

AN EXECUTIVE SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE TENTH DAY OF JUNE IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SIX BEGINNING AT 6:00 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 7:00 P.M. MR. BURRELL WAS ABSENT FROM THE EXECUTIVE SESSION BUT WAS PRESENT FOR THE BOARD MEETING. MR. BAHR WAS AWAY AT A 45TH CLASS REUNION. THE INVOCATION WAS GIVEN BY MR. MARK HENNAMAN FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

IN RE: EXECUTIVE SESSION

Mr. Ringley called the meeting to order. Mr. Ringley moved to go into executive session for discussions relating to the acquisition (or sale) of real property for public use pursuant to Section 2.1-344(1)(3) and for 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 Section 2.1-344(1)(7) of the Code of Virginia.

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

Mr. Lipscomb moved to go back into regular session.

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

Mr. Ringley called the June 10th Board of Supervisors meeting to order.

IN RE: ROLL CALL:

Mr. Ringley asked for a roll call.

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

Mr. Ringley stated, prior to this meeting the Board met in Executive Session for discussion relating to acquisition (or sale) of real property for public use and for consultation and briefings by legal counsel pursuant to Section 2.1-344(1)(7) of the Code of Virginia.

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	Abstain (not at executive meeting)
Frederick G. Bahr	Absent
Mark A. Hennaman	Aye
E. David Ringley	Aye

IN RE: CONSENT AGENDA

Mr. Emerson, County Administrator, explained the Consent Agenda contained the minutes of May 13th, May 22nd, May 27th and May 29th meetings. Appropriations to the Airport Fund, Legal Services for Litigations, and Wetlands for a total of \$221,896.11. A resolution for the Community Development Block Grant, refunds to D. L. Peterson Trust for \$285.25, C. D. Richardson for \$85.00 and the Finance Report. Mr. Emerson stated the litigation costs are for the entire year because you never know what these costs will be. The past practice has been to appropriate these costs at the end of the year. Mr. Cornwell, County Attorney, explained the litigation costs. They are for employment litigation, courthouse litigation, Worley litigation, delinquent tax collection litigation, this will be repaid after the property has been sold. Zoning litigation with Woodlands, Chickahominy Outpost, Whitehurst and with Mr. Philbates. This comprises the figure of \$110,000, the largest amount is litigation for the airport.

Mr. Burrell asked the minutes to reflect at the Budget Work Session on May 27th, the meeting was opened by Mr. Hennaman at 9:06. He also asked the statement be changed that read "Mr. Emerson stated he asked for a tax increase last year (previous Board) but the Board felt since it was an election year they didn't want to raise taxes." Mr. Burrell asked the minutes to reflect that he and Mr. Bradby were not in agreement with not raising taxes.

Mr. Lipscomb moved to approve the Consent Agenda as presented with the corrections of the minutes.

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

Motion passed.

FOR RESOLUTION R-19-96 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FIVE, PAGE 508.

IN RE: CITIZEN COMMENT

Mr. Kornell Davis of New Kent addressed the Board in reference to the Internet. Mr. Davis has prepared and placed information on the Internet about New Kent County. He presented the Board with a copy of this information. He stated there is no E Mail link at the present time but did urge the Board and the County Administrator to look into accessing the Internet. This will be the way to do business in the future. Mr. Burrell added, he had asked about E Mail last year and was informed the set-up cost would be prohibitive at that time and thanked Mr. Davis for providing this information on his own.

Mrs. Edith Brown of Quinton asked the Board to consider creating an ordinance on burning trash and leaves if it endangers their neighbors health. She has a bad case of asthma and when her neighbors burn as frequent as they do, she cannot breath. The County has the best trash facilities in the State and there is no need to burn. She has a letter from her doctor confirming her condition. Mr. Ringley asked Mr. Cornwell to look into this matter and report to the Board at the July meeting.

Ms. Thelma Wilson reported on her participation in the Golden Olympics for the fourteenth year. She won a bronze in the hundred yard dash, a gold in riflery and a gold in archery.

IN RE: ELECTED OFFICIALS REPORT

Ms. Betty J. Burrell, Treasurer, gave the financial report for the month of May. Mr. Lipscomb moved to approve the Treasurer's Report for the month of May 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	Absent
Mark A. Hennaman	Aye
E. David Ringley	Aye

Motion passed.

Mr. Burrell asked if a few copies of the minutes, from the previous month, could be placed in the back of the room for the citizens to review and also a copy at the library. The Board members agreed to this policy.

IN RE: STAFF REPORTS

Mr. Emerson stated he received a request from the School Board for a categorical adjustment to their budget. Dr. J. Roy Geiger, Superintendent of Schools, addressed the Board in reference to this categorical adjustment. They are not asking for one dime of local appropriations to the budget. The changes they are asking for would be for \$20,000 from Operations to Instruction in order for staff to do development before the fiscal year ends on June 30th. The other adjustment would be \$2,000 from Administration to Facilities to cover a bill received for work on the Green House. They have also worked with roof consultants on the Middle School to see whether or not it needs to be replaced or if it could be patched. They may not be able to replace the entire roof but he is working with Mr. Emerson on this project for next year's budget. They are also on track to return \$300,000 from the 1995/96 school budget to the Board of Supervisors. Mr. Burrell moved to approve the categorical adjustments to the School Board's 1995/96 budget as presented.

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

Motion passed.

Mr. Emerson brought to the Board's attention, the meeting for the Local Government Officials Conference in Charlottesville on August 11-13th. If any of the Board members wish to attend, he suggested they move the Board of Supervisors Meeting to August 5th so this wouldn't conflict. Mr. Burrell stated, it is a conference that has a lot of information but he would not be going this year because of the financial straits of the County. He suggested maybe the Board send one representative and they could pass on the information to the other members. Mr. Lipscomb said he would like to go but he felt the Chairman and the Vice Chairman should attend. Mr. Ringley replied, he appreciated the offer, but maybe some of the newer members would benefit from attending. Mr. Burrell suggested they go for Sunday and come back Monday afternoon because there is nothing on Tuesday that beneficial to cover an extra night's room. After further discussion between Board members, Mr. Ringley moved to allow one member attend the Local Government Officials Conference and that person would be either Mr. Hennaman or Mr. Burrell.

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

Motion passed.

Mr. Ringley then asked the wish of the Board on moving the August Board of Supervisors meeting from August 12th to August 5th. It was agreed by consensus and will be advertised for August 5th.

Mr. Emerson said he had one more report and it was a contract for revenue sharing funds from the State of Virginia. The County had applied for, and was awarded over a two year period of time, approximately \$700,000 revenue sharing funds from the State Department of Transportation to match funds from the Community Development Block Grant for a total of \$1.4 million to build the road for the race track. Mr. Cornwell stated they have been negotiating with the State for the revenue sharing funds. This will be for the widening of State Route 155. They have negotiated the arrangement with the Commonwealth of Virginia for that and he asked for authorization to go forward with the revenue sharing funds. Mr. Lipscomb moved to authorize the Chairman to execute the contract with the State of Virginia for revenue sharing funds for State Route 155.

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

Motion passed.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Riley stated with the approval of the previous revenue sharing funds, he will be able to pay VDOT's share on a monthly basis and will keep the County from having to use General Funds to do that. They have been trying to work on the secondary roads this past month and hope to continue work on Route 611 this week. Mr. Riley stated construction funds showed up for the first time in the Six Year Plan for the widening of Interstate 64. The State Police are running a special enforcement on Interstate 64 this

summer and VDOT is supplying some message boards encouraging people to drive safely. Mr. Lipscomb inquired about the plans for widening Route 60 to Bottoms Bridge. Mr. Riley replied, he had heard of no such plans. Mr. Ringley inquired if Route 665 was on the Six Year Plan. Mr. Riley answered, he didn't think so. There have been more complaints on the road with the increase of traffic going to the convenience center. Mr. Lipscomb added, the speed limit is still 55 mph, would he please check into getting it reduced. There is also a bad water hole in front of C. Bowery's house. Mr. Burrell mentioned on I-64 eastbound near Bottoms Bridge, there are a lot of trees that are hanging low and just across from that heading west between Rt. 207 and Rt. 206 there is broken pavement in the left-hand lane. Mr. Hennaman reported on Courthouse Road South heading from Providence Forge into Charles City, as you cross the railroad tracks, you are in a 55 mph zone. He wanted to know if the State could lower the speed limit. There have been a number of serious accidents in this area. It has become an industrial zone, with large gravel trucks going in and out and also increased traffic. Mr. Hennaman also mentioned a meeting with some citizens in relation to the proposed convenience center on Old Telegraph Road. During their conversations, Evergreen Road was brought up. They felt Old Telegraph Road had been graded two or three times since Evergreen Road has been done. Mr. Riley said he would look into these matters.

IN RE: PRESENTATION OF RESOLUTION R-16-96

Mr. Mark Hennaman asked Nicholas Darlington to come forward. Mr. Hennaman read Resolution R-16-96 and extended the Board's good wishes to Nicholas for becoming an Eagle Scout.

IN RE: PUBLIC HEARING REZONING C-3-96 JOHN C. JONES

Mr. David Maloney, Director of Planning, stated Mr. John Jones has applied for a rezoning from Residential to Business Limited. The property is located on Route 155 in Providence Forge. The proposed use of the building and property is a professional office building. The newly adopted Route 155/Providence Forge Area Management Plan would allow for this rezoning. The Planning Commission recommends approval of C-3-96. Mr. Maloney stated Mr. Jones was available for any questions. Mr. Hennaman remarked, Mr. Jones has made a great improvement to the property. Mr. Ringley opened the meeting up for public comments.

Ms. Nancy Hayes stated, Mr. Jones and his wife have done a good job on the property and she was very much in favor to this rezoning.

No one else spoke and Mr. Ringley closed the public hearing. Mr. Burrell moved to approve C-3-96 as recommended by the Planning Commission.

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

Motion passed.

IN RE: PUBLIC HEARING CUP-2-96 ASHLAND CONSTRUCTION COMPANY

Mr. Maloney stated, Ashland Construction Company has made application for the use of two temporary construction trailers to be used at the New Kent Crossings Shopping Center site. The trailers will be removed at the end of the construction. The Planning Commission recommended approval of Conditional Use Permit CUP-2-96. Mr. Ringley inquired if any efforts were being made so this type of CUP won't have to come before the Board. Mr. Maloney replied, yes. This is currently being reviewed by the Planning Commission and should be coming before the Board by the end of summer. Mr. Ringley stated, no one signed up to speak. He opened the public hearing and closed the public hearing. Mr. Hennaman moved to approve CUP-2-96 as recommended by the Planning Commission.

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

Motion passed.

IN RE: PUBLIC HEARING CUP-3-96 P.C.S. PRIMECO, L.P.

Mr. Maloney reported PCS Primeco has submitted an application for a Conditional Use Permit to erect a communications tower and accessory equipment cabinets on property located on State Route 628 (Mt. Pleasant Road), opposite Interstate 64. The property is zoned A-1, Agricultural. A-1, Agricultural zoning district regulations permit radio, television and communication towers in excess of fifty feet in height but with a conditional use permit. Mr. Maloney then listed the criteria as set forth by the New Kent County Zoning Ordinance as it relates to this type of development. The Planning Commission voted to recommend denial of CUP-3-96. The Planning Commission is currently reviewing County regulations governing the siting and placement of communication towers. It is anticipated recommendations from the Planning Commission will be forwarded to the Board of Supervisors by late summer. Mr. Ringley asked if anyone from PCS Primeco was available for questions. No representative was at the meeting. Mr. Ringley then opened the public hearing.

Mr. Craig Rainey stated, a Contel Cellular tower was approved by the County and is at the end of his driveway. He said he only received one letter from the County saying in two weeks they would start building the tower. He didn't know of any Conditional Use Permit. It has really been a nightmare. They came last November, they are still there, they have torn up his road and it won't be fixed until they get ready to leave. He also feels there should be a light on this tower. There are helicopters that fly near this tower and he is just waiting for an accident to happen. He would like the County to take a hard look when considering putting up more towers in the County.

Mr. Ringley stated, this is the second or third time when holding public hearings on proposed development in the County, and there is no representation from the company. He asked Mr. Emerson to send a letter to these people stating their presence was expected in order to answer any questions. Mr. Burrell moved the Board not take any action on any item that comes up if a representative is not present. There was a general consensus of agreement by the Board.

Ms. Becky Philbates stated this proposed tower is joining her family's property. They have been here for generations and wished the people in the County would stop trying to run them out of the County. New people are coming in and trying to run them out. Ms. Philbates states with no one showing up from the company, means they are not interested enough. She felt the Board should take action. She did not want this tower at all.

Mr. George Philbates stated he sees flashing lights out of all of his windows from towers. He was not in favor of another tower, but under no circumstances should it be put up without a light. They have ultralight planes flying nearby and without a light they won't see the tower. They are not a service to the County, they are just in it for the money.

Mr. Chris Madison said he not for or against the tower but they needed to look down the road for the future. He said the Planning Commission, when they did this, reads their package when they get to the meeting and if the majority of the audience is for it they vote yes, if not they vote no. Antennas need to be provided, it is a question of where and what type and the County should look hard at where to put them.

Mr. Dusty Crump said he would like to see the Board go along with the Planning Commissions recommendation of denial. The Planning Commission is working on an overall plan for the location of towers in the County. He suggested they put up one big tower to handle the future needs.

Mr. Herbert Clarke said he lives in Richmond but was raised on a farm here in the County. He felt the County should look into having one or two major towers owned by the County and collect the money ourselves.

Mr. Milton Clarke stated he owns 150 acres near this property and he felt it would affect his land value.

Mr. Milton Clarke, Jr. also felt it would detrimental to their land value.

Mr. Glenn Young stated their future home site is about to be surrounded by these towers. He is opposed to all of these towers. He felt the County should have an overall policy to control these towers.

Mrs. Candice Young stated she hoped Interstate 64 would not come to look like the Midlothian Turnpike with all the towers.

Mr. Billy Hott felt the Board should wait until the Planning Commission comes back with their recommendations.

Mr. Ringley then closed this portion of the public hearing. Mr. Burrell said towers are about dollars. There are some towers in other places that look like trees which would have a more aesthetic appearance. You could use a single tower for many different types of communication. He is opposed to this because he felt it won't do anything for New Kent County. He didn't want to see towers up and down the highway. Mr. Burrell moved to defer action on this request until such time as the Board has an opportunity to review the Planning Commission's recommendations.

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

Motion passed.

IN RE: PUBLIC HEARING 0-03-96 PISTOL RANGES

Mr. Maloney stated, in response to a request from Old Forge Sporting Clays, the Planning Commission drafted an amendment to the New Kent Zoning Ordinance to allow pistol ranges in the Agricultural A-1 District with the permitted conditional use permit. The reason for the request is Old Forge is receiving numerous requests for handgun safety instruction from the public. Old Forge staff recently completed the National Rifle Association Home Safety and Pistol Instructor Course. Currently the club trains at Izaak Walton Park in Charles City County. This range is not open to the public and membership requires an initiation fee and annual dues. Old Forge would construct a pistol range in compliance with NRA standards and will have the ability to offer NRA certified handgun training. The Planning Commission recommended approval of Ordinance O-03-96. Mr. Hennaman inquired about what religious facility would be taken into consideration as stated in the ordinance. Mr. Maloney replied, this is simply an ordinance amendment. The guidelines are general in nature rather than specific. It would not allow any specific user to operate right now. The applicant will have to apply for a conditional use permit and go through that process. Mr. Burrell said he had a few questions. He wanted to know why the direct firing zone was a minimum of three thousand yards when you could fire into a dirt berm. Mr. Maloney replied, the three thousand yards is required if there is no backstop available. Mr. Burrell felt it should be restricted not to barrel length but to pistol per se. Mr. Maloney responded, the Planning Commission Sub-committee's intent is to only allow handguns, no automatic or submachine firing weapons. Mr. Burrell recommended to the Board that no automatic weapon of any length be allowed. He wanted to know if this would be a combat range. Mr. Maloney replied, no, it would be a target range. Mr. Burrell felt the specific type of target range should be specified. Mr. Maloney responded, the Planning Commission felt other types of ranges could be permitted under the ordinance, provided it was designed in accordance with the NRA range manual for that particular type facility, with a conditional use permit. Mr. Burrell stated he would support the Planning Commission's recommendation if they had a pistol range that would only be used for pistols, no combat shooting or any matches. Mr. Ringley opened the public hearing.

Mr. Robert Cash felt it should be more specific on what a range is. He has no problem with having the range but it needs to be restricted. He has been a pistol shooter for over 40 years and has seen good ranges and bad ranges. Mr. Cash felt the County should come up with more specific standards. He also felt there should be a restriction on how many ranges there will be in the County, maybe based on population, and what type of ranges. He asked a question on conditional permits. Is this strictly on a commercial basis or does this mean anyone could have a firing range in their backyard, and will they need a permit?

Mr. Eugene Bailey stated in 1961 he put in a range on his property for his own use and a few friends. It is only to be used to sight in weapons and a little practice now and then. He wanted to know if these ranges would include pistols, revolvers and shotguns, black power, etc. Mr. Bailey also wanted to know with the conditional use permits, if there was a combination range which would allow people to shoot pistols, revolvers, shotguns or rifles, how much would they cost.

Mr. Ed Pollard stated he was opposed to the use of any firearms. He felt the two gentlemen that spoke prior to him brought out some good points that need to be considered. He felt the Board should turn it back to the Planning Commission for more work to be done. He strongly felt the message should be sent out about the damage firearms could do and to put them down. Mr. Bailey asked Mr. Pollard if he would prefer having someone going to a firing range or going out their back door shooting? He thinks the range would be preferred.

Mr. George Philbates said he was concerned for those people who have 40 or 50 acres and go out on their own land to shoot. Also, there are pistols that do go over the 12 inch limit that has been stated in the ordinance. Will this restrict the landowner one more time again?

Mr. John Yakshe, the applicant, stated he sent in a packet indicating what type of range they were going to build and did they get it? Mr. Maloney replied, the information was in their packages. Mr. Yakshe stated they are putting in a 50 yard bull's-eye range, not a combat range. They are trying to meet the State's requirements for training people who want a permit. They are also providing a range for the public. The 4H program has gone to education of youth in firearms and they try and help them understand the proper handling. He didn't feel it should go back to the Planning Commission. He has been waiting for a decision to be made since September of last year. At this point, Mr. Ringley closed the public hearing.

Mr. Burrell stated, his concern is for the restrictions that are not listed in the ordinance. He felt it was not clear enough on how far it can go. Mr. Burrell had some further comments in reference to the regulations and the three thousand yards requirement.

Mr. Ringley asked Mr. Maloney about those pistol ranges citizens have on their own land. Mr. Maloney replied, at this point the ordinance is somewhat silent on that particular issue. He did not want to speak for the Planning Commission, but being a part of those meetings, he felt it was the intent of the Planning Commission to primarily focus on commercial pistol ranges. Mr. Ringley wanted to know if there was a way they could pass this ordinance and leave the individuals alone. Mr. Maloney replied, that could be part of the definition stating a commercial facility. Mr. Maloney emphasized this is an ordinance amendment and any applicant will have to come before the Board for a conditional use permit. Mr. Cornwell suggested the Board add the following wording which would provide the assurances they were looking for towards the individuals who have ranges on their property. "A facility designed for the purpose of providing a place open to the public on which to discharge firearms not to exceed 45 caliber, with a barrel-length not to exceed twelve (12) inches." Mr. Pollard still felt the whole thing should be returned to the Planning Commission for their review. Mr. Lipscomb moved to approve Ordinance O-03-96 as recommended by the Planning Commission with the change in definition to read "a facility designed for the purpose of providing a place open to the public on which to discharge firearms not to exceed 45 caliber, with a barrel-length not to exceed twelve (12) inches." Mr. Burrell asked to add a friendly amendment. It would be required to have a three side berm to meet NRA specifications, no automatic weapons and no combat type courses. Mr. Lipscomb accepted his friendly amendment.

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

Motion passed.

FOR ORDINANCE O-03-96 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, PAGE 509.

IN RE: PUBLIC HEARING O-04-96 CONSTRUCTION BUSINESS WITH STORAGE OF EQUIPMENT AS A HOME OCCUPATION IN A-1 DISTRICT

Mr. Maloney stated, Mr. Aubrey Hubbard has submitted a request for New Kent County to amend Division 15, Section 9-245 of the New Kent Zoning Ordinance governing construction businesses with storage of equipment as home occupations in the A-1, Agricultural zoning district. Currently the County's zoning ordinance only permits construction business with storage as a home occupation with a conditional use permit if they qualify as a non-conforming use. To qualify as such, the business must have been legally in existence at the time of adoption of the current zoning ordinance. Mr. Hubbard's

construction business does not qualify as a legal non-conforming use in accordance with the zoning ordinance. Mr. Maloney stated the changes recommended to this ordinance and that it would require a conditional use permit. If the ordinance amendments are approved, Mr. Hubbard would then have to apply for a conditional use permit. The Planning Commission recommended approval of O-04-96 to the Board. Mr. Ringley opened the meeting for public comments.

Ms. Barbara Sturtz stated she lives next door to Mr. Hubbard. When she looks out into her backyard all she sees is a six foot fence and equipment. The six foot fence does not cover the equipment. One of the problems she has is the fumes from the equipment. She had surgery and cannot be around any strong fumes. There used to be trees there but he has since cut them down. If he has left the trees as a buffer it would have helped a lot. The Hubbard's have a beautiful yard and keep their place neat but nobody else can see the equipment and that is all she can see from her yard.

Mr. Herbert Sturtz stated he wished Mr. Hubbard had conformed with leaving the buffer strip of trees in place. He has many pieces of large equipment. He is not against home businesses but where does a home business start and stop and where does a construction business start. He felt that was what industrial parks were for. His personal home and yard are fine, he has no complaints except the large equipment they can see from their house. He stated there is a lady down the street that makes flags and sells them, another woman make cakes, these are home operated businesses, not when you have large pieces of construction equipment.

Mr. Craig Rainey stated in his mind a home occupation is a Mom and Pop business. Mr. Hubbard is a Mom & Pop operation. He has no other employees except he and his wife. Farms in A-1 have large pieces of equipment. He has been in operation for a long time and for the County to come in and shut him down at this point would be callous. If he had to go into an industrial park, it would hurt him. Mr. Hubbard is not looking to expand, just to be able to continue as he has.

Mr. Chris Madison wanted to know why the Board would consider approving this when he was not represented. (Mr. Hubbard was present at the meeting.) He stated this is heavy industrial equipment and makes his neighbors yard a junk yard. He felt the Board should look at it the same way the Planning Commission did earlier. "You got caught with your pants down tonight on this thing with the pistol range, you won't admit it but you did because you hadn't read the package. The Planning people sit here and they haven't read their package on this particular job. One man said he had been down there and looked at it and after the meeting I asked him had he looked at the site. He looked at the man's house, he did not look at the site. If you have people in authority that are going to be making plans for the County and be approving things, they need to study it. They need to at least read the packages and know what they are approving or disapproving. One member of the Board of the Planning Board told him that the reason they passed this thing was because there were other people in the County that had businesses that this would apply to. One in particular is Abrams Welding Shop. He had to pass this in order for him to get a conditional use permit to operate in the County. So where does this stop. What are we after here? I think we ought to look at what is Mom and Pop operation and what is heavy industrial and what belongs in agricultural and what belongs in commercial. Why have we got a Comprehensive Plan that says this is where the businesses are suppose to go and turn around and put them elsewhere. If they are Mom and Pop that's one thing, but if it is heavy industrial or commercial that's different."

Mr. Hubbard asked if he could ask Mr. Madison a question. Mr. Ringley asked him to come to the podium. Mr. Hubbard asked Mr. Madison what kind of business he was in. Mr. Madison replied, he is retired military and he paints on the side. Mr. Hubbard asked if he was a painting contractor. Mr. Madison replied, yes he was. Mr. Ringley interrupted the exchange between these two gentlemen. Mr. Hubbard stated, he (Mr. Madison) is a contractor just as much and I'm a contractor. It is just he and his wife that run the equipment, there are no other employees. Mr. Ringley then closed the public hearing.

Mr. Ringley stated he felt this ordinance would really give the County more control. Mr. Maloney replied, yes. This ordinance won't permit Mr. Hubbard nor any other resident of the County, to operate a construction business as a home occupation without a conditional use permit. During the permit process the application will go through staff review, Planning Commission review and a public hearing before it will reach the Board of Supervisors. Recommendations will be made regarding that application and by the time it reaches the Board of Supervisors, the Board has the opportunity to amend any of the conditions and to place additional conditions as they deem necessary to protect the public health, safety and welfare. Mr. Hennaman stated without seeing the actual property, his comments will be on what he has heard tonight. He thought the Sturtz's and Mr. Madison did make some valuable comments although he did take exception with one of Mr. Madison's comments, yes he did read his package. Mr. Ringley interjected, he could ask his wife and children what he is doing two or three hours a night before he comes to the meetings. Mr. Burrell said he echoed, Mr. Madison again interrupted, "forget the echo, if you had read your package you won't have been caught short on the pistol thing tonight". Mr. Burrell replied, I wasn't caught short and Mr. Madison interrupted him again, "don't get in a pissing contest with me tonight." Mr. Ringley said, one more outburst and he would have him removed. Mr. Madison replied, he would leave. Mr. Ringley added, not to come back again acting this way. Mr. Burrell continued, a gentlemen earlier mentioned about his being on a professional rifle team, he was but he did not bring that to the Board tonight. He does read his package and the comments he made he had written down before. For a person to make an accusation like that, he does not know what he is talking about, he simple inflames the public. Sometimes we read it several times and when we have a lot of issues we do have to flip through pages to refresh certain points. He took issue with Mr. Madison's statement and he concurs with Mr. Hennaman, for someone to say this, it simply inflames the public and gives them the wrong image of the Board as an elected official. He said he was speaking for himself and he felt it applied to the other members as well. To have not read the packet, one could not ask the type of questions we are asking. Mr. Ringley thanked Mr. Burrell for his comments and he apologized for the language used by Mr. Madison. Mr. Hennaman continued, what does constitute a Mom and Pop business. When he thinks of a Mom and Pop operation he sees a very plain difference between a single truck and large equipment. When someone lives in a residential area, even if it is zoned A-1, it is a reasonable expectation to think they can live there without heavy equipment being moved in and parked at the rear property line. It is not the intent of the Board to try and put anyone out of business. He is a little tired of hearing this, if they think this is the only alternative. If you don't do this then I'm going out of business. There are alternatives and he did not take the situation lightly. It does concern him that they could be considering an ordinance that could allow anybody to start a contracting business and load the yard up with supplies and equipment. There is a reasonable difference between the operation Mr. Hubbard has and someone who paints out of a pick-up truck.

Mr. Burrell asked Mr. Hubbard if they would be in agreement to putting up an eight foot fence if that would help the situation. Mr. Hubbard replied, yes that would be no problem. Mr. Hubbard added, they were required to get a fence permit which stipulated the requirement was six foot and that is what they put up but they would be willing to put a higher fence up if it would help. Mr. Ringley passed to the Board members a picture of the fence that is there now. Mr. Sturtz commented the picture is of an eight foot high fence that is already there, it is in bad repair and nails are protruding through on their side which produces a hazard. If Mr. Hubbard was in complete compliance they wouldn't be here. Mr. Burrell answered, what he was looking for was an alternative that would satisfy all parties. Mr. Sturtz stated, a six foot, a eight foot or a twelve foot fence, is that beauty to you? Mr. Burrell replied, he was just trying to find a fair answer. Mr. Sturtz answered, if he had not cleared his property and left the buffer of trees he wouldn't have a problem.

Mr. Ringley interjected, the Board would not be issuing a permit for Mr. Hubbard tonight. Mr. Burrell replied, he understood, but he was just trying to find a win win situation. There was some further general comments and then Mr. Lipscomb moved to approve O-04-96 as approved by the Planning Commission.

Julian T. Lipscomb	Aye
James H. Burrell	Aye
Frederick G. Bahr	Absent
Mark A. Hennaman	No
E. David Ringley	Aye

Motion passed.

FOR ORDINANCE O-04-96 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FIVE, PAGE 511.

IN RE: RESOLUTION R-14-96

Mr. Cornwell read Resolution R-14-96 honoring James Armistead Lafayette. Mr. Burrell thanked the Board members for this consideration. Mr. Armistead was born a slave in New Kent County and he became an espionage spy for the Continental Army. He was of great help to General Washington and General Lafayette. He was a hero and put his life on the line for his country. Mr. Burrell moved to adopt Resolution R-14-96 as presented and this shall take effect immediately.

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

Motion passed.

FOR RESOLUTION R-14-96 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FIVE, PAGE 512.

Mr. Burrell asked, with the approval of the Board, for the County Administrator to see about an historical plaque for Mr. Lafayette. The Board concurred.

IN RE: APPOINTMENTS

Mr. Hennaman moved to appoint Duane Goss as District Four's representative to the Airport Advisory Commission for the term ending December 31, 1996.

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

Motion passed.

Mr. Ringley moved to appoint Stran Trout as the County of New Kent's representative to the Public Facilities Authority for the term ending June 30, 2001.

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

Motion passed.

IN RE: PRESENTATION

Mr. Jack Simons handed a letter to the Board members in reference to the airport. He stated he is a member with the Experimental Aircraft Association and he rents space at the New Kent Airport to complete a home built airplane. The New Kent County airport has been a dilemma for the Board and a concern for the pilots and aircraft owners based there. This airport must remain open due to prior funding accepted by the County. New Kent County is an outstanding facility and it is best used by small aircraft. Mr. Simons made a proposal to the Board to help promote the airport and which offers the opportunity to create modern, attractive hangar spaces. Mr. Simons then went on to list the stipulations needed but stressed "without any County funding." He asked the Board to consider this proposal which would be a mutual benefit to all concerned.

Mr. Ringley stated, some things caught his eye as, the wording "without any funding from the County" but the next paragraph states "New Kent agrees to own and operate," the next thing is, "we will pay for these hangars by rent," What happens to the person we have at the airport as far as a supervisor? Where does his pay come from? He felt they needed to sit down and answer some of these questions. Mr. Simons agreed. It will need a lot of negotiation and talking to work out a win win situation. Mr. Emerson reminded Mr. Ringley he had referred this item to the Public Safety Committee but that meeting has not been scheduled as of yet. The Public Safety Committee is made up of Mr. Ringley, Mr. Burrell and Mr. Bahr. Mr. Simons asked the Board not to confuse this proposal with the one from the Flyers Club. Mr. Burrell said he did meet with Mr. Simons the previous week and his concern as expressed to Mr. Simons, is that the County is still saddled with the operation of the airport. He was in agreement to meet and see what they have to offer.

Mr. Burrell said he was still of the same mind, he didn't think the taxpayers of New Kent should be supporting an airport that is only used by a very small minority of local citizens. Mr. Ringley was in agreement. It is a very small percentage of people of New Kent that can use this facility and we cannot continue spending \$70,000 to \$100,000 a year on this. Mr. Ringley thanked him for the time and effort put into this.

IN RE: MEETING SCHEDULE

The regular meeting of the Board of Supervisors will be held on Monday, July 8, 1996 at 7:00 p.m. The Planning Commission will meet on June 17, 1996 at 7:30 p.m. for their regular meeting. The August Meeting of the Board of Supervisors will be held on Monday, August 5, 1996 beginning at 7:00 p.m.

IN RE: ADJOURNMENT

Mr. Hennaman moved to adjourn.

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

Motion passed.