

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 11^H
DAY OF MARCH IN THE YEAR TWO THOUSAND TWO OF OUR LORD IN THE
BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

IN RE: ROLL CALL

Julian T. Lipscomb	Present
Rebecca M. Ringley	Present
James H. Burrell	Present
Dean E. Raynes	Present
W. R. "Ray" Davis Jr.	Present

Chairman Davis called the meeting to order.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Raynes gave the invocation and led the Pledge of Allegiance.

IN RE: OTHER BUSINESS

Mr. Davis offered his thanks to Chuck Loving, Dot Goode, Buck Steward, Dean Simmons, Richard Morris, Calvin Sutherland and Burt VanAalst for their help and hard work in the renovation of the BoardRoom. He also thanked Shifflett Carpeting and Old Dominion Construction for their services. Mr. Davis also sent the Board's thoughts and prayers to Deputy Wiggins and his family who lost their house in a fire this week.

IN RE: CONSENT AGENDA

Mr. Ellyson presented the Consent Agenda, which consisted of the following: approval of Minutes of the February 11, 2002 work session, February 11, 2002 regular meeting, February 14, 2002 continuation session, February 27, 2002 Joint Session with the School Board, and March 5, 2002 Budget Work Session; under Miscellaneous, road name additions: Old Hunt Club Road, Low Country Lane, and Laurel Acres Lane; Refunds totaling \$717.49, which included \$385.00 to James S. Redman for pre-paid building permit application fee and \$332.49 to John and Mary Stewart, for difference in building permit fees; Appropriations for FY2001 -2002: to appropriate V-Stop Grant Funding totaling \$34,372.00; to appropriate additional Compensation Board funding totaling \$9,036.88; to appropriate additional monies for Tanker 33 (formerly known as Tanker 3) totaling \$1,551.48; to appropriate Virginia Wireless E-911 Service Board Funding totaling \$83,743.00; to appropriate monies for the purchase of LiveScan equipment totaling \$28,254.00, for a Total Supplemental Appropriations of \$156,957.36, \$128,446.88 Money -in/Money -out and \$28,510.48 From General Fund Balance; Budget Transfers for the month of February, 2002; Monthly Revenues during February 2002 - \$1,721,243.47; Monthly Expenditures during February 2002 - \$2,057,849.77; and Treasurer's Report showing cash as of January 2002 - \$16,542,342.05. Mr. Ellyson also thanked Treasurer, Herb Jones, for coming back from his active duty assignment in order to provide current information.

Mr. Burrell corrected his statement in the minutes of the February 27, 2002 meeting with the School Board to read "...when new schools are built, population increases more rapidly."

Ms. Ringley made a correction to the spelling of the name of Cal Curling on page 3 of the minutes of the Budget Work session on March 5.

Subject to the corrections to the minutes, Mr. Lipscomb moved to approve the Consent Agenda. The members were polled:

Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Ms. Becky Philbates addressed the Board concerning the proposed reimbursements for septic tank pump outs. She is against the County making these reimbursements. She indicated that she had received a similar letter in error, found her receipt and provided it to the County. She urged the Board not to make any reimbursements.

Mr. George A. Philbates complimented the Board on the Boardroom renovations and the speed with which they were accomplished. He next addressed the Board concerning the tax revenues being lost by the County in not having a meals tax. He stated that he pays a meal tax when he eats in other localities and feels that residents from other localities should have to pay a meal tax when eating at establishments in New Kent County. He urged that the Board of Supervisors seriously consider this issue.

IN RE: ELECTED OFFICIALS REPORTS

Mr. John Crump, Commissioner of Revenue, appeared and reported on the status of BPOL filings to date. As of March 11, 2001, the amount collected was \$382,712. As of March 11, 2002, the total collected is \$410,382. 594 businesses have renewed their licenses and he expects more during the year.

He also indicated that all preliminary work has been completed on personal property, and he is ready to send the information to NADA to have it assessed and returned for further analysis. He hopes to have the information available for budget considerations.

Mr. Crump also addressed the Board regarding a meal tax. He urged the Board to reconsider that issue and present it again to the public.

Mr. Crump briefly reviewed his recent visit to Kent, England. Although Kent, England has a population of 1.3 million, their needs and concerns are similar to those of New Kent. They are concerned with growth and urban sprawl, and have put a number of tools in place in order to protect their community as well as provide for business growth. Mr. Crump was able to meet with two members of the Kent Council as well as the head of economic development. Kent's

priorities are to take care of existing business, encourage entrepreneurs and small businesses, and then to encourage new big business. Mr. Crump will be providing more detailed information in the future, but did present to New Kent County's Chairman of the Board, a Kent County Guide from Kent's Vice Chairman. He noted that the coat of arms of Royal New Kent is very similar to the Kent County coat of arms. He also indicated that he would be sharing information with George Homewood, Planning Director. Mr. Crump reported that he had presented copies of Dr. Harris' volumes of New Kent: Our History to the Kent Council, and noted many similar names in the two localities.

Mr. Davis inquired whether Mr. Crump thought there would be any interest among county residents in purchasing a County flag. Mr. Crump reported that he had been asked by at least two organizations about obtaining a county flag, but cannot estimate how many others might be interested. Mr. Davis inquired of Ms. Ringley about VaCo's request for a county flag. She indicated that VaCo had one in the past and she will follow up with them. Ms. Ringley stated that individual citizens would more than likely prefer the size flags that are attached to homes. Mr. Davis asked that citizens and businesses give the Board some feedback as to whether there would be an interest in ordering county flags.

Ms. Ringley reported that New Kent was very well represented this past week at the Odyssey of the Mind competition in Hanover County. There were five teams from the Middle School and one from the High School. Two of those teams are advancing to state competition in first place. She commended the team members and their coaches for all their hard work.

Mr. Burrell reported on a meeting with the Colonial Community Criminal Justice Board. He reported that New Kent and Charles City have formed an interagency, with members from Social Services, Quin Rivers, Sheriff's Department and the Schools. Their next meeting is in May and he will keep the Board advised.

Mr. Burrell further reported that there is a meeting Thursday morning of the Richmond Metropolitan Convention and Visitors Bureau, and on Friday morning of Central Virginia Waste Management Authority, and he will have reports on both next month.

Chairman Davis reported that everyone is working very hard on the Budget.

STAFF REPORTS:

Mr. Ellyson reported on the costs of the improvements to the Boardroom: to remove and install the seating-\$1,050; new podium-\$392; to remove the paneling-\$750; installation of the wallboard and preparation of surfaces for painting-\$1,850; painting of the walls-\$775; install and stain chair rail-\$511.62; refinishing rail-\$185; clock-\$35.69; folding tables-\$332.98. Although a bill for the carpeting has not yet been received, that estimate was \$6,928.87. Total expected expenditures total \$14,881.16 against a budget of over \$90,000.

Mr. Ellyson reported that a contractor had requested some type of credit for the extra cost incurred in connection with the requirement to have a back up generator.

Mr. Ellyson reported that all paperwork had been issued for the Strawberry Hill race that is scheduled for April 13.

Mr. Ellyson reported on the LiveScan system funding. Of the total cost of \$28,254, the County's share was \$8,921. \$4,000 was allocated from other sources in the Sheriff's current budget and the balance was paid from new money.

Mr. Ellyson requested, in connection with the bids on the Fire Station and Maintenance Garage, that he be permitted to negotiate a contract with the low bidder for the Fire Station and that the bids for the Maintenance Garage be rejected and the County proceed with design -build negotiation.

Mr. Ellyson also reported that the cable franchise with Cox Communications will expire October 12, 2002, and the County will need to determine how it wants to proceed.

Mr. Ellyson reported that the Fire Engine is proceeding on schedule. The Tanker will be in this Friday or Monday. The rescue squad unit for Quinton will be in shortly. The radio system is status quo, testing is still being done, and installation of repeaters seems to be helping.

Mr. Burrell inquired about the installation of a large overhead monitor for public use in the Boardroom. Mr. Ellyson reported that the Board had given him permission to spend a little under \$15,000 and he had stayed within those guidelines, although he had given some consideration to such a monitor. The Board requested that Mr. Ellyson obtain a price for installation of this equipment.

Mr. Ellyson also suggested that a proposed Resolution be adopted, establishing procedures when a bid exceeds available funds, which would permit negotiating with the low bidder. Mr. Ellyson read the Resolution for the Board and the citizens. He reported that this was an internal procedure and not subject to advertising or public hearing, and can be voted on at the discretion of the Board. Mr. Burrell moved to adopt Resolution Establishing Bidding Procedures When a Bid Exceeds Available Funds. The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
Julian T. Lipscomb	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion carried.

Mr. Ellyson also asked for a Resolution to allow the County Administrator to negotiate with the low bid contractor on the Fire Station. Mr. Lipscomb moved to adopt Resolution Authorizing County Administrator to Negotiate With Lowest Bidder. The members were polled:

James H. Burrell	Aye
Dean E. Raynes	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
W. R. "Ray" Davis, Jr.	Aye

Mr. Ellyson reported that Grand Metro was the low bidder.

Mr. Ellyson also requested that the Board pass a Resolution rejecting all bids on the Maintenance Facility and enter into a design-build procedure to come closer to the budgeted price. Mr.

Lipscomb moved to permit the County Administrator to reject all bids on the Maintenance Facility and to go forward under the State Code to procure a contract through the design-build process. The members were polled:

Dean E. Raynes	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye

Mr. Lipscomb addressed the Board on Mr. Ellyson's report regarding a contractor's request for credit resulting from the County's requirement for back-up generators. Mr. Lipscomb reported that the contractor, Pete Sweet, had all of his preliminary plans approved by the County prior to the time that the generators were required. This requirement for a generator increased the cost of his water system by \$8,000 per lot. It was reported that Mr. Sweet had 49 lots. Mr. Sweet has requested that the County increase the hook-up fees in his subdivision, and from those funds reimburse him for the generator expenses. Mr. Lipscomb indicated that a similar situation had occurred in the Greenwood subdivision where hook-up fees were increased and credits were given the developer for increased costs incurred with putting in extra pumps, etc.

Ms. Ringley inquired if Mr. Sweet had been asked to do something above and beyond what was required by county ordinance. Mr. Larry Gallaher, Director of Public Safety, responded that what was required of Mr. Sweet was not above and beyond anything and, in fact, the final approved fire flow retention storage amount was less than what used to be required, in that the duration requirement was reduced from 120 minutes to 90 minutes. This reduction was done by policy and not just for Mr. Sweet's system. Mr. Gallaher reminded the Board that the generator requirement and fire flow requirements are two different things. Having a generator for fire flow purposes is desirable, but not a requirement. Mr. Sweet's fire flow is adequate.

Ms. Ringley indicated it was her understanding that Mr. Sweet wanted to put a generator on the system anyway. She further indicated that she did not have enough information to have an opinion at this time.

Mr. Ellyson reported that Mr. Sweet began his process during the time when generators were not required and by the time he got his final paperwork ready, the new ordinance had passed.

Mr. Charles Loving, Director of Public Utilities, indicated that Mr. Sweet had submitted preliminary plans for the Quinton Park subdivision prior to the time that the requirement for a generator went into effect. However, Mr. Sweet did not submit his final plans until several weeks or months after the time that the requirement for generators went into effect. There were several issues relating to his design that were not completed, and he had not obtained State approval for the system. It is Mr. Loving's information that Mr. Sweet is still waiting for final approval from the State. Mr. Loving reported a somewhat similar situation in the Woods Edge subdivision, which had met all of the requirements, but because of some technical delays, its final approval came a week or so after the new law had passed. Mr. Loving reported that he had discussed the generator issue with Mr. Sweet both before and after the ordinance had passed, and had shared bidder information with him with the thought that he could "piggyback" with the same contractor. Mr. Loving reported that Mr. Sweet was asking for a 50% rebate on connection credits for the water system, because he had started his project in good faith before the ordinance was passed. The cost to install a generator on the system is estimated to be \$50,000, for which he had not

budgeted. Mr. Loving also reported that the fire flow duration reduction eliminated Mr. Sweet's need for one tank.

Mr. Davis suggested that it was premature to even consider this issue until such time as Mr. Sweet has received final State approval.

Mr. Raynes wanted to confirm that it was Mr. Sweet's request that the water connection fees in his subdivision be increased, and that a portion of it be paid to him to help defray his costs for the generator.

Ms. Katz, the County Attorney, advised that this matter be deferred until next month so that she can get further documents from Mr. Sweet in order to render an opinion.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Robbie Prezioso, Resident Engineer from VDOT, applauded the improvements to the BoardRoom. He also updated the Board of Supervisors on VDOT work in the County. Crews have been working on removing large trees and chipping their remains on primaries and interstates; pouring shoulders on primaries, Route 155 and Route 60; repairing damaged cross pipes; patching potholes; grading the dirt roads; replacing signs along Route 60; sweeping bridges; and removing debris with the help of the Sheriff's Department. Construction is currently at a minimum. The West I-64 Rest Area has received final approval and he anticipates that the contractor will be able to start by April 1. The completion date remains at July 1 but may change. The General Assembly has passed a budget, and VDOT fared better than anticipated. He hopes to have some projections by the end of the week. He also reported that their office will start rotating staff for the meetings, and that he personally will be reporting to New Kent only every other month.

In response to an inquiry from Mr. Lipscomb, Mr. Prezioso indicated that they are still planning to pave Route 608 this year.

Mr. Burrell indicated that he had already telephoned Mr. Prezioso with his concerns.

Mr. Davis inquired about VDOT's efforts to remove dead trees along the highway. Mr. Prezioso reported that some had been removed along the primaries and the interstate. Mr. Ellyson reported that many dead trees remain along the highways. Mr. Prezioso reported that this is a challenge for their crews as often they are mainly focusing their inspections at the roads and ditches. He asked that citizens and county staff assist them in identifying and reporting dangerous trees. It is VDOT's goal to identify the trees and remove them if they are in the right of way, or work with the property owners if the trees threaten the roadway.

Mr. Davis asked about the progress of alleviating the traffic back up on Route 33 at Eltham. Mr. Prezioso indicated that a report is in and that he will send it to Mr. Ellyson to share with the Board.

ITEM 1: PRESENTATION BY TOM PREVETTE OF COX COMMUNICATIONS.

Mr. Prevette apologized for missing last month's meeting because of illness in his household. He described Cox's intent to move forward in New Kent County. He reported that Cox has owned this franchise for two to three years, and was in the last phase of upgrading its service area which extends from Currituck County in North Carolina, up to New Kent, West Point, King

and Queen and Gloucester. Preliminary engineering is expected to be underway by the end of 2002 to upgrade the system in New Kent. Upon completion of the engineering/design work, it is their intent to complete the upgrade by the end of 2003. Upon completion of the upgrade, Cox will have installed a relatively extensive fiber optic and coaxial cable system (hybrid fiber coax broadband distribution system) with some new upgraded electronics that will have the ability to offer significantly enhanced service in New Kent. It will provide for 78 channels of analog television cable service, and the ability to add optional digital service. The new system will have a 750 megahertz band width, the biggest part of which will be taken up by the 78 channel basic service. Cox will have the ability to digitally compress other video signals from satellites and offer those as a option digital tier of approximately 150 channels. 40 of those would be commercial free and uninterrupted music, 40 channels of pay per view, multiple channels of HBO and Cinemax, and about 20 extra basic service channels. Additionally, once the hybrid fiber coax system is energized, Cox will also be able to offer citizens in New Kent a cable modem high speed internet access service. This will give a subscriber the ability to achieve speeds that are 50 - 100 times faster than the current dial up modem. He anticipates that it will take 2 - 3 years for Cox to be able to offer competitive telephone service in New Kent County and King and Queen due to their less-densely populated areas, but they are looking at technology known IP Telephone Service to accomplish that. Mr. Prevette also reported that part of the upgrade will include installing back up batteries along the distribution service so that if power is lost, the batteries will give at least 6 hours of system support.

Mr. Lipscomb inquired as to when cable would be made available to the more rural areas. Mr. Prevette indicated that there is a density requirement of 20 - 25 homes per mile of linear cable. He asked that Cox be advised of the areas that do not have service and they will consider those.

Mr. Burrell asked if there is presently any fiber optic cable in New Kent. Mr. Prevette indicated that there may be some fiber optic cables that had been installed to reduce the cascades (signal repeaters) but none to add additional channels. Mr. Burrell indicated that the former owner promised system upgrades years ago. Mr. Prevette committed to the Board that the entire system would be upgraded by the end of 2003.

Mr. Burrell also asked Mr. Prevette about the quality of the broadcasts of our Board meetings. Mr. Prevette reported that once the system is upgraded, it will transmit the signal more reliably. The current system is analog and Cox is working to improve and maintain that system until the upgrade. He indicated that he would speak with the engineers about these problems and get back with the Board.

Mr. Lipscomb asked about Cox's policy regarding pre-wiring for cable television in new subdivisions. Mr. Prevette reported that sometimes they do bury some conduit, but in many instances, the conduit tends to get damaged during construction. Mr. Lipscomb reported an instance in Greenwood where one homeowner paid for the entire cost of installing cable TV line down the street.

Ms. Ringley asked if cable internet access would be available by the end of 2003. Mr. Prevette indicated that it would, and he described the various fees and the process of hooking up to that service. Retail rate of installation is \$150, but there are often discount rates as low as \$50 at the time that the service is launched. The monthly rate is \$34.95. Cable modems can be purchased at Circuit City or Best Buy for around \$100, or a subscriber can rent one from Cox at \$15 per month. This monthly fee is competitive with the costs involved with dial up modems of those who also pay for a dedicated phone line.

Ms. Ringley also passed on citizen concerns about the lack of posting of upcoming programs or local events on either the community access channel or in the local papers. Mr. Prevette was given the names of the local newspapers that serve New Kent and promised to address that issue.

Mr. Davis brought up the problem with aerial cable being installed too low, and buried cable being installed too shallow. Mr. Prevette reported that the aerial cable should be installed no lower than 18 feet if crossing over a street, and 16 feet in other areas. Main cables should be buried at 18 - 24 inches, and individual subscriber wires at 10 - 18 inches. Mr. Davis reported his problems, as a farmer, in dealing with these cables. Mr. Prevette asked that the specific addresses be provided and he would see that they are taken care of.

ITEM 2. PRESENTATION: Richard S. Ellyson, regarding septic tank pump outs

As a follow up to the discussion held last month, Mr. Ellyson addressed the Board regarding proposed reimbursements to those residents who had their septic tanks pumped out in response to letters sent to them in error by the Planning Department. Mr. Ellyson reported that 5,757 systems are located in New Kent County. Letters were sent out to owners of 3,200 septic systems. Of those 3,200 letters, 847 (26.5%) were sent to homes that had been removed from the Chesapeake Bay area and were not required to pump. Of those 847 owners, only 103 (12.2%) pumped their tanks. The total dollar value of the pump outs that were not required is \$15,035, an average cost of \$146 per septic system. The highest paid was \$285 and the lowest \$135. Board members were provided with staff information regarding this matter, as well as copies of literature from the Health Department and Virginia Tech regarding recommendations on pumping septic tanks.

Mr. Lipscomb stated that these residents were taken out of the Chesapeake Bay Act area over a year ago, and were no longer required to have their tanks pumped and should not have received the letters. The letter stated that they were required to have their septic tanks pumped, and they complied.

Ms. Ringley remarked that out of the number of people who got the letter who should have pumped out, it appears that 676 have not. Mr. Ellyson reported that the Planning Department is looking into sending out second notifications, and also reported that the County is looking into enforcement of the requirement. According to Ms. Katz, the County Attorney, when the Code was revised, the regulations were moved from the Planning section to the Environmental section but did not repeat the penalties in that section. She further indicated that there were general injunctions, and that the requirements can be enforced, but she would suggest that follow up letters be sent out.

Mr. Raynes remarked that he felt that septic pumping was desirable in most places, in that it prolongs the life of the drain fields and septic systems. He acknowledged that it is not the Board's job to make people "do smart things" but thinks the County should consider a county-wide requirement.

Mr. Lipscomb stated that the life of a septic system depends on the number of people in the household. The County made a mistake in this instance and these people should be reimbursed.

Mr. Burrell stated that the letter told these people that their systems needed to be pumped out. He

remarked that not everyone keeps receipts or has good memories. He cannot argue with the fact that 103 people pumped when they did not have to.

Mr. Raynes commented that reimbursement of these 103 people would more than likely result in others coming forward for reimbursement, and will cause additional problems for an already over-worked Planning Department. There were also people inside the RMA who got the letter in error, as they had pumped their tanks out within the last five years. This could go on and on and never stop. He sympathized with these homeowners but unless each one came to the Board and addressed their situations individually, he does not think the County should consider reimbursements.

Ms. Ringley pointed out that some of these 103 people may not even be in these homes. The date of pumping listed on one is before the letters were mailed out. She reported that she had 3 people ask her about it, who indicated that they questioned it, did not have to pump and didn't. She cannot understand why people didn't question the letters before they had their tanks pumped. She further stated that 46 of the 103 people live in her district and not one has called her. She had to agree with the earlier citizen comment that you should question something before you pay it.

Mr. Lipscomb made a motion to reimburse the homeowners who had been removed from the RMA and had pumped their tanks after receiving the County's letter. The members were polled:

Julian T. Lipscomb	Aye
Rebecca M. Ringley	Nay
James H. Burrell	Aye
Dean E. Raynes	Nay
W. R. "Ray" Davis, Jr.	Nay

The motion failed.

ITEM 3. PRESENTATION: Richard S. Ellyson regarding Resolution R-04-02, Amending Small Purchase Procedures for the County.

Mr. Ellyson reminded the Board that this Resolution was presented at the February 11 meeting in order to amend the small purchase procedures to put the County in line with the State. The limit is currently \$20,000 and this Resolution would raise the limit to \$50,000. He recommended that the Board defeat Resolution R-04-02 and leave the limit at \$20,000.

The Resolution was withdrawn and the current procedure is still in effect.

ITEM 4. PRESENTATION: Richard S. Ellyson, regarding Resolution R-06-02, Approval and Acceptance of a Deed of Gift from Chesapeake Forest Products Company, LLC, a Virginia limited company, and The Board of Supervisors of New Kent County, Virginia, conveying 0.057 acres as depicted on "Plat Showing Pump Station Lot and a 25' Ingress/Egress Easement Lying West of Kentland Court, Cumberland District, New Kent County, Virginia".

This item of business was deferred until the April meeting in order to get the title in proper order.

Mr. Davis announced a short recess at 7:44 p.m. The meeting reconvened at 7:51 p.m.

ITEM 5. PUBLIC HEARING: Conditional Use Permit CUP-08-01: SBA Properties, Inc., an agent for Triton/SunCom, has applied for a conditional use permit to construct a 141' monopole multi-tenant wireless communications tower.

George Homewood, Director of Planning, reviewed this application to construct a 141' monopole multi-tenant communications tower on property located on the north side of Pine Fork Road and identified as tax map parcel 21-82. The property is zoned A-1 and an existing 107' telecommunications monopole is located approximately 125' east of the proposed tower location on the same property. He indicated that this application has raised the question whether tower clustering constitutes co-location, as encouraged by the County Comprehensive Plan.

The existing 107' tower holds two PCA antenna array plus a whip antenna or lightning rod on the top. While structurally capable of holding an additional antenna, it is too low and, according to the applicant, the current owner is not willing to increase its height.

Propagation studies were provided, which showed that the carrier currently has a void in coverage along the I-64 corridor and demonstrated that the proposed tower would close the coverage gap. These studies also showed that there are no co-location opportunities other than the tower already on the property, which is too short for the applicant's needs.

The applicant has stipulated that the tower will be engineered to permit up to four PCS type antenna arrays and will reserve a position on the tower for County use, which meets the County's requirements for providing appropriate co-location opportunities on any newly erected tower.

At 141' feet, this tower will not be required to be either painted or lighted. However, the New Kent County Airport Manager has recommended that it be both lighted and painted, and that its height be reduced by 50'. Mr. Homewood indicated that it is important to note that the tower is designed to meet all applicable airport safety requirements and these requests are above and beyond measures to further the interest of safety. The Airport Manager and applicant have agreed to let the FAA make the final call.

The applicant, as required, conducted a publicly advertised community meeting and balloon test on Monday, January 14, 2002.

One of the questions to consider in this application is whether to cluster towers together or to spread their visual impact along the Interstate. There are a number of localities in Virginia who have chosen to cluster towers in fewer locations rather than spreading them out in more locations.

Mr. Homewood reported that the proposed tower meets all of the basic criteria of the Comprehensive Plan and that the applicant has diligently searched for acceptable alternatives to erecting a new tower. Given the apparent need for construction of the tower, staff feels that the location alongside the existing tower is generally better than building in a new location. The visual intrusion already exists and little additional intrusion will be imposed on the surrounding viewshed.

Mr. Homewood reported that at its January 22, 2002 meeting, the Planning Commission reviewed and unanimously approved this application subject to conditions. The staff likewise recommends approval, subject to the conditions listed in the proposed Resolution R-05-02.

Upon inquiry from Ms. Ringley, Mr. Homewood confirmed that the existing 107' tower is located on the same property.

In response to an inquiry from Mr. Davis, Mr. Homewood reported that there had been no response from the FAA, but he would defer that question to the applicant.

Mr. Homewood also deferred questions about the proposed carriers to the applicant, although it is his understanding that there were seven carriers gearing up to offer service in this area.

Mr. Homewood then gave the floor to Brennan Keene, who appeared on behalf of SunCom, and briefly reviewed the application. He indicated that the existing tower on the property has a total height of 125', consisting of 107' for the tower structure and the remainder is a very tall lightning rod. The ground elevation between where the locations of the existing tower and the proposed tower, drops by four feet. The difference in height between the two towers will be 12 - 13 feet. The existing tower has two carriers on it, Intelos and Sprint. The next available slot on that tower is at 75 feet, which is too low for the requirements of SunCom to provide coverage. It is a fairly short tower, because the towers along this section of I-64 are limited by the Airport Overlay Zone and by FAA Regulations.

Mr. Keene represented that the January 14 community meeting was advertised in the newspaper, and 37 notices were sent out to property owners. Two property owners did come to the meeting and the response was generally positive. The one request from the citizens at the meeting was to avoid having to light the tower.

In studying the safety of the tower, they looked at the FAA approval of the existing tower, which gave approval of an elevation of up to 263 feet above mean sea level. The proposed tower will be about exactly that. They also provided their staff with a study by a group called ASAC which was done by engineers who go through FAA regulations and can advise whether a proposed tower will require FAA approval and if so, what kind of restrictions will apply.

Mr. Keene requested that the Board approve this application.

Ms. Ringley asked if any carrier would be able to use the 75' foot location on the existing tower. Mr. Keene indicated if the tower was 190', they would have no problem co-locating there. Unfortunately, the bottom slot is so low and below the tree line in some cases, and the line of sight just doesn't work, at least not for their technology.

Mr. Burrell asked if the existing tower can be extended. Mr. Keene indicated that the owners of the existing tower were not willing to have the down time required to extend the tower.

At Mr. Davis' inquiry, Mr. Keene reported that the carriers on the existing tower do not plan to move to the proposed tower at the current time. Those carriers are currently in long-range leases with the owner of the existing tower, and generally don't like to move because of the lost air time involved.

In response to Mr. Davis' inquiry, Mr. Keene reported that there would be room for four carriers on the proposed tower. The proposed tower is 137 feet with a short lightning rod, and has 30 more feet of tower space than the existing tower. He also indicated that if a slot is 75 feet from the ground but is located on higher terrain, it could be probably used by a carrier.

Mr. Davis asked how close together on a tower antennas can be spaced, and how many total

antenna can be placed on a single tower. Mr. Keene reported that antenna can be as close together as 10 feet. He also reported that monopoles were limited in their structural integrity by their weight. On a freestanding tower, if enough steel is used, it can carry the weight of additional antennas. What is typically manufactured would only hold four or five carriers. The most carriers he has ever seen on a tower, shorter than 200 feet, is five.

Mr. Keene reported that they have had no response from the FAA but they do feel confident based on the ASAC study and the 1999 FAA approval of the existing tower.

Mr. Davis opened the Public Hearing.

Mr. George Simmons spoke in favor of approval of the application. He is a voter and a businessman. He cited the need for cell service in this rural area and often finds that he cannot communicate with his employees because of lack of service. The proposed tower will be located in his back yard, and as a homeowner, he has no objection. Regarding the Airport Manager's concerns, he does not believe that the tower would be in the path of the runways and he does not think that it needs to be lighted. He urged the Board to favorably consider towers that are at 175' and unlighted for the County. He has noticed clustering of towers throughout other parts of the country. He represented that towers are clean and can provide tax income for the County and urged the Board to approve the application.

There being no one else signed up to speak, Chairman Davis closed the Public Hearing

Mr. Burrell made a motion to adopt Resolution R-5-02, approving Conditional Use Permit No. CUP-08-01, as presented. The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
Julian T. Lipscomb	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion carried.

ITEM 6. APPOINTMENTS

The Board will continue to make appointments to various committees.

Mr. Lipscomb had no appointments for District 1.

Ms. Ringley had no appointments for District 2.

Mr. Burrell had no appointments for District 3. He suggested that no further appointments be made to the Youth Services Commissions until it is determined if the Office of Youth will receive funding.

Mr. Raynes moved to appoint Bob Robertson as District Four's Representative to the New Kent Clean County Committee to complete a four-year term ending December 31, 2004.

Mr. Davis had no appointments for District 5.

Ms. Ringley moved to appoint Mary Buchanan as New Kent County's representative to the Building Code Board of Appeals for a four-year term beginning January 1, 2002, and ending December 31, 2005.

Ms. Ringley moved to appoint George Homewood as New Kent County's alternate representative to the Metropolitan Planning Organization to complete a four-year term ending December 31, 2003.

The members were polled:

James H. Burrell	Aye
Dean E. Raynes	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
W. R. "Ray" Davis, Jr.	Aye

The motions carried.

Chairman Davis announced that the meeting was continued until March 18, 2002, at 9:00 a.m. in the Old Courthouse.

The meeting was recessed at 8:16 p.m.
