

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 8TH DAY OF SEPTEMBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SEVEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: ROLL CALL

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

IN RE: CONSENT AGENDA

Mr. Emerson reviewed the Consent Agenda, which consisted of: Approval of minutes from August 13th meeting; Livestock claim for loss of chickens valued at \$30.40; OGP-2-97, Outdoor Gathering Permit for the Ruritan/New Kent County Fair on September 12 and 13 at the high school; Refund for Tax Assist in the amount of \$834.47 and Refund to R. L. Robbins in the amount of \$262.98 for fees paid for a building permit; Appropriations to the budget that are money in/money out - funds from the Rt. 155 CDBG/VDOT Project grant of \$133,441.45 and from Revenue \$133,441.45 to \$1,300.00 in Pre-Contract Activities, \$2,766.66 in Grant Administration, \$190.00 in Training, \$5,832.00 in Architect/Engineer Fees, \$4,416.25 in Project Inspection Fees, \$250,000.00 in Construction, and \$2,378.00 in Surveying. Also, to begin operating the waste water treatment plant at the racetrack, which will be at cost, \$72,890.00 from Revenue to \$72,890.00 in Expense; Finance Report of total Expenditures from the month of August \$700,159.54; Treasurer's Report for cash balance as of July 31, 1997 of \$3,518,630.10 and another Treasurer's Report for cash balance as of August 31, 1997 of \$3,858,524.60. Also, Resolution R-21-97, Declaring Crop Drought for the County has been requested by Paul Davis, Extension Agent. This is required in order to allow the Extension Office to begin their work to allow farmers whose crops have been damaged to apply for federal and state programs that are available.

Mr. Green questioned why taxpayers were responsible for payment of livestock. Mr. Emerson stated that there is a section in the County Code that allows the County to collect money for dog tags and when dogs in the community are proved to have killed livestock it is reimbursed from this fund. Mr. Bahr asked if the owner was found could the County collect the money from them? Mr. Emerson stated that yes, we could.

Mr. Green made a motion to approve the Consent Agenda as presented.

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| Gary L. Green | Aye |
| James H. Burrell | Aye |
| Frederick G. Bahr | Aye |

Julian T. Lipscomb
Mark A. Hennaman

Aye
Aye

The motion was carried.

FOR RESOLUTION R-21-97 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 65.

IN RE: CITIZENS' COMMENT PERIOD

Mr. Hennaman stated there was no one signed up for Citizens' Comment period.

IN RE: ELECTED OFFICIALS REPORTS

Mr. Hennaman stated that the opening of the Colonial Downs Racetrack was a hugely successful event in terms of a good time had by all, and the completeness of the facility. Mr. Hennaman thanked Mr. Bob Riley with VDOT, the State Police, Sheriff Howard, and his officers for a fine job funneling traffic in and out of Colonial Downs. Mr. Hennaman also encouraged everyone to attend the New Kent football games. Regarding the Rescue Squad, Mr. Hennaman stated for the record he felt the issue of the Colonial Downs incident was a misunderstanding, it was never the intent of the Rescue Squad to state they would not provide service to Colonial Downs, but the opposite. They are providing service to Colonial Downs, and have made several calls out there. It was simply their position they would not be able to put a unit on standby there, which has been their policy for years. The August Planning District Commission meeting was canceled.

Mr. Lipscomb did not have a report.

Mr. Green stated he would like to have copies of the agenda items out front for people interested in them - for the public hearings - to be able to pick up a copy. He asked if this could be done. This was discussed by the Board, which asked staff to provide the staff reports for the public hearings as well as ordinances as currently written and the proposed changes to them - approximately 5 - 10 copies. Also, there are two groups interested in submitting proposals for Fixed Base Operator at the airport. Mr. Green felt this should be advertised for request for proposals.

Mr. Burrell stated the Waste Management Authority did not meet in July, but did meet in August. The price of commodities is still down, but they are breaking even on wastepaper, mixed paper, and newsprint. Per capita New Kent is one of the best. Mr. Burrell asked if the intersection of Rt. 155 at the entrance to Colonial Downs as well as other intersections in the County that are heavily traveled at night, could be illuminated - is there any state funding for this? Mr. Emerson stated that there had been discussions on placing a traffic light at the intersection, but it was determined at the time the traffic would flow at such odd hours that a traffic light that would operate full time would not be useful at this point. It was determined it would be easier to station an officer there if necessary. Mr. Emerson said staff would check into this matter.

Mr. Bahr asked if there would be a staff report on the septic waste facility to handle truck waste. He also requested an update on Cumberland and security at Cumberland.

Ms. Betty Burrell, Treasurer, asked the Board for their comments on the verbage for potential change in the tax deadline for 1998, which she would like to have printed on the 1997 tax bills. The Board discussed this issue and it was the consensus of the Board to have the verbage printed on the 1997 tax bills. The Board asked that Ms. Burrell work with Mr. Emerson on the verbage.

Mr. John Crump, Commissioner of Revenue, did not have a report.

Ms. Terry Lawler, School Board member, was present. There was no report from the School Board.

Sheriff Howard presented six deputies with promotions: Captain Joe McLaughlin promoted to Chief Deputy, Sergeant Richard Morris promoted to First Sergeant, Corporal Charles Gardner promoted to Sergeant, Corporal Mark Thatcher promoted to Investigator, Deputy Danny Patterson promoted to Corporal, and Deputy Lee Bailey promoted to Corporal. Sheriff Howard also stated that they (Sheriff's Office) were first place in the state for the Chiefs' Challenge. Mr. Hennaman extended the Board's congratulations. Mr. Bahr asked Sheriff Howard for an update on Cumberland Hospital regarding security, and if they had applied for a change in their special use permit? Mr. Bahr also stated he had received complaints from residents in Eltham of the State Police speeding with lights, etc. Sheriff Howard said he couldn't answer for the State Police, but if the citizens called in they would concentrate on the problem areas. Mr. Cornwell stated Cumberland Hospital has been given a notice of violation to their conditional use permit for issues concerning their compliance with the terms of the licensing with the state. Based upon a notice, the violation the state gave them related to chronic medical problems as well as psychological problems. Cumberland is working with the state to resolve these issues. There have also been other concerns the County has brought to their attention including security issues, which they have been working on with the Sheriff's Office. They have also hired a security director. Sheriff Howard stated some of the things Cumberland would like his department to do would be a liability for deputies (working on their own time) in some circumstances. Currently none of his deputies are working at Cumberland.

IN RE: STAFF REPORTS

Mr. Larry Gallaher reported on the radio study. He stated he has spoken with the Sheriff and the captain of the Rescue Squad, Mr. Butch Carter, and the deputy Fire Chief, Mr. Ron Sweeney as well as Mr. Terry Wright with RAM Communications. A meeting has been scheduled with Mr. Wright to discuss the scope of the study. Mr. Gallaher also reported that the full-scale exercise for the nuclear power station in Surry had approximately 80 participants.

Mr. David Maloney reported on the Five Lakes Property. Mr. Emerson was seeking direction from the Board on proceeding with a appraisal of the property and to then determine a minimum bid to be accepted on the land. Mr. Maloney stated that some preliminary analysis had been done on the 19.6 acres the county owns adjacent to the Five Lakes subdivision. The property was rezoned from A-1, Agricultural to R-1, Residential with proffers approximately one year ago. The minimum finished floor area permitted in that area is 1,800 square feet. There are also other requirements for the subdivision. Resource International, the County's consulting engineer, did a preliminary lot layout. They came up with thirty-four lots that met the minimum lot-size requirement of 20,000 square feet. The New Kent County Health Department did a preliminary soils feasibility study of fifteen test borings and the test results show that suitable soils do exist for on site septic systems. Each lot would still have to have a soils perk test. The Virginia Department of Transportation has reviewed this plat and they did not have specific comments. The Department of Public Safety has determined sufficient capacity exists within the water system in Five Lakes to serve all thirty-four lots and such service would be adequate for both domestic consumption and fire prevention. Preliminary costs for public improvements including the road improvements and

extension of the well system. Staff did not identify any barriers that would prohibit development similar to what has been outlined and associated with this parcel. Mr. Emerson told the Board he needed to bring the Members up to date with where this property stands, and the next step (if the Board is in agreement) is to proceed with a reappraisal of the value of the property now that there is more definitive information concerning number of lots so a minimum price can be determined that the Board would accept, and then decide on a means to dispose of the property - by sealed bid or general auction. The consensus of the Board was to proceed with the reappraisal of the property. Mr. Emerson asked the Board to consider how they will want to dispose of it - either by sealed bid or auction. Mr. Bahr asked who interested parties should be referred to. Mr. Emerson stated that currently there is no additional information other than what was discussed tonight; however, their name could be placed on a list and once the Board determines how they wish to dispose of it, a package will be put together and supplied to anyone interested in bidding on the property.

Mr. Emerson stated that Volunteer Appreciation meeting and/or night, that was discussed at the last meeting, is being worked on. The number of volunteers at the Rescue Squad has been received, but the Volunteer Fire Department has not supplied this information yet. After receipt of all the information a package will be put together and presented to the Board along with the cost.

Mr. Emerson also stated that the lapel microphones are being investigated. One was being tested at Mr. Burrell's seat and it was supposed to be used tonight, but something must have happened because it obviously was not there. He hoped it would be in place by the next meeting.

Mr. Emerson told the Board the November Board Meeting date needed to be changed due to the VACO meeting. He suggested November 3rd. It was the Board's consensus to accept November 3rd as the meeting date in November. Also, regarding the luncheon meeting with the School Board, the School Board prefers September 26th. It was the consensus of the Board that September 26th was acceptable for this meeting. The facilitated meeting date with the constitutional officers, as part of the Board's goals setting and vision program, needed to be set. Mr. Emerson asked the Board to choose two dates to give the constitutional officers a choice. It was the consensus of the Board that October 7th, starting at noon and running until 7:00 p.m. approximately, would be the meeting date.

Mr. Emerson requested guidance from the Board regarding the Middle Peninsula Regional Airport. The former Board committed the County to the Middle Peninsula Regional Airport Authority Study and lobbied for legislation to create it, which has now been created - the county is now allowed by legislation to have a seat on that authority. They are moving forward to construct the authority and the communities that continue to stay involved will contribute revenue to that process. It was Mr. Emerson's understanding the Board wished to have its name in the legislation, as it does with the Capital Regional Airport Commission and then stop until a later date when it would elect to actually put funds into the airport located outside of West Point. He asked for the Board's direction. The Members discussed this issue. It was the consensus of the Board to not commit any funds at this time.

Mr. Emerson requested authorization from the Board to readvertise request for proposals for fixed base operation at the airport. He has indications from at least three entities who are interested in making a bid to operate the airport. The Board discussed this issue and the placement of the advertisement. Mr. Cornwell recommended advertisement only in the Richmond Times Dispatch. It was the consensus of the Board to readvertise for request for proposals for fixed base operation at the airport.

Mr. Emerson addressed Mr. Bahr's comments on truck hauled waste. The County Engineer has recommended a charge of five cents per gallon for this service, and the policies are being finalized. Hopefully septage will be received in the very near future.

Mr. Hennaman asked Mr. Emerson to give a brief update on the OSHA report. Mr. Emerson stated the OSHA report was made in response to a request from Ms. Betty Burrell, Treasurer regarding her concerns with the indoor air quality. An occupational health survey was conducted on August 5, 1997. Several employees in the Treasurer's Office had complained of headaches, fatigue, sore throat, and nausea, which they felt were associated with poor ventilation in their office. Inspection of the air handling system showed the fresh air inlet was only slightly open - this has been corrected. Further inspection showed several ceiling supply diffusers had been partially blocked - stuffed with paper and one had cardboard attached. These diffusers have been opened and the garbage has been removed from them. Two ceiling diffusers at the front of the Treasurer's Office showed no air flow at all. Also, there were concerns raised about the presence of a black soot or particulate, which had been noticed on the office interiors. While undesirable, such particulates are sometimes released from air ducts, usually at initial start up, and there is no indication this was an ongoing occurrence. There were no problems with these particulates. Carbon dioxide testing was performed, concentrations were also below the permissible exposure level. Temperature and Relative Humidity measurements were taken, the readings showed a range from 50 to 75 percent, which is well within the suggested guidelines of 30 to 60 percent. Formaldehyde, carbon dioxide, and ozone measurements were taken and showed none were detected at the time of the visit. Safety Hazards noted during the inspection (which were not part of the complaint) were: An overhead junction box did not have a cover or faceplate properly secured - this has been corrected; and an occupational illness and injury log and summary has not been maintained and this has also been implemented. We are in compliance.

Mr. Burrell stated that in regard to the appraisal on the land in an earlier staff report, he felt the person doing the appraisal should not be allowed to bid. Mr. Emerson concurred.

Mr. Lipscomb asked why the ducts were blocked. Mr. Gallaher stated he did not know why the ducts were blocked, but it caused a situation of no air flow. Mr. Emerson stated that the ducts were not blocked by county staff.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. John Neal represented Mr. Bob Riley, for VDOT. Mr. Neal expressed his thanks to the cooperation and recognition in the opening of Colonial Downs. Poindexter Road (Rt. 604) is nearing completion. Final surfaces are being put on it now. A resolution from the residents on Olivet Church Road (Rt. 618) was received, they are currently reviewing this to see what can be done. Monthly concerns were: one from State Police, one from Central Office, Emergency Operations Center, five calls from the Sheriff's Office, two calls involving VDOT's rest area operations, and fourteen calls from citizens, which have been addressed. Operations during the month of August include: shoulder repairs, tree trimming, pot hole patching, blading dirt roads, mowing, installation of entrance pipes, and working with Colonial Downs racetrack.

Mr. Lipscomb asked if the grass could be mowed on Hopewell Church Road. Mr. Bahr received a call about the appearance of the intersection at Route 33 and Route 249 - the caller hoped it would be spruced up. Mr. Neal stated that in regard to the illumination on Route 155 by the racetrack, he would ask the traffic engineer to check into the options and respond to the Board in writing.

IN RE: PRESENTATION - Resolutions will be presented to Eagle Scouts Floyd Thomas Campbell and Nathaniel H. Darlington.

Mr. Hennaman stated that Mr. Campbell was not able to attend the meeting tonight and his presentation would be rescheduled for the next meeting. Mr. Hennaman asked Nathaniel and his family to join him at the podium. Mr. Hennaman read the Resolution and presented it to Nathaniel Darlington. Mr. Darlington stated he had put a lot of hard work into earning the Eagle Scout rank. He thanked everyone.

IN RE: PUBLIC HEARING - CUP-3-97 from the City of Newport News Waterworks. An application for conditional use permit to improve Diascund Dam Spillway on Tax Map and Parcel 45-22 located on State Route 603 (Diascund Reservoir Road).

Mr. Maloney gave the following report: Newport News has submitted an application for a conditional use permit to increase the emergency spillway capacity of the Diascund Dam. This work will be done on Tax Map and Parcel 45-22. The increase in capacity is being requested to bring the dam into compliance with dam safety requirements that were not in effect at the time the dam was constructed in 1960. The property is zoned A-1, Agricultural and the district regulations do allow for this type of use with a conditional use permit. According to materials submitted by the applicant, the emergency spillway will be increased in width from 300 feet to 600 feet. The downstream channel will also be widened. This enlargement will prevent the catastrophic failure of the dam in the event of a 100-year or larger flood event. The enlargement will have no effect on the usage of the property as a reservoir. The application has been reviewed by: Virginia Department of Transportation, which will require the existing guardrail adjacent to State Route 603 be replaced; Virginia Department of Health, which had no comments on the use since it will be unmanned; and the Department of Public Safety, which has indicated the project will provide a benefit to downstream landowners in terms of increased flood safety. This permit is being requested in order to meet the requirements of Federal and State law. Granting the conditional use permit will provide a public safety benefit and will not alter the size, operation, or scope of the Diascund Reservoir. At its June 21, 1997 meeting, the New Kent County Planning Commission voted to recommend approval of Conditional Use Permit CUP-3-97 with the following condition: All stormwater management and erosion and sediment control requirements set forth in the New Kent County Code will be followed.

Mr. Hennaman asked if any of the Members had questions for Mr. Maloney or the applicant. Mr. Bahr asked the representatives of the applicant if they remembered a conversation about Newport News not having any objection to do this work off of Route 60 along the VEPCO right-of-way - if at all possible? Mr. Bahr understood there would be no objection from VEPCO, but the applicant felt it would be much more expensive to do this rather than going in on the thirty foot right-of-way. Mr. Dickie Hamrick and Mr. Brian Braddish, representing the applicant, stated the thirty foot right-of-way was the original construction road. They did not know what the VDOT requirements would be to use the Route 60 right-of-way, a bid could be obtained if the County was interested in this option. They hope to begin bids the first of the year with construction to commence in the spring. Mr. Bahr clarified that this was an area that was originally offered to the County as a park along with \$250,000.00. Mr. Bahr asked if part of the \$250,000 could be used on access from Route 60. Mr. Emerson answered it can be used in any format for developing the property and part of the agreement is to develop water access to the Diascund. Mr. Bahr stated he was opposed to anything permanent going across the thirty foot right-of-way. The applicant's representatives stated the entrance off Route 627 has been established, it was used to construct the dam. VDOT would set the requirements. Mr. Bahr proposed using the power right-of-way and he would like another thirty days to have staff investigate this option. The representatives stated they would use the road only for construction and only for a short time. They planned on doing limited work to the access. Mr. Bahr asked if the applicant could get a bid for a permanent access road. The applicant responded that to get the bid the engineers would have to design the permanent road, which has not been done.

Mr. Hennaman opened the public hearing. The first citizen signed up to speak was Alease Christian, 2530 N. Waterside Drive, Lanexa. Ms. Christian stated she was a lifetime resident on property surrounding the reservoir. She is concerned about this situation, much of the land has been deeded to surveyors who were working for Newport News Waterworks. She is concerned about the water level being increased and flooding property, she is also concerned about a park being put in where the noise level would carry across the water. She asked the Board to consider this very carefully and consider the citizens who are on that part of the property. Mr. Burrell clarified that the improvements to the spillway would give the residents greater protection from flooding. Mr. Hennaman allowed the two following citizens to speak: Mr. James Hillner, 2627 North Waterside Drive, Lanexa. Mr. Hillner stated his property was adjacent to where the entrance is located. Mr. Hillner asked what a person's life was worth. The traffic on Route 627 is dangerous due to people exceeding the posted speed limit. The proposed entrance would be on a blind curve. He felt it was unsafe to allow people to use this entrance. Mr. Hillner stated he is not opposed to improvements and the general use of property by the County, but he is sympathetic with Ms. Christian about the noise. Because the lake is in a basin, noise travels over water. Since this is a drinking water source for Newport News, he felt some consideration should be given to the fact the public would be polluting the water. He also has made an observation that things that are temporary tend to become permanent. He agreed with Mr. Bahr that the Route 60 access would be much safer than the Route 627 access. Doctor Howard was allowed to speak. Dr. Howard's major concern was increasing the capacity of the spillway. He had no problem with increasing the spillway in height, but he wanted assurance that the water level would not be elevated. Dr. Howard stated he has been keeping notes from back in the 60's. Newport News kept sending people to resurvey. He was told by someone (who is no longer with Newport News) that they didn't know if the original survey was correct. Some people who built their homes may be in violation of being too close to the lake due to Newport News not surveying correctly and knowing where the contours really are. In the early 90's they came back again and on the power line of his property got three benchmarks. He is concerned about increasing the dam's capacity, he doesn't want properties to be flooded.

Mr. Green agreed with Dr. Howard that the County should be assured in writing that the spillway will not be raised above its current height. He also agreed that the Route 627 entrance was inadequate and as long as Newport News was going to go in and do this construction, they may as well provide us access and see what they can do about gaining access off of Route 60 to that area.

Mr. Hennaman closed the public hearing. Mr. Bahr made a motion to defer action until the next meeting, with the understanding they appreciate the promise of total cooperation by Newport News, and the Board will do what they can to clear it up to avoid going in on Route 627, even for the purpose of doing the temporary work. The members were polled.

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

The motion was carried. Action on this issue is deferred until the next monthly meeting.

IN RE: PUBLIC HEARING - O-10-97, Development Agreements. An ordinance to enact Section 50 of Chapter 9 of the New Kent County Code relating to Development Agreements.

Mr. Maloney reported that Ordinance O-10-97 pertains to an amendment in the New Kent County zoning ordinance permitting the county to enter into a development agreement. This authority was received under legislation passed by the general assembly earlier this year. Under the terms of the ordinance the County may enter into binding development agreements with any person or entity owning legal or equitable interest in real property in New Kent County if the property contains a minimum of 1,000 acres and is subject to rezoning. The ordinance specifically states the proposed use shall not be inconsistent with the Comprehensive Plan at the time of the agreements adoption and the agreement shall not be inconsistent with the County zoning ordinance in effect at the time of the agreement. The agreement may provide for uses, density or intensity of uses, maximum height, size, setback, and/or location of buildings, number of parking spaces, location of streets and other public improvements, and those types of site development issues. The agreement may also provide for the transfer of land to the County or any other thing of value to further the purposes of the agreement and the comprehensive plan. Such conditions as part of the agreement; however, shall not be a condition to granting the necessary zoning. The agreement shall not run with the land except to the extent provided in the agreement. The agreement can be entered into for a period not to exceed fifteen years, and can be renewed by mutual agreement of the parties for a term of not more than ten years. The Planning Commission, during its July 21, 1997 meeting, recommended Ordinance O-10-97 to the Board of Supervisors for its consideration and approval.

Mr. Bahr asked if agreements would be locked in concerning land use. Mr. Maloney answered that during the period of the agreement the developer would be vested under the requirements of the zoning ordinance at the time the original development was approved and likewise would be vested with the land use definition as outlined in the comprehensive plan. The zoning for that portion of property, which is undeveloped, would not change for the period to run commensurate with the agreement if the zoning ordinance were to change. Since the developer would be providing the county with dedications, they would be vested under the zoning ordinance. Mr. Bahr asked what would happen after the fifteen years were up - would all these obligations be gone? Mr. Maloney answered that the obligations would be gone and the zoning in effect at the time of the termination as well as the comprehensive land use designation would come into play as well. There are provisions under the legislation of the ordinance to allow the county to renew the agreement for subsequent periods not to exceed ten years.

Mr. Hennaman opened the public hearing. There were no citizens signed up to speak. Mr. Hennaman closed the public hearing.

Mr. Lipscomb made a motion to approve Ordinance O-10-97 as presented.

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

The motion was carried. Ordinance O-10-97 is enacted.

FOR ORDINANCE O-10-97 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 66.

IN RE: PUBLIC HEARING - O-14-97, AFD Removal. An ordinance to amend and reenact Section 3-7 of Chapter 3 of the New Kent County Code. Application submitted by Clifton W. Davis for the removal of 2.08 acres of property from the Pamunkey River AFD located on Tax Map and Parcel Number 15-3.

Mr. Maloney reported Mr. Davis has applied to remove just over two acres from the Pamunkey River Valley Agricultural and Forestal District (AFD) on Tax Parcel 15-3. Both the New Kent County Agricultural and Forestal Advisory Committee as well as the Planning Commission have recommended approval for the 2.08 acres. The purpose of the removal is for the immediate family transfer to one of Mr. Davis' offspring. The removal of the 2.08 acres would leave approximately 300 acres in the AFD.

Mr. Hennaman opened the public hearing. Mr. G. G. Crump, P. O. Box 57, New Kent was the only citizen signed up to speak. Mr. Crump stated he would like to see the Board approve this request. It is in conformance with family members receiving land for farms in the AFD to encourage the land to remain in the AFD.

Mr. Hennaman closed the public hearing.

Mr. Burrell made a motion to approve Ordinance O-14-97 as presented.

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| 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 ordinance was passed.

FOR ORDINANCE O-14-97 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 69.

IN RE: PRESENTATION - EMERGENCY SERVICES AREAS. Larry Gallaher, Director of Public Safety, and Jerry Sprouse, Communications Supervisor with the Sheriff's Office, will explain to the Board the service districts of Fire and Rescue for the County.

Mr. Bahr asked if they would take public comment on this item. Mr. Hennaman stated they would. Mr. Gallaher explained the nine Emergency Service Areas of the county, which was done by R. Stuart Royer and Associates when they did the 911 System. Mr. Bahr asked if these nine ESAs would be reviewed periodically as the County changes due to growth. Mr. Gallaher confirmed this would happen. Mr. Bahr also asked if the map showing the nine ESAs is available to give to the citizens. Mr. Gallaher replied that a smaller version could be produced, but it would not contain all the details.

Mr. Hennaman took public comment. Mr. George Philbates was the first to speak. Mr. Philbates was concerned because his house is close to the line. He would prefer to be served by West Point, but they told him they cannot come past the line - even if he calls them direct and not through 911. West Point said they would respond if New Kent gave them permission to respond over the line. Mr. Philbates felt he should have the option of calling West Point direct and have them respond. Mr. Gallaher responded that the chief from West Point advised that their assets were stretched, and they want to cover as much of New Kent as possible, but they have to draw the line somewhere - they drew the line, not us. The second citizen to speak was Ms. Rebecca Philbates. Ms. Philbates concurred with her husband's comments. She

felt they should be able to call who they want to call. She cited two incidents where she felt it had taken New Kent too long to respond to calls. The last citizen to speak was Ms. Isabel Davis White. Ms. White was concerned about the boundary lines of the Rescue Squad. She cited two examples of having to wait 45 minutes for James City County to respond. She wanted to know what steps she had to take in order to change the boundary lines - lives were at stake. She wants to be served by West Point, and contends it should be her decision as it concerns her life. Mr. Gallaher reiterated that he did not draw the lines, the other agencies did, it was a collective effort between Providence Forge, West Point, and James City in Ms. White's area.

Mr. Jerry Sprouse explained how the E911 system worked. The database is located in Philadelphia and Baltimore for Bell Atlantic. When 911 is dialed your information is routed from Baltimore or Philadelphia back to the 911 screen in the Sheriff's Office where your name, address and who your primary emergency service provider is. The Sheriff's Office calls the primary emergency service provider. If you should dial 911 in error, do not hang up, just tell us it was a mistake. This saves time in having to call you back to see if there is an emergency or sending a unit out. Everyone's phone number is coded with a pin number that routes the call to the correct jurisdiction for 911. Mr. Hennaman thanked Mr. Gallaher and Mr. Sprouse for their presentation. Mr. Hennaman stated he thought it was obvious from the information received tonight and the events that have happened over the past weeks, that it is time for the Board to start looking at emergency services in New Kent County in other ways to enhance and improve it. Mr. Lipscomb asked county staff to investigate the costs associated with and possible firms to do consulting work for the purpose of performing a complete evaluation of the County's current and future (ten year) plan regarding emergency services. Mr. Emerson clarified that staff would work up a scope of services, advertise and see what kind of a response was received.

IN RE: BEAR ISLAND TIMBERLANDS, C-4-97 (C) - Rezoning application will be discussed and Board action will be taken.

Mr. Maloney gave his report. He stated that Bear Island Timberlands Company, L.P. has applied to rezone a portion of Tax Map 9-46 and all of Parcel 9-48 to change the zoning from the existing C-1, Conservation to A-1, Agricultural consisting of approximately 523 acres. The purpose for this zoning change is to allow the creation of approximately 20 parcels, each with a minimum of 25 acres for the purpose of single family residential development. The applicant did submit a statement of proffers, and amended this statement of proffers just prior to last month's public hearing. Public comment was taken at that time; however, action was deferred until the September meeting to allow staff time to circulate the amended proffer statement to the reviewing agencies and the School Board. In a letter dated August 19, 1997 VDOT indicated its comments have not changed from those submitted in its July 29, 1997 letter. The School Board has also stated that the amended proffers do not contain sufficient funds to offset the impact of the roads in accordance to bring Route 656 up to standard and also the cost of providing educational facilities to the residents of that area. Staff has met with the resident engineer and alternatives were discussed. There may be some alternatives to those that were originally proposed.

Mr. Lipscomb stated he had spoken with the applicant and they have offered new proffers along with some restrictions. Mr. Hennaman suggested this application go back to the Planning Commission with the new proffers. Mr. Lipscomb made a motion to continue this application until next month and set if for public hearing.

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| Gary L. Green | Aye |
| James H. Burrell | Aye |
| Frederick G. Bahr | Aye |

Julian T. Lipscomb
Mark A. Hennaman

Aye
Aye

The motion was carried.

IN RE: PRESENTATION - Virginia Association of Counties. Larry Land, Directory of Policy Development, will update the Board on VACO's upcoming agendas.

Mr. Larry Land stated he made visits to counties to learn how the counties worked, the issues that were current, and hoped it would help VACO service the counties better. VACO generally represents the counties to the general assembly when in session and represents the interests of counties to state agencies who work with the counties. They also provide educational opportunities for county officials who are elected and appointed. The annual conference, held in November, is where VACO finalizes its legislative program for the general assembly - he hoped to see the Board there.

Mr. Hennaman thanked Mr. Land for his presentation.

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

There were no appointments for District One.

Mr. Green made a motion to appoint Terry Lawler as District Two's representative to the Youth Commission for a three year term ending June 30, 2000.

Mr. Green made a motion to appoint Michael Walsh, Sr. as District Two's representative to the Youth Commission for a two year term ending June 30, 1999.

There were no appointments for District Three.

Mr. Hennaman made a motion to appoint Eugene M. Daniel as District Four's representative to the Youth Commission for a three year term ending June 30, 2000.

Mr. Hennaman made a motion to appoint Dustin Mountcastle as District Four's representative to the Youth Commission for a one year term ending June 30, 1998.

Mr. Bahr made a motion to appoint D. J. Patterson as District Five's representative to the Youth Commission for a three year term ending June 30, 2000.

Mr. Green made a motion to appoint David Lawler as New Kent County's representative to the Youth Commission for a one year term ending June 30, 1998.

Mr. Green made a motion to approve the appointments.

Gary L. Green
James H. Burrell
Frederick G. Bahr

Aye
Aye
Aye

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| Julian T. Lipscomb | Aye |
| Mark A. Hennaman | Aye |

The motion was carried.

Mr. Bahr made a motion to appoint Joanne Howard as New Kent County's representative to the Board of Trustees for the Heritage Library for a four year term ending June 20, 2001.

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| 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: MEETING SCHEDULE. The regular meeting of the Board of Supervisors will be held Monday, October 13, 1997 at 6:00 p.m. The Planning Commission will meet on Monday, September 15, 1997 at 7:00 p.m.

Mr. Hennaman stated there would be a Board of Supervisors on Monday, October 7, 1997 with the constitutional officers and a joint luncheon meeting at the Middle School on September 26, 1997 with the Board of Supervisors and the School Board. The regular November meeting has been changed to November 3, 1997.

IN RE: ADJOURNMENT

Mr. Bahr made a motion to adjourn.

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| 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 9:13 p.m.