

A JOINT PUBLIC HEARING OF THE BOARD OF SUPERVISORS AND THE PLANNING COMMISSION HELD ON THE NINETEENTH DAY OF OCTOBER IN THE YEAR OF OUR LORD, NINETEEN HUNDRED EIGHTY-EIGHT, IN THE BOARD ROOM OF THE NEW KENT COUNTY ADMINISTRATION BUILDING, NEW KENT, VIRGINIA.

Chairman Paul Robinson called the meeting to order at 8:00 p.m. with all Supervisors answering the roll call:

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

Seven members of the Planning Commission; H. Garrett Hart, III, County Administrator; Frederick L. Bates, III, Assistant Administrator and Director of Planning; Patrick Morgan, County Attorney were present.

Mr. Bradby, Chairman of Joint Public Hearings, opened the floor to the following advertised rezoning requests.

IN RE: NEW KENT VOLUNTEER FIRE DEPARTMENT

New Kent Volunteer Fire Department, Inc. C-7-88, for 1.832 acres from A-1 (Agricultural) to B-1 (Business, General) for use as a third fire department to assist residents of eastern New Kent County.

Mr. Bates gave the staff report that the parcels should be rezoned from A-1 to B-1 for the location of the fire station, contingent upon the approval of the site plan by County staff and the Virginia Department of Transportation plus the well and septic system by the Department of Health. Supervisor Robinson inquired if a crossover would be required by the Highway Department and if the creation of new parcels by this division would need to be rezoned.

Mr. Bates answered that the Highway Department had made no mention of a crossover and any change in the zoning of the remaining parcels need approval by the Planning Commission. Harold K. Seitz, Administrative Chief of New Kent County Volunteer Fire Department, offered to answer any questions concerning their intentions.

Thelma Crump Wilson complimented the generosity of the Philbates who donated the land to the Fire Department.

IN RE: KURT E. AND DORIS M. GRAN - REZONING REQUEST

Kurt E. and Doris M. Gran's request to rezone 7.2 acres located north of the intersections of Route 249 and 608 from B-1 (Business, General) to M-1 (Warehousing, Limited), for the construction of an addition to the existing structure known as the New Kent Pet Supplies Corporation.

Mr. Bates presentation included slides and the information that the Gran's had been operating New Kent Pet Supplies Corporation in a B-1 zoning district (non-conforming). Now that their business is expanding in size and scope, the Gran's requested an M-1 zoning to bring their operation into conformity with the current zoning ordinance.

Mr. Robinson noted that a non-conforming structure was already under construction. Mr. Bates verified Mr. Robinson's observation. A stop-work order had been issued on October 2nd. Mr. Gran said that he felt his business was an asset to the County. He employs twelve local people on a payroll of \$450,000 annually.

William R. Davis of Barhamsville asked how much change would be needed to make the building underway conform to the zoning ordinance.

Mr. Bates replied that the building is seven feet over the set-back line.

Thelma Crump Wilson was told that a variance of seven feet could be requested of the Zoning Appeals Board.

Nancy Hayes of Courthouse Estates supported the Gran's application.

IN RE: AFD-2-86 RENEWAL OF PAMUNKEY FARMS AFD

Mr. Bates reported that Mr. Morgan, County Attorney, is awaiting a ruling from the Attorney General's Office as to whether or not 450 acres of marshland can be included in an AFD. Under 15.1-1508, Code of Virginia, land in an AFD must be capable of producing crops, livestock or livestock products.

Mr. Philbates noted that marshland would be zoned C-1 (Conservation) at the lowest taxation rate, even if excluded from an AFD.

IN RE: RENEWAL OF HAMPSTEAD-NORTHBURY-SHIMOKINS AFD-1-79 AND AFD-2-84

Mr. Bates noted that parcels 12-3 and 11-15 may not qualify and recommended that action be deferred until the November meeting for further investigation and receipt of an opinion from the Attorney General's Office.

Mr. Robinson asked if these parcels had been inspected by the Commissioner of Revenue. Mr. Bradby suggested a check for building permits possibly issued in AFDs.

IN RE: AFD-2-79-OLD DISPATCH AFD RENEWAL

Mr. Bates said some of the acreage in the Old Dispatch AFD may have changed hands, therefore the staff recommended deferring action until the regular November meeting. In case any parcels are sold for residential purposes, the taxes on the property are rolled back for five years.

Supervisor Ellyson announced that he had filed the proper disclosure papers on his interest in Old Dispatch AFD as of October 1st.

Dennis Gaston, Area Forester, suggested that renewals of AFDs be subject to inspection by the area forester to assure that an adequate forest management plan is being followed.

IN RE: RENEWAL OF AFD-1-84 PAMUNKEY RIVER VALLEY AFD - SECTION II

Mr. Bates reported that the Pamunkey River Valley AFD--Section II contains 321 acres of marshland.

William R. Davis, one of the applicants, asked what part of the property was considered marshland.

Mr. Bates answered that parcel 15-3 has 153 acres of marsh, parcel 26-6 has 75 acres and parcel 26-8 has 3 acres.

Mr. Morgan added that the ruling from the Attorney General's Office would determine if marshland can be included in an AFD.

IN RE: AFD-3-84-PAMUNKEY RIVER VALLEY AFD - SECTION III

Mr. Bates reported that several parcels need to be checked through the Commissioner of Revenue to determine if any home sites have been included in the AFD acreage.

At the conclusion of the public hearing, Mrs. Wilson expressed appreciation to the Gran's for their business enterprise and employment of county residents.

Mr. Bradby adjourned the public hearings.

The Chairman of the Board of Supervisors then called the Board into session with all members present. Motion was made by Mr. Ringley to allow for the Board to take action on proposed Resolution R-35-88, rezoning case C-7-88, and rezoning case C-9-88. Motion carried as follows:

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

IN RE: SCHOOL BOND ISSUE

The Chairman explained that in order to ratify the terms of the \$2,000,000 general obligation school bonds issued through the Virginia Public School Authority, the Board need to consider proposed resolution R-35-88. Motion was made by Mr. Ellyson to adopt resolution R-35-88 as presented and carried as follows:

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

FOR RESOLUTION R-35-88 AS ADOPTED SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 85.

IN RE: REZONING CASE C-7-88 - NEW KENT FIRE DEPARTMENT

The Board entered into a discussion on the New Kent Fire Department's rezoning request. Motion was made by Mr. Boroughs to defer action on this case and carried as follows:

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

IN RE: REZONING CASE C-9-88 - ED GRAN

The Board entered into a discussion on rezoning case C-9-88 submitted and Ed and Doris Gran. Motion was made by Mr. Ringley to accept the Planning Commission's recommendation and approve rezoning case C-9-88 as submitted and carried as follows:

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

The Chairman thanked Mr. Gran for his business contribution to the community and his improvements to the site on which his business now stands.

IN RE: EXECUTIVE SESSION

Motion was made by Mr. Ringley to go into executive session for discussion of a legal matter under Section 2.1-344(a)(6) of the Code of Virginia and carried as follows:

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

Motion was made by Mr. Boroughs to resume regular session and carried as follows:

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

The Chairman announced that no action would be taken on the matter discussed in executive session.

There being no further business, motion was made by Mr. Boroughs to adjourn the meeting and carried as follows:

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

H. Garrett Hart, III
County Administrator

Paul C. Robinson
Chairman