

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 9TH DAY OF JUNE IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SEVEN IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING BEGINNING AT 6:01 P.M.

IN RE: ROLL CALL

Gary L. Green	Present
James H. Burrell	Present
Frederick G. Bahr	Present
Julian T. Lipscomb	Present
Mark A. Hennaman	Present

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

IN RE: CONSENT AGENDA

Mr. Hennaman asked Mr. Emerson to give an overview of the Consent Agenda. Mr. Emerson stated that it contained the approval of the minutes from May 12, 14 and 21 meetings. Appropriations for: Legal Service Department - \$73,553.09 transferred from Fund Balance to Expenditures to cover recording fees, litigation costs and miscellaneous expenses; Department of Agriculture and Consumer Services for Plastic Pesticide Container Recycling Program - \$1,000.00 transferred from Revenues to Expenditures; Virginia Juvenile Community Crime Control Act - \$7,575.00 transferred from Revenues to Expenditures; VA Dept. Of Aviation Maintenance Grants - \$27,821.70 from Revenues and \$4,031.30 transferred from Fund Balance for Expenditures of \$3,853.00 for runway maintenance and repair of hangar roofs; Juvenile detention - \$33,143.00; Special Welfare Expenses - \$15,000.00 transferred from Revenues to Expenditures; Two-for-Life Grant - \$1,455.00 added to Revenues and \$5,455.00 added to Expenditures for total appropriations of \$167,579.09. There is also Resolution R-15-97, Local Government Resolution on consideration of Citizen Comments in the Development of Transportation Projects. Ordinance O-13-97 requesting to advertise for public hearing on ordinance requiring applicant for concealed handgun permit to submit to fingerprinting for the purpose of obtaining the applicant's state or national criminal history record. Resolution R-16-97, authorization to County Administrator to enter into a lease renewal with the Department of Health for space in the Administration Building for 36 months. Consent to Chairman to accept Release of Deed Restrictions from VPI Educational Foundation to The Board of Supervisors of New Kent County for property located on the edge of the Five Lakes subdivision that was transferred from VA Tech to the School Board and then the Board of Supervisors. Refunds: Bon Secours - Stuart Circle Hospital - \$1,292.30 for reimbursement of business license tax; and Cherie Lee Carter - \$300.00 for refund of 1996 personal property taxes due to bankruptcy. The Finance Report shows the total expenditures for the month of May were \$631,041.05. Also, the Treasurer's Report showing a cash balance as of May 31, 1997 of \$5,346,525.16, which is \$1,733,976.39 more than last year. Mr. Burrell made the following correction to the May 12, 1997 minutes: At the top of page five, the first line, the sentence starting "Mr. Burrell is Chairman..." should read Mr. Pollard not Mr. Burrell. Mr. Lipscomb asked if Stuart Circle Hospital was the same that asked for a tax exemption on the land in Brookwood. Mr. Emerson replied that yes, they were and they were turned down by the Board. Mr. Burrell stated that the \$167,579.09 in appropriations, some of it is in/out money, so it's approximately \$131,000 in additional appropriations. Mr. Bahr questioned the legality of the exclusion of paying property taxes in the case of bankruptcy. Mr. Lipscomb made a motion to approve the Consent Agenda noting the corrections. There was no further discussion. The Members were polled.

Gary L. Green

Aye

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

The motion was carried.

FOR RESOLUTION R-15-97 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 48.
FOR RESOLUTION R-16-97 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 49.

IN RE: CITIZENS' COMMENT PERIOD

Mr. Brian Buniva, Mezzullo & McCandlish, an attorney who represents Frank McCreery, requested the Board to reschedule the public hearing on the Delmarva PUD due to a conflict with Mr. McCreery's social schedule. Mr. Hennaman suggested that they discuss this request under Elected Officials Reports. The next speaker was Ms. Thelma Crump Wilson, 6219 Lakeside Drive, Quinton, VA, who held up several medals she won at the Virginia Senior Games.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Hennaman stated he had received a petition addressed to the Board concerning conditions on Olivet Church Road. Also, now that the transfer station is open on Old Telegraph Road, could the potholes be patched? Positive comments have been received on the new transfer station.

Mr. Lipscomb stated that the retreat the Board attended this past weekend was very good, and hoped they could implement ideas into the plan. The residents of Hopewell Church Road like the new speed limit signs that were installed.

Mr. Green stated that he wanted to thank Herb Jones and David Napier for the work they did on setting up Marengo - they went far and beyond the call of duty. Regarding the Strategic Plan for the County - where we've been, where we are now, and where we are going in the future is a marketing plan most businesses do. It is a living document that continues to grow over the years.

Mr. Burrell stated that the workshop was well presented, and the facilitator was knowledgeable. As discussed at the last meeting, and the facilitator brought this up, any member of the Board of Supervisors should not participate or vote on any board or commission within the county that they serve. Mr. Burrell felt that this would take away any undue influence. Mr. Burrell made a motion that any member of the Board of Supervisors with any board or commissions that they are appointed to serve on within the county, they not have any discussion or vote unless they were asked a question for clarification. Mr. Lipscomb agreed with not voting, but disagreed on nonparticipation in discussion. Discussion among the Members followed on this motion. Mr. Hennaman asked Mr. Burrell his thoughts on if the Board member were allowed to give a report, but not participate in active debate. Mr. Burrell said he had no problem with that. Mr. Green stated there would be no reason to be on committees if they weren't there to have discussion. He agreed about not voting, but did not think discussion should be limited. Mr. Emerson suggested that the Board might want to wait until they finish the Strategic Planning process before they finalize their decision. Mr. Burrell stated he was willing to drop the discussion part and leave the vote part in on his motion. Mr. Bahr wanted to make sure that any motion passed did not keep them

from voting on Capital Area for Aging, or other outside agency. Mr. Burrell stated it would only apply to County boards and commissions. Mr. Burrell withdrew his motion and made the motion that any Board member will not vote on any board or commission they serve on within the County, but could participate in discussion. After the closure of the Strategic Planning sessions, they would consider the participation in discussion. Mr. Hennaman asked Mr. Burrell if he would accept a friendly amendment that the Board limit all boards and commissions that are appointed by this Board to one representative per district. Mr. Burrell said he thought more information was needed before this was done. Mr. Hennaman withdrew his friendly amendment. Mr. Green stated he would like to see the Board complete the training sessions before any of these issues were voted on. Discussion followed among the Members regarding when to vote on these issues - together or separately. Mr. Bahr suggested that there could be an agreement among the Members to only vote when there is a tie. Mr. Lipscomb called for a question. There was no further discussion. The Members were polled.

Gary L. Green	Nay
James H. Burrell	Aye
Frederick G. Bahr	Aye
Julian T. Lipscomb	Nay
Mark A. Hennaman	Nay

The motion was defeated.

Mr. Bahr agreed that the session with Dr. Lacy was excellent and the Board was working on its future plan. Mr. Bahr stated he had learned that there had been a petition to lower the speed limit on New Kent Highway west of Rt. 33 before this Board took office, and he asked if this petition could be revived and wondered if Mr. Riley could give more information on this.

Ms. Betty J. Burrell, Treasurer, did not have anything to add to her report. She did express her concern that the Board look into information technology implementation. There should be a judicial sale within 90 days of properties - she was pleased for this enforcement. Her office has been pursuing collection of delinquent taxes.

Mr. John Crump, Commissioner of Revenue, advised the Board that his two full-time employees had both been out for the past two weeks due to illness. His office is current on all personal property assessments and gathering of information, business licenses, and is slightly behind on real estate transactions.

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

IN RE: STAFF REPORTS

Ms. Marianne Powell, Director of Social Services, informed the Board that the eligibility staff had been awarded a plaque from the State Department of Social Services for being 100% in compliance with the Food Stamp Program.

Mr. Jim Cornwell gave a report on the bids on the renovation of the old courthouse and administration building and the sale of airport property. Bids were received for the renovation work. Mr. Bob Boynton, Architect, commented that his firm had looked into the contractor's background and feel comfortable with the company and their bid. Mr. Cornwell stated that the low bidder was Bowman Construction Company of Newport News, and he asked the Board to accept this bid in the amount of \$178,763 to do the work and the Chairman be authorized to sign a contract with Bowman Construction Company for this work.

Mr. Hennaman asked for questions from the Board. Mr. Green made a motion for the Board to accept Bowman Construction Company's bid of \$178,763 and authorize the Chairman to sign the contract. There was no discussion. The Members were polled.

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

The motion was carried.

Mr. Cornwell continued that the County has been approached for the purchase of a 12.41 acre parcel in the New Kent Airport Industrial Park, Phase I. If the Board wished to pursue the sale of this land, it must be advertised and a public hearing must occur. Mr. Cornwell asked for the Board's approval to advertise the sale of the property for the next regular Board meeting. There were no questions or comments. Mr. Bahr made a motion to advertise the sale of the property for the next regular Board meeting. The Members were polled.

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

The motion was carried.

Mr. Larry Gallaher gave a report on the success of the rabies clinic that was held on May 31st and the new transfer station/convenience center site which opened at Rt. 647 and Rt. 60 across from the church.

Mr. R. J. Emerson stated that the planning session the past weekend went well and he looked forward to working with the Board through completion of the program. Mr. Emerson thanked the Extension Agency office personnel for their help in setting up the program with Dr. Lacy.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Bob Riley stated that the dedication ceremony for the Ringley bridge would be Friday, June 13th at 2 p.m. on site. There were a total of 45 calls from the public during the month of May - most of which have been completed. They also completed 14 calls from the Sheriff's Office and 7 calls from the State Police. There has been some night work on Rt. 64 patching potholes, which is not complete. Routes 606, 607, 608 and 619 were patched and some shoulders pulled. On Route 609 they have been cutting low hanging limbs. On Route 60 they cleaned and repaired pipes to correct drainage problems. At the Rt. 249/33/164 interchange they trimmed shrubs and limbs in preparation for the dedication ceremony. Mr. Hennaman gave Mr. Riley a copy of the petition concerning Olivet Road. He also requested that the potholes in the paved portion that leads from Rt. 60 to the new transfer site be patched. Also, he had received compliments from constituents on the altering of the speed limit signs on Rt. 155 South. Mr. Lipscomb thanked Mr. Riley for the completion of the double lines in front of Company No. 2. Mr. Burrell mentioned that trash bags had been left on I64 and several signs have been knocked down due to mowing. Mr. Bahr asked if telephone service was back on Angelview Lane. Mr. Riley stated that it was. Mr. Bahr

confirmed that Mr. Riley was unaware (as was Mr. Bahr) of a petition to slow down the speed limit on New Kent, west of Eltham Road. Mr. Bahr said he had received several calls about the prisoners being used to clean up on Polish Town Road. Mr. Riley said that VDOT does not use prisoners. Mr. Hennaman said there still seemed to be an issue regarding a culvert and a ditch adjacent to Mr. Louis Hockaday's property and asked Mr. Riley to check into this matter. Mr. Riley updated the Board on the issue stating that they are continuing to negotiate.

Mr. Buniva's request from his client, Frank McCreery, to reschedule the public hearing date for the Delmarva PUD was discussed by the Board. It was the consensus of the Board not to adjust the Board's schedule to fit the social schedule of a single individual.

IN RE: REQUEST FOR APPROPRIATION - VOLUNTEER FIRE DEPARTMENT. Chief Wilbur Tate will request an appropriation to cover an overage in expenditures for FY 97.

Mr. Hennaman asked Larry Gallaher to give a report. Mr. Gallaher stated that through a resolution passed several years ago, his office is responsible for monies from the county, state and federal governments to the Volunteer Fire Department. The Fire Department must also comply with the department and county procurement procedures and this has not been done. Because the procedures were not followed, the Fire Department has overspent by approximately \$10,000. Chief Tate stated there had been problems in the past, and he is trying to correct these problems. He requested additional funding to cover purchases and necessary repairs to various pieces of equipment. Mr. Hennaman asked Mr. Emerson to comment on the situation. Mr. Emerson stated that he wasn't pleased about what has happened, but it is the end of a fiscal year and it needs to be taken care of before the audit, which would show that the budget was overspent. He recommended that the Board appropriate \$10,000 to the Fire Department budget and allow Mr. Gallaher and himself to work with Ms. Carmichael and Chief Tate to clean up these items. Discussion followed among the Members and with Chief Tate about the problems and how they could be resolved so this would not happen again. Mr. Hennaman stated that there are some attitude problems regarding the procurement procedures and they have to be addressed. Chief Tate said that the attitude problem has been taken care of, and their goal is to work with the County. Mr. Lipscomb made a motion to approve an appropriation for \$10,000 from the Fund Balance to the Volunteer Fire Department. There was no discussion. The Members were polled.

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

The motion was carried.

IN RE: PUBLIC HEARING - C-1-97, Application from Rappahannock Concrete Corporation on Tax Map and Parcel: A portion of 27-13 to rezone 22 acres currently zoned A-1, Agricultural to M-2, Heavy Industrial.

Mr. David Maloney gave his report. Applicant has applied to rezone a 22 acre portion of Tax Map and Parcel: 27-13, located on the north line of State Route 33, approximately two miles east of State Route 249. Property is currently zoned A-1, Agricultural, the proposed zoning is M-2, Heavy Industrial. The proposed use of the property is a ready mix concrete plant, and development of an industrial park. The

Future Land Use Map contained in the Route 33 Area Management Plan Amendment to the New Kent County Comprehensive Plan designates this parcel for Light Industrial land use. Additionally, applicant is proposing the creation of an additional three lots which would constitute a proposed industrial park. The applicant will be required to undergo the subdivision review process in order to create these additional parcels. The application has been reviewed by: VDOT, which will require significant improvements to the site, and VDOT has requested an engineered site plan for review; Health Department, which had no comments; and Department of Public Safety, which is satisfied with the supplemental information provided by the applicant to address the filtering system for the cement silo and wash water resulting from on-site truck cleaning. The Planning Commission voted to recommend approval of this application at its April 21, 1997 meeting. The applicant did not wish to make any comments. Mr. Hennaman opened the public hearing. There were no citizens signed to speak. The public hearing was closed. There was some discussion for clarification of details. Mr. Burrell made a motion in order to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County, to approve C-1-97 as presented. The Members were polled.

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

The motion was carried and the application was approved.

IN RE: PUBLIC HEARING - C-2-97, Application for zoning map amendment submitted by J. C. Francisco, Jr. to permit the proposed development of a beauty parlor.

Mr. Maloney gave his report. Applicant has applied to rezone a .43 acre portion of Tax Map and Parcel: 41A2-(2)-21, located on the north line of State Route 629 (Boulevard Road), approximately 200' west of State Route 602 (Townsend Drive). This property is currently zoned B-1, General Business and R-2 General Residential. The proposed zoning is B-1, General Business, and the proposed use of the property is a beauty salon. The Future Land Use map contained in the Route 155/Providence Forge Area Management Plan Amendment to the New Kent County Comprehensive Plan designates this parcel for Village land uses. The proposed use meets the goals and objectives set forth in this plan. The surrounding properties are already being used for commercial activity, and the proposed rezoning would permit expansion of commercial activity into an existing structure. No construction or land disturbance is anticipated at the location. The location is not located in the Capital Improvement Investment Area, and will not be served by public utilities in the immediate planning horizon. The application has been reviewed by: VDOT, which request the existing entrances be expanded and paved; Department of Health, no comments due to lack of soils data; and Department of Public Safety, which had no concerns. The Planning Commission voted to recommend approval of this application at its April 21, 1997 meeting. (Mr. Bahr asked to be excused at 7:50 p.m.) Mr. Hennaman opened the public hearing. There were no citizens signed up to speak. The public hearing was closed. There was no further discussion. Mr. Burrell made a motion in order to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County, to approve C-2-97 as presented. The Members were polled.

Gary L. Green	Aye
James H. Burrell	Aye
Frederick G. Bahr	Absent
Julian T. Lipscomb	Aye
Mark A. Hennaman	Aye

The motion was carried.

IN RE: PUBLIC HEARING - ORDINANCE O-6-97, to amend section 49-B of Chapter 9 of the New Kent County Code pertaining to time limits for Planning Commission action, regarding zoning ordinance and map amendments, be extending from 90 days to 100 days after the matter first appears on the Planning Commission agenda.

Mr. Maloney gave his report. (Mr. Bahr returned at 7:52 p.m.) The Planning Commission has requested this amendment to mirror the language found under Section 15.1-493 of the Code of Virginia. The proposed ordinance would allow the commission to consider a matter over the course of three consecutive meetings rather than two meetings as provided under the current zoning ordinance. The Planning Commission recommends this ordinance to the Board for its consideration and adoption. Mr. Hennaman opened the public hearing. Ms. Isabel Davis White, 5711 Farmers Drive, Barhamsville stated that she was in favor of this ordinance. Mr. Hennaman closed the public hearing. There was no further discussion. Mr. Lipscomb moved to approve Ordinance O-6-97 as presented. The Members were polled.

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

The motion was carried, the ordinance was approved.

FOR ORDINANCE O-06-97 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 50.

IN RE: PUBLIC HEARING - ORDINANCE O-11-97, NOISE ORDINANCE, amending Chapter 6A, Section 6A-13 of the New Kent County Code regarding the discharge of automatic weapons.

Mr. Cornwell gave his report. This ordinance relates to unnecessary or excessive noise, generally. These amendments would do two things: 1) prohibit the discharge of fully automatic firearms including rifles, pistols, and shotguns and prohibit the discharge of any and all firearms in New Kent County between the hours of 11 p.m. to 5 a.m. except in the actual protection of life or property, or by one engaged in lawful hunting; 2) prohibit the detonation of explosive and luminary devices including grenades, flares, fireworks and other explosive or luminary devices which create noise and/or a display clearly audible or visible from adjoining properties. There are exceptions to both these prohibitions relating to: shall have no application to officers of the New Kent County Sheriff's Office or other duly appointed police officers, no application to fire, rescue, police ambulance or other emergency vehicles and no application to activities specifically permitted by permit granted by the County of New Kent. The penalty provision has been changed to bring it into compliance with the present code section relating to Class I misdemeanors. Discussion followed about the type of weapon this would apply to - making of noise, which is covered in Section 6A-12, Noise Regulations which talks about unlawful willful or negligent making of or continue, or cause to be made or continued, in or into a public area, any loud, unnecessary, or unusual noise. Mr. Burrell suggested that the hours should be changed from 11 p.m. - 5 a.m. to 10:30 p.m. - 6 a.m. Mr. Hennaman asked the Board if they were comfortable with the location - where the new language comes in - amending this particular ordinance to include this language. Mr. Hennaman opened the public hearing.

There were six citizens signed up to speak. The first to speak was Ms. Betty J. Burrell, 14435 Stage Road, Lanexa, who stated that she has experienced the noises from 11:30 p.m. till 4:30 a.m. She felt it was very unfair for anyone to be disturbed like this and she supported the passing of this ordinance. The second citizen to speak was Mr. G. G. Crump, 13501 Stage Road, Lanexa. Mr. Crump stated that they were scaring the heck out of him. The Sheriff's Department should be investigating the firing of automatic weapons to see if the person firing the weapon has a federal permit. On his own property he does not want to be told he cannot fire a firearm between certain hours except to protect himself. The third citizen signed up to speak was Mr. Eric Cruz, 4600 Windy Lane, Barhamsville. Mr. Cruz stated he owns a fully automatic firearm, and it has to be registered through the ATF at a great deal of expense and effort. According to the ordinance he cannot shoot his fully automatic gun at any time in the County, but he can run his chainsaw at any time. He asked the Board to consider other items (other than guns) that make noise. The fourth citizen signed up to speak was Ms. Isabel White, 5711 Farmers Drive, Barhamsville. Ms. White stated she thought they were making too many laws infringing on the County residents and the violators should be taken care of - the residents' rights were being taken away. The fifth citizen signed up to speak was Mr. William Roles, 6020 Stewart Road. Mr. Roles stated that he did not own any automatic weapons. He felt that this ordinance was singling out a particular group of people. A noise ordinance should just say noise. He also did not think it should be up to law enforcement to enforce this ordinance - there are more important things they need to be doing. It should be the property owner's decision to invite someone over to shoot on his property - it should not be in an ordinance prohibiting this. The sixth and final citizen to speak was Mr. Jon Laubach, 4950 Windy Lane. Mr. Laubach stated that he didn't understand the reason for changing the law when the law was broken, the violators should be prosecuted. Mr. Hennaman closed the public hearing. Mr. Hennaman said he did not know if the ordinance would deal with the problem effectively in terms of where it appears. There is a problem, but how do we best deal with the problem? Discussion followed among the Board members regarding the citizens' concerns the noise was the issue and not automatic weapons, and some of the Members suggested it be deferred. Mr. Lipscomb made a motion to send Ordinance O-11-97 back to staff to redraft it to reflect a noise ordinance rather than a firearms ordinance. The Members were polled.

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

The motion is carried. No action is taken on this ordinance, it will be deferred back to staff for further investigation.

IN RE: PUBLIC HEARING - ORDINANCE O-08-97, SLUDGE, relating to the disposal of sludge or other sewage in New Kent County.

Mr. Cornwell gave his report. At the Board's direction Mr. Cornwell prepared Article V in Section 8-92 through 8-98 in the New Kent County Code regulating spreading and placement of disposable human waste sludge or industrial sludge on land in New Kent County. The ordinance highlights are: Sewage and sludge are defined; a permit is required for land application and storage of sludge; there is a permitting process, including a time period to be covered by the permit not to exceed three years; proof of liability insurance must be provided; maps and property owner's consent, soil survey reports, copy of the Health Department's most recent chemical analysis, approved Water Quality Conservation Plan, application fee of \$300.00 for each contiguous tract of land upon which sludge is to be applied and an additional fee of

\$2.00 per acre for every acre on which sludge is applied. There are certain conditions of the permit: land application of sludge shall not encroach into the natural 100 year flood plain, cannot make a temporary field storage in excess of 24 hours, must incorporate the sludge into the land within 24 hours to minimize surface erosion and odors, county staff or the Virginia Tech Agriculture Extension Agent will collect sludge samples on a random basis and test it to make sure it complies with the requirements of the State Water Control Board, cost of sampling shall be borne by the landowner or contractor, a cash escrow of \$500.00 shall be deposited with the County at the time of approval of the application to apply to such costs, the applicant will be billed for the testing and the \$500.00 only used if the bill is not paid. The \$500.00 will be refunded at the end of the permit. The penalty was made to be consistent with the Class 1 misdemeanor language of the Code. Jonathan Stanger, the County's Environmental Planner, gave a report. Mr. Stanger stated that the County does not currently have any regulations pertaining to the application of sludge. There is an education provision that will educate upon the proper application of sludge and there are conditions that will ensure that the sludge will be properly applied. The Board questioned Mr. Stanger and Mr. Cornwell for clarification on pertinent points of the ordinance. Mr. Hennaman opened the public hearing. The first citizen to speak was Mr. G. G. Crump, Jr., 13501 Stage Road, Lanexa. Mr. Crump stated his concerns about the County becoming involved in a sludge ordinance. He urged the Board to delay action and take good look at the ordinance before they put a stack of regulations against it – there's already a whole lot there - Federal and State laws cover this. The second citizen signed up to speak was Mr. L. W. Throckmorton, 530 Dispatch Road, Quinton. Mr. Throckmorton felt that more detail should be put in the ordinance about spillage on the roads. He was not against properly applied sludge on land. He was also concerned about contamination to water supplies. The third citizen to speak was Mr. T. L. Frank, P. O. Box 335, Quinton. Mr. Frank stated that he lives very close to where sludge has been spread. The smell is very bad. He is concerned about contamination of his well water and harmful effects to his health. He also voiced concerns over the people who regulate and perform the testing. The fourth citizen to speak was Mr. Paul Davis, P. O. Box 161, New Kent. Mr. Davis is the County's Extension Agent and gave a report on the Agricultural Stewardship Act (Bad Farmers Act.) New laws eliminate the problems that have been discussed. He would like to see the landowners use this (sludge) as a source of nutrients. He suggested training programs for the farmers. Mr. Cornwell stated that the education was listed as a condition in the ordinance. Several of the Board members asked Mr. Davis questions regarding the sludge policies - state and federal. The fifth citizen to speak was Steve McMahan, 601 Caroline St., Ste. 201, Fredericksburg. Mr. McMahan is employed by Wheelabrator Bio Gro, which is one of the sludge firms that hauls biosolids in the County. Mr. McMahan felt that fees required in the ordinance were very high. He also felt that the ordinance would give the County an option to solve the problem of improper sludge disposal. Mr. Hennaman closed the public hearing. Mr. Cornwell discussed the fee in the ordinance, which was set due to costs involving the Board issuing the permit with a public hearing (advertising costs, notices to adjoining property owners, staff time and expenses). The sampling provisions can be done by staff or Virginia Tech Extension Agent and they will be made randomly. The permits applied for could be for up to three years and there would be a schedule of applications (of the sludge). The route of the transporting vehicles would also have to be provided as part of the application process. Any inappropriate spreading of sludge (i.e. roads, adjoining property) will be prohibited. Mr. Hennaman brought up several points: cost of the permit, do we really need the Board to issue the permit, or could staff do so, should the language be changed to mirror state requirements. Mr. Hennaman felt that there should be something in place to address the citizens' concerns, but New Kent is an agricultural community. Mr. Lipscomb felt that there needed to be public hearings to let the land owners know, and also for education. Mr. Green confirmed that Mr. Davis was comfortable with the educational aspects in the ordinance. Mr. Burrell felt that the ordinance would not be an undue burden to the farmer or hauling company. Mr. Bahr felt that the state and federal permitting should be allowed to be a part of the permit process for the County. Mr. Burrell felt the County should not supersede state and federal laws. Discussion followed on how long sludge could be kept at the sewage treatment plants before it would be taken out to be dumped. Mr. Lipscomb made a motion to approve Ordinance O-08-97 as presented. Mr. Bahr asked if Mr. Lipscomb would accept a friendly

amendment of any repetitious permitting or test requirements from state or federal level be accepted by the County. Mr. Lipscomb accepted the amendment. There was no further discussion. The Members were polled.

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

The motion was carried.

FOR ORDINANCE O-08-97 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 51.

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

There were no appointments for any of the Districts.

Mr. Bahr stated that Mr. Ecrute Travers has not been able to make any of the meetings for the New Kent Clean County Committee, and he would appoint someone in the near future.

Mr. Burrell made a motion to appoint Bernard Randolph as the County of New Kent's representative to the Richmond Regional Competitiveness Committee.

Mr. Bahr made a motion to appoint Ecrute Travers as the County of New Kent's representative to the Charles City, New Kent, Henrico Mental Health & Retardation Board for the term ending December 31, 2000.

There was no discussion. The Members were polled.

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

The motions were carried.

IN RE: MEETING SCHEDULE.

The regular meeting of the Board of Supervisors will be held Monday, July 14, 1997 at 6:00 p.m. The Planning Commission will meet on Monday, June 16, 1997 at 7:00 p.m. The public hearing on the rezoning application from Delmarva for the Planned Unit Development in Providence Forge will be June 30th at 6:00 p.m.

IN RE: ADJOURNMENT

Mr. Bahr made a motion to adjourn and continue the meeting on June 30, 1997 at 6:00 p.m.

There was no discussion. The Members were polled.

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

The motion was carried. The Board adjourned at 9:35 p.m.