

A JOINT MEETING OF THE BOARD OF SUPERVISORS AND THE SCHOOL BOARD WAS HELD ON THE FIFTEENTH DAY OF NOVEMBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-FIVE IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING BEGINNING AT 5:00 P.M. AND FOLLOWED BY A JOINT MEETING OF THE BOARD OF SUPERVISORS AND THE AIRPORT ADVISORY COMMISSION BEGINNING AT 6:00 P.M.

IN RE: ROLL CALL

Mr. Michael D. Salmon, Chairman of the Board of Supervisors and Mr. Jack C. King, Chairman of the School Board called the meeting to order. Mr. Salmon asked for a roll call.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

IN RE: PRESENTATION FROM SCHOOL BOARD

Mr. Jack King addressed the Board of Supervisors on the budget issues facing the schools. He presented a revised budget to the Board. This revised budget showed the \$413,000 cut in operating expenses. Mr. King then asked Dr. Roy Geiger, Superintendent of Schools, to give the highlights of this revised budget. Dr. Geiger gave a brief overview of what has taken place in trying to resolve the issues facing the schools. He explained, early in his tenure as Superintendent, he became aware of bills that were paid in July that should have been paid in June which amounted to \$246,629. There were also areas in the existing budget for 1995/96 that were underbudgeted. This amounted to \$537,287.90 for a total of the two of \$830,645. The School Board asked Dr. Geiger to call the State Department of Education and ask for help in reviewing the school budget. Ms. Kathy Kitchen from the State did review last year's budget and the current budget. Dr. Geiger and Mr. Otey, of the School Board met with Supervisors Salmon, and Ringley, and Mr. Emerson, County Administrator to go over the revised budget. Mr. Fairbanks, the Commonwealth Attorney for James City County, who was reviewing the over expenditures from the previous year, released a statement that the School Board and the previous School Superintendent, were found guilty of no wrong doing. The School Board meet on October 26th in a public meeting and voted 5 to 0 asking for \$408,333 in additional funding. Dr. Geiger then gave the Board of Supervisors a Summary of Expenditures from July 1994 through October of 1995. This summary shows a total of \$129,766 of expenditure reduction for the same period last year. Another area he pointed out was that they made up the \$246,629 from last year. Dr. Geiger then did a quick review of the revised budget showing areas in the revenues that were projected wrong, items that were not included in the budget that should have been and the cuts they have made. The bottom line is they still need \$408,000 to make it through this school year without making drastic cuts that will affect the education of the children.

Mr. Salmon thanked them for the update on where they actually stand on the budget. He stated they would need to have a public hearing before they could approve the adjustment to the budget if the Board of Supervisors did agree to amend the \$408,000 to the School Board budget. The earliest would be the December meeting. At that time they would have preliminary numbers from the audit that is being conducted now. This would give the Board a much better idea of exactly how much was in the fund balance account. Mr. Ringley inquired about what options are available right now to fund this money. Mr. Salmon responded, we need to get a better feel on the fund balance number and once the auditors are finished this will be helpful. Revenues are coming in a little better than expected and there are some overages in other categories which the County Administrator is looking into. The money is there, we just need to receive the final numbers from the auditors to get a clear picture. Mr. Burrell added the School

Board won't need the money until later in the year. Mr. Salmon responded, that is correct but they need to know now if the Board will fund the \$408,000 otherwise they will have to make those drastic cuts to break even by the end of the fiscal year. Mr. Ringley moved to hold a public hearing concerning the School Board's request for an additional \$408,000 to their budget on December 11th and any other needed amendments.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

Mr. Salmon thanked the School Board, Dr. Geiger and his staff for all their hard work and in making cuts already.

IN RE: EXECUTIVE SESSION

Mr. Bradby moved to go into executive session for consultation and briefings by legal counsel, consultants, or staff members pertaining to actual or probable litigation or other legal matters requiring the provision of legal advice by counsel pursuant to § 2.1-344(a)(7) of the Code of Virginia for possible transfer of property.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Mr. Bradby moved to go back into regular session.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Mr. Bradby 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.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Mr. Salmon said they met to discuss the airport and the possible transfer of land. No decisions were made in executive session.

IN RE: JOINT MEETING OF BOARD OF SUPERVISORS AND AIRPORT ADVISORY
 COMMISSION

Mr. Salmon handed out a synopsis on the New Kent Airport revenue and expenses. The Board rejected all bids on the airport and they must decide where they want to go now. He recommended they put out another Request or Bid for a Fixed Base Operator. As per the study that was done, have one contract for a Airport Manager and another as the Fixed Base Operator. The airport should be a break even proposition. Last year the County collected a little over \$3,000. If the airport is operating at full capacity and we collect the correct taxes on the airplanes, it is possible to collect \$15,000 in taxes a year. The Board has looked into joining Capitol Region Airport Commission and also some other options. They concluded they would like to send out another RFP. Mr. Lonzo Cornett, Chairman of the Airport Advisory Commission added the recommendations from the commission. They strongly recommend the Board do not consider giving New Kent Airport to CRAC. Mr. Cornett then handed out a copy of recommendations to the Board of Supervisors members. Mr. Salmon thanked the Airport Advisory Commission for their input and the work done. Mr. Salmon asked the County Attorney how soon a RFP could be put out again. Mr. Cornwell replied it could be ready next week. He stated there were no bids received from the advertisement that was done nationally. Mr. Cornwell suggested they advertise in the Richmond paper, Newport News, local newspapers and the local airports will post notices. Mr. Cornwell and the Airport Advisory Commission agreed to meet on Monday, November 20th to review the RFP and bring it current with what they feel is needed. Mr. Salmon moved to re-advertise for a Fixed Base Operator. He stated that competitive sealed bidding is not practicable because of the nature of this project and he further moved that the County use the competitive negotiation process.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

Mr. Salmon asked Mr. Cornett if they could, include the staff in any future meetings and please notify them prior to the meeting. Mr. Cornett replied, if the staff doesn't mind working on Saturday they would be happy to. Mr. Salmon responded, the staff will work when the Board asks them to work. Mr. Boroughs added he would appreciate if they could meet during the week day because the staff has so many meetings now at nights. Mr. Salmon recessed until 7:00 p.m.

Regular Meeting

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE FIFTEENTH DAY OF NOVEMBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-FIVE IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING BEGINNING AT 7:00 P.M. WITH ALL MEMBERS PRESENT. THE INVOCATION WAS OFFERED BY THE HONORABLE ROBERT A. BOROUGHS FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Mr. Salmon reconvened the meeting. The roll call was called at the 5:00 p.m. meeting.

IN RE: CONSENT AGENDA

Mr. Salmon asked the Board if there were any items they would like to pull out of the Consent Agenda. Mr. Boroughs moved to approve the Consent Agenda as presented.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

IN RE: ELECTED OFFICIALS' REPORTS

Ms. Betty Burrell, Treasurer gave the financial report for the month of October 31, 1995. Mr. Salmon asked what the current cash balance was and Ms. Burrell replied, \$975,000. There will be another \$240,000 we will receive at the end of this month from the schools. Mr. Ringley noted we were below the 1994 cash balance and Ms. Burrell added she looked at 1993 and we were also below that figure for 1995. Mr. Bradby moved to approve the Treasurer's Report for the month of October and to authorize the Treasurer to continue to invest in legal and risk adjusted, highest yielding instruments. Mr. Salmon stated he wanted to make it clear to everyone, the County will not have to borrow money. The fund balance is somewhere between \$1 million and \$1.4 million.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

Mr. Kent Van Dervort, Commissioner of Revenue handed out a report to the Board of Supervisors. In this report he requested the Board approve a supplemental increase for the employees in his department. He would like to see this supplement increase reinstated. Mr. Van Dervort read some comparisons of related counties in the State. The Commissioner of Revenue at present gets reimbursed \$.24 for mileage on his personal car and there is no county car for the department to use. This does not begin to pay for the wear and tear, insurance and other replacements needed. He added this will not benefit him personally but feels strongly about the inequalities. Mr. Ringley inquired if the salary wasn't set by the State Compensation Board? Mr. Van Dervort replied, yes but it is up to the County if they want to supplement or not. Mr. Bradby asked with the number of County owned vehicles, would it be possible for the Commissioner's office to have access to one. Mr. Emerson replied, there are not enough vehicles now. We receive the County cars from the Sheriff's Department and when we do get them they usually have well over a hundred thousand miles on them and need some repair. This item might be something you would want to consider at budget time. Mr. Salmon stated he thought it was something to look at during the budget process and asked how the other Board members felt. Mr. Bradby asked if staff could review this and come back to the Board with some recommendations. Mr. Boroughs stated he would not obligate any more spending, this was something the new Board could decide on. Mr. Salmon asked Mr. Emerson to review this request and report back to the Board at the December 11th meeting.

Ms. Gwendolyn Ellyson, Registrar read the Abstract of Votes for the November 7, 1995 election. The actual publication of votes will be found in the Board of Supervisors Order Book, Appendix Five.

FOR ABSTRACT OF VOTES AS PRESENTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AFTER PAGE 388.

Mr. Burrell inquired about the possibility of televising the Board of Supervisors Meetings. Mr. Salmon replied the County Administrator did look into this previously and the cost would be approximately \$12,000. Mr. Ringley also asked about taping the meeting and then showing it the next day. The Board members agreed to have Mr. Emerson look into all the various aspects of televising the meetings and report back to the Board.

Mr. Ringley stated since the opening of the Transfer Station on Route 612 there has been an accumulation of trash along the road. He asked staff to look into ways of patrolling this area. Mr. Emerson responded that Mr. Gallaher and he had spoken about this issue. Mr. Gallaher said he spoke with Mr. Godfrey from VDOT on Monday of this week and they had it on their list to do that day and he planned on having three people out there on Thursday. Mr. Burrell added he had visited one site several times in recent months and people from other counties are using our dumpsters. He wanted to know if the Sheriff could patrol a little more to discourage this type of action. Mr. Emerson also added there is a \$100 fine for anyone outside of the County caught dumping trash in our dumpsters.

Mr. Salmon wanted to inform everyone that was unable to be at the meeting earlier, the Board did agree to have a public hearing on whether to increase the schools budget by \$408,000. This public hearing will be on December 11, 1995. The other item was the Board met with the Airport Advisory Commission and it was decided to re-bid for a Fixed Base Operator and have the responses back by December 15th and hope to interview shortly thereafter and may have a operator in by the first of the year.

IN RE: STAFF REPORTS

Mr. James E. Cornwell, Jr., County Attorney addressed the Board in reference to a letter he sent on vehicle decals. The Commissioner of Revenue and Treasurer have been working to streamline the motor vehicle decal process for the taxpayers. The best option would be to have the decals paid for with the personal property tax bill. This would mean a change in the first year. They would run from April 1st through December 4th and after that they would be effective December 5th through December 4th. The personal property bill would have on it a listing of the vehicles the person owned as of the first of the year. They would have an opportunity to add or subtract from that list if they bought or sold any vehicles during the year. The citizens would then pay for the decal along with the personal property tax. The Treasurer would then send the decals with their paid receipt. Mr. Cornwell said he would ask the Board to authorize him to advertise these ordinance changes. Mr. Boroughs moved to authorize the County Attorney to advertise these ordinance changes for public hearing at the December 11th meeting.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

Mr. Cornwell advised the Board an Airport Advisory Meeting has been scheduled for Monday, November 20th starting at 8:30 a.m. He invited any Board members to join them for the process of reviewing the proposal on the Fixed Base Operator.

Mr. William E. Johnson, III, Accounting & Budget Officer reported to the Board that 29 cut off notices were sent out to County water customers on water bills that were over 60 days past due. They have until November 30th to make a payment or their water will be turned off on December 1st. Ten of the 29 have not made payments since last July or August. This notice is in accordance with the water ordinance established by the Board of Supervisors. He wanted them to be aware of this in case they received any calls from their constituents. Mr. Salmon asked if the notices were sent out by registered mail. Mr. Johnson replied, no. Mr. Cornwell suggested next time they be sent by both regular mail and registered mail. Mr. Emerson added some of these are very overdue and the County has been pretty lenient. Mr. Emerson said he had a couple of reports to make. Mayor Bland of West Point has asked the Board to appoint someone from New Kent County to be on the Route 30/33 Corridor Citizens Advisory Committee. This committee is to review, discuss and recommend options to relieve traffic congestion in West Point. After some discussion between the Board members, Mr. Boroughs moved to appoint Mr. William Carlton. Mr. Emerson suggested they appoint a citizen to this committee and also appoint the Director of Planning as the staff representative so you may be assured you will have someone from New Kent at the meeting. Mr. Boroughs accepted the friendly amendment to add the Planning Director as well.

James H. Burrell	Abstain
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

Mr. Emerson handed the Board correspondence in reference to the Governor's granting additional holiday leave. Mr. Emerson read the schedule of the extra days being allowed. He also explained what the Courts, the Health Department, and Social Services will be taking. Mr. Emerson suggested, because of the small staff and if the Board would honor the Governor's holiday schedule for State employees, he would recommend closing December 27th rather than a floating day. After a lengthy discussion between Board members Mr. Bradby moved to give the employees the half day on December 22nd. Mr. Ringley asked to add a friendly amendment to add November 22nd. Mr. Bradby did not accept the amendment.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	No
Michael D. Salmon	Aye

Motion passed.

Mr. Ringley then moved to allow County employees the half day of November 22nd. Mr. Boroughs wanted it noted he voted no because he wanted to give the employees more time and didn't realize there would be another motion.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	No

Robert A. Boroughs Aye
Michael D. Salmon Aye

Motion passed.

Mr. Ringley received a letter stating New Kent County has been approved into the Metropolitan Planning Organization. The letter also requested the appointment of two members to the MPO. Mr. Ringley moved to appoint Michael D. Salmon, R. J. Emerson as the alternate and David P. Maloney as the Technical member to the MPO.

James H. Burrell Aye
E. David Ringley Aye
Marvin D. Bradby Aye
Robert A. Boroughs Aye
Michael D. Salmon Aye

Motion passed.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Bob Riley announced they have hired an Assistant Resident Engineer and introduced Mr. John Neil. Mr. Riley reported they expect to have the surface work complete by the end of the week on Route 613 and it should be finished by the end of November. The Coleman Bridge detour should begin around May 3rd and is estimated to be closed for 12 days. Mr. Burrell asked about some cones and barrels in the area of the 217 mile marker eastbound on I-64. These have been there from the middle of summer. Mr. Riley said he will look into it.

IN RE: NEW KENT VOLUNTEER FIRE DEPARTMENT

The New Kent Fire Department had three of the new fire trucks on display. Chief Seitz read a letter expressing their deepest gratitude and thanks for the four fire trucks that have been provided by the Board of Supervisors this year. They also wanted to recognize the time and effort Mr. Emerson and his staff put into funding and acquiring this equipment. Chief Seitz also wanted to thank Mr. Larry Gallaher for all his help and work with the fire department. Mr. Salmon, on behalf of the board, said they appreciate all the volunteers hard work and dedication. Chief Seitz introduced Mr. Wilbur Tate, Chief of Company Three, Assistant Chief Doug Powell for Company #2 and Mr. Elvin Zayas of Company #1.

Mr. Ringley stated he was a big supporter of the fire department and appreciates everything they do and he didn't want to be misunderstood. He inquired of Chief Seitz if the books had been released to the auditors from Company #2. The auditors had contacted the County Administrator's office stating Mr. Cooper would not release this information. Chief Seitz responded the information has been released to the auditors.

IN RE: COMMUNITY CRIMINAL JUSTICE

Ms. Katie Green of the Colonial Community Corrections appeared again before the Board as this item had been tabled at the October meeting. This agency has requested the Board to appoint someone to the newly established program. Mr. Burrell stated as before, he was interested in having a lay person from the community to also serve on the board. Ms. Green replied they do have one lay person on the board from York County and she didn't see that as a problem but they would have to amend the original number of appointments in order to add this person. Mr. Bradby felt there was some redundancy in programs and

asked for an explanation of why this was needed. Ms. Green explained since the Governor abolished parole, the old program known as CDI was eliminated and now this new program is being established. Mr. Bradby inquired if the Courts recommend this new program and Ms. Green replied, yes. Mr. Linwood Gregory, Commonwealth Attorney also spoke to the Board. He reiterated the need for this appointment and was very much in favor of the program. There was some further discussions between Ms. Green, Mr. Gregory and the Board. Mr. Boroughs moved to approve the agreement for the Community Criminal Justice Board and authorize the Chairman to execute same.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

Mr. Burrell moved to have the Community Criminal Justice Board amend their agreement to allow for an additional lay person to represent New Kent County.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

Mr. Salmon moved to appoint Judge Thomas B. Hoover as the Board's representative to the Community Criminal Justice Board.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

IN RE: AMENDMENT TO CUP-13-92

Mr. David Maloney explained the request for an amendment to CUP-13-92. Mr. & Mrs. Howard Vogt have applied for an amendment to their conditional use permit as granted in 1992. The amendment is for an outdoor gathering permit to allow up to ten (10) weddings/receptions and similar outdoor events to be held at their bed and breakfast per year. Each reviewing agency has recommended approval of the Vogt's request. Adequate safeguards exist under the Vogt's proposed amendment to limit attendance and the hours of operation, to control noise, parking and to provide sanitary conditions and facilities. Staff does recommend approval of this amendment. Mr. Boroughs moved to approve the amendment to CUP-13-92 as presented.

James H. Burrell	Aye
E. David Ringley	Aye

Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

IN RE: PUBLIC HEARING - SIX-YEAR SECONDARY PLAN R-45-95

Mr. Bob Riley, Resident Engineer read the list of roads scheduled for improvement during fiscal year 1996-97 through fiscal year 2001-02. The first being Angelview Lane followed by Dispatch Road, Poindexter Road, Townsend Road, Polish Town Road, Paige Road, Ashland Farm Road, Old Church Road, and Stage Road. Mr. Riley said they have room to add two projects to the list, one a regular construction project and one dirt road project. Mr. Bradby asked to add Route 628 to the list. Mr. Ringley also wanted the Board to consider Route 665 because of the increase of traffic on that road. Mr. Riley stated the two projects to be added, one had to be a paved road and the other to be improvements to a hard surface road. Mr. Salmon opened the meeting up for public comment. Mr. Tom Brown of Ashland Farm Road spoke to the Board. He read some comments from previous correspondence on the road and showed pictures to the Board. This road is hazardous and the run off of erosion sediment goes into Kent Lake. He asked the Board for their consideration to move this road to a higher priority. Mr. Rip Coke, an environmental scientist also spoke on Ashland Farm Road. He stated the road is eroding and the water runs down the road and not in the ditch. The debris goes into the lake and would encourage the Board move this to a higher priority. Mrs. Edith Brown, also of Route 676 asked Mr. Godfrey to do a better job of grading, graveling and work on the ditches. Mr. Salmon closed this portion of the public hearing. Mr. Boroughs moved to approve the Six-Year Secondary Construction Plan as presented with Route 628 and Route 665 added to the list and urged not to change the priority. The Board members discussed at length various roads to be added and the possibility of moving up Ashland Farm Road. Mr. Ringley asked for a friendly amendment to Mr. Boroughs' motion to move Ashland Farm Road before Paige Road. Mr. Boroughs did not accept the friendly amendment.

Mr. Salmon then called the vote on Mr. Boroughs' motion.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	No

Motion passed.

Mr. Ringley moved to put Ashland Farm Road (Route 676) to priority #6 to come in after Polish Town Road and before Paige Road.

James H. Burrell	No
E. David Ringley	Aye
Marvin D. Bradby	Abstain
Robert A. Boroughs	No
Michael D. Salmon	Aye

Motion failed.

The Board continued to discuss various roads and the priorities.

Mr. Riley then went over the list of roads for the 1996-97 Secondary Construction Budget. This group of roads consists of Angelview Road, Dispatch Road, Poindexter Road, Townsend Road, Polish Town Road, Paige Road and Ashland Farm Road. Mr. Salmon then opened the meeting up for public comment. Mr. Lester Silva said he found this ridiculous that Ashland Farm Road didn't get what they deserved. Mr. Tom Brown said he saw the Board was concerned with traffic count. That is important but environmental problems should get equal consideration. Mrs. Brown asked what cables are on Ashland Farm Road that Mr. Boroughs spoke about. Mr. Boroughs responded there are telephone and power line cables that are in the ditch along the road that would have to be removed. Mrs. Brown said he didn't know what he was talking about because the telephone lines have been dead for a long time. Mr. Rick Coke said the visibility and accessibility on Ashland Farm Road is very poor and the Board should consider this. Mr. Salmon closed the public hearing. Mr. Bradby moved to approve R-45-95 as presented.

James H. Burrell	Aye
E. David Ringley	No
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	No

Resolution passed.

FOR RESOLUTION R-45-95 SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE, PAGE 388.

IN RE: PUBLIC HEARING - SIGN ORDINANCE - O-13-95

Mr. David Maloney explained the proposed amendments to the Zoning Ordinance. Staffs concerns about the County's existing sign ordinance and lack of control it places on signs arose as a result of increased interest in commercial development within the county, particularly in areas near interstate interchanges. The proposed amendments to Division 20 are designed to greatly improve the County's ability to regulate the size, height, and placement of signs within the County. This revises existing definitions for signs, business signs, and home occupation signs. Definitions for approximately 12 other sign types have also been added. This ordinance will define sign features and characteristics such as sign area height and illumination. The Planning Commission voted to recommend Ordinance O-13-95 to the Board for its consideration and adoption. Mr. Cornwell said he had one addition to make. If the Board of Supervisors wishes to adopt this ordinance after the public hearing, the Board will need to consent to the extension of time for the consideration due to the fact that this has exceeded 12 months. The Board asked Mr. Maloney some questions about placement of different types of signs. Mr. Salmon moved to open the public hearing. Mr. Lester Silva said he has a problem with the sign ordinance because he has a small sign in his front yard with his name on it saying Silva for '99. He wanted to know if it was legal. Mr. Salmon replied, after this ordinance is passed it would be illegal because political signs can only stay up for 90 days. Mrs. Wilson asked for an example of a permanent sign that is in violation now. Mr. Maloney replied, he didn't have any examples of signs that are in violation. He explained the ordinance is designed not to correct existing signs, but to regulate future signs that will be coming into the County as the County expands its growth. Mr. Dane Clingan inquired if billboard advertising was covered by this ordinance. Mr. Maloney replied it would currently not be permitted under this ordinance. That type of sign would be considered an off site directional sign and they have separate regulations. Mr. Clingan wanted to know if there was anything in the ordinance that discusses maintenance or appearance of a billboard sign. He mentioned there is a billboard sign around the corner from his house and he has continually complained about the appearance of the sign. Half the sign is torn away and laying on the ground. Mr. Maloney responded, there is a provision in the ordinance and they will evaluate this sign. Mr. Dan Skelton inquired about the

restrictions put on political signs. Mr. Maloney replied there are restrictions. They must be less than 15 square feet in area and all signs shall be removed 30 days after the election. No further comments were made and Mr. Salmon closed this portion of the public hearing. There was some further discussion between the Board and Mr. Maloney. Mr. Burrell moved to consent as the applicant to consideration and decision on Ordinance O-13-95 and to waive any time limitation on consideration and to adopt Ordinance O-13-95, Signs, as presented.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

FOR ORDINANCE O-13-95 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 391.

IN RE: PUBLIC HEARING - C-6-95 SICKAL REZONING

Mr. & Mrs. Sickal have applied to rezone 4.12 acres of property. The current zoning is A-1, Agricultural, the proposed zoning for the property is M-1, Light Industrial. Mr. Sickal proposes to develop the property as an automobile body and paint shop. The Route 33 Area Plan Amendment to the New Kent County Comprehensive Plan calls for commercial/light industrial land uses at this location. The Planning Commission recommends that the rezoning application be approved as submitted. This recommendation is based upon the Commercial and Light Industrial designations contained in the adopted Route 33 Area Plan Amendment. Mr. Boroughs urged the Board to pass this and he welcomes this business into New Kent along with bringing in a good family. Mr. Salmon opened the meeting up for public comment. Mr. Lester Silva said what happened to Ashland Farm Road will not happen to Mr. Sickal. No further comments were made and Mr. Salmon closed this portion of the public hearing. Mr. Boroughs moved to approve rezoning application C-6-95 as presented. Mr. Ringley made a comment that the de-acceleration lanes and the taper don't appear to be enforced fairly throughout the County and asked if Mr. Maloney knew why they are different in other parts of the County. Mr. Maloney responded he did not have an answer that he would really need to speak with VDOT. He said the traffic to this particular business was submitted to the Department of Transportation and they make the determination. Mr. Salmon called for the vote on Mr. Boroughs' motion.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

IN RE: PUBLIC HEARING - CUP-17-95 THOMAS COBBLEDICK

Mr. Maloney explained that Mr. Cobbledick has applied for a conditional use permit to operate a dog boarding kennel on a portion of the property. The property is currently used as a single family dwelling with a number of accessory buildings. Mr. Cobbledick proposed to convert one of the accessory buildings to the kennel use. He plans to board a maximum of 6 dogs at a time. The staff recommends approval of

CUP-17-95 with the following condition: No more than six (6) dogs may be boarded on the premises at any one time. Mr. Salmon opened up the meeting for public comment. Mr. Dan Skelton commented on the humorousness of this. It took two state agencies and five Board of Supervisors to make a decision on six dogs. No further comments were made and Mr. Salmon closed the public hearing. Mr. Boroughs moved to approve CUP-17-95 as presented.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

IN RE: PUBLIC HEARING - ORDINANCE O-07-95 CONDITIONAL ZONING

Mr. Maloney explained the purpose of the proposed amendments to Division 16 is to allow the acceptance of cash proffers as part of an application for rezoning. New Kent County is eligible to receive such proffers under the provisions of §15.1-4911.2:1 of the Code of Virginia, 1950. Such eligibility arises from the provision that the county has had population growth of ten percent or more from the next-to-latest to latest decennial census year, based on population reported by the United States Bureau of Census. Under the provisions the county may accept voluntary written proffers of real property or cash under certain regulations. Mr. Maloney emphasized that such proffers are voluntarily offered by the developer. These and other proffered conditions are not required by the county as condition to rezone the property per se. Mr. Salmon opened up the meeting for public comment. Mr. Lester Silva wanted to know if there was a set amount. Mr. Maloney explained no, it was voluntary by the applicant. No further comments were made and Mr. Salmon closed this portion of the public hearing. Mr. Burrell moved to adopt Ordinance O-07-95, Conditional Zoning, as presented. Mr. Bradby wanted to make sure that everyone understood on these proffers, this is something that is not asked for but offered by the applicant. Mr. Emerson explained with this ordinance in place, it gives the ability to negotiate with the developer. Mr. Bradby felt the language was not satisfactory. Mr. Cornwell stated this wording was given by the State. There was some further discussion on how this worked and how to determine if the proffer offered would meet the needs of the County for that particular project, i.e. new roads, schools, etc. Mr. Salmon called for the vote.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

FOR ORDINANCE O-07-95 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 400.

IN RE: PUBLIC HEARING - CDBG BLOCK GRANT

Mr. Maloney explained to the Board there was no action required by the Board but they must take public comment on this block grant application. As part of the contract negotiation process to obtain the block grant for road improvements to Route 155, the County is required by federal guidelines to conduct an

environmental assessment of the project area as it relates to the protection of wetlands. The purpose of this hearing is to solicit public comment to assist the County of New Kent in identifying possible alternatives to minimize the impacts upon the identified wetlands. It is anticipated that less than one acre of wetlands will be affected with this project. There were no endangered species found on site. Mr. Salmon opened the meeting up for public comment. Mrs. Wilson wanted to know exactly what the ordinance does. Mr. Maloney replied, the area identified for improvements on Route 155 does contain some isolated wetlands. Because Federal funds are being used for part of the improvement, we are required to have this environmental assessment and identify any wetlands. Mr. Milton Hathaway said his comment was on the public hearing previous to this one and that Mr. Salmon neglected to call all the rows. Mrs. Sam Snyder wanted to know if the granting of the money was contingent on study of the wetlands. Mr. Maloney replied, in part yes. Mr. Frederick Bahr wanted to know if we don't get this grant will it hurt us getting the race track. Mr. Maloney replied no, we have other ways of receiving money. One of those would be an admission tax from the race track and those funds would be earmarked for necessary improvements. Mr. Emerson added the Department of Transportation has already granted us part of the money needed for these improvements, we still have the admission fee and we could do a revenue bond issue based on the revenue generated by the head tax. All indications are that we will receive this money.

Mr. Salmon asked with the Boards permission to go back to Ordinance O-07-95 to take public comment on the chance he did not call all the rows. All the Board members agreed. Mr. Salmon opened up the meeting for public comment. Mr. Silva wanted to know by opening this up again, if someone left it would make a difference. Mrs. Wilson wanted to know what determines the fee. Mr. Cornwell replied many things. The improvement of roads, new schools, fire departments and other infrastructure. Mr. Hathaway, as part of the Planning Commission, said they had lengthy discussions on this and they shared the same concerns about how we would approach the developer. We don't have a tool right now to do that. He wanted to know what the impact of this rezoning would be to the County and he would want it clearly spelled out. This change would give us the tool to work with. Mr. Dusty Crump said if he was a developer and going to put in 1,000 homes and give the County 500 acres to put in new schools, under the current policy the County couldn't accept this offer. With the passing of the ordinance the County would be able to accept the offer. Mrs. Jean Huvad said she thought it sounded like bribery. Mr. Maloney replied this allows the County to have some input while considering any new development and to accept any contribution the developer might be willing to offer. Mrs. Sam Snyder said she was confused by the Powhatan talk. Her concern is if someone wanted to come into the County and do something, it would be a very arbitrary decision on somebody's part not to allow them to do it. She felt it was discriminatory. Mr. Cornwell said the Powhatan case was a decision of the Board of Supervisors to turn down a rezoning and the only reason given for the turn down was the developers failure to offer a proffer that was requested. The Supreme Court held that it was not acceptable to turn down a rezoning only because the developer refused to proffer the County. Mr. Salmon closed this portion of the public hearing. Mr. Salmon then called to recertify the previous vote. Mr. Ringley asked the County Attorney if there was any danger of passing this ordinance because of the need for a second vote. Mr. Cornwell replied the public hearing was advertised for tonight at 8:00 and he felt the Chairman did go through all the rows. By reopening and taking comments and voting the second time, he found no legal problems.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

IN RE: APPROVAL OF BILLS FOR ATHLETIC FACILITY

Mr. Emerson said these bills, in the amount of \$2,079.90, had been forwarded to him for payment from the schools for the athletic facility. Mr. Ringley moved to approve the payment of bills for the athletic facility in the amount of \$2,079.90.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

IN RE: AUDIT FOR BINGO

Mr. Cornwell explained on July 1, 1996 the state law relating to the regulation of bingo games and raffles will drastically change. There will be a Charitable Gaming Commission established. This commission will issue permits and do audits. The Code of Virginia presently requires the report and accounting shall be audited by a local official designated by the governing body for any organization with gross receipts from such games of more than \$2,000.00, and that the governing body establish a reasonable audit fee. After speaking with the County Administrator, they both recommend the Accounting & Budget Officer, William E. Johnson, III, be appointed to audit these accounts and that the Board establish a fee for the audit, which fee may not exceed 2% of the gross receipts. This year we have approximately 10 permits which will need to be audited. There are two issues before you. One, if you want to appoint Mr. Johnson and the second is if you want to charge a fee for the audit. Mr. Burrell moved to adopt Resolution R-47-95 as presented. Mr. Cornwell reminded the Board the Resolution also asks for a fee if the Board so wishes. Mr. Emerson pointed out that most of these permits are for charitable fund raisers, mostly the fire department. Mr. Burrell amended his motion to charge no fee at the present time.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

FOR RESOLUTION R-47-95 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE, PAGE 404.

IN RE: APPOINTMENTS

No appointments were made.

IN RE: MEETING SCHEDULE

The regular meeting of the Board of Supervisors will be held on December 11, 1995 at 7:00 p.m. Robinson, Farmer, Cox Associates will meet with the Board of Supervisors on November 27th at 7:00

p.m. to present the final report of the Management Study. The Planning Commission will meet on Monday, November 20, 1995 at 7:30 p.m.

IN RE: CITIZENS' COMMENTS

Mr. Lester Silva gave his mailing address. He commented on the elections and congratulated Mr. Ringley, wished Mr. Bradby a good retirement, and made further comments to the other board members.

Mr. Boroughs commented to the Board about a phone call he received from a 80 year old lady who has lived here all her life. Due to some political flyers, of which he had nothing to do, he apologized to her for this and articles in the papers over the last few months, she feels New Kent County has changed its complexion.

IN RE: ADJOURNMENT

Mr. Burrell moved to adjourn.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye
