

AN EXECUTIVE SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE EIGHTH DAY OF JULY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SIX BEGINNING AT 5:58 P.M. THIS WAS FOLLOWED BY THE REGULAR MEETING OF THE BOARD OF SUPERVISORS IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING BEGINNING AT 7:00 P.M. THE INVOCATION WAS GIVEN BY MR. MARK HENNAMAN FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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IN RE: EXECUTIVE SESSION

Mr. Hennaman called the meeting to order at 5:58 p.m. Mr. Ringley was delayed by 15 minutes, due to an accident on the highway on his way back from a Board of Directors Meeting at St. Mary's Hospital, but arrived as the vote was being called to go into executive session. Mr. Burrell moved to go into executive session for consultations 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 Section 2.1-344(1)(7) and for discussions relating to the acquisition (or sale) of real property for public use pursuant to Section 2.1-344(1)(3) of the Code of Virginia.

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

Mr. Burrell moved to go back into regular session.

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

Mr. Cornwell stated they discussed the airport, acquisition of some real estate and legal issues relating to financing matters.

Mr. Burrell certified that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under Virginia law, and (ii) only such public business matters as were identified in the motion by which the executive meeting was convened were heard, discussed or considered in the executive meeting.

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

Mr. Ringley asked for a motion for a three minute recess. Mr. Hennaman so moved.

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

E. David Ringley Aye

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IN RE: ROLL CALL

Mr. Hennaman gave the invocation followed by the Pledge of Allegiance. Mr. Ringley asked for a roll call.

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

Mr. Ringley welcomed everyone in attendance at the meeting.

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IN RE: CONSENT AGENDA

Mr. Emerson, County Administrator, explained the Consent Agenda contained the minutes for the month of June; a refund to Mountcastle Homes in the amount of \$75.00; three resolutions from the Department of Transportation concerning Route 627 and Route 611 that have been rerouted and reworked; a resolution supporting MCV's Certificate of Need; a Conditional Use Permit for an Outdoor Gathering for William Wallace; an approval of an appropriation from the School Board in the amount of \$56,020.71 and approval of the Finance Report.

Mr. Burrell asked for a correction of wording on Page 17 from majority to minority. Mr. Ringley inquired about the refund for Mountcastle. Was this an error by staff? Mr. Maloney replied, no. The owner came in and applied for the land disturbing permit and at a later date the builder came in and also submitted the fee for this permit. Staff notified them that there was a duplication and asked them to request this refund. Mr. Bahr inquired if the minutes are being sent to the library. Mr. Emerson replied, yes, once they have been approved. Mr. Hennaman moved to approve the Consent Agenda as presented with the correction.

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

Motion passed.

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FOR RESOLUTIONS AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FIVE: R-21-96, PAGE 515; R-22-96, PAGE 517; R-23-96, PAGE 519; AND R-24-96, PAGE 521.

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IN RE: CITIZENS COMMENT

Ms. Becky Philbates inquired if they have heard anything on the 779 Old Church telephone exchange? She has two daughters who live in that exchange and they would like to see this become a local call. Mr. Ringley asked Mr. Emerson to check on this. Mr. Ringley stated, this has been something he has been working on for over seven years.

Mr. Charles Johnson wanted to know what is being done to represent the citizens who are living at Chickahominy Outpost which now it is being closed because of a violation. There are approximately 240 people living there at various times and they have no place to go. He is disabled from an accident and can't afford to live elsewhere. What do they need to do to rectify this problem? By displacing all these people, this will also hurt the County in the taxes they receive. Mr. Ringley inquired of Mr. Cornwell, County Attorney, if he could comment on this issue. Mr. Cornwell replied, in October of '95, Chickahominy Outpost was notified by the Zoning Enforcement Officer that they were in violation of the zoning ordinances. The owner came in for a conference and was advised as to what they needed to do to come into compliance and he advised the County that he intended to do so. No action was taken at that time based on his statement. A couple months went by and no progress was being made to come into compliance, at which time, a Civil Action was filed by the County. Again, promises were made that appropriate application was going to be made for a Conditional Use Permit along with Site Plans to the County. The County again waited to see what the owner would do. In May the County received notification from the property owner's attorney that they could not comply and did not intend to comply with the Zoning Ordinances of New Kent County. Consequently, the County, having waited seven months without avail, proceeded to ask the Court for an Order. There was a Court hearing with the property owner and the property owner was again given an opportunity to do what was necessary and again, indicated he was not going to do what was needed to comply and the Court issued the Order. Mr. Johnson replied, he understood the proceedings. He stated he received a letter on July 8th explaining this but the owners are in violation, not the residents. It seems very unnecessary and places undue hardship for the people living there. He is in total agreement that the conditions are not good but, it is a lot better than living on the street. He felt under the zoning and landlord/tenant laws there would a better remedy to this problem such as, an escrow account where the owners would be forced to clean up the area. We need some better answers than just throwing people in the street.

Mr. Walter Hobbs stated he has lived at Chickahominy Outpost for the last seven years. He cannot afford to go anywhere else, he is also on disability. He wanted to know what could be done. Mr. Ringley asked Mr. Cornwell, because this is a private business and if the owners don't want to clean up to comply with the County's zoning ordinances, we can't make them. Mr. Cornwell replied, this is correct. The County waited seven months for something to happen in the positive but this has not been the case.

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IN RE:            ELECTED OFFICIALS REPORT

Mr. Hennaman, the Board's representative to the Richmond Regional Planning District Commission, reported on the meeting held June 13, 1996. They met first in Executive Session where they had a status report on Focus Forward Regional Strategic Plan, they authorized the RRPDC officers to attend the Virginia Association of Planning Districts Conference, authorized the executive directors to participate in the Leadership Metro Richmond Program for Fiscal Year 1996/97 and discussed some staffing and program issues. In the regular meeting they discussed Focus Forward and the Chickahominy Watershed Project update. Under new business, they heard a report on National Association of Regional Council's Conference, a report on taking water samples for water quality on the James River, heard a presentation by representatives of Virginia Independent Power producers, and a presentation was given on the Downtown Richmond Master Plan.

Mr. Burrell had a question for the County Attorney. He stated a citizen called and complained about speeding on a private road. He wanted to know how they could enforce traffic rules on a private road. Mr. Burrell thought there was a special code for private roads and asked Mr. Cornwell to look into this. Mr. Cornwell replied, yes he believed there was a code and he would respond to Mr. Burrell's request. Mr. Burrell added, these citizens did not want this road brought into the State system, they are just looking for help in enforcing traffic controls.

Mr. Lipscomb reported the Airport Commission met and have reorganized and they will be giving a separate report later on in the agenda.

Mr. Ringley read a letter from Mr. Rick Howell of District Two, resigning from the Historic Commission.

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IN RE:           STAFF REPORTS

Mr. J. Lawrence Gallaher, Director of Public Safety reported on the refuse collection site at Route 634. It is under construction and he hopes it will be open around August 15th. The landfill has been open from 9 to 5 from Tuesday thru Saturday. At the Board's direction, it will now be open seven days a week. Mr. Hennaman commended Mr. Gallaher's department on the clean up at the Providence Forge refuse site after the 4th of July holiday. He also mentioned, one of the boxes was dropped too near the fence and it pushed the fence over. Mr. Gallaher thanked him for this information, as he was not aware of the problem. Mr. Burrell inquired about the recycle centers and when they are checked. Mr. Gallaher replied, they are checked everyday. There has been some problems with service on those containers. They have to fax a request for pick up to the Waste Management Authority and then it goes to the vendor. Mr. Burrell also requested if they could get the Sheriff's Department to monitor the site in Barhamsville more closely. Every time he has gone by there he sees people from other Counties dumping there.

Mr. Maloney, Director of Planning/Assistant County Administrator reported on the Historical Highway Marker Program, as had been requested by the Board of Supervisors, in reference to James Armistead Lafayette. The cost for such a marker is \$1,100 which is to be borne 100% by the locality. This marker is required to be placed either on public property or within the VDOT right-of-way. The text is to be limited to 90 or 100 words which is reviewed by The Board of Historic Resources which meets on the third Wednesday of April, August and December. The request, along with the proposed text and the fee, has to be submitted to the Board approximately 60 days prior to their regular meeting. Mr. Ringley asked Mr. Burrell if he had a particular place in mind for this marker? Mr. Burrell responded by thanking Mr. Maloney for getting all the information together and thought the Board might want to ask the Historic Commission for their help in getting the funding for this marker. Mr. Ringley suggested placing this on the September Agenda and review it at that time. He also requested Mr. Emerson to contact the Historic Commission, as well as the Historic Society and enlist their help with the wording and possibly the funding. Mr. Emerson stated, he was going to suggest the Board turn this over to the Historic Commission. He felt this would be a good project for them to come up with the proper location, find out exactly where this gentlemen's property was located, prepare a text and report back to the Board on their findings and suggestions. The Board concurred with his suggestion.

Mr. Maloney reported next on Staff recommendation on the proposed MPO Study Area Boundary. Approximately six months ago, New Kent County was brought into the Metropolitan Planning Organization. The next step to participating in the MPO is to identify an area within New Kent County that we would like to be included in the study area. It is anticipated the MPO will take action to formally approve the County's study area recommendation during its August meeting. The proposed area includes the western portion of the County including several major subdivisions, Delmarva's proposed planned unit development, and the Route 155/Providence Forge Study Area. This area incorporates the area of the county expected to experience the greatest population growth over the next twenty years. It encompasses approximately 45,000 acres, and includes 5,614 residents, or just less than fifty percent of the total population. There is no formal resolution or ordinance required by the MPO however, the MPO will be considering this area during their August Board Meeting and they would like some indication this meets with the Board of Supervisors approval. Mr. Burrell inquired separate from this issue, what is being discussed about billboards? Mr. Maloney responded, they would have to conform with the sign ordinance of the County and currently the County does not permit traditional billboards.

Mr. James Cornwell, County Attorney reported on issues of air pollution from outdoor burning as requested by the Board at their last meeting. A citizen indicated she had difficulty breathing when her neighbors burned leaves and etc. There is no ordinance relating to air pollution issues from outdoor burning. The Air Pollution Control Board regulates outdoor burning for both urban and rural areas. The only control on open burning is that there has to be a 300 foot separation requirement for the burning from an occupied building. The Control Board has advised the County they can adopt stricter requirements up to and including prohibiting the burning of leaves and debris. However, before it can be adopted, this would have to be submitted to the Air Pollution Control Board for approval and one of the things they would look at is, what options are available to the person who needs to dispose of these types of waste. Mr. Ringley inquired if there was a penalty if you burned closer than the 300 foot limitation. Mr. Cornwell replied, yes, it is a Class I Misdemeanor. Mr. Ringley suggested the Board members review this information before they give Mr. Cornwell direction on how they want to handle this.

Mr. Emerson reported to the Board he was investigating the old CCC Road off of Route 155 and he will be forwarding this to the Board once it is all gathered together.

Mr. Emerson also brought to the Board's attention, their November meeting falls on the 11th which is Veteran's Day. He suggested the Board might want to reschedule this meeting to November 4th. General consensus of the Board was in agreement and the meeting will now be held on November 4th.

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IN RE: RESIDENT'S ENGINEER'S REPORT

Mr. Riley reported, at the previous Board meeting, they had two requests to reduce the speed limit, one on Route 155 and the other on Route 665. They have been sent to the District Traffic Engineer for his review and as soon as he gets an answer back he will advise the Board. They have been working on repairing the potholes and low spots on Route 665, they looked at the tree limbs on Route 64 that had been brought to their attention and they received another complaint on Route 638 about the beavers. They cleaned up this area and hopefully that will take care of it until fall when they can get the trappers in. Mr. Bahr inquired if there were any funds available to help with Airport Road. Mr. Riley replied, no. There has been another alternative proposed to take Airport Drive and extend it around to Route 106, which would tie it into the interchange and be less costly. This would be one of the items they need to discuss before the next planning session on the Six Year Plan. Mr. Burrell wanted to compliment Mr. Godfrey, one of Mr. Riley's superintendents, on a complaint made by one of his citizens. Not only did he respond quickly, but he did a great job and the citizens are very pleased with the results. Mr. Lipscomb reported the leaves have washed up into a big pile near the creek on Route 665. Mr. Ringley added, Route 665 will definitely be a road we have to watch because of the increased traffic going to the convenience center. He appreciated VDOT's prompt work on answering these various complaints.

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IN RE: AIRPORT COMMISSION REPORT

Mr. Phillip Felts addressed the Board. The Commission met last month and he was elected Chairman with Mr. Eck Schutz being elected Vice Chairman. They discussed a few things that they might do to help generate more tax revenues. They have set their meetings for the fourth Monday night of each month beginning at 7:00 p.m. at the airport. They will be coming to the Board, in the near future, with some proposals from the Flyers Club and the Commission. There is lot to be done and hopefully the Board will work with the Commission in trying to get this moving in the right direction.

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IN RE: PRESENTATION ON CYSA

Mr. Ringley stated this has been deleted from the agenda and will be presented at the August meeting.

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IN RE: PUBLIC HEARING - REZONING C-2-96 JOHN BRITT

Mr. Maloney stated Mr. Britt (owner) and Mr. Norwood (lessee) have applied to rezone a parcel of land on Route 30/33. The proposed zoning designation is B-2, Limited Business. The rezoning is being requested to permit development of a used automobile sales lot. The New Kent County Comprehensive Plan designates this area for Planned Development Residential. Under this title one of the uses is limited ancillary commercial/light industrial uses. The proposed use for this site is identified as acceptable under the Route 33 Area Plan Amendment. A right-hand turn lane is required by the Department of Transportation which the applicant has offered to construct. A site plan is required and would not be approved until the turn lane is complete. Subsequent to the Planning Commission hearing regarding this case, the applicant did submit a proffer statement in conjunction with rezoning case C-5-96 (which will be heard next). The Planning Commission voted to recommend approval of this rezoning application. Mr. Patrick Morgan was present to represent Mr. Norwood. Mr. Morgan explained this parcel is contiguous with the next rezoning of C-5-96. Their intent is to have a small used car lot on the one parcel along with an office on the other rezoning application parcel. Mr. Ringley opened the meeting for public comment. No one spoke during the public hearing and Mr. Burrell moved to close the public hearing.

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

Motion passed.

Mr. Lipscomb moved to approve the Rezoning Application C-2-96 as recommended by the Planning Commission.

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

Motion passed.

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IN RE: PUBLIC HEARING - REZONING C-5-96 JOHN BRITT

Mr. Britt has applied to rezone a parcel on Route 30/33. Currently the property is zoned A-1, Agricultural. The proposed zoning designation M-2, Heavy Industrial. The proposed rezoning is being requested to permit renovation of an existing building to serve as the offices for Mr. Britt's adjacent industrial use. The proposed use for this site is identified as acceptable under the Route 33 Area Plan Amendment. The Department of Transportation will require a right turn lane with 150 feet of stack lane and taper. The pavement must be widened to extend to the entrance to the existing pallet company. This parcel is also in conjunction with the proffer mentioned previously. The Planning Commission voted to recommend approval of C-5-96. Mr. Patrick Morgan was available to represent Mr. Britt on the rezoning application. Mr. Morgan stated this use is consistent with the Comprehensive Lane Use Plan. Mr. Ringley opened the meeting up for public comment, with no one speaking, Mr. Bahr moved to close the public hearing.

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

Motion passed.

Mr. Lipscomb moved to approve the Rezoning Application C-5-96 as recommended by the Planning Commission.

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

Motion passed.

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IN RE:                REZONING C-8-95 CABELL ASSOCIATES

Mr. Maloney stated Cabell Associates has applied to rezone 225 acres from M-1, Light Industrial to R-1, Residential. The applicant has submitted an amended Statement of Proffers which differs somewhat from what was submitted earlier. Since the time of the original application, the applicant revised the application to zone this parcel to R-1, Residential due to severe environmental constraints. It's intended to be utilized for single home sites and will not be further subdivided. The Comprehensive Plan designates this area for Medium Density Residential development. The proposed use of the property will serve to concentrate development in the western end of the County, in accordance with the Comprehensive Plan. The proposed development will share a water system with the Wood's Edge subdivision and a road system with the Orpax Farms subdivision, thereby helping to meet the goal of providing compact development served by existing roadways and utilities. The development proposed will have a significant impact on the capital needs of the County. Mr. Maloney stated he included a Capital Needs Assessment for the Board's review. Also included is a Wetlands Inventory map revealing the majority of the parcel is classified as "uplands". The extreme western portion and the southeastern portion of the parcel are both sites of wetlands and steps will be taken during the subdivision site planning process to assure these areas are preserved. The Department of Transportation has identified a number of issues that must be addressed by the applicant. The applicant, in his revised Proffer Statement, has limited the building to no more than one-hundred fifty (150) dwelling units. Prior to the issuance of each building permit for subject property, there shall be paid to the County the amount of \$3,000 per single family unit. The funds shall be disbursed as follows: \$2,000 shall be allocated for the County's school system, \$750.00 shall be allocated for the offsite road improvements to Route 613 and \$250.00 shall be allocated for fire and rescue capital improvements. There shall be no more than twenty-five building permits issued per year. The Planning Commission, during its March 18th meeting, recommended rezoning application C-8-95 be denied by the Board of Supervisors. The Planning Commission, however, has not had the opportunity to review the proffered conditions as submitted by Cabell Associates, Inc. to make a recommendation whether or not they adequately address the aforementioned development concerns. Mr. Maloney stated Ms. Lorraine Isaac and Mr. Mark Daniel were present to answer any questions.

Ms. Isaac, of Engineering Design Associates, made the following comments. At the time of the Planning Commission Meeting, they were going to ask for a deferral to address their concerns but there was a time

limitation of when they could act on the plan. Since that meeting they have addressed those concerns in the proffers presented tonight. Ms Isaac also said, with a revised site plan, they have added approximately 25 acres of common area for the homeowners use.

Mr. Mark Daniel, the developer, thanked the Board for their time. Currently this property is zoned M-1, Light Industrial. The infrastructure is more suitable for residential. It is surrounded by homes such as Wood's Edge and Orpax Farms. The price of the homes would be approximately \$110,000 to \$125,000 which will help the values in the area. After meeting with the Planning Commission and speaking with Staff, they revised their proffer which will address some of the extra demands placed on the County. They reduced the number of homes to be built each year in order to help with the impact on the County systems.

Mr. Ringley inquired about what type of industry could be placed on the 199 acres that is currently zoned M-1. Mr. Maloney replied, light warehousing, assembly, truck and heavy equipment sales and repair. They could build on the property now with just submitting a site plan. There is no public hearing required in order to put light industry on the property as it stands now. Mr. Ringley was handed a list of uses under the M-1 category which he read. Mr. Ringley also inquired as to how many homes were in Wood's Edge and how many lots were still open to build. Mr. Daniel replied, approximately 48 homes and 17 open lots. He also stated, he is a local builder and they try to use only people from New Kent. Mr. Ringley also inquired if this was the piece of property they were trying to put the amphitheater in? Mr. Daniel replied, Mrs. Elbourn had more information on that than he did. Mr. Ringley opened the meeting for public comment.

Mr. E. W. Elbourn stated with this new housing project, they will be putting more traffic on Route 613 which will be bad for the people who live in Orpax Farms.

Mrs. Mary Elbourn stated there is a lot of wetlands on this property. She watches tractors getting stuck all the time. She also commented on the trouble the neighbors had in order to stop the amphitheater from coming onto that property.

Reverend Hathaway stated he did not want to speak for the Planning Commission, but they voted to deny the application on concerns in reference to economic issues and the density of the development. After listening to the proffers that have been offered, he felt they have dealt adequately with those concerns. He felt comfortable, if it were to go back to the Planning Commission again, that it would pass now with the proffers being offered.

Mrs. Thelma Wilson asked about the size of the building lots. Mr. Maloney replied, they will vary from a minimum of 20,000 square feet to an acre, acre and a quarter.

Mr. Lipscomb inquired, doesn't most of the wetlands come under the zoning of C-1? Mr. Maloney replied, yes most of the wetlands is under C-1. Mr. Ringley asked for a motion to close the public hearing so the Board may discuss this issue further. Mr. Lipscomb moved to close the public hearing.

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

Motion passed.

Mr. Burrell stated that 20,000 square feet would be a little less than a half acre.

Mr. Ringley inquired of how many lots there were in Orpax Farms and how many people were notified. A woman in the audience had a map of Orpax Farms and was counting the homes listed. Mr. Maloney replied to Mr. Ringley's second questions by stating, all the adjacent property owners with land touching this parcel were notified. Also, if there was a road separating the property owners, they were also notified. Mr. Daniel responded to Mr. Ringley's first question stating, it appears to be thirty-five or thirty-six homes with four or five lots still open.

Mr. Daniel asked to address the Board again. In answer to Mrs. Elbourn's concerns, they have spent over \$11,000 doing a wetlands delineation study, with engineers going there to define those areas. Their plans have nothing to do with the areas that determined as wetlands.

Mr. Lipscomb moved to approve Rezoning Application C-8-95 with the amendments and with the amended Statement of Proffers.

Mr. Ringley stated to the other Board members, his only concern was going by staff's recommendation to send it back to the Planning Commission for its review, but to also take into consideration Reverend Hathaway's comments in their deliberation.

Mr. Burrell wanted to clarify Reverend Hathaway's comments. The vote was not unanimous from the Planning Commission for denial and it had to do with environmental issues not the concept of the development. Reverend Hathaway replied, absolutely. Their concerns were with the wetlands portion of it and the environmental concerns which now have been addressed.

Mr. Hennaman stated the only concern he had, is not so much this project, because he felt Cabell Associates had towed the mark with their Statement of Proffers. He particularly liked the per lot fee with the designation to the school system. His basic concern was that the Board, when considering this project and future projects of its type, will be very careful in terms of allowing the residential pace to grow at a faster pace than industrial development which would help offset the impact to the County services.

There were some further general comments made by the Board. Mr. Ringley then called for the vote.

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

Motion passed.

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IN RE: PUBLIC HEARING - O-06-96 SEPTIC TANK PUMP OUT

Mr. Maloney reported the Board of Supervisors adopted Ordinance 0-14-95 to amend the County's Chesapeake Bay Preservation Program to reduce the area classified as Resource Management Area. Currently the County's ordinances do require all septic systems within New Kent County be pumped out every five years. To recognize the reduced area of the County falling within the Chesapeake Bay Program, the staff proposes amending Section 8-21 to require only those systems located in the Chesapeake Bay Preservation Areas as defined in Chapter 9, Article VI of the New Kent County Code, to meet the five year pump out requirement in accordance with state regulations.

Mr. Ringley asked how are we to know if we need to pump these systems out? Mr. Maloney replied, the County currently can identify all parcels located in the Chesapeake Bay Preservation Area. At such time when the County begins to enforce the five year pump out requirement, the County will be able to track property owners by tax map and parcel number. Notifications will be sent to just those property owners that have land within the Chesapeake Bay Preservation Area. Mr. Bahr asked if there will be a requirement for those that are not in the Chesapeake Bay Preservation Area. Mr. Maloney replied, there is no requirement. Mr. Burrell inquired how much time would be allowed to comply. Mr. Maloney replied, it is something that has to be figured out but probably 60 to 90 days. Mr. Ringley opened the public hearing.

Mr. Jim Brabrand wanted to know under what circumstances are you required to pump it out every five years? Mr. Maloney replied, when you live in the area classified as a Resource Management Area or a Resource Protection Area. Mr. Brabrand asked who determines who is in those areas. Mr. Maloney replied, the County has delineated those areas and they have identified all tax parcels within the County that fall within either of those specified areas. Mr. Ringley added, at one time everybody fell under these categories, but now that they have modified the Chesapeake Bay Preservation lines, it will only affect certain areas within the County. Mr. Emerson added, the Health Department recommends the septic systems be pumped once every three years because they are considered a temporary sewage disposal method. Even though you may not be required to pump every five years, it is still a good practice because it helps maintain your ground water quality.

Mrs. Thelma Wilson asked, why can't you tell exactly where the line is? Mr. Maloney replied, these areas are driven by environmental features and it is not a set line delineated along a road. Mr. Maloney stated the County does have maps showing these areas. Mrs. Wilson asked if she could get a copy of this and Mr. Maloney replied, he would be happy to give her one. Mr. Lipscomb moved to close the public hearing.

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

Motion passed.

Mr. Lipscomb moved to approve O-06-96.

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

Motion passed.

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FOR ORDINANCE O-06-96 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FIVE, PAGE 522.

IN RE: APPOINTMENTS

Mr. Lipscomb moved to appoint Mr. David Frank as District One's representative to the Board of Trustees - Heritage Library for the term ending June 30, 2000.

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

Motion passed.

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IN RE: MEETING SCHEDULE

The regular meeting of the Board of Supervisors has been changed to August 5, 1996 at 7:00 p.m. The Planning Commission will meet on July 15, 1996 at 7:30 p.m. for their regular meeting.

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Mr. Emerson stated he had two other items he wanted to bring to the Board's attention. The first was a letter from Ms. Barbara Hale, the volunteer Treasurer for the New Kent Volunteer Fire Department. In her letter she indicated the records were in such a mess, the taxes for 1993, 1994 and 1995 had not been filed. The fire department was unable to get their grants because of the taxes not being filed. Ms. Hale had volunteered to take over from the previous Treasurer in 1996, she did not volunteer to straighten out the records of the fire department from 1993 to date. Ms. Hale has asked to be reimbursed in the amount of \$6,000 to bring these records up to date due to the fact that they are in such terrible condition. Mr. Bahr brought this matter up earlier today and had wished to discuss this with the Board. Mr. Bahr added, he felt it was essential the records be brought up to date as soon as possible and the tax returns be filed so they will be able to receive some of the grant monies available. He stated he spoke briefly with Ms. Hale about this situation. She was handed four large boxes of records, totally unsorted, and totally unfiled. She had volunteered to keep them straight from now on at no cost to the County. He felt the price was not excessive for all the work that must be done to get the records in order and the filing of the past taxes. He also suggested the \$6,000 come from the \$75,000 the County gives to the fire department. Mr. Emerson stated, the Board controls the \$75,000. The bills are submitted to the County and if the Board chose to reimburse Ms. Hale \$6,000 to bring these records up to date, that could be billed directly to the \$75,000. He felt there may be a procurement problem with just directly hiring Ms. Hale. They would probably need to get two other prices and determine from there who would be best suited to do the job, on price and special qualifications, in order to satisfy procurement needs. Mr. Hennaman added, his concern was on the procurement policy. He commended Ms. Hale's volunteering to be the Treasurer and look after the records from this point forward, however, the procurement issue did come to mind. If we were to proceed in the matter Ms. Hale has suggested, had it been with someone else, she would probably be the first one to call us on the carpet for not following procedures. Mr. Ringley also added, the fire department seems to be very stretched in their budget and to take \$6,000 from them at this point, would be hurtful. Another problem he had considering this, Ms. Hale criticized the Board's salary which was set at \$11,000 a year and now she is asking for \$6,000 for what she stated would be one months work. One month times twelve and twelve times six would equate to \$72,000 a year. Mr. Bahr interjected, he certainly felt it should be put out for bid. Mr. Lipscomb was upset that the attitude of the fire department is that the Board can't tell them what to do, but when they have a problem they run to the Board looking for help. He felt the fire department would have to pay for the cost of getting their records straight. Mr. Ringley asked Mr. Emerson if there was a way maybe Mr. Johnson could help with this. Mr. Emerson replied, they have been discussing a couple of different options, one being paying someone overtime on our staff to try and organize these records, and staff also discussed the possibility of bringing a temporary person in to do it. Mr. Lipscomb stated he had another question. Why should the Board be concerned, we don't have anything to do with them except for the money we give them. Mr. Ringley replied, they are trying to get grants and if the records are not brought up to date and the tax forms filed, they are not allowed to apply for any grants. Mr. Burrell stated his position was, the books be brought into order.

They are taking \$75,000 of the citizens' money and they need to have someone accountable for it. He did not want to hold this up any longer. If it is required to go through the procurement procedure, he did not want to put this off. To his understanding, one of the former Board members had these books and papers for a lot of years and he did not file the records. He commended anyone for giving free time to do volunteer work for the County. He did not expect someone to have to go back through years of records and straighten them out for nothing. Mr. Ringley added, he understood these records were also handed to the previous person in boxes and the auditors sent a letter back stating they couldn't reconcile the records because there was so much missing. Mr. Hennaman felt the point was mute to discuss who is to blame, we need to go forward and get the records in order. Mr. Ringley moved to hire a temporary accounting person, under the supervision of Mr. William Johnson, and bring these books up to date. Mr. Burrell asked if he could add a friendly amendment to that motion. He added, Mr. Johnson would determine if this would cost more than the proposed amount of \$6,000. If it would cost that much or more than put it out for procurement. Mr. Ringley then asked if we could obtain the records and have Mr. Johnson look at them and report back to the Board at the August meeting. Mr. Emerson added, the money that is going to the fire department from the County this last fiscal year, comes through the County's books and is accounted for. The only money that is not accounted for is what they raise on their own. Mr. Ringley rescinded his motion. The general consensus of the Board was for Mr. Johnson to review the material and report back to the Board of his findings and if he felt this needed to go for procurement.

The last item Mr. Emerson had, was a letter received from Mr. Dan Baird of the Health Department, asking if the Board was in support of providing Mr. Davis information to be placed on the Internet. Mr. Emerson asked for direction from the Board as to how to advise the Health Department. Mr. Hennaman inquired if there was any cost incurred for the Web page? Mr. Emerson replied, not to us, Mr. Davis has put this on his own personal Web site. Mr. Hennaman asked, if we officially recognize his Web page as our Web page, will there be a cost to the County? Mr. Emerson replied, that is something we would have to check into. Mr. Burrell stated he had spoken with Mr. Davis and he did not indicate he would want any financial support for this. Mr. Ringley inquired, what would be the responsibility of the County for any type of erroneous information. Should this information come before the Board before it is placed on the Web site, if it is to be sanctioned by the Board? After some further conversation, Mr. Emerson stated he would speak with the County Attorney as far as liability and report back to the Board. The Board stated they would like the Health Department to cooperative with Mr. Davis, but it has not been officially sanctioned by the Board.

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IN RE:           ADJOURNMENT

Mr. Lipscomb moved to adjourn.

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

Motion passed.