

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE TWELFTH DAY OF SEPTEMBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-FOUR IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING BEGINNING AT 7:00 P.M. WITH FOUR MEMBERS PRESENT; MR. SALMON ARRIVED LATE.

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IN RE: MINUTES

The Chairman called the regular meeting to order. The invocation was offered by Reverend Floyd Jefferson. Mr. Bradby, Mr. Boroughs, Mr. Ringley and Mr. Burrell were all present at Roll Call, Mr. Bradby moved to approve the minutes for meetings held on August 8, 23 and 29 as presented.

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

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IN RE: FINANCE REPORT

Ms. Alease Christian, Director of Finance, gave her report. Ms. Christian made note of the increase in Payroll. The Sheriff's Department has hired two new 911 Dispatchers and Public Works have added approximately 10 temporary workers for the dumpster sites. Mr. Boroughs moved to approve the expenditures for the month of July totaling \$716,096.43 and for the month of August totaling \$336,817.38 as presented in the monthly expenditures report.

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

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IN RE: ELECTED OFFICIALS REPORTS

Following the report given by Ms. Betty Burrell, she noted that some investments have been made with Commonwealth Investment Counsel. Mr. Ringley questioned the investment with Commonwealth Investment Counsel to see if there was a conflict with our local banking contract. Ms. Burrell explained this is the same group that handles SNAP which is the State non-arbitrage program for investing funds and there was no conflict. Mr. Burrell asked about a lock-in clause and Ms. Burrell explained that it has a 30 day clause. Mr. Bradby moved to approve the Treasurer's Report for the months of July and August 1994 and to authorize the Treasurer to continue to invest County funds in the highest yielding legal investment, subject to audit.

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

Mr. Boroughs moved to make James E. Cornwell, Jr. Special Counsel for the Board of Supervisors on a contractual basis until we take further action on the County Attorney's position.

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

Mr. Bradby moved to have a reimbursement made to Ms. Cindy Carr and Mr. Anthony Short on charges paid prior to August 8th, with interest, on the Minitree Glen water system that the County did not own at the time. Mr. Boroughs asked to have the motion postponed for one month and have the attorney look at all records. Mr. Bradby withdrew his motion and agreed to have this added to the October agenda and Mr. Cornwell will give a written report to the Board.

Mr. Bradby moved to instruct staff to immediately place hand rails on the platforms at all the dumpster sites to eliminate the possibility of any law suits. Mr. Emerson explained that hand rails had been installed at two of the locations today (Lanexa and Providence Forge) and Mr. Gallaher said the rest would be done by the end of the week. Mr. Bradby withdrew his motion.

Mr. Bradby asked to have an exit audit from the past County Administrator. Mr. Boroughs suggested to have a work session and meet with Robinson, Farmer and Cox and go over the Efficiency Study and audit at the same time. Mr. Salmon asked to go on record that he has no problem with meeting Robinson, Farmer and Cox on the Efficiency Study, but sees no need to spend taxpayers money on an exit audit because there is a audit every year.

Mr. Emerson was requested to draft a letter to the Board as to what issues need to be addressed with Robinson, Farmer and Cox. He is also requested to set up a meeting with Robinson, Farmer and Cox for September 26th at 6:00 P.M. Mr. Salmon requested an agenda item for next month or a work session to meet with the Fire Department to get the truck specifications.

Mr. Burrell asked for a Public Hearing on Tax Relief for the Elderly for the next meeting and Mr. Ringley also wanted the handicapped included. Mr. Cornwell will review the Ordinance and the Board authorized Mr. Cornwell to advertise for the Public Hearing on this issue.

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IN RE: STAFF REPORT

Mr. J. Lawrence Gallaher presented to the Board a brass business card holder and a cup to Mr. Emerson for their support while he was President of the Virginia Emergency Management Association.

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IN RE: RESIDENT ENGINEER'S REPORT

Mr. Riley reported that the few problems that were reported at the last meeting had been taken care of.

Mr. Burrell asked that he look into the exit road off of Rt 33 and 64 on the Eastbound side to Rt 33. The trash is not being picked up before they cut the grass.

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IN RE: APPOINTMENTS

Mr. Samuel Howard asked to resign from the Planning Commission from District 4 and Mr. Boroughs moved to appoint Mr. Howard to the Planning Commission for District 5.

Marvin D. Bradby	Aye
Robert A. Boroughs	Aye

Michael D. Salmon     Aye  
E. David Ringley     Aye  
James H. Burrell     Aye

Mr. Bradby moved to appoint Alan M. Bernstein to the Planning Commission for District 4.

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

Mr. Emerson brought to the Board's attention, the Virginia Association of Counties has made a second request for a member of the Board to represent the County as the legislative contact. Mr. Boroughs moved to appoint Michael D. Salmon as the County legislative contact for VACo.

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

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IN RE:            ABSTRACT OF VOTES ON REFERENDUM

The Chairman read the results of the voting on Pari-mutuel racing that was held on July 19, 1994. The cost for this vote was \$6,725.00. The vote was 1,468 Yes and 560 No.

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IN RE:            RESOLUTION OF APPRECIATION

Mr. Ringley presented to Mrs. Kathy Stroube, on behalf of her husband, Dr. Robert B. Stroube, a Resolution of Appreciation for all his hard work on the Wetlands Board and Planning Commission.

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

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IN RE:            PUBLIC HEARING, AMENDMENT OF SECTION 9-245.

Mr. Emerson presented to the public a request to make changes to Section 9-245 of the Code of New Kent County. This request is to allow service, of a group of up to 10 people, a breakfast meal as part of a meeting package and to host meetings of not more than 10 people, while having an outside caterer provide meals for these groups. The Chairman opened the public hearing. Mrs. Wilson asked that the Ordinance be approved. No other comments were made, and the public hearing was closed. Mr. Boroughs moved to adopt Ordinance O-05-94 as proposed.

Marvin D. Bradby     Aye  
Robert A. Boroughs     Aye  
Michael D. Salmon     Aye  
E. David Ringley     Aye

James H. Burrell            Aye

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FOR ORDINANCE O-5-94 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 288.

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IN RE:                    EXECUTIVE SESSION

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) of the Code of Virginia.

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

Mr. Boroughs moved to return to regular session.

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

Mr. Salmon certified that 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.

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

The Chairman made public the discussions in the Executive Session which were, an issue on a contract at the airport and a discussion on the Regional Jail with Henrico County.

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IN RE:                    LEASE AGREEMENT, AMENDMENTS TO REGIONAL JAIL CONTRACT AND  
                                 REGIONAL JAIL BOND ISSUE.

Mr. Bradby moved to table this item until the 26th of September.

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

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IN RE:           BLACK CREEK RESERVOIR

Mr. Ringley stated he wanted Newport News aware that he will be very selfish as it pertains to the reservoir project and how it is conducted.

Mr. Randy Hildebrandt, Assistant City Manager, City of Newport News apologized for the way things were handled in the past few months and valued the cooperative relationship they have had with the County over the past several years. He explained that the King William site was the favored reservoir but the Corp of Engineers require further study of the Black Creek site to determine which location will have the least environmental impact.

Mr. Boroughs made mention that he has been working on the water needs for the County since 1983 and this is something that will have to be continued for the future of the County. He asked the public to keep an open mind and look to the future needs.

Mr. David Morris, Planning & Programs Manager, City of Newport News spoke showing graphs of the water needs for the next 50 years. The Corp of Engineers demanded a detail of the Wetlands for Black Creek, King William and Ware Creek to look for the best possible water usage. He showed a graph of what the area would look like with the reservoir and where the pipelines would be and explained this was needed to show the Corp the impact on the Wetlands. Mr. Boroughs mentioned that the pipelines are not cast in stone. They need to get access before the hunting season because that would really cause a great delay and their deadlines would not be met.

Mr. Ringley stated he felt any notices in the future should go out on Newport News stationary and the Board of Supervisors receive a certified copy of same.

Mr. Bradby felt the Board should demand that Newport News set up a meeting place so the public could ask their questions and know exactly what they would be doing.

Mr. Salmon requested Newport News make sure that the consultants they use have the permission of each landowner before they go on any property.

Mr. Bruce Schwennecker of Malcolm Pirnie addressed the issue of gaining access to the properties to do the Wetlands study. He apologized for the way in which it was handled before and presented an outline of how they would like to address it now. The first thing they would do is send a letter to each property owner that they need access to, which would also include an information packet and a map. Also, they will be notified 48 hours prior to their visit. Secondly, they would hold several meetings with the property owners to clear up any of their questions and concerns. A second letter would be sent out to those that don't respond to the first letter and they would notify the County of those people who would not give their permission.

Mr. Bradby asked for legal opinion on the 1926 Statute for eminent domain.

Mr. Hildebrandt requested that the County enter into an agreement showing their willingness to consider a partnership with Newport News and would send a draft in the next 30 days.

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IN RE:           REGIONAL JAIL WATER & SEWER

Representatives from R. Stuart Royer, Mr. Herb Braun, Mr. Matt Easterbrook and Mr. Bill Randall made a presentation to the Board concerning the development of water and sewer utilities for the Regional Jail.

Mr. Braun gave a broad overview of the project and their hopes of submitting the Waste Water Treatment Plant permit to the Health Department by October 1st.

Mr. Easterbrook showed the layout of the water and waste water systems proposed for the jail.

Mr. Bill Randall explained the layout of the treatment system and the plans for any future development. R. Stuart Royer will send copies of all drawings to the Board.

The Board approved the sign off on the permit to advertise.

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IN RE:                   RESOLUTION ON SCHOOL ATHLETIC FACILITIES

Mr. Ringley moved to accept Resolution R-20-94 declaring its intention to reimburse itself from the proceeds of one or more tax-exempt financings for certain expenditures made and/or to be made in connection with the acquisition, construction and equipping of athletic field and related facilities capital improvements.

After a lengthy discussion of the Board members it was determined the Acting County Administrator would do a spreadsheet on the financing of the athletic facility, fire trucks and industrial park.

Mr. Crump was asked how it would be affected if they tabled the Resolution for one month. Mr. Crump replied that the Board approved the capital improvements in January and approved the funds in June, the contractors have already been notified and some work has already been started.

Mr. Ringley reluctantly withdrew his motion.

Mr. Boroughs moved to table Resolution R-20-94 until the next Board Meeting and have Mr. Emerson do a spreadsheet on the fire trucks, industrial park and the athletic facility.

Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	No
E. David Ringley	No
James H. Burrell	Aye

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IN RE:                   RESOLUTION OF VPSA LOAN

Mr. Stephen L. Johnson explained to the Board how the funding of the bonds are to be handled in reference to the Literary Fund to buy out the note from the Primary School.

Mr. Boroughs moved to adopt Resolution R-21-94 authorizing the New Kent County School Board to apply for funding from the Virginia Public School Authority for the expansion, renovation and equipping of a capital project for school purposes and;

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FOR RESOLUTION R-21-94 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 290.

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Mr. Boroughs also moved to adopt Resolution R-22-94 regarding New Kent County's intention to reimburse the County from debt incurred by it for certain expenditures.

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

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FOR RESOLUTION R-22-94 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 291.

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IN RE:            APPROPRIATIONS

Mr. Boroughs moved to appropriate \$11,000 on Line Item No. 32020-5663, State Fire Program Fund; \$2,500 on Line Item No. 92040-5692, Middle Peninsula Regional Juvenile Detention and \$31,579.32 on Line Item No. 62200-0088, Federal School Programs.

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

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IN RE:            REFUNDS

Mr. Ringley moved to refund Gregory D. Forrest \$233.82 for personal property taxes, and Earl W. Brown, Sr. on behalf of his son in the amount of \$173.22 for a vehicle no longer in the County, Key Construction Company \$32.70 for a permit not used, \$43.03 to Carolyn and Anthony Snipes and \$436.32 to William Newman for monies collected in error.

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

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IN RE:            MEETING SCHEDULE

Mr. Burrell announced that the next regular Board Meeting will be held on October 10, 1994 at 7:00 P.M. The Board and the Planning Commission will hold a joint Public Hearing on Monday, September 19, 1994 at 8:00 P.M. The Board will also have a Work Session on September 26, 1994 at 6:00 P.M.

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IN RE:            CITIZENS COMMENT PERIOD

Ms. Patricia Townsend wanted to thank Mr. Bradby, Mr. Emerson, and Donald Rice for attending a meeting as it pertains to the water problems. She expressed her desire for the Board to advertise for the County Administrator's position to get the best possible qualified person. She also would like to request that in the event a reservoir would be placed in New Kent County, the Board would take into consideration the historical aspect of St. Peters area. She inquired about the amount of water the City of Newport News uses and the amount of what it sells.

Mr. Aubrey Evelyn was critical of the Board and how they were handling the current issues before them and those in recent past. He also asked the position of County Administrator be advertised.

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IN RE:           ADJOURNMENT

Mr. Bradby moved to adjourn the meeting.

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

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R. J. Emerson, Jr., A.I.C.P.  
Acting County Administrator

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James H. Burrell  
Chairman