

A JOINT MEETING OF THE BOARD OF SUPERVISORS AND THE PLANNING COMMISSION OF THE COUNTY OF NEW KENT WAS HELD ON THE TWENTY-EIGHTH DAY OF OCTOBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-ONE IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING. THE CHAIRMAN CALLED THE MEETING TO ORDER WITH ALL MEMBERS PRESENT AND OFFERED THE INVOCATION.

Mr. Hart presented the finance reports. Mr. Ringley moved to approve the expenditures for the month of September 1991 totaling \$250,585.93 as presented in the monthly expenditure report.

Paul C. Robinson	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye
Robert A. Boroughs	Aye

IN RE: TREASURER'S REPORT

Mr. Robinson moved to approve the Treasurer's Report and to authorize the Treasurer to continue to invest County funds in the highest yielding legal investment, subject to audit.

Paul C. Robinson	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye
Robert A. Boroughs	Aye

IN RE: CONDITIONAL USE PERMIT, CUP-10-91, CHESAPEAKE & DELMARVA
BORROW PIT

Mr. Hart presented the application submitted by Chesapeake Corporation and Delmarva Properties to operate a borrow pit. The Chairman allowed Mr. Frank McCreery, adjacent property owner, to comment that the file does not comply with the stormwater management regulations, erosion and sediment control laws, and he said further that the borrow pit is being constructed in a watershed area. Mr. Emerson answered that the conditional use permit is issued as a beforehand and that this pit does have to be controlled by all the erosion and sediment control standards of the State of Virginia. The permit is issued to the office of the Director of Planning for administrative review and does not come to this Board. Mr. Robinson moved to approve Conditional Use Permit CUP-10-91 as submitted in order to allow the borrow pit to be developed on the parcel of land for which it has been applied. Mr. Robinson commented that this was a deferred item from the last agenda, that more citizens were informed about the location of the site, and expressed his appreciation to the Board for their support of the deferral.

Paul C. Robinson	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye
Robert A. Boroughs	Aye

IN RE: PUBLIC HEARING, ORDINANCE 0-12-91 AND ORDINANCE 0-13-91

The Chairman stated that the Board would receive public comment on Ordinance O-12-91, an ordinance concerning septic tank pump out; and the Board will also receive public comment on

Ordinance O-13-91, an ordinance concerning erosion and sediment control. Both ordinances are required under the Chesapeake Bay Preservation Act. Mr. Morgan explained the requirements in detail.

The Chairman opened the public hearing.

Mr. Chuck Modjeski, a property owner in Woodhaven Shores, said he feels this is a group of regulations being shoved down the throats of localities by bureaucrats. The Act passed by the State is simple, six pages long. He asked that the Board vote down the ordinance and go back to the State and say that this is a very naive approach to what the Chesapeake Bay needs. He said that he would like to see the Bay preserved--it needs help. It only talks about the counties in the Tidewater and that the Tidewater is less than half the watershed in the State that affects the Bay.

Mrs. Nancy Hayes questioned the enforcibility of the septic tank pump out program. Who will be the enforcer--the State or local inspector? How will it be done? Mr. Hart said that the local Planning Department is charged with responsibility of enforcing. She asked, How small or how large is our Planning Department at this point in time? Mr. Hart said it consists of Director of Planning, Zoning Administrator and one Secretary. How many new tanks are being built within the County that would fall within this? Mr. Hart answered that every home that currently exists would be covered by this ordinance--approximately 4,000 structures. She asked, Would this not be full-time? Mr. Emerson said it would be very full-time.

Mr. Frank N. McCreery, Chief Warrant Officer USN Retired, on the septic tank business, said he had one question: Where does the water go after it is pumped out? Mr. Emerson said that it has to be disposed of at a sewer plant and that it is up to the person who pumps out the tank.

The Chairman declared the public hearing on Ordinances O-12-91 and O-13-91 closed.

IN RE: JOINT PUBLIC HEARING, ORDINANCE O-14-91

Meeting of the Planning Commission was called to order by Mr. Marshall Philbates, Chairman. Present were: Mr. Philbates, Mr. Abrams, Mr. Frank, Mr. Gammon, and Mr. Boroughs.

Chairman Boroughs said that the Board of Supervisors and Planning Commission would receive public comment on Ordinance O-14-91, an ordinance to incorporate mandated provisions of the Chesapeake Bay Preservation Act as they pertain to the Zoning and Subdivision ordinances of the New Kent County Code. Mr. Morgan said these ordinances will affect both the subdivision and zoning ordinance and create the third section which will involve strictly Chesapeake Bay Preservation areas. He then explained the changes. Mr. Philbates asked about the time frame. Chairman Boroughs opened the public hearing.

Mr. George Philbates commented that he had studied the map, and he thought that about 20-25% of the people live in the 5% area shown on the map, and requested the Board delineate the County, taking as much as possible out of the RMA.

Mr. Chuck Modjeski asked a question about land survey site plan by a certified land surveyor--does this type plan require a topographical map? Mr. Emerson answered that it would be required in the RPA zones.

Mr. John Jones stated that the real question before the Board is whether or not the Board is going to spend the additional money to exempt a very small portion of the County, or declare the entire County RMA?

Mr. Mike Salmon asked several questions and ended with encouraging the Board to determine how much acreage falls outside the RMA and do a cost benefit analysis on that and see what kind of money taxpayers can save.

Mr. Emerson noted to the Board that surrounding counties have gone countywide RMA--Henrico, James City, King William.

Mr. Tom Brown commented that it seems like a land grab, taking a landowner's property without paying for it, and the restrictions seem unrealistic.

Ms. Betty Toler said she would like to see the Board and Planning Commission to consider the long-term costs of having RMA countywide to the County and to the taxpayers.

The Chairman closed the public hearing on Ordinance O-14-91.

Mr. Robinson moved to defer action on the ordinances until November 12th, at which time they would hope to have the newly prepared map. He also requested that Staff contact surveyor or engineering firms with scenarios to get cost estimates on drafting the initial site plan. A lake front, swamp front lot, and a flat lot in an open field. What will it cost the homeowner and the County to get this initial survey with the required features designated? Mr. Emerson said it would cost from 1/4% to 2% of the cost of the house.

Paul C. Robinson	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye
Robert A. Borroughs	Aye

Mr. Gammon made a motion, and Mr. Abrams seconded, to defer action on the ordinance until November 12th. Motion passed with all ayes.

Motion was made, seconded and passed to adjourn the meeting of the Planning Commission.

IN RE: MEETING SCHEDULE

The next regular meeting of the Board of Supervisors will be held on Tuesday, November 12, 1991, which is a change of date due to November 11th being Veterans Day holiday.

IN RE: EXECUTIVE SESSION

Mr. Robinson 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.

Paul C. Robinson	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye

Robert A. Boroughs Aye

Mr. Ellyson made a motion to return to regular session.

Paul C. Robinson Aye
Richard S. Ellyson Aye
E. David Ringley Aye
Robert A. Boroughs Aye

Mr. Ringley certified 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.

Paul C. Robinson Aye
Richard S. Ellyson Aye
E. David Ringley Aye
Robert A. Boroughs Aye

IN RE: ADJOURNMENT

Mr. Robinson made a motion to adjourn the meeting.

Paul C. Robinson Aye
Richard S. Ellyson Aye
E. David Ringley Aye
Robert A. Boroughs Aye

H. Garrett Hart, III
County Administrator

Robert A. Boroughs
Chairman

ABSTRACT OF VOTES CAST IN THE COUNTY OF NEW KENT, VIRGINIA, AT THE NOVEMBER 5, 1991
GENERAL ELECTION MAY BE FOUND IN BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR AT
PAGES 497-508.
