

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE FOURTEENTH DAY OF SEPTEMBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-TWO IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING. THE CHAIRMAN CALLED THE MEETING TO ORDER AND THE REVEREND FLOYD JEFFERSON GAVE THE INVOCATION. ALL MEMBERS OF THE BOARD WERE PRESENT AT ROLL CALL.

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IN RE:           MINUTES

The minutes of meetings held on August 24 and 27 were approved by motion of Mr. Boroughs.

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

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IN RE:           REPORTS

The County Administrator reported that a successful move of the Circuit Court Clerk's Office from the old to the new building had been accomplished and that Circuit Court cases had been heard in the new courtroom this day.

At the request of Delegate George Grayson, Mr. Ringley proposed, and the Board concurred, that they support Mr. Grayson's effort to establish the Chesapeake jeffersonius as the State Fossil of Virginia.

Mr. Morgan, County Attorney, said that twenty-six proposals for engineering services had been received and that with preliminary elimination the field had been narrowed to eight companies. He announced that he, Mr. Emerson, and members of the Public Safety Committee of the Board would constitute the selection committee to negotiate for those services.

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IN RE:           RESIDENT ENGINEER'S REPORT

Mr. Cliff Wallace reported that Mr. R. H. Riley, Jr. is now the Resident Engineer for the district. Mr. Wallace introduced Miss Ann Margaret Curley, Engineer Trainee. He announced Eltham bridge closing times for repair work and reported that the overlay work is proceeding on I-64. Work on Route 627 has been delayed due to the extremely wet weather. In response to Mr. Boroughs' inquiry, Mr. Wallace said that the matter of a traffic light at the intersection of Routes 33 and 273 is still being researched.

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IN RE:           JAMES RIVER CERTIFIED DEVELOPMENT CORPORATION

Mr. Fred Minton, Executive Director, made a very brief appearance to present a check in the amount of \$2,250.00 which represents a corporate dividend. Mr. Minton thanked the Board for their support of JRDC.

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IN RE:           VIRGINIA ASSOCIATION OF COUNTIES

Ms. Ellen Davenport, Public Policy Coordinator for VACo spoke briefly and explained what the organization is doing to represent, promote, and protect the interests of counties. She said that in

November New Kent will become part of Region 3 and that there will be a vacancy on the Board of Directors; she urged Board members, if interested, to try to get on that board. She said that the Legislative Steering Committees have been working on the development of VACo's 1993 Legislative Program and urged the Board members to participate in the process.

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IN RE:                    PROPOSED WATER AGREEMENT WITH NEWPORT NEWS

When this agenda item was reached, action was taken on a motion which had been tabled from the August 10th meeting. Mr. Ringley's motion was "that New Kent cease all contact with Newport News on the basis of selling water by this contract or any other, as in his opinion it will provide meager income to New Kent County and presents a grave possibility of negative environmental impact, and its benefit to us is not worth its potential risk." Mr. Ringley entered a couple more items for the Board's consideration, reiterating his concerns over the issue: (1) Copy of draft from Malcolm Pirnie, Inc., done for City of Newport News concerning impacts on water quality of water withdrawn in James City County, (2) Another one done in 1988 for the City of Newport News by Geraghty and Miller, Inc. He read a letter dated August 23, 1991 from H. Garrett Hart to the Board of Supervisors re Chesapeake Corporation's Water Withdrawal.

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

Mr. Burrell then proposed to adopt Resolution R-28-92 which he read. He explained that the Memo would allow the Board to consider any forthcoming proposals, that it does not obligate County of New Kent in any way, and does not indicate approval or denial. Mr. Ringley opened the discussion with information he had received from University of California concerning the Inyo County Water Department and the Owens Valley crisis. He also read a paragraph from a letter received from a New Kent resident. He suggested that Board and Staff visit Owens Valley, California to see what possibly could happen.

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

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FOR RESOLUTION R-28-92 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 105.

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IN RE:                    PUBLIC HEARING, ORDINANCE O-10-92.

Mr. Morgan explained that the ordinance would allow the Treasurer to collect an administrative fee in addition to penalties and interests in the process of collecting delinquent taxes. Chairman Burrell opened the public hearing. No comments concerning the ordinance were received. The Treasurer responded to Mr. Ringley's questions that delinquent taxpayers are given at least two opportunities to clear the debt before court action is taken. Mr. Bradby moved to adopt Ordinance O-10-92 as presented.

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

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FOR ORDINANCE O-10-92 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGES 106-107.

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IN RE:                PUBLIC HEARING, ORDINANCE O-15-92

Mr. Morgan said that the ordinance proposes to exempt from the bond requirement of the erosion and sediment control plan any developer of single lot residential dwellings not engaged in construction of two or more adjacent dwellings concurrently. Mr. Burrell opened the public hearing.

Ms. Kay Collier expressed her wish that the bond requirement be kept in effect because it would be a very positive thing for Woodhaven Subdivision.

Mr. Dennis Walters asked if the bond funds are pooled and used later for any kind of reclamation, but Mr. Morgan answered that the fee is returned to the builder once the requirements for erosion and sediment control are completed satisfactorily.

Mrs. Beth Mills supported waiver of the bond fee requirement.

Mr. Chris Madison also was in favor of doing away with the bond fee.

Following the close of the public hearing, Mr. Salmon explained that the erosion and sediment control process was not being eliminated, only the requirement of a bond fee and this is one way to make housing a little more affordable. Mr. Ringley asked what penalty a builder would face if he did not complete the control measures, to which Mr. Morgan replied that court proceedings would be instituted. Mr. Bradby asked if additional action would be necessary in order to refund the bonds currently being held and Mr. Morgan replied that the Board would need to pass a resolution to that effect. Mr. Salmon moved to adopt Ordinance O-15-92 as presented.

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

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FOR ORDINANCE O-15-92 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGES 108-109.

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IN RE:                CABLE SERVICE FRANCHISE, ORDINANCE O-14-92

Ordinance O-14-92 was proposed for the purpose of renewing the franchise of 1st Commonwealth Communications, Inc., to supply cablevision service to New Kent County residents. Mr. Morgan requested the Board to set proposed Ordinance O-14-92 for public hearing

on October 12, 1992. Mr. Boroughs so moved. Mr. Ringley requested the County Attorney to determine if the company has fulfilled articles of their contract in the first five years. Mr. Salmon asked if the company has a schedule for future installations.

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

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IN RE: AIRPORT ADVISORY COMMISSION

Mr. Ringley suggested that a copy of the contract be mailed to each member of the Advisory Commission along with a report concerning the history of the airport and how the County acquired it. Mr. Ringley requested that Mr. Morgan send a copy of the finished report to each of the Supervisors. He also said he would like to see a representative from that commission to report to the Board of Supervisors bi-monthly or quarterly and further suggested that they start with monthly meetings. Mr. Salmon requested that the first meeting be held before the end of October.

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IN RE: APPOINTMENTS

Mr. Ringley moved to appoint Ms. Elizabeth Toler as District Two's representative to the Litter Council for a four-year term ending December 31, 1995.

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

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IN RE: RESOLUTION R-25-92, SOCIAL SERVICES BOARD

Resolution R-25-92 allows for an increase in number of Social Services Board members in order that each electoral district may be represented. Mr. Salmon moved to adopt R-25-92 as presented.

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

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FOR RESOLUTION R-25-92 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 110.

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IN RE: OUTDOOR GATHERING PERMIT CUP-12-92

Mr. Emerson informed the Board that Historic Richmond Foundation had applied for a permit to hold an event at the Marengo Plantation on September 24, 1992. Mr. Bradby moved to approve Permit CUP-12-92 with the following conditions:

1. All activities cease prior to 9:00 p.m. September 24.
2. All cleanup and trash removal be performed in accordance with the established plan of trash removal for the event.
3. All rules and regulations of Chapter 11, Music Festivals and Outdoor Gatherings, be followed.
4. Proper coordination of traffic control with the Sheriff's Department.

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

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IN RE: REFUND

The Commissioner of Revenue requested that a refund be made to Ms. Elizabeth G. Williams for 1988 personal property taxes which had been paid to City of Richmond and for which her 1991 income tax refund had been taken by New Kent County. Mr. Boroughs moved to authorize refund of \$104.53 to Ms. Elizabeth G. Williams for 1988 personal property taxes.

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

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IN RE: MEETING SCHEDULE

Due to Mr. Hart's anticipated absence on the date of the next meeting, the meeting scheduled for September 28 was cancelled. The next regular meeting will be held on Monday, October 12, 1992 at 7:30 p.m. Mr. Ringley again suggested that Board members go to Bishop, California to study the water issue.

Mr. Bradby reported that Mr. Yeatts would like to have a Finance Committee meeting. They agreed on the date of September 28.

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IN RE: CITIZENS COMMENT

Mr. Arnold Brunk read his letter of August 26 addressed to the Board of Supervisors concerning the sale of groundwater to Newport News by New Kent County. Mr. Brunk voiced his opposition to the Board's continuing discussions.

Mr. Dennis Walters, President of Woodhaven Propertyowners Association, also spoke in opposition to the water agreement.

Mr. Dale A. Russell, president of The Colonies Propertyowners Association, expressed his disappointment in his elected supervisor because of the water issue.

Mr. Dell Kelley concurred with Mr. Walters.

Mrs. Donna Hockaday asked the Board if they felt that they should represent their constituents, and what agreement would they like to see reached between Newport News and New Kent.

Mrs. Diana Abbs referred to the Memorandum of Understanding and claimed that the public was denied the public hearing.

Mrs. Gladys Otey expressed her support of Mr. Ringley and commented negatively about a recent sale of property at the Airport.

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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 legal matters requiring the provision of legal advice by counsel pursuant to § 2.1-322(a)(7) of the Code of Virginia. (Airport)

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

Mr. Boroughs moved to return to regular session.

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

Mr. Salmon 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.

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

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IN RE: ADJOURNMENT

Mr. Boroughs moved to adjourn the meeting.

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

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H. Garrett Hart, III  
County Administrator

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James H. Burrell  
Chairman