

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE TWENTY-THIRD DAY OF NOVEMBER 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 WITH ALL MEMBERS PRESENT. THE REVEREND MILTON HATHAWAY GAVE THE INVOCATION.

IN RE: MINUTES

Mr. Bradby moved to approve the minutes of meetings held on October 14th and October 26th.

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

IN RE: FINANCE REPORT

Ms. Alease Christian gave her expenditures report, and Mr. Boroughs moved to approve the expenditures for the month of October 1992 totaling \$374,671.38 as presented in the monthly expenditures report.

Mr. Ringley moved to amend the motion requesting that all items be considered for payment with the exception of the \$15,340.93 to Providence Forge Cardinal, which he would explain later. Mr. Hart said that the County attempted to purchase the vaccine (an OSHA requirement) at a more economical rate by combining requests of all volunteer fire departments, rescue squad, and County personnel in order to make one mass purchase; the manufacturer would not sell to the County but would funnel through a local pharmacy.

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

Mr. Salmon moved to approve the payment of Check No. 12813 in the amount of \$15,340.93. Mr. Ringley disclosed that he had a personal interest in a business entity that was involved in the purchase of vaccine. He explained that he purchased the vaccine from Merck Pharmaceutical Company at a cost of \$14,776.35 and added a flat \$500.00 fee for handling and billing, etc., which made a much larger than usual amount owed to his pharmacy.

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

FOR MR. RINGLEY'S TRANSACTIONAL DISCLOSURE STATEMENT, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FIVE AT PAGE 125.

IN RE: TREASURER'S REPORT

Ms. Betty J. Burrell, Treasurer, read her report to the Board and Mr. Boroughs moved to approve the Treasurer's report for the month of October and to authorize the Treasurer to continue to invest County funds in the highest yielding legal investment, subject to audit.

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

IN RE: ELECTED OFFICIAL'S REPORTS

Mr. Bradby stated that, in his discussions with Mrs. Hockaday concerning the collection of signatures polling citizens of their opinion on Newport News water sale, she had stated that she would conduct an unbiased poll. Mr. Bradby stated that it was evident that an unbiased poll was not conducted and gave several examples of how citizens were coerced and pressured. Mr. Bradby then stated that, based on this, it was obvious that the intent of the petitioners was to defeat negotiations with other water users. He questioned how many people signing the petition really understood the issue and he questioned how much weight he could actually place upon the signatures. Mr. Ringley read a letter from Woodhaven Water Co. addressed to Mr. Hart and copied to each Board member. The letter was written by Mr. William Moseley, Jr., Vice President of the company.

Mr. Boroughs requested that Staff bring back an up-to-date Goals and Objectives list. The Board concurred. Mr. Boroughs read from his prepared statement relating to the poll taken by Ms. Hockaday on the water issue. He quoted from several responses to his questionnaire from his constituents. Mr. Boroughs formally requested that an item be placed on the agenda for the Board to consider and vote on at the next meeting for the County of New Kent to build its own water system and for the Staff to prepare figures on how much taxes would be increased, what grants are available to help with such building and what amount for mitigation fee. He also asked Staff to obtain quotations from well drillers in the area to determine the cost of any problems that might develop, such as cost of lowering a well pump. He said that some opponents of negotiating with Newport News had requested New Kent to build its own system. He also read his letter of October 28, 1992 addressed to the Honorable James H. Burrell and the other Board members relative to authorization for engineering services. Mr. Boroughs then read the Chairman's letter of November 5, 1992 authorizing the procurement of engineering services. Mr. Boroughs maintained his position that New Kent must act to protect its right to use water from the aquifer.

Mr. Ringley submitted a set of graphic charts to Mr. Hart for future reference; the charts depicted the ratio of voters against compared to voters in favor of negotiating a water deal with Newport News. He inquired about the possibility of sending a questionnaire to each County resident asking for an opinion on the water issue.

Mr. Boroughs reiterated his request to place an item on the December agenda.

Mr. Burrell stated that he had attended the Governor's Economic and Budget Policy of the State of Virginia which was very informative. He said revenues will be flat. He said that he had several reports of the dumpsters at the Elementary School being overfilled; Mr. Hart said that the

condition would be discussed at an upcoming meeting with Chambers, Inc. Mr. Burrell reported also that he had attended a meeting of the Central Virginia Waste Management Authority, and that New Kent would have to recycle some of its refuse in the near future. It was suggested that Mr. Byrnes of CVWMA be invited to a Board meeting during budget preparation time.

IN RE: PUBLIC HEARING, ORDINANCE O-27-92, MOTOR VEHICLES CODE

Mr. Morgan, County Attorney, explained that the amendment, if adopted, would allow the sheriff and deputies to write tickets as County Code violations rather than State Code violations, which would result in revenue for the County.

Chairman Burrell opened the public hearing. Mr. John Jones spoke in favor of the proposed amended ordinance. Mr. Burrell closed the hearing.

Mr. Salmon moved to adopt Ordinance O-27-92 as presented and motion passed.

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

FOR ORDINANCE O-27-92 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 126.

IN RE: PUBLIC HEARING, ORDINANCE O-28-92, FIRE DEPARTMENTS AND RESCUE SQUADS

Mr. Morgan said that the Code previously showed the local fire department as Providence Forge Fire Department, Company 1 and 2, but they have changed the names to New Kent County Volunteer Fire Department, Company 1, 2 and 3. This ordinance reflects the change. Mr. Burrell opened the public hearing but there were no comments. Mr. Burrell closed the public hearing and

Mr. Boroughs moved to adopt Ordinance O-28-92 as presented.

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

FOR ORDINANCE O-28-92 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 127.

IN RE: STAFF REPORTS, (1) CONDITIONAL USE PERMIT MH7-92

In his Staff Report, Mr. Emerson presented an application for a mobile home in a severe, emergency situation. Ms. Mary Morris had originally applied for rezoning to allow placement of the doublewide and Planning Commission had recommended, but it was decided that the CUP

would allow the land to remain in residential zoning as designated in the Comprehensive Plan. Mr. Boroughs moved to approve Conditional Use Permit MH7-92.

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

IN RE: STAFF REPORTS, (2) ENGINEERING SERVICES

On behalf of a committee composed of Mr. Boroughs, Mr. Bradby, Mr. Hart, Mr. Emerson, and himself, Mr. Morgan recommended that the firms listed below be put on a retainer basis for engineering services in order to avoid having to go through a competitive process every time a consultant is needed.

J. K. Timmons & Associates
Greenhorne & O'Mara, Inc.
R. Stuart Royer & Associates, Inc.
Resource International
Wiley & Wilson

Mr. Boroughs moved to authorize staff to enter contractual negotiations with the above-listed firms.

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

IN RE: STAFF REPORTS, (3) JOINT MEETING WITH SCHOOL BOARD

Mr. Hart informed the Board that the School Board wished to meet with the Board of Supervisors prior to the next regular Board meeting in order to discuss several matters. The Board members agreed to meet at 6 p.m. on Monday, December 14, 1992.

IN RE: TRAFFIC ENGINEER'S REPORT

Mr. Bob Riley, Resident Engineer, reported that the intermediate course is down on the I-64 overlay project; they will continue with drainage work during the winter, and next spring they will put the top surface on it. They are progressing on the Marl Springs Drive project, will surface it next spring. On the Route 627 project, final surfacing will be held off until next spring.

IN RE: RESOLUTION R-31-92, HIGHWAY FUNCTIONAL CLASSIFICATION MANUAL

Mr. Riley explained that the government is requiring an update of the functional classification of highways. The functional classification is used to determine payments to towns and cities for maintenance. Other than that, it does not affect this district in any way. Mr. Ringley moved to adopt Resolution R-31-92 as presented.

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

FOR RESOLUTION R-31-92 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 128.

IN RE: RESOLUTION R-32-92, COMPREHENSIVE SERVICES ACT

Mr. Hart introduced Ms. Gail Clayton, Ms. Pat Crooks, Ms. Marianne Powell, Ms. Sylvia Hathaway, Mr. Danny Patterson, and himself, all of whom are members of the Joint Policy Management Team. At a meeting of the committee it was discovered that, in addition to the normal funding associated with this program, grant funding for additional programs would be made available. Mr. Byron Adkins, Director of Social Services in Charles City County and chairman of the Policy Team, gave a brief description of the grant proposal. Mr. Bradby moved to adopt Resolution R-32-92 as presented.

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

FOR RESOLUTION R-32-92 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 129.

IN RE: ESTABLISHMENT OF DISABILITY SERVICES BOARD, RESOLUTION R-30-92

According to § 51.5-47 of the State Code, each county must establish either singly or jointly a Disability Services Board. New Kent County falls into Alternative Plan III, Group 2, which includes New Kent, Henrico and Charles City Counties. Resolution R-30-92 expresses support of establishing a joint Disability Services Board. Mr. Bradby moved to adopt Resolution R-30-92 as presented.

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

FOR RESOLUTION R-30-92 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 130.

IN RE: APPROPRIATIONS, RESOLUTION R-33-92

The Sheriff's request for appropriations in the amount of \$1,295.88 and \$839.65 related to expenses incurred for the extradition of prisoners. Ms. Powell of Social Services requested \$500.00 for aid to dependent children and \$2,354.00 for cost-of-living expenses. Further appropriation requests were to cover costs of vaccine for emergency workers as required by OSHA. The last request, for \$13,350.00, was for professional services as authorized by the Board to provide engineering services. Mr. Salmon moved to approve Resolution R-33-92 as presented.

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

FOR RESOLUTION R-33-92 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 131.

IN RE: REFUNDS

Mr. Charles Yeatts, Commissioner of Revenue, had requested a refund for a double taxation made on a motorcycle. Mr. Bradby moved to approve payment of a refund in the amount of \$88.55 to Mr. Thomas E. Chambers for the double taxation.

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

IN RE: MEETING SCHEDULE

The next regular meeting of the Board of Supervisors will be held on December 14, 1992. There will also be a joint meeting at 6 p.m. with the School Board prior to that meeting. On Tuesday, December 15, at 7:30 p.m. the Board will meet with the Board of Directors of the New Kent Volunteer Fire Department. The Board members will meet in Executive Session for briefings by Greenhorne & O'Mara on Thursday, December 10, 1992.

IN RE: CITIZENS COMMENT PERIOD

Ms. Donah Hockaday first took issue with several items in the Board's Fact Sheet that had been mailed to County citizens; accused the Board of failing to discuss subjects such as threats of suit from surrounding counties if New Kent pumps from "these aquifers", mitigation data, and impact of salt water intrusion. She then expressed her disappointment with Mr. Bradby's handling of the situation, and said: "I thought the Board could not give any information to the citizens of New Kent. It is your fault and no one else's. It is not my responsibility nor the citizens to come over here or have to sit at home and make phone calls to dig up information for themselves. I know for a fact that you never even had a copy of the Groundwater Management Act until I gave it to you about a month and a half ago."

She then attacked the Narrative Robert Boroughs had sent to citizens in his district. She said she was sick of hearing it said that New Kent would lose rights to use the water--she said it is not

true--New Kent would lose its current permit\and that even if New Kent enters into agreement with Newport News, New Kent will not be guaranteed the right to use the water but would have to get re-permitted. Concerning joint title to water facilities, she professed belief that Newport News would have greater control. She also pointed out that the public needs information concerning the regional water agreement. In rebuttal to Mr. Boroughs' narrative, she said that everyone wants to protect the water rights but she does not want her groundwater pumped out of here.

Mr. Ed Hayes claimed that the Board had bungled the whole water matter, declared that he saw no one coerced or intimidated to sign the poll taken on Election Day. He asked and wanted an answer, saying: "I'm not here to kick a dead dog and walk away and feel good. I could have stayed home and taken a Valium, okay? and it would have been a lot easier on me in the long run. What percentage of people's opinion does it take to cause you to take an action?" The remainder of his comments included more questions: "How much does it cost to put on an election, H.G.?" Mr. Hart answered: "About \$10,000.00." He suggested to the Board that it "put the question that was on the petition on the ballot, and if it doesn't pass by 75% plurality, I'll pay for it myself." He further stated that the Board does not have the courage to do so. He said he believed the Board was patronizing the public, and that his deal still stands.

Mr. John Jones spoke on the Newport News water deal. He suggested that opponents of negotiations were not getting through to the Board by being polite. He informed the Board that they've got to know that the sentiment of the County is overwhelmingly against the proposition as it exists now--any further negotiations with Newport News. Mr. Jones further said: "And I challenge you to put your position on the line because I would suggest to you that your continued support of the deal leads me to only one of two beliefs--either that you're stupid or that you're corrupt. I can deal with corruption, but the mere thought of three more years of the same stupidity is too much to bear."

IN RE: EXECUTIVE SESSION

Mr. Hart requested that the Executive Session to discuss legal matters (water) as scheduled for this meeting be postponed until December 10, 1992 at 6:30 p.m. in order that the study by Greenhorne & O'Mara could be presented to the Board. The Board concurred.

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. (Horse racing)

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

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

H. Garrett Hart, III
County Administrator

James H. Burrell
Chairman