

A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE FOURTH DAY OF NOVEMBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SIX BEGINNING AT 6:00 P.M.

IN RE: WORK SESSION

Mr. Hennaman called the meeting to order at 6:04 p.m. and asked for a roll call.

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

Mr. Hennaman announced the Board would go into an open work session to discuss a graded salary scale.

After the work session Mr. Hennaman noted the time as 6:57 p.m., and announced they had been in an open work session receiving a presentation on a graded salary scale. He called for a brief recess, indicating they would reconvene at 7:00 p.m.

Regular Meeting

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 4th DAY OF NOVEMBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SIX IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING BEGINNING AT 7:04 P.M. THE INVOCATION WAS GIVEN BY MR. FREDERICK G. BAHR AND FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

IN RE: ROLL CALL

Mr. Hennaman called the meeting to order and asked the secretary to call roll.

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

Mr. Bahr then gave the invocation and followed with the pledge of allegiance. Mr. Hennaman stated for the members of the public that anticipated a public hearing for the six-year highway improvement plan, the required advertising was not done, therefore the matter has now been scheduled for December, and will not be considered at this time.

RE: CONSENT AGENDA

Moving to the consent agenda, Mr. Hennaman asked Mr. Emerson to make the presentation. Mr. Emerson explained the consent agenda consists of approval of the minutes for September and October meetings in addition to two miscellaneous items, one being the amendments to the IDA Bonds 1991 and 1993B series (R-39-96). He reminded the members that during budget deliberations it was determined that in order to provide the schools with more funding they would transfer the 1993B bond series, which was allocated for the renovation of the county administration building and the old courthouse, completely to the development and completion of the transfer stations and then take the money that has been procured for the completion of the upstairs of the new courthouse, which is insufficient for the project, for renovation of the administration building and the old courthouse. Essentially, it means taking existing money, providing additional collateral for the bondholders, and allowing its use where needed. The other item requires setting 0-14-96 for public hearing in December, asking that the County be allowed to impose an admissions tax of .25 per head at the racetrack. There is also a finance report which was not included in the package due to the early nature of this meeting. The report is in the amount of \$542,845.19.

Mr. Hennaman asked the Members to voice their wishes, and expressly asked Mr. Burrell for his comments on the minutes. Mr. Burrell referred to the September minutes, stated he had questioned a couple of items, but after reviewing the minutes feels it is O.K.

He then referred the paragraph on page 25 which includes the word "argued," and said he feels that word indicates controversy and asked the minutes reflect what was said without making any conjectures. He did not have any problem with the October minutes.

Mr. Hennaman asked for comments by other Members, Mr. Bahr brought attention to two minor items, Orbit's successor's name is spelled "Draco," and he wanted to make it clear that his comments in the citizen's comment section referred to contacting Mr. Madison, not Mr. Boroughs.

Mr. Burrell said a correction as to nomination for Vice Chairman should be made since Mr. Green made the first nomination.

Neither Mr. Lipscomb nor Mr. Green had any corrections, Mr. Hennaman then pointed out that VDOT plans to install "rumble" strips, not "lumber" strips, and other than that everything seems to be in order. He then indicated he would entertain a motion to approve the consent agenda with corrections as made. Mr. Lipscomb made the motion, there was no discussion, and the members were polled.

Mr. Lipscomb	Aye
Mr. Green	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Aye

The motion passed, the Consent Agenda was approved with corrections, and Mr. Hennaman continued to the next agenda item.

FOR RESOLUTION R-39-96, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE, PAGE 582.

IN RE: CITIZEN'S COMMENT PERIOD

Mr. Hennaman announced there was one citizen signed up to speak, Mr. Billie Hott, P.O. Box 77, New Kent. He took the opportunity to remind the Members to speak clearly into their microphones as some viewers at home voiced complaints they were unable to hear some of the speakers, and then recognized Mr. Hott.

Mr. Billie Hott said he received his tax bill from the County and was charged a total of \$1,100 for his real estate and truck. He asked what he is getting in return for his tax dollars, and questioned whether the County is using the money wisely or wastefully. He said there is a lot of negative talk about how businesses are being forced to close their doors, and how the Administration is working against the citizens instead of for them.

He suggested that each Supervisor base his decisions on his district as a whole rather than a select few; that they get more involved with their district adding it would be nice to have town meetings in each district so constituents can voice their opinion and each Supervisor can vote according to the majority; that Supervisors take a look at County Administration and whether they need to "clean house," saying he prefers the Board hire only County residents; that considerations be given to discontinuing personal property taxes; and that corporations located within the County be taxed on an equal basis with other taxpayers. Mr. Hennaman thanked Mr. Hott for his comments, asked that Staff make a written response, and continued to the next agenda item.

IN RE: ELECTED OFFICIAL'S REPORTS

Mr. Hennaman said the Treasurer was not available for her report, Mr. Burrell indicated she is quite ill. Mr. Emerson said the Treasurer asked that he deliver her report, which is for the month of September as she does not have October's report ready yet. The balance in checking is \$139,614.53, investments of County funds \$1,150,605.65, and investments in escrow accounts \$43,282.38, for a total cash balance as of September 30, of \$1,333,502.56. This being the last of the elected officials reports, Mr. Bahr made a motion to accept the report, Mr. Hennaman asked the members be polled.

Mr. Lipscomb	Aye
Mr. Green	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Aye

The motion carried.

Mr. Crump, the Commissioner of Revenue, indicated all the communication towers in the County have been physically located and are now included on the tax rolls. He also noted Colonial Downs said they would like to hire County residents and contractors in construction and other aspects of the work at Colonial Downs. He printed a list of contractors and the type of services each renders and provided that information to Colonial Downs for their use now that things are moving. He asked if the Board would like to participate by forwarding information to Colonial Downs and also asking they consider local labor. Mr. Crump then addressed the question of tax relief raised by some senior citizens and mentioned the County has both a tax exempt and a tax deferral program. Incomes less than \$12,000 qualify for an exemption, while income less than \$30,000 qualifies for a tax deferral and he has looked into policies in other Counties. He provided a list obtained from the Center of Public Services for their consideration. There were no questions for Mr. Crump.

Mr. Hennaman asked for suggestions as to how the Board wants to support Mr. Crump in asking that Colonial Downs use local labor, and whether it should be done by letter or resolution. Mr. Emerson replied he would be glad to draft a letter for review and signature if the Supervisors so desire. Mr. Bahr referred to a person who would like to supply hay, Mr. Emerson told him that people should contact Colonial Downs, as that is different from contractors and labor.

Mr. Lipscomb asked whether people on fixed incomes are allowed to pay their taxes in installments, and Mr. Emerson explained the treasurer does accept installment payments, and arrangements can be made with her office. Mr. Lipscomb expressed concern regarding penalties and asked if they can be forgiven. Mr. Emerson had Mr. Cornwell respond. Mr. Cornwell said because it is a state law he does not believe penalties can be forgiven, but he will research the matter.

Mr. Hennaman said neither the Sheriff, the Clerk of the Court, nor the Registrar were present, and he had nothing to report, then recognized Mr. Lipscomb.

Mr. Lipscomb asked whether the old jail can be leased to the Historic Society for housing their artifacts, and find some way to combine storage of records and bulky items in one location. Mr. Emerson replied he did not see any major hurdle in leasing the old jailhouse to the Historic Society. The building has a separate power meter which can be transferred to them and a nominal fee lease as approved by the Board can be drafted. The containers available for storage are not suitable for storage of documents due to humidity, but a lot of other things currently stored in the basement and the old jail can be moved into shipping containers, which can be locked for security. An 8'x40' container costs \$6,963, and an 8'x22' container costs \$5,900. Mr. Emerson indicated both he and Mr. Gallaher felt two containers should be purchased, the smaller one to be used for storage by the Sheriff's department and the larger one for County storage. Mr. Emerson said he can have the County Attorney prepare a net lease, and look into purchasing the containers. Mr. Lipscomb moved to buy two large containers and lease the old jail building to the Historic Society for \$1 a year in addition to their utilities. Mr. Emerson said he is anticipating a net-net-net lease with reversion to the County with improvements when they no longer wish to have it. There being no further discussion, the Members were polled.

Mr. Lipscomb	Aye
Mr. Green	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Aye

The motion carried. Mr. Cornwell said he would like to bring a lease back to the Board for their approval.

Mr. Lipscomb said he would like to complete a study of the western portion of the County in preparation for hooking into sewers in the Bottoms Bridge area when Henrico completes their pumping station. Mr. Hennaman said he thinks that area is the only growth area which has not had a study undertaken. Mr. Emerson replied that is true, the other areas have been covered, and he feels the western end of the County is under growth pressure. He encouraged proceeding with a study, reminding the Members it was considered during budget meetings but was taken out because of the cost. He will contact consultants to find out what the cost will be and bring the matter before the Board in December with a firm figure. It will take approximately 12 months to complete this study, and part of the money can be appropriated while the remaining cost can be budgeted for completion after adoption of next years' budget. Mr. Emerson delineated the proposed area as 609 through Talleyville, and up 106 to 606 to the County line, reminding the Members the more land mass the larger the expense, but encouraged them do the whole

area at one time rather than have to come back to do another study, and he will have the cost available by December. It was the consensus of the Board that this be done.

Mr. Lipscomb then asked if water rates are pro-rated, Particularly if a person has water connected for only a week or two, or if that person must pay for the entire quarter. Mr. Johnson replied the minimum billing - usage less than 10,000 gallons is billed at \$30.00 and additional usage is billed at \$3.25 per 1,000 gallons over the first 10,000 gallons. He also said anyone using water for only a week or two is not usually billed for that quarter.

Mr. Green did not have a report to make.

Mr. Burrell reported he attended a Central Virginia Waste Management meeting and discovered the recycling commodities prices have plummeted but are expected to level out. He commended the last transfer site, especially since the citizens only have one stop to make as recycling bins are located on the site. Mr. Burrell added that rebates to the County will be smaller because of the price drop.

Mr. Bahr expressed concern over the proposed groundwater withdrawal by the County of Southampton and the City of Smithfield from the lower and upper Potomac aquifers, which are also used by New Kent County. Mr. Emerson suggested drawing up a formal letter raising concerns since there have been approximately six recent applications for withdrawals from the same aquifers. It was the consensus of the board to take this action. Mr. Bahr indicated he wanted to talk to Mr. Riley after the meeting. He also asked what Henrico Mental Health is trying to do; Mr. Emerson responded they are warning of attempts to pass unfunded mandates. He then asked the status of Shooter's Run Road, complimenting Mr. Cornwell on the letter he wrote to the citizens. Mr. Cornwell replied he has not had further contact, but the result of his investigation was that the County has no real interest in the road as it is a public road which has never been dedicated to the County, and feels is an issue between several County citizens who should be able to resolve the problem. Mr. Bahr's final question was whether the Sheriff's Department would have additional pressure once all the convenience centers are operational, and was told there should be no problems, and patrolling for illegal dumping should not be necessary since the sites will be manned.

Mr. Hennaman concluded the elected officials' reports, and continued to Staff Reports.

IN RE: STAFF REPORTS

Mr. Emerson said the County Attorney has three reports to make regarding the engineering short list, the airport paving contract, and BPOL changes.

Mr. Cornwell reminded the Members that they authorized issuing the bids for runway paving at the airport. Three submittals were received on November 1st, with a considerable price discrepancy. The bids are under review and will be presented to the Board with a recommendation as soon as possible.

Mr. Cornwell then explained the Virginia Procurement Act allows the County to maintain a "short list," of engineering firms to select from according to their qualifications on an "as needed basis" for various projects that arise within the County. He said that he, Mr. Gallaher and Mr. Emerson interviewed a majority of the candidates and selected R. Stuart Royer, Resource International, Greenhorne & O'Mara and Draper Aden to the list, and asked for Board approval for future work. Mr. Burrell asked to defer action until next month to see if anyone else should be added to the list. Mr. Cornwell explained that Requests for Proposals went out, approximately seven or eight groups responded, and the four previously listed were selected after interviews. The process is not open for any further proposals. After some discussion Mr. Hennaman summarized by saying that although there is no opportunity to add to the short

list there is plenty of opportunity for people not on the short list to get work, and said he would entertain a motion to act on this item. Mr. Lipscomb made a motion to accept the short list of engineering firms as submitted by Mr. Cornwell. There being no further discussion the Members were polled.

Mr. Lipscomb	Aye
Mr. Green	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Aye

The motion carried. Mr. Cornwell then asked for the Board's consent to advertise a public hearing in December for the purpose of bringing the County's Business and Professional Occupation License Tax Ordinance into compliance with State Code. He explained that in comparing the County Ordinance with the State Ordinance there are no substantial changes, but there are definitional wording changes that need to be made. He would like to advertise for a public hearing in December to enable the County to be in compliance by January 1st. Approval was given by consensus of the Board.

Mr. Emerson said he was directed by the Board at the last meeting to contact Virginia Power about power outages during storms, the letter was sent and he copied the Board. On Friday he was contacted by Virginia Power who indicated they did not want to appear at a Board meeting but would be happy to meet in Mr. Emerson's office, and suggested 11:00 a.m. on Friday, the 8th. Mr. Emerson explained the Board seeks an explanation to the public as to why New Kent experiences these problems. Virginia Power still expressed reservations and he asked the Members what their wishes were.

Various Members expressed their wishes, and the consensus was that Virginia Power should meet publicly at a Board Meeting. Mr. Hennaman felt the citizens are entitled to an explanation and that a letter is in order.

Mr. Emerson had an update on the line of credit, as he was requested to report on any transactions concerning this matter. He was happy to say it had not been necessary to touch any funds available in this line of credit. The cash balance is \$994,221.64 and there is every appearance that these monies will not be needed. He thanked all the County employees, Constitutional Officers and the Schools for their efforts in saving taxpayers dollars.

Mr. Bahr asked Mr. Emerson to provide background information to the public concerning the gas pipeline. Mr. Emerson said the Commission will be taking testimony on November 12 and 13, with Virginia Power providing their input on the 12th and the County, including testimony by Mr. Emerson, on the 13th. Mr. Cornwell said the public comments period has passed, but feels that any member of the public wishing to address the State Corporation Commission can write to the Commission and ask that they open it up for further comment.

Mr. Emerson added, for clarification, the gas line is proposed to run from directly north of Providence Forge across the County to the Chesapeake Corporation at West Point. Mr. Cornwell added opposition has been filed, and is based on both location and capacity. Mr. Hennaman continued to the next agenda item.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Hennaman introduced Mr. Riley, Resident Engineer. Mr. Riley advised Mr. Howell Godfrey, their Superintendent met with Mr. Madison on 628 and they walked the section of road that Mr. Madison is concerned about, identified the area that needed to be cut, and have taken care of the problem.

Mr. Riley continued, saying they have completed grass mowing and are currently cutting brush. They have two trappers working on hot spots in beaver dams, and are still trying to make contact with property owners below 638 to knock the beaver dams in there down. Mr. Lipscomb indicated that is Bear Island property. Mr. Riley said there were some problems on 642 during the last heavy rain, but corrective measures have been taken. He distributed some VDOT notebooks to the members, concluded his report, and acknowledged that Mr. Bahr had some questions.

Mr. Bahr said he has a request to pave Stewart Lane, gave Mr. Riley a map indicating the location, and asked if they could meet to take a look at the road soon. Mr. Green then referred Mr. Riley to Mr. Brown, who has a question about Ashland Farm Road. Mr. Lipscomb said he has several questions but will talk to Mr. Riley later. Mr. Hennaman asked for verification that VDOT will begin paving Poindexter Road in the spring, Mr. Riley replied that is correct. Mr. Riley added they have secured most of the funds to pave Route 611, and hope to finish that before Christmas, they plan to advertise Poindexter Road in December and a brief discussion ensued regarding materials, etc. Mr. Hennaman thanked Mr. Riley.

Mr. Emerson called Mr. Bahr's attention to the letter sent to Mr. Madison telling him that in addition to the re-application for the enhancement grant for the sidewalks at the courthouse area, application is also being made for sidewalks in the Eltham area.

IN RE: AIRPORT COMMISSION REPORT

Mr. Hennaman stated he did not see Mr. Felts, but that a report was scheduled. Mr. Emerson said there would be no Airport Commission Report. Mr. Lipscomb added that the Virginia Department of Aviation paid for new studies undertaken by Delta Airport Consultants, which he feels is a good plan that is under consideration and will be reviewed after some changes are made in the plan.

IN RE: AMENDMENT OF NEW KENT COUNTY 1996-1997 BUDGET

Mr. Lipscomb asked for confirmation of proper advertising of the public hearings. Mr. Emerson said the only public hearings that might possibly pose a problem, but according to Mr. Cornwell there is no problem, are the land use related hearings, items 3, 4, and 5, Kentwood Development, PCS Primeco, and Old Forge Sporting Clays. The notices were not sent out in normal fashion, but did go out in time to meet the general requirements of the law; therefore it is up to the Board of Supervisors whether or not to conduct the public hearings on these three land issues. Mr. Hennaman indicated he wanted to start with the first public hearing and address the others in the appropriate order.

Mr. Hennaman stated the Board of Supervisors of New Kent County intends to make amendments to the 1996-97 budget to increase revenues and expenditures revenues and expenditures to the water and sewer budget in the amount of \$755,500 for the water and sewer utilities to service the regional jail, and to add to the revenues and expenditures for the widening of the Route 155 project for the Colonial Downs project in the amount of \$1,400,000, which is funded through the Virginia Department of Transportation Revenue Sharing Fund and Community Development Block Grant funds. Also to increase the School Board revenues and expenditures in the amount of \$259,759 for unanticipated Cafeteria and Federal Funds. Mr. William Johnson was recognized for his report.

Mr. Johnson referred to the printouts regarding the Route 33 project indicating Mr. Hennaman has already summed up what he had to report, and emphasized the funds for the water and sewer project and Route 155 are funds that will be reimbursed to the County. The school funds are also reimbursable, and he acknowledged that Mr. Rickman would report for the School Board.

Mr. Rickman was introduced by Mr. Hennaman and indicated the School Board is requesting approximately \$260,000 to amend their budget. They are not requesting County money, but federal funds and funds from other sources. Actual increase from federal funds is the amount of \$39,000, with the additional \$221,000 coming primarily from cafeteria funds for payment of cafeteria employee wages. Mr. Bahr asked how the employees were paid prior to the establishment of this fund, Mr. Rickman said it was his understanding that they started paying salaries out of a centralized payroll account in January of 1996 and that prior to that time the checks were cut at each school cafeteria. He feels paying through their central accounting is more efficient. Mr. Rickman further explained that basically the School Board is reimbursing itself for monies already paid out. Mr. Bahr asked a few more questions which Mr. Rickman responded to. Mr. Emerson then explained that these monies are unappropriated revenues the schools did not anticipate at the time of the appropriation of the budget; therefore, now that the funds have been received and deposited in the general fund, the funds must be appropriated out of general funds so the school system will be able to pay their cafeteria employees. He explained this account is very similar to the Route 33 and the Route 155 funds, a money in/money out transaction. The only difference with the schools is that they did not put this sum in their budget; therefore the Board must now appropriate these funds. Mr. Rickman further explained they did not include either the revenue or expenditure in their initial budget. Therefore, they are not taking funds from any other source. Mr. Hennaman, rephrasing Mr. Bahr's question, asked what funds were used for paying these wages before appropriation of these funds. Mr. Emerson explained the school budget was approved in a lump sum, therefore funds were available for payments to be made, but now the schools need to shift these funds in order to continue paying the cafeteria employees and also to refund the areas they have borrowed funds from.

Mr. Hennaman opened and closed the citizen's comment section of the public hearing, since no one signed up to speak, then indicated he would entertain a motion. Mr. Burrell moved to approve the amendments to the 1996-1997 budget as presented. There being no further questions or discussions, the members were polled.

Mr. Lipscomb	Aye
Mr. Green	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Aye

The motion carried. Mr. Hennaman thanked Mr. Rickman for attending the meeting, acknowledging the fact that the School Board was also meeting.

FOR BUDGET AMENDMENTS AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE, PAGE 586.

IN RE: ORDINANCE 0-05-96 AMENDMENTS REGARDING ACCESSORY STRUCTURES

Mr. Hennaman introduced the next agenda item, the public hearing regarding accessory structures and asked Mr. Maloney for his report.

Mr. Maloney indicated Ordinance 0-05-96 pertains to accessory structures associated with a residential use. This ordinance will permit any agricultural zone an accessory structure to a residential building, but will not apply to accessory structures related to bona fide agricultural operations, but limited to carports, garages, etc. Maximum footage will be set at 3,000 square feet and front, side, and rear yard setbacks will be increased from the current 5' setback to a total of 50' from the backyard and a total of 50' total side yards in the A-1 district. In the residential district an accessory structure will be permitted with the size of the structure equal to 10% of lot size, up to 1,600 square feet or 50% of the total floor area of the primary

structure, whichever is greater. Also in the residential district, an accessory structure equaling 50% of the primary structure, must be set back from the primary structure a minimum distance of 50'. Should the structure be less than 50% of the primary structure the setback requirement is 10'. Setbacks are to provide a safety measure and reduce hazards from fire.

Mr. Hennaman said he feels that by considering an adjacent structure an attached building if it is within 10 feet of the main structure and expanding the size limit to 1,600 feet may make the problems worse. Mr. Maloney explained the process in hope of directly addressing Mr. Hennaman's question. He said that in April the Planning Commission met, and upon direction from the Board of Supervisors agreed to develop recommendations regarding accessory structures. A subcommittee met with staff in May and determined that overall very few requirements related to accessory structures were needed. Currently there is no size limitation explicitly indicated within the zoning ordinance, but does state that accessory structures will be incidental and subordinate to the primary structure. There has been an administrative interpretation and several members felt this should be discussed, and these amendments recommended to the Planning Commission. Mr. Hennaman said he has received more telephone calls over this issue than any other issue with the exception of the budget, since he has been in office. Further discussion ensued with Mr. Maloney explaining the major differences between the A-1 district and the R-1 District. Mr. Emerson added that 1,600 feet is rather large for accessory buildings and could cause serious problems in the future. He urged the members to consider this very cautiously. Mr. Lipscomb explained the reasoning of the Planning Commission, allowing for setbacks, etc. Mr. Hennaman asked if it is possible to delete lot size and the 1,600 feet, Mr. Maloney replied that would be very similar to the Administrative procedure. Further discussion ensued. Mr. Maloney said he probably has not received a half dozen complaints about the restrictiveness of the ordinance regarding accessory structures. This ordinance eliminates consideration of unattached structures within 10' as part of the main structure. Mr. Hennaman indicated no one signed up to speak, and he therefore closed the citizen's comment portion of the public hearing. Mr. Lipscomb suggested returning the ordinance to the Planning Commission, Mr. Hennaman felt the Board can make the changes necessary to approve the ordinance. The percent of lot size is eliminated, the 10 feet consideration as part of the main structure is eliminated, the 1,600 feet and the whichever is greater language is also eliminated from the ordinance. Mr. Bahr moved to approve Ordinance 0-05-96 as submitted and then amended. The members were polled and voted as follows:

Mr. Lipscomb	Aye
Mr. Green	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Aye

The motion carried.

FOR ORDINANCE 0-05-96 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FIVE, PAGE 587.

IN RE: PUBLIC HEARING PCS PRIMECO REQUEST FOR A CONDITIONAL USE PERMIT

Mr. Hennaman introduced the next agenda item, a rezoning application from Kentwood Corporation and asked Mr. Maloney to present the matter. Mr. Maloney said that Kentwood Development has applied to rezone Tax Map and Parcels 28A1(2)109, 110, and 202 from B-1, Business General to B-2, Business Limited for the purpose of developing a mini warehouse facility. The proposed rezoning is in conformance with the Route 33 Plan as adopted, and Mr. Maloney said a representative is available for questions. Mr. Hennaman wanted to clarify prior to proceeding that the public hearings could be held as scheduled. Mr. Lipscomb said he thought the property owners had not been notified properly, but Mr.

Cornwell had explained adjacent owners were notified in conformance with the law. Mr. Hennaman then proceeded with the hearing and introduced Mr. Ty Bland, who explained he signed up to speak as a citizen but did not feel he needed to speak in both capacities, and preferred to speak as a representative. He indicated he was available to answer any questions raised. He applied for a permit to build and operate a mini storage business under the B-1 zoning and was advised it would be preferable to request a rezoning of the property to B-2 since that is already an approved use under that zoning.

Mr. Hennaman opened the citizen's comments portion of the public hearing, there being no further discussion, Mr. Lipscomb moved to approve application C-8-96 and the members were polled.

Mr. Lipscomb	Aye
Mr. Green	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Aye

The motion passed.

IN RE: CUP-04-06 A REQUEST FROM PCS PRIMECO TO ERECT A WIRELESS COMMUNICATION TOWER

Mr. Hennaman introduced the next agenda item, a request from Primeco and turned the meeting over to Mr. Maloney.

Mr. Maloney stated PCS Primeco has applied for a conditional use permit to erect a communications tower and accessory equipment on a portion of the property shown on Tax Map and Parcel 46-2A which is located on Wedgewood Court, (a private road). Applicant has submitted all the necessary information and does meet County requirements and would be willing to answer any questions raised. Mr. Hennaman asked if there were any questions, there were a few questions asked by Mr. Bahr, which were answered by Mr. Maloney. Mr. Hennaman opened and closed the citizen's comments portion of the meeting, there being no comments. Mr. Lipscomb then moved to approve CUP-04-96 as presented. The members were polled and responded as follows:

Mr. Lipscomb	Aye
Mr. Green	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Aye

The motion passed.

IN RE: PUBLIC HEARING RE APPLICATION FROM OLD FORGE SPORTING CLAYS TO CONSTRUCT A PISTOL RANGE

Mr. Hennaman announced the Board would next consider an application from Old Forge Sporting Clays to construct a pistol range on Tax Map and Parcel 41-74 and turned the meeting over to Mr. Maloney. Mr. Maloney stated Old Forge Sporting Clays has applied for a conditional use permit to construct a pistol range, which will be a bulls-eye target and constructed to NRA Standards. Charles City County has expressed some concerns regarding noise and Sunday hours and the fact the Planning Commission has not set any noise limitations in terms of decibels, etc. The application does come with a recommendation for approval. Mr. Hennaman stated this project is located approximately three miles from his home, and

he has received some calls from his constituents regarding noise and concerns regarding the clientele. He feels some people may have valid concerns. Mr. Green questioned the clientele question. Mr. Hennaman explained that one of his callers, a female constituent, felt people may come into the county carrying weapons, etc. Mr. Green asked Deputy Thatcher where he conducted classes on firearms instructions and was told it was a classroom atmosphere.

Mr. Lipscomb said that Charles City never contacted New Kent when they built their range so their comments do not really upset him. He also said the noises from the drag strip at Byrd Airport were louder than those coming from the range. Mr. Hennaman then opened the citizen's comments portion of the meeting.

Mr. Kenneth Evans signed up and spoke during the citizen's comment, voicing his objection to the operation of a pistol range in the County. He added there are no reportable decibels that can be measured, that Minitree residents can hear the noise from the firing range and does not feel it will be an asset to Providence Forge. He said Mark Thatcher told him the County already has a handgun range which he would like to use in teaching handgun safety.

Mr. Larry Mullins was the next citizen speaker. He owns 40 acres adjacent to the northeast border of Old Forge Sporting Clays, and he supports the sporting clays but opposes the higher caliber pistol range. He recognizes a lot of money is being spent to improve the range but does not feel that expenditure is necessary.

Mr. George Philbates, Jr. favors approval of the pistol range application. He carries a pistol on night calls and as needed.

Mr. Jack Lee is an NRA instructor and he would like to see this application approved. He feels this type of facility can help make it safer for the citizens if they can take hands on instruction. He knows it is impossible to eliminate the wrong types of people in the County, and it definitely cannot be achieved by keeping the pistol range from opening. Mr. Hennaman then closed the citizen's comments portion of the meeting and asked for any questions from the members. Mr. Burrell wanted to make sure automatic weapons will not be allowed, and that there are no Sunday hours scheduled. He added the sound does not really carry so noise should not be excessive.

Mr. Bahr asked Mr. Maloney for the history of this application which Mr. Maloney provided, indicating there was no public comment during the Planning Commission public hearing, which moved to recommend approval to the Board of Supervisors by 10 affirmative votes and one abstention. Mr. Bahr moved to approve Conditional Use Application CUP-11-96 as presented. Mr. Hennaman said he had to state his objections for the record. The question was raised again about proper notification of adjacent property owners. Mr. Maloney explained that there have been two notices advertised in the newspaper prior to each public hearing in addition to written notices to adjacent property owners. The way in which notices were given was the question, and although not provided by mail, the notices were in conformance with state law and timely delivered. There being no further questions, Mr. Bahr moved to approve Conditional Use Permit Application CUP-11-96 as submitted, there being no further discussion Mr. Hennaman asked the Members be polled.

Mr. Lipscomb	Aye
Mr. Green	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	No

The motion passed. Mr. Yakshe thanked the Board of Supervisors for all their time and effort in this matter. He also said he has sympathy for the Providence Forge residents, and that his primary concern at this time is where he will obtain the fill dirt to build the berms.

IN RE: APPOINTMENTS

Mr. Hennaman continued the appointments to various committees.

There were no appointments for District 1.

Mr. Green moved to appoint Sharon Coke as District Two's representative to the Historic Commission for an unexpired term ending December 31, 1996, and for a continuing four year term ending December 31, 2000.

There were no appointments for District 3.

Mr. Hennaman said he has received the resignation of Rebecca Jefferson and would like to appoint Alice K. Cook as District Four's representative to the Historic Commission to serve out Mrs. Jefferson's unexpired term ending December 31, 1996.

There were no appointments from District 5.

Mr. Green moved to make the appointments as presented, there being no discussion, the Members were polled and the motion approved as follows:

Mr. Lipscomb	Aye
Mr. Green	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Yes

Mr. Hennaman then continued to appointments not delegated by district.

Mr. Burrell moved to appoint Mr. Bernard Randolph as the County of New Kent's representative to the Citizens Advisory Committee for the MPO for the term expiring December 31, 1998. There being no other appointments and no further discussion the Members were polled.

Mr. Lipscomb	Aye
Mr. Green	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Aye

The motion passed and Mr. Hennaman continued to the next agenda item.

IN RE: MEETING SCHEDULE

Mr. Hennaman announced for the benefit of the public that the next regular meeting will be held on December 9, 1996 at 7:00 p.m., and the Planning Commission will meet on November 18, 1996.

Mr. Emerson added that he did get a response from Senator Bolling and that he is willing to meet with the Board at 5:30 p.m. on December 9th (December meeting). Mr. Hennaman checked with Mr. Burrell's schedule, which did not conflict.

IN RE: ADJOURNMENT

Mr. Lipscomb moved to adjourn, the Members were polled, and the meeting concluded at 9:30.

Mr. Lipscomb	Aye
Mr. Green	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Aye