

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 11TH DAY OF MAY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-EIGHT IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

IN RE: ROLL CALL

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

Mr. Lipscomb asked the clerk to call the roll.

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

IN RE: CONSENT AGENDA

Mr. Emerson presented the Consent Agenda which consisted of: the approval of minutes from January 28, 1998 Joint Meeting with the School Board, March 4, 1998 Work Session, March 11, 1998 Work Session, March 23, 1998 Joint Work Session with the School Board, April 2, 1998 Work Session, April 6, 1998 Quarterly Meeting with Constitutional Officers and Board Meeting, and April 22, 1998 Budget Public Hearing; Resolution R-11-98 supporting fair housing practices by the County of New Kent, which is a condition of the State Route 155 Community Development Block Grant agreement; Outdoor Gathering Permit OGP-2-98 for Cumberland Hospital, which covers a parade and community fair to be held on May 20, 1998; Refunds for taxes paid erroneously and refund for the return of a real estate cd for a total of \$2,761.57 refunds; FY98 portion of State Grant for Child Care & Development Program, a joint Social Services and Extension Service Program appropriation in the amount of \$1,867.00; Finance Report showing total expenditures for April 1998 of \$620,923.37; and the Treasurer's Report showing a cash balance as of March 31, 1998 of \$8,505,170.82. Mr. Burrell asked that the minutes from the Joint Session with the School Board on March 23, 1998 be changed on page 11, first paragraph, where they read "In fact, from 1987 to last year it went from around 2 million to 5 million - like around a \$100,000 per year." The \$100,000 is an error, it would be more than \$100,000 per year. Also, the minutes from the April 6, 1998 Board meeting, on page 3, under Elected Officials Reports, in his report about Central Virginia Waste Management Authority, the minutes read "They are considering having the containers redesigned so people won't mix metal and glass with the mixed paper, which reduces the number of pickups." It should read that the mixed paper fills up before the glass and metal and to redesign a container that will take more mixed paper so it wouldn't be full as often. Mr. Burrell made a motion to approve the Consent Agenda with the corrections as noted.

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

Mr. Lipscomb clarified the purpose of the Citizen's Comment Period and read the rules and procedures adopted by the Board of Supervisors that govern the Citizen's Comment Period.

The first citizen to speak was Mr. B. E. Eacho, Jr., Quinton. Mr. Eacho questioned the airport. He has looked to the county for 32 years for answers as to what happened on the airport and why the county doesn't have maintenance, aircraft, instructors - that sort of thing and he's gotten no answers. Mr. Eacho said he bought land in the county in 1956 mainly because Mr. Worley had just built a short, private airport. His airplanes have been at New Kent Airport for 39 years. He's paid personal property tax all those years. He built his home in the county, raised his family here, spent six years on the Rescue Squad, six years on the Industrial Development Authority, almost 20 years with the School Board appointment committee, and served as the appointed member of the Richmond Regional Planning District Commission Airport Advisory Committee. He didn't think the county has been responsive to him and he would like to know why there is not an operator and why all this has happened when they were promised that within the first six months or so to have an FBO operator. Mr. Eacho felt he learned more during the last week and today from the Airport Advisory Committee in Richmond, the State and Federal as far as what the plans of this county are than the county has been willing to tell him in 32 years. He felt it was time to be forthright and come forward and tell what the plans for the airport really are. It was time for the Board to be responsive to the citizens and taxpayers. The second person to speak was Reverend David Spratley. Reverend Spratley said he was the pastor of the Mt. Nebo Baptist Church on Mt. Nebo Road. He was representing the members of his church regarding the amount of traffic on New Kent Highway and the speed limit. One of the children who attend his church was hit by a car on April 19 in the vicinity of one mile from Route 639. There are a lot of children in this area that travel along the highway. He requested the Board consider reducing the speed limit and/or in conjunction post signs of children at play. The next citizen to speak was Ms. Mildred D. Morris. Ms. Morris strongly supported what her pastor, Reverend Spratley, said. She requested the Board consider posting a sign, which may make a difference. Several of her family members have been injured in accidents on this road. The next citizen to speak was Ms. Pearl Wallace. Ms. Wallace said she was working with the pastor to get the speed limit down to take care of the young folks. The next citizen to speak was Mr. Robert L. Jones, Jr. Mr. Jones was concerned about the airport. He said he's been watching it for the last three years and Mr. Eacho pretty much stated the same concerns he has. He would like to know what's going to happen. The county has spent a lot of money pursuing this issue and it really did not need to happen. He felt the county had spent more than each taxpayer would want to spend on the airport. He felt someone should be put in place to relieve the county of some of these expenses. He's based an airplane there for quite a few years and he recently sold his last plane. He'd become disenchanted with it (airport) - it's not a fun place to be. If the Board institutes a self service airport then it's going to be less of a place that you like to be. He didn't understand why the Board has not put in an FBO - the county doesn't need to run it. The next citizen to speak was Ms. Jennifer Caldwell. Ms. Caldwell commended the Board for doing what it has done. She's very concerned that all of the citizens are treated fairly and when she attended the budget meetings she felt her questions (as well as another lady's questions) were answered. She felt badly for Mr. Worley because his questions were not answered. She's tried to keep up with the airport. As best she can determine, when Mr. Worley was there it was making money and she understands it is costing money now. She asked the Board, since the elected officials and the staff has changed since Mr. Worley's lease was terminated, if there was any way it could be worked out to have an airport. She asked if Mr. Worley would get answers to the questions he posed at the budget meeting. The next citizen to speak was Mr. John Combs. Mr. Combs said he bought an airplane and moved it to New Kent Airport. He's had a lot of work done on the plane by Mr. Chris Bahen. Mr. Bahen was told he would have to stop working on the plane by county officials. If the Board doesn't want anything to do with the airport, then they should give it to someone who wants to do something with it. He felt the airport was a good thing - it needed repairs and it should

be run like a business. It has to make money. The next person to speak was Mr. George Delk. Mr. Delk said he was not a resident of the county, but he did have aircraft based at the airport and paid personal property taxes in New Kent. Mr. Delk said aircraft maintenance has become an issue at the airport. Apparently the county is considering not allowing any aircraft maintenance at the airport unless they were doing the work on their own aircraft. Under federal law most repairs need to be performed by a licensed mechanic - this issue is of great concern. For the past two years (because the airport has not offered mechanic services) the owners have been using mechanics of their choice to perform repairs to their own planes. This seems to satisfy most owners, the idea of eliminating all aircraft maintenance is of great concern to most aircraft owners in New Kent. By implementing the policy the true supporters of the airport who fly, and use fuel and oil will likely move their aircraft to another facility. New Kent Airport could become an aircraft storage facility and the taxpayers would make up the loss of revenue. He urged the Board to consider this change in policy. Also, he suggested the Board carefully consider running an unmanned airport- possibly morning hours could be eliminated when there is less activity. The next citizen to speak was Mr. Gary Green. Mr. Green was concerned about the recent events at the airport. He believes the airport has the potential to become a detriment to the financial stability (of the county). He felt the county has been making good progress, but the airport facilities are in a sad state of repairs. The activity level is increasing at the airport - fuel sales have increased, all the hangars (as of February) are full, and there are now some people looking to leave. Mr. Green felt the airport was a valuable asset to the county and an excellent economic development tool. Also, it is close to paying for itself - if the hangars are kept full, fuel sales are kept up, and a balance is maintained (for safety) of personnel there during peak times and self service other times - it can be viable. He asked the Board to do what they could to put the current distraction behind and begin operating the airport professionally. Also, the aircraft mechanic issue needs to be addressed. The next person to speak was Mr. Charles Capitaine. Mr. Capitaine said he has been a customer of the airport for a long time. If the former operator earned (money), then why can't the county? He thought they should hire a certified mechanic. He has a lawsuit against Mr. Worley with a trial date of May 18. He asked the Board to consider what he'd said - it's a business like any other and he thinks Mr. Worley knows how to handle it. The next citizen to speak was Mr. Lester Silva. Mr. Silva said freedom of speech is guaranteed by the constitution, which to him, appears to be denied in this assembly. The first speaker could not finish his speech because of the time limitation set. Mr. Silva did not think that three minutes was enough. Also, questions have not been answered, as he gathered from the speeches made by others. The (New Kent) police sometimes try to allocate powers beyond their means. Freedom of speech is expressed in various ways. For the police to cause bodily harm instead of protecting citizens when they are handcuffed is against all observances and is tantamount to police brutality. The 911 has been limited. If someone thinks he or she should use 911, who are we to prevent that person from expressing themselves? If to inquire about the time of day is for somebody very important, then that freedom should be granted. There should be order and harmony, but they (police) cannot abuse that right to freedom. Under protest he ended his speech because he has been limited to three minutes. The next person to speak was Mr. Curtis Taylor. Mr. Taylor gave the Board a map of the Mt. Nebo area. Mr. Taylor said he is a member of the Mt. Nebo Baptist Church and he is concerned about New Kent Highway and Route 30, as the pastor and some of the other members have stated regarding the accidents and people being "broken up" over the years. He asked what the number of houses were in that area - isn't that a dense enough area to be called residential and enough reason to reduce the speed? Can warning signals be posted? He asked if they could get an answer tonight on if they can get a sign or something done? Mr. Burrell suggested they speak with Mr. Bob Riley after the meeting. The next person to speak was Mr. A. C. Worley. Mr. Worley said he had heard enough negativism in the last 3 2 years. He was at the last budget meeting and he asked a series of questions, which he did receive a reasonable, prompt reply in the form of a letter. Some of the questions were answered and some he has sent back for further evaluation. Basically he was present now to commend the Board - he did find out in the answers that the land that is north of the existing runway at the airport has not been transferred yet. He felt it was to the advantage of the county to get the highest and best use of that land and the highest dollar value. He also learned the county was going to install above ground

tanks in lieu of underground tanks. He asked if it would be two tanks coupled together or one large tank. He would prefer the two tanks coupled together instead of one monster tank. He also commended the Board on the school system. His son attended the county system and so did his granddaughter. He also commended the Board on the new interior decorating in the county administration building - it is an image the county has needed for a long time. He was received in a hospitable manner, and received a reply from Mr. Emerson in a very positive, professional way. The next person to speak was Mr. Enoch B. Bassett. Mr. Bassett is a member of the Mt. Nebo Baptist Church, has been a life long resident, and has paid taxes. He said there had been a lot of accidents on New Kent Highway and he felt something needed to be done - signs. He asked the Board to please do something before someone was killed. Mr. Lipscomb closed the Citizen's Comment Period.

IN RE: ELECTED OFFICIAL'S REPORTS

Ms. Betty Burrell, Treasurer, thanked the Board for adopting the budget, she was excited about the opportunities the new budget will give her office to provide better service to their customers and the Board. She gave the Board copies of an article that appeared in the Richmond Times Dispatch which has been an effective tool for collection. Ads will appear for the next parcel set to be auctioned.

Mr. John Crump, Commissioner of Revenue, gave a status report on his office. On real property they have finished all the editing and auditing for last year and uploaded the information to the Bright Accounting System. They have 101 parcels more than last year. They are on target with the real estate numbers - actually slightly over. BPOL, business licenses, they have been aggressive in identifying businesses and getting them to renew their licenses. He asked the Board to work with him to take a look at the rates, the business license structure, and the costs - he did not think the current process gave businesses the idea they were open for business. Personal property procedures for implementing refunds have been finalized and it is a complicated process in which the state will send reimbursement checks as necessary to taxpayers. Also, a 1099 will be sent to pay taxes, if a refund was received, on that income. He hoped the Treasurer will receive support in this, as it will be a lot to do. He said he's had trouble getting access to the computer and would like to work with the Board and Mr. Emerson on this issue.

Mr. Lipscomb recognized Terry Lawler, the School Board's representative from District Two.

Ms. Ringley stated that during the public comment time, they generally do not answer questions, but they would like to see the questions be addressed either during the meeting or after the meeting either by your elected official or by staff. Regarding the airport, every effort has been made to handle the airport in the best manner for the county.

Mr. Burrell confirmed the information on the tire amnesty program from Central Virginia Waste Management Authority had been received by staff. Mr. Burrell briefly went over the program for the public, which is limited to ten tires per family on June 6 and 7 at the Route 618 Convenience Center.

Mr. Hennaman said, in regard to the rescue squad letter (to the editor) in the New Kent Chronicle, he has received questions from constituents on the feasibility of the county to rename the portion of Old Telegraph Road that lies to the south of Route 60? He asked staff to speak with the Sheriff and 911 operators to see if there was a problem as described in the letter to the editor. If there is confusion concerning emergency vehicles not knowing which side of the road to go to, then what would be involved in renaming that small portion of the road. Also, regarding Agenda Item 1, Ordinance O-8-98, an amendment to the election precincts, he will not be participating in discussion or in the voting on the

Providence Forge precinct change, but will participate in the other precinct change. He asked the Board to consider the ordinance in two separate motions.

Mr. Bahr welcomed Area Three Colonial Soil and Water Conservation for a day at the track last week. The people from Mt. Nebo were here at his suggestion. Mr. Bahr said he plans to make every effort to see that the piece of Barham Road used as a shortcut to get from New Kent Highway to Farmers Drive, is permanently closed.

Mr. Lipscomb did not have a report.

IN RE: STAFF REPORTS

Mr. Emerson gave the following staff reports. Regarding a request by Mr. Burrell for a curfew ordinance, he has been working on this with the Sheriff and the County Attorney. He hoped to have it ready for the next Board meeting. Also, he has received a request from the Superintendent of Schools for a joint meeting with the School Board and the Board of Supervisors to discuss the use of the residual end of the year money, the funds from the state for capital items school grant for construction, and the facilities group has made a recommendation they want to present to the Board. The Board agreed on Tuesday, June 2 at 6 p.m. with a second choice date of June 3.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Bob Riley, Resident Engineer for VDOT, reported they received 20 calls for service during the month of April and twelve calls were received from the Sheriff's Office. They concentrated on the following projects in April: pipe replacement and slope repair on Route 249, placement of plant mix with a paver, pothole patching on all primaries, mowing on Route 609, Route 60 at Providence Forge and Route 249, all dirt roads in the county have been bladed and stone placed where needed. The following work is planned for June: night patching of potholes on I64, tree trimming in the east bound median of I64, contract sweeper to sweep Providence Forge area, removal of eroded material from the bottom of the slopes and place rip-rap stone on the slopes of Route 604. Mr. Riley said they have fallen behind on the complaint maintenance due to several major projects, but will get to the complaints as soon as possible. The Board members discussed their concerns with Mr. Riley. The Board asked staff to contact the property owners on the proposed turn around on Barham Road (so the portion of the road near Route 273 can be abandoned and made into a dead end) and to get it on the Board's agenda as soon as possible.

IN RE: ORDINANCE O-8-98 Amendments to New Kent County Election Precincts Ordinance to move polling place in Election District 4 from Providence Forge Recreation Association Building to Taylor and Harrison Chevrolet; and, Election District 5 from the new New Kent County Courthouse to the former New Kent County Courthouse.

Mr. Lipscomb reviewed the procedures for public hearings. Mr. Cornwell gave the following report. This ordinance would amend section 2-31(a) of the New Kent County Code. One change is to move the polling place for the Providence Forge district voting precinct from the Providence Forge Recreation Association building to the Taylor and Harrison Chevrolet building. The other request is to move the courthouse polling place from the new New Kent County Courthouse to the old courthouse. These changes have been requested by the Electoral Board for the following reasons: The Providence Forge

Recreation Association increased the election day rental fee from \$150.00 to \$300.00 and Taylor and Harrison Chevrolet has offered the use of their building at no charge. Also, the courthouse polling place is being moved in order to prevent disruption of court proceedings now that the old courthouse has been refurbished. Both of these changes require approval of the U.S. Justice Department and upon adoption he (Mr. Cornwell) will request such approval. The ordinance was also amended by the addition of street addresses for each polling place. Mr. Lipscomb opened the public hearing. There were no people signed up to speak and the public hearing was closed. Mr. Burrell made a motion to adopt Ordinance O-8-98 as concerns the moving of the Providence Forge polling place from the Providence Forge Recreation Association Building to the Taylor and Harrison Chevrolet building.

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

Mr. Bahr made a motion to adopt Ordinance O-8-98 as it pertains to changing the polling place from the new New Kent Courthouse to the old courthouse.

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

FOR ORDINANCE O-8-98 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 128.

IN RE: PUD-1-98 The Board will consider this Amendment/Rezoning Application from Delmarva Properties to rezone property shown on Tax Map and Parcel: 33-3A, located on the east and west lines of Courthouse Road (State Route 155) approximately 1,050' south of U.S. 64. The property is currently zoned A-1, Agricultural and contains 3.88 acres. The proposed zoning is PUD-Equestrian Planned Unit Development.

Mr. Maloney gave his report. The applicant proposed to include this parcel in the existing Planned Unit Development Parcels A1 and A2. No increase in the commercial square footage or number of residential dwelling units is being proposed. The request will simply add additional acreage to these development parcels. The application has been reviewed by the appropriate agencies: VDOT - the formal site plan development plans must be prepared and submitted for review prior to construction, the Health Department and Department of Public Safety had no comments. Mr. Lipscomb asked if the applicant had any comments. Mr. Steve Campitell, of Delmarva, said they have attained additional acreage since they rezoned this last piece of property. Their goal is to maintain the uniformity in that parcel. The Board questioned Mr. Campitell on the land transfer from McCreery and the land condemnation for Route 155. Mr. Lipscomb opened the public hearing, no one had signed up to speak and the public hearing was closed. Mr. Hennaman made a motion to approve PUD-1-98 as presented.

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.

Ms. Ringley made a motion to appoint Mr. Kent VanDervort as District Two's representative to the Board of Social Services for a four year term ending June 30, 2002.

District Three had no appointments.

District Four had no appointments.

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

IN RE: MEETING SCHEDULE

The regular meeting of the Board of Supervisors will be held Monday, June 8, 1998 at 6:00 p.m. The Planning commission will meet on Monday, May 18, 1998 at 7:00 p.m.

IN RE: ADJOURNMENT

Mr. Hennaman 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 Board adjourned at 7:37 p.m.