

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 12TH DAY OF JULY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-NINE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:03 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: CONSENT AGENDA

Mr. Emerson reviewed the Consent Agenda, which consisted of: Approval of minutes from the June 2, 1999 Budget Public Hearing and June 14, 1999 Regular Monthly Meeting; Resolution R-19-99 recognizing the heroic actions of Thomas Mears, Resolution R-20-99 recognizing contributions of Sharron Ann Frank to the Heritage Public Library, Resolution R-21-99 recognizing contributions of David Frank to the Heritage Public Library, Resolution R-22-99 authorizing county employees the option to purchase prior service credit on a Tax-Deferred Basis, Resolution R-24-99 requesting signs alerting motorists that “children may be at play nearby” be placed on North Hairpin Drive east of Longview Drive, Outdoor Gathering Permit OGP-1-99 for the New Kent County Fair; refund of \$40.40 to Central Air Systems for a mechanical permit; appropriation to carry forward funds for the new courthouse renovations of \$70,770.00 from Revenue to Expenditures; Finance Report for monthly expenditures for June 1999 of \$2,239,683.24; and Treasurer’s Report of total cash balance as of June 30, 1999 of \$9,531,398.26. Mr. Burrell asked that Resolution R-19-99 be changed adding the words “and/or possible death” after the word “jeopardy” to the following paragraph “...on October 3, 1998 Mr. Mears fearlessly put his own life in jeopardy and/or possible death to assist nine-year old Julie Pulley...”. Mrs. Ringley made a motion to approve the Consent Agenda with the change made by Mr. Burrell.

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

FOR RESOLUTION R-19-99 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 209.

FOR RESOLUTION R-20-99 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 210.

FOR RESOLUTION R-21-99 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 211.

FOR RESOLUTION R-22-99 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 212.

FOR RESOLUTION R-24-99 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 214.

IN RE: RESOLUTION R-23-99 – Mr. James Stewart, Executive Director of Henrico Area Mental Health & Retardation Services, will present this resolution for the approval of the FY2000 Community Service Board Performance Contract.

Mr. Stewart summarized the FY2000 contract, which is stipulated in the Code Requirements 37.1-198 requiring each of the supporting local Board of Supervisors and City Council which support the Community Services Board or the Mental Health & Retardation Services Board approve the performance contract each year. This contract is the legal agreement between the Community Services Board and the State that sets the terms for the receipt of funding. Mr. Lipscomb made a motion to adopt Resolution R-23-99 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-23-99 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 215.

IN RE: CITIZEN'S COMMENT PERIOD

There were no citizens signed up to speak.

IN RE: ELECTED OFFICIAL'S REPORTS

Mr. Hennaman asked staff to prepare a resolution honoring Jeffery Ozmon on his achievement of the rank of Eagle Scout. Mr. Hennaman discussed the train station in Providence Forge and CSX's correspondence indicating they would donate the building to the county upon the condition it be moved. He asked that the Historic Commission and the Historical Society be advised of this information and request their input. Mr. Bahr requested that the C&O in Clifton Forge and the President of the C&O Historical Society in Lynchburg be contacted to see if they can be of assistance.

Mr. Burrell reported the Metro Richmond Convention and Business Bureau, which he represents for the Board, has changed its name to Richmond Convention and Business Bureau. The Historical Society would probably be interested in contacting them because they were now building on to the existing convention center in Richmond and part of the thrust behind this agency is bringing tourism to the area.

Ms. Ringley recognized Ms. Terry Lawler, District Two's School Board representative in the audience. Mr. Floyd Miles of the Charles City County Board of Supervisors has been elected Chairman of the Richmond Regional Planning District Commission to serve for one year.

Mr. Bahr thanked Mr. Hennaman for providing a catalyst to the railroad station issue. He also expressed the Board's sympathies to the family of Larry Otte, who was killed in an accident on Mt. Pleasant Road.

IN RE: STAFF REPORTS

Mr. Emerson reported on the old train station, which Mr. Larry Gallaher, Director of Public Safety, examined. Mr. Gallaher stated several issues involved in the moving of the building. Responding to Supervisor Hennaman's request at the last meeting concerning a request from Mr. William V. Moseley to survey water customers in New Kent on a chlorinated system, a meeting has been set up with Mr. Moseley, staff, Ms. Ringley, and possibly Mr. Hennaman, to discuss this issue.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. John Neal, VDOT representative, gave a summary of work performed by VDOT during the month of June 1999. The Board members shared their concerns with Mr. Neal.

IN RE: DISCUSSION – Agricultural & Forestal District renewal fees will be discussed by the Board with members of the AFD Commission, property owners whose property is located in an AFD, and the general public.

Mr. Lee Tyson reported there were 23 Agricultural and Forestal Districts in New Kent County. A total of 144 property owners participate in the AFD program. The fee for reviewing applications is \$300.00. Each application must be advertised a minimum of six times (two times each for public hearings before the AFD Advisory Commission, Planning Commission, and Board of Supervisors). The estimated cost for advertising is \$780.00 per round of applications. Additionally, adjacent property owners must be notified of each public hearing at a cost of \$2.98 per letter per hearing. The estimated cost of adjacent property owner notifications is \$100.00 (average of twelve adjacent property owners). The Code of Virginia sets forth what the administrative procedures are in a general way for the AFD program including what the application has to include and how the applications have to be processed. It also states the locality may charge a fee of up to \$300.00 for the review of the application. Staff coordination of the application review process involves the Department of Planning and Community Development, the Virginia Cooperative Extension Service, the Colonial Soil and Water Conservation District, the Virginia Department of Forestry, and the Commissioner of the Revenue's Office. Mr. Tyson reviewed the stipulations for qualifying property in an AFD and also reviewed the amount of real estate tax deferred and the amount of real estate tax paid on the properties in AFDs. Mr. Lipscomb questioned the difference between renew and review. The current review system being used was discussed. Fees paid to the Extension Office, Colonial Soil and Water Conservation District and the Forestry Department for their services were discussed. Deferred taxes were discussed. Mr. Bahr asked the AFD Commission members for their comments. Mr. Paul Gilley, Chairman of the AFD Commission, discussed the interpretation of the word "review". Mr. Gilley also referred to statute 15.2-43-11, which discusses the review. He felt it was not a review but the entire process done all over again and being charged \$300.00 to do it. He also read from the statute that "unless a district is modified or terminated by the local governing body, the district shall continue as originally constituted." He didn't understand why they had to submit a new application and (pay) new fees. The AFD Commission will give the Board of Supervisors their recommendation. Mr. Gilley felt the Board had only two alternatives – to terminate the AFD's or accept them as they were. Mr. Throckmorton said the code stated "may be reviewed" it does not say it has to be reviewed. If anything is done with the property that requires a county permit, or the property is sold, it should automatically be reviewed. He asked the Board to reconsider this issue. Mr. H. F. Coke said he agreed with the chairman. Ms. Isabell White said she agreed with the previous speakers. The farmers could get more out of it by selling the land in half acre lots. She felt the services the county would have to provide to those half acre lots would be far more than the savings the farmer receives from the AFD. Ms. Elizabeth H. Mills said the Board received her letter with her thoughts and the speakers have

presented many of the same thoughts. Mr. Ray Davis said the AFDs were created to keep land in forestry and farms and keep the county green. He has land in an AFD and he thought the \$300.00 fee was redundant for a piece of land that saved the county money state-wide by only using .35 cents (worth of services). He felt the fee should be rescinded. Mr. Paul Davis, the county's extension agent, explained that due to the Chesapeake Bay Preservation Act, that passed about ten years ago, made the county set aside land in preservation and management areas. The act required any land that falls into the management area would have to have a nutrient management plan by the year 2000. At the time, Mr. Davis felt that those properties in an AFD should have to follow these conservation practices, good forestry practices, and nutrient management practices and since they were coming up for renewal he thought it would be a good idea to add a nutrient management plan to go along with it. He and Mr. Dennis Gaston (Virginia Department of Forestry) felt it was a good time and opportunity to meet with the land owners. The nutrient management plan ten years ago was a different animal than it is today. It's about an 8-9 hour process per plan. He suggested they go back to what worked before he changed things. Mr. Davis said New Kent has some of the best land managers and he worked closely with the majority of them. He would like to go back to a letter or checklist from him and the Board could decide the \$300.00 fee issue. Mr. Hennaman questioned Mr. Davis on changes that could occur in an AFD that the county's departments would be unaware of – such as if land was allowed to grow up. Mr. Davis thought there should be a review, not a renewal of the AFD properties. Mr. Linwood Gregory did not agree with the current renewal process. He felt there was a difference between review and renewal and questioned Mr. Tyson on the current process. He did not feel nutrient reports, etc. had anything to do with qualifying for an AFD. He felt farming was not a promising future because of the cost of the operation, weather variations, etc. He did not think a ten year review was necessary in most cases and it creates extra work for the county's departments. Mr. Lipscomb questioned Mr. Cornwell on the AFD section in the County Code. The Chesapeake Bay Act, which was adopted in May 1991, and the AFDs it affected were discussed. Mr. Cornwell stated according to 15.2-4311 it talks about the local governing bodies may complete a review of any district created under this section. If the local governing body determines a review is unnecessary, it shall set the next date the review shall occur. You may complete a review of any district created under this section together with additions to such district, no less than four years but no more than ten years after the date of its creation and every four to ten years thereafter. If the local governing body determines a review is necessary, it shall begin such review at least 90 days before the expiration date of the period established. The issue seems to be that the Board have someone (like Mr. Davis) make a report to the Board, AFD Commission, and Planning Commission, on whether or not a review is necessary. If the Board feels a review is not necessary, then you just say the district shall continue unmodified until "x" date. The Board members discussed advertising, management plans, federal subsidies farmers must comply with, and the requirements of the Board in reviewing AFDs. Ms. Ringley made a motion proposing an administrative procedure be formulated and to do this unless there's a compelling reason that an AFD no longer complies. The Planning Department will develop the procedure and refer the proposed procedure to the Board. Mr. Tyson asked the Board what he should do with the applications he has already received. Mr. Emerson explained that as long as the new administrative procedure was adopted prior to January 1, 1999 the AFDs will continue to receive the same benefits.

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

It was clarified there would be no charge to go through the review process, there would be a \$300.00 fee for new AFDs. Also, those who have already paid for the renewal of their AFD property would be refunded the \$300.00 fee.

IN RE: PUBLIC HEARING O-1-99 – An Ordinance to remove 2,500 feet of property from the East Providence Forge Agricultural and Forestal District to permit the construction of a communication tower, not to exceed 199 feet in height. The property is owned by Mr. G. Louis Hockaday and is shown as a portion of Tax Map and Parcels: 42-12. The applicant is also required to obtain a Conditional Use Permit before actual construction may begin.

No one had signed up to speak at the public hearing and Mr. Bahr moved on to the related public hearing of CUP-1-99.

IN RE: PUBLIC HEARING – CUP-1-99 – Sprint PCS, Inc. has submitted an application for a Conditional Use Permit to erect a communication tower, not to exceed 199 feet in height, on a portion of the property shown on Tax Map and Parcel:42-12. The property is located on the north line of State Route 629 (Carriage Road), approximately 2,500 feet east of Bailey Road. The property is zoned A-1, Agricultural, which permits radio, television, and communication towers and stations in excess of fifty (50) feet in height as a permitted principle use with a conditional use permit.

No one had signed up to speak at this public hearing. Mr. Bahr closed both public hearings. Mr. Hennaman made a motion to approve O-1-99 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-1-99 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APENDIX SIX, PAGE 206.

Mr. Hennaman made a motion to approve CUP-1-99 as presented.

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

IN RE: PUBLIC HEARING O-6-99 – Ms. Rosalyn Key, Director of the Capital Area Training Consortium, will present this ordinance authorizing the Chairman of the Board of Supervisors and the County Administrator to execute on behalf of New Kent County a Multi-Jurisdictional Workforce Investment Act Area Agreement.

Ms. Key stated that this agreement would continue the relationship between New Kent, Henrico, Chesterfield, Charles City, Powhatan and Goochland counties as part of the Capital Area Training Consortium which receives federal funds under what was the Job Training Partnership Act, which is now going to become the Workforce Investment Act. Ms. Key reviewed the benefits the citizens of New Kent County received from this partnership. No one was signed up to speak at the public hearing, Mr. Bahr

opened and closed the public hearing. Mr. Lipscomb made a motion to approve Ordinance O-6-99 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-6-99 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 217.

IN RE: PRESENTATION – Resolution R-3-99 – The Board will present a framed copy of Resolution R-3-99 to R. Brandon Jenkins, recognizing his achievement of Eagle Scout.

Mr. Bahr and Mr. Lipscomb presented Resolution to Mr. R. Brandon Jenkins.

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

Mr. Bahr made a motion to appoint Ms. Patty Wyatt as District Five’s representative to the Youth Service Commission to complete a term ending June 30, 2001.

Mr. Lipscomb made a motion to appoint Ms. Patricia Fox as District One’s representative to the Heritage Library Commission to complete a four year term ending June 30, 2000.

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

Mr. Bahr made a motion to appoint Mr. David Lawler as New Kent County’s representative to the Youth Service Commission for a one year term ending June 30, 2000.

Mark A. Hennaman	Aye
Julian T. Lipscomb	Aye
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, August 2, 1999 at 6:00 p.m. The Planning Commission will meet on Monday, July 19, 1999 at 7:00 p.m.

IN RE: ADJOURNMENT

Mr. Lipscomb 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