

AN EXECUTIVE SESSION OF THE BOARD OF SUPERVISORS WAS HELD ON THE 12TH DAY OF JANUARY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-EIGHT IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 5:02 P.M.

IN RE: EXECUTIVE SESSION

Mr. Hennaman called the meeting to order at 5:02 p.m. and asked for a motion to go into executive session for legal briefing. Mr. Burrell moved to go into executive session for consultation and briefings by legal counsel, consultants, or staff members pertaining to actual or probable litigation or other legal matters requiring the provision of legal advice by counsel pursuant to '2.1-344(a)(7) of the Code of Virginia.

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

The motion was carried.

The Board returned from executive session at 6:03 p.m. Mr. Hennaman stated they had discussed legal matters, the Worley Aviation case and the new courthouse. Ms. Ringley gave the certification: Whereas, the New Kent County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and Whereas, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law; Now, therefore, be it resolved that the Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirement by Virginia law were discussed in executive meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

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

The motion was carried.

The Board recessed for five minutes.

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 12TH DAY OF JANUARY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-EIGHT IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:15 PM.

IN RE: ROLL CALL

Mr. Hennaman asked Mr. Burrell to give the invocation and lead the Pledge of Allegiance.

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

IN RE: CONSENT AGENDA

Mr. Hennaman asked Mr. Emerson to review the Consent Agenda. Mr. Emerson stated the Consent consisted of the following: Approval of minutes from October 7, 1997 Work Session with Constitutional Officers and December 8, 1997 Board meeting; Resolution R-2-98 in support of the Richmond Regional Planning District Commission for an increased State Appropriation, which reflects more equitable funding to Planning District Commissions throughout the State; the 1998 Legislative Agenda for adoption by the Board; Refunds - Carter Construction Custom Homes - \$180.00, Monzell McCoy Anderson - \$7.50, William A. & Katherine Lindsey - \$179.25, Crestar Mortgage - \$373.92, William M. Babich - \$120.54, Paul Costello - \$90.00, Farm Fresh - \$3,979.17, Don Pillen - \$241.31, Melvin Hahn, Jr. - \$206.25, Darryl & Rhonda Kelly - \$199.31; the Finance Report showing total expenditures for December 1997 of \$412,517.22; and there was no Treasurer's Report.

Mr. Burrell commented on the Legislative Agenda, under Planning and Community Development, which repeals provisions of Section 15.1-486.4 of the Code of Virginia requiring counties to permit single-wide manufactured homes in areas zoned for agricultural and other related uses. Mr. Burrell thought manufactured homes would allow affordable housing in the county and he had difficulty supporting this item.

Mr. Hennaman stated Delegate Grayson had contacted him regarding the Racing Commission and suggested the Board may want to reconsider their request for a seat on the Virginia Racing Commission. Mr. Bahr felt there was no reason to leave this request out. Discussion followed between the members on this issue. It was decided by the Board that this information would be left in the Legislative Agenda and they could decide in the future how hard they wished to pursue this issue.

Mr. Lipscomb made a correction to the December 8, 1997 minutes. At the bottom of page six where it reads Rtes. 608 and 619 should read Rtes. 638 and 619.

Mr. Lipscomb made a motion to approve the Consent Agenda as presented. Mr. Burrell asked that the record reflect that his approval for this motion did not contain the minutes of December 8, 1997 meeting as he was not present.

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

The motion was carried.

FOR RESOLUTION R-2-98 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 105.

IN RE: CITIZEN'S COMMENT PERIOD

The first citizen to speak was Mr. Gary Green. Mr. Green thanked the Board for the fourteen months he worked with them as a team. He considered it a great experience and appreciated the opportunity. The second citizen to speak was Ms. Jennifer Caldwell. Ms. Caldwell stated her concerns over Mr. Lipscomb's appointment to the Youth Commission of a person not from his district. She felt the supervisors should appeal to the citizens in more ways to get interested citizens to serve on committees and commissions. The third citizen to speak was Ms. Thelma Crump Wilson. Ms. Wilson was concerned about the needs of the schools. She felt there should be a bond referendum in the next election and the county needed to move now on this issue.

IN RE: ELECTED OFFICIALS REPORTS

Mr. Hennaman stated that one of the issues in the executive session regarded the Worley Aviation case. Mr. Hennaman made the following statement: The Virginia Supreme Court, in a written opinion released Friday, January 9, 1998, affirmed the decision of the Circuit court of New Kent County which had awarded Worley aviation judgment against New Kent County for the sum of \$480,000 for payment for the Airport terminal building at the New Kent Airport. Worley Aviation had originally claimed that New Kent County owed it over \$1.4 million dollars for several different matters relating to the Airport. Worley Aviation had been operating the New Kent County Airport rent free under a lease with the County executed in January of 1985 and which expired by its express terms in 1994. The Airport had been purchased from Mr. A. C. Worley in 1977. In addition to the claim for payment for the terminal building, Worley Aviations claims included sums alleged to be due for Airport maintenance and economic injury for failure of the County to construct an interstate interchange to the Airport. On several occasions the County attempted to settle these claims but agreement could not be reached and the claims went to trial. During trial Worley Aviation withdrew some of its claims and the Court dismissed the remainder of its claims except for payment for the Airport terminal. The Court only found that New Kent County owed Worley Aviation for the appraised value of the terminal building, finding that the lease agreement required the County to pay for this building. New Kent County appealed this decision of the circuit Court on several grounds and a panel of the Supreme Court decided that New Kent's position had sufficient merit for a hearing before the full Supreme Court. The Supreme Court of Virginia has now decided that the decision of the New Kent County Circuit court should be affirmed and the matter is now resolved. Despite the Supreme Court's decision, the board of Supervisors is pleased that it did prevail on almost \$1 million of Worley Aviation's claims thus saving those funds for the citizens of the County.

Mr. Bahr made a motion that the county pay Worley Aviation, Incorporated the amount of the funds as determined by the Circuit Court of New Kent county and affirmed by the Supreme Court of Virginia in the matter of Worley Aviation, Incorporated vs. New Kent County.

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

The motion was carried.

Mr. Hennaman expressed condolences to the families of Mr. George Philbates and Mr. Malcom C. Christian, both of whom were life time residents of the county. Mr. Hennaman also stated the Planning District Commission did not meet in January, so he had no report.

Mr. Lipscomb did not have a report.

Ms. Ringley stated she had attended the New Kent Schools Facilities Studies Committee dialogue meeting. Over two hundred people were in attendance and she was glad to see so many people attend. Ms. Ringley is a member of the Steering Committee and she welcomed comments from the citizens and encouraged everyone to attend the next meeting.

Mr. Burrell said he also attended the meeting at the school and also encouraged citizens to attend.

Mr. Bahr encouraged everyone to return their telephone survey card. Also, the gas line which was to have gone from Mount Pleasant to West Point to provide Chesapeake with additional electric power seems to have been dropped.

Ms. Betty Burrell, Treasurer, stated she did not have all the payments made at the bank posted and will try to get a report to the Board before the next meeting. She thanked the Board for the quarterly meeting with constitutional officers and announced there would be an auction of six parcels of land for delinquent taxes. Also, due to the construction her office will be closed to the public the first week of February.

Mr. Hennaman recognized Terry Lawler, the elected School Board member from District Two.

IN RE: STAFF REPORTS

Mr. Emerson asked the Board to schedule the dates given in the tentative budget schedule for the upcoming fiscal year. Two work sessions are scheduled with adoption slated for April 27, 1998.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Bob Riley gave the following report: There were 28 requests for service in December. There were 14 calls from the Sheriff's Office and 6 calls from the State Police - all have been taken care of. They have also cleaned curb and gutter and dropped inlets on Rt. 33 in Eltham and Rt. 60 in Providence Forge, did patching on Rt. 60 and Rt. 64, and installed four entrance pipes. Mr. Bahr said he would be contacting Mr. Riley regarding a problem on the Pamunkey and the intersection of New Kent and Eltham. Also, the potholes on Homestead Road have come back. Mr. Hennaman said he had received requests for signage on Courthouse Road in Providence Forge where it comes into Boulevard Road over the railroad tracks - could the yield sign be changed to a stop sign? Also, on Waterside Drive below the entrance to the Colonies, there's a down hill ess curve - request to reduce speed limit. On Rockahock Road as in joins Rt. 60 at the Old Virginia restaurant there is a sharp turn before the intersection to Rt. 60 - black and yellow arrow indicators there now, is there anything else that could be done? Mr. Riley said he would check into these requests.

IN RE: DISCUSSION with Delegate George Grayson on the upcoming Legislative Session.

Delegate Grayson could not attend, but sent Mike Abley to represent him. Mr. Abley stated the concerns of Delegate Grayson on the Racing Commission issue - how will the Racing Commission and the governor react to it? He checked with the staff attorney on the issue, and was told that as the law is now written no member of the Racing Commission can have any financial dealings with racing, which means you couldn't even sell a bale of hay. They will draft a bill, but it won't be submitted immediately and the

Board can decide if they want it put in. Also, the Parks and Recreation budget amendment will be drafted - he needs an exact figure or more details on this. Mr. Emerson said he should contact the Department of Forestry for this information. In regard to the personal property tax, Mr. Abley said they didn't know how the government will prevent the counties from suffering revenue losses. He would make sure the county received any version of the bill that comes out. Mr. Bahr stated, in regard to the track, the Board's main concern is to be kept in the loop. Would it be possible to have an ex-officio representative or non-voting member? Mr. Abley did not know, but thought it was a good idea. Mr. Hennaman reiterated that the proposal came from the Board's frustration from the fact that on more than one occasion there were significant issues being discussed on the revenue stream which it appeared that every remotely interested group except New Kent County was aware of, and the county wants to be provided with the knowledge these meetings are taking place. The county is not trying to presume to govern who should be appointed. Mr. Emerson said there was a piece of legislation endorsed by VTA and the Racing Commission that would clarify which funds are to be distributed. Currently this issue is neutral to the county, but the county would appreciate Delegate Grayson's attention to make sure it does stay neutral.

IN RE: PRESENTATION - Mr. Jack Gleason, Senior Vice President for Project Planning and Development and Mr. Robert R. Wagoner, Vice President of Land Development, with Del Webb Corporation will give a presentation on Del Webb explaining their company and its product.

Mr. Bob Wagoner stated that Mr. Gleason was unable to attend, but John Cogbill was with him tonight. Mr. Wagoner showed two videos depicting lifestyles of Del Webb at Hilton Head and the other titled Redefining Retirement. Mr. Cogbill stated the best description of Del Webb was energy, enthusiasm, excitement and volunteerism. Del Webb communities are a choice of lifestyle. The communities are self contained with recreational facilities and security. Mr. Wagoner stated that residents of these communities are age restricted (at least 55 years of age), contribute financially, use less utilities, generate less traffic by using the roads on off hours, and have a keen interest in volunteerism. Del Webb is currently in the due diligence phase in New Kent County studying water, sewer, drainage, environmental issues, marketing studies to determine if this is the right place for it, and extensive research.

IN RE: CUP-5-97, Conditional Use Permit to operate a bed and breakfast/home stay establishment on the property shown on Tax Map and Parcel: 20C-(2)-5. This property is located on SR 640 (Quinton Road), 700 feet north of SR 249 (New Kent Highway) in Quinton.

Mr. Maloney gave the following report: Betty S. Broughton has submitted an application for a Conditional Use Permit to operate a bed and breakfast/home stay establishment as noted. The property is zoned A-1, Agricultural, which permit bed and breakfast/home stay establishments with a conditional use permit. Section 9-245(B) of the New Kent County Zoning Ordinance sets forth specific use conditions for these establishments, and these criteria have been met. This application has been reviewed by the Virginia Department of Transportation, which stated they have inspected the road and traffic count, the Virginia Department of Health, which indicated that periodic inspections of the facilities will be required, and the New Kent County Department of Public Safety, which has not identified any concerns at this time. The New Kent County Planning Commission recommended approval of this application. The applicant, Betty S. Broughton, had one comment - thank you. Mr. Hennaman opened the public hearing. There were no citizens signed up to speak so the public hearing was closed. There was no discussion or comments from the Board. Mr. Burrell made a motion to approve CUP-5-97 as presented.

Rebecca M. Ringley

Aye

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

The motion was carried.

IN RE: ANNUAL REORGANIZATION OF THE BOARD

Election of Officers. Mr. Hennaman turned the meeting over to Mr. Emerson for the election of the chairman. Mr. Emerson opened the floor for nominations. Mr. Hennaman nominated Mr. Lipscomb to be Chairman of the Board of Supervisors for the term of one year. Mr. Burrell made a motion to close nominations.

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

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

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

Mr. Emerson turned the meeting over to Mr. Lipscomb. Mr. Lipscomb opened the floor for nominations for vice chairman. Mr. Burrell made a motion to nominate Mr. Bahr to be Vice Chairman of the Board of Supervisors for the term of one year. Mr. Hennaman made a motion to close nominations.

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

Ms. Ringley made a motion to elect Mr. Bahr to be Vice 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

The motion was carried.

Mr. Lipscomb asked if the Board members had any discussion on the adoption of the Bylaws.

Mr. Bahr made a motion to readopt the current Bylaws of the Board of Supervisors with no changes.

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

The motion was carried.

Mr. Lipscomb asked if the Board members had any discussion on Resolution R-1-98, which establishes the regular meeting schedule of the Board of Supervisors for 1998.

Mr. Burrell made a motion to adopt Resolution R-1-98 which sets the schedule of the Board of Supervisors Meetings.

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

The motion was carried.

FOR RESOLUTION R-1-98 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 107.

Mr. Lipscomb said he would make the appointments to the Standing Committees at the February meeting.

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

District One had no appointments.

District Two had no appointments.

Mr. Burrell made a motion to appoint Steve Avent as District Three's representative to the Historic Commission for a four year term ending December 31, 1999.

Mr. Burrell made a motion to appoint Charles Moss as District Three's representative to the Parks and Recreation Commission for a four year term ending December 31, 2001.

Mr. Burrell made a motion to appoint James Moody, Sr. as District Three's representative to the Board of Road Viewers for a one year term ending December 31, 1998.

Mr. Burrell made a motion to appoint Thomas R. Minor, Sr. as District Three's representative to the Board of Zoning Appeals for a five year term ending December 31, 2002.

Mr. Hennaman said he has received a written resignation from District Four's appointment to the Social Services Board, and if anyone was interested in filling this position to please contact him.

District Five had no appointments.

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

The motions carried.

Mr. Burrell made a motion to appoint Ms. Ringley as New Kent County's Board of Supervisors representative to the Metropolitan Planning Organization for a four year term ending December 31, 1999.

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

The motion was carried.

IN RE: MEETING SCHEDULE. The regular meeting of the Board of Supervisors will be held Monday, February 9, 1998 at 6:00 p.m. The Planning Commission will meet on Tuesday, January 20, 1998 at 7:00 p.m.

Mr. Lipscomb asked if the Board wanted to consider a resolution for a past member of the Board for recognition of service. Mr. Hennaman felt it would be appropriate to do a resolution honoring Mr. Gary Green for his fourteen months of service on the Board. It was the consensus of the Board to have staff prepare a resolution.

Mr. Hennaman stated it had been a honor and a pleasure to serve as chairman of the Board for the past sixteen months and expressed his gratitude to the Board for allowing him to serve.

IN RE: ADJOURNMENT

Mr. Bahr made a motion to adjourn.

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

The meeting was adjourned at 8:02 p.m.