

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE TWELFTH DAY OF DECEMBER 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 ALL MEMBERS PRESENT. THE INVOCATION WAS OFFERED BY THE HONORABLE JAMES H. BURRELL, CHAIRMAN, FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

IN RE: LEGISLATIVE PACKAGE

Senator Elmo G. Cross, Jr., Senator for the State of Virginia and Delegate George W. Grayson for the Virginia General Assembly were present to accept the legislative package as presented by the Board. Supervisor Salmon thanked them for their support in getting the race track in New Kent County. Mr. Emerson briefly highlighted items contained in the legislative package. Members of the Board made comments and asked questions of both Senator Cross and Delegate Grayson on this package as presented. Both Senator Cross and Delegate Grayson mentioned some of these items may change when they receive Governor Allen's proposed budget cuts on December 19th.

IN RE: MINUTES

Mr. Burrell requested Mrs. Abbs name be added to the statement by Mr. Salmon in reference to Freedom of Information Act. Mr. Bradby moved to accept the minutes with the correction.

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

IN RE: FINANCE REPORT

Ms. Alease Christian, Director of Finance gave the report for the month of November. Mr. Boroughs moved to approve the expenditures totaling \$643,500.44 as presented in the monthly expenditure report. Mr. Bradby mentioned \$289,860.72 will be reimbursed from the regional jail.

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

IN RE: ELECTED OFFICIALS REPORTS

There was no report from the Treasurer because of illness. Mr. Ringley mentioned the recognition of New Kent County when he attended the VACo meeting in November with the coming of the race track. People from all over the state were excited about pari-mutuel racing coming into Virginia.

IN RE: STAFF REPORTS

Mr. Emerson brought before the Board an opportunity to participate in the ISTE grant, as they had previously done, which promotes "Virginia's Civil War Trails". This would mean an approximate \$2,000 contribution. Mr. Emerson requested authority to advertise for Public Hearing in January. Mr. Ringley

moved to advertise for a Public Hearing of the ISTEA "Virginia's Civil War Trails" grant application to be considered at the January meeting.

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

Mr. Emerson also brought before the Board a request from Superintendent Adams of having a joint meeting with both Boards on budget items. The Board agreed to a joint meeting at 6:00 P.M. on January 9th prior to the regular Board of Supervisors Meeting.

Mr. Boroughs moved to authorize the County Administrator to advertise for a contractual attorney.

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

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Riley met with Mr. Francisco and looked at the placement of road signs on his property and will return to make some adjustments. Also on Rt. 60 and Rt. 249 they have received bids for the work to be done at this intersection and the contract will be awarded on December 15 with the work to begin in the spring.

IN RE: EXECUTIVE SESSION

Mr. Ringley moved to go into executive session to discuss a personnel matter pursuant to § 2.1-344(a)(1) of the Code of Virginia and 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. Bradby 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. Ringley 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.

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

Mr. Ringley stated the reason they were in executive session was to review matters concerning the airport litigation. No decision has been reached at this point, and later on in the meeting they will return to executive session to continue discussions on this matter and a personnel matter.

IN RE: PUBLIC HEARING - ORDINANCE O-09-94 COURTHOUSE MAINTENANCE FEE

Mr. Cornwell, Special Counsel, explained this ordinance is to allow, but not increase, the charge of \$2.00 for all filings under the Uniform Federal Registration Act, in addition to criminal, traffic and civil cases. This makes uniform the fee to all filings in the Circuit Court. The Chairman opened for public hearing. No comments being made, the Chairman closed the public hearing. Mr. Boroughs moved to adopt Ordinance O-09-94 as presented.

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

FOR ORDINANCE O-09-94 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 323.

IN RE: PUBLIC HEARING - ORDINANCE O-15-94 LIBRARY FEE

Mr. Cornwell, Special Counsel, explained the Code of Virginia allows the assessment of a Law Library Fee of \$2.00 as part of the costs for civil actions filed in the Courts, for the establishment, use and maintenance of a Law Library. This fee is being established in an effort to help the County subsidize the costs of the library and also to assist in the establishment of that Law Library in the new courthouse.

The Chairman opened for public hearing.

Ms. Diana Abbs made comment that she is in agreement if it is kept current.

The public hearing was closed. Mr. Boroughs moved to adopt Ordinance O-15-94 as presented.

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

FOR ORDINANCE O-15-94 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 324.

IN RE: PUBLIC HEARING - ORDINANCE O-14-94 PENALTY ON TAXES

Mr. Cornwell, Special Counsel, said the amendment to Section 14-3 of the County Code reducing the amount of penalties for administrative costs associated with collection of delinquent taxes from \$25.00 to \$20.00 is to comply with the Code of Virginia.

The Chairman opened for public hearing.

Ms. Diana Abbs asked if those who have been overcharged are entitled to receive the \$5.00 and was advised yes.

No further comments being made, the Chairman closed the public hearing. Mr. Boroughs moved to adopt Ordinance O-14-94 as presented.

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

FOR ORDINANCE O-14-94 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 325.

IN RE: PUBLIC HEARING - ORDINANCE O-12-94 TO ENACT SECTION 3-33
(EXTENSION HAMPSTEAD, NORTHBURY, SHIMOKINS AFD & O-13-94 TO
AMEND AND REENACT SECTIONS 3-7 REMOVAL FROM YORK RIVER.

Mr. Emerson explained to the Board these were AFDs the Planning Commission had approved and now were being presented for the public hearing. On the first one O-12-94 they found it met the Agricultural and Forestal Districts Act and recommended that it be approved and run concurrently with the existing Hampstead-Northberry-Shimokins AFD. The second ordinance O-13-94, is for the removal of property from the York River AFD, to allow Mr. Richard Chapman to sell 2.06 acres of his 281.3 acres in order to transfer ownership of the property to a new owner.

Mr. Burrell opened for public hearing.

Ms. Diana Abbs inquired if they were three separate parcels, referring to Hampstead, Northbury and Shimokins, Mr. Emerson answered saying they appear to be two separate parcels of land, Tax Map and Parcel Number 2-46 and 2-46A. She also inquired as to the owners of the property and was told the owners of the Hampstead, Northbury, Shimokins was Esther E. Whitlock and Mr. Richard Chapman owns the York River property.

The Chairman closed the public hearing. Mr. Boroughs moved to adopt Ordinance O-12-94 and Ordinance O-13-94 as presented.

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

Mr. Burrell announced Agenda Item #10 Black Creek Reservoir Overlay Study as requested by Mr. Boroughs. Mr. Ringley asked to change the agenda to allow Item 20 next because of the large representation from the Fire Departments and made the motion to same. Mr. Boroughs made a friendly amendment to allow Mr. Mike Johnson of Colonial Downs to present before Item 20. Mr. Johnson replied he would be happy to wait.

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

IN RE: FIRE APPARATUS

Mr. Larry Gallaher, Director of Public Safety said they were waiting for approval from the Board to purchase the fire apparatus that is so critically needed by the three fire departments. His recommendation remains going with the commercial chassis vehicles. The Board members asked Mr. Gallaher a number of questions in relationship to the difference between commercial and custom. They also had questions on the specific needs of the fire departments and what type of vehicle would fit those needs. Mr. Gallaher explained they needed three vehicles and those needs could be handled very well by a commercial chassis. They would save the most by ordering all three trucks at the same time. After a lengthy discussion with Mr. Gallaher, the Board members requested to hear from the Fire Chiefs present to hear their opinion of what is needed.

W. C. Pearson, Company 2 Chief, spoke to the Board of Supervisors. He had a needs assessment prepared and explained his reasoning for preferring custom versus commercial. Mr. Pearson presented the Board with a proposal for three custom trucks at a total cost of \$554,655.00.

Wilbur Tate, Chief of Company 3 addressed the Board next and explained the desperate need for this equipment and he understood the problem with the financing of this equipment but this was an issue that needs to be decided on and quickly.

Jeff Jeter of Company 1 told the Board that in his work profession he specs vehicles and had spoken with a few other fire departments about the tankers. He felt the custom trucks would have a longer life span than the commercial trucks.

The Board requested to see a year end report from the Treasurer's Office to see exactly where the finances stand. After discussion among the Board, Mr. Boroughs moved to approve up to and no more than \$435,000 for the fire trucks. Further discussion ensued, Mr. Salmon moved to table Mr. Boroughs motion until on or before January 9, 1995.

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

The Board asked the County Administrator to contact the Treasurer to find out when she will have the year end financial report available for the Board to review.

IN RE: APPOINTMENTS

Mr. Bradby moved to reappoint Lonzo Cornett to the Airport Advisory Commission. Mr. Bradby also moved to reappoint Alan Bernstein for a four year term on the Planning Commission and to appoint Patricia Townsend to a three year term filling out Reverend Jefferson's term on the Planning Commission. Mr. Ringley moved to appoint M. Conway Adams as District Two's representative to the Transportation Safety Commission to fill an unexpired term ending December 31, 1995. Mr. Burrell moved to appoint Eugene Williams to the Local Disability Services Board for the term ending December 31, 1994 and Joyce Turpin as District Three's representative to New Kent Clean County Committee to fill an unexpired term ending December 31, 1995.

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

IN RE: COLONIAL DOWNS

Mr. Mike Johnson gave a brief report on the progress of Colonial Downs. They have had two cutting crews over the last 30 days cutting approximately 60 acres and two survey crews working. They also had a road crew start on the entrance road. They are still progressing even with the appeal pending. Mr. Salmon asked about having a spring outing to invite the Richmond Regional Planning District Commission to keep the track in the forefront. Mr. Johnson felt there would be no problem and would look forward to showing the progress being made.

IN RE: BLACK CREEK RESERVOIR OVERLAY STUDY

Mr. Boroughs moved to table this until the February meeting.

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

IN RE: ABSTRACT OF VOTES

Ms. Gwen Ellyson, Registrar presented the Abstract of Votes from the November 8, 1994 election. She gave the Board a breakdown of the voter registration activity for the past year. New Kent's percentage was 74% compared to 69.3% statewide.

IN RE: FAX MACHINE - RESCUE SQUAD

Mr. Ringley moved to reimburse the Rescue Squad for the fax machine. Mr. Bradby made a friendly amendment to Mr. Ringley's motion that no other purchases will be made and presented to the Board without prior approval of the Board outside of budgeted money. Mr. Boroughs spoke saying he could not

support this payment because it was not done in the proper form. Mr. Salmon said the Rescue Squad felt they had the approval and that is why they purchased the fax machine. Mr. Salmon questioned the wording of the motion and felt it should read, not spending any 911 money, without prior approval.

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

IN RE: WATER BILL REFUND

Mr. Ringley moved to approve the water refund of \$26.25 to David Gordinier. Mr. Bradby could not agree because the average was based on a defective meter and asked to go to the minimum charge for water. Mr. Ringley withdrew his motion. Mr. Bradby moved, due to the fact of the uncertainty of time the meter was defective, to reduce the amount to the minimum charge of \$30.00 for this one time. The refund would be \$55.20 for David Gordinier.

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

IN RE: C-3-94 REZONING BEAR ISLAND

This rezoning issue was tabled from the October meeting. Mr. Riley, Resident Engineer addressed the Board and he informed them he did have a conversation with Mr. Rick about the road. The developer is willing to donate the right-of-way for the part of road to be rezoned. Mr. Riley mentioned the amount of work done to the road the previous week of regrading, working on the ditches and putting some gravel on it. Because of the weather the road had deteriorated again and they had to go back and put 10 loads of stone on the road. He felt additional traffic over a period of time will have a major impact on the road. After further discussion with the Board, Mr. Rick representing the developer was asked to speak. Mr. Rick reiterated his previous statements about the development. These will be approximately 15 acres, or more, lots and it is usually a slow process in the development. He also mentioned they had received the highway departments actual numbers which had hour by hour counts of the traffic on Route 656. There were some differences and one reason is there is an automobile repair shop at the end of the cul-de-sac which it is not zoned for and this would bring in heavier vehicles and more traffic. Mr. Salmon mentioned he had hoped they would come up with a better compromise than they did. The residents along the road now are having many problems with the curves and with an increase in traffic he can't foresee it getting any better at all. He asked Mr. Riley about straightening the curves and was told it would have to be added to the six year plan. Mr. Salmon moved to deny Rezoning Application C-3-94 based upon the recommendation of the New Kent County Planning Commission, upon the inadequacy of State Route 656 to handle the additional traffic from the proposed rezoning as indicated by letters from the State Highway Department, upon the erodibility index map which shows that the subject property is 82 1/2% highly erodible lands and the soil limitations map which shows that a high percentage of the property is rated as severe to accepting septic systems.

Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

E. David Ringley No
James H. Burrell No

IN RE: WOODS EDGE WATER AGREEMENT

Mr. Cornwell, Special Counsel, asked the Board to table this agreement until he had a response to his letter from Cabell and Associates. The amendment to this agreement deals with the connection fees and he would like to do more research before presenting this to the Board for recommendation.

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

IN RE: SCHOOL BOARD ORDINANCE/SCHOOL BOARD SELECTION

Mr. Cornwell, Special Counsel, said that the present School Board Selection Committee expired in July and the County presently does not have a selection committee in place. He spoke to Judge Powell and they felt they should reappoint the School Board Selection Committee until the elections in November.

Mr. Boroughs moved to approve the Order for submission to the Court, for reappointment of the School Board Selection Committee for New Kent County.

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

Mr. Cornwell also asked for permission to advertise an ordinance for consideration in January, stating that all school board members will be elected in November to take office in January. Mr. Boroughs moved to authorize Special Counsel to advertise for public hearing an ordinance establishing the elected school board; election district; term of members; filling of vacancy.

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

IN RE: REFUNDS

Mr. Bradby moved to approve a refund to George R. Rowan in the amount of \$609.00 for taxes paid in 1992 and 1993, I also move to approve a refund to John and Linda Knight, Jr., in the amount of \$619.50 for personal property tax payment and move to approve a refund to Walter J. Lipscomb, Jr. in the amount of \$63.67 for personal property tax on a vehicle.

Marvin D. Bradby Aye
Robert A. Boroughs Aye
Michael D. Salmon Aye

E. David Ringley Aye
James H. Burrell Aye

IN RE: R-30-94 VIP RESOLUTION

Mr. Emerson said this resolution is from the Virginia Cooperative Extension Council and is to urge Governor Allen to restore to their budget the amount of \$2,898,000. Mr. Boroughs moved to approve Resolution R-30-04 as presented.

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

FOR RESOLUTION R-30-94 VIP AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 331.

IN RE: JUVENILE DETENTION FACILITY CONTRACT

Mr. Cornwell, Special Counsel, explained this Resolution is for a special detention facility to be set up for all the counties listed in the agreement to hold juveniles until their hearing date. Mr. Boroughs moved to adopt Resolution R-31-94 as presented. Sheriff Howard spoke to the Board and explained how they have to handle the juveniles at the present time. They have no holding facility available here therefore they must transport these juveniles to other counties and if they have an overflow they must go and pick them up and transport them to another facility until their hearing date. This is a costly operation as far as transporting these juveniles and the loss of manpower involved.

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

FOR RESOLUTION R-31-94 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 333.

IN RE: HOLIDAY SCHEDULE

Mr. Emerson asked the Board to consider closing the County Offices at noon on December 30, 1994 to coincide with the schedule of the General District Court. Mr. Bradby moved to deny the request for closing at noon on December 30, 1994.

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

IN RE: APPROPRIATIONS

Mr. Salmon moved to approve \$1,275.00 for Social Services and \$93,254.00 for the Comprehensive Service Act.

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

IN RE: MEETING SCHEDULE

The regular meeting of the Board of Supervisors will be held on Monday, January 9, 1995 at 7:00 P.M. The Planning Commission will meet on Monday, January 16, 1995 at 7:30 P.M.

IN RE: CITIZENS COMMENT

Reverend Hathaway urged the Board to incorporate citizens involvement in the process of hiring the Planning Director and County Attorney. He felt the Board would benefit greatly having the Planning Commission involved in the selection of the Planning Director. He asked the Board to consider these requests.

Ms. Diana Abbs spoke about swimming in a sea of red ink now for several years now. Also about the unfortunate state of affairs when the lives of our families become secondary to pleasure, the funding of the athletic facility and the Courthouse and have the firefighters beg for equipment to protect our community. She asked the Board to rescind their vote on the athletic facility and part two of the Courthouse. Also to please advise the citizens of New Kent County how they expect someone with a BA in Geography to be accountable for a multi-million budget. Citizens of New Kent County would like to know what the total of fees paid to outside consultant sources were such as Resource International, MMM Corp., Greenhorne & O'Mara, Carter, Kaplan & Co., Buchart & Horn, Robinson Farmer Cox and Burcham Associates. She still doesn't understand why we are paying \$85.00 an hour for a contract attorney.

IN RE: EXECUTIVE SESSION

Mr. Ringley moved to go into executive session to discuss a personal matter pursuant to § 2.1-344(a)(1) of the Code of Virginia and 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. Bradby 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. Ringley 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.

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

Mr. Burrell mentioned the reason they were in executive session was in relation to the airport.

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