

AN EXECUTIVE SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE TWELFTH DAY OF FEBRUARY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SIX BEGINNING AT 5:30 P.M. THIS WAS FOLLOWED BY THE REGULAR MEETING OF THE BOARD OF SUPERVISORS IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING BEGINNING AT 7:30 P.M. WITH ALL MEMBERS PRESENT.

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IN RE:           ROLL CALL

Mr. Ringley, Chairman of the Board called the meeting to order and asked for a roll call.

Julian T. Lipscomb	Aye
James H. Burrell	Absent
Frederick G. Bahr	Aye
Mark A. Hennaman	Aye
E. David Ringley	Aye

Mr. Hennaman moved to go into executive session to discuss a personnel matter pursuant to § 2.1-344(a)(1) and consultation and briefings by legal counsel, consultants, or staff members pertaining to actual or probable litigation or other legal matters requiring the provision of legal advice by counsel pursuant to § 2.1-344(a)(7) of the Code of Virginia.

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

Mr. Ringley welcomed everyone to the New Kent County Board of Supervisors Meeting. He explained the Board has been meeting in executive session since 5:30 p.m. interviewing applicants for the Fixed Base Operator of the airport. Mr. Ringley said they would need an additional 15 minutes to go back into executive session to rate those they interviewed earlier. The airport has been without a manager for over a year and the Board is very interested in trying to resolve this issue and appoint someone to take over the airport in the very near future. The Board then returned to executive session.

The Board returned to the regular meeting at 7:30 p.m. Mr. Hennaman certified that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under Virginia law, and (ii) only such public business matters as were identified in the motion by which the executive meeting was convened were heard, discussed or considered in the executive meeting.

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

Mr. Ringley again stated they have been in executive session for interviewing applicants to be the Fixed Base Operator at the New Kent Airport. They have selected two they feel will meet the demands and they will bring them back at a later point to interview them again and then determine which of the two they will offer the position to.

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Mr. Ringley advised the public they were taping the meeting to be televised on Channel 24 on Cablevision at a later date. This was an agreement by the Board that they wanted the business of the County to be broadcasted. By having the meeting televised, it is difficult to have the citizens speak on any public hearings or citizen's comment if they do not speak into the microphone. Therefore, we have asked those interested in speaking to sign up when they come in. *[Note: Due to technical difficulties, the meeting was not broadcasted].*

Mr. Ringley asked Mr. Hennaman to give the invocation which was followed by the Pledge of Allegiance.

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IN RE:            CONSENT AGENDA

Mr. R. J. Emerson, Jr., County Administrator explained what the consent agenda consisted of:

- a) Approval of the minutes from the January meeting,
- b) Approval of appropriations
  - 1. \$1,300 for the video equipment to televise the Board meeting
  - 2. \$4,000 Commissioner of Revenue. These are funds that were approved by the Compensation Board for additional part-time help.
  - 3. \$16,400 supplemental funding from the State of Virginia for the Department of Emergency Services.
- c) Approval of refunds
  - 1. Mary S. Peaco - \$63.96 overpayment of taxes
  - 2. AAPCO of Richmond - \$19.39 on building permit
  - 3. Keith Buck - \$78.33 on building permit
- d) Miscellaneous
  - 1. Bill for athletic facilities - \$320.00
  - 2. Resolution R-3-96 - Area Code Change
  - 3. Resolution R-4-96 - In honor of Charles Yeatts
  - 4. Resolution R-8-96 - Support seat belts in pick-up trucks
  - 5. Resolution R-9-96 - Support Medicaid Funding
  - 6. Resolution R-10-96 - Spaying of Animals
  - 7. Resolutions of recognition of service for:  
Robert A. Boroughs, Marvin D. Bradby, Michael D. Salmon
- e). Finance Report

Mr. Ringley reminded the Board they could pull anything out of the Consent Agenda if they wanted to vote on it separately. Mr. Bahr made a correction to the January minutes. The motion to appoint him to the MPO showed two ayes and two abstentions and one no. The motion read as failed when it should have read passed. Mr. Burrell asked the wording be changed on his statement of the Chairman leading the meeting to the Chairman controlling the meeting. Mr. Lipscomb moved to approve the Consent Agenda as presented with the two corrections.

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

Motion passed.

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IN RE:                   CITIZEN COMMENT PERIOD

Mr. Ringley asked the Board members to note he moved the Citizen Comment Period to the front of the agenda as had been agreed upon by the majority of the Board. If the Board wants to continue to have the Citizen's Comment Period towards the beginning it will have to be adopted and changed in the By-Laws.

Ms. Becky Philbates addressed the Board in reference to the Courthouse. She stated her family has lived in the County since the 1700's and she felt the Board should leave the courthouse as it is and use it as a museum. She has a communion set that came out of a church torn down in the 1800's in Barhamsville and wants to donate it to a museum in the County.

Mr. George Philbates also addressed the Board in reference to the Courthouse. He stated he was concerned about the old courthouse. He would like to see it either be used as a courtroom for the Domestic Court System or be put to use as a museum. Once it is torn up the historic value is gone. Mr. Philbates also addressed the changes in procedure as discussed at the last Board meeting. He feels the Chairman should be allowed to make motions at any time as he is representing his district. Mr. Philbates concluded he felt a Board member should enter into the discussion even though he might be abstaining.

Mr. Chris Madison asked about the trimming of tree limbs on the tar section of Route 628. He stated he had made this request in October and as of yet nothing had been done. Anyone using that road has scratches on their vehicles. The other item he questioned was how much money is the County going to put out to televise the meetings when most of the people in the County don't have cable. Mr. Emerson replied the cost of the equipment for televising was \$1,300 and there will be some overtime paid to staff but it will be minimal. Mr. Ringley said he would get Mr. Madison an answer on Route 628.

Ms. Barbara Hale said she was opposed to using the old courthouse as office space. She was under the impression that the space was not adequate for the school administration and raised questions on how it was going to be paid for. Ms. Hale raised a number of questions on the lease revenue bonds. How are they tracked, where is the money that hasn't been used, is there a time limit and why the delay of 2 1/2 years between the borrowing of the money and the starting of projects such as the renovation of the administration building. Mr. Ringley asked Mr. Cornwell to prepare an answer to Ms. Hale's questions and to also give a copy to the Board by the next board meeting.

Ms. Sam Snyder also spoke on the renovation of the old courthouse. She suggested the Board consider other alternatives to the space problems. The County will have to build two new schools within the several years. She suggested building a community center into one of the old schools. This could be the cafeteria during the day and serve as the County community center in the evenings and on weekends. It could be rented to non and for profit organizations, contain a room designed for Board and other meetings. It could also support office space for Social Services, School Board Offices, the Extension Office and other community oriented entities. More office space is desperately needed in the administration building but she urged the Board not to rush into anything without looking at other solutions. Preserve the Old Courthouse as an historic landmark, use it for a courtroom and house the Juvenile Court facility there. She suggested the Board use the auditorium at the high school for meetings until a new building could be made available and use the current Board room for office space.

Mr. Harold Seitz signed up to speak but asked the Chairman to strike his name as the matter will be taken up later.

Mr. Robert Boroughs congratulated Mr. Ringley on his appointment as Chairman and also Mr. Hennaman on his appointment as Vice Chairman. Mr. Boroughs commented also on the courthouse. This is needed space the administration building really must have. If you want to preserve the Old Courthouse as it is he suggested putting a wing onto the building which would be much cheaper than a new building. If they wanted to build a new building put it into the same bond issue as the new schools in the next four or five years. The wing will a lot cheaper than building a new building at this period of time. Mr. Boroughs suggested they review the Capital Improvement Plan that was established and look into building a bus garage. It will be needed more than an administration building and it is something that has been talked about for years as well. Mr. Boroughs commented on the By-Law changes that have been suggested. He feels the Chairman should have a right to make a motion and a supervisor should be able to make any appointments until the end of his term. Mr. Boroughs stated he had to leave for a funeral and asked if he could comment on the public hearing for the Chesapeake Bay Act. Mr. Ringley granted him permission.

Mr. Boroughs asked the Board to do as much as they could to give the County back to the people. This has been something he has worked towards for several years. He also stated he was in support of the Bed & Breakfast coming up for public hearing later.

Ms. Thelma Wilson thanked the Board for serving as the leaders in the County government. They are a small Board and they can act like a committee and not worry about all the ins and outs. She was in favor of building a new building between the post office and the old courthouse.

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IN RE:            ELECTED OFFICIALS' REPORT

Ms. Betty Burrell gave the financial report for the period ending December 31, 1995. Mr. Bahr moved to approve the Treasurer's Report for the month of December and to authorize the Treasurer to continue to invest in legal and risk adjusted, highest yielding instruments.

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

Motion passed.

Mr. Burrell stated he had received a number of calls in reference to the renovation of the Old Courthouse. It has been suggested to take the Boardroom and convert it to office space and use the high school auditorium to conduct the Board Meetings. Other suggestions are to use the perimeter of this building and enclose that space for offices. Mr. Ringley thanked him for his comments and they will be taken into consideration when they reach that item later in the meeting.

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IN RE:            STAFF REPORTS

Mr. J. Lawrence Gallaher, Director of Public Safety made several reports to the Board. First he wanted to acknowledge Mr. Harold Seitz, who has retired as Chief of the New Kent Volunteer Fire Department. Mr. Seitz was the first chief of the fire department and was a volunteer for over 30 years. Mr. Gallaher then introduced Mr. Wilbur Tate, who was elected the new Chief by the members of the fire department. Chief Tate addressed the Board stating he was elected on January 19th and was looking forward to working with the Board and Mr. Gallaher. Chief Tate then introduced his Deputy Chief, Mr. Jeff Jetter. Mr. Ringley congratulated both men on their appointments. Mr. Bahr congratulated the department on settling their problems without the Board's help.

Mr. Gallaher brought to the Board's attention the need to appoint a Director of Emergency Services. This is a required position and it could be any member of the Board or the County Administrator. Mr. Hennaman moved to appoint Mr. Burrell as Director of Emergency Services.

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

Motion passed.

Mr. Burrell thanked the Board for having faith in his ability on this vital position. With the recent increase of floods, hurricanes, etc. it is important to have someone in place to work with Mr. Gallaher, who is really the main person in handling these emergencies. FEMA saves thousands of lives a year simply because of the same type of organization that Mr. Gallaher heads up here for the County.

Mr. Gallaher then reported on the transfer station on Route 634 near the jail. The plans have been completed and reviewed. They will be meeting the engineer on Tuesday, February 13th. Hopefully they will be building the site by April and be ready to open sometime in July. Mr. Burrell asked Mr. Gallaher if he could estimate a cost savings by the opening of this transfer station. Mr. Gallaher replied it would be hard to say, but the savings from the one on Rt. 612 has amounted to approximately 32%. It won't be another 32% but it should be a significant amount. Mr. Ringley said that he has received nothing but compliments on the transfer site at Rt. 612. How well it is maintained, the ease of disposing of trash and recycle materials. Mr. Gallaher said they have learned a lot from the design on the one at Rt. 612 and the design of the new one will be improved. Mr. Cornwell reported to the Board on some land they were trying to purchase in Lanexa for a transfer station. Staff had determined a appropriate place in Lanexa for a transfer station and he was authorized to commence negotiations for the purchase of that property. He contacted the property owners and received no response. He then contacted the attorney whom he knew represented them and the attorney advised Mr. Cornwell they were not interested in conveying the property to the County. Mr. Cornwell felt that there was still some chance of negotiating this piece of property and is working with Mr. Gallaher, the engineers and the property owners. He would like to see if they could survey the property and determine exactly what space they want and see if the property owners won't change their minds. If this fails then Mr. Cornwell said he would come back to the Board of Supervisors for further direction.

Mr. Emerson had two reports for the Board. The first was a request from a County resident that needs to be referred to the Planning Commission. Mr. Aubrey Hubbard requests the County review Section 9-245 B, Article 1 of the Zoning Ordinance. He is currently operating a business and had he operated it prior to 1987 when the new ordinance came into effect, he would have been all right. Mr. Hubbard began his business in 1988 and he has asked the Planning Commission make a recommendation to the Board for allowance of his construction business with storage of equipment with a Conditional Use Permit. Mr. Bahr made a motion to refer this to the Planning Commission for their consideration and recommendation back to the Board.

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

Motion passed.

Mr. Emerson continued with his second report. The Board was given a draft copy of the Personnel Policies that was part of the Management Study request. Mr. Emerson asked the Board for a work session to go over these policies before the Board adopted them. This is an important document for the County, it is the first time they have been updated since the early '80's. There have been quite a few changes as far as personnel law is concerned.

The Board scheduled a work session on Monday, February 26th beginning at 5:45 p.m. to discuss the personnel policy and finalizing the Board's choice to become the Fixed Base Operator at the New Kent Airport.

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IN RE:           RESIDENT ENGINEER'S REPORT

Mr. Bob Riley reported VDOT has been working on fixing the pot holes caused by the recent storms. He also brought to the Board's attention the reconstruction of the Coleman Bridge which will be closed for approximately twelve days. The dates will be from May 3rd to May 15th. The 30,000 cars that use Coleman Bridge on a daily basis will be rerouted through Eltham. They anticipate significant traffic backups which may last three to four hours. They are considering placing two metering stations in on either side of West Point to help the flow of traffic, making the lefthand lane an HOV lane on Route 33, and having some type of commuter bus. The drawbridge will not open during rush hour times and the railroad company has agreed not to bring trains through the crossing in West Point during the rush hour traffic. They are encouraging people to stay with relatives, friends or a hotel room for this period of time to help reduce the traffic. The Sheriff's Department has been working with them and they will have extra police on duty. The Sheriff's Department will also escort the school buses through there in the morning and afternoon. They have met with the local Emergency Services personnel and had a regional meeting with West Point. This will be a major problem and he wanted to make sure the Board was informed of the plans being made.

Mr. Ringley asked Mr. Riley to look into Mr. Madison's request on Route 628 and report back to the Board as to his findings. Mr. Ringley also said he had a request to install reflectors at the intersection of Route 249 and I-64. People turning left, especially at night, are running over the corner of the island because you can't see that it is there.

Mr. Bahr wanted to know if anything could be done to help the situation on Farmers Road during the closing of Coleman Bridge. This is used as a shortcut. Mr. Riley replied they are looking into placing a light at Route 33 and Route 273. Mr. Bahr asked if this would be permanent. Mr. Riley replied he couldn't answer that at this time. They will discourage people from the James City/Williamsburg area from using Farmers Road as a shortcut. They will have a very short green time on the light.

Mr. Hennaman said he received three complaints about high water in the last four weeks. He stated he didn't feel they had anything to do with the melting snow but were pre-existing problems. Two of these complaints were about Old Telegraph Road on the western end and he felt the culprit might be beavers. The other complaint was on the standing water at the edge of Route 60 just east of the Old Jones restaurant. There is an area there that holds water between the railroad and the highway. Mr. Riley said he will check on these issues and report back.

Mr. Lipscomb asked about Route 611 and Cosby Mill Road as the street was breaking up and there was a head-on collision there on Friday. He asked if there was anything he could do to help those people. Mr. Riley answered he would look into the problem.

Mr. Ringley stated the rescue squad would like to erect a monument to honor Mary Thomas Carswell at the intersection of Route 60 and Route 155 and asked if this can be done. Mr. Riley replied the State won't allow anything on the right-of-way but he would look into the matter. Mr. Hennaman suggested the renaming of the street by the rescue squad in lieu of a monument if that wasn't possible.

Mr. Ringley mentioned Colonial Downs was scheduled on the agenda but Mr. Mike Johnson was not available.

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IN RE:                   COMPREHENSIVE YOUTH SERVICES ACT

Ms. Marianne Powell, Director of Social Services addressed the Board. Ms. Powell gave a brief synopsis of the Comprehensive Services Act which is State mandated. Each locality has two teams, the Management Team and Family Assessment Team. These teams decide together what type of services families need and the cost. Along with that responsibility, these same people have to manage the cases by working with the families and with the children. The children are either special education children or foster children and by State law you must provide a free education to all children. The only real difference from before is the home base services. The Comprehensive Services Act allows then to provide home base services where they couldn't before. In the last three years they have been able to keep approximately twelve children from entering foster care by providing the home base services. Ms. Powell introduced a parent that uses their services.

Mrs. "P" spoke on behalf of her son who does receive services from the Comprehensive Services Act. Her son resides at Cumberland Hospital and was placed there for intensive psychotherapy. She spoke about the various institutes and care he has been given over the last ten years. She asked her son be given the opportunity to fully complete the program that he has started at Cumberland Hospital. They are just beginning to see some improvement. Mrs. "P" thanked New Kent County for the services her son is receiving, to Ms. Gwen Keeton for her continued support and the other staff members who have been so helpful to her family.

Ms. Gwen Keeton spoke on Special Education. In 1973 an act was passed by the State and Federal government requiring the education of all students with disabilities ages 2 through 21 residing in the County or jurisdiction. They use special aids to help from sending children outside of the County for their education. In the last 10 years they have only sent approximately 20 students for training outside of the County. Ms. Keeton gave some examples of the types of special needs such as emotional or behavior problems which require the child to be placed in the special needs program. To ensure the safety and meet the educational needs of all children, there will continue to be a need to provide alternative programs beyond public schools. The teams work diligently to try and come up with alternatives such as the home base services. Being a rural locality, the resources are very limited. She welcomed the support and involvement in the planning and providing of the services to the special needs children of the County.

Mr. Bahr inquired if the State and Federal government contributed to the funding of this education. Ms. Keeton replied yes and Mr. Johnson would have the exact figures. Mr. Johnson, Accounting & Budget Officer stated at the present time the State gives 55%. New Kent's base amount will be increased however, any money that is spent over the base amount will no longer be reimbursed at 55%. The Governor has proposed a change with a cap of 80% with a reimbursement of 20%. Mr. Ringley stated more and more is being given to the local government to take care of and being a small community it is very hard to come up with these large sums of money. Mr. Johnson said he and Mr. Emerson attended the

Virginia Legislative Caucus recently and there has been a request by other localities that this proposal not take effect unless a study is conducted. The Department of Youth Services and Department of Education does not have all the procedures in place for the implementation of this program. The tracking of these expenditures has not been very good and when this program was first initiated they felt more private companies would come into play and that hasn't happened. Mr. Bahr stated this was an unlimited unfunded mandate. Mr. Johnson replied, basically that is correct. You never know how many children from one year to the next will require special education. Mr. Ringley said he saw this as a perfect example of the Federal and State government starting a program in cooperation with local government and then later mandate the local government to carry the burden. These are areas that should be watched in the future and voice their concerns in the General Assembly. Mr. Burrell suggested we stay in touch with VACo to help us with these unfunded mandates in supporting our concerns with the General Assembly. Mr. Emerson added there is a study being conducted and hopefully this will help this program become more efficient in the management of these funds. Mr. Ringley recognized Dr. Roy Geiger, Superintendent of Schools. He asked Ms. Keeton to address the issue of those students who are served through the school system that have to be placed outside that does impact their budget. Ms. Keeton said there are students being sent outside of the local schools that does come out of the local school budget. Currently they are sending a hearing impaired child to James City and paying tuition to West Point for three children who have severe and profound disabilities. These children do not fall under the CYSA mandate. Mr. Burrell moved to appropriate \$121,570.00 in additional funds for CYSA.

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

Motion passed.

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IN RE: PUBLIC HEARING - ORDINANCE O-01-96 TO ESTABLISH DATES FOR  
EQUALIZATION REVIEW

Mr. Cornwell explained Ordinance O-01-96. New Kent County is in the process of a comprehensive reassessment of land values. After the assessor determines land valuation the property owner, should he contest such appraisal, may appeal such determination to the Board of Equalization. The purpose of the ordinance is to establish a time period for the filing of the appeal with the Board of Equalization, as well as a deadline in which the Board is to decide these appeals. The Board of Supervisors are to determine how many people they want to serve on the Board of Equalization. This can either be three or five people. Also, the Board must determine the salary to be paid and make recommendations of those to serve on the Board of Equalization. The Board of Equalization will be trained by the Department of Taxation. The Board of Equalization will advertise the dates in which they will be sitting to hear these appeals. The dates in the ordinance is receipt of applications by May 1, 1996 and the deadline for disposition of the application will be July 1, 1996. Mr. Ringley said no had signed up to speak on Ordinance O-01-96 and asked if anyone wished to speak. With no one speaking, Mr. Ringley closed that portion of the public hearing. Mr. Burrell moved to approve Ordinance O-01-96 as presented.

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

Motion passed.

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FOR ORDINANCE O-01-96 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FIVE, PAGE 478.

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Mr. Ringley asked the Board for the number of appointments for the Board of Equalization. In past years they have had one member per district which now would be five. Mr. Bahr moved to set the number of appointment for the Board of Equalization at five.

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

Motion passed.

Mr. Ringley asked if any of the Board members were prepared to make an appointment this evening. Mr. Burrell stated he would have an appointment at the February 26th meeting. Mr. Bahr moved to appoint Mr. Ed Hayes as District Five's representative to the Board of Equalization. Mr. Hennaman said he had spoken with someone however he did not have a commitment at the present time but would hope to appoint someone at the February 26th meeting also. Mr. Ringley moved to appoint Mr. Herb Jones as District Two's representative to the Board of Equalization.

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

Motion passed.

Mr. Ringley said the next item would be the amount of compensation to be paid each representative. They will have time away from their jobs to attend training and also to meet with the citizens who wish to appeal. In previous years they were paid \$50.00. Mr. Lipscomb suggested \$65.00 per meeting. Mr. Bahr moved to approve \$65.00 per meeting as the amount of compensation to be paid those serving on the Board of Equalization.

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

Motion passed.

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IN RE: PUBLIC HEARING - ISTE A ENHANCEMENT GRANT

Mr. David Maloney, Director of Planning addressed the Board and introduced Ms. Jackie Stewart from the Richmond Regional Planning District Commission. County staff, with assistance from the Richmond

Regional Planning District Commission prepared a 1996 Enhancement Grant application. This grant was prepared in January and the Board did authorize staff to submit an application for this grant. The Enhancement Program is a federal program administrated by the State to assist local governments with enhancements to the transportation system. Enhancements can include provisions for pedestrian and bicycle access ways, landscaping, and renovation of scenic highways which are just a part of this program. This money cannot be used directly for road improvements by the localities. Currently the New Kent County government complex is lacking in terms of a unified pedestrian circulation system. The benefits of the proposed enhancements include greater pedestrian circulation and safety, less vehicular traffic between the schools and administration building, increased landscaping around the government complex and enhanced character of the historic courthouse village. The estimated cost of the improvements is \$58,931.00 and the local match required is twenty percent or \$11,786.00. Mr. Maloney then answered some questions the Board members had. Mr. Ringley opened up the meeting to take public comment. Mr. Chris Madison thought this was comical, why have a public hearing when this has already been done. Mr. Madison said years ago when the road was expanded in Eltham, part of the agreement of the expansion was that sidewalks would be put in. They did put in wheelchair access but now you get stuck in the mud because there are no sidewalks. He did not agree with this application and wanted the money put where it could do some good. Mr. Ringley asked the County Administrator to check into a point Mr. Madison brought up in reference the sidewalks for the Eltham area. Mr. Emerson explained these grants are very competitive and he does not hold out much hope of this being successful but next year if the Eltham area qualifies they may take a look at that. Mr. Maloney stated there was no action required by the Board as this time but they needed to hold the public hearing. Mr. Ringley closed this portion of the public hearing.

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IN RE: PUBLIC HEARING - ORDINANCE O-14-95 CHESAPEAKE BAY ACT

Mr. Maloney gave the Board an overview of the changes in this ordinance. At the time New Kent County initially enacted its Chesapeake Bay Preservation ordinances, the County had no way to delineate those areas that qualify as preservation areas from areas that did not necessarily qualify. With the implementation of the County's computerized Geographic Information System, the County now has the ability to delineate on a parcel by parcel basis, those areas that are classified as RPA, RMA, or non-Chesapeake Bay preservation areas. In order to reduce the RMA area, several ordinance amendments must first be enacted. The Planning Commission prepared extensive amendments to the County's Chesapeake Bay Program in order to reduce the RMA area. These changes involve Article I-Division 1. Erosion and Sediment Control, Division 2 Stormwater Management Plans, Article III - Zoning - Division 1. General Administrative Provisions, and Article VI - Chesapeake Bay Preservation Areas. These changes are mostly of an administrative nature and do not impact the way the County implements its program. The provision under Section 9-40 of the Zoning Ordinance will help reduce the RMA areas in the County. This amendment will increase the area of land disturbing activity to 10,000 square feet instead of 2,500 square feet. If this ordinance is adopted, these amendments as proposed will remove approximately 58% of the County from the provisions of the Chesapeake Bay Act. These proposed changes have been sent to the Local Assistance Board for their review and they did make some amendments to some definitions that had not been included. With the exception of those comments the Local Assistance Department has indicated the program from their view would appear to meet State requirements. Mr. Ringley opened up the meeting for public comment. Mr. Dusty Crump stated he was in favor of this ordinance. Mr. Crump being the only one to speak, Mr. Ringley closed the public comment period. Mr. Ringley said this will make it easier for people to develop their property. Mr. Lipscomb moved to adopt Ordinance O-14-95 as recommended by the Planning Commission and changes as suggested by the Local Assistance Department.

Julian T. Lipscomb     Aye  
James H. Burrell     Aye

Frederick G. Bahr     Aye  
Mark A. Hennaman     Aye  
E. David Ringley     Aye

Motion passed.

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FOR ORDINANCE O-14-95 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FIVE, PAGE 479.

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IN RE:            PUBLIC HEARING - ORDINANCE O-15-95 BED & BREAKFAST

Mr. Maloney explained to the Board the request for this ordinance change. Mr. William B. Wallace wishes to operate a bed and breakfast/home stay establishment at his residence. Currently bed and breakfast establishments are only permitted in A-1, Agricultural zoned districts with a conditional use permit and R-2, General Residential zoned districts with a conditional use permit. Additionally, the R-2, zoning district regulations require the use be located on properties identified as a County historic site. Mr. Wallace's property is zoned R-1, Single Family residential. The proposed amendments to the Zoning Ordinance would permit bed and breakfast/home stay establishments on properties which are zoned R-1, Single Family residential, but which are not located in a platted subdivision. A conditional use permit would also be required. The Planning Commission recommends approval of the ordinance changes. Mr. Ringley opened the meeting for public comments. No one signed up to speak and he inquired if anyone wished to make a comment. Mr. Ringley then closed this portion of the public hearing with no one speaking. Mr. Lipscomb moved to adopt Ordinance O-15-95 as recommended by the Planning Commission to include R-2 designation and dropping of the historic requirements.

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

Motion passed.

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FOR ORDINANCE O-15-95 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FIVE, PAGE 493.

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IN RE:            OLD COURTHOUSE & ADMINISTRATIVE BUILDING RENOVATION

Mr. Lipscomb moved to drop all plans on the Old Courthouse and set a date for a work session to give the County Administrator some direction as to the way the Board would like to go on the office space. Mr. Ringley asked Mr. Lipscomb if he was suggesting the plans approved by the previous Board be dropped. Mr. Lipscomb replied yes. Mr. Ringley inquired if they could give Mr. Emerson some idea of how they want him to proceed. Mr. Lipscomb suggested they vote on the motion first.

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

Motion passed.

Mr. Ringley asked the Board for their ideas. Mr. Lipscomb said he would like to see Juvenile Court take over the courtroom and use it for a courtroom and their offices be in that wing of the building and the other side be used for the Commonwealth Attorney's office. There are some State agencies paying rent in the Administration Building now, build them a new building and let their rent pay the debt on the building. Mr. Ringley mentioned the Sheriff should be aware of this proposal because he would need more staff when court was in session. Mr. Ringley suggested using the Old Courthouse for the County Administrator, County Attorney, Accounting & Budget Department and possible one other official that currently is housed in the Administration Building. Also leave the courtroom like it is however, have a place in the courtroom where they can display maps and materials the Commissioner of Revenue needs to have available for the public and possibly move the Commissioner over there. The courtroom could also be used for small meetings for citizens in the County. Mr. Ringley further went on to say, he would like to see that alternative and the cost for the renovation. Mr. Bahr asked if it would be possible for someone from the staff to visit the Crump house which is located near the Administration Building. Mr. Emerson replied he and Mr. Gallaher did look at the Crump house today. Mr. Gallaher said they did not do an in-depth review but the building will not work as it is today. The Americans with Disabilities Act has requirements on the size of doors, ingress/egress which this does not meet plus there are some other safety considerations. One of those is the flame spread rating on the paneling which is much higher than is allowed. Mr. Burrell asked the professionals to look at some of the alternatives the citizens have suggested. One would be making offices where the Boardroom is and holding the meetings in the auditorium of the high school. Mr. Hennaman said he was pleased the Board was looking at other alternatives. He felt the proposed renovation would only temporarily fix the problem for the next 2 to 3 years. Mr. Hennaman would like to look at the long term needs which would service the County for a longer period of time. Mr. Emerson said once he had the opportunity to discuss with Mr. Hart and Mr. Boynton the new options and the direction the Board wants to go, he would then notify the Board so a work session could be set to discuss the new plans.

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IN RE:                   CENTRAL VIRGINIA WASTE MANAGEMENT AUTHORITY & CHAMBERS, INC.

Mr. Emerson said representatives from these two companies were available this evening to answer any questions the Board might have in reference to the collection of refuse in the County. He brought to the Board's attention a letter about his meeting, along with the Director of Public Safety and the County Attorney, with CVWMA and Chambers to air what the County's problems were and they asked them to be present at the Board Meeting to discuss these problems with the Board. Mr. John Mitchell, Executive Director of CVWMA, addressed the Board in reference to their previous meeting as mentioned by Mr. Emerson. He felt it was a productive meeting and hopefully Chambers has responded to these complaints. He then introduced Mr. Paul Barley, District Manager of Chamber, Inc. Mr. Barley explained he has been with Chambers since October of 1995 but he has over 23 years in the industry. He apologized for the problems the County has had in the past but he was here to solve them. In the last three weeks he personally visited all the sites in New Kent. They have put into place some new programs that should help and one of those is a better communications line. Another area to look at is people dumping trash from surrounding areas. This will get better once all the transfer stations are in operation. He said he appreciated the concerns of the Board and the County staff, apologized for the past problems and looked forward to a good working relationship. Mr. Ringley thanked them for coming and he liked Mr. Barley's attitude. Mr. Hennaman said he noticed a big difference in the last three weeks and also liked the comments in Mr. Barley's letter. Mr. Bahr appreciated the tone of his letter and hopefully their phones won't ring as much. Mr. Lipscomb felt they haven't pulled as often as needed on Route 612. Mr. Barley reiterated the need for better communication and Mr. Gallaher has his pager number. Mr. Burrell said he noticed a difference in the last couple of weeks also and felt that once the transfer sites were all open the County should experience fewer problems. Mr. Ed Gran, a citizen of New Kent, inquired as to what could be done in regards to recycling plastics. Mr. Mitchell replied they will be opening four regional sites

beginning March 8th for the collection of plastics but the closest to New Kent would be in Henrico County. Mr. Burrell added, contamination was the problem before, it was costing more to process than we were getting back.

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IN RE:

BY-LAWS

Mr. Cornwell reported to the Board on the changes they had requested to the By-Laws. He stated the changes they had requested such as moving the Citizen's Comment period to follow Consent Agenda. Under the General Rules of Procedure they asked to consider a new rule relating to a member from abstaining from voting on an issue when he knows he has a conflict. Mr. Cornwell wrote a rule for which he felt would cover this issue. The Board also questioned the wording as it pertains to the public hearings. Mr. Cornwell rewrote this portion and it now states "all public hearings will be advertised to begin at 7:00 p.m. during the regular Board Meeting and will be conducted as soon thereafter as the Board's agenda may allow." The Board of Supervisors also requested consideration on the ability of the Chairman to make motions. Mr. Cornwell said he checked with some of the surrounding counties and all those counties allow their chairman to make motions. It was his opinion that the Board may not limit the ability of any Board member to make a motion before the Board. The last item was in respect to changing the dates of appointments on certain Boards and Authorities in order to avoid "lame duck" appointments. Boards and Authorities whose terms are established by statute may be adjusted by amendment to our existing ordinance, however no member's term may be reduced and no member may be appointed for a term of less than four years. Boards and Authorities not created by statute may have their terms adjusted by resolution of the Board of Supervisors. Mr. Burrell asked to address a few of these items. On the ability of the Chairman to make motions, it was suggested the Chairman not make motions, unless, of course, it pertained to his district. In most counties the Chairman generally refrains from making motions, I think the Chairman is to guide the meeting and if he continues to make motions it looks like it is more of a controlling situation. I think my statement was taken out of context. According to Mr. Cornwell's research, the Chairmen generally do not make motions. Mr. Burrell also wanted to address the issue on "lame duck" appointments. He didn't feel it was right for an outgoing elected official to make appointments for the incoming elected official. Mr. Ringley said he would also like to comment on some of these issues. He mentioned in Robert's Rules of Order, it states the Chairman shall be allowed to make motions and vote on all issues. Mr. Burrell interjected, he was aware of that, he was just saying that this would be something that would be good to adopt, not saying the Chairman cannot make motions in some cases, but if the Chairman makes motions on a continuous basis it sends the wrong message to the citizens that he is really controlling the meeting. When the Chairman is representing his constituents you have the concerns of them and you should be allowed, he stated he was just talking in general about making motions. Mr. Ringley replied, he understood Mr. Burrell wasn't just referring to him, Mr. Burrell replied no, anyone who would be Chairman. Mr. Ringley said if they checked the record from when he was Chairman before, he made very few motions. Mr. Burrell said he wanted to set the record straight, it was not his intent to tie the Chairman's hands, simply to conduct business in a manner the public won't perceive as the Chairman controlling the meeting. Mr. Hennaman asked for a clarification, is the proposal not to change the wording on how the Chairman conducts business? Mr. Ringley replied yes. Mr. Burrell interjected, Mr. Ringley you stated your past record indicates that you have not made a lot of motions and if someone different is Chairman next year, maybe we need to bring it up again next year. Mr. Burrell also added, as far as the "lame duck", he suggested not to continue as in the past. Mr. Ringley said his concern was, as has happened in the past, every member of the Board of Supervisors had been replaced. If every member of the Board was new and all of his appointments expired at the same time, you could have the possibility of every function of this County being new people. Mr. Burrell said he understood, but his concern was when you have a disgruntled elected official, who was defeated, still making appointments for the next four years after the election. Mr. Ringley also pointed out, the only way that these appointments can be made is if a minimum of three Board members vote for the appointment. Mr. Burrell stated this is not an issue that needs to be dealt with now because it is not an election year, but he still feels

strongly about. Mr. Ringley reviewed exactly what changes were made to the By-Laws. They would change the Order of Business, and they changed the wording of the advertisements on public hearings from 8:00 p.m. to 7:00 p.m. Mr. Bahr again asked about the amendment of the By-Laws on the way we handle our finances when it is received from the auditors. Mr. Emerson responded, after he made the request previously, he reviewed the By-Laws and currently we are in compliance with the By-Laws. Mr. Cornwell noted the By-Laws could only be amended after 30 days prior to written notice which would make it April before they could be voted on.

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IN RE:                    APPOINTMENTS

Mr. Lipscomb moved to appoint Eddie Wood to the Electoral Board for the term ending February 29, 1999. Mr. Lipscomb also moved to appoint Gary Green to the Industrial Development Authority for the term ending December 31, 1999. Mr. Bahr asked if the vacancy for the IDA was an at-large vacancy. Mr. Ringley replied, yes and there was only one vacancy at the present time. Mr. Burrell interjected, there are seven appointments which mean there is one for each district and two at-large. His district is currently the one that does not have a representative. Mr. Burrell then asked about the Electoral Board, he thought this person had already been appointed. Mr. Emerson replied, the Judge's secretary had called his office and asked to bring this to the Board's attention. Mr. Burrell wanted to know if they could send more than one name. Mr. Ringley replied, they would vote on the recommendations and submit them to the Judge for his decision. Mr. Ringley moved to appoint Stran Trout as District Two's representative to the Planning Commission for the term ending December 31, 1999, he also moved to appoint Donna Steele as District Two's representative to the Planning Commission for the term ending December 31, 1999. He moved to appoint Herb Jones as District Two's representative to the Board of Road Viewers for the term ending December 31, 1996 and he moved to appoint Thelma Wilson as District Two's representative to the Historic Commission for an unexpired term ending December 31, 1996. Mr. Ringley further moved to appoint Elizabeth Toler as District Two's representative to the New Kent Clean County Committee for the term ending December 31, 1999 and Raleigh Cook as District Two's representative to the Airport Advisory Commission for the term ending December 31, 1999. Mr. Burrell moved to appoint Mr. Charles Moss as District Three's representative to the Recreation Commission for the term ending December 31, 1996, he moved to appoint Alma Randolph as District Three's representative to the Board of Social Services for the term ending June 30, 1999. He also moved to appoint Louis Abrams as District Three's representative to the Planning Commission for the term ending December 31, 1999 and moved to appoint Reverend Milton Hathaway as District Three's representative to the Planning Commission for the term ending December 31, 1999. Mr. Burrell further moved to appoint Brenda Snyder as District Three's representative to the Historic Commission for the term ending December 31, 1999 and Mr. Charles Moss to the Electoral Board for the term ending February 29, 1999. Mr. Hennaman moved to appoint Patricia Townsend as District Four's representative to the Recreation Commission for the term ending December 31, 1996. Mr. Bahr moved to appoint Ercrute Travers as District Five's representative to the New Kent Clean County Committee for the term ending December 31, 1999 and Edward Pollard as District Five's representative to the Planning Commission for an unexpired term ending December 31, 1998. He also moved to appoint Eckhardt Schutz as District Five's representative to the Airport Advisory Commission for the term ending December 31, 1999. Mr. Lipscomb withdrew his nomination of Gary Green to the IDA since that appointment belongs to Mr. Burrell. It was the general consensus of the Board to send two names to Judge Powell as their recommendations for the Electoral Board. Mr. Bahr moved to approve the list of appointees with two names being sent to Judge Powell.

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

Motion passed.

Mr. Burrell brought up an idea, which was spoken about previously, of having a retreat which is available through the Extension Service. This would enable the Board to get together and brainstorm some of the things they would like to see for the County, also to develop a committee with a cross selection of citizens for their ideas of what they would like to see for the County. This would give the Board a chance to meet without the interruptions of being in the office. A prime example is the renovation of the Old Courthouse. The previous Board and this current Board have taken steps to have plans made up for this renovation and now we have a number of citizens who are saying this is not what they want for that building. Mr. Ringley asked where this retreat would take place. Mr. Burrell replied, it could be somewhere local but the idea is to get away from the Boardroom and distractions. Mr. Ringley directed staff to contact Ms. Sylvia Hathaway of the Extension Office for further information and availability of a facilitator.

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IN RE: MEETING SCHEDULE

The regular meeting of the Board of Supervisors will be held on Monday, March 11, 1996 at 7:00 p.m.  
The Planning Commission will meet on Tuesday, February 20, 1996 at 7:30 p.m.

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IN RE: ADJOURNMENT

Mr. Ringley stated this meeting would be continued until February 26th beginning at 5:45 p.m. to review the Personnel Policy Manual and continue interviews for the Fixed Base Operator of the New Kent County Airport. Mr. Bahr moved to approve such motion.

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

Motion passed.

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