

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 14TH DAY OF SEPTEMBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-EIGHT IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:06 P.M.

IN RE: ROLL CALL

James H. Burrell	Present
Mark A. Hennaman	Present
Frederick G. Bahr	Absent - arrived at 6:08 p.m.
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: Approval of minutes from August 3, 1998 and August 13, 1998; Resolution R-20-98, I-64 Major Investment Study Preferred Alternative, OGP-5-98, Application from Colonial Downs for a series of after-race concerts, Resolution R-24-98 for achievement of Eagle Scout by Alexander James Noctor; Refund to the Edward M. Allen Estate for \$325.54 for reimbursement of taxes that were paid twice; Appropriations - Social Services funds for daycare associated with the welfare reform program, carry forward funds to complete projects that were started in FY98, carry forward funds for Family Preservation Professional Services Parenting Classes and Community Catholic Charities, and carry forward funds for Programming Consultant, Mailing Label Program and Repairs and Maintenance of Electric Switch Wiring of the Winn Dixie water system for total supplemental appropriations of \$32,482.15, money-in/money-out \$26,086.50, and \$6,395.65 from the fund balance; Finance Report for total expenditures for August 1998 of \$623,264.79; Treasurer's Report for June 1998 reports a cash balance of \$6,172,916.39 and July 1998 reports a cash balance of \$6,466,831.37. Mr. Hennaman 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

FOR RESOLUTION R-20-98 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 149.  
FOR RESOLUTION R-24-98 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 151.

IN RE: CITIZEN'S COMMENT PERIOD

The first citizen to speak was Mr. Lester Silva, 5948 Wensleydale Drive. Mr. Silva spoke about education in New Kent. He stated he would love to serve on the New Kent County Education Board. Mr. Silva felt he was qualified for the position. He said he has a sincere love of young people and the future

of his beloved country, the land of his adoption. He was concerned about the low achievement in test scores for 6th and 9th graders. He thought they did not do well because they were socially and emotionally unprepared to proceed upward. He thought they should be kept back to repeat these grades, so they could benefit by maturing and being further nurtured, which would probably bring improved achievement and test scores. He believed the students would be the greatest supporters of this. Mr. Silva was willing to volunteer his services to join interested parents, citizens, and educators to explore this proposal. The next citizen to speak was Mr. Stran Trout from Quinton. Mr. Trout spoke about the upcoming workshop sponsored by the Virginia Citizen's Planning Association. He urged the Board to attend. The next citizen to speak was Ms. Jennifer Caldwell, 4301 Old Nottingham Road, Quinton. Ms. Caldwell spoke about the recent ruling of the United States Fourth Circuit Court of Appeals concerning the Telecommunications Act. She was specifically concerned with the part regarding (Justice) Powell "Legislators have interpreted the act selected for average non-expert citizens, that is to thwart democracy." She felt this was a validation of her arguments one and a half years ago to which the Board gave no merit. Also, Primeco was requesting two 135 foot towers to accommodate four users. She questioned if the 125 foot tower next to her can accommodate the four users required by New Kent County and that it be substantiated with a certified radio engineer's sworn affidavit from the tower company. She requested the County initiate an inquiry regarding this question as to whether the Seitz tower and Pine Fork tower are in compliance with County Code requiring a minimum of four users. It should be substantiated by an independent radio engineer's report and not by the tower company. The next citizen to speak was Ms. Thelma Crump Wilson. Ms. Wilson said she was glad to see the staggered system of election of Board of Supervisors on the agenda. She prayed they were progressing on the operation of the New Kent Airport. The next citizen to speak was Mr. A. C. Worley, 6920 Terminal Road, Quinton. Mr. Worley was concerned about comments he has received from non-county residents about the airport. Mr. Worley said he had offered in 1989 to build a \$800,000 expansion of a maintenance facility for a commuter airline, amortized over an eight year period, and asked for an extension of the lease - it was denied. He felt the Board needed to be business friendly. He said he has sent five different firm owners to the County, three of them located in Chesterfield and two located in Hanover. Mr. Worley felt the Board was committing political suicide with the airport. He felt they should do something - get a professional operator. Mr. Worley felt the options printed in the press were ludicrous - what was a qualified person going to manage. He felt the County didn't need anymore chiefs, they needed indians. He felt the worst thing the County could have done four years ago was nothing, and that's what they've done. He did not feel any of the options were viable.

IN RE: ELECTED OFFICIAL'S REPORTS

Ms. Ringley said the New Kent County Fair was an enjoyable day and it was a pleasure to see the citizens enjoying fellowship.

Mr. Burrell said he attends monthly meetings of the Central Virginia Waste Management Authority and they haven't been able to direct as much as they would like from the waste stream into recycling. They are considering a different opening in the recycling containers for cans and bottles - possibly using five gallon buckets. They are going to use test sites to see if this is effective.

Mr. Hennaman did not have a report.

Mr. Bahr said he has recently traveled to Los Angeles, he's spent most of his life in Detroit, and he has daughters living in New York City. In spite of all our problems, he's glad he lives in New Kent County.

Mr. Lipscomb did not have a report.

Sheriff Howard was represented by Chief Deputy McLaughlin as Sheriff Howard was at the Virginia State Sheriff's Association Conference. The New Kent Sheriff's Office has won the Virginia State Chief's Challenge (for a department their size) for promoting highway safety, enforcing drunk driving regulations, and safety seatbelts. This is the third year in a row they have won this award. Also, the uniform crime report shows a clearance rate of 48.24 percent for 1997. The average rate in the state was 24.2 percent.

IN RE: STAFF REPORTS

Mr. Emerson said the one staff report he had concerned the recommended revisions of the duties for the Director of Public Safety, as well as giving the Director of Public Safety a new title. Mr. Gallaher reviewed the duties, which were assigned to the Chief of Emergency Services to try to bring organization into being with the funds the Board supplies to the fire departments and rescue squads. Mr. Emerson asked the Board to set a work session prior to the October 12 meeting with the organizational hierarchy/leaders of the rescue squad and fire department to discuss these duties and how they relate to their functions. The Board discussed volunteer and career members. The Board set a work session with the Fire Departments and Rescue Squads for 5:00 p.m. on October 12, 1998.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. John Neal, gave a summary of work performed by VDOT during the month of August. He stated the Six Year Plan update would be presented to the Board soon. Mr. Bahr asked if they had received the document from Mt. Nebo allowing the ditch on Mt. Nebo Road? Mr. Neal said there was a mix up in the document and he's asked them to send the document again. Mr. Hennaman inquired about the contract grass cutting on the secondary roads in the Providence Forge area. Mr. Neal said the mowing would include the secondary roads. Ms. Ringley said the following issues were being reviewed: the diagonal road in front of the George W. Watkins elementary school, the speed limits along Rt. 249 through the intersection in Bottom's Bridge, at the entrance to Citizen's and Farmer's Bank on Route 249 it seems the turning lane is before you get to where you would actually turn into the bank and it creates confusion, the ditches on Henpeck Road, and mowing on Route 60. Mr. Lipscomb said on Rt. 606 about 800 foot north of Rt. 619 there was a big hump with a pothole and on Rt. 612, which was just resurfaced, the potholes were not filled before the road was resurfaced. Also, the limbs along Rt. 606 need to be trimmed.

IN RE: CURFEW ORDINANCE, O-9-98 - Adopting Section 12.50 of the New Kent County Code setting forth a curfew for juveniles of 12:01 a.m. to 5:00 a.m. Monday through Friday and 1:00 a.m. to 5:00 a.m. Saturday and Sunday.

Mr. Cornwell gave his report stating this curfew affects minors (those younger than eighteen years old) providing they not be out between the hours of 12:01a.m. to 5:00 a.m. Monday through Friday and 1:00 a.m. to 5:00a.m. Saturday and Sunday unless the minor is: accompanied by a parent, involved in an emergency, engaged in an employment activity (or is going to or returning home from such activity without detour or stop), on the sidewalk directly abutting a place where he or she resides with a parent, attending an activity sponsored by a school, religious, or civic organization, by a public organization or agency, or by another similar organization or entity, which activity is supervised by adults and/or the minor is going to or returning from such an activity without detour or stop, on an errand at the direction of a parent and the minor has in his/her possession a writing signed by the parent containing certain information, is involved in interstate travel through, or beginning or terminating in, the County of New

Kent, or is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion or freedom of speech. This ordinance prohibits minors from being out in public during the times set forth to reduce juvenile violence and crime in the County and to promote the safety and well being of the County's youngest citizens, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activities, it is also an offense to allow a minor to remain upon a public establishment during this time. It defines emergency, defines minor, and allows for a first offense to be a warning from the police officer to the minor followed up by a letter to the parents notifying them the minor was found outside during the curfew time. If the minor is found out on a second occasion it provides for a summons to be issued for the minor to appear in front of the Juvenile and Domestic Relations Court. Chief Deputy McLaughlin was present to answer questions. Mr. Bahr asked if enforcement of this ordinance would require additional deputies or more of the deputies time. Mr. McLaughlin said it would probably require more time and work in the beginning. Mr. Burrell said this ordinance was brought to the Board by one of the deputies telling him it was effective in James City County. If you reduce the vandalism it may not be as much work in the end. Ms. Ringley asked if this would affect minors going hunting. Mr. McLaughlin said he and the Sheriff discussed this and the ordinance would be used as an investigative tool to reduce crime and prevent crime. If they(juveniles) are hunting they will be dressed appropriately and usually have documentation from the landowner allowing them to hunt on their land. Mr. Lipscomb opened the public hearing. The first citizen to speak was Ms. Jennifer Caldwell. Ms. Caldwell was concerned about what kids do after midnight - they congregate on her road and have a party. Are her rights going to be looked after if this ordinance is passed? She wondered if the parties would continue longer into the early morning hours. She said she has complained, but has not seen any results. She supported the curfew, but thought the Sheriff's Office and the Board of Supervisors needed to consider this aspect of it to make sure the citizens are not subjected to loud noises. The next person to speak was Mr. Edward W. Pollard. Mr. Pollard said he was the president of the NAACP and he believed this ordinance should not be passed because it's an issue that should be studied more to determine the impact on the young people and their parents, the staff, and the taxpayers of the County. He felt there could be additional costs for deputies and in areas where curfews are in effect the evidence is not conclusive that they have been effective in remedying crime. If the Sheriff is not sure it will be effective in preventing crimes, then why pass the ordinance? He was also concerned the ordinance would require parents to pay fines. He felt there were laws on the books now to allow (the police) to do what is necessary. He felt it was best to have less laws in some circumstances - this ordinance just made things tougher for kids. Most of the kids now go outside the County for entertainment. He did not want the young people to be harassed by law enforcement. He did not feel the County has provided alternatives (with the exception of the school programs) for the young people. He asked the Board to not pass this ordinance without further studies. The next person to speak was Mr. George A. Philbates, Jr. Mr. Philbates was concerned because it takes longer for the kids to get home because they live in a rural area, and if minors were married, then why should they be subjected to this curfew? There are loitering laws on the books to take care of problems. Mr. Lipscomb closed the public hearing. Mr. Bahr asked if there was a noise ordinance. Mr. Cornwell said yes, there was. Mr. Hennaman said he'd spoken to many people about this ordinance and he thought it was well intended, and well written, but he felt as long as the government steps in to give boundaries, then parents won't deal with these issues. He understood this ordinance worked in James City County, but did not work in Mathews. For those reasons he opposed the ordinance. Mr. Burrell also thought the ordinance was well written and he had supported it from the start, however a recent report has come out that shows curfews are not that effective in rural areas. Also, he realized the children needed to go outside the County for entertainment. Considering what the citizens had said tonight, he had a change of heart on this issue and is now was reluctant to support it. Ms. Ringley said - here's another rule and law - how many more do we need? Parents should not feel government is doing their job for them. People have said this is a tool for the Sheriff's Office to use when children are not being controlled. Perhaps we already have the tools in place that would prevent kids from doing these things we don't want them to do. Mr. Lipscomb concurred with the previous comments. Mr. Bahr noted that if Sheriff Howard felt strongly about this

ordinance then perhaps they would want to delay taking action or set a sunset provision. Mr. Hennaman stated he and the Sheriff were in agreement that this was a well intended ordinance, but he did not get the impression the Sheriff was adamant that the ordinance be passed. Mr. Hennaman made a motion to deny Ordinance O-9-98 as presented.

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

IN RE: MAPLEHILL ASSOCIATES. LLC, C-2-98 - Application to rezone a portion of Tax Map and Parcel 20-84 located on the north line of State Route 249 approximately 4,000 feet east of State Route 640 from A-1, Agricultural to R-1 (C), Single Family Residential with Conditions, with proffers.

Mr. Maloney handed out a conceptual site plan the Planning Department received on Friday, September 11 showing the rezoning and then gave his presentation. Maplehill Associates, Inc. has applied to rezone a 64 acre portion of the property shown on Tax Map and Parcel: 20-84, located on the north line of State Route 249, approximately 4,000' east of State Route 640. The current zoning is A-1, Agricultural and the proposed zoning is R-1(C), Single Family Residential, with Conditions. The original application included the construction of 114 dwellings. The amended proffer statement calls for the construction of 49 dwellings. The Future Land Use Map contained in the New Kent County Comprehensive Land Use Plan designates this parcel for medium density residential land uses. The Medium Density Residential designation allows between 2 - 6 units per acre and a variety of housing types. Demands on public facilities are expected and some utilities will be necessary. Overall the proposal is acceptable under the Comprehensive Land Use Plan. The applicant has also made proffers. The application has been reviewed by the New Kent Health Department (which had no comments at this time due to a lack of soils data), Public Safety Department (which has requested two entrances to the site for emergency vehicle accessibility and the Director of Public Safety noted there will be an effect on the emergency services system if 112 additional single family dwellings are constructed), and VDOT (which will require a right and left turn lane from State Route 249 into the subdivision entrance and the internal roads must be constructed to VDOT standards and turned over to VDOT for inclusion in the State Secondary Road System. The Planning Commission, at their July 20, 1998 meeting, voted to recommend denial of this application. The Department of Planning recommends that the Board of Supervisors refer the application back to the Planning Commission for consideration of the amended application. Mr. Vernon Geddy, the applicant's attorney, addressed the Board. Mr. Geddy agreed that the application had changed considerably since the Planning Commission hearing and he understood that was the Planning Departments reason for recommendation of returning it to the Planning Commission. Mr. Geddy pointed out that Maplehill Associates has decided to develop the farm either under this proposal or subdivide it and develop it as they can by right. They felt it was better for both the applicant and the County that the property be developed under this proposal with the proffers. Due to the citizen's complaints about the number of units, they have reduced them from 114 to 49 on 64 acres, which is less than one fourth of the size of the original proposal. The applicants will continue to own the surrounding property and they have a keen interest in ensuring the development be done in a quality manner. Mr. Geddy said the application is consistent with the County's Comprehensive Plan and it is a phased plan. The development would be served by a separate well system to assure no adverse impact on the citizens. Mr. Geddy reviewed the proffers. Mr. Geddy asked the Board to approve the application and not send it back to the Planning Commission as he didn't think the proposal would be any different when it worked it's way back to the Board. Mr. Lipscomb opened the public hearing. The first person signed up to speak was Mr. F. C.

Kuester, who said he attended the Planning Commission hearing when the proposal was for 217 homes - from what he has seen of the changes, he's not seen much improvement. They reduced the number of acreage that was going to be developed and they have reduced the number of houses. He looked at it as the fox getting in the hen house and eventually the rest will be done too. He has seen no improvements for the septic system, water, recreation ( a half acre for 40 kids is not enough). He was opposed to the plan and felt if Maplehill wanted to develop it, it should be developed as A-1. The next person to speak was Ms. Alice Kuester. Ms. Kuester said they live in the middle of the land owned by Maplehill Associates. Her opposition to it was selfish - to preserve her lifestyle. If the land is allowed to be developed as residential she was concerned it opened the door to develop more land around her as residential. The next person to speak was Mr. Wayne D. Pope. Mr. Pope was concerned about the schools, fire department and other safety issues. What will they do with the rest of the land? The proffer of \$5,600/home - how will it help in building new schools, because there will be more children? The County doesn't have a paid rescue squad or fire department - they're spread thin now. He had to wait one and a half hours the other morning for a response to his call for his wife. He moved to New Kent because it was rural, and it seems to be growing at a fast rate. The next person to speak was Mr. Milton Harmon who said he lived across the street from the (proposed) development and has been there for about twenty years. Back in around 1970 the Planning Commission limited the building on the property in that area to five acres due to the low water table. He felt that 49 houses on 64 acres would put a drain on the percolation of the soil. The proffer doesn't come close to helping with the conditions at the schools, fire department, police department and others. He felt the acreage should be enlarged. He was opposed to the application. The next person to speak was Ms. Jo Kittner who stated she lived in the middle of the property. She felt the concerns from the original plans were applicable to the current proposal - she hasn't seen the report the Board was given. Forty-nine homes in two years were a lot of homes for the County to absorb - it could be as many as 100 students. Can the County afford to house the students in the already over crowded schools? Also the volunteer fire and rescue departments are already over taxed - she wondered how much more they could handle. Questions have been raised (at the Planning Commission) about the water capacity and she felt answers were needed to these questions. She was concerned the applicants were asking for a small portion of their parcel of land to be developed (she remembers the first proposal listed 217 homes). She believed the applicants would be back after this was approved for yet another rezoning for more land. The majority of homes in this area are on five acres or more - the proposed lot sizes were increased, but not to the five acre size. She felt it was important for a balance in lot sizes. She asked the Board to oppose this application. The next person to speak was Mr. David Kittner. Mr. Kittner said there has been a radical change in the proposal and the easy course of action was to refer it back to the Planning Commission (who unanimously voted against it). He asked the Board to defeat the proposal tonight and not send it back to the Planning Commission. Most of the oppositions fall into two categories: the burden it will put on the County's services ( he felt the County could not keep up with the demand for services). The applicants are asking for rezoning - the Board is not denying them the use of the land, which was zoned A-1 when they purchased it. He felt the applicants were asking to put too great a burden on the taxpayers. He felt the timing of the development was not right, the scale was not right, and the location was not right. The second concern is it will change the rural character of the County. The Comprehensive Plan, as it affects this piece of property, is seven years old. The land in the vicinity of this parcel, under the Comprehensive Plan, is not developed as the Plan anticipates. He felt the Comprehensive Plan should not control this - it's a guide not a mandate. Also, a new Comprehensive Plan for this area will be passed - possibly in December - and if this application is deferred back to the Planning Commission - the new Plan will be approved before this application comes back to the Board. Under the new Comprehensive Plan this land is designated as A-1, Agricultural. He asked the Board to defeat the application and not send it back to the Planning Commission. The next person to speak was Mr. Carl G. Koegler. Mr. Koegler agreed with the previous comments. He opposed the application for two reasons: 1) A lot of residents live on fixed incomes - they can't afford more taxes to pay for the additional children. Mr. Koegler said he believed strongly in managed growth. He did not feel the County had the tax base to support a large growth in a small amount of time. He thought it was wise to

have bigger lots and bigger homes as it's a bigger tax base with less children. 2) The safety factor on Rt. 249 - the entrance is right over a knoll at the Pomeroy Farm. The speed limit should be reduced on Rt. 249 from Bottoms Bridge to Rt. 612. The next person to speak was Mr. Patrick Wilson. Mr. Wilson recommended the Board vote the application down and not refer it back to the Planning Commission because he thought it was ill thought out at this time. He took it as a thinly veiled threat to say the property will be developed whether you approve it or not, and they can develop their A-1 land as A-1 land. The Board doesn't have to do a thing. The septic systems and water are not ready to handle these proposed 49 houses. He thought it was the applicants right to use their land and he agreed with it, but it's not their right to put the burden on the other taxpayers in the County, which is what the housing development will do. You don't build a housing development hoping to get industry, you get industry to locate and then you build for it. The next person to speak was Mr. O. A. White who thought 49 homes were too much. He wouldn't oppose it if it were only 10 or 12, but these homes will burden the County's resources. The next person to speak was Mr. J. F. Ellett. Mr. Ellett said the question was posed to a member of the Planning Commission of what was the one main thing that sunk the zoning application? The answer was schools. What about the water, isn't the County under stress for their water as local counties around New Kent are? What about the septic system and it's impact on the ground quality and the water? What about the traffic congestion and safety on Rt. 249? What about the police, fire and rescue squad, etc. and the schools? He asked the Board to consider all these things and not just one thing - the thing that costs us money. There is currently a lot of residential growth in the County and it's putting a burden on the taxpayers, schools, fire department, and so forth because we don't have the business growth we should. He pointed out that in western Henrico County they were developing well thought out subdivisions and following this was business in the neighborhoods. He hoped the Board would do this. He also thought the County was being depleted of its water. He hadn't heard any objections from anyone to developing the land with quality homes on 3-5 acres per home. He asked the Board to not sell off what they enjoy in the County. The next person to speak was Mr. A. C. Worley. Mr. Worley vehemently opposed this proposal. He compared the number of children opposed to the money the County would receive - he calculated it would cost the County over 5 million dollars. He felt it was the wrong place and the wrong time. He was concerned about the historical character of the County, which is why he and most of the citizens moved here. He also felt Route 249 would have to be widened. He asked the Board to reject the proposal and not send it back to the Planning Commission. Mr. Lipscomb closed the public hearing. The Board questioned Mr. Maloney on the second entrance, the Planning Commission's recommendation, and staff's recommendation. Ms. Ringley felt they were seeing different information from what the Planning Commission reviewed and she wasn't comfortable approving or denying the application for this reason. Mr. Burrell concurred. Mr. Bahr made a motion to defer application C-2-98 back to the Planning Commission for their further review and action. Mr. Hennaman felt this was a prudent move, but even with the reduction of units many of the concerns still exist and will still exist when it comes back to the Board.

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

IN RE: VRS DEBT REFINANCING FOR SCHOOLS - Mr. Paul Lee of Robinson, Farmer and Cox Associates will present information to the Board on refinancing the VRS debt for schools.

Mr. Lee proposed the County considering refinancing their VRS early retirement obligation for School Board professional employees. The County is currently paying 8 percent interest on this obligation per

year. Bond counsel is now able to refinance this debt and probably at a non-taxable rate around 4.8 percent. If they cannot get a non-taxable rate, then it would be around 6.8 percent. They proposed the debt be refinanced for a reduced monthly rate and a reduced term from 21 years to 19 years. They project the County could receive a savings of almost \$224,000. Robinson, Farmer and Cox Associates could perform the necessary services for refinancing for approximately \$10,000, which would be rolled into the bond financing package. The Board briefly discussed this issue. Mr. Emerson said he recommended the refinancing. Mr. Hennaman made a motion to authorize the County Administrator to move forward with preparations to refinance the County's (Schools) VRS Early Retirement Debt Obligation as per the proposal by Robinson, Farmer, Cox and Associates.

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

IN RE: BID CONFIRMATION - The Board will approve the high bid for the County-owned 19.6+/- acre tract of land that was auctioned on September 2.

Mr. Emerson handed out bid information that was received late this afternoon. The high bid was \$366,000, minus advertising expenses totaling \$4,168.36, buyer's premium of \$36,600 (of which half goes to Motley's, 2 percent goes to the registered agent, and 3 percent to the County). Mr. Emerson said he and the County Attorney had a problem in that Mr. Kenny Wilbourne of Wilbourne Realty, who was the high bidder, had one of their realtors register Wilbourne Realty and then Mr. Kenny Wilbourne bid on the property which qualified them for the 2 percent commission as the contract was set up. Mr. Emerson felt they drove a truck through the loophole. While it was legal, he had some reservations on how this occurred. The total net amount for the County is \$372,811.64. Mr. Emerson said the Board needed to confirm the bid so the land (sale) could be closed. Mr. Burrell made a motion to accept the bid as presented.

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

IN RE: STAGGERED BOARD TERMS - The Board will discuss staggered terms.

Mr. Bahr felt the main reason for staggered terms is so there will never be a complete change of the Board of Supervisors, which would create an inexperienced Board. Mr. Cornwell researched this issue and the choice of which districts will be reduced to two year terms would be determined by a draw (by lot) or flip of coin. Also, the School Board members terms would automatically be changed to the new districts terms. Mr. Hennaman asked how many boards across the state are staggered - Mr. Emerson replied around a third. Mr. Hennaman wanted the opportunity to discuss this with their constituents. It was the consensus of the Board to speak with their constituents before any action was taken.

Mr. Lipscomb recessed the Board for a short break at 8:54 p.m. The Board returned at 8:58 p.m.

IN RE:           PRESENTATION - Mr. Shawn Pratt, Chairman of the Steering Committee of the New Kent County Airport Preservation Association and Mr. Chris Hudson, Mid-Atlantic Regional Representative of the Aircraft Owners and Pilots Association will present information designed to assist the Board in making the New Kent Airport a viable asset to the County.

Mr. Pratt said the New Kent County Airport Preservation Association (NKCAPA) had been working with local, state, and federal government, national aviation organizations and citizens. Mr. Pratt said they wanted to clear up the confusion regarding the use of the airport, the financial picture, and the county's options. Mr. Chris Hudson said seventy public use airports closed last year and the number continues to increase. The FAA projects the number of pilots will be gradually increasing. Mr. Hudson spoke about economic benefits observed from other airports similar to New Kent's (Bay Bridge Airport, Chapel Hill, Gastonia, and Sanford/Lee County). He suggested the County improve the fuel sales (other credit cards need to be accepted) and provide on a 10 hour daily basis, 24 hour self-fueling for based aircraft. Mr. Pratt stated there was economic impact from the airport from golf, horse track, business, drug bust staging area, etc. He compared the personal property tax rate on an airplane at \$1.25/\$100 to a vehicle at \$3.75/\$100. He discussed the disadvantages of closing the airport - a 2.8 million dollar cost to taxpayers in grant pay-back, loss of a business attraction tool for industrial/business expansion, over 3 million dollars invested from state and federal governments so far plus the County's expense, and loss of personal property revenue from aircraft. Mr. Hudson stated (according to FAA Forecast Conference) the number of hours flown has increased, fuel consumption has increased, and the number of both active aircraft and pilots has increased. Also he said airports had a direct impact on jobs, wages and expenditures at the airport and an indirect impact on the expenditures in the community by airport users (food, lodging, ground transport, etc.) and had induced impact "rolling dollar" effect of these impacts. Mr. Hudson and Mr. Pratt discussed the involvement of the Capital Regional Airport Commission (CRAC) to manage the airport with a professional management team, and the fact it would provide an excellent general aviation reliever for the Richmond Airport, and it would eliminate the legal liability and hassle of operating it (by the County). The NKCAPA supports the involvement of CRAC managing the airport. Mr. Pratt said the airport made a profit for FY 1998. Regarding the fuel farm, using more credit cards will ensure fuel sales after hours. Mr. Bahr asked how much over crowding there was at the Richmond Airport that would send planes to other airports and which airports would they be? Mr. Hudson said there were Chesterfield and Hanover airports as well as New Kent, he could not predict the overcrowding at RIC. Mr. Hennaman said the cost of building thirty more hangars would not be returned by the rental of those hangars for many years. Mr. Hennaman also felt they were comparing apples to oranges when they compared New Kent's Airport to Bay Bridge, Chapel Hill, Gastonia, etc. He asked Mr. Emerson to review the County's contact with CRAC. Mr. Emerson said the County first contacted CRAC in 1989 concerning the possibility of taking the seat provided for in the legislation. At that time there was an interest in CRAC managing the airport, but this was never pursued. It was pursued some years later with the decision made to reopen the investigation after litigation had ended on the airport. CRAC has appointed a committee to work with a committee of New Kent staff and Board. Mr. Hennaman stated he's heard remarks that the bare minimum of services are being offered and yet there is a waiting list for hangar space - why is there a waiting list if the conditions are so bad? The fuel farm situation was discussed. Mr. Hennaman was also concerned about the lack of interstate access to the airport as well as the fact that it cannot expand. The personal property tax rate on aircrafts was discussed. Mr. Hennaman also pointed out that the County never considered it an option to close the airport if the grants could not be forgiven. Also, Mr. Hennaman said the flier lists him as wanting to close the airport, he has never said he wanted to close the airport, he's said he was in full support of pursuing all the options. Mr. Burrell said he also found the flier to be misleading and unfair - his position has always been he is not opposed to the airport, but he is in favor of closing it if it's a hardship on the citizens. Mr. Burrell discussed the West Point Airport improvements and the fact that it will be made a regional airport. The airports that have failed, failed because they weren't

profitable. He said he would like the airport to be profitable and hoped the NKCAPA could come up with ways to achieve this. Ms. Ringley felt if 70 general aviation airports are closing each year, there's a wide spread problem - why are they closing? There was a statement made that airport maintenance was nonexistent and the facilities are in disrepair, but a letter from you says they are in decent condition. There was also a statement made that the fuel sales are intentionally minimal - she did not think staff was trying to minimize sales - they are working on expanding credit card sales at the airport. Also, the Board never said they would repay the grant money, they were asking for forgiveness - so it would not be a cost to the citizens. She did not think the airport would bring business into the County, because she saw the industrial corridor closer to West Point. The airports around the Raleigh, Durham area came about from planning to serve businesses. The revenues the airport brings in all go back into the airport. She also felt that more citizens needed to be asked if they (Board) should further encumber New Kent with federal and state funds and will it repay us in kind? She was interested in getting answers to these questions as the Board explored the three options. Mr. Bahr said he thought most of the airports being closed was due to the rapidly increasing real estate around them, not because they are not profitable, but at the NACO conference he learned it was hard to make a small airport pay for itself.

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.

District Four had no appointments.

District Five had no appointments.

There were no appointments made to the boards and commissions not delegated by district.

IN RE: MEETING SCHEDULE

The regular meeting of the Board of Supervisors will be held Monday, October 12, 1998 at 6:00 p.m. The Planning Commission will meet on Monday, September 21, 1998 at 7:00 p.m.

Mr. Lipscomb stated there would be a work session with the fire department and rescue squad leaders at 5:00 p.m. on October 12 before the regular meeting.

Mr. Hennaman said he received a complaint from a business owner in Providence Forge concerning the increasing slovenly appearance of some of the other businesses in Providence Forge - grass not being cut, junk laying around. Mr. Hennaman asked if staff could give a summary on ordinances in effect to deal with this. Mr. Emerson said he would have the Planning staff check into possible violations of the current ordinances. Mr. Hennaman asked Ms. Thelma Wilson how often the Chamber of Commerce met. Ms. Wilson said they hadn't been meeting as often as they should, but they have officers and directors. Mr. Hennaman asked when the last meeting was. Ms. Wilson said they had meetings all the time on the phone, but she did not recall when the last business meeting was.

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 10:45 p.m.