

AN EXECUTIVE SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE NINTH DAY OF OCTOBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-FIVE BEGINNING AT 6:00 P.M. FOLLOWED BY THE REGULAR MEETING IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING BEGINNING AT 7:00 P.M. WITH ALL MEMBERS PRESENT.

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IN RE: ROLL CALL

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|--------------------|-----|
| James H. Burrell   | Aye |
| E. David Ringley   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

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Mr. Salmon moved 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) and to discuss a personnel matter pursuant to § 2.1-344(a)(1) of the Code of Virginia.

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|--------------------|-----|
| James H. Burrell   | Aye |
| E. David Ringley   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

Mr. Boroughs moved to go back into regular session.

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|--------------------|-----|
| James H. Burrell   | Aye |
| E. David Ringley   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

Mr. Bradby 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.

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|--------------------|-----|
| James H. Burrell   | Aye |
| E. David Ringley   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

Mr. Salmon explained the Board met in executive session in regards to airport litigation, on a personnel issue, contract negotiations and possible litigation on the new courthouse and water and sewer easements. No action was taken. The Board then took a three minute recess. Mr. Salmon reconvened the meeting and Mr. Boroughs gave the invocation with a moment of silence for Gratton Stephens and John McLaughlin followed by the pledge of allegiance.

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IN RE: CONSENT AGENDA

Mr. Salmon brought to the Board's attention the matter of the rabies clinic resolution R-42-95. He asked Mr. Gallaher if the fall rabies clinic was still going to take place. Mr. Gallaher replied he was waiting for a response from Charles City because they have a similar resolution and if they wanted to have a fall clinic. Mr. Salmon remarked the Health Department, in the past, was always for having the clinic but now because of the possibility of liability on their part, they do not want to participate. Mr. Gallaher responded the rabies clinic as sanctioned by the Health Department, was based on need and the need is not the ability to pay, but as a County, we would have enough veterinarians to do the clinic. New Kent does have one active veterinarian in the County, as well as several who live in the County but don't practice here. It would be a great disservice to the citizens of the County not to sponsor a rabies clinic. Mr. Ringley said he had spoken with the local vet and she said they would have a definite need for one clinic but didn't think the second one would really be needed. Mr. Gallaher added, we have never had a fall clinic before, only the winter one. Mr. Salmon said he was for the resolution but would like to go on record by adding to support the use of the local veterinarian. Mr. Gallaher replied the winter clinic will be done by the local vet every year. Mr. Ringley also stated, he wanted to go on record to see both clinics, if there was no cost to the taxpayers. Mr. Boroughs moved to approve the Consent Agenda with the addition of a letter of recommendation to use the local veterinarian for the rabies clinic. Mr. Salmon made note that Mr. Burrell's requested resolution for wearing seat belts R-40-95 and the Sheriff's resolution R-38-95 which acknowledges the auxiliary deputies as County employees for purposes of Workmen's Compensation are also included in this Consent Agenda. Mr. Burrell asked to go on record he needed more time to read the minutes from the previous month and would hold his approval of the minutes until a later time.

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|--------------------|-----|
| James H. Burrell   | Aye |
| E. David Ringley   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

Motion approved.

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FOR RESOLUTION R-42-95, RESOLUTION R-40-95 AND RESOLUTION R-38-95 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE, PAGE 381 FOR R-42-95, PAGE 382 FOR R-40-95 AND PAGE 383 FOR R-38-95.

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IN RE: ELECTED OFFICIALS' REPORTS

Ms. Betty Burrell gave the Treasurer's Report for the month of September, 1995. Ms. Burrell reminded the Board of Supervisors the advance of \$900,000 from Henrico County for expenditures relating to the regional jail was in this report. Mr. Salmon thanked Ms. Burrell for sending out the tax bills for personal property and real estate taxes. She noted that tax money is already beginning to come in. Mr. Bradby moved to approve the Treasurer's Report for the month of September and to authorize the Treasurer to continue to invest in legal and risk adjusted, highest yielding instruments.

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|--------------------|-----|
| James H. Burrell   | Aye |
| E. David Ringley   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

Motion approved.

Mr. Kent Van Dervort, Commissioner of Revenue addressed the Board of Supervisors about the issuing of county decals. He presented the Board with a proposal concerning the county decals for the automobiles. Mr. Van Dervort suggested adding to the personal property billing twenty (\$20.00) for each vehicle involved. If the parties owned 2 vehicles, list them separately and when they paid their personal property tax, the decals would be included in the payment and the decals would be sent with the receipt. This would mean a sizeable savings in postage because we would have only one mailing instead of two. Mr. James E. Cornwell, Jr., County Attorney, said they would need an ordinance to make this change. Mr. Boroughs recommended counsel look at this and see what the public has to say. He thought it was a good idea.

Mr. Burrell announced a phone number for Delegate Grayson which is 1/800-809-1316 where his constituents can call.

Mr. Salmon asked the Board if they wanted to set a date for a joint meeting with the Airport Advisory Commission as requested in a memo to them. The meeting was set for November 15th starting at 6:00 p.m. and Mr. Emerson was asked to advise the Airport Advisory Commission of this date.

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IN RE:                   STAFF REPORTS

Mr. James E. Cornwell, Jr., County Attorney introduced Resolution R-44-95 as it pertains to the purchase of real estate property. The Board had authorized the County Administrator to enter into negotiations to purchase 3.99 acres at the intersection of Route 634 and 620 for the use of a convenience center. The agreed upon price for this land was \$14,000. Mr. Cornwell stated he would need this resolution for the expenditure and authorizing acceptance of the deed. Closing is tentatively scheduled for Monday, October 16, 1995. Mr. Boroughs moved to purchase the property from Charles A. Cook consisting of 3.99 acres in the section of Route 634 and 620 and to authorize the expenditure of \$14,000 to purchase the property, plus any necessary recording costs, title insurance costs and to authorize the Chairman to accept the deed upon approval of the County Attorney.

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|--------------------|-----|
| James H. Burrell   | Aye |
| E. David Ringley   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

Motion passed.

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FOR RESOLUTION R-44-95 SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE, PAGE 384.

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Mr. Cornwell had another issue to bring before the Board. He explained he has been working with the Treasurer on delinquent tax collections. The notices have already been sent out for delinquent land sales and in order to go forward he drafted a resolution which authorizes the County Attorney to collect delinquent taxes owed to the County of New Kent. Some of the notices have come back with no forwarding address, etc. and the next step in the process is to do a title examination to make sure there are no liens and encumbrances and who the owners of the properties are. At that time they will put a notice in the newspaper advising people that a law suit is going to be brought to bring these properties to sale if the taxes are not paid. If they are not paid, then we will file a law suit. Mr. Cornwell mentioned he had 110 parcels that the Treasurer had given to him. Mr. Bradby moved to adopt Resolution R-43-95 as presented.

Mr. Salmon said since it was not in the package he would like to read the resolution. BE IT HEREBY RESOLVED that James E. Cornwell, Jr., County Attorney is hereby directed and authorized to collect delinquent taxes owed to the County of New Kent by action at law, suit in equity or by attachment, and he is further directed and authorized to institute and conduct proceedings for the sale of delinquent tax lands against such real estate as may be subject to sale as provided by §58.1-3965 et seq. of the Code of Virginia. This Resolution shall take effect immediately. Mr. Boroughs inquired if this takes care of all delinquent taxes for three to five years back. Mr. Cornwell replied yes. Mr. Salmon asked Mr. Cornwell, isn't part of this process to try and work out payment arrangements with the Treasurer. Mr. Cornwell responded, yes. Notices have been sent out by the County Treasurer and also my office. We have given the people three or four opportunities to rectify the problem. He also added, as we move through this process, the cost to the County of doing this is put against the land. If the land is sold or the back taxes are paid, then the County will recover their expenses from these proceedings. A good number of these parcels have been abandoned. We need to get these back on to the tax records. Mr. Salmon inquired, these are properties that no taxes have been paid on for the last three years? Mr. Cornwell responded, yes. Mr. Burrell asked if there were any dwellings, or anyone living on the properties. Mr. Cornwell replied, there are seven parcels of real estate, the Treasurer indicated she wanted to work out payment without going to sale because they are occupied. Mr. Cornwell stated, at the Treasurer's request, he did not send those people notices. Mr. Cornwell said he will continue to work with the Treasurer to get these funds collected. Mr. Salmon then called for the vote.

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|--------------------|-----|
| James H. Burrell   | Aye |
| E. David Ringley   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

Motion passed.

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FOR RESOLUTION R-43-95 SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE, PAGE 385.

Mr. Cornwell said he had one other item to bring to the Board. There has been a lot of time spent on the operation of the airport. We have Request for Proposals outstanding that were done in response to our ad in October, 1994. There has been considerable discussion among the staff and the Board concerning the future use of the airport and the options that are available. There is a request from the Airport Advisory Commission that the Requests for Proposals be rejected so the other options can be reviewed as to the airport. Mr. Cornwell recommended to the Board the Requests for Proposals be rejected. Mr. Boroughs moved to reject all bids from the airport. Mr. Salmon asked if they could yield to Mr. Bradby on that motion. Mr. Boroughs withdrew his motion. Mr. Bradby moved that all proposals submitted in response for the Request for Proposals for a Fixed Base Operator for the New Kent County Airport be rejected for the reason that the Board reconsider all available options concerning the use and operation of the airport and the surrounding properties.

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|--------------------|-----|
| James H. Burrell   | Aye |
| E. David Ringley   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

Motion passed.

Mr. R. J. Emerson, Jr., County Administrator said he had two items to bring to the Board. The first was a memorandum from Mr. Emerson to the Board, along with a memo from the Sheriff Howard and Dr. Geiger, Superintendent of Schools. Superintendent Geiger had informed Sheriff Howard they would be unable to provide the \$6,000 in local school board funds to support the DARE Program. The memo from Sheriff Howard, informed the County Administrator, he would attempt to cover the shortfall and continue the program but he may run short in his budget and if he does he will come to the Board and request the amount of shortfall be appropriated to his operating budget. Mr. Emerson said he wanted to bring this to their attention in case they missed the document.

Mr. Emerson brought a document to the Board, that had been sent to the Board previously, where a citizen requested to have the minutes and some other formal adopted documents be placed at the Heritage Library to make them more available to the citizens. He asked for the Board's direction on this request. Mr. Salmon said it was the general consensus of the Board to place these documents at the library and directed the County Administrator to see to this.

Mr. Ringley wanted to thank Sheriff Howard for continuing the DARE Program. Hopefully he won't be back for more money, but if he does Mr. Ringley said he would certainly support his request.

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IN RE:               RESIDENT ENGINEER'S REPORT

Mr. Bob Riley announced he will be losing his last assistant, who has been promoted and will be moving to Ashland. He hopes to fill this position within the next two weeks. The Six Year Plan has been sent to the County Administrator and the Board members should receive their copies shortly. There have been no major changes. The detour on Route 613 is going very well and is on schedule. Mr. Salmon inquired if they are working on the weekends? Mr. Riley replied, he wasn't sure, but if the contractor gets behind, they probably will. They have cut trees behind the guardrail on Route 64 and they should have the intersection of Rt. 249 and Rt. 640 completed within the next two weeks. Mr. Ringley said he had received several call from people living on Rt. 1208. People are using this road as a cut through to Route 665. Is there any way we can identify this street as not a cut through? Mr. Riley replied, the policy on cut through only relates to trucks. Mr. Riley also spoke with a lady from this area. She told Mr. Riley she was going to get a petition together and see if they could close the road. He told her he didn't think that was possible, but when he received the petition he would have the Traffic Engineer do a survey and see what, if anything, can be done to help this problem. Mr. Ringley asked Mr. Riley if he could get a copy of this petition. Mr. Riley said he would make sure he received a copy of the petition. Mr. Burrell asked Mr. Riley to look into Mt. Nebo Road coming into Route 30. The stop sign is hidden and anyone not familiar with the road would not see the sign.

Mr. Boroughs said he had one item he wanted to bring up under Elected Officials' Reports. He had a call from a citizen inquiring about a memorial park in New Kent County since there wasn't one here. He asked staff to look into this and let the Board know what they would need to do. Mr. Emerson replied, this is usually operated by churches or private enterprise. The zoning ordinance does allow for the establishment of these in an agricultural area. Mr. Boroughs said he did respond to her by saying he thought also it would have to be a church.

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IN RE:               COLONIAL DOWNS

Mr. Salmon explained that Mr. Mike Johnson was out of town and he will be present at the next meeting to give an update on Colonial Downs.

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IN RE:               PRESENTATION OF RESOLUTIONS OF APPRECIATION

Mr. Robert Boroughs asked Dr. Farrar W. Howard to come forward. Mr. Boroughs read Resolution R-39-95 whereby the Board of Supervisors expressed their appreciation to Dr. Farrar W. Howard for his years of dedication and involvement in New Kent County tree farming. Dr. Howard said he was very pleased and honored to receive this thoughtful expression of appreciation. He feels blessed to have been able to work and live in this area and hopes the leadership will see that the County develops in a fashion that we don't lose the country feeling.

Mr. Boroughs then asked Mr. Philbates to come forward. Mr. Boroughs read Resolution R-41-95 whereby the Board of Supervisors expressed their appreciation to Mr. T. Marshall Philbates for his years of dedicated service to the New Kent Planning Commission. Mr. Philbates thanked the Board of Supervisors and the County Administration and those involved in this presentation. He has been a resident of New Kent County for over 50 years and he hopes by serving on the Planning Commission and endorsements that he has made, have in some way been a betterment to the County and to the planning process of the County.

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FOR RESOLUTION R-39-95 AND RESOLUTION R-41-95 SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE, PAGE 386 AND 387.

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IN RE: PUBLIC HEARING - AMENDMENT OF BUDGET

Mr. Emerson asked Mr. William Johnson to address this budget amendment. Mr. Johnson said the purpose of the public hearing is to hear comments from the public for the amending of the 1995/96 budget. The additional fund breakdown is \$900,000 for the Regional Jail received from Henrico County and \$68,517.00 is bond proceeds for the transfer station. The Code of Virginia states that an amendment is necessary if the amount exceeds 1% of the currently adopted budget or the sum of \$500,000 whichever is lesser. Notices of the public hearing have been made in the local newspaper 7 days prior to the meeting date. Mr. Salmon wanted to state the \$900,000 from Henrico County was sent to us for bills on the regional jail as they become due. When the Board did the budget this year, the amount from the bond on the transfer station was not known at that time. Mr. Salmon then opened the meeting for public comment. Mr. Fred Bahr wanted to know the total budget on the jail and how much would be paid by New Kent. Mr. Emerson replied, New Kent's share is approximately \$300,000 and the total jail project is around \$38 million. Mr. Julian Lipscomb suggested when they build the next transfer station they revise the plans on the building so the operator can work the compactor from inside the building. Mr. Salmon then closed the public hearing. Mr. Burrell moved to approve the Amendment to the Budget for fiscal year 1995/96.

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|--------------------|-----|
| James H. Burrell   | Aye |
| E. David Ringley   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

Motion passed.

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IN RE: PUBLIC HEARING - C-5-95 CHESAPEAKE FOREST PRODUCTS

Mr. Lee Tyson, the County Planner, explained this request for rezoning. Chesapeake Forest Products Company, Inc. has applied to rezone a sixty acre portion of property located on the north line of State Route 33 and one-half mile east of the intersection with State Route 30. The request is to change the current C-1, Conservation zoning designation to M-1, Light Industrial. The request has been filed by Chesapeake to permit the development of an industrial park. No potential occupants have been identified

at this time. The Route 33 Area Plan Amendment to the New Kent County Comprehensive Plan, adopted by the Board of Supervisors May 9, 1994, designates this area "Light Industrial." Two of the objectives as designated by the adopted Route 33 Area Plan are to encourage well planned, orderly growth as a means to meet the physical, economic and social needs of County residents and to encourage the development of a diverse industrial base in order to expand employment opportunities and add to the tax base. The Planning Commission recommends the rezoning application of C-5-95 be approved as submitted. Mr. Salmon then opened the meeting up for public comment.

Mr. George Philbates commented he owns property close by, Chesapeake has been good neighbors in the past and he thinks it should be approved.

Mr. Philip Felts wanted to know if Chesapeake would pay for any turning lanes or traffic lights in the future after the development of this industrial Park? Mr. Salmon replied, VDOT does not require any of that at this time. Mr. Emerson also added, VDOT would determine those improvements when they view the site plan. If sometime in the future after the development is approved and something is required, the burden would not be on the developer, it would be up to VDOT. Mr. Felts said in Henrico County they require the developer to pay for traffic lights and other improvements. New Kent County has a budget problem and he doesn't understand why a developer can come in and not pay for these things. Why does the Board allow this to go on and not make the developer pay.

Mr. Ed Gran wanted to know what the disposition of the wetlands in the area would be and also wanted to know if Chesapeake would be renting out areas and competing with the County industrial park? Mr. Joel Mostrom of Chesapeake Corporation, answered by saying, they are very concerned with the wetlands and those areas under that designation won't be developed. There are preliminary plans on the drawing board but most of this will be determined as business develops. Mr. Salmon added, in reference to Mr. Gran's second part of the question of competing with New Kent, the only industrial property New Kent owns is near the airport.

Mr. Chris Madison said he had two concerns. He said this area is considered in the 100 year flood zone. Anything that is put in there, you will have to consider what kind of contaminate would be put in the river if that area ever flooded. He also spoke about the traffic problem with the loggers coming out onto the highway. They already create a traffic hazard. The loggers don't bother to stop and they take the right-of-way. He would like to see an industrial park because it would bring money to the County but they need to look at what they are going to bring in and what the Conditional Use Permit will be down the road. He said he felt they didn't care about anything because the ordinance says you can do it. They didn't care about the Chesapeake Bay Act.

Ms. Sam Snyder wanted to know if anyone thought about the impact of the traffic in that area. Traffic backs up now when the bridge opens. How will the traffic be handled if we have an industrial park? She also stated she knows of wells drying up because of all the development. Will there be any protection for the citizens when all this development comes to the area? Mr. Salmon responded that VDOT will look at the traffic situation. Mr. Joel Mostrom asked if he could respond. Chesapeake will present site designs when they get ready to build and the questions raised are good ones. They don't have users for this park in hand and they can't give the layout of the roads and the entranceway right now. They will work with VDOT closely when the time comes to submit the site plans. Mr. Salmon added, in regards to the question on water, the industrial park will be served by the new water tower being put up and there are monitoring wells put in place also. Mr. Salmon closed this portion of the public hearing. Mr. Boroughs moved to approve the rezoning application C-5-95 based upon the light industrial designation and development goals and objectives contained in the adopted Route 33 Area Plan. Mr. Burrell said he thought this was a good place for an industrial park but wanted to know if they could look at the entrance road. Mr. Salmon replied, that will come when they send in the site plan and it will be looked at by

VDOT and the Planning Commission. We can pull the comments from the citizens and send them to the Planning Commission when they start the review of the site plan. Mr. Boroughs also wanted VDOT to take a look at the traffic light situation when they review the site plan because that is a busy area. Mr. Ringley added, at the Planning Commission he voted against the proposal because no one from the Chesapeake Corporation was there to answer questions. He also stated Mr. Mostrom did call him to say there was a mix up on the meeting date and Chesapeake apologized for no one showing up to answer questions. Mr. Ringley continued, he was not against any industrial development in New Kent County but he did vote that way at the Planning Commission because he strongly felt someone from the Chesapeake Corporation should have been available for any questions.

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| James H. Burrell   | Aye |
| E. David Ringley   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

Motion passed.

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IN RE: HENRICO MENTAL HEALTH & RETARDATION

Mr. James Stewart from Henrico Mental Health made a presentation to the Board of Supervisors concerning the impact of recent initiatives by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services. Mr. Stewart indicated if the Virginia Department of Mental Health is successful with these initiatives, his funds will be cut back requiring a significant loss of services. He also indicated in order to continue the level of service he currently provides New Kent County and other participating communities, he will need additional funds from the participating communities if his funds are reduced by the State Department of Mental Health. Mr. Stewart said this will be sent to VACo for their consideration. Mr. Ringley told Mr. Stewart if he needed help in the legislative session to please let the Board know. Mr. Stewart said he had given Mr. Emerson some language to add to the Board's legislative package for 1996. The Board members asked several questions of Mr. Stewart which he tried to answer. The Board will add something to the legislative package to show their support.

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IN RE: COMMUNITY CRIMINAL JUSTICE

Ms. Katie Green, Director of Colonial Community Corrections addressed the Board and explained the agreement she hoped they would approve. The purpose of this agreement is to enable the participating jurisdictions to develop, establish and maintain community-based corrections programs to provide the judicial system with sentencing alternatives for certain misdemeanants or persons convicted of nonviolent felonies, for which the Court may impose a jail sentence and who may require less than institutional custody. Also to allow the participating jurisdictions greater flexibility and involvement in responding to the problem of crime in their communities. To provide more effective protection of society and to promote efficiency and economy in the delivery of correctional services; to provide increased opportunities for offenders to make restitution to victims of crimes through financial reimbursement or community service; to permit the participating jurisdictions to operate and utilize programs and services specifically designed to meet the rehabilitative needs of selected offenders and to provide appropriate post-sentencing alternatives in localities for certain offenders with the goal of reducing the incidence of repeat offenders. There is no funding required by the County, it will be provided from the State and you can withdraw after giving three months notice. At the present time, after much deliberation, there will be 20 members on this board. They based this number on population and number of problems in each locality. New Kent will have one appointment to this board. Mr. Burrell inquired if there was anything in the legislation that prohibits a lay person from being a part of this? Ms. Green responded, the appointments are to be made

from among a list of specific types of local officials, judges, and attorneys (such as commonwealth attorney, etc.). Mr. Bradby stated one of his concerns was this would mean more bureaucracy created and this has to be paid for. Ms. Green responded by saying, this is the only program available for these localities to drive this legislation. The funding is 100% from the State. There was some further discussion between Ms. Green and the Board members as to how the number of members was arrived at and what this board's objectives would be. Mr. Bradby said at this time he was not ready to make a decision on this agreement. Mr. Burrell also added he agreed with Mr. Bradby and he couldn't support this unless a lay person could be on the board. Some discussion continued then Mr. Burrell moved to table this issue until the November meeting.

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|--------------------|-----|
| James H. Burrell   | Aye |
| E. David Ringley   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

Tabled until November meeting.

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IN RE: APPROVAL OF BILLS FOR ATHLETIC FACILITY

Mr. Emerson explained these were more bills for the athletic facility and these monies are included in the lease arrangement with First Union Bank. The Board must approve them first and then they are forwarded to the First Union for payment. Mr. Ringley moved to approve the bills for the athletic facility in the amount of \$30,407.00.

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|--------------------|-----|
| James H. Burrell   | Aye |
| E. David Ringley   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

Motion passed.

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IN RE: APPOINTMENTS

Mr. Burrell moved to appoint Kenneth Otey as District Three's representative to the Transportation Safety Commission for the term ending December 31, 1998. Mr. Salmon moved to appoint James Uzel as District One's representative to the Transportation Safety Commission for the term ending December 31, 1998 and also moved to appoint Alan Files as District One's representative to the Recreation Commission for the term expiring December 31, 1995.

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|--------------------|-----|
| James H. Burrell   | Aye |
| E. David Ringley   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

Motion passed.

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IN RE: MEETING SCHEDULE

The regular meeting of the Board of Supervisors has been changed and will be held on Wednesday, November 15, 1995 at 7:00 p.m. There will be joint meeting starting at 6:00 p.m. with the Airport Advisory Commission and the Board of Supervisors. The Planning Commission will meet on Monday, October 16, 1995 at 7:30 p.m.

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IN RE:           CITIZEN'S COMMENTS

Ms. Lily Wilson lives in New Kent and works for Quinn Rivers. She shared with the Board of Supervisors some of the problems the elderly people of the County are experiencing. They receive calls at Quinn Rivers asking for Legal Aid help with some of these problems. One case in point was a women living in the County being charged exorbitant prices for repairs to her home and then the repairs not being done properly. Ms. Wilson said another case was a women who had contracted for work to be done with money she was expecting to receive. She did not receive the money and had the contractor stop work. Over the last fourteen years she continued to pay for work that was never completed and the contractor was going to foreclose on her property. Ms. Wilson contacted Mr. Robert Boroughs and asked if he would look at the work performed and get his opinion. Mr. Boroughs did review the house and found so little done for the amount of money this contractor was asking. This case went to court and Mr. Boroughs testified in the lady's behalf and the Judge ruled in the woman's favor. Mr. Ringley suggested they notify the elderly of available services by way of the County newsletter. Mr. Boroughs said this was a lady in District 3 and we really need to let the elderly know where they can go for help. It was the general consensus of the Board for the County Administrator to contact the Director of Quinn Rivers to let them know of the Board's concern and ask what help is needed.

Ms. Betty Burrell spoke on the resolution that was passed earlier in the evening. She said it was left out of her Board package, had she known they would act, she would have had counsel present. The legality of the action taken may be challenged by Treasurer's Association of Virginia. This issue was discussed at the last Treasurer's meeting. It was the opinion of counsel that the Board cannot usurp the authority of the Treasurer, which is in fact what the resolution could allow. You may say the County Attorney will "work with the Treasurer", however the Treasurer's duty is established by the Constitution of Virginia, the County Attorney is not supposed to work with the Treasurer, but to work for the Treasurer. This resolution changes Mr. Cornwell's title from County Attorney to County Treasurer. She said they stepped over their boundaries, they would be well advised to rescind their resolution. Mr. Salmon asked Mr. Cornwell to address Ms. Burrell's remarks. Mr. Cornwell said he was at a loss for words, he thought part of his job as County Attorney, as listed in the job description, was to collect taxes upon direction of the Board. Ms. Burrell gave him a list of names to collect taxes on and he started collecting them. He wrote her a letter for her approval and she approved it. Mr. Salmon stated they were following procedure in order for the attorney to proceed to collect taxes and he needs direction from the Board. The Board passed the resolution asking him to collect delinquent taxes. Any taxes over three years old needs to be pursued to be collected, I don't think anyone would disagree that these need to be collected. The resolution tonight was not meant to circumvent the Treasurer's authority in any way. Ms. Burrell interjected, had she known they were going to address this tonight, she would have had counsel present. She received a memo from Mr. Cornwell stating they were considering all the properties, not just the 112, for collection. If he can do the 112 he will be very fortunate, other local counties do approximately 15 at a time. Ms. Burrell continued, what really astonishes her was that she has collected \$1.72 million dollars more than what the Board has budgeted for and now a month prior to the election, that is not good enough, you have to turn it over to the County Attorney. She stated "I think the handwriting is on the wall". Mr. Salmon responded that he thought she misinterpreted the resolution. All they asked the County Attorney to do was collect on overdue taxes. Ms. Burrell provided Mr. Cornwell with the list of names and we passed the resolution for him to collect these taxes. He was dumbfounded as to why there was a conflict. Ms. Burrell replied, the resolution does not specifically speak to the Treasurer's direction, Mr. Salmon interjected, let's get that resolved by having the Virginia Treasurer's Association contact Mr. Cornwell and we will work it out.

Mr. Burrell said he was surprised, he felt that in passing this resolution that the Treasurer was involved. The Treasurer has documented many times and has repeatedly asked for help in getting delinquent taxes collected. It was surprising to him that this has to be done by a resolution when the request has been made over and over. Is this because of an election? Why is it all of a sudden. When he voted for it tonight, he thought it was done between the Treasurer and the County Attorney. If he had been aware that it wasn't he would not have voted for it. He continued, the Board doesn't have to pass a resolution when the request has been made of the County Attorney to assist in this matter. Mr. Salmon interjected, let's have the two attorney's get together, the Treasurer's attorney and ours and see if the language can be worked out. Mr. Burrell replied, it is not between the two attorneys, it is about why this happens when the request had been made. Mr. Salmon added, there is an answer. Does the Treasurer tell the attorney what to collect or does the Board tell the attorney to collect the delinquent taxes? Mr. Burrell interjected saying, that is not the question he had, the request has been made repeatedly for the County Attorney to assist in this. Mr. Salmon again interjected, that is the question, is he to assist or is he to collect delinquent taxes, that is what we need to get answered. Mr. Cornwell added, he was not trying to usurp anybody, he was trying to do what is necessary to assist the Treasurer in collecting taxes. Mr. Ringley said what the entire Board wants, if there are delinquent taxes over three years, we want those taxes collected or the legal means taken exhausted trying to collect those taxes. If they are collected by the Treasurer or the County Attorney, we need these taxes collected. Mr. Burrell said he didn't have a problem with that. Mr. Ringley added, he thought that was what the resolution stated. Ms. Burrell is the Treasurer and she can go to a certain point, after that it is turned over to the County Attorney for legal action. Mr. Ringley said he was under the impression that a resolution was needed authorizing him to collect these taxes. Ms. Burrell said she had a question. Why from 1980 when the County Attorney's position was first established under the Board of Supervisors, for the two purposes of handling the airport manager and assisting the Treasurer in collection of delinquent taxes, how from 1980 to 1995 the job description of the County Attorney has changed so drastically that the Board finds it necessary to adopt a resolution to tell him to take over the collection of delinquent taxes? Ms. Burrell said she has lowered the collection of the delinquency rate lower than it has been in ten years, and now you say you did this for giving him the authority to collect when he has had the authority with the title County Attorney since 1980. Mr. Cornwell replied, the job description of the County Attorney says "to collect such delinquent taxes as the Board of Supervisors may direct." Mr. Salmon added, we are looking to collect taxes more than three years old. Mr. Ringley also added, this is the first time a resolution has come before him, if it had come each year he would have voted yes each time. Ms. Burrell replied, that would have been fine because each year she has been in office she has been asking the County Attorney to help collect these taxes. There has never been a question for a need of a resolution until thirty days before her re-election. Why hasn't a resolution been made before? Mr. Salmon asked if they could work through this, collect the taxes that are owed and if there is a disagreement on language, we need to hear from Virginia Treasurer's Office to get it resolved. Mr. Bradby added he thought the County Attorney and Treasurer were working together on this and thought the Board needed a resolution to authorize the attorney because the Board pays the attorney's salary and that the Board has to authorize him even when the request comes from the Treasurer.

Ms. Sam Snyder asked the Board to consider a few items when they do their legislative packet for the General Assembly. One item is to support the PTA's resolution to institute a Dram Law. This would require individuals who knowingly sell liquor to minors to be held accountable for that action. The other item would be to urge the General Assembly to allow lottery funds to help fund education.

Mr. Wilbur Tate wanted to bring the Board of Supervisors up to date on a recent rescue. This was for a construction worker who fell into the water tower. There were approximately 50 firefighters and rescue workers there to get him down. It took over 2 1/2 hours of intense rescue work. He was 90' up in the air. New Kent, West Point and James City all responded. Without the professionalism and training that they have done as volunteers this patient might not be alive today. He wanted to thank the other counties for

being there and their assistance in getting this patient down. Mr. Boroughs added, he wanted to thank him also for his work in this rescue.

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IN RE:           ADJOURNMENT

Mr. Bradby moved to adjourn.

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| James H. Burrell   | Aye |
| E. David Ringley   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |