

AN EXECUTIVE SESSION OF THE BOARD OF SUPERVISORS WAS HELD ON THE 13TH DAY OF JULY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-EIGHT IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 4:55 P.M.

IN RE: ROLL CALL

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

Ms. Ringley made a motion 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.

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

Mr. Hennaman arrived at 5:12 p.m. and joined the executive session.

The Board returned from executive session at 5:47 p.m. Mr. Burrell gave the certification. 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

Mr. Lipscomb stated the executive session was for discussion about the new courthouse and Richard Pledger, the county's attorney from Sands, Anderson, Marks and Miller gave a brief summarization. Mr. Pledger stated this was a matter that has involved substantial time and effort on the parties of the general contractor (Henderson, Inc.), the contractor's surety company, Fidelity and Deposit of Maryland, and the architect (MMM Design). The matter was mediated in January and since then they have worked on several issues and proposed a settlement agreement for the various parties which involves a design and construction of a proposed fix to remedy some of the problems - particularly water infiltration. Mr. Pledger recommended the Board accept the proposed Memorandum of Understanding as outlined previously. He asked the Board to give the authority to approve the Memorandum of Understanding with

Henderson, Inc. the Fidelity and Deposit Company of Maryland and the County, and the separate Memorandum of Understanding between MMM Design and the County, and that the Board defer upon the County Administrator the authority to finalize these agreements and allow the work to go forward. Mr. Hennaman made a motion upon the recommendation of the Board's counsel for the Board to accept the proposed settlement for courthouse repairs and authorize the County Administrator to (after consultation with the County Attorney) execute a Memorandum of Understanding with Henderson Construction and Fidelity and Deposit Company of Maryland, and also a Memorandum of Understanding with MMM Design Group.

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

The Board recessed for a short break at 5:52 p.m.

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 13TH DAY OF JULY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-EIGHT IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:04 P.M.

IN RE: ROLL CALL

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

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Lipscomb asked Mr. Burrell to give the invocation and lead the Pledge of Allegiance.

IN RE: CONSENT AGENDA

Mr. Emerson reviewed the Consent Agenda, which consisted of: Approval of minutes from June 2, 1998 Work Session with the School Board and June 8, 1998 Board meeting; Ordinance O-9-98 adopting Section 12.50 of the New Kent County Code setting forth a curfew for juveniles that will be set for the September Board meeting; Resolution R-14-98 establishing a schools capital projects fund; Resolution R-15-98 establishing a fund balance policy for the county and another capital fund; Refunds - Jean's Country Diner - \$35.26 for incorrect assessment, Ralph J. Davis - \$71.25 for incorrect assessment, Woodfin Heating - \$1,719.77 for incorrect assessment, William A. McCloud - \$42.00 for overassessment due to high mileage, D. L. Peterson Trust - \$445.31 for DMV listing error, Stephen C. King - \$3.63 for erroneous assessment of interest on BPOL, for total refunds of \$2,317.22; Appropriations - State Grant for Child Care and Development Program offered by the Social Services and Extension Departments -

\$10,133.00 from Revenue to Expenditures, carry forward funds for the Family Preservation Program for federal fiscal year of \$13,541.00 from Revenue and \$1,505.00 from fund balance to \$15,046.00 in Expenditures, adjustment in the Social Services budget of the amount allocated by the state - \$72,154.00 from Expenditures to \$43,212.00 in Revenue and \$28,942.00 in fund balance, additional mileage expense and costs to upgrade computers for the magistrates - \$5,500 from Revenue to Expenditures, for total supplemental appropriations of \$41,475.00; Finance report for June 1998 showing total expenditures of \$902,692.28; and the Treasurer's Report showing a cash balance as of May 31, 1998 of \$7,537,744.16.

Ms. Ringley felt, regarding Resolution R-14-98 establishing a schools capital project fund, the policy of handling this fund was troubling to her. She believed it was a money in/money out account and looking at it she's not sure where the money came from and where it went. She would like to see more accounting so at the end of the year the schools could advise the Board where the funds came from and where the withdrawals went. Mr. Emerson clarified once this fund was created the schools can expend out of it - it is for carry over funds from their budget at the end of the year. Mr. Hennaman agreed with Ms. Ringley. Mr. Bahr also agreed with Ms. Ringley and questioned whether it was in compliance with the state statues. Mr. Burrell agreed with Ms. Ringley, and asked for a correction to Ordinance O-9-98 in the first paragraph it should be "county" not "city". Discussion among the Board followed on Resolution R-14-98. Mr. Bahr suggested the resolution be for one year. Mr. Bahr made a motion to approve the Consent Agenda as presented excluding Resolution R-14-98.

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

FOR RESOLUTION R-15-98 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 134.

Mr. Bahr made a motion to approve Resolution R-14-98 for fiscal year 1998.

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

FOR RESOLUTION R-14-98 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 135.

IN RE: CITIZEN'S COMMENT PERIOD

Mr. Lipscomb reviewed the guidelines for Citizen's Comment Period. The first person to speak was Mr. Shawn Pratt, 6516 Washington Road, Quinton. Mr. Pratt spoke as the chairman of the New Kent County Airport Preservation Association which was formed on July 1 by citizens concerned with the possible closure of the airport. Their goal is to work with the Airport Advisory Commission and the Board of Supervisors in a positive manner and to address issues related to a positive promotion of the airport and assure and continue fuel services and working with the language in the current lease agreement. The mission of their association is to educate and assist the county government with accurate data driven information on New Kent County Airport and general aviation, provide education to and act as an aviation resource for the citizens and businesses of New Kent County, to assist the Airport Advisory

Commission to carry out its mission by positive public relations, and soliciting business for the airport. To achieve its mission the association will be working with local and state governments, national aviation organizations, benchmarking with other airports, and working with the citizens of New Kent County to help them view the airport as an asset to the community. They are working as a neutral entity to promote the airport through the use of factual and accurate information. They recommend the Board re-evaluate the structure and communications flow between the Airport Advisory Commission, Board of Supervisors, and the county staff so the Airport Advisory Commission will be more empowered to directly advise the Board. They strongly encourage the Board to look at the county's progress in requesting state funds for replacing the fuel farm - it's their understanding the request for state funds was returned and needs to be resubmitted. If it is not resubmitted prior to the Virginia Aviation Board's September meeting, they will lose any chance of receiving money from the state and it will put an undue financial burden on the taxpayers of the county. They are working on drafting a lease that will be more user friendly and will still protect the county. The next person to speak was Mr. Kevin S. Shirey, 5301 Pine Fork Road. Mr. Shirey did not feel the Board was acting in the best interest of the citizens in regard to the airport. He felt his nine year old sister could run it better. He felt the Board has run the airport into the ground and if the Board keeps acting in the manner of not being totally honest with the citizens, then they (citizens) will have to get some honest folks to run the county. The next person to speak was Mr. William Winston from Brems Bluff. Mr. Winston was concerned about the airport, he's been a customer in the past and knows Mr. Worley. He regretted the personality conflict the Board seems to have with Mr. Worley. He is an attorney and a pilot and wrote to the Board in the past warning them of the consequences if they pursued the lawsuit. He believed the county was overlooking a great resource in Jim Worley. Mr. Winston has been a member of an airport board in a small town and is familiar with airport operations. New Kent Airport could be run and the Board will not find many volunteers with Jim Worley's experience and background. He thought it was a shame what they have done to Mr. Worley, and they have trashed the airport. He's spoken to the Board before - there were other Board members, but whoever has been advising the Board has been giving them bad advice about the airport. Every decision this Board has made has been wrong-headed and in the wrong direction. The next person signed up to speak was Mr. A. C. Worley, who declined to speak as he felt the previous speakers had said more than he could. The last person to speak was Ms. Thelma Wilson, who spoke for the directors and officers of the New Kent County Chamber of Commerce. Ms. Wilson said they felt the airport should stay an airport, it's been a great asset to the county and could be again. She asked the Board to get the proper management so they can have a real airport again.

IN RE: ELECTED OFFICIALS REPORTS

Mr. Bahr did not have a report.

Mr. Hennaman advised the Board that the issue regarding Old Telegraph Road and emergency services, has been reviewed, the residents were surveyed and they felt there was no issue on the naming of the road.

Mr. Burrell did not have a report.

Ms. Ringley applauded the positive efforts of the Airport Preservation Committee. The mission sounded like what the Airport Advisory Commission should be doing and she hoped the efforts will be directed towards them and they will pick up the ball. Also, of the different options the Board is looking at, two out of three result in the airport remaining in operation. She commended the volunteers who have cooperated with Mr. Miller on the Emergency Services Study and also their service to the county - it's very much appreciated. She hoped the study will result in more open communication between the

citizens, the Board, and the volunteers so they can better serve the citizens of the county. Also, Tuesday, July 21 there will be a public meeting on the I64 Major Investment Study. She urged the citizens to attend.

Mr. Lipscomb did not have a report. Mr. Lipscomb recognized Mr. Harold Seitz, the retired Fire Chief in the audience.

Mr. Burrell said there will be a meeting on future growth in New Kent and options available. He urged the citizens to attend July 30 at 7:00 p.m. at the high school.

Mr. Lipscomb recognized Terry Lawler, the School Board representative from District Two in the audience.

Mr. John Crump, Commissioner of Revenue, thanked the citizens for their response to the personal property report. His office hours have been extended in both the morning and afternoon. He is also available for appointments outside his office in the early morning or evening. He also said the Historic Society would appreciate any help from the citizens with the old jail.

IN RE: STAFF REPORTS

Mr. Emerson requested a work session on July 15 to go over the financial forecast they have been reviewing based upon the request from the School Board for financing schools. The Board agreed to meet at 6:30 p.m. on July 15. Mr. Burrell said he would be out of town.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Chris Winstead gave a summary of work performed by VDOT during the month of June. Mr. Bahr thanked Mr. Winstead for his diplomacy in relation to the people on Paige Road, ditching Pamunkey, and taking care of New Kent Highway around Mt. Nebo. Mr. Hennaman mentioned his concerns about ditch cleaning on Rt. 155 (south of Minitree), the Providence Forge sign has fallen, in the Colonies there were some drainage issues on Four Islands Trail, and he had requested a speed test on Waterside Drive below the Colonies by the sharp turn. Mr. Burrell complimented the speed in which VDOT responded to a call he made to the local office. Mr. Lipscomb said the ditches are stopped up on Route 249 by the Old Baltimore Store, on Route 606 south of Southern Branch, and on Route 613 going down to the pond. Also the beaver pond is still flooding on Route 638.

IN RE: PRESENTATION - Mr. James Stewart with Henrico Mental Health will update the Board on House Bill 428, Acts of Assembly Ch.680, which went in to effect July 1, 1998 and recommend specific actions by the Board in order to enable New Kent County to comply with changes in the State Code.

Mr. Stewart gave a presentation on the 1998 actions of the General Assembly regarding community services boards and reviewed Resolutions R-16-98, for compliance with the recent amendments to the State Code, and R-17-98, which enables the Board of Supervisors to approve the FY 1998-99 state performance contract between the Virginia Department of Mental Health, Mental Retardation Services

Board, which is not required by State Code. Mr. Bahr made a motion to adopt Resolutions R-16-98 and R-17-98 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-16-98 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 136.

FOR RESOLUTION R-17-98 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX SIX, PAGE 138.

IN RE: NEW KENT COUNTY PARKS AND RECREATION MASTER PLAN - The Board will take public comment on this plan which was designed to be an amendment to the Comprehensive Land Use Plan.

Mr. Lee Tyson reviewed the goals and objectives statements that were derived from the plan. This is the plan that will go into the comprehensive land use plan the Board can use to develop and foster recreational activities in the county. The first goal states that New Kent County must provide its citizens with a comprehensive, efficient, equitable, and affordable parks and recreation experience. To obtain this goal the Parks and Recreation Committee recommends a Parks and Recreation Department should be added to the governmental structure in New Kent County, the county should provide recreation programs that maximize the use of existing facilities, provide a wide range of activities for all age groups, and provide park and recreation programs using a wide variety of funding sources. The second goal states New Kent must enhance and protect areas of scenic beauty and historic interest by developing measures to protect areas of particular scenic beauty and historic interest. The third goal states New Kent County should develop an integrated system of parks, trails, greenways, and community facilities by developing a phased county-wide system of neighborhood, community and district parks and develop a phased county-wide bikeway and/or trail system designed to connect parks, schools, historic sites, and other points of interest. The Board complimented the committee on their hard work. Mr. Lipscomb reviewed the guidelines for the public hearing. Mr. Lipscomb opened the public hearing. The only person to speak was Mr. Bruce B. Wood, 7710 Old Roxbury Road, Quinton. Mr. Wood felt that 10 acres of land would give the county ball fields, football fields, and soccer fields. Chesapeake Corporation has offered to donate land to the county for parks and recreation in the past. The trailers at the schools are taking up room in the outfields of the ball fields. He didn't understand what they were going to do for the Youth Association. He would rather pay money to this county for a pool membership rather than pay Henrico County - why can't the county do something like this? He felt the walking trails could be around the ball fields. Also, they need lights to play baseball - why should the Youth Association pay to have lights installed at the elementary school - he thought the county should pay for that. If they had lights they could hold tournaments and generate a lot of money for the county. He wanted to know what they were going to do for the Youth Association. Mr. Lipscomb closed the public hearing. Mr. Bahr made a motion to adopt the Parks and Recreation Master Plan as presented.

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

IN RE:           PRESENTATION - The Board will receive a presentation on the Emergency Services Study from Richard Miller of Marketing and Management Solutions, Inc.

Mr. Gallaher introduced Mr. Richard Miller and Lisa Garey who did the Emergency Services Study requested by the Board. Mr. Miller and Ms. Garey presented a summary of the Emergency Services Study. The study conclusions are: the Bylaws Constitution and Standard Operating Procedures are outdated and need revision. New Kent County must continue to support the Fire Department and Rescue Squad with appropriate budget appropriations and apparatus will need regular replacement or rehabilitation in order to remain productive. The Board should demand budget justification and it should be tied to New Kent County goals and objectives. Day time staffing needs to be addressed. Replace apparatus as recommended over the next five years. Replace the fire station in Providence Forge immediately. Realign or reassign response assignments. Partner with the School Board for maintenance of vehicles. Replacement of turnout gear and additional turnout gear is needed in the Fire Department. Conflict exists between the Fire Department and the Rescue Squad and the county can help to facilitate solving some of the conflict. Relationship between the Board and the volunteers needs enhancement - it's all perception - if the volunteers perceive the Board is not supportive (even though you are, and we've documented this) then perception becomes reality. Fire Department record keeping is poor - this needs to be fixed and perhaps the county can serve with some models for improvement. Recommendations were broken down into short term, medium term and long term. Within one year they recommend the organizational bylaws and SOP be reviewed and changed, that one volunteer application be developed and create a joint fire/EMS development committee, create a fire department public affairs committee and a membership development committee, increase recognition of volunteer contributions to public safety. Medium term (1-3 years): apparatus be replaced according to the suggested schedule, support fund raising efforts or contribute to the purchase or rehab of ambulances, implement volunteer incentive programs to enhance retention of volunteer fire/EMS staff. Long term (3-5 years): begin implementation of a joint fire/Ems delivery system throughout the entire county, implement career day time staff, support establishment of corporate partnership program to enhance public safety volunteer efforts, design and implement a length of service awards program for fire/EMS volunteers, heavy rescue squad at Company Two be replaced through a combined method of county funding or grants and donations. The Board thought the report was well done but wanted time to review the report in depth. The Board recognized the volunteers present. Mr. Emerson said with the adoption of this budget, duties have been redelegated and now Mr. Gallaher will be concentrating on working with emergency services organizations in the county to achieve these goals. In the next year he plans on Mr. Gallaher working to achieve the short term recommendations. He asked the Board to review the plan and in the near future he will request a work session with Mr. Gallaher and the leadership of the Fire Department and Rescue Squad to better define the role they expect Mr. Gallaher to play within this structure, and for the leadership of these organizations also to understand the roles you would like them to play.

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

There were no appointments.

IN RE: MEETING SCHEDULE

The regular meeting of the Board of Supervisors will be held on Monday, August 3, 1998 at 6:00 p.m.  
The Planning Commission will meet on Monday, July 20, 1998 at 7:00 p.m.

IN RE: ADJOURNMENT

Ms. Ringley made a motion to continue the meeting until Wednesday, July 15 at 6:30 p.m.

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

The Board adjourned at 8:25 p.m.