

Work Session

A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE NINTH DAY OF DECEMBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SIX BEGINNING AT 5:30 P.M.

IN RE: WORK SESSION

Mr. Hennaman called the meeting to order at 5:30 p.m. and asked for a roll call.

Julian T. Lipscomb	Present (arrived at 5:35 p.m.)
Gary L. Green	Present
James H. Burrell	Present
Frederick G. Bahr	Present
Mark A. Hennaman	Present

Mr. Hennaman announced that Senator William Bolling was present to discuss the 1997 Legislative Package. At the present time, a draft copy was presented to the Senator, with the final copy to be forwarded upon completion. Mr. Hennaman read the highlights of the draft. Senator Bolling responded that he relied very heavily upon local input to focus his attention on issues they like and/or dislike. He stated that he understands and shares the Board's concerns and will do his best during this year's General Assembly to address these issues of interest. Mr. Hennaman thanked Senator Bolling for his time

Mr. Hennaman told the Board that there was also an executive session scheduled for briefings from legal counsel as they relate to actual litigation and asked for a motion. Mr. Green made a motion, there was no discussion, and the members were polled.

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

The motion was carried.

After the executive session Mr. Hennaman noted the time as 6:56 p.m., and announced they had been in executive meeting and would entertain a motion for certification at this time. Mr. Burrell stated that 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 regarding the certification and the Members were polled.

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

Motion was carried.

Mr. Hennaman noted that the time was 6:56 p.m., 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 9TH DAY OF DECEMBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SIX IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING BEGINNING AT 7:00 P.M.

IN RE: ROLL CALL

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

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

Mr. Hennaman gave the invocation and followed with the pledge of allegiance.

Mr. Hennaman stated that there had been a 5:30 p.m. open work session with Senator Bolling to discuss the County's legislative agenda for the upcoming session and then the Board went into an executive session.

IN RE: CONSENT AGENDA

Mr. Hennaman asked Mr. Emerson to go over the consent agenda for the benefit of the public. Mr. Emerson explained that the consent agenda contained the following items: approval of the November 4, 1996 minutes, two appropriations totaling \$20, 010 as an amendment to the budget for the revenue side and the expenditure side, Sheriff's grant for seven lap top computers, insurance rebate for the damage to the hangers from the last hurricane, three miscellaneous items to be set for public hearing - Pamunkey River "No Wake Zone", changes in the dates on the Burning Regulations, and two ISTE A Enhancement Grant Applications for sidewalks for Eltham and courthouse area., resolution honoring Mary Thomas Carswell and dedication of the reading room at the Charles City/New Kent County Heritage Library, acceptance of bids for the airport paving - R & W of West Point is the successful bidder, two refunds -

building permit refund \$44.01 and tax exemption refund of \$200.00, finance report for expenditures of \$636,055.39.

Mr. Hennaman asked the Members if they had any questions or comments on the agenda. He then asked that Resolution R-41-96 be acted upon alone, outside the consent agenda.

Mr. Green questioned that R & W Contractors understood the work to be done since there was such a large variance in their low bid. Mr. Emerson said that they made sure that R & W was contacted and they replied that they understood the work and bid by the specs. Mr. Cornwell stated that R & W Contractors had done improvements for the Richmond International Airport.

Mr. Bahr stated that he didn't see Mr. Chris Madison tonight, but wanted it to go on record that there was an ISTEA application to put sidewalks in Eltham.

There was no more discussion or comments. Mr. Hennaman said he would entertain a motion to approve the consent agenda with the exception of Resolution R-41-96, which will be acted on alone. Mr. Green made the motion, there was no discussion, and the Members were polled.

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

The consent agenda was passed.

IN RE: RESOLUTION R-41-96

Mr. Hennaman made a motion that the Board consider and adopt Resolution R-41-96 honoring the memory of Mary Thomas Carswell and acknowledging the dedication of the reading room in her honor at the Heritage Library, with said dedication to take place on January 25, 1997. Mr. Hennaman asked for discussion from the Members. Mr. Bahr said that he is taking care of Mrs. Carswell's three-legged cat, which is flourishing. There was no further discussion, and the members were polled.

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

Motion was carried.

FOR RESOLUTION R-41-96, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX SIX, PAGE 1.

IN RE: CITIZENS COMMENT PERIOD

Mr. Hennaman said there were two citizens signed up to speak. Mr. Billy Hott, P. O. Box 77, New Kent was the first person on the list. Mr. Hott commended the chairman, Mr. Hennaman for responding to his concerns. He also voiced his concerns about the cost of the airport to the taxpayers, and the personal property tax. Mr. Hennaman thanked him for his comments.

The second citizen to speak was Mr. George Philbates, P. O. Box 28, New Kent. Mr. Philbates voiced his concerns about Mrs. Garner leasing land to the Youth Center for \$1.00 per year with 911 & Youth Club responsible for all taxes and upkeep. He suggests that the County forgive the taxes as long as the 911 & Youth Club is being used. He is also in favor of doing away with the personal property tax. He also feels that the County should not be so strict and have so many regulations on small businesses. Mr. Hennaman thanked him for his comments.

IN RE: ELECTED OFFICIAL'S REPORTS

Mr. Hennaman read a statement for the benefit of the citizens regarding the lawsuit against New Kent County filed by Mr. A. C. Worley which had been dismissed. This is the suit where Mr. Worley claimed that the County failed to pay him all amounts due pursuant to a 1979 contract. The suit was dismissed at Mr. Worley's request after he failed to comply with an order from the court to provide by 11/16/96 to the County's attorneys information to substantiate his claim. The County has filed a Notice of Appeal with the court to appeal to the Supreme Court of Virginia the decision awarding Worley Aviation judgment against the County. The Board will keep the public informed as the matter progresses. Copies of this release were made available to the press.

Mr. Hennaman discussed PCS Primeco's efforts to circumvent zoning restrictions as they relate to the towers and asked Mr. Emerson to bring everyone up to date. Mr. Emerson said that PCS Primeco is in the process of leasing sites for cellular communication towers in the State of Virginia on the US Interstate Highways right of ways. The State of Virginia plans to use the towers built by PCS Primeco and owned by the State of Virginia for future traffic management systems, and PCS Primeco will use them for their cellular communications. This could cause many towers to be placed throughout the County without any approvals from the local government body or input from citizens; and relieve Primeco of any tax liability. This should be discussed with the County's representatives of the state legislature, and has been added to the 1997 legislative package. The State Transportation Commission has adopted a resolution supporting this concept. Staff recommends the Board discuss this with Mr. Cogbill, the region's representative on the State Transportation Commission.

Mr. Hennaman asked for comments from the Members. Several of the Members voiced their displeasure with the way Primeco was circumventing the zoning ordinances of the County. Mr. Hennaman asked if it was the wish of the Board to instruct staff to make necessary arrangements to schedule meetings with Senators Grayson and Bolling. Mr. Emerson suggested that VACO representative, Mr. Jack Ward be contacted. Mr. Hennaman asked Mr. Emerson to make the contacts.

Mr. Hennaman asked that the Board consider a resolution honoring the efforts of two sixth grade students for their exemplary behavior and recognizing these gentlemen for their efforts. He asked that staff draft a resolution which can be acted upon in January. There was a consensus of the Board that this be done.

Mr. Green stated that the Parks and Recreation Commission did meet on 11/19/96. Questionnaires will be going out to early next year to all the citizens. Mr. Wayne Marks was elected Chairman, Mr. Paul

Davis was elected Vice Chairman and it was determined that the meetings would be held monthly on the second Tuesday, with the next meeting being on 12/12/96 at 7 p.m. Encourages citizen input as well as volunteers.

Mr. Green also stated that the Hanover Health Advisory Board met on 12/3/96 and voiced concern about three projects in the County. Requested Mr. Emerson to contact Dr. Tweel and make sure he's not running loose on these things.

Mr. Green said that the Capital Area on Aging was not involved in the Seniors Project earlier this fall - could Mr. Emerson find out why and report back.

Mr. Green has had five calls regarding what used to be the old Fast Stop on Rt. 60. Mr. Emerson said that there is a proposed development on that site of a fueling station, over the last few years. He will check into it to find out what the problem is. It is quite an eyesore.

Mr. Bahr discussed the gas pipeline being put in through Mt. Pleasant Road. Landowners have oral promise from Chesapeake that they will get with the people whose land they intend to put the pipeline.

Mr. Lipscomb asked Mr. Maloney if he could give an update since he didn't see the airport commissioner. Mr. Maloney said he could.

Mr. Hennaman asked the Treasurer to give her report. Betty Burrell gave a preliminary report for the period ending 11/30/96. The cash balance forward and deposits they have been able to account for there are total receipts from 10/01/96 - 11/30/96 - \$5, 647,860.12. Disbursements for October and November, 1996 is \$3,179,278.94. Approximate cash balance as of 11/30/96 is \$2,468,581.18. As of the close of business today, for the period of 10/1/96 - 12/09/96 there was \$1,996,000 less than in 1995, partly because the bank has done collections for them. She wanted the Board to be aware that the County is losing revenue because she does not have the resources to pay her people to get the job done since her part time budget was cut by several thousand dollars and there are approximately 4 trays of mail they have not opened yet. There is yet to be collected \$4,325,000.

Mr. Hennaman thanked Ms. Burrell for her verbal preliminary report (there were no copies) so it requires no action.

The Commissioner of Revenue was not there to give a report.

Mr. Hennaman concluded the elected officials' reports and went on to Staff Reports.

IN RE: STAFF REPORTS

Mr. Emerson stated that they would start the staff reports with Ms. Gwen Ellyson, Registrar who gave the voter abstracts and activity reports from the November election.

Mr. Cornwell gave a report regarding the lease of the jail to the Historical Society. He has circulated a draft copy of the proposed lease and would like to schedule it for public hearing in the January meeting. It was the consensus of the Board that it be done.

Mr. Emerson brought it to the Board's attention that the Racing Commission will be meeting in the boardroom at 9:30 a.m. on 12/18/96 for their monthly meeting. After the meeting they will adjourn to the race track site for a formal groundbreaking of the track. Invitations from Colonial Downs have been sent, and he encourages those who have the time to attend.

Mr. Emerson also stated that on November 18, 1996 the County's line of credit was closed. These funds were never utilized, which saved the County money.

Mr. Emerson responded to Mr. Lipscomb's inquiry about the West End study at the last meeting: The cost of that study will be \$50,000 - \$55,000. Discussion among the Members ensued about this study, which is the last study. Mr. Burrell suggested that they wait until they knew what next year's budget was going to be before they approved this study due to the large expenditure. Mr. Green stated that he thought we should begin the study as soon as possible so that there would be better control of the County's growth. Mr. Hennaman said that he would entertain a motion. Mr. Green made the motion that staff be given the direction to proceed with the Bottoms Bridge area study. There was no further discussion and the Members were polled.

Julian T. Lipscomb	Aye
Gary L. Green	Aye
James H. Burrell	No
Frederick G. Bahr	Aye
Mark A. Hennaman	Aye

The motion was carried.

There were no further staff reports. Mr. Hennaman moved on to the Resident Engineer's Report.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Hennaman recognized Mr. Bob Riley, Resident Engineer with the Virginia Department of Transportation. Mr. Riley reported on the completion of paving on Rt. 611 and is currently working on bringing the shoulders up to grade. Brush cutting will be done on a section of East I-64 off Rt. 249, also the grass in the median will be cut. Completed several complaints: potholes on Rt. 60, signage complaints on Rt. 64. They are running grades on Rt. 611 to help the drainage problem. There is a meeting scheduled with Mr. Beam on Rt. 600 to review his concerns about Rt. 600.

Mr. Lipscomb asked if they were working on the beaver problem. Mr. Riley said that trapping was being done to alleviate the problem. Mr. Green asked if the divider at the end of the island could be cut back or removed at the end of the eastbound ramp of I64 to Rt 249.

Mr. Lipscomb asked about the stop light at the Bottoms Bridge. The large trucks from Motorola cannot make the turn and if gravel could be put down in the westbound lane, then they wouldn't bring the mud onto the road. Mr. Bahr stated that he had been contacted by several people on Stewart Road about it not being on the six year plan and asked if gravel could be put on that road. Mr. Riley said the road is in good shape - he'd been down that road today. Mr. Bahr said that he thought the problem was when the school buses had to go on private roads. Mr. Hennaman stated that he thought that it was the policy of the school

system to not have the buses go down private roads. Mr. Burrell said that there is no adequate cul-de-sac for the buses to turn around in on the private roads. The residents at 4310 Windy Lane are having problems with clogged ditches on two sides of their house and Mr. Bahr asked if Mr. Riley could take a look at that. Mr. Riley said he would get in touch with them. Mr. Bahr thanked Mr. Riley for his quick attention to the Goddins Pond Creek Bridge and asked if it was appropriate for the 40 ton trucks to go around that curve, is there any way to check to see what kind of weight the bridge should bear. Mr. Riley replied that they inspect the bridges at least every two years. Mr. Hennaman thanked Mr. Riley for his report.

IN RE: AIRPORT COMMISSION REPORT

Mr. Hennaman stated that Mr. Maloney was going to give this report. Mr. Maloney gave a brief report on the airport. The airport committee has expressed its concern over several maintenance items to staff, and staff did reply to the advisory committee that the work was under way to repair the beacon runway lights and the airstrip crack sealing and striping. In October the Airport Committee was briefed on the updated airport layout plan, which is being conducted by Delta Aviation Consultants, who are working under a contract with the Virginia Department of Aviation to update the airport layout plans for New Kent County and 6-7 other general aviation airports throughout the Commonwealth. These airport layout funds are provided from a grant from a Federal Government to the State at no cost to New Kent County. The study should be completed in draft form later this winter or early spring for review and approval by the Board of Supervisors before acceptance by the State. Mr. Lipscomb asked if the airport operated in the black last month. Mr. Maloney responded that at the end of October they were doing a little bit better than breaking even. Mr. Emerson asked if that included the \$11,000 for the fuel, which if it did not it would put it back in the red. Mr. Maloney was unsure. Mr. Emerson felt that it was not included. Mr. Bahr asked if there were any grants covering the present cost of repairing the runway. Mr. Maloney said that yes, it was a State maintenance grant that will cover 90% of the cost. Mr. Burrell verified that the taxpayers would subsidize a portion of the airport. Mr. Hennaman thanked Mr. Maloney for his report.

IN RE: PUBLIC HEARING - SIX YEAR PLAN

Mr. Hennaman stated that Mr. Bob Riley, Resident Engineer of New Kent County, is here to deliver a presentation on the Six Year Plan. The notice for this public hearing was run in the Tidewater Review on November 13 & 20, 1996 and the Richmond Times Dispatch on November 13 & 20, 1996. The Board will review and consider for approval the Virginia Department of Highways and Transportation's Six Year Improvement Plan for Secondary Roads in New Kent County and the 1997-1998 Annual Secondary Highway Budget for New Kent County. Mr. John Neal gave the presentation. The allocations for FY97-98 are as follows: Regular construction - \$527,530; Unpaved road - \$132,684; Incidental improvements - \$45,000; Regular improvements - \$51,836; Unpaved road improvements - \$563,378 for a total allocation of \$660,214. The following projects are listed by priority: (1) Angelview Lane (Rt. 651), (2) Dispatch Road (Rt. 613), (3) Poindexter Road (Rt. 604), (4) Townsend Road (Rt. 602), (5) Polish Town Road (Rt. 634), (6) Paige Road (Rt. 626), (7) Ashland Farm Road (Rt. 676), (8) Old Church Road (Rt. 606), (9) Stage Road (Rt. 632), (10) Mount Pleasant Road (Rt. 628) and (11) Henpeck Road (Rt. 665). The Projected FY Allocations are: 1997-98 - \$660,214; 1998-99 - \$668,423; 1999-00 - \$695,217; 2000-01 - \$729,244; 2001-02 - \$764,788; and 2002-03 - \$764,788.

Mr. Hennaman thanked Mr. Neal for his presentation and asked if any of the Members had any questions or comments. Mr. Green asked what would be involved in widening a road 6-8 feet for jogging, etc. Mr. Neal said that the ditches would have to be relocated, start with a stone base and build up from there -

similar to a road project. Also the additional right of ways would have to be obtained. Mr. Hennaman asked, in regard to Ashland Farm Road, in the \$17,500 budgeted for the upcoming year - what will be done with this money. This money will be used for the preliminary engineering work. There most likely will be close public involvement when they have the 20% plans ready for Ashland Farm Road. Mr. Bahr questioned when Polish Town Road work would be completed. Mr. Neal said it was scheduled to be advertised in May, 1998 with construction to be completed the following year of 1999. Mr. Hennaman thanked Mr. Neal and Mr. Riley for the report and opened the public hearing. There were no citizens signed up to speak. The public hearing was closed and Mr. Hennaman asked the Board members for discussion and a motion. Mr. Burrell made a motion to approve the Six Year Plan as presented. There was no further discussion and the Members were polled.

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

The motion was carried.

IN RE: PUBLIC HEARING - REZONING APPLICATION C-6-96. REZONING FOR TAX MAP AND PARCEL 20-41, WHICH CONSISTS OF 19.6 ACRES FROM A-1, AGRICULTURAL TO R-1, SINGLE FAMILY RESIDENTIAL.

Mr. Hennaman asked Mr. Maloney to give his report. Mr. Maloney stated the rezoning application was in accordance with the goals, objectives and policies of the New Kent County Comprehensive Plan. No significant environmental issues relating to the site. The application has been reviewed by the Department of Transportation, Health Department, and Department of Public Safety - none had any comments on the application at this time. The Planning Commission voted to recommend denial of this application at their December 16 1996 meeting.

Mr. Hennaman thanked Mr. Maloney for this report and asked if any of the Members had any questions for Mr. Maloney. Mr. Bahr questioned why the Planning Department voted to deny this application. Mr. Maloney stated that the Planning Commission expressed concerns about the ability of the County to provide the necessary public service for the 20-30 new residential lots that would be developed on the site - water, sewage, education, roads - all public facilities required.

Mr. Hennaman opened the public hearing. Two citizens signed up to speak. The first was Mr. G. G. Crump, P. O. Box 57, New Kent, Virginia. Mr. Crump stated that he was on the School Board at the time this piece of property was turned back to the County as a surplus piece of property. It was the wishes of the Board that it went back to the Board of Supervisors, rezoned and sold for a proper price and those funds hopefully would be put towards the purchase of property directly behind the present high school and middle school. This was about four years ago. To this date the property has not been purchased. He would like to see it put on the market, sold, and the funds put into the general fund, and immediate attention focused on the piece of property behind the present high school. He further stated that the County is short of two schools now that should have already been built. Mr. Hennaman thanked him for his comments.

The second person signed up to speak was Mrs. Thelma Crump Wilson. She asked two questions - How many homes could be put on the piece of property rezoned. Mr. Maloney said probably 25 - 30 homes on

just under 20 acre tract. Mrs. Crump then asked how many homes could be put on there today as it's zoned. Mr. Maloney said that as the single parcel, just one.

Mr. Hennaman said that the comprehensive plan called for this area to be residential. The public hearing was closed. Mr. Hennaman asked if the Members had any additional comments or discussion. Mr. Burrell said that we would benefit in two ways - benefiting from the cash from the sale of the property and the property then will generate tax revenue. He did not think that we should make any commitment as to where the money would go, and the Board is aware that they will have to purchase property before schools can be built. Mr. Green said that it is in his district, and he has not received any calls. Mr. Hennaman said that he would entertain a motion. Mr. Burrell made a motion to approve the Rezoning Application C-6-96 as presented. There was no discussion. The Members were polled.

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

The motion was carried.

IN RE: PUBLIC HEARING - CUP-14-96 APPLICATION FROM PATRICIA SMITH AND KATIE JOHNSON TO OPERATE A CHILD CARE CENTER ON TAX MAP AND PARCEL 22-15.

Mr. Hennaman called Mr. Maloney to give his report. Mr. Maloney stated that the applicants had submitted a Conditional Use Permit application for the operation of a child day care center. The property is currently zoned A-1, Agricultural and R-2, Residential, which permits child care centers with approved site plans and a Conditional Use Permit. The structure would also be used as a single family residence. Applicants did receive a variance from the New Kent County Board and Zoning appeals in September to permit the keeping of more than 10 children as a home occupation. The minimum conditions to operate a child care center have been met. All requirements will be met by the operation of the Down and Out Day Care Center. Applications have been reviewed by the various Departments as necessary. The New Kent County Planning Commission in its October 21st meeting voted to recommend this application be approved at submitted. Mr. Hennaman thanked Mr. Maloney for his report.

Mr. Hennaman asked if the applicants or representative of the applicants wanted to address the Board concerning their application. Ms. Katie Johnson (applicant) said that it was their goal to operate a high-quality, affordable day care center to alleviate the needs and concerns of working families in this community. She felt that she and her sister were highly qualified to operate such a center and administer a program that will enhance the educational and social growth and development of young people. Her sister has taught in the County for thirty years, has a B.S. degree from St. Paul's College and a Master of Arts degree from Virginia State University in early childhood education. She has a B. S. degree from Hampton University and a Masters Degree from Antioch University. She has also worked in many areas such as Community Action Agency, taught in the County, and worked with programs that have addressed the needs of women, minorities, rural people as well as older persons. She currently is a Regional Grassroots Coordinator for the National Committee to preserve Social Security and Medicare. They feel that the structure is adequate to accommodate a child care center (it was a home for the aged several years ago). They are requesting the Board's approval so that they can move forward in fulfilling the requirements and provide a much needed service for the County. Mr. Hennaman thanked Mrs. Johnson and asked if any of the Members had questions for the applicants.

Mr. Burrell made a motion to approve the Conditional Use Permit 14-96 as presented. Mr. Hennaman reminded Mr. Burrell that the Public Hearing had not yet been conducted. Mr. Hennaman asked about the maximum of children to be determined by Social Services, which was in the packet and asked if Social Services had made this determination yet. Ms. Johnson replied that Social Services could not do this until she received temporary approval yet and she won't do anything until the Board makes their decision. There were no other questions from the Board.

Mr. Hennaman opened the Public Hearing. Two citizens had signed up to speak. The first was Ms. Oraphine Crump, 6101 New Kent Highway, Quinton, Virginia. Ms. Crump stated that she was in favor of the child care center. The second citizen to speak was Ms. Betty Burrell. Ms. Burrell said that she would first comment as a citizen of the County. She has known the family a long time. Also, as Treasurer, the current owner is struggling to pay the taxes on the property, which is unoccupied.

Mr. Hennaman closed the Public Hearing. He also stated that Mrs. Smith was his first grade teacher. He asked the Members if they had any discussion or questions for the applicants. Mr. Lipscomb stated that he was sure they would do a good job. Mr. Hennaman said he concurred, and also that he had been contacted by some of the people that live on the road that do not have a problem with the facility as presented. They are concerned with the increased morning traffic that the facility may generate - especially since it is also a school bus run. He felt that there may be other ways to deal with this and drove the length of Rt. 618 this morning. There is no posted speed on this road, with the exception of one ess curve, which is a little bit south of the building. This should be looked into. Mr. Riley said that if it is approved tonight then it's something that needs to be looked at. Mr. Hennaman said that it would deter a lot of the concerns that residents have that live on the road in regard to the increased traffic.

Mr. Hennaman said that he would entertain Mr. Burrell's motion at this time. Mr. Burrell made the motion to approve the Conditional Use Permit 14-96 as presented. There was no discussion. The secretary was asked to poll the Members.

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

The motion was carried.

IN RE: PUBLIC HEARING - AMENDMENTS TO BPOL TAXES AS REQUIRED BY CHANGES IN STATE LAWS.

Mr. Hennaman asked Mr. Cornwell to give his report. Mr. Cornwell stated changes to the BPOL taxes were mandated by the General Assembly and the County is required to adopt and make part of their business license tax. Basically all the changes relate to definitions, processes for collection and matters of that sort. There is no change in the rate of taxation or anything that most people would see when they fill out their application. These changes will make the system more uniform. The Commissioner of Revenue is in support of this. He feels that a more uniform system for all the counties in the State will make the issues more readily addressable across the board. He recommended adoption of these changes to the business license ordinance, which are mandated by State law. Mr. Hennaman thanked Mr. Cornwell and asked if any of the Members had questions. He then opened the Public Hearing. No citizens were signed up to speak. The Public Hearing was closed. Mr. Hennaman asked the Members if they had any

discussion and said he would also entertain a motion to approve. Mr. Bahr asked if there was any choice in this. Mr. Cornwell responded that there was not if the County was going to continue a Business License Tax.

Mr. Lipscomb made a motion to approve the amendments to the BPOL taxes as presented. There was no discussion. The Members were polled.

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

The motion was carried.

IN RE: PUBLIC HEARING - CONDITIONAL USE PERMIT 10-96 APPLICATION FROM AUBREY M. HUBBARD TO OPERATE A CONTRACTOR'S OFFICE WITH EQUIPMENT STORAGE AS A HOME OCCUPATION ON THE PROPERTY TAX MAP AND PARCEL 47-34E.

Mr. Hennaman asked Mr. Maloney to give his report. Mr. Maloney stated that Mr. Hubbard had submitted a Conditional Use Permit application to operate a contractor's office with equipment storage on tax map parcel 47-34E located on SR 600 in Barhamsville. Current zoning of the property is A-1, Agricultural which does permit the contractor's office with equipment storage as a home occupation with a Conditional Use Permit. Application has been reviewed by the appropriate reviewing agencies including the County Department of Public Safety and Virginia Department of Transportation. None of these agencies had any comments at this time. Staff recommended to the Planning Commission additional conditions which pertain to screening of the storage areas, fencing requirements, number of pieces of equipment to be stored on site, and the hours of operation. During the Public Hearing the Planning Commission modified staff's recommendations in the following manner: increase from 7 pieces of equipment to 8 pieces of equipment and the proposed hours of operation were extended from 8 a.m. - 5 p.m. during EST and 8 a.m. - 6 p.m. during DST to 8 a.m. - 8 p.m. Monday through Friday. The Saturday hours as proposed would be 8 a.m. - 12 p.m. were not changed by the Planning Commission. The Planning Commission did recommend approval of this application with the amended additional conditions. Mr. Hennaman thanked Mr. Maloney.

Mr. Hennaman asked if the applicant or representative of the applicant wished to address the Board. Mr. Bahr said that Mr. Hubbard did stop by this afternoon and gave him copies of a petition that he (Mr. Hubbard) had drawn up which had close to 200 signatures, plus numerous letters from neighbors in support of Mr. Hubbard. This information was distributed to the Board Members. Mr. Bahr read Mr. Hubbard's letter, which was with the petition. In this letter, Mr. Hubbard asked the Board why, in May of 1988, when he applied for his business permit and there were no restrictions, and the County has been receiving his business taxes since 1988, was he now being given restrictions. Mr. Hubbard further stated in his letter that the hours restrictions were totally unfair as well as the equipment restrictions. Mr. Bahr stated that, in his opinion, if you allow Mr. Hubbard to take his equipment off his property just about anytime and restrict him from operating it on his property before 8 a.m. and after 8 p.m., then it might solve this whole matter. Also, he saw no reason for limiting the number of pieces of equipment. He felt very strongly that they should do what they can to help the small businesses in the County.

Mr. Hennaman asked the following questions: Is the Sturtz residence the closest residence around you to your shop area. Mr. Hubbard replied that no, all the neighbors were about the same distance. He estimated the distance to be about 300'. Mr. Sturtz came forward and showed the Members on the map where the property and neighbors were located.

Mr. Hennaman asked if any of the Members had any questions of Mr. Maloney or the Hubbards. Mr. Burrell verified with Mr. Hubbard that his main concern was the number of pieces of equipment and the operating hours. He then asked Mr. Hubbard if the hours were 5:00 a.m. to 10 p.m. he could live with it. Mr. Hubbard said that it would help a lot. Mr. Hubbard said that their main concern was that they do a lot of weekend work as required by the nature of his business.

Mr. Bahr asked how long he had lived next to Mr. Sturtz. Mr. Hubbard replied about 15 years. There had been no complaint from the Sturtz's until about a year ago. An investigation by the Planning Department was made after the Sturtz's complaint, which is policy. It was determined that this particular operation did start in 1988, one year after the current zoning ordinance was adopted, which only provided for this type of operation in the A-1 District if it was a legal nonconforming use - a use in place prior to the zoning ordinance. That condition was not met. It was the former Commissioner of Revenue who made the determination that the zoning at the time of the initial business license was issued, that the zoning would permit this operation. The applicant never contacted the Planning Department to Mr. Maloney's knowledge.

Mr. Burrell said that in all fairness to the applicant, that when he applied for his business license he might not have know the proper procedures, and it shouldn't be held against him.

Mr. Hubbard said that he had never tried to hide anything when they went to Mr. Yeatts they asked him if they needed anything else, and he said no, we welcome your business to the County. He thought they were operating legally.

Mr. Hennaman said that the Board was not trying to put any business out of business - small or large. It is their position to support citizens of the County. Also, the Board is very supportive to property owners rights - as long as they don't infringe upon anyone else. Mr. Hennaman said that in his opinion Mr. Hubbard's business was too large to be considered a home occupation. There were no other comments from the Members.

The Public Hearing was opened. There were twelve people signed up to speak. The first was Ms. Alease Smith, 20340 Tabernacle Road, Barhamsville, Virginia. Ms. Smith was in favor of this application being approved. The second citizen to speak was Ms. Dorothy Sellars, 19601 Tabernacle Road, Barhamsville, Virginia. Ms. Sellers was in favor of this application being approved with no restrictions on the hours. The third citizen to speak was Ms. Pam Bettis, 19601 Tabernacle Road, Barhamsville, Virginia. Ms. Bettis was in favor of this application being approved with no restrictions on the hours or pieces of equipment. The fourth citizen to speak was Mr. Steve Bettis, 19601 Tabernacle Road, Barhamsville, Virginia. Mr. Bettis felt that there should be no limitations whatsoever on Mr. Hubbard. The fifth citizen to speak was Mr. Donald Sellers, 19601 Tabernacle Road, Barhamsville, Virginia. Mr. Sellers agreed with the previous citizens, he did not feel Mr. Hubbard should be restricted. The sixth citizen to speak was Mr. Herbert Sturtz, 4400 Holly Fork Road, Barhamsville, Virginia. Mr. Sturtz voiced his concerns about the number of pieces of equipment Mr. Hubbard now has. Also, there is no buffer between his property and the Hubbard property except a six foot fence. The equipment can be seen over the fence. Also, the sounds of Mr. Hubbard repairing his equipment can be heard. He would like to see the adoptions that were originally made stay in place. The seventh citizen to speak was Ms. Barbara Sturtz, 4400 Holly Fork Road, Barhamsville, Virginia. Mrs. Sturtz's echoed her husband's concerns. She would like to have a tree line. The eighth citizen to speak was Mr. Robert White, 5700 Farmers Drive,

Barhamsville, Virginia. Mr. White thought that the hours of operation should be increased including weekend hours, per Mr. Hubbard's request. Maybe put a limitation on the number of employees. The ninth citizen to speak was Ms. Isabel White, 5711 Farmers Drive, Barhamsville, Virginia. Mrs. White did not think that limitations should be put on the hours of operation or equipment. The tenth citizen to speak was Mr. James F. McReynold, 5541 Farmers Drive, Barhamsville, Virginia. Mr. McReynold did not think there should be any restrictions on Mr. Hubbard. The eleventh citizen signed up to speak was Ms. Hazel G. Reynold, 5541 Farmers Drive, Barhamsville, Virginia. Mrs. Reynolds did not speak, but concurred with her husband. The twelfth citizen to speak was Mr. Robert A. Brady, P. O. Box 127, Barhamsville, Virginia. Mr. Brady said that the Board's decision would make a difference on how other businesses viewed New Kent County. He didn't think there should be any restrictions. Mr. Hennaman closed the Public Hearing and asked the Members if they had any comments.

Discussion followed about the restrictions on the number of pieces of equipment and the hours, and the definition of a home occupation business and small business. Mr. Lipscomb made a motion to approve the Conditional Use Permit-10-96 as presented with the exception of the operating hours will be from 5:00 a.m. to 10:30 p.m. seven days a week with a limitation of eight pieces of equipment. The members were polled.

Julian T. Lipscomb	Aye
Gary L. Green	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Mark A. Hennaman	No

The motion was carried.

IN RE: RESOLUTION R-42-96 FOR THE PROPOSED OFFICE ON YOUTH

Mr. Hennaman introduced Ms. Marianne Powell, Director of Social Services and Ms. Denise Bartlett, CSA Coordinator, who gave a presentation on the CSA act and the proposed Office on Youth. Since August a committee has been researching and studying ways to provide more efficient and effective services to families that qualify for CSA services in New Kent. The committee made the following recommendations: (1) Joint services - whenever possible children will receive a combination of therapeutic foster care and special ed. Services rather than residential services; (2) the special education plan of a child will be limited to educational services. Additional services will be placed on the IFSP and subject to parental payment; (3) Parental Support - beginning 7/1/96 all cases will be evaluated for the amounts the parents will be expected to pay for services. The amount of payment will be based on income. This is currently being done for all New Kent foster children; (4) Henrico Mental Health is currently working with us to provide an Intensive Case Manager who would work with families, provide assessments to the FAP team, and monitor expensive placements; (5) Cumberland Hospital is considering developing some additional, less costly services that could be used by a number of surrounding jurisdictions; (6) Office on Youth - would provide a comprehensive means to coordinate what we already have, develop programs as needed, and research grants to fund programming.

Ms. Denise Bartlett spoke about the Office on Youth. A community needs assessment was conducted last year and showed a need for coordination and preventative programs. The Resolution R-42-96 would establish a Youth Service Commission and make application to the State for funding. Ms. Bartlett discussed the budget with the Members. Mr. Burrell made a motion to approve the Resolution R-42-96 to

establish a Youth Services Commission and make application to the State for funding as presented. There was no discussion. The Members were polled.

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

Motion was carried.

FOR RESOLUTION R-42-96, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX SIX, PAGE 2.

IN RE: FY 95-96 AUDIT

Mr. Hennaman introduced Mr. Jack Reagan of KPMG Peat Marwick, who gave a presentation on the FY 95-96 Audit. Mr. Reagan stated that the audit went extremely well. The administration of the audit and internal financial recording processes has improved significantly, due in part to the County staff's recommendations and follow through. Mr. Reagan discussed the 1996 Comprehensive Annual Financial Report, Single Audit Reports, Letter to Board of Supervisors, and the Management Letter. Mr. Emerson asked Mr. Reagan about the Bright System for the Schools. Mr. Reagan said that their recommendation is that the County explore the option of bringing the School Board information up into the same system so that management reports could be more easily run. Mr. Hennaman thanked Mr. Reagan.

IN RE: PRESENTATION BY VIRGINIA POWER CONCERNING THEIR PLANS FOR
 UPGRADING THE POWER SERVICE IN THE COUNTY, AND ALSO
 EXPLANATIONS AS TO WHY THE COUNTY EXPERIENCES NUMEROUS
 POWER OUTAGES.

Mr. Hennaman introduced Mr. Keith Riggs, with Virginia Power, who introduced Mr. Ed Diehl to give the presentation. Mr. Diehl explained how power is supplied to the County and the recent work that has been done to update the lines as well as the proposed work that is scheduled to be done in the future. Mr. Hennaman thanked them for their presentation.

IN RE: APPOINTMENTS

Mr. Lipscomb moved to reappoint Mr. David W. Frank as District One's representative to the Planning Commission for a four year term ending December 31, 2000.

Mr. Lipscomb moved to reappoint Mr. Mark Daniel as District One's representative to the Planning Commission for a four year term ending December 31, 2000.

Mr. Lipscomb moved to reappoint Mr. John McLaughlin as District One's representative to the Transportation Safety Commission for a four year term ending December 31, 1999.

Mr. Lipscomb moved to reappoint Mr. George Tate as District One's representative to the Board of Road Viewers for a one year term ending December 31, 1997.

Mr. Lipscomb moved to reappoint Mr. David W. Frank as District One's representative to the Board of Trustees - Heritage Library for a four year term ending December 31, 2000.

Mr. Lipscomb moved to appoint Mr. Jay Francisco as District One's representative to the New Kent Clean County Committee for a four year term ending December 31, 1999.

Mr. Lipscomb moved to reappoint Mr. Phillip Felts as District One's representative to the Airport Advisory Commission for the term ending December 31, 1999.

There was no discussion. The Members were polled.

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

The motions were carried.

Mr. Green moved to appoint Mr. Shelton Johnson as District Two's representative to the Transportation Safety Commission for a four year term ending December 31, 1999.

Mr. Green moved to reappoint Ms. Thelma Wilson as District Two's representative to the Historic Commission for a four year term expiring December 31, 2000.

Mr. Green moved to reappoint Mr. Herb Jones as District Two's representative to the Board of Road Viewers for a one year term ending December 31, 1997.

Mr. Green moved to reappoint Mr. Raleigh R. Cook, Jr. as District Two's representative to the Airport Advisory Commission for the term ending December 31, 1999.

There was no discussion. The Members were polled.

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

The motions were carried.

Mr. Burrell moved to reappoint Mr. James Moody Sr. as District Three's representative to the Board of Road Viewers for a one year term ending December 31, 1997.

There was no discussion. The Members were polled.

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

Mr. Hennaman moved to reappoint Ms. Bernice K. Minter as District Four's representative to the Board of Social Services for the term ending June 30, 2000.

Mr. Hennaman moved to reappoint Ms. Alice Cook as District Four's representative to the Historic Commission for a four year term ending December 31, 2000.

Mr. Hennaman moved to appoint Ms. Denise Bartlett as District Four's representative to the Parks and Recreation Commission for a one year term ending December 31, 1997.

Mr. Hennaman moved to reappoint Mr. Duane B. Goss as District Four's representative to the Airport Advisory Commission for the term ending December 31, 1999.

There was no discussion. The Members were polled.

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

Mr. Bahr moved to reappoint Mr. Paul Davis as District Five's representative to the Parks and Recreation Commission for a one year term ending December 31, 1997.

Mr. Bahr moved to reappoint Mr. Eckhardt Schutz as District Five's representative to the Airport Advisory Commission for the term ending December 31, 1999.

There was no discussion. The Members were polled.

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

Mr. Burrell moved to appoint Mr. Herb Jones as the County of New Kent's representative to the Industrial Development Authority for the term ending December 31, 2000. (Mr. Gratton E. Stephen's seat). There was no discussion. The members were polled.

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

Mr. Burrell moved to reappoint Mr. Charles Moss as the County of New Kent's representative to the Community Corrections Resources Board for the term ending December 31, 1999.

Mr. Hennaman moved to appoint Mr. Gratton E. Stephens as the County of New Kent's representative to the Industrial Development Authority for the term ending December 31, 2000. (Mr. Frank R. Taylor's seat).

Mr. Bahr moved to appoint Ms. Barbara Hale as the County of New Kent's representative to the Industrial Development Authority for the term ending December 31, 2000. (Mr. Frank R. Taylor's seat). Since this motion was second to Mr. Hennaman's it was acted on first. Discussion followed over the two nominations for Mr. Frank Taylor's seat. The Members were polled for Ms. Barbara Hale's nomination.

Julian T. Lipscomb	No
Gary L. Green	No
James H. Burrell	Aye
Frederick G. Bahr	Aye
Mark A. Hennaman	No

Mr. Hennaman's motion to appoint Mr. Gratton E. Stephens was acted on after the motion by Mr. Bahr nominating Ms. Barbara Hale failed. There was no discussion. The Members were polled.

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

Mr. Burrell moved to appoint Ms. Brenda Snyder as District Three's representative to the Airport Advisory Commission for the term ending December 31, 1999. There was no discussion. The Members were polled.

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

IN RE: MEETING SCHEDULE

The regular meeting of the Board of Supervisors will be January 13, 1997 at 7:00 p.m. The Planning Commission will meet on December 6, 1996 at 7:30 p.m. for their regular meeting.

Mr. Hennaman reminded everyone that the Virginia Racing Commission would be meeting here on December 18, 1996 to be followed by a groundbreaking ceremony at the track site. Also the Grand Illumination will be next Saturday afternoon and the New Kent County Christmas Parade will be next Sunday afternoon.

IN RE: ADJOURNMENT

Mr. Bahr moved to adjourn, the Members were polled, and the meeting concluded at 11:24 p.m.

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