

Work Session

A WORK SESSION OF THE BOARD OF SUPERVISORS WAS HELD ON THE 13TH DAY OF OCTOBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SEVEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 5:00 P.M.

IN RE: OLD COURTHOUSE/ADMINISTRATION BUILDING RENOVATION.

Mr. Hennaman called the meeting to order at 5:04 p.m. The Board members were all present for the tour of the old courthouse with Mr. Roger Hart, Mr. Bob Boynton, and Mr. Herb Wiley.

The Board returned from their tour at 5:25 p.m. The Board discussed the administration building renovations and the Treasurer's request for additional renovations with Mr. Hart, Mr. Boynton and Ms. Betty Burrell. Mr. Emerson reviewed the renovation/construction costs to date as well as the projected costs to complete these projects. Mr. Emerson stated the cost of the Treasurer's requested renovations would be less than purchasing modular furniture. Ms. Burrell stated the renovations would make her office much more efficient. Mr. Emerson asked Mr. Boynton if he was comfortable with his projected numbers for the changes. Mr. Boynton said he was. Mr. Emerson informed the Board that with the required change orders the funds were becoming low and if there were any more unexpected changes, he might have to request an appropriation to complete the project. It was the consensus of the Board to instruct Mr. Emerson to proceed with the changes. Mr. Bahr made a motion to continue with approving the open office system plan 31890, Treasurer's office renovations request - 1308 and the communications estimate of \$10,000.

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| Gary L. Green | Aye |
| James H. Burrell | Aye |
| Frederick G. Bahr | Aye |
| Julian T. Lipscomb | Aye |
| Mark A. Hennaman | Aye |

The motion was carried.

IN RE: DISCUSSION OF FY97-98 BUILDING RENOVATIONS - roof, HVAC, and financing (financing as per approved FY 97-98 Budget).

Mr. Roger Hart gave an update on the progress, he stated the roof project has been advertised and the HVAC project would be advertised on Sunday, October 26th. Mr. Emerson asked when the work would begin. Mr. Hart stated work should begin in the middle of January. Mr. Hennaman asked that Mr. Hart and his firm make every effort to expedite this work.

Mr. Ned Smither with Ferris, Baker, Watts went over the financing for the renovations and eight vehicles. Mr. Emerson suggested the best way to finance was with lease revenue bonds through the IDA, options B & C combining some of the old debt, thus saving the county money, and resulting in only one payment. Mr. Emerson also suggested the Board consider finishing the old courtroom and adding the cost to this financing. Mr. Emerson asked Mr. Hart if the number he had given will cover the project. Mr. Hart answered that as far as he knew, yes. Mr. Bahr asked Mr. Emerson how much it would increase the bond

allocation over what is currently owed. Mr. Bahr felt that these revenue bonds were ill advised and possibly illegal. Mr. Emerson responded it would increase approximately \$600,000. Mr. Green made a motion to proceed with option B & C for financing.

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| Gary L. Green | Aye |
| James H. Burrell | Aye |
| Frederick G. Bahr | Nay |
| Julian T. Lipscomb | Aye |
| Mark A. Hennaman | Aye |

The motion was carried.

Mr. Hennaman asked if the Board wanted to approve Mr. Emerson's proceeding with the restoration of the old courtroom. Discussion followed among the Members on the extent and type of renovations. It was the consensus of the Board for Mr. Emerson to proceed with finishing the old courtroom and add the needed amount of funds to the new issue.

The Board recessed at 6:00 p.m.

Regular Meeting

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 13TH DAY OF OCTOBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SEVEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:12 P.M.

Mr. Hennaman stated the work session concerned issues relative to the renovation of the old courthouse and administration building as well as financing options.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Burrell gave the invocation and lead the Pledge of Allegiance.

IN RE: ROLL CALL

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| Gary L. Green | Here |
| James H. Burrell | Here |
| Frederick G. Bahr | Here |
| Julian T. Lipscomb | Here |
| Mark A. Hennaman | Here |

IN RE: CONSENT AGENDA

Mr. Emerson reviewed the Consent Agenda, which consisted of: Approval of September 8th minutes; Appropriations to: finalize the Rt. 155 CDGB/VDOT revenue sharing project; Sheriff's budget \$2,000.00 appropriation where a line was missed in the budget building process; Family Preservation Grant funding; Office on Youth/Fatherhood Campaign; Commissioner of Revenue's Office to set up an expenditure and revenue account for the sale of data and raise in salary of one employee. The Board would have to match funds in the amount of \$1,214.00 for the salary increase. The total supplemental appropriations are \$454,821.26 with \$451,607.26 being money in/money out and \$3,214.00 from the fund balance. The Finance Report shows total expenditures for the month of August, 1997 of \$576,475.96. The Treasurer's report gives a cash balance of \$3,714,671.12 as of September 30, 1997. Mr. Bahr asked what the Fatherhood Campaign was. Ms. Denise Bartlett explained this was a grant that had been applied for to fund the 500 man march, parent/child picnic, and \$500.00 to continue purchasing educational materials. Mr. Green asked what the media for resale of real estate files consisted of. Mr. Emerson stated the Commissioner of Revenue was selling a CD Rom. Mr. Crump was asked to explain what data he was selling. Mr. Crump responded the data consisted of all the property cards. The CDs cost approximately \$1,500.00 and are being sold at cost to realtors, appraisers, assessors, etc. Mr. Lipscomb made a motion to approve the Consent Agenda as submitted.

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| Gary L. Green | Aye |
| James H. Burrell | Aye |
| Frederick G. Bahr | Aye |
| Julian T. Lipscomb | Aye |
| Mark A. Hennaman | Aye |

The motion was carried.

IN RE: CITIZENS' COMMENT PERIOD

Mr. Hennaman stated there were no citizens signed up to speak.

IN RE: ELECTED OFFICIALS REPORTS

Mr. Hennaman said he attended the School Board meeting last Monday night. Enrollment is higher than expected and the school division will be receiving more state and federal funds than anticipated. The Board will take action on their appropriation request in November. Mr. Hennaman asked if the Board could give their consensus to the School Board tonight for the \$211,490.00 additional funds from the state and federal governments. It was the consensus of the Board to approve this appropriation in November. Also, a constituent has contacted Mr. Hennaman about petitioning the State Corporation Commission for complete toll free calling access from the 932 and 966 exchanges into Richmond. Also, Mr. Hennaman stated that the High School Band Boosters were raising funds for new band uniforms, he encouraged participation; and, both the varsity and junior varsity football teams are currently undefeated.

Mr. Lipscomb stated there were two petitions in the Quinton area by other people on the same telephone matter. Mr. Hennaman said he would advise his constituent of this. Mr. Lipscomb also stated the 608 portion of Old River Road is unpaved with less than a 50 foot easement and he would like the Board to consider, in deference to Chapter 33.1, Section 70.1 of the Code of Virginia which states the state can put a current road of less than 40 foot right-of-way on the Six Year Plan with the Board's action. Mr. Hennaman asked Mr. Riley if he could research this and report back.

Mr. Green stated the Parks & Recreation Commission toured the Diascund Reservoir area and concluded the cost of developing access to that area is not feasible now. The commission tabled this issue. Also, after the tour of the middle school, he asked the other Members to think seriously about moving forward with building a new middle school. The old middle school could be used for office space.

Mr. Burrell stated that the tour of the middle school was very informative. They learned first hand of the state of disrepair and the lack of space. He concurred with Mr. Green regarding the building of a new middle school. Also, the meeting the Board had with the constitutional officers was very effective and will enable them to work more as a team in the future. It was agreed to meet quarterly with the constitutional officers, which is a good step in working together. Mr. Hennaman clarified for the public that the meeting with the constitutional officers was the third step in the Board's strategic planning process.

Mr. Bahr stated there was also a petition circulating in his district regarding the telephone calling areas. His district is split between two area codes. He attended Capital Area Training and is on a committee called One Stop, which is a nationwide move to enable semi-public groups to help people with their resumes, training and information on job availability at "one stop". He also appreciated Parks and Recreation Commission for looking at the possible accesses to the Diascund Reservoir - he felt there was some need for New Kent residents to have access to the reservoir, but he understood the cost factor.

Mr. John Crump, Commissioner of Revenue, announced he has filled the full time vacant position in his office with a New Kent resident. He also felt that the facilitated meeting with Dr. Lacy was productive, constructive and thanked the Board for the opportunity to participate. The elderly and handicapped tax exemption program for up to a \$200.00 tax exemption does not have a lot of applicants. This information should be delivered to Mr. Emerson by the end of the week. Mr. Hennaman asked Mr. Crump if he felt the reason for the low number of applicants was due to a lack of knowledge that the program exists, or were there just not many people who qualify as it currently exists. Mr. Crump answered he thought it was a combination as it is difficult to get the information out to people, and with the limitations on the amount of assets disqualifies those who own a large acreage.

Ms. Betty Burrell, Treasurer, thanked the Board for the facilitated meeting with Dr. Lacy. She also thanked the Board for approving the renovations to her office. Ms. Burrell commended Mr. David Maloney for his work on the airport regarding the record keeping. Ms. Burrell said her office has sent letters to the airport hangar tenants with envelopes to mail payments directly to the Treasurer's Office, which will help them track the tenants better. The tax bills will be mailed at the end of October so that they will be able to utilize the money for temps during that five week period. Ms. Burrell encouraged all citizens to pay by mail as it was a more efficient method of payment and to read all the instructions. She thanked Citizens & Farmers for acting as a satellite office where you can pay your taxes and purchase decals in the two locations in New Kent and West Point. Ms. Burrell also stated her office would be open on Saturday, November 22nd between 9:00 a.m. to 1:00 p.m., November 24 -26 from 7:30 a.m. to 6:00 p.m., and the week of December 1 - 5 from 7:30 a.m. to 6:00 p.m. They will also set appointments if someone cannot come in at the aforementioned times. For vehicles that were registered after August 31st, or any changes to the tax bill, will require coming into the Treasurer's Office. Mr. Hennaman asked Ms. Burrell, regarding the verbiage on the tax bills discussed at the last meeting concerning the possible change in tax dates, why the county administrator was not consulted. Ms. Burrell stated she had indicated she would fax a copy of the verbiage to the Board for their approval. Mr. Hennaman stated he thought the administrator would have input into the verbiage. Ms. Burrell said it was not what she had understood. She stated they were working on communication between the constitutional officers and the county administrator, and she had no problem working with Mr. Emerson.

Mr. Hennaman recognized Ms. Terry Lawler, District Two's representative on the School Board was present.

IN RE: STAFF REPORTS

Mr. Larry Gallaher gave a report on the West Point Rescue Squad relating to the previous Board meeting's presentation on emergency services service areas. At the direction of the Board he contacted West Point Rescue Squad and asked for their comments on moving the lines in any direction. They were quick to say they did not want to move the lines. Mr. Gallaher also asked them about the possibility of a citizen in the Providence Forge or James City service area to directly call them and not go through 911 and they do not want to serve those people either except as provided as mutual aid if the normal provider could not. Liability was their and our main concern. Mr. Bahr asked if maps of the emergency services service areas could be made available to those who wanted them. Mr. Gallaher responded they had reduced the size of the maps and gave many away at the fair; and, if anyone would like a copy to please call his office.

Mr. Lipscomb asked Mr. Gallaher if he had been in contact with Chief Pearson at Company Two on their ambulance. Mr. Lipscomb said he had spoken with Chief Pearson and they were getting ready to order the ambulance, but the contributions were not coming in as strong as they had hoped. Mr. Hennaman asked how they planned on paying for it - Mr. Lipscomb did not know. Mr. Burrell thought it should be passed along to the chief that the Board will not allow them to obligate the Board to pay for equipment that has not been approved in advance. Mr. Hennaman concurred and asked Mr. Gallaher to give this message to Chief Pearson. Mr. Lipscomb and Mr. Green felt that the procedure was wrong, but the idea was great. How much is one life worth? Mr. Hennaman stated as a Board they had supported the license upgrade and he recognized the need for expanded emergency services in that area, but there's a process that must be followed and they cannot allow them or anyone else to commit the Board to any expenses outside of the normal budget. Mr. Hennaman said that the Fire Department Board has invited Mr. Gallaher, Mr. Emerson and himself to their regular Board meeting this Thursday.

Mr. Bahr asked if there had been a request for an emergency vehicle at Station Three. Mr. Gallaher said it's been asked about and the study the county is going to do will address the needs of the county in various areas.

Mr. Lipscomb said he understood there was an accident on I64 Saturday that Providence Forge could not respond to due to lack of people. Mr. Lipscomb asked Mr. Gallaher if he could work with Providence Forge Rescue and Company Two to see if something could be done to get a rescue vehicle or get them working more closely. Mr. Gallaher said this question has come up before.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Bob Riley, Resident Engineer gave the following report: During the month of September they had 23 requests for services and completed 21 of them. During opening weekend of Colonial Downs the traffic worked very well. VDOT provided service to 133 motorists. They have started work on the school bus turn around on Rt. 605 and on I64 they continue to remove overhanging trees and limbs on the east bound lane. Mr. Bahr asked if it was possible for Rt. 627 to get a blind driveway sign for a constituent. Mr. Riley asked Mr. Bahr to call him with the address. Mr. Green asked for an update on his list. Mr. Riley responded they were waiting for a response from Traffic Engineering. Mr. Lipscomb thought it was time

for Mr. Riley and Mr. Winstead to take a ride with him. Mr. Hennaman reported that the additional signage on Rt. 618 was appreciated as well as the improvements at the western end of Old Telegraph Road at the entrance to the Transfer Site. Mr. Hennaman asked what the procedure would be to have the island on Old Telegraph Road removed and the stop sign placed on the side of the road. Mr. Riley said it could be removed with jack hammers and he would work on it. Mr. Hennaman thanked Mr. Riley for his responses to the Board's requests. Mr. Riley asked the Board to let him know if he ever failed to respond. Mr. Hennaman asked that Old Telegraph Road be worked on - it has a wash board effect. Mr. Green stated that on Henpeck Road in the turn down from Rt. 249 there are bushes overhanging and blocking driveways views of traffic traveling east bound.

IN RE: PRESENTATION - Resolution R-19-97 will be presented to Eagle Scout Floyd Thomas Campbell.

Mr. Burrell read Resolution, R-19-97 and presented it to Floyd Campbell.

IN RE: PUBLIC HEARING - C-4-97 (C), Bear Island Timberlands. Application to rezone the remainder of Tax Map and Parcel Number 9-46 and all of Parcel 48 consisting of 523 acres from C-1, Conservation to A-1, Agricultural.

Mr. David Maloney gave the following report: Bear Island Timberlands has applied to rezone the remainder of Tax Map and Parcel Number 9-46, and all of Parcel 9-48 consisting of 523 acres from C-1, Conservation to A-1, Agricultural. The purpose of the zoning change is to allow the creation of approximately 20 parcels, each with a minimum of 25 acres, for the purpose of single family residential development. Single family residences are not permitted in the C-1, Conservation zoning district. The applicant submitted an amended statement of proffers just prior to the August public hearing. The timing of the submittal did not provide staff, reviewing agencies, or the Board sufficient time to adequately evaluate the revised proffered conditions. As such, the board voted to defer action on this matter until its regularly scheduled September meeting. During the September meeting, the applicant again submitted an amended proffer statement for cash proffers to be used toward the provision of public education, improvement of Rt. 656, and established minimum house size requirements. State law requires all proffers be submitted to the Board prior to public hearing. Due to the amended proffers being submitted after the August public hearing, a second public hearing is required.

Mr. Bob Doyon, Manager for Bear Island Timberlands, made the following comments: The purpose of this rezoning request is to allow Bear Island to have the same land ownership rights as the adjoining property owners have. The proposed low density development will have minimal impact on the schools. They feel they have given the county exactly what it's asked for in terms of the Comprehensive Plan and Goals and Strategies pertaining to land development. During July there was a verbal agreement to proffer \$60,000 towards the improvement of Rt. 656 - this equates to \$3,000/lot. The school issue was discussed and Bear Island submitted an amended proffer in August for \$60,000 towards the improvement of Continental Road and \$1,000/lot to mitigate any impact the proposed development may have on the school system. The proffer now totals \$4,000/lot and is (to their knowledge) the largest proffer made in New Kent County. Bear Island felt it has more than adequately compensated New Kent County with this proffer and sincerely feels they have created a win/win situation. Mr. Doyon thanked Mr. Bob Riley and Mr. Julian Lipscomb for their efforts in working out this win/win situation. Mr. Hennaman thanked Mr. Doyon for his comments.

Mr. Burrell stated Bear Island has put a lot of work into this project. Mr. Burrell clarified the total proffer of \$80,000. He stated that regarding the money that VDOT will put in, some citizens might question the fact that public funds were being used to help a developer, even though it was going towards straightening the road for the residents.

Mr. Bahr clarified the Board could not grant this request unless another \$55,000 is allocated from another place to finish the road out of the current Six Year Plan. Mr. Riley stated they would take the \$60,000 from Bear Island and match it with Revenue Sharing Funds left over from the Rt. 155 Project and add \$50,000 to the budget item in the Six Year Plan to complete construction of the first section where the current residents live - not the part to be developed. With the additional \$250,000 in funding they will receive this year, it will not have any impact on any current project in the Six Year Plan. Mr. Burrell asked Mr. Riley if the \$250,000 additional funding could be used for other projects. Mr. Riley said the \$250,000 had to be accounted for in the Six Year Plan.

Mr. Hennaman felt most of the concerns over this request have been worked out. The School Board was concerned if the proffer was enough, but given the size and cost of the lots, Mr. Hennaman felt the development would have minimal impact on the schools.

Mr. Hennaman opened the public hearing. Mr. Dallas Jones, 5200 Hopewell Road, New Kent was the only citizen signed up to speak. Mr. Jones stated he is on adjoining property across the creek and he wondered how this would affect the property by the creek. He was not against the project. Mr. Hennaman said they were not in a position to answer questions directly asked, and there was no way of knowing how it would affect any specific property. Mr. Hennaman closed the public hearing.

Mr. Burrell asked Mr. Maloney what the average number of children per household is. Mr. Maloney answered roughly two children/household. Mr. Lipscomb stated in order to address protect, and promote public convenience, necessity, general welfare and good zoning practices in the county, he moved to approve Rezoning Application C-4-97 (C) as presented.

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| Gary L. Green | Aye |
| James H. Burrell | Nay |
| Frederick G. Bahr | Aye |
| Julian T. Lipscomb | Aye |
| Mark A. Hennaman | Aye |

Mr. Burrell explained his vote was not against the division of land, but for the use of state funds in aiding the developer.

The motion was carried.

IN RE: CUP-3-97 CITY OF NEWPORT NEWS WATERWORKS. Application for conditional use permit to improve the Emergency Spillway located on the Diascund Reservoir, Tax Map and Parcel 45-22. (Public hearing was held at the September meeting, action was deferred until the October meeting.)

Mr. Maloney gave his report: Newport News Waterworks has submitted an application for a conditional use permit to increase the emergency spillway capacity of the Diascund Dam. The dam is located on Tax Map and Parcel 45-22, also identified as the Diascund Reservoir. The increase in capacity of the spillway is to bring the dam into compliance with dam safety requirements not in effect at the time the dam was

constructed in 1960. The property is zoned A-1, Agricultural. The A-1 district regulations permit water impoundments for public or private use of fifty acres or more and a dam height of twenty-five feet or more with a conditional use permit. The reservoir and dam were constructed in 1960, and are considered nonconforming. Section 9-266.B of the New Kent County Zoning Ordinance permits a nonconforming use to become conforming. In this case, the dam would become a conforming use through the issuance of a conditional use permit. The proposed improvements will increase the width of the spillway from 300 feet to 600 feet. The downstream channel will also be widened. This improvement will prevent the catastrophic failure of the dam in the event of a 100 year or greater flood event. The enlargement will not alter the water level of the reservoir in any way. During the Board's September public hearing, the Board voted to defer this matter until the October meeting. The Planning Commission, during the July 21, 1997 meeting, voted to recommend CUP-3-97 be approved by the Board of Supervisors with the following additional condition: All storm water management and erosion and sediment control requirements set forth in the New Kent County Code be adhered to. Last month the Board of Supervisors raised questions concerning access and requested staff and Newport News Waterworks to identify alternative access from the originally proposed Rt. 627, the alternative access would have been via Virginia Power easement from Rt. 60. The Recreation Commission also looked at this and the offer and costs to improve the access road submitted, and has recommended the county accept Newport News Waterworks offer to improve the access via Rt. 627 to the standards they have set forth in their correspondence.

The applicant did not wish to make any comments, but said they were there to answer any questions the Board may have. Mr. Bahr stated they were not prepared to use the area for a park or access to the water. He asked Mr. Maloney if there was going to be a significant improvement on the Rt. 627 right-of-way. Mr. Maloney confirmed Newport News Waterworks has offered to regrade and align certain sections of the existing access and add gravel. Mr. Bahr asked what it would cost to improve the right-of-way to get the equipment through it. Mr. Brian Ramalay with Newport News Waterworks responded \$29,000, with only a portion being necessary were they to only use it for construction access and not make any improvements. Mr. Bahr felt if the county was not going to develop the park there was no necessity to improve the right-of-way any more than was necessary. Mr. Hennaman asked Mr. Bahr if the majority of the concerns of Mr. Hillner were increased noise, trash and things of that nature regarding the right-of-way being improved for the park. Mr. Bahr stated Mr. Hillner was there last Thursday when Parks & Recreation looked at the area and he did not think Mr. Hillner would object strongly to people using the area (if it were to be developed) if they did not use the road and go across his property. Mr. Bahr asked it be public record that they may be asking for the difference between the \$29,000 and the actual cost for construction access in the future. Mr. Green asked if the difference could be added to the \$250,000. Mr. Ramalay said he would ask his city council, as this would change the offer and it would no longer be participation in construction contract, but a cash transfer, which he would need approval from the city council to commit to. Mr. Green felt it would be advantageous to have the upgrade done, even though they would not use it in the near future. Mr. Hennaman was concerned they would be inviting people to trespass if they knew they could gain easy access. Mr. Green concurred. Mr. Burrell stated in order to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County, he moved to approve Conditional Use Permit CUP-3-97 as presented.

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| Gary L. Green | Aye |
| James H. Burrell | Aye |
| Frederick G. Bahr | Aye |
| Julian T. Lipscomb | Aye |
| Mark A. Hennaman | Aye |

The motion was carried.

IN RE: APPOINTMENTS. The Board will continue to make appointments to various committees.

Mr. Lipscomb made a motion to appoint Mr. W. O. Isgett as District One's representative to the Wetlands Board for a four year term ending December 31, 2000.

Mr. Lipscomb made a motion to appoint Mr. Chuck Emmons as District One's representative to the Youth Commission for a three year term ending June 30, 2000.

There were no appointments for District Two.

Mr. Burrell made a motion to appoint Ms. Jean Street as District Three's representative to the Youth Commission for a two year term ending June 30, 1999.

Mr. Burrell made a motion to appoint Ms. Monica Marchand Burrell as District Three's representative to the Youth Commission for a three year term ending June 30, 2000.

There were no appointments for District Four. Mr. Hennaman advised the Members he had received a verbal resignation from the Social Services Board representative, he will advise them the resignation will have to be submitted in writing.

Mr. Bahr made a motion to appoint Ms. Ellen Davis as District Five's representative to the Youth Commission for a two year term ending June 30, 1999.

Mr. Green made a motion to accept these appointments.

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| Gary L. Green | Aye |
| James H. Burrell | Aye |
| Frederick G. Bahr | Aye |
| Julian T. Lipscomb | Aye |
| Mark A. Hennaman | Aye |

The motion was carried.

Mr. Green made a motion to appoint Mr. Julian Lipscomb as New Kent County's Board of Supervisors representative to the Richmond Area Metropolitan Planning Organization.

Mr. Burrell made a motion to appoint Mr. Jesse Meekins as New Kent County's representative to the Public Facilities Authority for a five year term ending June 30, 2002. (Pending acceptance by Mr. Meekins)

It was the Board's consensus to act on these appointments in one motion.

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| Gary L. Green | Aye |
| James H. Burrell | Aye |
| Frederick G. Bahr | Aye |
| Julian T. Lipscomb | Aye |
| Mark A. Hennaman | Aye |

The motion was carried.

IN RE: MEETING SCHEDULE. The regular meeting of the Board of Supervisors will be held Monday, November 3, 1997 at 6:00 p.m. The Planning Commission will meet on Monday, October 20, 1997 at 7:00 p.m.

IN RE: EXECUTIVE SESSION. The Board will meet in 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 Section 2.1-344(a)(7) of the Code of Virginia.

Mr. Hennaman stated the Board would return to adjourn the meeting in which they would be discussing the legal briefings for the Worley case and a progress report on the Virginia Towers case, there were no actions to be taken. Mr. Burrell made a motion 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 Section 2.1-344(a)(7) of the Code of Virginia.

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| Gary L. Green | Aye |
| James H. Burrell | Aye |
| Frederick G. Bahr | Aye |
| Julian T. Lipscomb | Aye |
| Mark A. Hennaman | Aye |

The motion carried. The Board went into executive session at 7:50 p.m.

The Board returned to the regular Board meeting at 9:15 p.m. Mr. Lipscomb gave the certification: Whereas the New Kent County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and Whereas, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law; Now, therefore, be it resolved that the Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirement by Virginia law were discussed in executive meeting to which this certification resolution applies and (ii) only such public business matters as were discussed or considered by the Board.

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| Gary L. Green | Aye |
| James H. Burrell | Aye |
| Frederick G. Bahr | Aye |
| Julian T. Lipscomb | Aye |
| Mark A. Hennaman | Aye |

Mr. Lipscomb asked if the county could get the adjoining counties to join in asking the state to enact something requiring the Tidewater area (Norfolk, Chesapeake, etc.) would have to start making plans for desalinization within a certain time frame. Mr. Emerson replied the Board could adopt a resolution and request the communities surrounding New Kent to adopt a similar resolution. The resolution could be sent to the State Water Control Board. Discussion followed among the Members on this subject. The Board's consensus was not to pursue a resolution on this issue at this time.

Mr. Green stated it would be next summer before Sheriff Howard's car is available for the county administrator and it currently has over 70,000 miles on it. Mr. Green felt the Board should consider purchasing a new vehicle for the county administrator. Discussion followed among the Members regarding this issue.

Mr. Emerson reminded the Members of the VACO conference will be November 8 -11 this year.

IN RE: ADJOURNMENT

Mr. Burrell made a motion to adjourn.

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| Gary L. Green | Aye |
| James H. Burrell | Aye |
| Frederick G. Bahr | Aye |
| Julian T. Lipscomb | Aye |
| Mark A. Hennaman | Aye |

The Board adjourned at 9:25 p.m.