

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE TWELFTH DAY OF DECEMBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED EIGHTY-EIGHT IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING. THE CHAIRMAN CALLED THE MEETING TO ORDER WITH ALL MEMBERS PRESENT.

IN RE: APPROVAL OF MINUTES

The Board reviewed the minutes and following discussion, motion was made by Mr. Ringley to approve the minutes as amended and carried as follows:

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

IN RE: ELECTED OFFICIALS' REPORTS

The Chairman recognized the attendance of Mr. Rudy Jones, Chairman of the Charles City County Board of Supervisors.

Mr. Ellyson gave the Board an update on the progress of the Board's ad hoc committee which is studying the feasibility of a pari-mutuel track in the County. He stated that they had learned that the average track encompasses 300 to 500 acres of land, required 1,500 horses, utilizes a one mile track with a turf track inside, and employs 1,200 to 1,500 employees. He reported that the next meeting of the committee was scheduled for January 11, 1989 at 7:30 p.m.

Mr. Ringley reported that the Local Health Board had three members who where elected officials and state law permits only two, therefore, Mrs. Nina Peace of Hanover County resigned from the Board allowing New Kent and Goochland to keep its elected officials on the Board.

Mr. Boroughs requested that the Transportation Safety Commission review the position of the yield sign on Route 642 near St. Peters Church, the stop sign at the intersection of Routes 610 and 630, and the traffic congestion at the Eltham Bridge.

The Chairman announced that the Board and the Planning Commission had held a joint work session on Saturday, December 3, 1988, and Sunday, December 4, 1988 for the purpose of reviewing the zoning ordinance and expressed his appreciation to the staff for their attendance at this weekend session.

The Chairman also announced that the Board had accepted the resignation of Mr. Frederick Bates, Director of Planning, who had accepted a position with the Northern Neck Planning District Commission and wished Mr. Bates well in his new position.

IN RE: FINANCE REPORTS

The Chairman announced that he and the County Administrator had reviewed all the invoices for the County's expenditures and they were available to any Board member who wished to examine them. Motion was made by Mr. Ringley to approve the expenditures for the month of November, 1988 totaling \$231,982.45 as presented in the monthly expenditure report. Motion carried as follows:

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

IN RE: STAFF REPORTS

Mr. Bates reported that the radio station SOFT 96 had located at Kentwood Square in the Bottoms Bridge area. He reported that they had moved not only their corporate headquarters to this location zoned B-1, business general, but also their broadcasting facilities. He stated the office was allowed in the B-1 zone, however, broadcasting facilities were allowed in the B-2 zone under the current zoning ordinance. He recommended that the Board may wish to amend the zoning ordinance to allow for this use in the B-1 zone.

Motion was made by Mr. Ellyson to authorize staff to draft an ordinance amending the zoning ordinance to be referred to the Planning Commission to allow broadcasting studios as a permitted use in the B-1 zoning district classification. Motion carried as follows:

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

County Administrator, Garrett Hart, advised the Board that they may wish to consider what type of reviewing committee they would like to appoint for input on the update of the County's comprehensive plan as the Planning Commission was holding a work session on the process on December 13, 1988.

Mr. Boroughs felt the Planning Commission should hold several work sessions before a committee to review the proposal was formed. He felt the Commission could formulate the information first.

The Chairman felt that the Board should take under consideration who they would want to serve to review the proposed plan for discussion at an upcoming Board meeting.

IN RE: PUBLIC HEARING - CHAPTER 14 AMENDMENT

The Chairman opened a public hearing on a proposed amendment to Section 14-89 of the New Kent County Code which would require that an applicant for his or her initial business license must present to the Commissioner of the Revenue a certificate from the Planning Department certifying that the property on which the business will be located is zoned correctly.

Mr. Ellyson asked if renewal notices were sent out to the businesses. Mr. Yeatts, Commissioner of Revenue, stated that his office did send out renewal notices.

Mr. Thomas Crump asked if this would prohibit someone working out of their home. Mr. Hart stated that the County's zoning ordinance allowed for home occupations and if the business qualified as such, the certificate from the Planning Department would so indicate.

Mr. Tommy Shumaker asked if there would be a fee for the certificate. Mr. Hart stated no there would be no fee charged.

Mr. Philbates asked if as a longtime businessman in the community, would he have to get such a certificate. Mr. Morgan, County Attorney, stated that the certificate was only required by those who had no license prior to January 1, 1989.

Mrs. Thelma Wilson asked about types of home occupations. Mr. Hart stated that the home occupation regulations were very explicit in regard to which type of businesses are allowed as home occupations.

There being no further public comment, motion was made by Mr. Boroughs to close the public hearing and carried as follows:

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

Mr. Ellyson felt the ordinance was straight forward and would assist the Commissioner of Revenue.

Mr. Robinson felt it would head off problems encountered by new businesses in abiding by the County's zoning ordinance.

Motion was made by Mr. Ellyson to adopt ordinance 0-17-88 as presented and carried as follows:

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

FOR ORDINANCE O-17-88 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 93.

IN RE: HIGHWAY MATTERS

Mr. Tom Hawthorne, Resident Engineer of the Virginia Department of Transportation, stated that the Route 640 project at Wrights Corner would be awarded this month at a cost of \$268,000 which was about the estimate for the project.

Mr. Hawthorne reported that bids on the first portion of the Route 627 project would be received next week.

Mr. Hawthorne also reported that permission had been received from the landowner for removal of brush at the Route 642 intersection.

Mr. Ringley asked about the construction project at the intersection of Routes 155 and U.S. 60.

Mr. Hawthorne explained that the project was underway and the turning lanes and traffic lights were being reconstructed.

IN RE: LEGISLATIVE PROGRAM

Following a discussion of the proposed legislative program, Mr. Boroughs and Mr. Ellyson recommended that the Board include impact fees in the program. The Chairman asked that the format be changed somewhat prior to adoption and it was suggested that it be discussed prior to the Board's joint work session with the School Board on Monday, December 19, 1988.

IN RE: STREET ADDRESSING SYSTEM ORDINANCE

The Chairman reviewed the ordinance for the general public and explained that a public hearing had been held at the November Board meeting. There being no discussion from the Board, motion was made by Mr. Ringley to adopt the ordinance as presented and carried as follows:

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

FOR ORDINANCE O-11-88 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 94-98.

IN RE: REZONING CASE CC-2-88 - W. KENDALL LIPSCOMB, JR.

Director of Planning, Fred Bates, explained that a public hearing had been held on November 16, 1988, on rezoning case CC-2-88 in which Mr. W. Kendall Lipscomb, Jr. requested the Board rezone 97 acres from A-1, agriculture, to CR-1, single family residential, with certain proffers and 11 acres from A-1, agriculture, to B-2, business, limited. He stated that this property was located on Route 60 adjacent to Five Lakes Forest Subdivision.

Mr. Bates explained that the Planning Commission recommended approval of the rezoning application with the following conditions as proffered:

That no home shall be constructed in the areas zoned R-1 that has a finished floor area of less than 1,600 square feet except the finished floor area for a one story dwelling may be 1,500 feet. A maximum of one third (1/3) of the total floor area of the dwelling may be contained in unfinished rooms capable of being made liveable floor area.

Mr. Bates pointed out that in a memorandum to the Board from the County Administrator, the Administrator recommended that the Board down zone the B-2 zoning requested to B-1, business general, as he felt the applicant requested B-2 zoning because of the 10,000 square foot size limitation on business space. He stated that if the business exceeded 10,000 square feet in the B-1 district a conditional use permit could be acquired and as the intent of this district was for less intensive business development, he felt this would be more acceptable in the residential area.

The County Attorney stated that the Board could indeed change the zoning to a less intensive use without holding another public hearing.

Mr. Ringley stated that he had walked over the property and was satisfied that there was no significant forested wetlands on the property as indicated at the public hearing.

Mr. Tingley, the applicant's agent, felt the 10,000 square foot requirement in the B-1 zone would place an additional hardship on the applicant.

Motion was made by Mr. Ringley to accept the recommendation of the Planning Commission for the residential rezoning of CC-2-88, however, the requested business zoning shall be rezoned B-1, general business, instead of B-2, limited business, as per the staff's recommendation. Motion carried as follows:

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

IN RE: REZONING CASE C-6-88 - E. R. PLASTER

Mr. Bates explained that the Board had received a request from E. R. Plaster to rezone 133 acres from A-1, agricultural, to R-1, single family residential, for the purpose of developing a single family residential subdivision on the southside of Route 249 near its intersection with Route 604. He stated that the Board and Planning Commission had held a public hearing on the application on November 16, 1988, at which time the Planning Commission recommended approval of the application as submitted.

Mr. Ellyson asked if this rezoning was in compliance with the current land use plan. Mr. Bates stated that it was not.

Mr. Boroughs stated that he felt the application should be delayed until the comprehensive plan update had been completed.

Mr. Robinson stated that he had reviewed the County's current comprehensive plan and this area was designated for agriculture/conservation. However, in reading the text it allows for extremely low density development and as the proposed residential development had lots sized from one to six acres he felt this met the requirements of the plan. He also pointed out that the plan called for development along the County's primary roads and this development was located on State Route 249.

Following discussion, motion was made by Mr. Boroughs to defer action on rezoning case C-6-88 until July, 1989 and carried as follows:

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

IN RE: REZONING CASE C-8-88 - GLENN CAGWIN

Mr. Bates explained that the Board had received a request from Glenn Cagwin to rezone two acres of a 34 acre parcel from A-1, agricultural, to B-1, business general, for the purpose of constructing 4,000 square feet of office space and a 2,500 square foot building for a day care

center on the south side of Route 60 between the second and third entrances to the Five Lakes Subdivision. He stated that the Board and Planning Commission had held a joint public hearing on the application on November 16, 1988, at which time the Planning Commission recommended approval of the rezoning.

Mr. Ellyson asked about the nearby pond on the property. Mr. Hart stated the applicant would have to obtain a land disturbing permit prior to construction and the pond would be protected by requirements of the permit.

Following discussion, motion was made by Mr. Ellyson to accept the recommendation of the Planning Commission and approve rezoning case C-8-88 with the provision of an environmental impact statement being provided prior to construction. Motion carried as follows:

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

The Chairman briefly recessed the meeting for five minutes at this time.

IN RE: AGRICULTURAL AND FORESTAL DISTRICTS APPROVED

Director of Planning, Frederick Bates, reviewed proposed ordinance O-16-88 which would establish the Pamunkey Farms AFD which would encompass 2,344.12 acres located off of Route 624 in the Cumberland Magisterial District. He stated that a public hearing had been held on the application and both the Planning Commission and the AFD Advisory Committee had recommended approval of the application.

The Chairman pointed out that there was an error in the proposed ordinance as it stated the AFD was located in St. Peters Magisterial District instead of Cumberland. He also asked why a parcel of the property was zoned M-1 (this parcel had been excluded from the district for this reason).

Mr. Hart stated that this parcel had been used as a borrow pit at one time.

Mr. Ellyson asked why paragraph (i) was included in the proposed ordinance which made the tax deferral on this property retroactive to May, 1987. The County Attorney stated that if the Board wished to discuss this matter they needed to go into executive session.

Motion was made by Mr. Ellyson to go into executive session for consultation and briefings by legal counsel pertaining to a legal matter pursuant to 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 the meeting and carried as follows:

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

The Chairman announced that they received consultation from counsel concerning a provision of the Pamunkey Farms ordinance.

Mr. Bates then discussed the renewal of the following districts: (a) Hampstead-Northbury-Shimokins (O-12-88), (b) Old Dispatch (O-13-88), (c) Pamunkey River Valley II (O-14-88), and (d) Pamunkey River Valley III (O-15-88).

There being no further discussion, motion was made by Mr. Boroughs to adopt ordinances O-12-88, O-13-88, O-14-88, O-15-88 and O-16-88 and carried as follows:

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

FOR COPIES OF ORDINANCE O-12-88, O-13-88, O-14-88, O-15-88, AND O-16-88 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGES 99-108.

IN RE: WOODHAVEN SHORES TRAFFIC ENFORCEMENT ORDINANCE
 DISCUSSED

The County Attorney explained that the Board had received a request from the Woodhaven Shores Property Owner's Association to designate the roads of Woodhaven Shores Subdivision as highways for law enforcement purposes only under Section 46.1-181.5 of the Code of Virginia. He further explained that in order to designate these private roads as such, the Board would need to adopt an ordinance.

Mr. Ellyson stressed that if the ordinance were enacted, the County would not be responsible for the maintenance of these streets.

Mr. Ringley asked if this has been done in the County before for any private street subdivisions.

The County Attorney stated that this would be the first such ordinance adopted in New Kent.

The County Administrator explained that the State Department of Transportation would conduct a survey of the road system as some of the traffic laws would be impossible to enforce due to the current status of the streets.

The Chairman stated he would like to see an executed copy of the resolution adopted by the Property Owner's Association prior to review of the ordinance.

Motion was made by Mr. Boroughs to authorize the County Attorney to draft an ordinance for presentation to the Board at their January meeting and carried as follows:

Richard S. Ellyson Aye

E. David Ringley Aye
Robert A. Boroughs Aye
Paul C. Robinson Aye

Mr. Ellyson requested that staff review the Bylaws of the Property Owner's Association to ascertain whether or not a majority of the landowners are required before entering into such an agreement.

IN RE: THOMAS A. CRUMP - CUP-12-88

Director of Planning, Frederick Bates, stated that an application for a conditional use permit had been submitted by Thomas A. Crump for the purpose of operating an apartment complex on his property adjacent to the Courthouse. He explained that Mr. Crump wanted to alter a residence in an R-2 zoning district into three apartments and reviewed the improvements to the entrance and septic system as required by the Health Department and Department of Transportation. Mr. Bates stated that staff recommended approval of the application with the condition that all requirements of the Departments of Transportation and Health are met.

Mr. Ellyson asked if any other conditions should be placed on the applicant. Mr. Bates stated he felt these were sufficient.

Motion was made by Mr. Boroughs to authorize the County Administrator to approve CUP-12-88 with the condition that all the requirements of the Departments of Transportation and Health are met and carried as follows:

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

IN RE: APPROPRIATIONS - EMERGENCY SERVICES OFFICE

The County Administrator explained that the Office of Emergency Services applied for and received a grant in the amount of \$1,500 from the State Office of Emergency Services and is requesting an amendment to the budget for the purchase of materials and supplies. He also stated that this Office has the opportunity to purchase and have fully funded by the State Office of Emergency Services a facsimile machine. He stated that this funding would require an appropriation of \$1,945. He recommended approval of both appropriations as they required no local funding.

Motion was made by Mr. Boroughs to appropriate \$1,500 to line item 3505-7027 and \$1,945 to 3505-5203 as requested by the Director of Public Safety and carried as follows:

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

Mr. Robinson asked about the monthly cost of the facsimile machine. Director of Public Safety, Lawrence Gallaher, stated this would be covered by the State Office of Emergency Services.

IN RE: RESOLUTION; GOVERNOR'S EDUCATIONAL TECHNOLOGY
INITIATIVE PROCUREMENT AND FINANCING PROGRAM

The County Administrator explained that a request had been received from the Superintendent of Schools for the Board to adopt proposed resolution R-41-88 which would allow the schools to participate in the Governor's Educational Technology Initiative Procurement and Financing Program which would allow for the subsidized purchase of \$27,300 in computers and television communications equipment. Motion was made by Mr. Boroughs to adopt resolution R-41-88 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-41-88 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 109.

IN RE: MEETING SCHEDULE

The Chairman announced that the Board would be meeting with the School Board on Monday, December 19, 1988, at 6:30 p.m. He also announced that a brief work session on the proposed 1989 Legislative Program would be held at 6:00 p.m. prior to that meeting.

The Chairman stated that joint public hearings were scheduled with the Planning Commission on December 21, 1988 at 8:00 p.m. and that the next regular meeting of the Board would be held on January 9, 1989.

IN RE: APPOINTMENT - SHARRON FRANK - LIBRARY BOARD

Motion was made by Mr. Ellyson to reappoint Ms. Sharron Frank to the Heritage Library Board for a four year term ending December 31, 1992 and carried as follows:

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

IN RE: EXECUTIVE SESSION

Motion was made by Mr. Ringley to go into executive session to discuss a personnel matter pursuant to Section 2.1-344(a)(1) 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 return to regular session and carried as follows:

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

The Chairman explained that no action had been taken on the matters 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