

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 11TH DAY OF JANUARY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-NINE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6 :01 P.M.

IN RE: ROLL CALL

James H. Burrell	Present
Mark A. Hennaman	Present
Frederick G. Bahr	Present
Rebecca M. Ringley	Present
Julian T. Lipscomb	Present

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: CONSENT AGENDA

Mr. Emerson reviewed the consent agenda, which consisted of the following: Approval of minutes from the December 14, 1998 work session with Judge Long, work session with Greenhorne & O'Mara and the regular meeting; Refunds concerning personal property taxes and real estate taxes that total \$8,203.83; Appropriations for new state funding (no local match) for Schools Technology Literary Challenge Grant - \$56,335.00 from Revenue to Expenditures, additional funding from the Compensation Board for the Treasurer' Office for the reimbursement of administrative costs associated with the implementation of the Personal Property Tax Relief Act - \$5,323.00 from Revenue to Expenditures, funds from DCJS for V-Stop Grant - \$15,800.00 from Revenue to Expenditures, and additional funding for legal expenses in the County Attorney' budget to cover the remainder of the year forecast -\$41,400.00 from Revenue (Fund Balance) to Expenditures for total supplemental appropriations of \$118,858 .00, Finance Report showing monthly expenditures for December 1998 of \$2,323,236.39; and there was no Treasurer's Report. Mr. Bahr made a motion to approve the consent agenda as presented.

James H. Burrell	Aye
Mark A. Hennaman	Aye
Frederick G. Bahr	Aye
Rebecca M. Ringley	Aye
Julian T. Lipscomb	Aye

IN RE: CITIZEN'S COMMENT PERIOD

The first citizen signed up to speak was Mr. R.E. Piper, who passed. The first person to speak was Ms. Becky Philbates. Ms. Philbates was concerned because she was not aware of the shelter the County opened during the power outage caused by the ice storm, and she would have liked to use the showers. She suggested in the future the ministers be called and asked to spread the word. She thought it could have been handled better. The next person to speak was Mr. Bob Alley. Mr. Alley asked to hold his comment until Item 3. The next person to speak was Mr. George Philbates. Mr. Philbates congratulated those who came in during and after the ice storm and did such a wonderful job. Mr. Philbates also spoke in favor of the proposed motorcycle shop. The next citizen to speak was Mr. Billy Hott. Mr. Hott also thanked Virginia Power and VDOT for doing a wonderful job. He suggested a reminder be sent with the

tax bills on where the shelter will be during emergencies. The next person to speak was Mr. Stran Trout. Mr. Trout created an internet site for the County which lists links to businesses and organizations, agendas for Board meetings, high school sports schedules, economic development information, and he is looking for more information. Mr. Trout was also concerned about the water systems when the power was out. He suggested back up generators. He was concerned about pressure in the water lines for firefighters in the event of a fire. The last person to speak was Ms. Thelma Crump Wilson, who wished everyone a happy new year. She appreciated the Board's service during the past year. Mr. Hennaman stated, for the benefit of the audience, the Board would not be taking additional comments on Item 3, as the public hearing was in December. Mr. Bob Alley said he was a business person in New Kent and owned the Eltham Mobile Home Park that adjoins the proposed motorcycle shop. He was in favor of this shop - the building is not seen from the road, and there won't be any debris to disturb the neighborhood.

IN RE: ELECTED OFFICIAL'S REPORTS

Mr. John Crump, Commissioner of Revenue, reported on the communications towers located in the County and the types and ways revenue can be derived from them. He has worked with the Planning Department, FCC and SCC in identifying the towers located in the County as well as ownership of these towers. His office will be working on collecting back taxes on applicable towers. He will be meeting with other Commissioners of Revenue and the SCC next week to discuss the way information is presented by the SCC, and other information concerning towers. He will prepare a report on the meeting and forward it to the Board. Also, regarding the Personal Property Tax Relief Act, you must pay the tax before you receive a refund. In the future the amount of the bill will be reduced before it goes out - for those vehicles that apply - so there will not be a refunding process.

Ms. Ringley discussed the possible movement of the truck weigh station. She commended the Sheriff's Department, Larry Gallaher, and all the citizens who helped during the ice storm. She hoped Virginia Power would consider upgrading their infrastructure in the County.

Mr. Burrell thanked VDOT and the citizens who helped with chain saws during the ice storm. He asked if VDOT and Virginia Power could meet with Public Safety to develop a strategy to deal with this type of problem in the future. Also, he understood the 911 system was not functioning at times and he was concerned about this issue. There also seems to be a problem with the response time from the recycling company to empty the trash bins.

Mr. Hennaman asked the members if they should request a representative from the Governor's Office to be present at the next meeting to explain their lack of action. He commended the Virginia Power linemen for their work. He also was concerned about the weigh station proposal sponsored by Delegate Grayson and Senator Stosch. Regarding the airport situation, he thought since they were pursuing a viable arrangement where the airport could remain open and not bleed the coffers of the County, the Board should consider looking at the letter they sent to Senator Robb and Congressman Scott. He felt a letter should be sent containing a paragraph or clause where they would not hesitate to revisit in the future the possibility of the forgiveness of grants and the possible closure of the airport if the current or future management situation turns out not to be viable.

Mr. Bahr concurred with the other members regarding the weigh station and VDOT, Virginia Power and others who worked so hard during the ice storm. Regarding the airport, he has drafted a letter he will circulate to the Board.

Mr. Lipscomb recognized Richard S. Ellyson, the newly appointed Treasurer and asked him if he would like to say a few words. Mr. Ellyson pledged his cooperation to the Board and said he looked forward to

working with them and the citizens of New Kent County. Mr. Lipscomb said the other Board members had covered most of his concerns. He had been involved in a meeting with the Sheriff, Mr. Gallaher, Mr. Emerson and the County Engineer to discuss the ice storm and the wells. The information will be covered in Mr. Gallaher's report later tonight.

IN RE: STAFF REPORTS

Mr. Gallaher reported on the Insurance Services Office rating the County received. This rate determines the rate structure regarding home insurance policies. They have now developed a Building Codes Effectiveness Rating Schedule, which deals with how well the County enforces the building codes.

Mr. Cornwell gave a report on the recent bid opening for repairs at the courthouse. Mr. Roger Hart from R. Stuart Royer, the County's consulting engineer, said they received six bids and the lowest bidder was Grand Metro of Quinton with a bid of \$105,700, which includes replacement of all the windows. The Board members discussed the bid and the courthouse repairs. Mr. Bahr made a motion the county administrator be authorized to enter into a contract with the recommended bid with Grand Metro Builders.

James H. Burrell	Aye
Mark A. Hennaman	Aye
Frederick G. Bahr	Aye
Rebecca M. Ringley	Aye
Julian T. Lipscomb	Aye

Mr. Charles Loving, Director of Public Works and County Engineer, gave a report on the issue of back up generators for the water systems. To purchase eleven standby generators it would cost \$250,000 for the equipment plus installation costs and maintenance costs for domestic water pressure only, they would not be able to handle fire pumps. If the equipment was leased it would be about \$1,500 per day or \$14,025 per month, per unit to guarantee there would be a generator in case of emergency. The Colonial Downs system was working during the ice storm with water available, and they tried to let the citizens know about this through the Sheriff's Office. Discussion followed among the Board on the feasibility of purchasing or renting the generators. Mr. Hennaman asked if staff would check into the cost of how much of a water rate increase it would be if the generators were installed. Mr. Emerson said they would compile the information and bring it forward during the budget process.

Mr. Emerson reported, regarding the weigh station proposed move eastward, County staff had not been contacted by anyone regarding this issue. He asked the Board if they would like him to transmit a letter to Delegate Grayson and Senator Bolling on this issue. The Board's consensus was to send the letters with their concerns for any eastward movement into New Kent County.

Mr. Emerson also asked the Board for available dates to meet with the School Board to discuss the budget. The Board requested Mr. Emerson to get available dates in February from the School Board.

Mr. Emerson said he had been contacted by several Woodhaven Shores residents about the County taking over their water system. He told them the County would require the water system to be up to County standards, which would probably be difficult for them. He did tell them they could contact staff for information on upgrading their system.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Bob Riley, Resident Engineer, gave a summary of work performed by VDOT during the month of December as well as during the ice storm. The Board members brought their concerns and compliments about VDOT to Mr. Riley's attention.

IN RE: DISCUSSION -Mr. William T. Newborg, General Manager of 1st Commonwealth Communications, Inc. will update the Board on the system expansions that have taken place and are scheduled in the future.

Mr. Newborg said they were continuing to upgrade the system to 550 megahertz, which is the channel capacity. They have added channels to the system and are continuing the installation of fiber optics in the Barhamsville area. Mr. Hennaman asked what the standard was to run cable in an area. Mr. Newborg said it was twenty homes per mile. The Board discussed issues regarding cable service in their areas.

IN RE: REPORT ON ICE STORM - Mr. J. Lawrence Gallaher, Chief of Emergency Services, will give a report on the recent ice storm.

Mr. Gallaher reported on the effects of the ice storm and the efforts that were taken to restore services to the County. The Board was concerned about why the Governor waited so long to declare a state of emergency. They were also concerned about the length of time it took Virginia Power to restore service to the County. It was the consensus of the Board to have Mr. Emerson contact Virginia Power and the Governor's Office and invite them to the next meeting to discuss the ice storm.

IN RE: C-3-98 - Mr. Robbie Whitehurst has applied to rezone a 200' x 100' portion of Tax Map and Parcel 28- 22I located on State Route 33 in Eltham from R-1, Residential to B-2, Business Limited, for the purpose of operating a motorcycle repair and sales business; and, CUP-2-98 - Mr. Robbie Whitehurst has applied for a conditional use permit to operate a motorcycle service, painting, and sales business. These zoning requests were continued from the December 14 meeting.

Mr. Maloney gave his report that Mr. Whitehurst has applied to rezone a 200' x 100' portion of Tax Map and Parcel 28-22I located on State Route 33 in Eltham from R-1, Residential to B- 2, Business Limited, for the purpose of operating a motorcycle repair and sales business; and, CUP-2-98 - Mr. Robbie Whitehurst has applied for a conditional use permit to operate a motorcycle service, painting, and sales business. The Board held a public hearing on this matter in December 1998. The Route 33 Plan designates the property for village use. Acceptable uses include general commercial and office uses. Mr. Maloney reviewed the goals, objectives, and policies to guide future growth within the Route 33 Area Plan. The Health Department has indicated the use of the restroom located inside the applicant's dwelling would be sufficient, the Department of Public Safety has indicated the contrary. The Department of Public Safety indicates the applicant will be required to install restroom facilities as well as meet standards for running water in accordance with the Virginia Uniform Statewide Building Code. The applicant may also be required to install a USBC compliant paint booth. Furthermore, a change of use permit must also be obtained for the building and a Certificate of Occupancy must be obtained prior to use. The Virginia Department of Transportation indicates the existing entrance will be sufficient for the proposed use, and modifications to the existing entrance may be required depending on the type and size of any advertisement. The applicant has proffered the subject property will only be used by the partnership of Screamin' Bike Works and no other business entity. The applicant also agrees to submit an

application to rezone the property to the R-1, Residential designation should the business leave the site. During its October 19, 1998 meeting the Planning Commission voted to recommend approval of these applications. Mr. Bahr said his understanding was the Planning Commission voted to approve these applications and there is universal approval by the neighbors. Mr. Bahr asked what staff recommendation was. Mr. Maloney said their recommendation to the Planning Commission was to deny both applications based on locational concerns and the fact the property was in the center of a zoned residential area. Mr. Bahr's personal opinion was they should do anything they can to encourage small businesses. He was in favor of these applications. Mr. Bahr asked if the building facility requires bathroom facilities. Mr. Maloney said the building code would require the bathroom facilities be installed. Mr. Bahr asked if a port-a-potty would be acceptable. The Board discussed their support of the applications. Mr. Hennaman was concerned about the wording of the proffer statement. Mr. Bahr made a motion in order to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County, he moved to approve C-3-98 and CUP-2-98 as presented with the exception that the recommendation of the Health Department should be honored and there be no requirement to putting a bathroom in the shed unless it's actually required by the State Building Code and with the additional comments that no other business shall be conducted on the premises except motorcycle, all terrain vehicle, and jet ski repairs, sales, painting and related activities . No outside storage or repair will be permitted.

James H. Burrell	Aye
Mark A. Hennaman	Aye
Frederick G. Bahr	Aye
Rebecca M. Ringley	Aye
Julian T. Lipscomb	Aye

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

District One had no appointments.

District Two had no appointments.

District Three had no appointments.

Mr. Hennaman made a motion to appoint Duane B. Goss as District Four's representative to the Airport Advisory Commission for a one year term ending December 31, 1999.

Mr. Bahr made a motion to appoint Isabell White as District Five's representative to the Planning Commission for a four year term ending December 31, 2002.

James H. Burrell	Aye
Mark A. Hennaman	Aye
Frederick G. Bahr	Aye
Rebecca M. Ringley	Aye
Julian T. Lipscomb	Aye

IN RE: ELECTION OF CHAIRMAN

The meeting was turned over to Mr. Emerson, who took nominations for chairman for the term of one year. Mr. Burrell nominated Mr. Frederick Bahr to be Chairman of the Board of Supervisors for the term of one year. Mr. Lipscomb made a motion to close nominations for chairman.

James H. Burrell	Aye
Mark A. Hennaman	Aye
Frederick G. Bahr	Abstain
Rebecca M. Ringley	Aye
Julian T. Lipscomb	Aye

Mr. Lipscomb made a motion to elect Mr. Frederick Bahr to be Chairman of the Board of Supervisors for the term of one year.

James H. Burrell	Aye
Mark A. Hennaman	Aye
Frederick G. Bahr	Abstain
Rebecca M. Ringley	Aye
Julian T. Lipscomb	Aye

Mr. Bahr thanked everyone for their support and collegiality.

IN RE: ELECTION OF VICE CHAIRMAN

Mr. Bahr opened nominations for vice chairman. Mr. Lipscomb moved to nominate Mr. James Burrell as Vice Chairman of the Board of Supervisors for the term of one year. Mr. Hennaman made a motion to close nominations.

Mark A. Hennaman	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Abstain
Frederick G. Bahr	Aye

Mr. Lipscomb made a motion to elect Mr. James H. Burrell to be Vice Chairman of the Board of Supervisors for the term of one year.

Mark A. Hennaman	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Abstain
Frederick G. Bahr	Aye

Mr. Burrell thanked the Board members for their confidence in him and said he looked forward to serving New Kent County.

IN RE: ADOPTION OF BYLAWS - The Board will review and adopt the current Bylaws.

Mr. Burrell was concerned about Article Six, Public Hearing, Item D, where it states "Each person wishing to speak will be called to the podium by the Chairman and must state his or her name and address for the record". He has learned that in at least one county, the Board refused to call one person's name to speak from the list as this person was considered an activist and pursued a certain topic at every meeting. Mr. Burrell suggested the words "in order from the sign up sheet" be added to the above quoted sentence after the word "called". Mr. Burrell made a motion to readopt the current Bylaws of the Board of Supervisors as presented.

Mark A. Hennaman	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye

IN RE: REGULAR MEETING SCHEDULE - The Board will establish by Resolution R-1-99 the regular meeting schedule for 1999.

The regular meeting date will be the second Monday of each month with the exception of the August and November meetings, in which the meeting will be moved forward to the first Monday of these months due to annual meetings. The time set for the meetings is 6:00 p.m. and the meetings will be held in the Boardroom of the County Office Building. Mr. Burrell made a motion to adopt Resolution R-1-99 which sets the schedule of the Board of Supervisors meetings.

Mark A. Hennaman	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye

FOR RESOLUTION R-1-99 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 173.

IN RE: APPOINTMENT OF STANDING COMMITTEES.

The Board has six standing committees and the chairman will appoint board member(s) to each committee to serve during 1999.

Mr. Bahr stated he would make these appointments at the February meeting.

IN RE: MEETING SCHEDULE.

The regular meeting of the Board of Supervisors will be held Monday, February 8, 1999 at 6:00 p.m. The Planning Commission will meet on Tuesday, January 19, 1999 at 7:00 p.m.

IN RE: ADJOURNMENT

Mr. Hennaman made a motion to adjourn.

Mark A. Hennaman	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye

The Board adjourned at 9:13 p.m.