

AN EXECUTIVE SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE NINTH DAY OF SEPTEMBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SIX BEGINNING AT 5:00 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. THE INVOCATION WAS GIVEN BY MR. JAMES H. BURRELL FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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IN RE: EXECUTIVE SESSION

Mr. Hennaman called the meeting to order at 5:03 p.m. and asked for a roll call.

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

Mr. Bahr moved to go into executive session to discuss a personnel matter pursuant to Section 2.1-344(a)(1) and for consultations 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(a)(7) of the Code of Virginia.

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

Mr. Hennaman stated the Board had been meeting in executive session on a personnel matter and reconvened the meeting and go back to the regular session.

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

Mr. Bahr 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

Mr. Hennaman moved for a recess until 7:00 p.m.

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IN RE: ROLL CALL

Mr. Hennaman called the meeting to order and asked for a roll call.

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

Mr. Hennaman asked to make a comment before the invocation and pledge. He felt there seemed to be a dark cloud hanging over the County recently. There have been tragic and unfortunate events in the recent past of the passing of Mrs. Helen Lipscomb, mother to Mr. Julian T. Lipscomb she was postmaster of the Quinton Post Office for many years and a longtime County resident. The death of Mr. Edmund Ware who was also a longtime County resident. The tragic death of James Davis and the illness and death of David Ringley. Mr. Ringley served on the Board for eight years and was the Chairman, a very dear friend of his and to many people in the County. The Board extends its most heartfelt condolences to the families and friends of these individuals.

Mr. Burrell then gave the invocation followed by the pledge of allegiance.

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IN RE:            CONSENT AGENDA

Mr. Burrell suggested for those that just arrived, Mr. Hennaman may want to update them on why they were in executive session. Mr. Hennaman stated the Board met prior to the regular meeting in executive session to discuss the five candidates who expressed interest in filling the vacancy in District Two. The Board will reconvene the executive session on Tuesday, September 10th at 7:30 p.m. for the purposes of finalizing the appointee for this seat. Mr. Burrell interjected, hopefully the Board will have a decision that night if any of the public would like to be there when the decision was announced.

Mr. Hennaman continued with the Consent Agenda stating there was a page inadvertently missing from the package which now each Board member should have. Mr. Hennaman asked if there were any corrections to the minutes. Mr. Burrell replied, on page 12 his statement in reference to the money to be paid to the Board of Equalization was not clear. He asked for a change showing his statement to reflect, the money the Board of Supervisors would pay to the board of Equalization would be peanuts to what they would gain from the work they are doing. Also he raised the question on the two different times on the Gathering Permit for the fair. Mr. Emerson replied, the times are 5:00 p.m. to 10 p.m. on September 13th and 9:30 a.m. to 4:00 p.m. on September 14th.

Mr. Emerson stated the Consent Agenda consisted of the minutes from the August meeting, an appropriation of \$2,596 for the Commissioner of Revenue, an appropriation of \$427.00 for the Treasurer, a Conditional Use Permit for the New Kent County Fair, Resolution R-31-96 authorization to issue request for proposals on long distance telephone and banking, resolution R-33-96 for adoption of the Virginia Juvenile Community Crime Control Act, a refund to Mark Sternheimer in the amount of \$332.48 and a refund to Carla D. Jones in the amount of \$490.88 and approval of the Finance Report for the month of August.

Mr. Bahr inquired about the long distance telephone and the banking request. Mr. Cornwell, County Attorney, responded by saying we currently have a long distance contract with AT&T and we have been approached by other vendors indicating they could save the County money on their long distance phone bills. He asked the Board for the authorization to do a request for proposal for long distance telephone service and see if we can get a better rate than what we are now currently paying. The banking contract is about to expire and we need to seek proposals for this service also.

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

Mr. Lipscomb	Aye
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Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Aye

Motion passed.

FOR RESOLUTIONS AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX 5: 4-31-96, PAGE 580; R-33-96, PAGE 570.

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IN RE:           CITIZENS COMMENT PERIOD

No citizens signed up to speak and Mr. Hennaman asked if anyone would like to make a comment at this time. No one had any comments.

Mr. Bahr asked if the citizens would be allowed to ask questions of Mr. Kavanaugh on Item #5, Middle Peninsula Regional Airport Implementation Task Force. Mr. Hennaman replied, he did not have any problem with the citizens making comments but because this is not a public hearing the citizens don't normally ask questions. This is a presentation being made to the Board and he will be answering any questions the Board may have, not questions from the citizens. Mr. Bahr stated he would still like the opportunity for the citizens to ask questions of Mr. Kavanaugh. The consensus of the Board was they would allow the citizens to ask questions of Mr. Kavanaugh.

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IN RE:           ELECTED OFFICIALS REPORTS

Mr. Bahr stated he received a letter from Mr. Crump, Commissioner of Revenue, with an attached thank you note to Mr. Rick St. Mary for the work he performed in the Commissioner's office. Mr. Bahr also stated Mr. C. B. Pearson went out on his own and received donations to put the lights on the tennis courts at the school. He wanted to thank these citizens for their efforts.

Ms. Betty Burrell, Treasurer, gave the financial report for the month of July. Ms. Burrell noted it appears to be a negative balance but this is due to the teachers' salaries payroll. Mr. Bahr moved to approve the Treasurer's report for the month of July and to authorize the Treasurer to continue to invest in legal and highest yielding-risk adjusted investment instruments.

Mr. Lipscomb	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Aye

Motion passed.

Ms. Burrell then gave the financial report for the month of August. This report shows the transferred amount of \$200,000 from investments. The report shows there is \$93,000 in the account more than this time last year. Mr. Burrell moved to approve the Treasurer's report for the month of August and to authorize the Treasurer to continue to invest in legal and highest yielding-risk adjusted investment instruments.

Mr. Lipscomb	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Aye

Motion passed.

Ms. Burrell also gave the Board an update on the new tax tickets. These tickets usually go out the first week of October, it will probably be the middle of October before they are sent out. They had a substantial number of changes to the standard ticket. They had to get specialized forms for the real estate tickets and coding on the tax bills which will allow the bank (Citizen's & Farmers) to act as a satellite office for the Treasurer's Department. This will be a vital part of the collections this fall.

Mr. John Crump, Commissioner of Revenue spoke to the Board in reference to a letter in which he requested a change in the due date for the BPOL license. These are now due January 31st and they have found it very difficult for many businesses to complete their accounting and get everything to the Revenue's office by this date. He requested this date to be changed from January 31st to March 1st. The General Assembly is also considering legislation that would change the due date to March 1st state-wide. Mr. Crump also stated they have received 769 applications for businesses in the County and the total tax collection by these businesses was \$322,949. Mr. Burrell felt it was a good idea and the other members had no objection. Mr. Emerson stated it would require an ordinance change. Mr. Hennaman stated the consensus of the Board would be to go ahead and prepare the ordinance for this date change. Mr. Crump added, on Friday, September 13th Ms. Burrell and he were having a meeting in the conference room to discuss administrative issues and other things related to their offices. They were inviting members of the Board, the County Administrator and any citizens who might want to participate in this meeting.

Captain Joe McLaughlin reported the Sheriff was away at a meeting and he was asked to make the report for the department. He expressed his sorrow of the loss of Mr. Ringley and that he will miss him as a law officer and as a friend. Captain McLaughlin reported on the E-911 problem that occurred when the County experienced a power outage due to the severe storm. They had no business phones and no emergency phones. They fortunately had a back-up plan which was implemented by manning the fire stations and the rescue squad. They notified the local television and radio stations that the phone system was out and if citizens had a need for emergency services they could call the nearest fire house or rescue squad or contact one of the joining counties and they would pass the information on to the county by radio. This also happened back in April and they contacted Bell Atlantic to make them aware of this problem. There is a battery back-up for this system but there is no alarm to notify Bell Atlantic that the power is off and that the system is on battery. They have asked Bell Atlantic to hard wire from the switching station to the Sheriff's office so they could have one emergency line from each area of the county and also a business phone from each area of the county. The other suggestion was to put a generator on the switching station. As soon as the system went down they contacted Bell Atlantic and they dispatched a truck with a generator and put the switching station back in operation. Neither of these two suggestions to date have been implemented and he was asking the help of the Board in getting Bell Atlantic to remedy this problem. Mr. Bahr inquired why they didn't leave the generator here. Captain McLaughlin replied, it was a special generator attached to a truck. The general consensus of the Board was in agreement and they asked the County Administrator to follow up on this issue.

Captain McLaughlin also gave a report on seat belt safety. The New Kent Sheriff's Department won first place state-wide among smaller agencies for their efforts on seat belt safety and driving under the influence. They also won second place nationally in the same category. He thanked Mr. Burrell for his assistance in this project. Captain McLaughlin gave the Board an update on the crime statistics for the past two years. There has been an increase in the number of calls each year and also in the number of crimes committed.

Mr. Hennaman stated he wanted to compliment the department for the speedy action taken in his district and the return of stolen property and to thank Sergeant Morris for this performance above and beyond the

call of duty. He also wanted the department to know he appreciated their prompt response to a call they received today from a citizen in his district.

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IN RE:           STAFF REPORTS

Mr. David Maloney, Director of Planning/Assistant County Administrator, reported the Historic Commission has met to discuss the issue of the historical marker for James Armistead Lafayette. They will be making a formal recommendation on the site and some draft wording to be placed on the marker. They are also looking into doing some fund raising to help pay for this marker.

Mr. Maloney reported on the progress for the Route 155 road improvements. They have entered into contracts with the Department of Housing & Community Development for \$700,000 of block grant funds and the Virginia Department of Transportation for another \$700,000 for that project. The engineer has begun the design work and they hope to put the project out to bid late fall or early winter.

Mr. Maloney also reported on the Airport Commission. They have been meeting on a regular basis and their last meeting was August 26th. Staff provided background information to the commission regarding meeting procedures, financial information and other information relating to the airport. Two subcommittees were formed to review options for on-going operations at the airport. One subcommittee will be reviewing the RFPs that have been previously issued for FBO services and to make any recommendations on how they may be modified. The other subcommittee will be meeting to see how the services could be broken down into individual service providers rather than have one FBO, perhaps contract for individual services such as mechanical, flight instruction, etc. Mr. Hennaman inquired, does the airport manager supply the commission with a monthly report? Mr. Maloney replied, yes he does. These reports are open to the public if they wish to review them. Mr. Bahr inquired if there was anything new on CRAC. Mr. Emerson replied, there is nothing new other than they are continuing their investigation.

Mr. William Johnson, Accounting & Budget Officer, reported the Staff will be advertising for the October meeting a total of \$2.1 million dollars amendment to the budget. \$1.4 million will be for Route 155, no county funds needed. At the last meeting he indicated he would also be drafting the budget for the water and sewer. This will be \$735,000, also no county funds will be needed. We will obtain this money from the users of the system. Mr. Hennaman wanted to make it clear for the public, when you state no county money is needed for the Route 155, it is money we would put up front and VDOT will repay us on a 30 day cycle. This is state money that will build the road, not county funds. Mr. Johnson responded, that is correct. We just need to put the money up first and then that will be repaid. The money for the water and sewer will act the same way. We will put the money up front and we will bill back Henrico County, who at the present time, is the only user.

Mr. Emerson, County Administrator, reported on a letter he received and had forwarded to the Board, from the Commissioner of Revenue, on the Agricultural & Forrestral Districts. The Commissioner has found some minor problems with the program and has recommended some changes. Mr. Emerson stated he requested the Board review this information and suggested the Board forward this to the Agricultural & Forrestral District Advisory Commission for their review and recommendations back to the Board. Mr. Bahr moved the Agricultural & Forrestral District Advisory Commission be requested to make a study of the rules and regulations and to report back to the Board of Supervisors with recommendations as to limits and parameters and possible language change in the ordinances.

Mr. Lipscomb	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye

Mr. Hennaman            Aye

Motion passed.

Mr. Emerson also reported on a letter received from the Tri-River Alcohol Safety Action Program stating that the Sheriff's term on this Board has expired. They were requesting the Sheriff be reappointed to this Board for a three year term. The Sheriff has agreed to serve on this Board. Mr. Burrell moved to reappoint Sheriff F. W. Howard to the Tri-River Alcohol Safety Action Board.

Mr. Lipscomb            Aye  
Mr. Burrell                Aye  
Mr. Bahr                    Aye  
Mr. Hennaman            Aye

Motion passed.

Mr. Emerson reported to the Board on the line of credit. The line of credit has been opened and in order to do this you must draw down 5%, in this case \$75,000. This money is in a separate account. Mr. Hennaman inquired if this money could be invested. Mr. Emerson replied, yes it can. Mr. Lipscomb asked if we were going to invest this money. Mr. Emerson replied, that is up to the Treasurer. Ms. Burrell stated we are currently receiving 5.143% interest on this money. The general consensus of the board was to leave the money the way it was.

Mr. Hennaman stated Mr. Burrell had asked to be excused for a few minutes and he would do that during the Resident Engineer's Report.

Mr. Emerson finished his reports by advising the Board that there was some minor damage at the airport due to the storm. Also, they expect to have the convenience center site, across from the regional jail, open in the next two weeks.

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IN RE:                    RESIDENT ENGINEER'S REPORT

Mr. Chris Winstead, of VDOT, stated they share in the community's grief with the loss of Mr. Ringley. His leadership and guidance will sorely be missed. Mr. Winstead gave the Board a report on hurricane Fran. There was considerable wind damage and they had approximately ten routes closed in New Kent that they had to work on. At the present time there are still two roads closed, Route 632 and Route 619 because of downed trees. The delay is because of power lines and they must wait until Virginia Power can get to them before they can clear the road. The storm that came through on Sunday also caused some damage. Route 665 is partially closed due to a culvert washout. Route 647 also had a washout and as soon as the water subsides they will be working on both of these problems. Their crews have been working 24 hours a day since last Friday. Evergreen Road had been bladed but it will probably need more attention since the last storm and they have replaced the sign that was down. They fixed pot holes on Stage Road and on Route 248. They replaced the sign on Route 678. They still have to cut back the brush on Route 628. Mr. Winstead reported they are working on the drainage problem at the entrance to the Colonies. Mr. Lipscomb reported on Route 638 the brush needs to be cut on the curve and on Route 606 the culvert seems to be gone. Also on Route 606 between there and Route 609 the brush needs to be cut and the culverts are stopped up. Mr. Winstead also stated they will be surface treating Route 611 soon. Mr. Bahr expressed his appreciation to Mr. Winstead and Mr. Godfrey, both of VDOT, for their help in riding him through his district and explaining what they are working on. Mr. Hennaman said he had received a call from a citizen living on Ashland Farm Road and the condition of that road. Mr. Bahr inquired if this road was to be extended to Route 106. Mr. Winstead replied, no, there is no money in the

budget. Mr. Winstead also stated they would like to have the public hearing at the November Board of Supervisors Meeting and he would be happy to work with them prior to that meeting. Mr. Burrell suggested, to help expedite the meeting, the Board members send their normal maintenance it was to the County Administrator to forward to VDOT instead of taking up meeting time. Mr. Hennaman replied, he would be in favor of this but also felt the viewers at home are reassured action is being taken on their concerns when they are brought up at the Board meeting. The Board gave their general consensus Mr. Burrell's suggestion.

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IN RE: PUBLIC HEARING - CUP-7-96 UCP LIMITED PARTNERSHIP REZONING

Mr. Maloney, Director of Planning addressed the Board on this issue. UCP Limited Partnership has applied to rezone 6.0 acres from the present R-2, General Residential to B-2, Limited Business. The proposed future use of the property is an office building site. New Kent Department of Public Safety and the Department of Health have reviewed this application and had no comments at this time. The Department of Transportation also reviewed this and made comments on a few issues especially on the crossover. The Planning Commission voted to recommend this application. The applicant, Mr. Mark Phaup was present to answer any questions the Board may have. Mr. Hennaman opened the public hearing.

Mr. Mark Daniel stated he represented UCP Limited Partnership in this transaction. Currently this area is zoned residential. By allowing this application to be changed to Limited Business, it will help generate more money for the County than if it stayed residential and he hoped the Board would consider this favorably. Mr. Hennaman asked if anyone else wanted to speak, no one came forward and Mr. Hennaman closed the public hearing. Mr. Burrell moved to approve CUP-7-96 as recommended by the Planning Commission.

Mr. Lipscomb	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Aye

Motion passed.

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IN RE: PUBLIC HEARING - ORDINANCE O-08-96. COMPREHENSIVE PLAN AMENDMENT AND ZONING ORDINANCE AMENDMENTS PERTAINING TO SITING POLICIES FOR WIRELESS COMMUNICATION TOWER FACILITIES.

Mr. Maloney stated, as a result of numerous applications for conditional use permits for the siting of wireless communication tower facilities, the Planning Commission was concerned the existing policies did not adequately address current technology and market conditions relating to the wireless communication industry. This issue was assigned to a Subcommittee which met from mid May to mid June to examine in detail the issues involved in the siting of communication towers. Included in the Board's package are the draft amendments to the Comprehensive Plan addressing these issues. The first section was amended to address wireless communications in a general manner and the second section was amended to reflect specific policies towards the regulation of wireless facilities. These policies promote co-locating facilities whenever possible, locating facilities on alternative structures such as buildings and water towers to help minimize the impact of these towers. Mr. Maloney then stated the specific amendment changes to the ordinance. The Planning Commission recommended the Comprehensive Plan Amendments and Ordinance O-08-96 to the Board of Supervisors for consideration and adoption. Mr. Hennaman asked if the Board had any questions. Mr. Bahr asked if PCS PrimeCo would be required to meet these new requirements. Mr. Maloney replied, they will be addressing that issue next and if the

Board approves these amendments, yes, they will need to comply. There was some general discussion of the amendments and then Mr. Hennaman opened the meeting for public comment.

Mr. G. G. Crump said he wanted to compliment the Planning Commission for their hard work on this issue. He hoped the Board passes these amendments but he would like to see as few towers in the County as possible. He also stated he felt these should be placed only on business zoned land.

Mr. J. L. Ralston stated he objected to any tower on residential property and felt the hazards of these towers should be investigated.

Reverend Hathaway, a member of the Planning Commission, stated the largest complaint the citizens had at the Planning Commission was on the set backs. This is one reason they increased the set backs 120% of the tower height or 500 feet which ever is greater in order to get them away from the residents. No one else spoke and Mr. Hennaman moved to close the public hearing.

Mr. Burrell moved to approve Ordinance O-08-96 and the Comprehensive Plan Amendments as recommended by the Planning Commission.

Mr. Bahr inquired if there was any problem rezoning the land upon which the tower will be placed. Mr. Maloney replied there may be. One of the guidelines in a rezoning application is the future land use map for that property. The towers are not permitted in any residential zoning district, they are confined to agricultural, business and industrial districts. There is limited housing in an agricultural district. Mr. Bahr inquired if a tower were to be placed on agricultural land, would this increase their tax base? Mr. Maloney replied, this is a question for the Commissioner of Revenue, but yes, this would increase the value of the property. Mr. Burrell asked if these properties could be taxed as a business. Mr. Emerson replied, no it can't be required to be taxed as a business but they will be assessed as a different use category than before. Mr. Burrell requested the County Attorney to look into this area of taxing if a tower is placed on agricultural land. He stated he was prepared to let his motion stay but they could come back and add additional requirements at a later time. Mr. Burrell restated his motion. Mr. Hennaman called for the vote.

Mr. Lipscomb	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Aye

Motion passed.

FOR ORDINANCE O-08-96 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK 5, PAGE 562.

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IN RE: CUP-6-96. PCS PRIMECO REQUEST TO ERECT A 110' TOWER.

Mr. Maloney stated PCS PrimeCo has submitted an application for a Conditional Use Permit to erect a 110' foot communication tower and accessory equipment cabinets on a piece of property located on State Route 610 (Pine Fork Road) along Interstate 64. The property is zoned A-1, Agricultural. Mr. Maloney stated staff will make sure they comply with the new amendments just passed. The Planning Commission recommended this Conditional Use Permit be approved provided the applicant complies with the minimum requirements now found in Ordinance O-08-06. Mr. Bahr inquired how much farther away from the runway at the airport this tower will be. Mr. Maloney replied, it has been moved to the north line instead of the south line and approximately 4500 feet from the end of the runway. Mr. Maloney stated there were representatives from PCS present if the Board had any questions.

Mr. Jim Hudson, attorney for PCS addressed the Board. He thanked the Planning Commission for their hard work done on the towers and they allowed PrimeCo to have input and that was very much appreciated. He stated it was a good ordinance the Board adopted. PrimeCo will put up two towers in New Kent with a minimum of four users. They met with the pilots and felt they had addressed all their concerns and they have FAA approval. Mr. Hennaman opened the meeting to take public comment. No one spoke and Mr. Hennaman moved to close the public hearing. Mr. Lipscomb moved to approve CUP-6-96 as recommended by the Planning commission provided the applicant complies with the minimum requirements found in Ordinance O-08-96 and all information verifying such requirements have been met is supplied to New Kent County prior to issuance of a conditional use permit. Mr. Hennaman called for the vote.

Mr. Lipscomb	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Aye

Motion passed.

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IN RE: PUBLIC HEARING R-32-96 SCHOOL LEASE PURCHASE

Mr. Emerson reported the School Board has requested the Board of Supervisors allow the lease purchase for three buses, replacement of the Middle School gym roof, two-way radios for all school buses and text books for the upcoming year. The original request from the schools was in the amount of \$408,120. The Board of Supervisors directed County staff to decrease the lease purchase amount by eliminating several items the schools wished to purchase, resulting in the items listed above. The total would now be \$376,046 with the issuance cost and interest. At the direction of the Board of Supervisors, County staff contacted various institutions to determine the best possible route for the County to achieve matching the School Board's cash flow with their needs. Mr. Emerson listed the various institutions that had been contacted. Ferris, Baker, Watts quoted the County a rate of 5.060% over six years and was willing to finance all the requested items. Bond counsel, Mr. Dan Siegel is present if the Board has any questions, as well as Mr. Ned Smithers of Ferris, Baker, Watts. Mr. Bahr inquired if this was a five year bond. Mr. Emerson replied, it really runs over six fiscal years. Mr. Emerson stated, Dr. Geiger, Superintendent of Schools is also present. Mr. Hennaman opened the meeting for public comments, no one spoke and Mr. Hennaman closed the public hearing. Mr. Lipscomb moved to approve Resolution R-32-96 as presented.

Mr. Lipscomb	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Aye

Motion passed.

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FOR RESOLUTION R-32-96 AS PRESENTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX 5, PAGE 565.

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IN RE: MIDDLE PENINSULA REGIONAL AIRPORT IMPLEMENTATION TASK FORCE.

Mr. Emerson stated New Kent County has participated in a regional study on the creation of a Middle Peninsula Regional Airport. This study indicated the West Point Airport the most feasible regional general aviation airport in the area for this purpose. In continuation of the study, localities involved have

been requested to continue the task force for the examination and discussion of creating a regional airport authority. The cost to New Kent County for further participation in this task force will be no more than \$1,969.40 and no less than \$1,406.71. If this authority is created, it is possible the New Kent Airport could be operated by the authority. He encouraged the Board to continue through this process until completion in order to reserve a position on the Regional Airport Authority's Board in the event the County wishes to participate in the authority. If it was determined the county did not wish to continue, there would be no further obligation upon New Kent. Mr. Emerson then introduced Mr. Charles Heath and Mr. Dick Brake. Mr. Brake stated he serves as a citizen member on the Middle Peninsula Planning District Commission and as a citizen member and Chairman of the Middle Peninsula Regional Airport Implementation Task Force. When they started this study they felt they should offer an invitation to New Kent and Lancaster Counties. Lancaster declined to participate but New Kent recognized the strategic location and joined the study. They received State funds to do this study. West Point was recognized to have the most adequate land. He stated he would like to see New Kent continue with the study. Mr. Burrell stated he has followed this closely and thought it was a good idea. Mr. Bahr wanted to know how New Kent County would benefit from this, especially with the problems with the bridge. Mr. Brake replied, they hoped the bridge and the airport problems would come together at the same time. Mr. Bahr felt it would be 15 years away before this airport would be any advantage to the County. Mr. Burrell added, this won't have a negative affect on the community. It is a larger airport with better land and has three runways. Mr. Brake stated the federal and state government has approved the money for this airport. Mr. Lipscomb stated, Essex has applied for grant money and had received a grant. What affect will it have on New Kent? Mr. Brake replied, he wasn't sure how that would affect New Kent. Mr. Emerson added, he didn't think that would have any effect but that is something they would find out through this process. Mr. Bahr stated there were some people in the audience who had some questions on this. The Board consented to let them speak.

Mr. Eck Schutz, District Five representative on the Airport Advisory Commission addressed the Board. He felt the strengthening of the West Point Airport would divert funds from the New Kent airport. He wanted to know who the FBO was at the West Point airport now? Mr. Hudson, replied, West Point Aviation. Mr. Schutz wanted the Board to recognize that the Airport Advisory Commission has been researching the possibility of finding a new FBO. What is being proposed now has a direct impact on what they are trying to do. There is no point in the New Kent Commission doing any kind of work whatsoever if they don't know what is in store for them down the road. He didn't feel there was any need to rush into an agreement with anybody. Mr. Hennaman stated, we are not voting on any agreement tonight, just voting to continue with the study. Mr. Emerson added, this merely keeps an avenue open to the Board. If they don't proceed at this point, their ability to take a seat on the proposed authority would not exist. Mr. Burrell felt the County should continue with this investment because it has a lot of potential for the County. We might miss an opportunity we will wished we had taken in the future. It is a very small investment to continue with this study. Mr. Lipscomb stated he felt it was hard for the Airport Advisory Commission to work when one week it is Richmond and the next week it is West Point. Mr. Hennaman said he appreciated Mr. Schutz position but he also felt they needed to look at all the alternatives. Mr. Burrell moved the County invest into the Middle Peninsula Regional Airport Implementation Task Force provided no more than \$1,969.40 and no less than \$1,406.71 would be spent. Mr. Bahr stated he felt it was a big mistake.

Mr. Lipscomb	Aye
Mr. Burrell	Aye
Mr. Bahr	No
Mr. Hennaman	Aye

Motion passed.

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IN RE:           FOOD & BEVERAGE TAX - RESOLUTION R-30-96

Mr. John Crump, Commissioner of Revenue, addressed the board on the food and beverage tax. One source of revenue that has been identified, that could help the County, would be the Food & Beverage Tax. This tax would target transient people or visitors traveling through New Kent to enjoy the racetrack, golf course and other recreational activities. The tax would be levied on food and beverages sold by a restaurant. It also could be applied to grocery and convenience stores selling prepared foods. We have missed the deadline for this November so our next opportunity to get this on a ballot would be November 1997. This will give us time to get the information out to the public where they can make an informed decision. Another issue he brought up was about the business license tax. New Kent County has the highest business tax rates allowed by law. Mr. Crump's suggestion would be to reduce the BPOL tax by 15% and establish a meals tax of 4%. This would send a message to businesses, we want your business in New Kent and we would still be ahead. Mr. Hennaman inquired if the Treasurer was in agreement with this because she would be collecting this money. Mr. Crump replied, she is in full support. Mr. Hennaman stated he was not passionate one way or the other and to let the voters decide. Mr. Bahr moved to approve Resolution R-30-96 as presented.

Mr. Lipscomb	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Aye

Motion passed.

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FOR RESOLUTION R-30-96 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX 5, PAGE 569.

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IN RE:           APPOINTMENTS

Mr. Bahr raised the question in reference to the Recreation Commission. He was under the impression this commission was really defunct, was this the case? Mr. Emerson replied, yes. They don't really meet and they have not been given any tasks by the Board. Mr. Bahr inquired if this could be reactivated. He would like them to look at the Diascund Reservoir. The Board was in general consensus of this suggestion. Mr. Emerson stated he would report back on the current members at the next meeting.

No appointments were made.

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IN RE:           MISCELLANEOUS

Mr. Burrell said he had an item he wanted to bring before the Board. The IDA has two people currently on the authority that they might want to consider replacing. One has served very well but due to illness he has been unable to serve. The other person seems to have a financial cloud over his head. There have been articles in the paper on this and there have been questions about this person serving on the IDA when you have this perception concerning money. Mr. Hennaman asked Mr. Emerson if County staff and the attorney could look into the questions raised. Mr. Cornwell, County Attorney, stated there might be some action they could take, but normally if they don't resign there is nothing that can be done until their term expires. He said he would look into removal actions. Mr. Burrell also suggested they meet with the person and express the concern of the Board. He purposely did not mention names for legal reasons, only that there is a cloud of doubt. Mr. Burrell felt staff should also meet with the person who has been ill to see if they are now able to serve or if maybe they would be willing to resign.

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IN RE: MEETING SCHEDULE

The regular meeting of the Board of Supervisors will be October 14, 1996 at 7:00 p.m. The Planning Commission will meet on September 16, 1996 at 7:30 p.m. for their regular meeting.

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IN RE: ADJOURNMENT

Mr. Hennaman stated the Board of Supervisors will adjourn tonight and reconvene on Tuesday, September 10th, in executive session to continue the deliberations on the appointee for District Two.

Mr. Bahr moved to adjourn until Tuesday, September 10th.

Mr. Lipscomb	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Aye

Motion passed.

Mr. Emerson stated this was the last meeting Ms. Morgan, secretary to the County Administrator, would be at since she is leaving the end of the month. Her husband has been given a job transfer and will be moving across the county. She has been here the last two years and has gotten us through some real tough times. He wished her well and he appreciated all her efforts a great deal. Mr. Burrell added, she has always held the highest standards and been very professional and thanked her for her work.