

AN EXECUTIVE SESSION OF THE BOARD OF SUPERVISORS WAS HELD ON THE 8TH DAY OF JUNE IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-EIGHT IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 5:02 P.M.

IN RE: ROLL CALL

James H. Burrell	Present
Mark A. Hennaman	Present
Frederick G. Bahr	Absent
Rebecca M. Ringley	Present
Julian T. Lipscomb	Present

IN RE: EXECUTIVE SESSION

Mr. Cornwell stated the Board needed to go into executive session 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 2.1-344(a)(7) of the Code of Virginia and for discussions relating to the acquisition (or sale) of real property for public use to discuss issues relating to the airport, fixed base operators and matters pertaining to probable and possible litigation at the airport pursuant to 2.1-344(a)(3) of the Code of Virginia.

Mr. Burrell made a motion to go into executive session and to discuss a personnel matter pursuant to ' 2.1-344-(a)(1) of the Code of Virginia and discussions relating to the acquisition (or sale) of real property for public use pursuant to 2.1-344(a)(3) of the Code of Virginia.

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

Mr. Bahr arrived at 5:47 p.m. and joined the executive meeting.

The Board returned from executive session at 6:10 p.m. Mr. Cornwell stated that pursuant to the motion of the Board concerning 2.1-344(a)(1) personnel and 2.1-344 (a)(3) use of real property for public purposes, the Board has been in executive session to discuss the New Kent County Airport including fixed base operators and maintenance services at the airport. Mr. Burrell gave the certification for the executive meeting. Whereas, the New Kent County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and Whereas, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law; Now, therefore, be it resolved that the Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirement by Virginia law were discussed in executive meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

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

The Board recessed at 6:12 p.m.

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 8TH DAY OF JUNE IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-EIGHT IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:22 P.M.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: AIRPORT RESOLUTION R-13-98

Mr. Lipscomb asked Mr. Mark Flynn, legal representative from Sands, Anderson, Marks and Miller to review the resolution they had discussed during the executive session. Mr. Flynn stated the resolution was recommended in order to address the issues of providing services at the airport - FBO for maintenance services on aircraft in adopting this resolution to allow a waiver from the county's minimum standards for some of the aspects of providing maintenance - the minimum standards were adopted in December 1984. Mr. Flynn reviewed the adopted minimum standards. He stated the size of the airport and the number of aircraft there made it problematic to have a full time maintenance operation on the field; however, mechanical services were needed. The FAA allows a temporary waiver of some provisions of the Minimum Standards in order to get someone on the field to provide essential services, which should not be for either a long period of time or a non-ending period of time. Mr. Flynn read the resolution. Mr. Hennaman clarified this resolution would allow an owner of an aircraft at the New Kent Airport to bring in a person to work on that aircraft in that person's leased hangar space, subject to the mechanic having the insurance requirements, business license, being AP licensed, and having the ability to bring in an inspector to inspect the work. Mr. Burrell made a motion to adopt Resolution R-13-98 as presented.

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

FOR RESOLUTION R-13-98 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 130.

Mr. Lipscomb recessed the meeting at 6:20 p.m. for a short break.

Mr. Lipscomb reconvened the meeting at 6:27 p.m.

IN RE: CONSENT AGENDA

Mr. Emerson presented the following Consent Agenda: approval of minutes from the April 30, 1998 Budget Adoption and May 11, 1998 Board Meeting; award of the bid for the maintenance of the heating, ventilation and air conditioning system for the county offices, staff requested the Board to accept the lowest bidder - Southern Air - in the amount of \$43,286.00; contract engagement letter from Cherry, Bekaert & Holland, L.L.P. for audit services; Resolution R-12-98 supporting improvements at Capital Region Airport, which was requested for consideration by the RRPDC Chair and the MPO Chair; refunds to the Health Department for \$36,325.00 for an erroneous electronic transfer for rent payment and Atlantic Mortgage & Investment Corporation for \$1,349.72 for real estate tax payments made for Louis and Kathy Hiles in error for total refunds of \$37,674.72; appropriations to the fund balance from the judicial sale totaling \$23,755.54, funds received through insurance recovery for hail storm damage to vehicles - \$12,874.00 from Revenue to Expenditures \$3,951.10 to the Sheriff's Office, Animal Control, and Refuse and \$8,922.90 going to fund balance, grant funds from CBLAD for the purchase of GIS hardware and software - \$16,685.00 from revenue to expenditures, funds to cover expenses in the Legal Services Department \$45,000.00, and grant funds for the Sheriff's Department "Inform" Hardware/Software System - \$24,016.00, total appropriation of \$122,330.54; Finance Report for the month of May 1998 totaling \$653,338.00; and the Treasurer's Report showing a cash balance as of 4/30/98 of \$8,130,043.22. Mr. Burrell made a motion to approve the Consent Agenda as presented.

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

FOR RESOLUTION R-12-98 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 132.

IN RE: CITIZEN'S COMMENT PERIOD

Mr. Lipscomb reviewed the guidelines for Citizen's Comment Period. The first citizen to speak was Mr. Gary L. Green, 1401 Dispatch Road. Mr. Green stated he appreciated the waiver of the maintenance requirements as stated in the minimum standards. He had the following questions on licensing: how, and how much. He also had a problem with the requirement of a business license from New Kent County - it should be made easier so it could be expedited. He has a plane in need of repairs and he would like to see it worked out and clarified as soon as possible. The next person to speak was Ed Covington, 7461 Flannigan Mill Road, Mechanicsville. Mr. Covington stated he thought it was good the Board accepted the recommendation on the airport. He asked if any progress had been made on getting an FBO operator at the airport, and what was the status of the last bid? Is there any explanation why neither were accepted? The next person on the list was Mr. David Horsley, Quinton, who declined to speak. The last person signed up to speak was Mr. K. Stewart Shirey, 5301 Pine Fork Road, Quinton who declined to speak.

IN RE: ELECTED OFFICIAL'S REPORTS

Ms. Ringley stated the Western Area Management Plan will be discussed at 7:00 p.m. tomorrow night at the New Kent Elementary School in the auditorium and on June 18 at St. Elizabeth Ann Seton Catholic Church. She encouraged all the citizens to take an active interest in this plan. The schools have had a committee working on a proposal to build schools and to update their facilities and she thought the citizens needed to be aware of this and take an interest in it.

Mr. Burrell said there was an executive meeting today of the Central Virginia Waste Management Authority. New Kent had over 3,000 tires turned in on the amnesty program. He commended staff for their promotion of this program. He echoed Ms. Ringley's comments on the schools facility study. He asked the Board if they would concur to have another tire amnesty day - the Board concurred.

Mr. Hennaman thanked the Board for adopting the resolution presented by the Richmond Regional Planning District Commission regarding the continued improvements at Richmond International Airport. At the last RRPDC meeting they discussed that there are some people interested in pursuing a regional super airport, which might be located in the Waverly area off Route 460. He felt the development of the Richmond Airport was far more beneficial to New Kent than one in Waverly where there would be with no highways or railroads to support it.

Mr. Bahr attended the James City County Board of Supervisors meeting and was well received.

Mr. Lipscomb did not have a report.

Ms. Betty Burrell, Treasurer, did not have a report.

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

Mr. Lipscomb recognized Ms. Terry Lawler, School Board representative from District Two.

IN RE: STAFF REPORTS

Mr. Emerson asked Mr. Gallaher to present the information on the rabies clinics. Mr. Gallaher stated the Department of Public Safety and the county will sponsor a rabies clinic on June 27 from 8:30a.m. to 11:30 a.m. in the courthouse parking lot, the cost will be \$5.00 per shot. There have been two cases of rabies reported in the last seven days in the western part of the county. Citizens from other counties are welcome to participate. Mr. Emerson stated that Mrs. Ringley has been accepted into the Historic Triangle Leadership Program sponsored by the Williamsburg Chamber of Commerce.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Bob Riley, Resident Engineer, reported the total number of requests for services during the month of May 1998 was twenty-nine. Ten calls were received from the Sheriff's Office. Mr. Riley gave an update on work completed during the month of May. Mr. Bahr said he attended a meeting with Mr. O'Neal and Mr. Winstead with the Mt. Nebo people, and Mr. Winstead on

Paige Road. He appreciated their concern and cooperation. Also, he asked about ditching on Pamunkey Road - Mr. Riley said he would have to check on that. Mr. Hennaman gave Mr. Riley directions to the house in the Colonies where he was receiving complaints on standing water in ditches. He has received several comments on Old Telegraph Road on how nicely the low water area has been repaired. Ms. Ringley said she has received compliments on the beauty of the E. David Ringley Memorial Bridge.

IN RE: PRESENTATION - Mr. Lee Tyson presented the New Kent County Parks and Recreation Master Plan to the Board.

Mr. Tyson reviewed the New Kent County Parks and Recreation Master Plan, giving the background, development, and goals, objectives and strategies developed. Mr. Burrell commented the plan was thought out and well presented. Ms. Ringley recognized the volunteer organization that worked for the athletic programs in the county. She felt this was a good plan upon which New Kent could build and offer it's citizens not only athletic opportunities, but fine arts and other programs as well. Mr. Bahr also thought the plan was well done and thanked Mr. Tyson for his help. Ms. Ringley made a motion to set the New Kent County Parks and Recreation Master Plan for public hearing on July 13, 1998.

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

IN RE: CUP-1-98, SPRINT PCS, INC. application to erect a communications tower and accessory equipment cabinets on a portion of the property shown on Tax Map and Parcel: 35-45. This site will be accessed by an easement over the property of Mr. Avery Kirby, owner of the property. The property is located on the east line of State Route 627 (Good Hope Road) and is immediately adjacent to Interstate 64. The property is zoned A-1, Agricultural.

Mr. Lipscomb reviewed the rules for public hearings. Mr. David Maloney gave the following report. Sprint PCS, Inc. has submitted an application for a conditional use permit to erect a communications tower and accessory equipment cabinets on a portion of the property shown on Tax Map and Parcel: 35-45. This site will be accessed by an easement over the property of Avery Kirby, the owner of the property, on the east line of State Route 627 (Good Hope Road) and is immediately adjacent to Interstate 64. The current zoning of the property is A-1, Agricultural and towers are permitted in the A-1 district with a conditional use permit. The applicant has submitted the requisite material for consideration. The application has been reviewed by: the Virginia Department of Transportation, which has no comments; the Virginia Department of Health, which has no comments on the use since it will be unmanned; the Public Safety Department, which will require all building, electrical, and fire prevention codes be complied with; and Virginia Power. No FAA study was required for this site as it does not encroach in the air space. The Planning Commission, during its April 20, 1998 meeting found the application to have met the requirements set forth in Section 9-245 of the Zoning Ordinance and it is the recommendation of the Planning Commission that the Board approve CUP-1-98. Mr. Burrell

thought that some adjacent property owners were left off the list. Discussion followed on this issue. Mr. Maloney and Mr. Buniva stated they had notified adjacent property owners. Mr. Brian Buniva, legal counsel for Sprint PCS, Inc., said they were proposing a three-legged tower, no taller than 199 feet in height, which is not an FAA hazard, does not require blinking lights, is located along the main thoroughfare away from any densely populated area, and is near the Route 33 and Interstate 64 intersection. Mr. Buniva felt they had gone through a significant process to work out the kinks in their application and to discuss it with the citizens who live in the area and staff. They reduced the number of towers needed to one through co-location. The proposed tower will provide co-location for up to four other carriers. They also conducted a crane height test for visual impact and radio frequency coverage. Mr. Burrell said a comment was made about a military operation in the area co-locating on the tower. Mr. Buniva said he was not aware of any request from the military to co-locate on the tower. Mr. Bahr asked, if in the future it was no longer necessary to have these towers, if there was a provision in the lease agreement requiring the demolition of the tower. Mr. Maloney said that if the tower has not been used for a period of 24 consecutive months, and has not been properly maintained, the county can require the tower be dismantled by the applicant. Mr. Hennaman clarified that the need for this tower had been established. Mr. Hennaman asked Mr. Cornwell about the applicant's certification that adjacent property owners had been notified. Mr. Cornwell stated the state code and the county require each applicant to make a certificate and a property owners list, which the Board has. This is the applicant's burden and Mr. Cornwell wondered if the applicant wished to go forward. Mr. Maloney said that on Stage Road (Rt. 632) the citizens listed are on the south side of the road, Mr. Burrell was speaking about the residents on the north side of the road. Mr. Maloney said the property is on the east line of Rt.627, south of I64, and the property to the north abuts on I64. Staff worked with the applicant to identify the property owners, and ruling out human error, every effort was made to ensure all adjacent property owners were notified. Mr. Burrell said those property owners between I64 and Stage Road are the one that have been missed. However, none of the folks in that area have any problem he's aware of. Mr. Maloney said he and Mr. Buniva had just reviewed the list of adjacent property owners and they were notified. He understood the concerns Mr. Burrell had about the residents on the north side of Rt. 632, but they are not directly abutting the property in question. Mr. Hennaman clarified that these people technically fall outside of the adjacent property owners. Mr. Maloney said yes, it's the people whose property physically touches or is physically separated by water or road. Mr. Cornwell said there is also a requirement for conditional use permits for cellular towers of notifying neighbors, not just adjacent property owners - he understands through Mr. Buniva that they did send out mailers and have a public meeting. Mr. Buniva confirmed this and said they also put a notice in the Tidewater Review advertising the public hearing. Mr. Bahr thought the Board may want to look into additional notifications (other than adjacent land owners) for towers. Mr. Lipscomb opened the public hearing. The only citizen to speak was Ms. Becky Philbates. Ms. Philbates did not see anything wrong with this tower if Mr. Kirby was satisfied with it on his property, near his house, and high tension wires that people cannot build by. If it had been in the middle of residential homes she would object, but this one she thought was very well placed. She said she was also speaking for her husband, George, who could not be here tonight. Mr. Lipscomb closed the public hearing. Mr. Burrell made a motion in order to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the county to approve CUP-1-98 as presented.

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

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

District One had no appointments.

Ms. Ringley made a motion to appoint Shawn Pratt as District Two's representative to the Airport Advisory Commission to complete a one year term ending December 31, 1998.

Mr. Burrell made a motion to reappoint Brenda Snyder as District Three's representative to the Airport Advisory Commission to complete a one year term ending December 31, 1998.

Mr. Hennaman made a motion to reappoint Jane Thomas as District Four's representative to the Board of Trustees of the Heritage Library for a four year term ending June 30, 2002.

District Five had no appointments.

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

Mr. Burrell made a motion to appoint Sylvia Hathaway as New Kent County's representative to the Rappahannock Community College Board for a four year term ending June 30, 2002.

Mr. Bahr made a motion to reappoint Chapman L. Harrison as New Kent County's representative to the Public Facilities Authority for a five year term ending June 30, 2003.

Ms. Ringley made a motion to reappoint David Lawler as New Kent County's representative to the Youth Commission for a one year term ending June 30, 1999.

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

IN RE: MEETING SCHEDULE

The regular meeting of the Board of Supervisors will be held Monday, July 13, 1998 at 6:00 p.m.
The Planning Commission will meet on Monday, June 15, 1998 at 7:00 p.m.

Mr. Burrell asked if staff could look into recognition of the volunteers. Mr. Emerson said they had done this, but had a difficult time getting an accurate number of volunteers from the Fire Department. April is volunteer month and it would give staff time to look into the matter. Mr. Burrell clarified it would cover all the volunteers - those serving on commissions, etc.

IN RE: ADJOURNMENT

Mr. Burrell made a motion to adjourn.

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

The Board adjourned at 7:45 p.m.