be fair because change is inevitable and you cannot totally deny people from coming to the county. The total impact on the county must be considered and corporations and individuals must be treated equally. Mr. Emerson stated that several members of the Parks and Recreation Commission had contacted him regarding the land proffer and they have not had a chance to review it yet for compliance with their policies. Ms. Ringley questioned the validity of the appraisal on the proffered land, which was appraised as R-1 – should it be rezoned as it is currently zoned A-1. Mr. Hennaman said the proposed use is acceptable under the Western Area Management Plan only if it is part of a mixed use planned unit development and this proposal is not part of a planned unit development. Mr. Burrell made a motion to defer action on the application until the January meeting. Mr. Lipscomb made a motion 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]. A vote was taken on Mr. Lipscomb’s motion:

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

The motion did not carry.

A vote was taken on Mr. Burrell’s motion to defer until the January meeting.

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

IN RE: REQUEST – Harold Wingate of Wingate Appraisal Service is requesting an extension for completion of the General Reassessment.

Mr. Wingate said he was requesting the extension because the request for proposals said it should be completed by March 1 and it took 2.5 months to negotiate a contract. Mr. Emerson said the extension would elongate the process of assessment and the Board would not know what the final real estate values are until the Board of Equalization has met and completed their work. Mr. Wingate had promised preliminary numbers by mid-December, but they have not been received yet. Mr. Emerson also said there were issues on both sides of the contract that caused the delay – private employment of people to do the data entry verses them being county employees and other issues. Mr. Lipscomb made a motion to request a sixty-day extension of the General Reassessment from the Circuit Court Judge.

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

IN RE: DISCUSSION – The Board will discuss questions concerning placement of campaign signs at polling places before and after election day.

Mr. Catlett, County Attorney, stated the issue is whether the Board can control the placement of signs on county property. The Attorney General’s Office said the Board does have the right to prohibit the placement of all signs on public property. Mr. Emerson said it has been a long-standing county policy to not allow signs on county property since before the polling place was moved to the old courthouse. Mr. Bahr agreed with this and reviewed the actions that took place on election day. Mr. Charles Moss, from the Electoral Board, stated the Attorney General’s Office told them that the county has the right to bar placement of signs on county property, but if there was an objection they would suffer the consequences. The Electoral Board felt all polling places should be treated the same. Mr. Bahr reiterated that all privately-owned polling places have the right to set their own rules. The Board discussed these issues. Mr. Lipscomb made a motion to allow signs at the old courthouse on election day.

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

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

Mr. Lipscomb made a motion to appoint Richard Ellyson as District One’s representative to the Zoning Appeals Board for a five year term ending December 31, 2004.

Ms. Ringley made a motion to appoint Marty Sparks as District Two’s representative to the Planning Commission for a four year term ending December 31, 2003.

Ms. Ringley made a motion to appoint Robert Stroube as District Two’s representative to the Planning Commission for a four year term ending December 31, 2003.

Ms. Ringley made a motion to appoint David Lawler as District Two's representative to the Transportation Safety Commission for a four year term ending December 31, 2003.

Ms. Ringley made a motion to appoint Paul Gilley as District Two's representative to the Agricultural & Forestal Advisory Commission for a four year term ending December 31, 2003.

Ms. Ringley made a motion to appoint Shawn Pratt as District Two's representative to the Airport Advisory Commission for a one year term ending December 31, 2000.

Ms. Ringley clarified the commissions/committees terms become vacant on the expiration date of the current appointee.

Mr. Burrell made a motion to appoint Steve Avent as District Three's representative to the Historic Commission for a four year term ending December 31, 2003.

Mr. Burrell made a motion to appoint James Moody Sr. as District Three's representative to the Board of Road Viewers for a one year term ending December 31, 2000.

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

Mr. Hennaman deferred making appointments to District Four so the incoming supervisor could do so and suggested the county-wide appointments be deferred to allow for the incoming supervisors' input.

Mr. Bahr made a motion to appoint Albert J. Dean as District Five's representative to the Agricultural & Forestal Advisory Committee for a four year term ending December 31, 2003.

Mr. Bahr made a motion to appoint Eckhardt Schutz as District Five's representative to the Airport Advisory Commission for a one year term ending December 31, 2000.

Mr. Lipscomb made a motion to approve these motions.

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

Mr. Bahr said a letter of resignation had been received from Herb Jones on the Industrial Development Authority. Mr. Lipscomb made a motion to appoint Fred Bahr as New Kent County's county-wide representative to replace Herb Jones on the Industrial Development Authority to complete a four year term that expires on December 31, 2000. Mr. Hennaman made a motion to defer county-wide appointments until January 1 to allow the two new supervisors to have input. Ms. Ringley said she had not received any notice of this resignation and wanted to know which supervisors had received notification. Mr. Emerson said a letter had been received in the office and it did not come in in time to be placed in the Friday package or on the agenda.

A vote was taken on Mr. Hennaman's motion to defer county-wide appointments until the next meeting.

Mark A. Hennaman	Aye
------------------	-----

Julian T. Lipscomb	Nay
Rebecca M. Ringley	Aye
James H. Burrell	Nay
Frederick G. Bahr	Nay

A vote was taken on Mr. Lipscomb motion to appoint Mr. Bahr.

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

The motion carried.

IN RE: MEETING SCHEDULE

The regular meeting of the Board of Supervisors will be held Monday, January 10, 2000 at 6:00 p.m. The Planning Commission will meet on January 17, 2000 at 7:00 p.m.

IN RE: ADJOURNMENT

Mr. Hennaman 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 11:07 p.m.