

AN EXECUTIVE SESSION OF THE BOARD OF SUPERVISORS WAS HELD ON THE 13TH DAY OF AUGUST IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SEVEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING BEGINNING AT 5:08 P.M.

IN RE: EXECUTIVE SESSION

Mr. Lipscomb made a motion to go into executive session to discuss a matter requiring the protection of the privacy of an individual in a personal matter not related to public business pursuant to §2.1-344(a)(4) of the Code of Virginia.

Gary L. Green	Aye
James H. Burrell	Absent (arrived at 5:14 p.m.)
Frederick G. Bahr	Absent (arrived at 5:10 p.m.)
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried.

IN RE: CERTIFICATION OF EXECUTIVE SESSION

The meeting was reconvened at 6:00 p.m. Mr. Hennaman stated the Board had been meeting in executive session since 5:08 p.m. to discuss two separate personnel issues, one an annual review of a staff member and the other a briefing by the Sheriff. Mr. Green stated 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.

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

The Board recessed for a brief break.

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 13TH DAY OF AUGUST IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SEVEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING RECONVENING AT 6:07 P.M.

IN RE: ROLL CALL

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

Mr. Hennaman gave the invocation and lead the Pledge of Allegiance.

IN RE: CONSENT AGENDA

Mr. Emerson reviewed the Consent Agenda, which consisted of: Approval of the minutes from July 14, 1997; Authorization for the Chairman to enter into a lease agreement with Venture II to lease storage space in Providence Forge; O-16-97, Ordinance Amendments relating to Outdoor Gatherings in Chapter 11 of the New Kent County Code, which staff had requested be set for public hearing; however, comments from Supervisor Green and Sheriff have been received and staff is now requesting this be deferred until the next meeting to be possibly set for public hearing in October; R-19-97, Resolution honoring Eagle Scout Floyd Thomas Campbell, II; R-20-97, Resolution honoring Eagle Scout Nathaniel H. Darlington; OGP-1-97, Outdoor Gathering Permit for Colonial Downs requesting the Board's approval to hold outdoor gatherings on August 30, September 5 & 27 and also October 11. Refunds: The Treasurer requests a refund of \$834.47 to Tax Assist for a customer who funded tax payment through Tax Assist and then failed to repay in full; Public Safety Department requests a refund of \$344.97 to Kenny Wilbourne for the refund of a building permit that was paid for twice; Planning Department requests a refund of \$75.00 to Kenny Wilbourne for refund of a land disturbing permit that was paid twice; Commissioner of Revenue requests a refund of \$465.00 to Eric J. Tawney for refund of personal property taxes on a leased vehicle that were paid twice and a refund of \$373.03 to Bradley E. Cale for 1995 personal property tax paid on a vehicle located in Fairfax. Appropriations: DJCS Bicycle Patrol Grant - \$541.00 from Asset Forfeiture Fund and \$1,631.00 from Revenue to \$2,172.00 in Expenditures; VIEW Program (part of Welfare Reform) - \$1,406.00 from Fund Balance and \$56,186.00 from Revenue to \$1,854.00 in Expenditures, \$854.00 in General Services, \$16,825.00 in Salaries, \$1,328.00 in FICA, \$1,715.00 in VRS Retirement, \$7.00 in Group Life, \$507.00 in Workers Compensation, \$2,250.00 in Child Day Care At-Risk, \$1,938.00 in VIEW (AFDC Working Day Care), \$3,500.00 in Head Start Transition to Work, and \$26,814.00 in Child Day Care Fee At-Risk; Additional State Funds to support Office on Youth Grant - \$10,000 from Revenue to \$2,010.00 in Expenditures, \$215.00 in FICA, \$470.00 in VRS, \$75.00 in Group Life Insurance, \$3,280.00 in Programs, \$500.00 in Postage, \$200.00 in Travel-Conference/Education, \$1,000.00 in Gas/Vehicle Expense, \$1,000.00 in Furniture, and \$1,250.00 in ADP Equipment; Family Preservation & Support carry-over grant balance - \$4,371.36 from Revenues to \$4,371.36 in Expenditures. Finance Report - Total Expenditure for the month of July of \$514,814.32.

Mr. Bahr questioned the absolute liability in the lease agreement, are we sure this is a stable building? Mr. Emerson answered yes. Mr. Bahr asked if the concerts at Colonial Downs were connected to the racing? Mr. Emerson stated that the first concert was not, except to orient people to the location of the track, the following concerts are a part of the day at the races which occur in between the races or at the end of the day. There is no separate charge for the concerts given between or after the races.

Mr. Green clarified they were going to defer the Outdoor Gathering Ordinance Amendments.

Mr. Hennaman questioned the Tax Assist refund. He clarified with the Treasurer that Tax Assist is an agency that fronts the tax for someone and that person will then pay Tax Assist. The case was that this person's taxes were paid in full by Tax Assist and he was injured in an accident preventing him from working regularly which prevented him from paying Tax Assist. Ms. Burrell stated the taxes were not being forgiven, and she has the right to get a Warrant in Debt against him, a judgement which is good for twenty years; and Tax Assist is not eligible to collect the money in this manner.

Mr. Green made a motion to approve the Consent Agenda as presented with the exception of the O-16-97, Ordinance Amendments to Outdoor Gatherings in Chapter 11 of the New Kent County Code, which will be removed and revisited in September. Mr. Hennaman asked if Mr. Green would accept a friendly amendment to his motion to defer action on the Tax Assist refund until further information can be obtained. Mr. Green accepted the friendly amendment.

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

The motion was carried.

FOR RESOLUTION R-17-97 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 61.  
FOR RESOLUTION R-20-97 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX. PAGE 62.

IN RE: CITIZENS' COMMENT PERIOD

Ms. Thelma Crump Wilson invited the Board, all Chamber members, and anyone who would like to become a Chamber member to the Wallace Manor Bed and Breakfast on Wednesday, August 20th between 5:30 p.m. and 7:30 p.m. for an after hours social.

IN RE: ELECTED OFFICIALS REPORTS

Mr. Hennaman stated he has received favorable comments from people, mainly at the Colonies who have noticed the Sheriff's newly activated Bicycle Patrol that has been able to curb some of the speeding in that area.

Mr. Lipscomb did not have a report.

Mr. Green stated he would like for the Board to direct staff to begin a study on the radio needs for the Sheriff's Department as well as other departments that utilize the system as soon as possible. It was the consensus of the Board to do this. Mr. Emerson stated that they had looked at these problems several years ago, but did not move forward with the study. Mr. Gallaher is currently working with the Sheriff's Office and other agencies and the one consultant who does this type of work that is not also a vendor. Staff hopes to have a price on the study soon and he estimated the cost to be under \$10,000. If the Board is in consensus, after Mr. Gallaher has met with those aforementioned and determined the scope of the study, staff would like to move forward as

quickly as possible. Mr. Lipscomb stated he had seen deputies having to use the payphones at Bottoms Bridge because they could not be reached on their radios.

Mr. Green also mentioned a letter from the Providence Forge Rescue Squad to Colonial Downs regarding their refusal to provide service to Colonial Downs, which is our newest corporate citizen. Mr. Green felt very put off with the letter as substantial funds were provided by the County to the Providence Forge Rescue Squad. He suggested further payments to the Rescue Squad be held up until this issue was resolved. Mr. Hennaman stated he has had some conversations with Butch Carter and other members of the Volunteer Rescue Squad and their position is that with only three weeks left until the opening of Colonial Downs it is his (Mr. Hennaman's) understanding that they (Rescue Squad) have not had the benefit of knowing anything from either the County or Colonial Downs as to what is expected of them with the opening. Mr. Hennaman felt that wherever the ball was dropped, there should have been communication with them long before now as to the expectations of service. Mr. Green agreed with Mr. Hennaman; however, the track has been under a tremendous crunch to open. There is not even an offer to sit down and discuss, it is a flat suggestion to not be included in EMS arrangements. They are our rescue squad and companies like the track contribute to the companies that serve them. Mr. Hennaman stated he could not support withholding their funding - it would be to the detriment of every citizen in the County. He asked Mr. Green if one of them (Board) would make contact with the Rescue Squad and see if they could get them to meet with the appropriate officials from Colonial Downs to work out whatever problems there may be between them. Mr. Lipscomb asked that the Director of Emergency Services set up this meeting and try to get things worked out. The Board consented to this approach.

Mr. Burrell stated there was a joint meeting with the School Board last Saturday from 9:00 a.m. to 4:15 p.m. He considered it a very productive meeting. Some of the problems that have occurred in the past will probably not occur in the future. They are working together as a team and he looked forward to the next meeting. Also, citizens who view the meetings on cable television have a problem hearing what is being said unless the supervisors speak directly into their microphone. He asked if lapel microphones could be considered.

Mr. Bahr asked if the Bicycle Grant was a one year federal grant. Captain McLaughlin answered it was a one year federal grant which covers equipment, but does not cover salary. The majority of their officers will be riding on their own time uncompensated. The local match donation will be coming out of Asset Forfeiture, which means it will not come out of any budget affecting the County as a whole.

Ms. Betty Burrell, Treasurer, reported she had a preliminary financial report as of July 31st. In assessments there were 3.8 million dollars earning an average of 5.5% interest, cash on hand balance of approximately \$3,459,000, which is 1.88 million dollars more than what on July, 1996 cash on hand. Escrow accounts have quite a bit in them. Ms. Burrell stated she was a little befuddled about why there were questions on the Tax Assist as less than two months ago the Board refunded Tax Assist with no questions. Also, OSHA did come at her request to her office and test the air quality. They reported there should be a maximum of 500 units per million of carbon dioxide, her office has 700 units, which means they were over the maximum by 200 units and the symptoms she and her staff have been experiencing are not psychosomatic, they are being affected by the poor air quality in the building. There will be a written report from OSHA in regards to this matter and one of the things that need to be done, the clean air intake is not open enough to allow the building to receive ample fresh air. Ms. Burrell stated she was the only one who officially complained by contacting the Public Safety Office and requested it to be recorded officially. Mr. Hennaman clarified that in her remarks Ms. Burrell stated that the problem

wasn't being addressed, and for the record the Board has been moving as quickly as it possibly could in having the entire heating and air conditioning system in the building completely replaced. Ms. Burrell said she understood that, but that is a long time process and in the meantime people are sick now. Mr. Bahr asked if it was the same air they breathe in the board room. Mr. Emerson answered yes, it is. He explained the OSHA inspector also inspected the air in the Public Safety Offices and found it to be adequate, there are some blockages in some of the vents causing air problems. Plans are currently underway for design and replacement as per the Board's appropriations in this years budget which will hopefully be underway in the October/November time frame - trying to hit a period when there is a transition in months with moderate weather. He is hopeful it will be bid out at the end of this month to mid September.

Commissioner of Revenue reported that there was a vacancy in his office for a full time salaried position and urged those interested to submit an application. The analysis and editing for both real property and personal property, and personal property assessments have been completed. The numbers should be forwarded to the Board within the next two weeks comparing those numbers to what was estimated back in January/February.

Mr. Hennaman recognized there were members of the elected School Board present - Ms. Lisa Gill and Ms. Terry Lawler. Also, Ms. Ellen Powers was present representing Delegate Grayson's Office.

IN RE: STAFF REPORTS

Mr. J. Lawrence Gallaher reported on the air quality, the fresh air intake problem that Ms. Burrell alluded to has been addressed by the HVAC maintenance provider - it has been adjusted. Also, on June 9th Captain Butch Carter (Rescue Squad) and he went to Colonial Downs to talk with the General Manager to try to get some of the information needed. Currently there is one volunteer rescue squad that serves the entire County - they also serve Charles City County. Several years ago the Fire Department in Quinton decided they would like to get involved as a first responder provider, which means they respond to the scene and can do everything for the patient the rescue squad can except transport. The County facilitated an agreement between the fire department and the rescue squad, and it has been very successful. Company Two is now trying to become an ALS provider with transport license. In March they submitted a grant application to the Virginia Department of Health, Division of Emergency Medical Services for funding for an ambulance to put at Company Two. Mr. Gallaher felt this was a good idea; however, neither he (or anyone else at the County) was informed of the grant submission, which makes funding difficult since it was not presented in their budget. Mr. Hennaman, Mr. Emerson, and Mr. Gallaher met with their (Fire Department) board on May 15th and learned of it then. Mr. Gallaher stated that they need the County to endorse an upgrade of their license from ALS non-transport to ALS transport, he supported this and he asked the Board to support this also.

Chief W. C. Pearson, EMS Coordinator of Company Two, reviewed the progression of Company Two to the request to become an ALS provider with transport license. He asked the Board for their support for Company Two to upgrade their license from ALS non-transport to ALS transport. The operating cost of this unit will be the responsibility of the fire department. He also requested that the Fire Department be given the additional funds to support the operational costs involved (of that cost approximately \$31,600 before the unit can be put in service), 20% of the ambulance cost (\$13,720), life pack and cardiac monitor - \$3,000, radio equipment - \$6,800, stretcher - \$2,600, pulse monitor - \$678, automated blood pressure device - \$2,300, stair chair - \$700, men's trousers - \$500, additional items - \$1,300. Company Two will be sending out letters

to citizens in the western end of the County at the end of September requesting their financial support as well as help if anyone has any medical training. Mr. Lipscomb stated that the Board needed something from Company Two projecting where they will be in five years and what their costs will be at that time. Mr. Green stated his appreciation to Company Two for the work they have done. He asked if their radios were low band (Chief Pearson confirmed they were), Mr. Green asked if they could wait on that until the study was completed on the high band radio system for the County. He asked why they were waiting until the end of September to start their fund raiser. Chief Pearson responded that the fire department would be sending their fund raiser letter at the end of August, and they will be sending out an additional fund raiser at the end of September, also two radios would go in the unit, one being the low band and they could make due with another unit they have. The other system they would need would be a high band system that is compatible with state wide communications. Mr. Green again asked that they wait until the Board decided what they were going to do with the Sheriff's Department. Discussion and questions from Board members to Chief Pearson followed. Mr. Bahr stated he would like to see an attempt to get everyone working together. Mr. Hennaman stated he admired the commitment and the sacrifices of the volunteers. He also admired the initiative in applying for the grant; however, he would have liked to know about it earlier. He readily supports the upgrade to the license, but he personally cannot support the appropriation to fund the unit. He is wary of leaders of some County departments encumbering money and planning financial commitments which the Board has no knowledge. The County provides monies for emergency services for the County and we will get into duplications of efforts. He did not want his comments to be misconstrued as a lack of support, but he felt it would not be prudent for the Board to make the appropriation. He will support and encourage whatever methods the fire department felt were necessary to raise the money to match the grant. Chief Pearson stated that during the budget process there were requests made for some of these items. Due to political sensitivity of this matter they felt the need to keep it quiet. Mr. Green stated he was disappointed he did not know about this ahead of time, he suggested the Board sit down and figure out a way they could communicate and work together. Currently there is no ambulance service at his (Mr. Green's) end of the County from New Kent. He did not want to hand Department Two the money, but he would like to work something out where these things are handled more in advance rather than coming in at the last minute. He would like to take some of the money they are giving to Providence Forge and maybe give it to Company Two - if something can be worked out. Mr. Burrell suggested there should be some sort of recognition for volunteers - not only the fire department - appointees that serve on commission. They save the County a lot of money. Perhaps we could have some form of recognition for them. He asked the Board to concur and ask the Administrator to look into this. The Board concurred. Mr. Hennaman stated he had already discussed with Mr. Emerson and Mr. Gallaher looking into giving the volunteer and rescue personnel their county decal. Discussion followed on this idea. Mr. Bahr asked if a way could be set up so that all of the volunteer units talked directly to someone at the County or a committee from the County. Mr. Hennaman stated that during budget talks they had discussed a full time person - Emergency Services Coordinator that would work towards a formal merger of the volunteer groups. Mr. Hennaman asked that the Board defer action on the funding. Mr. Burrell made a motion to support the fire department in their efforts to get an advanced life support transport license.

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

The motion was carried.

Mr. Gallaher stated that the public water system for the courthouse complex failed the monthly water test and the follow-up test check. Bottled water has been provided and the entire system is currently being disinfected. Also, on August 26th the County, all the volunteer organizations and most of the career organizations will participate in a full scale emergency scale response drill at the Surry Nuclear Power Station.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Bob Riley stated there were 27 requests for service from the public, 14 calls from the Sheriff's Office, and 6 calls from the State Police. They are continuing to repair concrete pavement blowups on Rt. 60; cutting limbs and brush in the median of I-64; surface treating the area in front of the transfer station on Rt. 647; surface treating bus loops on the school bus routes; and cutting trees and vegetation to improve sight distance in picnic areas. Also, the Rt. 604 (Poindexter Road) project is 65% complete. They are anticipating completion by the end of October.

Mr. Bahr stated he'd received a call concerning the corner of Eltham and New Kent Highway - they thought it looked crude. He also has a petition requesting the paving of Old Stage as soon as possible. He asked if it was scheduled for the summer of 1998. Mr. Riley stated he thought so.

Mr. Hennaman stated he is still receiving favorable comments from the residents along Poindexter Road. He did ask that the grade in front of Sterling Brown's house be checked. The repairs to Rt. 155 in front of the golf course entrance are not holding up. Mr. Riley stated they were making temporary repairs until the truck traffic going to the racetrack was alleviated. Mr. Hennaman asked if Mr. Riley could address the problems on Rt. 618 - as outlined on the list provided - at the next meeting.

Mr. Green thanked Mr. Riley for the attention to Rt. 60 at Bottoms Bridge.

IN RE: DISCUSSION - Meals Tax Referendum, John Crump, Commissioner of Revenue will appear before the Board for discussion as to how the Board wishes to proceed concerning informing the public of the Meals Tax Referendum.

Mr. John Crump stated that several months ago he proposed and the Board endorsed a proposal to have an item placed on the referendum in November concerning establishing a Food and Beverage Tax in New Kent County. This tax would apply to prepared foods usually found in a restaurant and also found in other food stores. State law allows the County to establish this rate not to exceed 8.5% when added to the current sales tax. Most localities have established a 4% rate. This was suggested for the restaurants planned at the track and golf course as well as fast food restaurants. Most of the revenues derived from this tax would come from people outside the County. This would be a referendum item for the citizens to vote on. This may be a revenue source to reduce the tax burden on the citizens by garnishing a revenue from people outside the County. Other localities that have already established this tax include: Richmond, Hanover, James City, Williamsburg, York, and West Point. They report that this tax is easy to administer. It is difficult to estimate the revenues from planned restaurants, but looking at two restaurants currently in the County: One fast food restaurant would generate approximately \$43,000 per year,

another established restaurant more centrally located in the County (not fast food) would generate about \$14,000. Mr. Crump stated he had recommended that these revenues initially be used to offset other revenue sources - especially business tax in the County. He asked the Board to work with him on developing a flyer, press releases, fact sheet and possibly on the internet to inform the public so they can make an informed decision. Mr. Hennaman stated that the Board was voting to consider the procedure to put this on the referendum so that the citizens of the County can vote on whether or not this tax should be implemented. Mr. Emerson stated that the referendum has already been scheduled. Mr. Cornwell stated they adopted the resolution last year and the judge has already signed the order to schedule the referendum and the clerk will work on the advertisement in the paper. Mr. Green stated he would be glad to work with the Commissioner. Mr. Bahr asked where the ad would be run. Mr. Cornwell stated that the clerk will run the ad for three weeks in the Tidewater Review stating that the referendum will be conducted as per the statues. There was concern that the Tidewater Review did not reach all of the citizens. Mr. Emerson suggested direct mail be used.

Mr. Bahr asked Mr. Crump if he'd met with Joel Mostrom on the value of the property. Mr. Crump answered he had met with Mr. Mostrom and his staff as well as Colonial Downs, and accountants from the County's viewpoint - it was a very productive meeting. He will forward information of the results of those meetings to the Board. He's looked at comparable alternatives and methodologies for assessing the property.

IN RE: PUBLIC HEARING - O-13-97, Amendment to New Kent County Code, Section 7-4 pertaining to changes to strike the requirement that the lot be vacant and that complaints concerning tall grass and weeds may be made by telephone.

Mr. Cornwell gave his report: Mr. Tyson compiled the following information - each year beginning in April and running through late fall the Department of Planning and Community Development receives numerous complaint calls concerning tall grass, weeds and related issues. The calls usually deal to the presence of rats, mice, and snakes on properties that are not being mowed or maintained. New Kent County Code requires the owner or occupant to maintain their property free from accumulation of solid waste that might endanger the health, safety and welfare of the community. As currently written this code section also requires that vacant lots be mowed and maintained free from tall grass and weeds where rodents and reptiles may live and breed. The proposed amendment would strike the requirement that the property be vacant and require that all properties in the County be maintained to an equal standard. It would also strike the word "written" from Section 9-7B and would permit complaints to be taken over the telephone. It would also strike the requirement that the properties be only in a platted subdivision or any other areas zoned for residential, business, commercial, or industrial use and would extend the requirements throughout the County. It does not pertain to any particular standard, height of grass cutting, weeds or growth, but covers the prevention of breeding and harboring of places for insects, reptiles, rodents and other hazards. It would only affect those properties where there are rodents, etc. coming off the property onto the neighboring property. If there is a complaint the property owner will be given notice of the complaint and limited time to correct the problem. They can contest the complaint. If they fail to correct the deficiency this statute gives the County the ability to correct the deficiency and bill the property owner for the charges incurred.

Mr. Hennaman asked if the ordinance did not require the grass to be cut to a certain height, but only required that the property be maintained as not to encourage the infestation of rodents, etc. - could it be argued that the corrections may not be to cut the grass? Mr. Cornwell stated that the

statute specifically states that the County may proceed to have such work done as may be necessary to abate any such conditions. Discussion followed on the extent of infestation and that it needed to be taken with a degree of logic to determine a problem. Mr. Burrell was concerned about the elderly not being able to maintain their property. Mr. Emerson stated that those cases would be dealt with through agencies that could assist them. Mr. Lipscomb was concerned about agricultural property and woodlands behind subdivisions and near single family homes. Mr. Cornwell stated it would have to be a nuisance - and administrated by common sense. Mr. Bahr asked if this ordinance could be used to control johnson grass. Mr. Cornwell said no.

Mr. Hennaman opened the public hearing. The first to speak was Becky Philbates, P. O. Box 28, New Kent. Ms. Philbates stated her concerns about the complaints being taken by telephone. She felt the complaints should be in writing. The second person to speak was George Philbates, P. O. Box 28, New Kent. Mr. Philbates felt the ordinance should apply to subdivisions or housing developments in residential districts only. He did not think it should cover farmland or timberland. He also felt that if complaints could be taken by telephone, the complainant should have to leave their name and address. There were no other citizens signed up to speak, the public hearing was closed.

Mr. Hennaman felt that complaints taken over the telephone took the accountability out of the complaint. Discussion followed about the concerns of agricultural areas and the taking of complaints by telephone. Mr. Emerson stated that it was the County's unwritten policy that they did not respond to anonymous complaints, also they did not reveal who made the complaint, but it was in the files. Mr. Burrell made a motion to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County, to approve Ordinance O-13-97, but delete in paragraph A, fifth line, the words "vacant and" and in paragraph B, first line, to delete the word "written", and on the third paragraph to delete the words "and the person primarily responsible, if different from the owner" and also to require that the complainants name be given.

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

The motion was carried.

FOR ORDINANCE O-13-97 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 63.

IN RE: PUBLIC HEARING - C-4-97 (C), Bear Island Timberlands - Request to rezone Tax Map Parcel Number 9-48 and the remainder of 9-46, located on the North line of State Route 656 (Continental Road), from C-1, Conservation to A-1, Agricultural with proffers.

Mr. Maloney gave the following report: The applicant submitted an amended proffer statement yesterday, which was not in the Board's agenda package. Bear Island Timberlands Company has applied to rezone the remainder of Tax Map and Parcel Number 9-46, and all of Parcel 48 consisting of 523 acres from C-1, Conservation to A-1, Agriculture. The change is requested to allow the creation of approximately 20 parcels, each with a minimum of 25 acres for the purpose of single family residential development. Single family residences are not permitted in the C-1,

Conservation zoning district. The location map shows the location with respect to Routes 656 and 638. The zoning map shows the zoning classifications of the surrounding properties which is primarily agricultural. The area is designated for agricultural use in the Comprehensive Land Use Plan. The property is within the Chesapeake Bay Preservation Area, over 78% of the parcel is a Chesapeake Bay Resource Management Area. Nearly 10% of the parcel area lies within the Chesapeake Bay Resource Protection Area. The soils map indicates two types of hydric soils are present on site. The slopes map indicates a significant portion of the parcel has slopes exceeding 10%. This application has been reviewed by the Virginia Department of Transportation - which indicated a portion of the road needs to be reconstructed from the point Woodlands Inc. agreed to reconstruct the road to the cul-de-sac; the Health Department has no comments at this time because of the lack of soils data; and the Department of Public Safety expressed concern regarding the lack of road surfacing and request the developer surface treat the road. The proposed development is expected to have an impact on the capital needs of new Kent County. Should new classroom space and other public facilities identified in the capital impact computations be required, the net fiscal impact for these needs would be in the magnitude of \$5,796 per residential dwelling. The school capacity analysis reveals that excess capacity does exist in the Primary, Elementary, and High Schools; however, the enrollment in the Middle School currently exceeds its capacity. The proffer statement was amended and submitted to the County yesterday afternoon. The first proffer addressed is road construction cost, the applicant has offered to provide \$60,000 to underwrite the cost of improvements. Originally the developer specified the section of road, being the end of the section that Woodlands Inc. agreed to provide for to the end of the cul-de-sac. The proffer statement has been amended to indicate that VDOT can utilize this fund on any portion of the road it deems fit in order to bring the road up to appropriate standards. Both the original proffer and the amended proffer indicate the developer is going to provide the County with \$1,000/lot to offset the cost of school needs. The proffer has been amended again to clarify that the proffer will be paid prior to the issuance of a building permit for each parcel. Staff has not had the opportunity to fully assess the amended proffers due to the recent submittal to the County. Staff recommends to the Board that it defer action on this matter until they can consult with VDOT and receive formal comments from VDOT concerning the road improvement. The Planning Commission, during its May 19, 1997 meeting voted to recommend the Board of Supervisors deny this application; however, it did not have any proffers for consideration. Mr. Lipscomb clarified that \$3,000 of the money for the road would be up front, and \$1,000 of it would be dedicated to the school system for a total proffer of \$4,000/lot.

Mr. Hennaman opened the public hearing. The first citizen to speak was Ms. Kathleen Hagood, 10500 Continental Road, Quinton. Ms. Hagood was concerned with when the paving would be done - build first, pave later or pave first, then build? Mr. Maloney stated there was no schedule for the paving. The next citizen to speak was Mr. John Hagood, 10500 Continental Road, Quinton. Mr. Hagood stated he would like the road to be paved before any more homeowners go in. Is it going to be paved and when? Mr. Hennaman stated they didn't know when because there are several factors that figure into that. He did not think it's ever been the intention that the proffer offered for the road improvement was to go so far as that the road was going to be paved from end to end. Mr. Hagood felt that it would be dangerous to put more trucks and cars on the road, which is not much more than a logging road. Discussion followed among the Members concerning the paving of the road. Mr. Hennaman closed the public hearing. Mr. Bob Doyon, Manager for Bear Islands Timberland Company, stated that Bear Islands feels it has made an honest effort to address the concerns of the County to the extent that they are financially able. They are aware that another applicant has proffered \$2,352.94/lot and their application was approved. Bear Island is proffering \$3,000/lot plus \$1,000/lot to mitigate the impact of the proposed development on the school system. Mr. Doyon asked the Board to approve the application, he stated that the amended proffer gives VDOT and the County more flexibility. Mr.

Cornwell stated he had a concern with the way the amended proffer is worded now in relationship to the Woodlands proffer - as to how the two proffer statements will work in conjunction with each other. Mr. Doyon said they would be glad to change the wording, but the intent was to make the \$60,000 available to the County when they wanted it and give the flexibility to apply it to whatever section of the road they so desire. Mr. Hennaman stated they understood what the intent was; however, staff is recommending the Board take the time to ensure the language is agreeable and, the Board wants to take into consideration the comments from the public hearing. Discussion followed about the conditions of the road and possible funding for improvements. Mr. Emerson stated he felt more information was needed for consideration of the impact to the school system. Mr. Bahr made a motion to defer Rezoning Application C-4-97 until the next meeting of the Board of Supervisors so that staff will have the opportunity to review this further with VDOT and research the school impact more closely.

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

The motion was carried.

IN RE: APPOINTMENTS. The Board will continue to make appointments to various committees.

Mr. Lipscomb made a motion to appoint Janet Salmon as District One's representative to the Board of Social Services for a four year term ending June 30, 2001.

District Two - There were no appointments.

District Three - There were no appointments.

District Four - There were no appointments.

Mr. Bahr made a motion to appoint Donald Sutherland as District Five's representative to the New Kent Clean County Committee for a term ending December 31, 1999.

Mr. Bahr made a motion to appoint Rachel Dean as District Five's representative to the Board of Social Services for a four year term ending June 30, 2001.

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

IN RE: MEETING SCHEDULE.

The regular meeting of the Board of Supervisors will be held Monday, September 8, 1997 at 6:00 p.m. The Planning Commission will meet on Monday, September 15, 1997 at 7:00 p.m.

IN RE: EXECUTIVE SESSION

Mr. Hennaman made a motion 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.

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

The motion was carried, the Board entered into executive session at 8:32 p.m.

IN RE: CERTIFICATION OF EXECUTIVE SESSION

The meeting reconvened at 9:11 p.m. 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 provision 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.

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

The motion was carried.

IN RE: ADJOURNMENT

Mr. Green made a motion to adjourn.

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

The meeting was adjourned at 9:14 p.m.