

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 10TH DAY OF MAY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-NINE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:09 P.M.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: ROLL CALL

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

IN RE: PRESENTATION OF RESOLUTION R-10-99 to the family of N. Clarence Talley.

Mr. Bahr, Mr. Burrell, and Ms. Ringley presented the framed resolution to the Talley family.

IN RE: CONSENT AGENDA

Mr. Emerson reviewed the Consent Agenda, which consisted of the following: Approval of Minutes from the March 31, 1999 Budget Work Session, April 7, 1999 Budget Work Session, April 12, 1999 Quarterly Meeting with Constitutional Officers, and the April 12, 1999 Regular Monthly Meeting; Resolution R-15-99 adopting the week of May 16-22 as Business Appreciation Week in New Kent County; Ten refunds from the Commissioner of Revenue totaling \$986.44; Appropriations of funds to carry forward the remaining balance on the Radio Study Project - \$9,203.04, additional funds for secure detention fees at the Merrimac Center - \$3,900.00, additional school funds received from the state - \$248,551.00, and additional funds to pay off existing lease-purchase agreement for telephone services - \$11,200.00; Finance Report for monthly expenditures for April 1999 of \$1,757,591.53; and a Treasurer's Report of total cash as of April 20, 1999 of \$10,783,126.95. Mr. Burrell made a motion to approve the Consent Agenda as presented.

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

FOR RESOLUTION R-15-99 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 195.

IN RE: CITIZEN'S COMMENT PERIOD

The first person to speak was Ms. Karen Burley. Ms. Burley stated she was a member of Quinton Volunteer Fire and EMS Company 2. Ms. Burley was supportive of Company 2 and its volunteers. She felt the local government did not support the volunteers and their efforts to grow. She felt they should be able to control their future and should be able to have their own EMS license. Mr. Dean Simmons was the next person to speak. Mr. Simmons stated he was a resident of the County and a volunteer of Company 1. He felt the whole issue over the EMS license was due to control. He felt there should be one license and the County should have control over this license. The next person to speak was Mr. Elmore Whitehurst. Mr. Whitehurst said he was a past member of the fire department and has been a member of the Providence Forge Volunteer Rescue Squad for ten years. He was not representing anyone but himself tonight. He felt it was time for all three companies to start working together as a fire department. He has heard a lot of misinformation and he discussed some of the things he had heard regarding liability, maintaining records, equipment and working together. He felt the County needed to take control of the license and manage it for the welfare of the citizens. The next citizen to speak was Mr. John Mihalcoe, III, Chief of Company 1, Providence Forge. Mr. Mihalcoe said they had a meeting last month and he's thought a lot about this issue. He felt it was time the County took control on the EMS issue and moved forward. He felt it would benefit all three companies to keep it under one license. The next person to speak was Ms. Dana Matanoski. Ms. Matanoski said she was a citizen of the County and a member of Quinton Fire and EMS. She felt the license should be in the name of Quinton Fire and EMS since there is no one from the County qualified or having the knowledge to know what is needed. The next citizen to speak was Mr. Greg Matanoski. Mr. Matanoski stated he was the captain of Company 2 and a cardiac tech. Seven years ago they (Company 2) applied for the EMS license. They have made a gigantic leap into the 90's in doing so. He felt it would be a giant leap backwards if the County took over the license. He would like to have the license stay in Company 2's name and let the people who have handled it for seven years continue to manage it. The next person to speak was Ms. Betty Hicks. Ms. Hicks stated she has been a volunteer with Company 2 for the past 25 years and she supported their (Company 2) position on the EMS license. She spoke about conflict resolution. The goal is not to win, but to solve the problem. Communication should be open. She felt the situation has been handled unfairly, but felt all parties involved are guilty of aggression and finger pointing. She did not feel they had been given the opportunity to discuss the issues and negotiate. She felt the license was transferred with no communication to Company 2, which made her feel her time and effort she has spent (as a volunteer) have been meaningless. She felt she was not understood, her opinions were not valued, she did not feel respected, felt she no longer had a choice and felt unmotivated to continue. She asked the Board instruct staff to work with them to resolve the conflict and negotiate a compromise. The next person to speak was Ms. Terry Lawler. Ms. Lawler said she wanted to publicly thank the Board for the work they had done on the School Board's budget. This is the largest amount of new money in the four years she's been on the board. This is the second year they have worked with the same percentage (68.5% of the property tax revenue). The Board has also worked with them to establish a capital account, which allows them to put the end of the year money to good use rather than spending it so they don't lose it. The last person to speak was Ms. Jennifer Caldwell. Ms. Caldwell said she is not a member of the fire department or women's auxiliary, but she is a citizen of the County and a friend to Company 2 Fire Department. She said she was confused on some of the material that has been presented and did not think it was handled correctly. She felt the license was taken away without knowledge of Company 2 and didn't understand why that happened. She felt there should be more harmony between the Board of Supervisors, county officials, and volunteers. She said she'd heard the Rescue Squad in Providence Forge would have their own license – why would they be allowed to operate under their own license, but Company 2 could not. She heard that grant money had to be matched by the County, but someone else said that wasn't true. She was told Company 2 had to come before the Board and ask to have two fire trucks paid off, but someone else said that wasn't true, that it was done at the Board's initiative. She was told when the assessment of the survey of the county facilities was done, they said the fire departments did not keep good records.

She felt at that time they were all under one and if someone wasn't keeping good records, then she felt it was all three, not just Company 2 and didn't think it should come into consideration for this decision. She hoped the Board would decide to give Company 2 their own license, but if they don't then she felt it should be postponed so more citizens could come and participate.

IN RE: ELECTED OFFICIAL'S REPORTS

Sheriff Howard commented on the situation at the Cumberland Community Center that occurred last weekend, he was very complimentary of the actions of the people at Cumberland, Supervisor Burrell, Mr. Brown and Mr. Woodson and how well they worked together to try to resolve this activity and attempt to keep it from happening again.

Mr. Hennaman did not have a report.

Mr. Lipscomb did not have a report.

Ms. Ringley reminded people when taking trash to convenience centers to secure the loads so they do not blow off onto the sides of the road. Also, regarding the signage that appears on the roads, VDOT will be more stringent in removing these signs. She asked Mr. Emerson to contact Virginia Power because they have been losing their power on a regular basis on Friday nights. It was her understanding their (power) lines were in better shape due to the repairs caused by the ice storm, but this doesn't seem to be true, and she would like Virginia Power to address this issue. There will be a meeting at the high school on May 24 open to the public to discuss school safety issues.

Mr. Burrell thanked Sheriff Howard and his deputies for their professionalism regarding the incident at Cumberland Community Center. The Recreation Department had a fundraiser horseshoe tournament, in which he and Mr. Lipscomb participated in and Mr. Burrell said the County was working towards establishing a Recreation Department. He also mentioned the Inter City tour he and Mr. Bahr attended. He felt the proposed rail service would benefit the County. Also, people are moving back into the cities and this helps stop urban sprawl.

Mr. Bahr thanked Mr. Burrell for his work on the Cumberland incident. On Wednesday, May 12 there will be a hearing for the bi-jurisdictional VDOT group for the replacement bridges over the Pamunkey and Mattaponi rivers. He stated a letter had been sent to Governor Gilmore requesting his assistance in getting Main Street Station working.

IN RE: STAFF REPORTS

Mr. Emerson said there was one staff report from the County's consulting engineer, Mr. Roger Hart of R. Stuart Royer concerning the Board's inquiry of the repair verses the demolition of the terminal building at the airport. Mr. Hart handed out copies of a plan sheet and cost estimate to the Board. Mr. Hart stated when they first examined the hangar building they gave a cursory review (it was raining very hard that day) and the rain was pouring into the living quarters due to problems with construction and wear and tear. As a result, they felt the cheapest method was to tear it down, which would have left a concrete slab. The County received bids for around \$30,000-\$45,000 for demolition. At Mr. Emerson's request they took a second look and came up with a more detailed design of the demolition. Tonight, he would like to change his recommendation due to the fact the County is going to maintain and keep the airport. In their opinion it would be shortsighted to completely tear that area off the building leaving the concrete slab and requiring weatherproofing of the interior wall. They now recommend the outside wall be replaced, tear

out all of the inside walls, ceiling, utilities (capping off water and sewer in the living quarters), and the electrical that runs through the area to the hangars would remain, replace the outside wall, and do some grading. Regarding the area of the hangar office, they recommend replacing all the rotted windows, put reflashing where necessary, and painting. The current grading does not allow the rainwater to get away from the structure, but rather wicks it up. They also recommend a new roof with insulation and gutters. Their estimate for this work is \$49,000 and includes a \$3,700 contingency fee. They did not include any heating, electrical, or ventilation (except ventilation for the roof) in this estimate because the County did not know what they wanted to use the space for at this time. Mr. Emerson questioned the administration costs. Mr. Hart said it was not included because one of their personnel was already in New Kent overseeing the construction work on the courthouse. Mr. Hennaman questioned the decay of the structure and asked if Mr. Hart could say when the rotting starting to occur. Mr. Hart said it was old, he couldn't say when it began, but if the grading is the same as it was when the building was constructed, it probably started right after it was built. The Board questioned Mr. Hart on pertinent issues regarding his recommendation. Mr. Emerson stated there was money in the upcoming budget FY2000 to proceed with this work and there should be enough to cover the administrative costs as well as the construction costs.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Bob Riley, Resident Engineer, gave a summary of work performed by VDOT during the month of April 1999. The Board members shared their concerns with Mr. Riley.

IN RE: PRESENTATION – The Board will hear a presentation from the Virginia Department of Transportation and SUNCOM WIRELESS, on their development of a wireless telecommunications/camera network along I64 in the County.

Mr. Bob Riley, Resident Engineer for VDOT, discussed their plans for installing three cellular towers along I64 at the interchanges of: I64 and Route 249, I64 and Route 106, and I64 and Route 155. There are no homes close to these areas. The County would receive the benefit from the Route 106 location for their emergency communications system. Discussion followed on the Board's concerns.

IN RE: PUBLIC HEARING – O-3-99 – An Ordinance to amend Section 14-34 of the New Kent County Code increasing the total combined income that can be earned and still qualify for the tax exemption for elderly and also increase the amount of the exemption. Permissible income shall increase from \$12,000.00 to \$24,000.00 and the exemption will increase from \$200.00 to \$400.00.

Mr. Cornwell stated the County allows a tax exemption for the dwelling of qualified property owners over the age of 65. This amendment will increase the total combined income that can be earned and still qualify for the tax exemption from \$12,000.00 to \$24,000.00 and the exemption will increase from \$200.00 to \$400.00. The Board members felt it was a needed change and tax relief should be given to the elderly. Mr. Crump said there were currently six people participating. He did not have an estimate on the impact this would have on the County, but did not think it would be a significant amount of money. Mr. Bahr opened the public hearing. The first citizen to speak was Ms. Aleash Christian. Ms. Christian said she was happy to see this proposal, she thought it would be a great help to people. The next person to speak was Ms. Jennifer Caldwell. Ms. Caldwell thought it was a good proposal and elderly people have contributed to society and it was time we did something to help them. Mr. Bahr closed the public hearing. Mr. Hennaman stated he thought this was just the first step and he would like to see the

Commissioner of Revenue's office and the Treasurer's office make every effort possible to educate the citizens on this program. Mr. Burrell made a motion to approve Ordinance O-3-99 as presented.

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

FOR ORDINANCE O-3-99 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX PAGE 196.

IN RE: PUBLIC HEARING – R-16-99 – A Resolution for the transfer and assignment of the cable television franchise from 1st Commonwealth Communications, Inc. to Cox Communications, Inc.

Mr. Cornwell stated the Board originally granted a franchise to 1st Commonwealth Communications, Inc. in 1987, which was revised and reissued in 1992. He has been advised 1st Commonwealth Communications, Inc. has sold their operation in New Kent County to Cox Communications, Inc. and by the terms of the franchise they are seeking the Boards permission to assign the franchise agreement to Cox Communications, Inc. Mr. Mike Soberick, attorney representing 1st Commonwealth Communications, was present as well as representatives of 1st Commonwealth Communications. Mr. Tom Ross, Peninsula Operations Manager for Cox Communications, Inc. was also present. Ms. Ringley questioned the quality of service the residents could expect. Mr. Tom Ross stated the service will be at least as good as what has been provided. Ms. Ringley also questioned the Tidewater channels, her constituents enjoy the dual coverage they currently receive. Mr. Ross said they had not yet made plans on how they will transition. Mr. Lipscomb asked about their plans for expanding cable service in New Kent. Mr. Ross said his intent would be to administer the franchise as 1st Commonwealth would. Mr. Lipscomb was also concerned about the listing of a local telephone number for the citizens of New Kent. Mr. Ross said they would have a local telephone number for the citizens. Mr. Bahr asked when the franchise expired. Mr. Soberick said it expired October 12, 2002. Ms. Ringley questioned if the rates would change. Mr. Ross said they look at rates on an annual basis and base them on their programming costs, FCC rate regulations, and their need to stay competitively priced. Mr. Bahr opened the public hearing. There was no one signed up to speak, and he closed the public hearing. Mr. Hennaman said several constituents had spoken to him about their concerns regarding this transfer. He was relieved by the assurances of Mr. Ross that the consumers could expect every bit as good or better service than they have been receiving. Mr. Burrell questioned how Cox could be competitive when they have the lines, so how could anyone else compete? Mr. Ross said he was referring to direct broadcast satellite. Mr. Lipscomb asked if we would still have the local channels. Mr. Ross said the County would still have the government and educational access channel. Ms. Ringley made a motion to approve Resolution R-16-99 as presented.

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

FOR RESOLUTION R-16-99 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 197.

IN RE: DISCUSSION – The Board will consider allowing Volunteer Fire Department No. 2 to have its own EMS license.

Mr. Bahr clarified that the rescue squads and emergency medical services in the County that serve the County and Charles City County have their own license. A license for EMS is required by the state, it is not required for fire departments. The three volunteer fire departments provided all the fire fighting and rescue services. At present time they have or will have some form of providing emergency medical services and will all need a license from the state. The recent reorganization made each of the fire departments separate non-profit corporations. The contention is the County decided that New Kent would take the EMS license in the County's name. Mr. Bahr asked Mr. Gallaher to provide background information on this matter. Mr. Gallaher stated the volunteers are dedicated, provide a needed service, and they do it very well with a lot of personal sacrifices. The Board recognized the efforts of all the County's volunteers at a dinner. Mr. Gallaher said a lot of misinformation has been put out. The County did pay off the fire engines for Companies No. 1 and No. 2. Planning needed to be done to provide these services. The County does provide funding to all the companies. Mr. Gallaher handed out information to the Board on the audits from 1992 – 1999 showing the County's contribution. Mr. Gallaher reviewed the history of the fire departments and how they operated. Effective January 1, 1999 the Chief's Association, which included the district chief of each station and himself, provides oversight. All matters that affect the department as a whole are to be agreed upon by the Chief's Association. Mr. Everett Vaughn contacted Mr. Gallaher regarding the EMS licensure issue and stated there was no license for EMS services in New Kent County due to the reorganization. The County moved forward and requested the license be issued in the name of the County. Mr. Hennaman clarified prior to the reorganization the EMS license was held by the New Kent County volunteer fire departments. Mr. Gallaher said this was correct. Also, at that time, Company 2 was the only one offering the ALS transport service, but the EMS license still covered all three companies. Mr. Gallaher said he consulted with Mr. Gary Brown, Director of the Office of Emergency Medical Services at the state level. Mr. Gallaher read Mr. Brown's written response for the record: I have received your request for an endorsement of the County of New Kent Public Safety's intent to remain under one EMS license for the County's fire departments dated April 29, 1999. The Office of Emergency Medical Services values the role of local government in the development of a systems approach to the administration and delivery of EMS. The Office of Emergency and Medical Services' commitment to a locality-based system is borne out in the existing requirement that an organization seeking EMS licensure must have written endorsement from the local government. Any organization may apply for EMS licensure either individually or as a larger system; however, the local government has the right and responsibility to determine the type of organizational structure which will best serve the community's needs. In closing, as you described in your letter, I agree that there are many advantages to developing a system approach to EMS within a locality. I appreciate your commitment to improving the quality of services provided in your community. Respectfully, Gary R. Brown, Director. Mr. Gallaher said he also asked the rescue squads for their views. Mr. Gallaher read a letter from Ms. Brenda Carter, President of the Providence Forge Volunteer Rescue Squad to Mr. Joe Emerson into the record: May 3, 1999, Dear Mr. Emerson: Recently the Board of Providence Forge Volunteer Rescue Squad was made aware of the fact that Quinton Volunteer Fire and Rescue would possibly be trying to obtain a separate EMS license for their organization. It was our understanding that all three Fire Departments in New Kent would be operating under one EMS license through the county, in order for the county to oversee their operations. We can see no benefit from allowing Quinton Volunteer Fire and Rescue to separate themselves after just being joined together under one EMS license. As to the liability issues that have been expressed as a reason for this separation, the county is ultimately responsible for these liabilities. The recent Emergency Services Study pointed out a number of deficiencies in the operations of the Fire Departments. One area in particular was record keeping, so if the county takes no action correcting this situation, they are responsible for the outcome. It is, therefore, felt that the New Kent County can increase efficiency while improving record keeping and budgeting by following their

original plan that has been put into place. If you or any of the Board of Supervisors have any questions regarding our concerns, please do not hesitate to contact me. Sincerely, Brenda Carter. Mr. Bahr clarified that Providence Forge Volunteer Rescue Squad had their own EMS license. Mr. Gallaher said that was correct. Mr. Bahr asked if there were plans to bring that under the umbrella of the County's license. Mr. Gallaher said at some point as they work towards the goals of the study, it is to bring them all under one license and to bring it all under one combination service. Mr. Emerson pointed out that Providence Forge Volunteer Rescue serves two communities – New Kent and Charles City counties, and there are other issues that have to be resolved before they could move to consolidating them with the County. Mr. Gallaher discussed the flyer that was sent out by Quinton Volunteer Fire and EMS. Mr. Gallaher said he checked with all of the district chiefs before the license was issued. Mr. Gallaher also read a letter from Mr. Dean C. Williams, M.D., Operational Medical Director, Bon Secours Richmond Community Hospital, who felt the County needed to provide leadership to the volunteer services. Mr. John Donnelly, Executive Director of Old Dominion EMS Alliance, which is the regional office for coordination for emergency medical service, which is created by the General Assembly (by law). His job is to try to bring as much coordination, unity, and system development as possible. All counties in the region work together. The locality has the right and the responsibility to manage its emergency resources. He hoped the decision the Board made would be in the best interest of the citizens, not the rescue squads, fire departments, or any individual. Mr. Bahr asked if the request for grants would synergize if all three were to be together under one license and one application. Mr. Donnelly said it was better if all departments endorse grants. The grants that are going to serve the maximum number of people are given more favorable consideration. Mr. Hennaman stated that each member of the Board of Supervisors has met personally with representatives from Company #2 to hear their concerns. There seem to be concerns on how the record keeping will be done as well as the stocking of supplies on the vehicles. He asked Mr. Donnelly how that would be handled. Mr. Donnelly stated the chiefs of the departments would work with the chief of emergency services to come up with solutions to those problems. Mr. Lipscomb questioned the issues of insurance and immunity. Mr. Cornwell said he had spoken with VACorp, the County's insurance carrier, about these issues. They felt there was no liability issue because the County has sovereign immunity, which would protect from liability and having the EMS license in the name of the County would afford more protection for the actual EMS provider. The present policy would cover the EMS providers with no additional premium and they do have benefits including incidental medical malpractice coverage. Mr. Lipscomb asked, regarding the Chief's Association, why wasn't Providence Forge Volunteer Rescue Squad involved in it? Mr. Gallaher said they hadn't gotten that far, they were trying to deal with the fire departments currently. Mr. W. C. Pearson, District Chief of Company #2, stated their reputation and integrity spoke for itself. They are asking for permission to operate under their own ALS transport license. They did not feel anyone in the County had the time, effort, or experience they do. They have handled obtaining their own grants and have received over \$173,000 for all three companies. They hoped the County would show support for the projects they take on as a company. He said the purpose of the Chief's Association was to share in the decision making process and that was not done with the EMS license. He said the County had taken something from them they had worked so hard to build without giving their consent. They would be willing to sign an agreement saying no more debt would be taken on until their current debt was paid in full. They would also agree that any future grant requests would be the responsibility of Quinton Volunteer Fire EMS unless approved by the County. Once the County decides to bring Providence Forge Volunteer Rescue Squad under the blanket license, then they would be willing to sit down and come to an agreement where all agencies in New Kent County would operate under a county-wide license. Mr. Burrell said the Board did appreciate what the volunteers were doing and understood the sacrifices they make to provide the services to the County. Mr. Bahr asked for comments on how communication between the fire departments and the County could be improved. Mr. Pearson said the Chief's Association should be utilized. They were not included in this decision. Mr. Emerson stated it was his understanding this had been discussed with the district chiefs and offered his apologies if this had not been done. Mr. Bahr suggested the Chief's Association meet (with Mr. Emerson if necessary) and come to an amicable solution on this issue. If they could not do so, then

the Board would make the decision. Mr. Lipscomb made a motion to send this (issue) back to the Chief's Association for them to come up with a proposal and hoped they would not have to come back to the Board again. Mr. Gallaher read a letter from Mr. Wade Berry, District Chief of Company #3 regarding this issue. Chief Berry stated if Company 2 changes their license it would reduce any state grants available to all three companies. He also felt the unity of the three companies would no longer be there if Company 2 changed its license. The Board members voiced their concerns and views and reiterated their appreciation of the volunteers. Mr. Bahr asked for the vote to be taken on the motion.

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

Mr. Bahr said this item would be put on the August agenda, if necessary.

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

Mr. Burrell made a motion to appoint Mr. Julian Lipscomb as the New Kent County Board of Supervisor's representative to the Metropolitan Planning Organization.

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

IN RE: MEETING SCHEDULE

The regular meeting of the Board of Supervisors will be held Monday, June 14, 1999 at 6:00 p.m. The Planning Commission will meet on Monday, May 17, 1999 at 7:00 p.m. The Board of Supervisors will hold a public hearing for the FY2000 budget on June 2, 1999 at 6:00 p.m. in the boardroom.

IN RE: ADJOURNMENT

Ms. Ringley 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 9:36 p.m.