

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 13TH DAY OF JANUARY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SEVEN IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING BEGINNING AT 7:00 P.M.

IN RE: ROLL CALL

Mr. Hennaman called the meeting to order and asked the secretary to call the roll.

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

Mr. Hennaman gave the invocation and followed with the pledge of allegiance.

Mr. Hennaman asked that Agenda Item 3 - 1997 Legislative Agenda - be taken first due to Delegate George Grayson's schedule. Mr. Hennaman welcomed Delegate Grayson and went over highlights of the legislative package that are of the most importance to the County, which are: the Telecommunications Act of 1996 - the County supports action in ensuring that localities are able to ascertain what's best for itself in terms of land use. Delegate Grayson stated that he has had legislation drafted that would require towers along interstate highways to comply with zoning and other rules and regulations of the counties and cities through which they pass. Also, the County supports legislation that would grant Colonial Downs the time it needs to complete a quality facility. Delegate Grayson stated that he has prepared a bill that would extend by sixty days the deadline for the track to open before satellite facilities had to be closed down. Also, under Human Services, the County would support any legislation that would fund an Office on Youth, which was established by resolution by the Board. Regarding taxation, the County would appreciate assistance that would oppose legislation that would hinder the local ability to generate revenue, and adding New Kent to the localities which would be able to charge admissions tax at the off track wagering facility, which will be located at the track in New Kent. Delegate Grayson responded that there has been a proposal that the Business and Professional Licensing tax be abolished in favor of a two percent increase in the sales tax. This would cause the County to lose a dedicated stream of resources and the overall pie would shrink at a time when the federal government is decreasing the aid it is providing to the state.

Mr. Hennaman asked the Board members if they had any questions for Delegate Grayson. Mr. Bahr asked if the towers would be subject to County tax codes. Delegate Grayson said that yes, they would. Also, will the rebate from Blue Cross privatizing, the portion that applies to teachers, be sent back to the school districts? Delegate Grayson said that he would take that into consideration.

Mr. Burrell stated that on Item Five, New Kent County supports HB 1001 and HB 1002, he spoke with people in the County, and there really are no starter homes as such. Mr. Burrell would not be in favor of this item, though he respects the opinions of the other Board members.

Mr. Hennaman thanked Delegate George Grayson for attending.

Mr. Hennaman asked Mr. Emerson to brief the Board members on the development agreement legislation, which would allow for the County to enter into a development agreement which would help in subsequent phases of the planned development as well as when the facilities from the project are turned

over to the County. This is an excellent economic development tool for the County and land use tool, which would not have to be used if the Board chose not to. If it is not pursued this year then it would not be an available option again until the next time the legislature met. Mr. Hennaman agreed with Mr. Emerson, that it would be a useful tool. Discussion followed. Mr. Joel Mostrom, a representative of Delmarva, spoke in favor of the development agreement legislation. The Board's consensus was to support this legislation.

IN RE: CONSENT AGENDA

Mr. Hennaman asked Mr. Emerson to go over the Consent Agenda. Mr. Emerson stated that the Consent Agenda consisted of the Minutes from the December 9th Meeting; Appropriations for the Sheriff's Office in the amount of \$4,151.00 and \$4,837.49 to cover the cost for the Board of Equalization; Adoption of the Legislative Package with the comments concerning Trigon Blue Cross/Blue Shield brought up by Supervisor Bahr at the last meeting; Adoption of Resolution R-43-96 commending the roads of Quinton Estate to the State of Virginia; Resolution R-44-96 recognizing and honoring two six graders for their exemplary behavior and leadership and their efforts at their school on the Literary Passport Test; Resolution R-46-96 designating February 97 as PetFix Month, encouraging people to have their animals neutered and spayed; several personal property tax refund requests the Commissioner of Revenue has made according to State law due to the condition and/or excess mileage of vehicles; also there are some double assessments that were made on items owned by several individuals; Finance Report for the month of December noting \$586,684.71 in expenditures. Mr. Hennaman thanked Mr. Emerson for his report and reminded the Board that any one of the items could be acted upon individually. He then asked the Members if they had any questions or corrections.

Mr. Burrell said that the Parks and Recreation Commission met on November 19th, not December 19th. Also, the minutes should have more continuity when referring to individuals, using Mr. and Ms. so that it will be clearer to someone reading the minutes. Mr. Hennaman concurred.

There was no more discussion or comments. Mr. Lipscomb made a motion to approve the consent agenda, there was no discussion, and the Members were polled.

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

The consent agenda was passed.

IN RE: CITIZENS COMMENT PERIOD

Mr. Hennaman said there were two citizens signed up to speak. The first was Mr. Chris Madison, 19311 Eltham Road, New Kent. Mr. Madison spoke in favor of the Eltham sidewalk. He also asked if someone could look into who put the wheelchair ramps for a sidewalk, where did that money come from, and who approved it if the County had nothing to do with it. If there was money to put the wheelchair ramps for a sidewalk, like they did in West Point, why can't they get the sidewalks? It has been promised ever since

they widened the road years ago. Mr. Hennaman thanked Mr. Madison for his comments and asked Mr. Emerson to research the ramps and give a detailed reply to Mr. Madison.

The second citizen to speak was Mr. Jim Brabrand, 19854 Brick House Lane, New Kent. Mr. Brabrand complimented the Board on a good past year, as well as Mr. Emerson and his staff. Mr. Gallaher and his staff, and Mr. Ross have done a good job in providing quality support regarding building inspection issues. Mr. Brabrand offered the following suggestions: Agenda items could be clarified as to what the issue is; also, would the Board consider having a second Citizens Comment period at the end of the meeting. He would also like to hear a report on the line of credit. Regarding containers, he suggested we brainstorm and involve the public to solve the storage problems. Mr. Hennaman thanked Mr. Brabrand for his comments.

IN RE: ELECTED OFFICIALS REPORTS

Mr. Hennaman discussed the situation of the Forestry Department's desire to cease using Rumley Lane. Since this is not a State maintained road, then with the abandonment of their easement, who has the responsibility of the road and the maintenance of the bridge that lies halfway between Rt. 155 and Rt. 618? It is Mr. Hennaman's hope that the Forestry Department will reconsider their decision. Mr. Hennaman has drafted a letter as District Four's representative to the State Forester. Also, there was the issue of the bridge, which is a low water bridge currently under twelve inches of water. Sheriff Howard and the Commonwealth Attorney did some research. On the authority of the Sheriff this road has been closed with VDOT's participation due to the issue of public safety. Hopefully it is only a temporary closing.

Mr. Lipscomb stated that he had read where the maintenance is going to be dropped on Bailey Road. A discussion followed on the issues of deeded easements, access by emergency vehicles units, access to tracts for fire and wildlife conservation, and if the State would take over the maintenance of the road. Mr. Hennaman suggested that the Board lend their support to the citizens. Mr. Burrell stated that they have to look beyond the residents of the roads desires and consider the whole County. Mr. Bahr made a motion that the County express, in the strongest language as possible, a request to the Department of Forestry to continue to maintain their upkeep on all fire trail roads in the County. There was no discussion. The members were polled:

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

The motion was carried.

Mr. Hennaman asked Mr. Cornwell to do research and draft a letter.

Mr. Bahr reported that he attended the Wetlands Board. No one is sure where the pipeline is going to go that will carry gas over to Chesapeake in West Point. Virginia Power, Virginia Natural Gas, and Chesapeake wasted their time.

Mr. Burrell reported on the last Virginia Waste Management Authority Meeting. Basically it's the same situation as before in regard to recyclable commodities, the prices are down for the most part. New Kent

is ahead of the mandate. Also, several people have commented to him that they would like to have a citizens' comment period at the end of the meeting.

Mr. Green asked Mr. Emerson if there had been a response from Mr. Willie Daniel regarding the "mess" on Rt. 60. Mr. Emerson stated that a letter had been received from Mr. John Daniel asking for an extension. Mr. Tyson responded back indicating that we would not issue an extension, it still had to be cleaned up within the 30 days time limit. If it is not cleaned up within the time frame, then it will be turned over to the County Attorney for legal action. Mr. Green continued, the Parks and Recreation Commission met Thursday, January 9th and approved the bylaws. A survey will be done by Dr. Rugg at VCU for the County at no charge as a class project. From this survey a questionnaire will be sent out randomly to members of the community. The only cost to the County will be postage. The results will be back by the first week of May. Mr. Green publicly thanked Lee Tyson for all the work he has put into this commission and welcomed anyone who wanted to volunteer to join them.

Mr. Lipscomb reported that the Airport Commission did not meet in December. However, the beacon light is working and the cracks in the runway are being repaired. Mr. Gallaher stated that lights are working and they are currently waiting for some globes so that they can put them back in service.

Mr. Hennaman asked the Treasurer to give her report. Ms. Betty Burrell stated that they had allocated all their resources and time to processing customers' payments, making sure the money was in the bank and earning interest. Therefore, she did not have a financial report. With the decal deadline coinciding with the tax deadline there was a problem with the customers who sent in their payments at the end of the deadline in getting their decals processed and out to them. Also, some people felt they were overtaxed and did not contact the Commissioner of Revenue, but sent in the amount they felt they owed. Ms. Burrell asked that in the next budget more resources be allocated to the Treasurer's Office. She further advised the citizens that the Rabies Clinic would be Saturday (January 18th) from 8:30 a.m. to 11:30 a.m. The Treasurer's Office will also be open from 8:00 a.m. to 12:00 p.m. selling dog licenses, as well as conducting other business. Mr. Hennaman asked if there had been any pursuit from the State Compensation Board for financial assistance. Ms. Burrell said that she asks for additional funds for part time help every year. A volunteer did come in and help some; however, the staffing level has remained the same for twenty-three years.

Mr. Hennaman asked the Commissioner of Revenue for his report. Mr. John Crump stated that they had had a number of difficulties this year during the tax season primarily due to the coinciding of the personal tax and real estate taxes being due at the same time. The current system is different from the Treasurer's system, and it causes problems in receiving information during the year. Starting tomorrow (January 14th) the Commissioner of Revenue will migrate to the system that the rest of the County Administration is on. This should help the Treasurer. There were almost 1,600 changes submitted by citizens in a two week period. Information explaining the new system will be going out within the next few weeks.

Mr. Hennaman asked the Sheriff for his report. Sheriff F. W. Howard, Jr. stated that as follow up to the Treasurer's concerns over the decals, they were coordinating their efforts. The Uniform Crime Report will not be out until April, but high lights are: calls for service in 1996 - 5,330 (1,112 more calls than in 1995), 423 property checks through Neighborhood Watch Program, and 640 criminal warrants were served (83 more than in 1995). The Sheriff's Office entered the Chiefs' Challenge, which is both state and national and shows a uniform effort between law enforcement and the citizens to reduce traffic accidents. This year they won first place in the State of Virginia for their size department (50 officers or less). They are automatically involved in the national process and they received second place in the nation. The Chiefs' Challenge involves public relations, policy plan, officer training, public information/education, enforcement activity, evaluation of your process that shows where your department needs to improve, and quality of submission. A \$450 police bike was the prize they received.

Captain McLaughlin was in charge of organizing this challenge and everyone in the department helped supply information. The Youth Center is now open, please feel free to stop by any time.

Mr. Hennaman concluded the elected officials' reports and recognized Terry Lawler, elected School Board Official from District Two in the audience.

IN RE: PUBLIC HEARING - CONTRACT BETWEEN THE COUNTY AND THE NEW KENT HISTORICAL SOCIETY FOR THE LEASE OF THE OLD JAIL. THE BOARD WILL TAKE CITIZENS' COMMENTS ON THIS LEASE.

Mr. Hennaman asked Mr. Cornwell to give his report. Mr. Cornwell stated that as authorized by the Board of Supervisors the Public Hearing for the Contract between the County and the New Kent Historical Society for the lease of the old jail has been advertised. The draft of the lease did not have a commencement date yet because the public hearing and comment is necessary. Court approval may also be necessary (Judge Powell has indicted that he has no problem with this lease agreement). Mr. Hennaman asked the Members if they had any questions or comments for Mr. Cornwell. There were no comments. Mr. Hennaman opened the public hearing. (Eleven reenactors dressed in period clothing entered the room and stood in front of the Board of Supervisors). Five citizens spoke. The first was Mr. John Crump, 8001 Emmaus Church Road, New Kent, Virginia. Mr. Crump spoke in favor of the proposed lease saying that it would be a base for them to start gathering the data that is being offered to the Historical Society, provide a secure home for them, and start educating the citizens about the history of New Kent. Mr. Tolar Nolley spoke in favor of the lease. Ms. Sam Snyder, 15801 Fern Lake Drive, Lanexa, Virginia spoke in favor of the proposed lease. Mr. Mark Daniel, 9061 Thompson Road, Quinton, Virginia spoke in favor of the proposed lease. Mr. G. G. Crump, P. O. Box 57, New Kent, Virginia spoke in favor of the proposed lease. Mr. Hennaman closed the public hearing and asked the Members if they had any discussion. Mr. Hennaman then stated that he would like to lead off, and gave his support for the proposed lease. Mr. Burrell stated that he was very much in support of this. Mr. Bahr asked Mr. Cornwell about the mutual waiver of homestead exemption laws. Mr. Cornwell responded that he wanted to cover all the issues. Mr. Burrell moved to approve the contract between the County and the New Kent Historical Society for the lease of the old jail as presented. There was no discussion. The members were polled.

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

The motion was carried.

IN RE: STAFF REPORTS

Mr. Emerson stated that he would give the various staff reports instead of having staff come forward due to the time. He started with a request concerning the James Armistead Lafayette marker. Staff is ready to submit a request to the Department of Historic Resources. The Board had discussed committing \$1,100 to this project, but it was not in the July minutes if the Board had made this commitment. The consensus of the Board was affirmative.

There were some problems with heat in the courthouse over the last several days. The problem was fixed late this afternoon (January 13th), but not before the clerks of both courts closed their offices.

Several complaints have been received on the two remaining dumpster sites in Lanexa and Providence Forge based upon muddy conditions. Mr. Gallaher was aware of this prior to the complaints, and has been working on getting a contractor to take care of the situation with gravel.

There is an awarded bid for the Harwood Transfer Site, which Mr. Cornwell will present. Mr. Cornwell stated that the bid for the construction of the Lanexa Convenience Site on Rt. 647 was put out again because contract negotiations fell through. The new contract would be for recommencing and finishing the work. The first bid was for \$118,200, the second bid (there was only one bid) was for \$122,955 from Howard Brothers Contracting. Howard Brothers agreed to reduce the bid to \$118,115; however, with the performance and payment bond cost of \$1,300 it increases it to \$119,415. The Board must approve this bid and authorize the work to be performed. Mr. Hennaman asked for comments from the Board. Mr. Bahr asked if we had settled with the first contractor. Mr. Cornwell replied that no, we had not. General discussion followed among the Members. It was the consensus of the Board that staff proceed with this project in all due diligence. Mr. Cornwell asked for a motion authorizing the execution of the contract with Howard Brothers Contracting for \$119,415. Mr. Lipscomb made the motion. There was no discussion. The Members were polled.

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

The motion was carried. Mr. Emerson stated that the project would probably go over budget by approximately \$10,000 on that site.

Mr. Emerson continued, the minutes are mailed to sixteen citizens. It costs the County approximately \$2,136.96 per year to supply the minutes to these people. A copy of the minutes is sent to the Heritage Library and a copy is also kept in the Administration Building. The agendas are also mailed to 88 citizens each month, which costs around \$900 a year. Does the Board wish to continue this service? Does the Board want to start charging .25 cents a copy? Discussion followed among the Board. Mr. Emerson was asked to research and see if the Post Offices would accept a copy of the minutes for public inspection. Mr. William Dervisham asked if he could make a comment. He was in support of the minutes being mailed out to those who requested a copy. Mr. Lipscomb made a motion to table this issue until the February meeting. There was no discussion. The Members were polled.

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

The motion was carried.

There were no further staff reports.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Bob Riley, Resident Engineer with the Virginia Department of Transportation gave the following report. The shoulder stone work on Rt. 611 is completed and they are now trying to finish up the driveways on Rt. 611. The ditches have been cleared in the Colonies subdivision. Private entrance pipes have been installed as well as some work on Rt. 600 - asphalt work and ditching. Work was also done on the school bus routes. Mr. Hennaman thanked Mr. Riley for his report and asked if the Board had any questions or comments. Mr. Lipscomb said that he'd spoken to Mr. Riley about the "mess" in front of the new Food Lion and the bank about the white lines. More work is to be done to straighten it out. Mr. Riley said that they've asked for Safety Funding Project for East of Rt. 611 & Rt. 613 and add an additional lane to have a continuous left turn lane.

IN RE: ANNUAL REORGANIZATION OF THE BOARD - ELECTION OF A CHAIRMAN AND VICE CHAIRMAN FOR THE YEAR 1997.

Mr. Hennaman turned the meeting over to Mr. Emerson. Mr. Emerson opened the floor for nominations for the Chairman of the Board of Supervisors for the calendar year 1997. Mr. Lipscomb moved to nominate Mark Hennaman. Mr. Bahr nominated Mr. Julian Lipscomb. There were no further nominations. Mr. Emerson closed the floor for nominations. In accordance with Roberts Rules of Order, the second nomination will be acted on first. He asked for a nomination to elect. Mr. Lipscomb declined his nomination. A motion was made by Mr. Lipscomb to elect Mr. Mark Hennaman to be Chairman of the Board of Supervisors for the term of one year. Mr. Green seconded the motion. The roll was called.

Mr. Lipscomb	Aye
Mr. Green	Aye
Mr. Burrell	Aye
Mr. Hennaman	Abstain
Mr. Bahr	Aye

Motion carried.

Mr. Emerson congratulated Mr. Hennaman and turned the meeting back to him.

IN RE: ELECTION OF THE VICE CHAIRMAN OF THE BOARD OF SUPERVISORS FOR THE TERM OF ONE YEAR.

Mr. Hennaman opened the floor for nominations for the Vice Chairman of the Board of Supervisors for the term of one year. Mr. Green moved to nominate Mr. Julian Lipscomb to be Vice Chairman of the Board of Supervisors for the term of one year. Mr. Bahr nominated Mr. James Burrell to be Vice Chairman of the Board of Supervisors for the term of one year. The second nomination was acted on first. Mr. Hennaman asked for a motion to elect Mr. James Burrell as Vice Chairman of the Board of Supervisors for the term of one year. Mr. Bahr made the motion. There was no discussion. The members were polled.

Gary L. Green	Nay
James H. Burrell	Abstain
Frederick G. Bahr	Aye
Julian T. Lipscomb	Abstain

Mark A. Hennaman Nay

Motion was defeated.

Mr. Green made a motion to elect Mr. Julian Lipscomb to be Vice Chairman of the Board of Supervisors for the term of one year. There was no discussion. The Members were polled.

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

Motion is carried.

IN RE: CONSIDERATION OF THE BYLAWS OF THE BOARD OF SUPERVISORS

Mr. Hennaman asked for discussion. Mr. Burrell proposed the following changes: On Article 3, A., the order should be changed to make it more clear. Where it says "The County Administrator shall prepare an agenda for each regular meeting of the Board of Supervisors", add B there; and take where it says "Copies of the agenda..." should be put down where B is because it follows more logically. Mr. Cornwell reminded the Board that this was just a placement change and could be acted upon tonight. Also, on page 6, Article IV, "The citizen comment period shall be limited to fifteen (15) minutes, unless such time period is waived by a majority vote by the Board". This isn't working because only three people could speak. Discussion followed about whether to limit comments to 3 or 5 minutes. Mr. Burrell wanted the limit put on the speaker, not the time. Also, on Article IV, J., there is no heading for J. Then the guidelines following should have another heading (K) and then 1, 2, 3. Under the current J. (1) "Citizens must restrict their comments to that particular agenda item that is currently before the Board and comments on any other item will be deemed to be out of order...", Mr. Hennaman said that it fell under following guidelines for public comment addressed to specific agenda items. There were no other comments. Mr. Cornwell said that Mr. Burrell's comments relating to the changes in Article III are simply a re-wording, also comments in setting up paragraph J heading and paragraph K heading would also be simply nonsubstantive, only in another form. The Board could adopt them tonight without the waiting period. The issue on Article IV, paragraph C...15 minutes or whether speaker gets 3 minutes or 5 minutes is a substantive change that would need the time provided by the Bylaws of thirty days to put it into effect. Because the February meeting is in less than thirty days, nothing can be voted on until March. Mr. Hennaman asked for a motion for Mr. Burrell's remarks that were nonsubstantive in terms of semantics. Mr. Burrell said that he would put that in the form of a motion. There was no discussion. The Members were polled.

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 regard to the other items discussed, the 5 minutes for public hearing comments, as suggested by Mr. Burrell, Mr. Green agreed with the 5 minutes. It would be limited to 5 minutes per speaker and the 15 minute time limit for public hearing would be dropped, and 3 minutes during the citizens comment period. Mr. Cornwell stated that under Article IV, paragraph C, Mr. Burrell wishes to end the language that says the citizens comment period shall be limited to 15 minutes. The Board confirmed that was correct. Mr. Cornwell then stated that two pages over under paragraph I, number 4- each speaker shall be allowed 5 minutes for comments to the Board (this is under the Citizens Comment Period), is it the Board's wish to change it to 3 minutes? The Board confirmed that was correct.

The motion was made for those changes to be considered by the Board at their March meeting by Mr. Burrell. There was no further discussion. The Members were polled.

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: THE BOARD WILL ESTABLISH BY RESOLUTION R-1-97 THE REGULAR MEETING SCHEDULE FOR 1997.

Mr. Burrell proposed that there be two meetings a month. The public hearings could be one night and then the normal business could be taken care of at the first meeting of the month. Or set a time to adjourn at 9 p.m. and take additional business from that point and set it for the next agenda. Discussion followed among the Members. Mr. Hennaman stated that this had been tried in past years and two long meetings a month occurred. Changes could have been made in the Bylaws to change the agenda order to include the public hearings up front. Mr. Hennaman asked Mr. Burrell exactly why it was changed back to one meeting a month. Mr. Burrell stated that one of the Board members had a tight schedule and could only attend one meeting a month. Mr. Emerson stated that it also required an additional secretary in the Administrator's Office due to the volumous paperwork and this position would need to be restored if the Board had two meetings a month. Mr. Green suggested that staff and elected officials reports be done at 5:30 p.m. and the meeting would start at 7:00 p.m. Mr. Hennaman supported this idea. Mr. Burrell asked that the citizens be polled. Mr. Hennaman replied that State law requires that the meeting schedule be adopted tonight. Mr. Hennaman made a motion to adopt Resolution R-1-97 which sets the scheduled Board of Supervisors meeting at 7:00 p.m. on the second Monday of each month. Mr. Burrell verified that Mr. Cornwell had said that it could be amended at a later date. Mr. Burrell said that he would be presenting an amendment in the future. There was no more discussion. The Members were polled.

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: APPOINT COMMITTEE MEMBERS TO STANDING COMMITTEES. THE CHAIRMAN WILL APPOINT SIX STANDING COMMITTEES.

Mr. Hennaman stated that in deference to the time, since he had thirty days to make the appointments, he would make the committee appointments in February.

IN RE: APPOINTMENT OF BOARD MEMBERS TO VARIOUS COMMITTEES.

Mr. Hennaman asked for a motion to appoint a Board Representative to the Hanover Health Advisory Board for the term ending December 31, 1998. Mr. Lipscomb moved to appoint Mr. Gary Green as the Board Representative to the Hanover Health Advisory Board for the term ending December 31, 1998. There was no discussion. The Members were polled.

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

The motion was carried.

IN RE: PRESENTATION ON THE COMMONWEALTH TRANSPORTATION BOARD RIGHT OF WAY POLICIES FROM REPRESENTATIVE MR. JOHN COGBILL.

Mr. Hennaman introduced Mr. John Cogbill and asked him to give his presentation. Mr. Cogbill introduced the Assistant Director of Right of Way Utilities, Mr. Richard Bennett who spoke about the current policy and proposed policies. Currently public utilities or private utilities may install lines along most routes of the State Highway System, with the charge of these utilities being an administrative fee, there are exceptions to allow their installations on the interstate system and other controlled access roadways. Lease arrangements are also entered into with private companies where there are residue properties or additional width of the right of way. Consideration has begun for a shared resource arrangement. Telecommunications is an example. There will be a consideration for a change in the policy concerning telecommunications in 1997. The Intelligent Transportation System will cover all of the highways in the years to come. Collection of data, such as weather, roadway information, and vehicle flow will be used to establish and monitor roadways via video cameras. There is a study to widen the roads (I 64) between Williamsburg and Richmond to six lanes, depending upon need. There is an opportunity to share the towers that house the monitoring equipment with telecommunications companies. The Director of Right of Way Policies, Mr. Stuart Waymack spoke about the concerns New Kent County has in regard to these policies. Mr. Waymack stated that they wanted to work with the Board in any way they could, it was not their intent to circumvent anything that the Board may wish to do. They are trying to adapt to the Telecommunications Bill and utilize a resource. There is language in the existing lease that would require anyone who wants to use the right of way, where they (Commonwealth Transportation Board) have not identified a need, must meet New Kent's zoning requirements. Mr. Cogbill said that he would take the County's comments back to the Commissioner and Secretary. Mr. Hennaman thanked Mr. Waymack for his assurances to work with the County as it is a great concern of the Board to maintain a policy as to the Board having input into the land uses within New Kent. Mr. Hennaman asked if any of the Members had any questions or comments. Mr. Lipscomb asked for a better definition of "need". The

reply was that they would have to wait for the results of the study. VACO has been working closely with the Commonwealth Transportation Board in the development of the new policies regarding telecommunications. If a company wanted to locate on the right of way, that company would not be allowed to do so, simply for its own purposes unless it complied with the County's laws and ordinances. There is nothing that requires them (Commonwealth Transportation Board) by law to come in and get the County's approval. But Mr. Waymack's personal policy/position is that he would always work together with localities and if not on a basis where they obtain the County's approval informally, then to solicit comments as they work with the county side by side. Mr. Hennaman thanked them for their presentation.

IN RE: PUBLIC HEARING - CONDITIONAL USE PERMIT CUP-1-96, APPLICATION FROM VIRGINIA TOWER PROPERTIES TO ERECT A 380' GUYED COMMUNICATIONS TOWER ON A PORTION OF THE PROPERTY SHOWN ON TAX MAP AND PARCEL 34-18. THIS PROPERTY IS ZONED A-1, AGRICULTURAL. THE APPLICATION HAS BEEN AMENDED SINCE SUBMITTAL TO ELIMINATE THE ACCESS FROM SHOOTER'S RUN ROAD. ALL ACCESS WILL BE VIA CLARK ROAD (STATE ROUTE 678).

Mr. Hennaman asked Mr. David Maloney to give his report. Mr. Maloney reported that Virginia Tower Properties had submitted an application for a Conditional Use Permit to erect a 380' communications tower on Tax Map and Parcel 34-18. The property is currently zoned A-1, Agricultural. The application has been amended since its original submittal to the County to state that the applicant will access the site via Clark Road (State Route 678). Supplemental information was distributed to the Board. Section 9-83 of the New Kent County Zoning Ordinance does permit communications towers in the A-1 district, and section 9-245 sets forth the minimum criteria for this use. According to the applicant, Virginia Tower Properties has commitments from AT&T Wireless Communications, RAM Mobile Data Radio Communications of Virginia, and GeoTech Mobile Data for the leasing of space on the proposed tower. Included in the supplemental information is a written letter of agreement from the applicant to the County of New Kent reserving space for use by the County (at no charge) at the 380' level for its communication needs in the future. The application has been reviewed by the appropriate agencies including the New Kent County Department of Public Safety, Virginia Department of Health, Virginia Department of Transportation - their comments will be incorporated into the final site plan as approved. The Planning Commission, during its November 18, 1996 meeting voted to recommend approval of this application with the following additional conditions: 1) Space be reserved for County use, which has been provided for; 2) Applicant will mark the tower using alternating red and white bands rather than install a white strobe light; and 3) The applicant will maintain the unimproved portion of Clarke Road during and after construction of the antenna tower. Mr. Hennaman thanked Mr. Maloney for his report and said that he had an opportunity to ride by the site earlier today and has some concerns about the road conditions, but would defer for the time being. Mr. Hennaman asked if any of the Board members had any questions or comments for Mr. Maloney. Mr. Bahr echoed Mr. Hennaman's concerns about the road conditions. Mr. Burrell stated that a large number of citizens who live near by are opposed to the permit - he referred to a letter received by Mr. Hennaman that was distributed to the Members. Mr. Green brought up the road maintenance and suggested that if the permit was passed that there be a guarantee that the road will be improved before the construction, and any damages caused by construction must be repaired after the construction; and, to a great degree maintained by the Tower Company because of the heavy equipment that will be used. Mr. Hennaman verified that the road was state maintained to a point. Discussion amongst the Board members concerning the road maintenance followed. Mr. Tim Hunter of Virginia Tower Properties introduced Mr. Charlie Evans, one of the landowners, Mr. Linwood Highlander, resident of Providence Forge and landowner who would be partners in Virginia Tower Properties, Mr. Mike Hunter, President of RAM Communications, and Mr. Terry Wright, Manager of RCC Consultants.

Mr. Tim Hunter stated that the purpose was to build a 380' tower to support multiple users. The tower has been designed to hold up to 46 users. They have complied with each of the 14 points from the zoning code. They have agreed to do \$2,000 worth of gravel work on Clark Road, and would do whatever amount it took above this amount for them to get their trucks into the property. They have also agreed to repair any damage done during construction and to participate with the other landowners in the maintenance of the road past the completion. Their traffic use would be one to two light automobile visits per week, plus an occasional light truck. Also, they are willing to post a performance bond on the road. Mr. Cornwell clarified that the offer of antenna space is a proffer as well as a proffer for a performance bond, should the Board require the same. Discussion among the Board members followed about the maintenance of Clark Road. Mr. Hennaman thanked Mr. Hunter and Mr. Maloney and opened the public hearing. The following citizens spoke against this permit: Mr. George A. Philbates, Jr., P. O. Box 28, New Kent, Virginia, Mr. William Woodson (who spoke for his father, Meaco Woodson), P. O. Box 47, New Kent, Virginia, Ms. Becky Philbates, P. O. Box 28, New Kent, Virginia, Mr. H. E. Clark, 11 Highland Road, Richmond, Virginia, Mr. G. G. Crump, P. O. Box 57, New Kent, Virginia, Mr. Stanley Clarke, 7112 Sunny Hill Drive, Mechanicsville, Virginia, Mr. Billy Hott, P. O. Box 77, New Kent, Virginia, Ms. Theresa Sally Ogle, P. O. Box 171, New Kent, Virginia, and Mr. Bobby Ogle, P. O. Box 171, New Kent, Virginia. Mr. Charles Evans, 6311 Courthouse Road, Providence Forge, Virginia spoke in favor of this permit. Mr. Hennaman closed the public hearing and asked the Board if they had any discussion. Mr. Burrell suggested that the location could be changed so as not to devalue the surrounding property. Mr. Lipscomb suggested that Clark Road should be maintained at the same standards as other gravel private roads in the County. Mr. Lipscomb made a motion to approve CUP-1-96 with proffers submitted and that Clark Road be used, not Shooter's Run and meet the County's private gravel roads standards of the County Subdivision Law (Section 9-429). Mr. Cornwell commented that the Board could impose conditions upon the use. The Board also may require a bond for the management of the tower and there has been a proffer that a bond be posted on the road after it (tower) is constructed. Mr. Burrell said that the road seemed to be a secondary concern to the tower. Mr. Hennaman asked Mr. Lipscomb to briefly describe the road standards that would have to be met. Mr. Lipscomb stated that the maximum grade on the road would be 12%, maximum speed design would be 35, stop and sight distance would be 240', sub base would be 6" of select VOT type 1, 2, or 3, depth of VOT as base #25 or #26, surface would be gravel and minimum right of way would be 50'. Mr. Burrell made a motion to deny application of CUP-1-96 as presented. In accordance with Roberts Rules of Order the subsidiary motion was acted on first. Mr. Cornwell asked for clarification that the Telecommunications Act requires the Board to set forth written reasons for turn down. Mr. Cornwell asked the Board if the motion was made because the Board determined that the site was not suitable, it would adversely affect the citizens of the area and the value of the property, as it is a historical residential area that is in need of protection by this Board. Mr. Burrell confirmed same. Mr. Hennaman asked if there was any discussion on Mr. Burrell's motion. There was none. The Members were polled.

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

Motion was carried.

The Board authorized counsel to prepare these reasons in writing in regard to the Telecommunications Act.

IN RE: PUBLIC HEARING - ISTE A ENHANCEMENT GRANT FOR ELTHAM VILLAGE
SIDEWALK INSTALLATION AND ISTE A ENHANCEMENT GRANT FOR
PEDESTRIAN CIRCULATION IMPROVEMENTS (SIDEWALKS) IN THE
GOVERNMENT COMPLEX AREA.

Mr. Hennaman asked Mr. Maloney to combine the ISTE A Grants in the interest of time. Mr. Maloney stated that the ISTE A Enhancement Grants pertain to 1) Eltham Village Sidewalk installation and 2) for Sidewalk improvement in and around the County government complex. The first proposal is for sidewalk installation in Eltham from the intersection of State Route 273 and Route 33 east to the 7-11 Food Store in the Village of Eltham (approximately 9/10 of a mile). Staff worked with the Richmond Regional Planning District Commission and Virginia Department of Transportation. Total cost of this project would be \$142,059. There is a 20% local match requirement with the local share of \$28,411. These grants are competitive and there is a slim chance in receiving these funds due to the competition. This grant proposal meets only three of the ten criteria. The second application is for sidewalk improvements around the County Courthouse Complex. This application was submitted last year - it was not funded. No modifications have been made to the application. Total cost of this project is estimated to be just under \$71,000, with a little over \$14,000 being required of the County as matching funds. This project meets four of the ten criteria. It would include the installation of sidewalks along the small parking area to the south of the Administration Building between the Courthouse and the Administration Building as well as the extension improvement of sidewalks around the old courthouse building, linking this complex with the middle school complex. Mr. Hennaman thanked Mr. Maloney for his presentation and asked the Board if they had any questions. Mr. Hennaman opened the public hearing. There were no citizens signed up to speak for either resolution. The public hearing was closed. Mr. Burrell said that they were going to be asked for \$500,000 for the schools - a quote in the paper. These two grant projects total around \$43,000 that the County would be responsible for. The Sheriff's Office has some requests, and while it would be nice to have, the County just can't afford it right now. Mr. Bahr disagreed, saying that it was promised to the citizens. There was no further discussion. Mr. Hennaman asked that they be voted on separately. Mr. Bahr moved that the County apply for the grant for Eltham Village sidewalks, Resolution R-48-96. There was no further discussion. The Members were polled.

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

The motion was defeated.

Mr. Green moved to approve the application for the Enhancement Grant for the Government Complex, Resolution R-47-96. There was no further discussion. The Members were polled.

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

The motion was carried.

IN RE: PUBLIC HEARING - R-40-96 - PAMUNKEY RIVER "NO WAKE ZONE". THIS RESOLUTION AUTHORIZES STAFF TO SUBMIT APPLICATION TO THE DEPARTMENT OF GAME AND INLAND FISHERIES ESTABLISHING A "NO WAKE ZONE" IN THE VICINITY OF WILLIAMS LANDING ON THE PAMUNKEY RIVER

Mr. Hennaman asked Mr. Maloney to give his report. Mr. Maloney stated Ms. Helen V. Williams and Mr. Douglas L. Williams have requested the Board of Supervisors to petition the Virginia Department of Game and Inland Fisheries to establish a "No Wake Zone" in the vicinity of Williams Landing located on the Pamunkey River near Tax Map and Parcels 3-5, 3-5B, 3-5E, and 3-5C. The Williams, in their request, have stated that there have been several incidences when boat traffic in the river caused unsafe conditions for individuals launching their boats due to boat wakes in the river. Furthermore, boat wakes are causing some shoreline erosion in the area. This resolution requests the Board to authorize staff to submit the application as presented. The Williams have indicated they would bear the cost of purchasing and maintaining the necessary buoys. This would essentially entail two buoys, located approximately 500' up river and down river. All law enforcement officials in New Kent County will be authorized to enforce the "No Wake Zone" with the primary responsibility being with the Game Warden. Mr. Hennaman asked for discussion and/or comments from the Board. Mr. Hennaman opened the public hearing. Mr. G. G. Crump, P. O. Box 57, New Kent, Virginia was signed up to speak. Mr. Crump spoke in favor of this resolution. Mr. Hennaman thanked Mr. Crump and closed the public hearing. Mr. Hennaman asked the Members for any discussion. Mr. Lipscomb moved to approve Resolution R-40-96 as presented. There was no discussion. The Board was polled.

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: PUBLIC HEARING - ADMISSIONS TAX AND ORDINANCE O-14-96. THIS ORDINANCE WILL IMPOSE A DAILY ADMISSIONS TAX OF \$.25 ON EACH PERSON ADMITTED TO THE HORSE RACING FACILITY (COLONIAL DOWNS).

Mr. Hennaman asked Mr. Cornwell to give his report. Mr. Cornwell stated that Section 59.1-393 of the Code of Virginia allows the County to impose a daily admissions tax of \$.25 on each person admitted to the horse racing facility. Colonial Downs is familiar with this tax and understands the County will be imposing this tax on ticket sales. Colonial Downs can increase their ticket price to cover this tax. He (Mr. Cornwell) has discussed the process for collection of this tax with Colonial Downs, and Colonial Downs requests the payment process in the draft ordinance. This will result in a direct financial benefit to the County. Mr. Hennaman thanked Mr. Cornwell for his report and asked the Members if they had any questions for Mr. Cornwell. Mr. Bahr clarified that this was a tax on each ticket. Mr. Emerson stated the County would receive this tax even on days the race track did not charge an admission. There were no other questions. Mr. Hennaman opened the public hearing, there were no citizens signed up to speak. Mr. Hennaman closed the public hearing. Mr. Hennaman asked the Board for discussion and/or motion. Mr. Burrell moved to approve Ordinance O-14-96 as presented. There was no discussion. The Members were polled.

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: PUBLIC HEARING - ORDINANCE O-17-96 FOR BURNING REGULATIONS. THIS ORDINANCE AMENDS SECTION 6-5 OF THE NEW KENT COUNTY CODE TO COINCIDE WITH THE CHANGES OF BURNING REGULATIONS DATES IN SECTION 10.1-1142 OF THE CODE OF VIRGINIA.

Mr. Hennaman asked Mr. Cornwell to give his report. Mr. Cornwell stated the provisions of State Code Section 10.1-1142 have been changed as to dates of burning regulations from March 1st through May 15th to February 15th through April 30th. Such change in the State Code requires we amend Section 6-5 of the New Kent County Code in order to be consistent and in compliance with state law. Mr. Hennaman thanked Mr. Cornwell for his presentation and asked the Members if they had any questions. Mr. Bahr clarified this was strictly administrative. Mr. Cornwell said it was to bring New Kent County in compliance with State Code so the County can enforce its ordinances. Discussion followed about it merely being a shift in the dates, not a shortening of the time frame. There were no other questions from the Board. Mr. Hennaman opened the public hearing. There were no citizens signed up to speak on this issue, Mr. Hennaman closed the public hearing. Mr. Hennaman again asked the Board members for any discussion and/or motion. Mr. Bahr moved to approve Ordinance O-17-96 as presented. There was no discussion. The Members were polled.

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: PRESENTATION - ISTEVA CIVIL WAR TRAILS BY PROJECT COORDINATOR, MR. TOM BLEKICKI.

Mr. Hennaman welcomed Mr. Blekicki and asked him to give his presentation. The Virginia Civil War Trails now represent over 64 localities statewide. There are over 200 locations and sites that are part of this effort. This is the fifth year for ISTEVA funding. They are hoping to add over 20 localities and 41 more sites. Mr. Blekicki discussed the benefits this program brings to New Kent County. Mr. Hennaman thanked Mr. Blekicki for his presentation. Mr. Green asked who was responsible for installing the signs. Mr. Blekicki stated they will install the signs, but the County is responsible for maintaining them. Discussion followed about future sites. Mr. Hennaman asked if there was any more discussion and/or a motion. Mr. Green moved to approve the expenditure of up to \$2,000 as matching funds for the development of a Civil War Trails Site at the New Kent County Courthouse. There was no discussion. The Members were polled.

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

Mr. Lipscomb moved to appoint Mr. Raymond Bassetti as District One's representative to the Parks and Recreation Commission for a one year term ending December 31, 1997.

Mr. Hennaman said that if there were no objection, all the appointments would be made and then voted on with one motion.

There were no appointments for District Two.

Mr. Burrell moved to appoint Mr. Charles Moss as District Three's representative to the Parks and Recreation Commission for a one year term ending December 31, 1997.

There were no appointments for District Four.

Mr. Bahr moved to appoint Ms. Ann Cochran as District Five's representative to the Historic Commission for a four year term ending December 31, 2000.

Mr. Bahr moved to appoint Mr. Bruce Howard as District Five's representative to the Board of Road Viewers for a one year term ending December 31, 1997.

Mr. Bahr moved to reappoint Mr. Jim Brabrand as District Five's representative to the New Kent Clean County Committee for a four year term ending December 31, 2000.

Mr. Burrell moved to appoint Ms. Barbara Moss as the County of New Kent's representative to the Hanover Health Advisory Board for the term ending December 31, 1998.

Mr. Burrell moved to reappoint Mr. Norman Anderson as the County of New Kent's representative to the Local Disability Services Board for the term ending December 31, 1997.

Mr. Hennaman asked if there were any more appointments not delegated by district. There were none.

Mr. Green made a motion to approve all the aforementioned appointments. There was no discussion. The Members were polled.

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: MEETING SCHEDULE

The regular meeting of the Board of Supervisors will be held on Monday, February 10, 1997 at 7:00 p.m.
The Planning Commission will meet on Tuesday, January 21, 1997 at 7:00 p.m.

IN RE: ADJOURNMENT

Mr. Bahr made a motion to adjourn. There was no discussion. The Members were polled.

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 11:37 p.m.