

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE THIRTEENTH DAY OF JULY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-TWO IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING. THREE MEMBERS WERE PRESENT AT ROLL CALL; MR. SALMON ARRIVED LATER. THE REVEREND MILTON HATHAWAY GAVE THE INVOCATION.

IN RE: MINUTES

Mr. Ringley moved to withhold approval of the minutes of the June 23rd meeting until the next meeting of the Board. He requested a more explanatory report of comments made by Mr. Moseley at the public hearing of June 23, 1992.

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

IN RE: TREASURER'S REPORT

Ms. Betty J. Burrell, Treasurer, gave her report for the month ending June 30, 1992. Mr. Bradby moved to approve the Treasurer's report for the month of June and to authorize the Treasurer to continue to invest County funds in the highest yielding legal investment, subject to audit.

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

IN RE: ELECTED OFFICIALS REPORTS

Mr. Boroughs asked the Board if they could concur on instructing Staff to research the subject of relief from the erosion and sediment control fees and return Staff's recommendation to the Board for consideration. The members concurred. Mr. Hart mentioned that it could be an agenda item for the first meeting in August, and would be set for a later public hearing.

IN RE: STAFF REPORTS

Mr. R. J. Emerson, Jr., Planning Director, announced that review of the Comprehensive Plan had been set for the next meeting, July 27, 1992. He said that the meeting would be advertised in the newspapers and that Draft Plans are available for purchase at \$10 per copy. Summaries are also available free of charge.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. R. H. Riley, Jr., Acting Resident Engineer, reported that he would update the Board on four items. (1) Ditches on one side of Rt. 665 have been cleared and the other side will be done by end of the week. (2) Some underground telephone cable is going in on Rts. 612, 606 and 608 and VDOT has received some complaints but the problem will be clear within a day. (3) The I-64 overlay project between Rt. 249 and Rt. 155 will start immediately. Contractor will be limited

until mid-September to working between the hours of 7 p.m. and 6 a.m. until summer traffic has died down, and then he can begin the work on a 24-hour basis. This contract will run about \$3.6 million. (4) A contract for the last portion on the Rt. 627 project has been awarded to Central Contractors of Ashland, will run under \$200,000.00. They anticipate starting by mid-August. Mr. Boroughs asked Mr. Riley to look into the possibility of installing a traffic light at the intersection of Rts. 273 and 33. Mr. Riley said that he would get traffic engineers to investigate.

IN RE: PUBLIC HEARING, ORDINANCE O-11-92, COURT FEES

Mr. Patrick J. Morgan, County Attorney, gave background information concerning the ordinance and explained that basically the proposed changes to the current ordinance will allow for the collection of the \$2 fee in civil cases as well as criminal or traffic cases.

Mr. Burrell opened the public hearing. There were no comments made by citizens regarding the ordinance and the hearing was closed.

Mr. Boroughs moved to adopt Ordinance O-11-92 and motion passed.

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

FOR ORDINANCE O-11-92 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 92.

IN RE: CAPITAL AREA AGENCY ON AGING

Ms. Mary C. Payne, Executive Director, presented each member of the Board with a draft copy of the Area Plan for Aging Services for the period 10/1/92-9/30/95, along with detailed financial information for FY 1993.

IN RE: APPOINTMENTS

Mr. Bradby nominated Ms. Bernice Minter to the Social Services Board. Mr. Salmon recommended Mr. David Frank to the Board of Trustees of Heritage Library and also nominated Mr. Rodney McNew to the Airport Advisory Commission. The motion to approve these appointments was made by Mr. Boroughs.

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

Mr. Boroughs moved to table appointments to the Hanover Health Advisory Board until persons with expertise in septic field installation and/or medical profession can be found to serve. Mr. Ringley explained that the Advisory Board needs persons who receive the services because the medical professional is already well represented.

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

IN RE: AIRPORT ADVISORY COMMISSION

Mr. Hart reminded the Board that they are to set the purpose and goals for the Commission. It was the general consensus of the members that they would study Mr. Hart's list of items to be considered, and that they would present questions and/or additions at the next meeting.

IN RE: FINES AND PREPAYMENT SCHEDULE

Mr. J. Lawrence Gallaher, Director of Public Safety, explained the need for the new Fines and Court Costs Prepayment Schedule, and said that after July 1st the court cost would be \$26 rather than \$24 as listed. Mr. Gallaher said that the proposed schedule would be referred to the Judge of the Circuit Court for his approval. Mr. Ringley moved that the fee be changed to \$100 for "Use of county operated waste receptacle by non-resident."

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

Mr. Boroughs moved to set the matter for public hearing on August 10, 1992.

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

IN RE: PROPOSED WATER AGREEMENT WITH NEWPORT NEWS

Mr. Hart said that, in response to several questions of Board members, negotiations with City of Newport News were reentered concerning an increase in mitigation funds. He called on Mr. Paul W. Jacobs, II, Attorney, to discuss the changes. In addition to detailed explanation, Mr. Jacobs recommended that New Kent have procedures in place for handling the mitigation fund, in order that all citizens would be treated fairly.

Mr. Ringley moved that County of New Kent cease all talks with the City of Newport News concerning the proposed water agreement. Mr. Ringley said that he felt that, unless it goes before the County voters as a referendum, the meager income, the unreasonable mitigation fee, the wells and pipeline facilities that Newport News has promised in the proposal are not worth the potential negative impact on the County's environmental and economic resources. Mr. Boroughs read a statement which he had prepared and requested that it be made a part of the record.

FOR COPY OF MR. BOROUGHS' STATEMENT, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGES 93-94.

Concerning the possibility of a referendum, Mr. Morgan, County Attorney, said that State law does not allow for referendum for advisory purposes. Mr. Ringley's motion failed as follows:

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

More discussion with Mr. Jacobs followed. Mr. Bradby said that he was not able to find any one who recalled the Board taking any action on what Newport News did before the actual purchase or condemnation of land for the Diascund Reservoir. Mr. Jacobs said that to his knowledge they acted under the 1926 Act of the General Assembly to purchase land and in most cases negotiated sales, about 75%, and in about 25% of cases in disagreement condemnation powers were used to obtain the remainder of the land. Under the Act there was a provision for New Kent to have protested in various fashions.

Following extensive discussion among the Board members, Mr. Salmon moved to defer action until the next meeting on July 27, and that no additional attorneys' fees be incurred in the interim.

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

IN RE: WATER BUDGET

The Board was asked to set a Water Budget for Fiscal Year 1992-93. The work session was scheduled for Wednesday, July 22 at 7:30 p.m.

IN RE: MEETING SCHEDULE

The next regular meeting of the Board of Supervisors will be held on July 27, 1992. The agenda will include an informal work session on the Draft Comprehensive Plan, at which time interested citizens may discuss the Plan with Board and Planning Commission members. The Board will meet in joint session with the School Board at 6:30 p.m. on that date.

IN RE: CITIZENS COMMENT PERIOD

The following citizens offered their comments opposing the proposed water agreement with Newport News: Mr. and Mrs. Randall Sizemore; Mr. Arnold Brunk; Mr. Robert Broughman; Mr. and Mrs. Leon Murphey; and Mr. Ed Hayes.

IN RE: EXECUTIVE SESSION

Mr. Boroughs moved to go into Executive Session for discussions relating to prospective business or industry pursuant to § 2.1-344(a)(5) of the Code of Virginia.

Mr. Ringley moved to return to regular session.

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

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

Mr. Boroughs made a motion to instruct the Staff to research the details of establishing a special tax district (sanitary district) to provide sewer for a potential race track site.

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

IN RE: ADJOURNMENT

Mr. Bradby moved to adjourn the meeting.

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

H. Garrett Hart, III
County Administrator

James H. Burrell
Chairman