

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 14TH OF JULY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SEVEN IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING AT 5:40 P.M.

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. There was no discussion. The Members were polled:

Gary L. Green	Aye
James H. Burrell	Aye
Frederick G. Bahr	Absent
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried.

IN RE: ROLL CALL

Mr. Hennaman asked for a roll call before the Members went into executive session:

Gary L. Green	Here
James H. Burrell	Here
Frederick G. Bahr	Absent
Julian T. Lipscomb	Here
Mark A. Hennaman	Here

IN RE: CERTIFICATION OF EXECUTIVE SESSION

The meeting was reconvened at 6:00 p.m. Mr. Hennaman stated that the Board had been meeting in executive session since 5:40 p.m. for a personnel matter, specifically to discuss the annual performance evaluation of one of the staff members. Mr. Green stated: 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.

There was no discussion. The Members were polled:

Gary L. Green	Aye
James H. Burrell	Aye
Frederick G. Bahr	Abstain
Julian T. Lipscomb	Aye

Mark A. Hennaman Aye

The motion was carried.

IN RE: ROLL CALL

Gary L. Green	Here
James H. Burrell	Here
Frederick G. Bahr	Here
Julian T. Lipscomb	Here
Mark A. Hennaman	Here

Mr. Hennaman gave the invocation and lead the Pledge of Allegiance.

IN RE: CONSENT AGENDA

Mr. Emerson went over the Consent Agenda which consisted of: Approval of Minutes from June 2, 6, 7, 9 and 30 meetings. Miscellaneous: R-18-97, Reimbursement Resolution for the planned lease purchase financing in the fall for various equipment and capital improvements for the County - vehicles for Sheriff's Office, two trucks as approved for the Dog Warden and Superintendent covering the convenience center sites; and, for improvements to the Administration Building in the HVAC and roof; Award of the bids for petroleum supply for the next three years, Authorization for advertisement of O-11-97, Noise Ordinance, which has been redrafted at the Board's direction; O-13-97, Amendment to the Garbage, Refuse, Junk Ordinance clarifying a tall grass section for when a structure is on a parcel of land it is also subject to this ordinance; Refund to Michael Payne in the amount of \$140.40 for a business license that was purchased in error; Finance Report with total expenditures for the month of June of \$1,019,147.53; Treasurer's Report showing a cash balance as of June 30, 1997 of \$3,568,312.14, which is a positive difference from 96/97 of \$1,742,337.44.

Mr. Burrell stated that the Noise Ordinance does not have hours in it. Mr. Cornwell stated that it was modified to control any noise at anytime that is audible at a certain distance off the property so it would cover gunfire, working on automobiles, or any noise that was excessive to be heard off of the property from which it was generated for more than 50 feet. Mr. Burrell was concerned about the gun ranges, which would be restricted by this ordinance. Mr. Green was concerned that this ordinance would affect hunters. Mr. Cornwell was asked to redraft the ordinance to include an hour range.

Mr. Lipscomb questioned if anyone wanted to bid on the aviation fuel. Mr. Emerson stated that Tribble does not carry aviation fuel and no other bids were received.

Mr. Bahr made a motion to approve the Consent Agenda as presented. There was no discussion. The Members were polled.

Gary L. Green	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried, the Consent Agenda was approved.

FOR RESOLUTION R-18-97 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 57.

IN RE:           CITIZENS' COMMENT PERIOD

There were six citizens who spoke. The first was Ms. Nancy Hayes, 7811 Deer Run, New Kent, Virginia. Ms. Hayes spoke as a representative of New Kent County to the Advisory Council on Capital Area Agency. The Foster Grandparents Program will be available in the schools. There is a stipend for mentors if they fall within the median income as well as other benefits. Ms. Hayes was very excited about this program. The second citizen to speak was Mr. George Philbates, Clark Road, New Kent, Virginia. Mr. Philbates expressed his concerns about the Delmarva PUD. He asked the Board to "think hard about increasing the proffers" due to so many homes and the fact they are banking on the race track. He didn't want to see the taxpayer stuck with all the schools and taxes that go along with it. Also, regarding the noise ordinance, what about the carbide canons and guns that the farmers put in the field to keep the crows and deer away. What about trains, traffic on I64 and low flying jets? Some things that make noise are hard to regulate. He felt the Board should be careful about how many of the privileges they were taking away from the citizens. Regarding the fingerprinting for a concealed weapons permit, he had no objections and feels that anyone wanting this permit should be fingerprinted. The third citizen to speak was Brian Buniva, Mezzullo & McCandlish, Richmond, Virginia. Mr. Buniva stated he had appeared before the Board at the last monthly meeting. Mr. Buniva represents Frank McCreery, who is an adjacent property owner to the Delmarva PUD. Mr. Buniva stated he had sent a letter indicating that his client and Delmarva have reached an amicable resolution to the issues regarding access to Mr. McCreery's property. He and his client asked that the Board give approval to the PUD tonight. The fourth citizen to speak was Mr. Ray Arp, 7946 Cumberland Road, New Kent, Virginia. Mr. Arp stated he was speaking on behalf of the citizens of Cumberland Road. Several months back they had formed a civic organization about their concerns over the Cumberland Hospital and how it impacts their safety. He thanked the Board for their support in lowering the speed limit to 40 m.p.h. He is concerned about (Cumberland) runaways, and bringing sentenced juvenile offenders from juvenile correction centers into the hospital which is not equipt for this. They feel it is a violation of the hospital's conditional use permit and they will continue to monitor this. The fifth citizen to speak was Reverend Milton Hathaway, 9001 Crumps Mill Road, Quinton, Virginia. Rev. Hathaway stated he wanted to address his comments primarily to the Chairman. He was concerned about the friendly amendment the Chairman wanted to add at the last board meeting that would have reduced the size of the Planning Commission from 10 members to 5 members. He felt it was the worst possible time to consider reducing a commission that deals with planning and organized growth in the County. Cutting it in half would render it ineffective. He asked that the Board consider carefully before deciding to disrupt this commission. The last citizen to speak was Thelma Crump Wilson, New Kent, Virginia. Ms. Wilson agreed with Rev. Hathaway - the more citizen input, the better the County is. She is concerned about the near accidents at the airport - she hoped the wind direction mechanism would be improved. Mr. Hennaman thanked everyone for their comments.

IN RE:           ELECTED OFFICIALS REPORTS

Mr. Hennaman stated that two young men had attained the rank of Eagle Scout. He suggested that a letter be written on behalf of the Board to each of the gentlemen congratulating them on their accomplishment and encouraging their continued success; and, in August a resolution be considered. Also, the New Kent Babe Ruth All Star Team is undefeated and won the Babe Ruth District Three Championship recently.

Mr. Lipscomb did not have a report.

Mr. Green expressed his thanks to the Sheriff's Department for their recent 35 count federal indictment on murder and drug charges. Also, he thanked Investigator Graham and Deputy Anthony for their help in this.

Mr. Burrell also expressed his appreciation to the Sheriff's Department.

Mr. Bahr concurred with Mr. Green and Mr. Burrell regarding the Sheriff's Department. He apologized for comments he made at the last School Board meeting referring to the monies held in each school and athletic department as "slush funds". Mr. Allen has informed him that these monies were obtained from the sale of tickets, popcorn, pop, etc. The Athletic Department is self supporting.

Ms. Betty Burrell, Treasurer, expressed her appreciation to the Board for passing R-18-97. She is concerned about the air quality in the administration building. She has complained for several months. She and her staff have suffered from nausea, burning eyes, blurred vision, dizziness, and tiredness in the afternoons as well as difficulty in concentrating. She felt that there was something in the HVAC system that was pumping bad air into the offices.

IN RE: STAFF REPORTS

Ms. Denise Bartlett, Administrator of the Office on Youth Program, discussed the appointment of a commission for the Office on Youth. The commission acts in an advisory capacity to establish the goals and objectives and to supervise Ms. Bartlett's work. It consists of eleven citizens (requirement), the majority of whom should be non-agency and not employees of the county government. At least one of these must be under the age of eighteen. They are appointed by the Board of Supervisors. The Board decided they would make their appointments at the August 13th Board Meeting.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Bob Riley stated there were 29 calls from citizens during the month of June concerning ditches, trees/brush, gravel roads and potholes. All but one have been completed. There were 12 calls from the Sheriff's Office - all completed, and 9 calls were received from the State Police - all completed. On Rt. 670 they have reshaped the ditches and trimmed overhanging limbs. On Rt. 60/Rt. 640 the brush and small trees were cut around the bridge. On Rt. 627 potholes were patches. On Rt. 60 at Liberty Church trees were trimmed. On Rt. 612 from Rt. 249 to Rt. 640 the ditches and shoulders were pulled. On Rt. 60 six blowups in the concrete pavement were repaired. Also, on Rt. 651 (Angelview Drive) this construction project has been completed with the final inspection to take place sometime this week. On Rt. 604 (Poindexter Rd.) the contractor continues grading operations and has begun placing stone subbase. This project is about 50% complete and is anticipated to be completed sometime in September. Mr. Hennaman questioned Mr. Riley about the blowups on Rt. 155 in front of the golf course entrance. Mr. Hennaman also stated that he had not received any calls on the work being done on Poindexter Road and he appreciated that VDOT was performing the work at little inconvenience to the residents. Mr. Bahr asked about the status on Old Stage Road east of Eltham Road - is it in the Six Year Plan? Mr. Riley responded that he would check on this. Mr. Green asked about Rt. 60, just east of the Texaco Station, orange barrels are around the culvert - will VDOT be extending that culvert? Mr. Riley stated that it would be extended as soon as they get the outlet ditch opened up. Mr. Green also asked what the status was on the reflection lights on Rt. 60 east, westbound? Mr. Riley said he would check on this. Mr. Lipscomb thanked Mr. Riley for the strobe light at Bottoms Bridge, but thought one was needed heading west also. Mr. Hennaman stated that he'd had some calls from some of the merchants in Providence

Forge around the public library and further east concerning the sand that is accumulating as a result of trucks bringing material to the track from the Custom Concrete plant. He asked if VDOT could remove it from the road. Mr. Riley said he would take care of it.

IN RE: PUBLIC HEARING - O-15-97, Fingerprinting Ordinance.

The Sheriff's Office has asked that the Board withhold consideration of this ordinance tonight as they are currently doing some additional research on the application methods used by other enforcement agencies. This item was struck from the Agenda.

IN RE: PRESENTATION - NEW KENT COUNTY PARKS AND RECREATION COMMITTEE.

Mr. Lee Tyson presented the survey findings from the Parks and Recreation Survey conducted by the graduate students in the Urban Studies and Planning Program and Virginia Commonwealth University. The response rate was 42% - which is more than double the response rate needed to make the survey statistically accurate. Eighty percent of those who responded said "yes" a Parks and Recreation program is needed. Sixty percent said "yes" County funds should be used for the program and the County should hire a staff person to administer the program. Eighty percent said "yes" to the use of user fees to pay for some programs. Fifty percent said "yes" to the use of State and Federal grants. Roughly 45% said that any facilities should be centrally located, 45% said the facilities should be scattered throughout the County, and 10% had no opinion. The activity that would be most participated in, if facilities were available was walking for pleasure - other activities listed were bicycling for pleasure, visiting historic sites, outdoor swimming pool use, and lake fishing. Mr. Hennaman thanked Mr. Tyson for his efforts. Mr. Bahr questioned the availability of grant money. Mr. Tyson stated that there is very little grant money available for actual construction. There are planning grants for developing Parks and Recreation programs from the ground up. Since New Kent has never approached the State for this type of money it is number one of the list if they apply.

IN RE: DELMARVA PLANNED UNIT DEVELOPMENT - PUD-01-95. The Board will discuss and vote on the adoption of this project.

Mr. Hennaman stated that at the public hearing on June 30th there were some concerns and comments made that perhaps the School Board had not been consulted or been given the opportunity to input. Mr. Hennaman read a memo from Dr. Geiger to Mr. Emerson, dated today, (July 14, 1997): On Monday, July 7, 1997 the Honorable Mark Hennaman asked the School Board to provide a brief letter acknowledging their concerns and opportunities afforded the School Board by the Board of Supervisors for input regarding the Delmarva development on Route 155 and the educational proffers associated with this development. In January the County Administrator and County Planner met with the School Board to discuss the development and the proffers. As a result of that meeting, which was also attended by Mr. Hennaman, the School Board requested the Delmarva proffer provide the schools with timely access to the proposed 50 acre site adjacent to the current school complex and courthouse area. Later that month Mr. Maloney informed us that the 50 acre site would become available to the schools six months after the final approval of the PUD application. At the June School Board meeting Mr. Hennaman informed the School Board that this waiting period of six months would be waived and in addition a cash proffer of

\$1,000.00 per dwelling would be indexed to an inflation factor to provide the schools with better financial support. The School Board acknowledges the efforts made by your Board regarding future school needs and the Delmarva proffer. Mr. Hennaman stated that it is his understanding that the concerns they had both as a Board and individually have been addressed and they have no further concerns at this time. Also on June 30th a letter was received from four constitutional officers that expressed their concern that perhaps their input had not been solicited and taken into account. At the Board's direction staff and members of Delmarva, consulting teams from both sides, and two Board members met with the constitutional officers. Mr. Hennaman has spoken with three of the constitutional officers and it is his understanding that the concerns that were addressed in the letter have been satisfied. Mr. Hennaman gave a quick review of the chronological review of the events since September 18, 1995: On this date a presentation to the Board of Supervisors was made by Delmarva Properties on this project. On September 26, 1995 Delmarva Properties submitted the application PUD-1-95. On October 12, 1995 a public meeting was held at the New Kent County Administration Building regarding the State Route 155 Area Management Plan. On October 19, 1995 a public meeting was held in Providence Forge regarding the State Route 155 Area Management Plan. On December 16, 1996 the Planning Commission received the application - PUD-1-95. On January 8, 1997 the Planning Commission had a work session on the application. On January 21, 1997 the Planning Commission held their public hearing - they deferred vote on the application. On February 8, 1997 the Planning Commission held yet another work session on this application. On February 18, 1997 the Planning Commission voted to recommend the approval of the application. On June 2, 1997 the Board of Supervisors held a work session. On June 30, 1997 the Board of Supervisors held their public hearing on the application. Mr. Hennaman stated he wanted to bring this information out to quell some of the concerns regarding the thoughts that this seems to be something that has been going very quickly and something that not enough time had been taken on. This list illustrated that the Planning Commission worked very hard on this, and staff has put many hours and meetings into this application. Discussion followed about the various meetings that had been held on this application.

Mr. Lipscomb made a motion to approve PUD-01-95 with the conditions contained in the application, finding that such amendment will promote the public necessity, convenience, general welfare and good zoning practice and further moved to accept the proffer statement submitted by the applicant, finding that the rezoning itself gives rise to the need for the conditions, such conditions have a reasonable relation to the rezoning, and that all such conditions and the rezoning itself are in conformity with the New Kent Comprehensive Plan and the Providence Forge Area Management Plan.

Mr. Bahr stated that since the meeting with the constitutional officers he has been asked questions such as when will the water works and the water treatment plant be turned over to the County, when will reassessment from agriculture to residential and commercial take place, and are the wells metered and who reads them? He spoke with Mr. Campitell, Mr. Crump, and Mr. Gallaher and learned the water and sewer will be turned over in accordance with the County Ordinance which is triggered by the second user coming in. Mr. Emerson stated that Legends Golf Course is already the first user of that well and Colonial Downs will be the second. The sewage treatment plant is the second they are accepting with one on Route 33 being first. There is an implementation plan being worked on for the County to take over these facilities. Once a thorough run through has been done to make sure it is operating correctly, the County will take over operation - around September 1st or shortly thereafter. Mr. Bahr said he was also asked if it would be helpful to have a monitoring well put in the Woodlawn area since they have their own water system. Mr. Campitell had responded that Mr. Wagoner at the Department of Environmental Quality had stated it would not be very indicative if anything happening to the well by pressure pump or the way it works. The one drain well they have installed is close enough. Mr. Bahr said in regard to when reassessment would take place, according to Mr. Crump when it is rezoned he would like to meet with Mr. Mostrom. Mr. Emerson stated that Mr. Crump had told him he had already scheduled a meeting with Mr. Mostrom on the 30th of this month to discuss this issue. Mr. Bahr received a response from Mr. Gallaher on if the wells were metered - yes, and the Public Safety Department reads them on a monthly

basis, but the billings will probably go out on a quarterly basis. Mr. Bahr said he had also received comments on whether it would be better to approve this only one area at a time and he is personally convinced that there is no reason why they should not approve this request for the entire proposed development.

Mr. Burrell stated that Mr. Mostrom and Delmarva had put a lot of work into this project and he thinks they are sincere in how they approached it, and what he has to say is no reflection on what they have done. His biggest concern is what would happen if this does not materialize as projected as far as the commercial part. He felt that a planned unit development is a better concept than having scattered development, but looking at 3,271 new homes, calculating 1 child per home, it will more than double the schools' size. With the commercial development and the projected revenue we should be okay. He understood that the projection is 2.6 children/household, but he is looking at the low side. If the complex - racetrack and development doesn't take off as projected, he didn't think the housing development will cease and that's what concerns him. The impact on the school system will cause the taxes to be increased. The concept itself, he likes; but he is skeptical about approving the project as a whole. He would be more inclined to vote in phases.

Mr. Hennaman stated he understood Mr. Burrell's feelings, and a very valid point was made, but any type of change brings on some unknowns. They have to do the best they can with the information, material and plans they have. He believes that with or without this project the residential development will come. The population of New Kent has tripled in forty-seven years and this project has a thirty year build out. Society is generally afraid of what they can't put their finger on, but it cannot be taken into consideration - fear is intangible. There was no further discussion. The Members were polled.

Gary L. Green	Abstain
James H. Burrell	Abstain
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried.

IN RE: PUBLIC HEARING - C-3-97, Request from UCP Partnership/Cabell Development, Inc. to Rezone Tax Map and Parcel 19-1 from B-1, Business General to R-2, General Residential. Applicant intends to create an extension of the Woods Edge subdivision by subdividing the property into six residential building sites.

Mr. Maloney gave his report: UCP Partnership/Cabell Development, Inc. has applied to rezone Tax Map and Parcel 19-1, consisting of 3.408 acres located on the north line of State Route 613 from B-1, Business General, to R-2, General Residential. The applicant intends to create an extension of the Woods Edge subdivision by subdividing the property into six residential building sites. The area is classified in the Comprehensive Land Use Plan as "Medium Density Residential". Overall the applicant has demonstrated that the proposal does meet the goals and objectives as set forth in the Comprehensive Plan for medium density residential development. There are no significant environmental issues associated with this site. The majority of the site is located in the Resource Management Area. The application has been reviewed by: the Virginia Department of Transportation, which identified a number of road design issues that will be addressed during the subdivision and site plan review process; the Health Department has no comments at this time due to lack of soils data; and the Department of Public Safety states the water storage capacity of the existing system may need to be expanded. The development will have an impact

on the capacity needs of the County. The School Capacity Analysis reveals that excess capacity does exist in the Primary, Elementary, and High Schools; however, enrollment in the Middle School currently exceeds its capacity. The New Kent County Planning Commission, during its May 19, 1997 meeting, voted to recommend this application to the Board for its consideration and approval.

Mr. Bahr confirmed that Route 613 is Dispatch Road. Discussion followed about the zoning of and around the parcel. There are no cash proffers for this project. Discussion followed concerning proffers. Mr. Hennaman confirmed that the anticipated impact is approximately \$7,900 per household. Mr. Maloney said it was based on the assessed value of approximately \$125,000 per dwelling. As the value of the dwelling increases or decreases from a given amount the anticipated tax revenue (in terms of real estate taxes) changes. The more value a house has the less financial impact to the county, the less value a residential property has the greater the impact. Mr. Hennaman stated he thought the Board needed to be consistent in their rezoning decisions.

Mr. Mark Daniel, the applicant, clarified that they had rezoned land across the street (Dispatch Station) and at that time offered the largest cash proffer per lot ever presented to the Board - 150 lots at \$3,000 per lot. This land is currently an open field zoned business, rezoning it as General Residential would bring it into compliance with the Comprehensive Plan and Land Use. This is a net gain of five homes. Directly after their rezoning of Dispatch Station the Board rezoned land in Five Lakes with no proffers.

Mr. Green was concerned that the Board was setting a precedent. The determination cannot be made on proffers or lack thereof. Discussion followed amongst the Members on this issue. Mr. Hennaman said that the impact on the County was the chief consideration. Mr. Hennaman also stated that in principle he would be inclined not to go along with this due to the need to be consistent; however, it is only five houses and he would be inclined to support this. He still does not like the idea of no proffers being offered, and if it were more than five lots, he would be inclined to not consider it.

Mr. Hennaman opened the public hearing. There were no citizens signed up to speak. Mr. Hennaman closed the public hearing. Reverend Hathaway asked if he could make a comment. He thought the impact does not change based on developers, but on potential developments. When you look at the Five Lakes parcel there were no proffers in that, so the impact is basically the same. Given the size of the development he felt they should go along with it - especially since there was no proffer on the Five Lakes subdivision rezoning and the potential impact is at least the same or greater on that parcel as opposed to this parcel. He urged the Board to approve.

Mr. Lipscomb made a motion in order to address protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County, to approve C-3-97 as presented.

Mr. Burrell stated that this was an extension of a subdivision already in place and he was inclined that the Board do what they can to get developers to offer proffers. In this case, its only five units and an extension and he would go along with this because it isn't a massive development.

Mr. Lipscomb stated that Mr. Daniels has already come in with another (project) and he made (I think) the first proffers to the County as well as the highest proffers.

Mr. Bahr is very much in favor of following the recommendation of the Planning Commission, but was concerned about the precedence and treatment of smaller developments verses the larger developments.

Mr. Lipscomb called for the question. There was no further discussion. The Members were polled.

Gary L. Green

Aye

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

The motion was carried.

IN RE: PUBLIC HEARING - O-7-97, Ordinance to Amend Section 9-37 of the New Kent County Zoning Ordinance Pertaining to the Definition of Truck Stops. The Board will consider adoption of this ordinance which amends and clarifies the definition of "truck stop" found in the New Kent County Zoning Ordinance.

Mr. Maloney gave his report: New Kent County has recently received several rezoning and site plan applications for the purpose of developing convenience stores and automotive fueling facilities. Many of the proposed site plans initially indicated numerous parking spaces for tractor trailers and other heavy duty commercial vehicles. In short, the designs that have been submitted greatly blur the distinction between a convenience store with fuel sales and truck stops. Staff has attempted to control these facilities through the site plan review process; however, the County's Zoning Ordinance does not provide a sufficiently clear definition of a truck stop to adequately regulate the development of such facilities. Trucks stops are permitted with a conditional use permit in the M-1 zoning district and are permitted as a use by right in the M-2 zoning district. Staff prepared an amendment modifying the definition of a truck stop that was presented to the Planning Commission to help alleviate some of these points of distinction. Specifically language to the definition was cleaned up and most importantly were words stating that truck stops will include facilities designed to park trucks would be considered any truck stop. The Planning Commission, during its public hearing in May, added the stipulation that the parking facilities are to be designed for overnight parking. As such a convenience/fueling facility that has parking areas specifically designed to accommodate overnight trucks would be included in the definition of a truck stop. The Planning Commission also recommends removing the existing language pertaining to the fueling of vehicles and selling accessory equipment. The ordinance as amended would permit tractor trailers and other large commercial trucks to be parked and fueled on properties zoned B-1 and B-2. It is likely such trucks could remain on the premises for extended periods of time, with such premises being in close proximity to residential areas. Furthermore, it would be extremely difficult for the county to enforce the overnight parking restriction. The result of the amended ordinance could create a situation where heavily concentrated truck traffic could present a nuisance and possible traffic hazard to adjacent and nearby residential properties. The amended ordinance could have the undesired affect of allowing commercial uses closely resembling truck stops in B-1 and B-2 zones when this use was never envisioned as being permitted in these zoning districts. The Planning Commission, during its May 19, 1997 meeting, voted to recommend Ordinance O-97-97 as amended to the Board for its consideration and adoption.

Mr. Burrell asked Mr. Maloney to clarify the Planning Commission changes to the ordinance. Mr. Maloney stated that the Planning Commission modified the ordinance to add the word "overnight" in referring to parking facilities and removed the existing language that staff had not amended or proposed for the amendment on dispensing of fuel or petroleum products to address staff's concerns.

Mr. Hennaman opened the public hearing. No one had signed up to speak, the public hearing was closed. Mr. Hennaman stated that unless he is mistaken it leaves open the proliferation of truck stops in B-1 and B-2 all over the County.

Mr. Green stated it's the fueling stations at convenience stores that needs to be addressed. Mr. Green made a motion to approve O-07-97 as presented and direct the Planning Commission and Planning staff to redraft definitions of convenience stores/retail stores and shops, automobile service stations/filling stations with the intention of prohibiting the fueling, servicing, parking or storing of over-the-road tractor trailers in the B-1 and B-2 zoning categories. These zoning categories are intended for commercial uses in relation to passenger vehicles and walk-in traffic and generally border or have the potential to border residential areas that are not conducive to tractor trailer traffic. Mr. Green further explained he proposed this because currently there is a real problem at Bottoms Bridge. The intersection is uneven and large trucks have to slow down to go from East to North or North to East or West. The trucks here are usually dodging the scales, which is impossible to police, due to being overloaded or safety problems. Mr. Green spoke with the Sheriff's Department and their concern is there are inadequate places to make cross-overs and U-turns. Also, the trucks are long - can be over 100 feet in total length and up to 8 2 feet wide, 16 feet wide with a \$10 VDOT permit - they must make turns slowly and they hold up and block traffic. According to the Surface Transportation Act of 1982 over-the-road tractor trailers are allowed to go one mile off the interstate on any road even if it is not designated as a truck route. We do not need to encourage this. All of these facts have been substantiated with the State Police and Sheriff's Department, which is why he made the motion. Discussion followed about discouraging trucks from coming into residential areas and making turns on the roads.

Mr. Lipscomb said he didn't see where they could cut out a truck fueling station - you can have a truck only fueling station in B-2, but he couldn't see an overnight truck stop. Canopy heights were discussed - they can be restricted. Mr. Green felt that by not providing parking or service the big over-the-road rigs are going to fill up before they go through here. We can't block or restrict the local truck drivers from filling up, but we shouldn't encourage it. Discussion followed on the definition of a truck stop.

Mr. Green agreed to remove fueling from the list of items to be prohibited. There was no further discussion. The Members were polled.

Gary L. Green	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried.

FOR ORDINANCE O-07-97 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 60.

IN RE: PUBLIC HEARING - The Board will conduct a public hearing concerning the potential sale of industrial property owned by the County at New Kent Airport.

Mr. Cornwell gave his report: This is a public hearing to receive public comment on the proposed sale of County real estate. The property under consideration consists of approximately 12.41 acres consisting of the remainder parcel of the New Kent Airport Industrial Park Phase I. There are two issues before you. The public hearing is to receive comment on the sale of the property, not the purchaser or the proposed contract. No action is required after this public hearing. The second matter is to accept or reject the offer of Eric L. G. Keck to purchase the property for the consideration of \$57,000. You may take action to accept the offer, or reject the offer or you may take no action. Mr. Keck's offer of \$57,000 consists of payment of cash in the amount of \$15,000 with \$500 down and \$14, 500 payable at closing, and the

construction of a taxiway to serve the property and other properties in the Industrial park upon which he has placed a value of \$42,000. Until the taxiway is built the County will hold \$42,000 in escrow, with interest to be paid back to Mr. Keck upon completion of the taxiway. There are certain conditions on closing, including acceptance of the site as buildable for the project he intends to construct a 5,000 to 10,000 square foot building for new or used aircraft sales with repair, service, maintenance and refurbishment of inventory aircraft. There is also a requirement that the County pay to Francisco, Robinson a commission of 5% of the \$57,000 sale price. As you are aware, the property was appraised by Sears Realty Co. in September of 1996 for a value of \$57,000.

Mr. Bahr asked for clarification that they are offering for sale, but they do not have to approve this particular sale. Mr. Cornwell said that is correct. The Board may decide how they wish to offer it for sale or consider the offer that has been made, whether you wish to put it out for bid, whether you wish to have an auction of the property, or wish to do nothing but consider bids and offers as they are made in the future.

Mr. Burrell thought they should put the property out to see what the market will bear. Mr. Keck will have an opportunity to purchase. It should be sold to be taken off the tax roll. He questioned the value of the taxiway of \$42,000. Mr. Emerson stated that the State Department of Aviation has confirmed this figure.

Mr. Green suggested this would be a good thing for both Mr. Keck and the County. He thought the taxiway was a good idea. He did not think the County should pay the real estate commission on services that have not been performed. Mr. Burrell stated that we have no listing agreement with the realtor and we don't owe the commission and should not pay it.

Mr. Hennaman opened the public hearing. No citizens were signed up to speak, the public hearing was closed. Mr. Lipscomb made a motion to accept the offer of Eric L. G. Keck to purchase the remainder parcel of the New Kent Airport Industrial park Phase I property, containing approximately 12.41 acres for the consideration of \$57,000, including construction of a taxiway to serve the property and other properties in the Park, all pursuant to the proposed contract dated April 3, 1997, and authorize the Chairman of the Board to execute such contract and a deed of conveyance to Mr. Keck of the property on behalf of the Board of Supervisors of New Kent County subject to such terms and conditions as contained in the contract with the exception of real estate commission would be the liability of the purchaser and not the County, and as approved by the County Attorney.

Mr. Bahr made a motion to offer for sale the remainder parcel of the New Kent Airport Industrial Park Phase I property, containing approximately 12.41 acres and authorize the County Administrator to market this property and bring any offers concerning same to the Board.

Discussion followed about the motions and the sale of the property. Mr. Green felt it was a good deal to sell the property to Mr. Keck, who has a business plan and will bring monies to the County. Mr. Burrell felt the property should be sold at the highest price possible and it should be put up for sale. Mr. Hennaman asked Mr. Emerson when the property was developed and were there any past offers on this lot. Mr. Emerson stated the property was received in the mid 80's through a purchase using grant funds for the extension of the runway, coming to the County at no cost. There has been one offer since Mr. Emerson's tenure with the County for property at the airport, which was consummated with Willie Glass. This is the only other interest in the property. This is the only serious inquiry and offer in eight years.

Mr. Green asked if the property had three phases. Mr. Emerson said no, it did not and it's a big expense to get it - around \$40,000 to \$50,000.

Mr. Bahr's motion was voted on.

Gary L. Green	Nay
James H. Burrell	Aye
Frederick G. Bahr	Aye
Julian T. Lipscomb	Nay
Mark A. Hennaman	Nay

The motion failed.

Mr. Lipscomb's motion was voted on.

Gary L. Green	Aye
James H. Burrell	Nay
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion carried.

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

District One - there were no appointments.

District Two - there were no appointments.

District Three - there were no appointments.

District Four - Mr. Hennaman confirmed the appointments he made on May 12, 1997.

District Five - there were no appointments.

IN RE: MEETING SCHEDULE.

The regular meeting of the Board of Supervisors will be held Wednesday, August 13, 1997 at 6:00 p.m. The Planning Commission will meet on Monday, July 21, 1997 at 7:00 p.m. A joint meeting with the School Board is scheduled for Saturday, August 9th in the Richmond Regional Planning District Commission conference room at 2104 West Laburnum Avenue.

IN RE: ADJOURNMENT

Mr. Burrell made a motion to adjourn.

Gary L. Green	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Julian T. Lipscomb	Aye

Mark A. Hennaman

Aye

The meeting was adjourned at 8:37 p.m.