

AN EXECUTIVE SESSION OF THE BOARD OF SUPERVISORS WAS HELD ON THE 9TH DAY OF FEBRUARY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-EIGHT IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 5:02 P.M.

IN RE: EXECUTIVE SESSION

Mr. Lipscomb called the meeting to order and asked the clerk to call the roll.

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

Ms. Ringley made a motion to go into executive session for discussions relating to the acquisition (or sale) of real property for public use pursuant to '2.1-344(a)(3) of the Code of Virginia and briefings by legal counsel, consultants, or staff members pertaining to actual or probable litigation or other legal matters requiring the provision of legal advice by counsel pursuant to '2.1-344(a)(7) of the Code of Virginia.

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

The Board returned from executive session at 6:01 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 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.

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

The Board recessed.

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 9TH DAY OF FEBRUARY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-EIGHT IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:08 P.M.

IN RE: ROLL CALL

Mr. Lipscomb asked Mr. Burrell to give the invocation and lead the Pledge of Allegiance. Mr. Lipscomb asked for a roll call.

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

IN RE: CONSENT AGENDA

Mr. Lipscomb asked Mr. Emerson to present the Consent Agenda. Mr. Emerson stated the Consent Agenda consisted of the following: Approval of minutes from the January 12, 1998 Board meeting; Resolution R-3-98, recognizing Gary L. Green's service on the Board, Resolution R-5-98, observing Child Passenger Safety Awareness Week, Resolution R-6-98 supporting emergency service agencies and the Virginia EMS System's request to the General Assembly of increasing the \$2.00 for life donation when license tags are purchased to \$4 for Life; Emergency Services Proposal - request for award of contract with Marketing and Management Solutions, Inc., Request to advertise Ordinance O-2-98 to amend Section 14-6 of the New Kent County Code to raise insufficient fund charge for bad checks from ten dollars to twenty dollars, a motion extending the terms of the Youth Services Commission members to comply with the three year minimum requirement under the standards for the Office on Youth; Refunds - Kenneth S. Clark - \$33.60, Nationsbanc Mortgage Corporation - \$205.68, Everett H. Ragland - \$14.76, James Ampey - \$32.25, Peter Sweet - \$214.02; Appropriations - Federal funds for Sheriff's Department V-STOP Grant - \$15,025.00, Funds transferred from Sheriff's Asset Forfeiture Account - \$1,180.00, Reverse October 1997 appropriation for \$1,700.00 where a grant was not received as expected, Supplemental Office on Youth State Funds - \$1,057.00, and the Emergency Services Study appropriation of \$10,000.00 for the Marketing and Management Solutions, Inc. proposal award; Finance report for January 1998 reporting expenditures of \$1,244,665.42. There was no Treasurer's Report. Mr. Hennaman questioned how the recommendation of \$20.00 for the bad check charge was made. Mr. Cornwell responded this was the amount the statute allowed. Mr. Bahr made a motion to accept and approve the Consent Agenda as presented.

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

FOR RESOLUTION R-3-98 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 108.
FOR RESOLUTION R-5-98 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 109.
FOR RESOLUTION R-6-98 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 110.

IN RE: CITIZEN'S COMMENT PERIOD

The first citizen to speak was Mr. Stewart Slirey, 5301 Pine Fork Road, New Kent. Mr. Slirey said he has been a resident of the county for about a year and he has read in the paper about the airport. It seemed to him it could have been resolved years ago without having to pay it out and he was upset about the incurred court costs and settlement. The next citizen to speak was Ms. Jennifer Caldwell. She questioned Mr. Hennaman's comment at last month's meeting that they (Board) had saved the county a million

dollars in regards to the Worley case. She was concerned about the cost to the taxpayer. She questioned someone's judgement (did not know who's) and she admitted she did not know all the facts regarding this situation, but she was trying to find out. It seemed to her someone erred in judgement either when they began to lease the airport to Mr. Worley or when they took the lease away from him. She would like to know when the error occurred. She came before the Board in the spring with questions about where the money was located, at the time the case was under appeal, and was told the money was not in the budget because litigation was still going on. She understands the final payment to Mr. Worley was in excess of \$400,000.00. Her question is how much were the legal fees and are the citizens going to be able to see this information and be able to understand it - to have it broken down so they can see to whom legal fees were paid. The next citizen to speak was Mr. John Crump. Mr. Crump spoke as the President of the New Kent Historic Society. A lease agreement was signed today for the New Kent County Jail so the Historic Society could create a home and place the artifacts and documents they have. Mr. Crump paid Mr. Emerson a dollar for the lease. Mr. Crump said they were working with a matching grant from the state in the amount of \$10,000.00 for building improvements.

IN RE: ELECTED OFFICIAL'S REPORTS

Mr. Lipscomb presented Mr. Hennaman with a plaque commemorating his service as chairman for the past sixteen months. Mr. Lipscomb also stated he and Mr. Bahr attended the State Chairman's Institute in Richmond last week and found it to be very educational. In the last 2-3 years many people have come to him regarding the tax due date of December 5th. Everyone who spoke to him said they would like to see it changed, and the consensus was September 5-10. Mr. Burrell said they had gone through this before, and he felt it would help the Treasurer's Office if the taxes could be collected in September and collect for decals at the end of the year. Mr. Burrell made a motion to have a public hearing for the proposal to collect real estate and personal property taxes from September 5 - 10. Decals would remain as they are now. Mr. Hennaman said the results of the survey by the Commissioner of Revenue indicated September would be a preferable time to pay taxes and he concurred. Mr. Bahr acquiesced and agreed that September 5 - 10 might be a better date. Mr. Burrell stated that the public would have input at the public hearing. Ms. Ringley said she would be very interested in hearing what the public had to say. Mr. Lipscomb asked for the vote.

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

The motion was carried to set a public hearing for the March 9th meeting. Mr. Cornwell clarified the Board wanted to advertise the public hearing for input, but not to amend the ordinance. Mr. Emerson said the ordinance would be set at the time of budget adoption.

Ms. Ringley did not have a report.

Mr. Burrell did not have a report.

Mr. Hennaman did not have a report, but thanked the Board for the plaque and the citizens for the opportunity to serve as chairman.

Mr. Bahr stated the proposed gas pipeline from Mt. Pleasant Road to West Point has been canceled for the time being. Mr. Bahr also clarified that the entire file on the Worley vs. New Kent County was in the

courthouse and open for the public to look at anytime. Also, there had been regular coverage from four newspapers. He hoped the citizens had been informed all along on this matter.

Mr. Lipscomb made the following appointments to the Standing Committees: Finance Committee he appointed Mr. Burrell, School Board Liaison he appointed Mr. Hennaman. The other committees were appointed by district to change by meetings: Public Safety - District Two, Legal Affairs - District Three, Personnel Policy and Management - District Four and Water Resources - District Five.

Mr. John Crump, Commissioner of Revenue, reported the collection of unreported and unpaid BPOL fees for work performed at Colonial Downs has been very successful. They have collected \$30,665.79 to date from those entities that filed liens and had not filed the proper amount of BPOL tax. Additional fees were collected from contractors who read the article in the paper and came forward to report their BPOL tax. They are also trying to identify those entities that may have had contracts with Colonial Downs and did not have a business license in New Kent County. The total fees collected as a result of these actions are over \$34,000.00. The date for filing BPOL taxes changed to give people time to finish out the year and do their accounting and report that information to us. This year 88 business licenses have been issued and around \$120,000.00 in fees has been collected compared to last year when 7 licenses were issued and collected around \$7,000.00 was collected. Mr. Crump felt this increase was due to the information they have been putting out. He also felt it was important for his office to pursue companies from outside the county who do work in the county to make sure they pay this tax. Mr. Hennaman said he had had a complaint today as to what constitutes a business location within the county, specifically in two instances: 1) A vendor who regularly sells items out of a truck in the same location regularly throughout the year. 2) A static display of (for example) a prefab carport with a sign on it advertising the price and number to call, which would be set up on a corner lot - assumably with an understanding between the property owner and the individual setting up the display. If these are legal business entities, then there are other business people paying their fees and everyone should be held accountable to the same set of standards. Mr. Crump said they are guided by a code that stipulates how they administer the program. There is a county code and a state code. The state code is supplemented by guidelines from the Department of Taxation. Both the guidelines and the codes define a business location. When there is an area that is unclear, people are given the opportunity to write a letter asking for a ruling from the State Department of Taxation. In the second case (Mr. Hennaman described) there was a verbal response and they (State Department of Taxation) indicated it would be considered a business.

Ms. Betty Burrell, Treasurer, handed out the cash reports for October, November and December. She commended the Board for considering the change on the due date for taxes. She felt it needed to be made very clear that the decal date will not change. Ms. Norma Holmes has been out sick again, but is now back to work. Ms. Burrell thanked Mr. Emerson, Mr. Lipscomb and Mr. Bahr for going to the Compensation Board with her to speak with the Executive Director (Bruce Haynes). He seemed very favorable with the request for funding due to Norma's extended illness. Ms. Burrell will send a letter to them (Compensation Board) giving the details and to say the Board blesses her request. She would like a consensus from the Board that they are willing to fund the additional monies that have been spent already. If she can recoup this from the Comp Board, then she will be able to do some of the other things she would like to do, which would include sending out notices on delinquent taxes and pursuing collection of delinquent taxes. If she is not successful in getting those funds, then she will not be able to do her job, which is to bring money into the county coffers. Ms. Burrell also thanked Mr. Bob Burr, Mr. Tom Ebel, and Mr. Jim Cornwell from Sands Anderson for the successful auction of delinquent properties totaling around \$111,000.00. All delinquencies will be satisfied and attorney's fees; and, if within the next two years no one claims the residual, the county will have approximately \$60,000.00 that will go into the general fund coffers. Regarding the cash reports she handed out, these are summaries. Ms. Burrell asked if the Board wanted her to read the cash reports or if they wanted to adopt each as presented. Mr. Burrell stated the December cash report should reflect the cash on hand. Mr. Lipscomb asked Ms. Burrell to read

December's report. Ms. Burrell stated the cash balance should read October, November, December on the bottom of the reports. For October 31st the cash balance, including escrow accounts was \$3,412,222.11; for November 30th the cash balance was \$6,050,191.39; and for December 31st , \$10,088,069.69. Mr. Lipscomb recognized Terry Lawler, School Board member from District Two. Mr. Hennaman made a motion to adopt the Treasurer's reports.

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

IN RE: STAFF REPORTS

Mr. Emerson said there were two staff reports. The first was the schedule for meetings concerning budget presentations from department heads and outside agencies on Wednesday, March 4th and 11th. It was the consensus of the Board to move forward with these dates.

The other item is a request from the New Kent County Volunteer Fire Department for an appropriation of funding to their operating budget. On January 28th the Director of Public Safety forwarded a request from Chief W. C. Pearson for supplemental funding in the amount of \$24,600.00. Mr. Emerson asked Mr. Gallaher and Ms. Carmichael to analyze the fire department's request. After scrutiny of the budget by the two department heads, it appears the amount of funding absolutely necessary for the fire department is in the range of \$11,262.00. There are some questions concerning wasteful practices of the fire department that have contributed to this shortage of funds, but due to the timing of this request Mr. Emerson has not had time to further research these issues. He recommended the Board take no action tonight and allow themselves time to review the documents provided and also allow staff to research this matter. Mr. Larry Gallaher said he conducted an in depth investigation and he concurred with Mr. Emerson's recommendation. Mr. Emerson reminded the Board they had appropriated additional funds to the fire department last year and they were approached in the same manner around the same time of year. Mr. Lipscomb asked if we made any donation to Hanover for rescue units? Mr. Gallaher answered, no and confirmed they did make donations to James City County and West Point. Mr. Burrell felt the County Administrator had made a good suggestion, the Board needs to peruse a lot of information. He congratulated the fire department for the job they are doing. However, there are limited resources in New Kent and they were going to have to tighten up in many areas as far as spending. He would want the fire department to operate as well as they can afford to and if there's any areas where they can trim their spending they should look at such rather than appropriating when there's a shortfall. Mr. Gallaher stated he and Chief Pearson have worked closely on this problem and there may be some overuse of the telephones. It was the consensus of the Board to put this issue on the March agenda.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. John Neal gave the following report: During the month of January there were 23 requests for services, six calls from the Sheriff's Office, and three calls from the State Police. The school bus turn around on Rt. 605 has been completed as well as cutting brush at Rte. 60 and Rt. 1208 to improve sight distance. Seven entrance pipes were installed. The shoulders were pulled and drainage problems corrected on routes 632, 656, and 678. Stone was placed on Rt. 620. Low hanging limbs were cut on Rt. 618 from Rt. 249 to Rt. 60. Potholes were being patched on I-64 and Rt. 60. Regarding the recent storms, they handled calls for downed trees, blocked drainage pipes, and high water. Mr. Neal asked

citizens to report potholes to the New Kent Office on Poindexter Road to Mr. Godfrey. Mr. Lipscomb said during the storm he had received a call regarding Poindexter Road - one of the ditches had caved in and there was water standing over the top of a septic tank field. Also, there was a lot of siltation on Rt. 249 where the water goes under the road. Mr. Neal said they were aware of these problems and were dealing with them. Mr. Hennaman said the problem with water standing over the septic tanks was a problem he has brought up before. Mr. Bahr said he continued to receive compliments on VDOT's performance at the Polish Town Road meeting and he also continues to hear from people on Homestead Road about the potholes being back. Ms. Ringley was concerned about the structural safety of the Rt. 106 bridge. Mr. Neal said they were proposing to construct a new two lane bridge parallel to the existing one, realign the roadway, and remove the existing structure. Ms. Ringley asked if the bridge was in New Kent County. Mr. Neal replied it was right on the line. Mr. Burrell confirmed the main reason for repairing this bridge was for the Charles City Industrial corridor. Mr. Neal concurred. Mr. Lipscomb said it was his understanding that VDOT had agreed to put up the remainder of the money for this project. Mr. Neal confirmed. Ms. Ringley said she had problems with improvements to the bridge without improvements to Rt. 60 at the Bottoms Bridge intersection if this was going to increase industrial traffic in this area.

IN RE: C-1-97 (C) Rezoning Application from Dennis C. and Janet P. Chartier to rezone Tax Map and Parcel 29-(1)-A-C from Agriculture to B-2, Business limited.

Mr. Lipscomb asked Mr. Maloney to give his report. Mr. Maloney stated the referenced property is located on the south line of Route 60 approximately one mile east of Bottoms Bridge and contains 8.45 acres. The proposed use is for a non-fueling repair facility. The Comprehensive Plan identifies the parcel for mixed use, which allows for commercial uses. The site does contain a small area classified as Resource Protection Area and a small portion of the property is located outside of the Chesapeake Bay Preservation Area. However, the entire area will be considered a Chesapeake Bay Preservation Area. The entire site is classified as uplands; however, small areas of hydric soils are on site. There are no slopes in excess of 15 percent. The application has been reviewed by the Department of Transportation, which has specified entrance design guidelines; the New Kent County Health Department had no comment, and the New Kent County Department of Public Safety which has stated building permit applications must be obtained prior to commencing construction and requirements of the Virginia Statewide Fire Prevention Code must be followed. The structure will be inspected periodically for fire safety. The applicant has submitted a statement of proffers in an effort to mitigate any potential adverse impacts upon the surrounding community. The applicant has voluntarily proffered to maintain a 20 foot wooded buffer around the perimeter of the property, not operate the facility as a salvage yard, not allow the property to be used for an amusement park, and not allow radio, television or cellular towers to be placed upon the property. The New Kent County Planning Commission, during its December 15, 1997 meeting, recommended approval of this application. Mr. Dennis Chartier, applicant, said the building he had in mind was 60' x 80' with the actual shop being 60' x 50' and 20' for office space. The oil and antifreeze would be recycled, the tires would be picked up, and they do not rebuild engines. They would do state inspections, tires, oil changes, and work on lawnmowers. Mr. Bahr asked what the property will be zoned in the new West End Plan. Mr. Maloney said he did not know at this time as the plan was not completed yet. Mr. Hennaman asked Mr. Maloney when the West End study would be completed. Mr. Maloney said he anticipated receiving the first compete draft in April or May. Mr. Lipscomb opened the public hearing. The first citizen to speak was Mr. J. L. Ralston, 3417 Teakwood Ct., Quinton. Mr. Ralston stated he lived in Five Lakes, knew the applicant, and he was a good neighbor and had no problem with him. However, he ran shops for fifteen years and he felt that no matter how hard the applicant tried he will have old motors and trucks on the side of the building as well as tractors and mobile homes. If he is to make a profit he must have auctions on mechanics liens, he will have old tires and sometimes his oil won't be picked up. He had no problem with commercial development, but if he was going to put a \$200,000,000.00 development nearby and he saw the property next to Wimpy's and the

plan that shows there is a garage there, he'd look at something else. There is plenty of property other than developing in a residential section. He does not think a garage should be at this location. The next citizen to speak was Mr. Gary Nofsker, 7123 N. Hairpin Dr., Quinton. Mr. Nofsker stated he was a neighbor of the applicant and is familiar with his business. He feels Mr. Chartier is conscientious about how he runs his business, is careful not to pollute, and is conscientious about the environment, and supports the Chesapeake Bay. As a resident he would patronize this type of business and he thought it was something the county needs. He was fully in support of the rezoning. The next citizens to speak was Mr. Aubrey Evelyn, 8121 S. Quaker Rd., Quinton. Mr. Evelyn said the Quinton area was one of the fastest growing areas in the county. There was no where to get a flat tire fixed - the citizens need this. Mr. Evelyn also felt new business should be encouraged in the county to help with the tax burden. The next citizen was Stephen B. Stanley, 3075 Pocahontas Tr., Quinton. Mr. Stanley said he spoke about this at the last meeting. He is an adjacent land owner with 157 acres. He purchased this land because of the wetlands. He has been in the automobile business since 1966 and you can do all the precautions, but some way there's going to be greasy engines or something (the back of his property goes into Mr. Stanley's) and there will be runoff into the Chickahominy River. Mr. Stanley said it really bothered him. Also, the location bothers him - he couldn't figure out why anyone would want to put a shop like that (back from the road) and the applicant says he doesn't care about this, but who wants to have a business where people can't see or get to it? He is totally against the rezoning, he is concerned about the wetlands. He has no problem with the applicant, he has found out he is a nice guy, but he doesn't want the shop next to his property with the wetlands behind it. Mr. Stanley asked the Board if they rezone the property and then tell the owner all the things he has to do - how does it work? Mr. Maloney responded to the question in regard to site plan requirements, under the New Kent County Zoning Ordinance all uses in the business or industrial district are required to file a formal site plan, and there is a process established by the county whereby a number of items are addressed such as set back requirements, Chesapeake Bay Preservation requirements and other environmental design features such as signage, lighting and entrance design, etc. The plans are professionally engineered and are reviewed by the county to ensure the zoning requirements are met as well as the environmental requirements during construction and post construction requirements like pollutants run off. The plans are also circulated through county reviewing agencies including the Health Department and the Department of Public Safety and the Virginia Department of Transportation for their comments. Once the project is under development it is periodically reviewed by the building officials, environmental planner, and VDOT. The site is also given a final inspection after all construction is completed. If all conditions have been met, then they are given the certification of zoning, which is the official go ahead and the property can be used for the purpose it was intended. The next citizen to speak was Debbie Stanley, 3075 Pocahontas Trail, Quinton. Ms. Stanley commended the efforts and willingness of the applicant to abide by the EPA to protect the environment. She agreed with the fact that the community needs to grow. She moved to the area because it was agriculture and they love the wetlands. She was concerned that without complete regulations and periodic maintenance to check on the garage and she feared the following: How often would the shop be inspected to make sure the oil is being picked up and being recycled and antifreeze is being recycled, there are no dirty engines laying around, no tires in the back and absolutely none of the water (especially when the water is high) will be affected by any of the rains. Also, with all the other property around, why would a prominent agricultural environment be turned into a piece of business that can someday be turned into something else when a new plan is so close to being completed. Isn't there a way if they are definitely going to approve this (application) without these considerations and not recommend the other business properties that are already zoned as business properties that would be more substantial, and leave the agriculture as it is until the plan is completed? The next citizen to speak was Ms. Thelma Crump Wilson. Ms. Wilson said they need a garage in her area, it will be off the highway, it won't be seen and there won't be but so much traffic since it won't sell gas. She hoped the Board would approve the application. The next citizen to speak was Mr. Cal Curling, 7248 Greenway Circle, Quinton. Mr. Curling stated he has been a resident for 19 2 years. He is a neighbor living in Five Lakes. Mr. Curling said they were always talking about what the residential people are having to pay in the county because there is not a commercial tax base.

We have the chance now to get a commercial tax base, which should somewhat relieve us of our personal taxes on our residences and add something to the coffers of New Kent County. He also concurred with Ms. Wilson on the need for this type of service. Mr. Curling said the waste oil was being burned by the applicant at this time and he hoped he would continue to do this at the new location. The next citizen to speak was Dr. Jane Nicholson, 3511 Cary in Five Lakes. Dr. Nicholson said her car had a lot of miles on it and she desperately needs a garage in the area. She would welcome someone of Mr. Chartier's ethics and friendliness to the area. She supported the application. The last citizen to speak was Mr. Raymond Foster, 721 Dispatch Road. Mr. Foster said he has used Mr. Chartier's present garage and he praised the quality of work done at the garage. Mr. Foster said the county was growing and they need more places where they can take their cars instead of going to Hanover. Mr. Lipscomb closed the public hearing. Mr. Burrell said that in regard to the concern for the wetlands, they have very stringent rules and regulations covering them and he didn't think they should deny an applicant because of wetlands. He also did not think a prudent business man would put money into a location if it wasn't a viable location. Regarding taxes, this is an opportunity to have a commercial enterprise and bring some taxes into the county. He asked if the south side of Route 60 were to be another Five Lakes, would you be in opposition or would you be for it? Mr. Lipscomb asked Mr. Hennaman about the new shop in his neighborhood - if there seemed to be a problem. Mr. Hennaman said that personally he has not experienced any problems. However, he did feel some good points had been made by both sides tonight. He took no issue with Mr. Chartier's business ability or type of shop he would run, and he agreed with Mr. Burrell that it was a hard issue to quantify the wetlands issue if harm would be done. He was concerned about businesses being located east of Bottoms Bridge on Route 60. The possibility exists that the further you move away from the Bottoms Bridge interchange and the farther you go east on Route 60, the viability of a business may be diminished. If the business fails and there's a vacant building there it would pose the potential of harboring ill effects on the community. Mr. Hennaman agreed with Mrs. Stanley that it would be prudent to wait for the results of the West End Study before taking action on the rezoning. Regarding the opportunity to bring a new business into the county, he agreed the county needs to look at every opportunity, but it does not mean all opportunities will be good. Mr. Hennaman said they had been a Board that has been very proactive in studying the situation and they have an opportunity to look to their neighbors in Henrico and Chesterfield as examples of what not to do, we have the opportunity to grow our county responsibly. Mr. Hennaman felt it would be prudent to defer action until the completion of the West End Study. Mr. Bahr read from the minutes of the Planning Commission, in which they refer to the Comprehensive Plan, the goals, objectives and policies support the rezoning. Mr. Bahr asked what the possibility of the new plan was to put this area into a less intense use, but he doubted it would happen. He would like to see a local businessman and not a franchise is willing to open a business. Mr. Bahr did not feel there should be any delaying of Mr. Chartier's application. Ms. Ringley said it was not a personality issue, it was about rezoning land. They have to determine what is correct for the area, which is designated as mixed use, but you will have a business sitting between residences. She agreed with Mr. Hennaman that since the West End Study was very near completion, it would be wise for the county to stick with the plan and wait for the plan to be completed before they made a decision. Ms. Ringley felt a cluster of businesses and a cluster of homes would be more appropriate. Regarding the tax issue, she also would like to see the county bring in tax revenue from commercial development, but they needed to look at what has occurred on Midlothian Turnpike and Mechanicsville Turnpike. Ms. Ringley felt there was plenty of commercial space available at the Bottoms Bridge intersection and that area needed to be filled up first. The application states that the surrounding homes would not be able to see it, but she had visited the site and she could see the homes from the site, therefore, the homes would be able to see the site. She is not against the business, but she recommended it be deferred until the West End Study was completed. Mr. Lipscomb felt the future land use plan in effect now should be used and it provides for mixed use development. Brianwood Park was not wanted, but now it's there everyone likes it. People are afraid of what's going to happen in the future. He felt the West End Study plans probably would not change this land. Mr. Burrell said if the study was so close and the Planning Commission has dealt with this application in depth, he didn't know if Mr. Chartier could afford to wait, but if it's inevitable the land will

be zoned this way, then deferring action could affect the applicant. Mr. Burrell stated in order to protect and promote public convenience, necessity, general welfare, and good zoning practices in the county, I move to approve C-1-97 (C) as presented. Ms. Ringley said they needed to remember that Mr. Chartier may open this business, but Eckards may take it over. Ms. Ringley wondered if neighboring localities were in this position where they almost had a long range plan and went ahead and approved something and got themselves into a Midlothian Turnpike pickle. Ms. Ringley moved to defer C-1-97(C) as presented. Ms. Ringley's motion was voted on first.

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

The motion was defeated.

Mr. Burrell's motion was voted on.

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

The motion carried. *Mr. Hennaman said he was on record as being in favor of deferring this; however, the vote was defeated and it's inevitable this application is going to go through tonight he will vote in favor.

IN RE: C-5-97, Rezoning Application from P. D. Sweet (contract purchaser) and Claude B. Allen (owner) to rezone Tax Map and Parcel 19B2-(1)-A2 from A-1, Agriculture to R-1, General Residential.

Mr. Lipscomb asked Mr. Maloney to give his report. Mr. Maloney stated the subject parcel contains 0.311 acres and is located adjacent to the Five Lakes Subdivision. The applicant has indicated the purpose of the rezoning is to vacate the boundary line between Tax Map and Parcel 19B2-(1)-A2 and the adjacent parcel 19B2-(1)-A for the purpose of redividing the combined parcels into two building lots at a later date. The adjacent parcel is currently zoned R-1, Residential. The area is classified in the Comprehensive Land Use Plan as "Medium Density Residential". The goals and objectives of the Comprehensive Plan have been included in the staff report. The property is located outside the Chesapeake Bay Preservation Area. No steep slopes or wetlands are located on site and no significant environmental barriers to development have been identified. The application has been reviewed by the Virginia Department of Transportation who indicated proper site distances at driveway entrances must be maintained; the Health Department had no negative comments at this time; and the Department of Public Safety had no specific comments regarding the proposed rezoning. It is not expected that this application will have a significant impact on public facilities. The Planning Commission, during its December 15, 1997 meeting, voted to recommend approval of this application as submitted. The applicant did not wish to make any comments. Mr. Bahr asked what the minimum lot size was. Mr. Maloney responded the minimum lot size was 20,000 square feet and this lot is going to be combined with an adjacent lot that totals 1.5 acres and at a later date redivided so the two new lots created would be in excess of 20,000 square feet. Mr. Bahr also asked if the new parcel could be divided into four lots in the future. Mr.

Maloney said it would depend on the soils study. Mr. Lipscomb opened the public hearing. There were no citizens signed up to speak. Mr. Lipscomb closed the public hearing. Mr. Hennaman made a motion to approve the rezoning as presented.

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

The motion was carried.

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

District One had no appointments.

District Two had no appointments.

Mr. Burrell made a motion to appoint Barbara Wright as District Three's representative to the Agricultural & Forestal Advisory Commission for a four year term ending December 31, 2001.

District Four had no appointments.

District Five had no appointments.

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

The motion was carried.

Ms. Ringley made a motion to appoint Mary P. Buchanan as New Kent County's representative to the Building Code Board of Appeals for a four year term ending December 31, 2001.

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

The motion was carried.

IN RE: MEETING SCHEDULE

The regular meeting of the Board of Supervisors will be held Monday, March 9, 1998 at 6:00 p.m. The Planning Commission will meet on Tuesday, February 17, 1998 at 7:00 p.m.

Mr. Lipscomb added the budget presentation meetings will be held on Wednesday, March 4th and 11th beginning at 9:00 a.m.

Mr. Emerson said the proposals have been received for Audit Services and may be brought before the Board on March 9th in executive session to review the two applicants.

IN RE: ADJOURNMENT

Mr. Bahr made a motion for adjournment.

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

The Board adjourned at 7:55 p.m.