

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON
THE 10TH DAY OF SEPTEMBER IN THE YEAR TWO THOUSAND ONE OF OUR
LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING
AT 6:00 P.M.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: ROLL CALL

Rebecca M. Ringley	Present
James H. Burrell	Present
Dean E. Raynes	Present
W. R. "Ray" Davis Jr.	Present
Julian T. Lipscomb	Present

IN RE: CONSENT AGENDA

Mr. Emerson presented the Consent Agenda, which consisted of the following: approval of the minutes from the August 6, 2001 work session meeting and the August 6, 2001 regular meeting; Resolution R-17-01 submitted by Quin Rivers Agency for Community Action requesting October be designated as "Domestic Violence and Sexual Assault Awareness Month"; Resolution R-18-01 accepting Brown's Avenue into the State Secondary System; Resolution R-20-01 recognizing Daniel W. Patterson, Sr. for his commitment and service to the youth of New Kent County; Resolution R-21-01 accepting various roads in the Ranch Acres Subdivision; "Agreement for the Provision of Electric Service by Municipalities and Counties of the Commonwealth of Virginia from Virginia Electric and Power Company"; Refunds: \$1,409.24 refunded to Telaleasing Enterprises, Inc. for erroneous assessment due to duplicated equipment; Appropriations for FY 2001-2002: carry forward funds from the LLEBG Equipment Grant No.01-D1160LO99 - \$3,113.00; carry forward funds from the LLEBG Equipment Grant No.01-E1160LO00 - \$2,968.00; carry forward the unspent funds for the DMV grant - New Kent Bike Safety Program (Grant # PS01-56-5725-5 AND # SC01-65-57565-14) - \$359.82; Total Supplemental Appropriation of \$6,440.82; \$6,440.82 from General Fund - Fund Balance; Finance Report for August 2001 of \$1,287,290.15; and Treasurer's Report showing total cash as of July 2001 of \$12,533,175.93. Mrs. Ringley made a motion to approve the Consent Agenda.

The members were polled:

Mrs. Ringley	Aye
Mr. Burrell	Aye
Mr. Raynes	Aye
Mr. Davis	Aye
Mr. Lipscomb	Aye

The motion carried.

IN RE: CITIZEN'S COMMENT PERIOD

Chairman Lipscomb opened the Citizen's Comment Period. Ms. Nikole Lewis, Programs Coordinator with Project Hope was the first person to speak and she spoke with regard to Resolution R-17-01. This Resolution was submitted by Quin Rivers Agency for Community Action requesting October be designated as "Domestic Violence and Sexual Assault Awareness Month." Ms. Lewis distributed information on October events to the Board of supervisors and thanked them for their support.

IN RE: ELECTED OFFICIALS REPORTS

John Crump, Commissioner of Revenue, reported as required by state law the books for Personal property real estate and all information relating to the public service corporation was delivered to the Treasurer and other elected officials as required to by September 1st. Between the two areas of Real Estate and Personal Property almost \$900,000 tax revenue was gained between last year and this year. He stated that Agricultural and Forestal Districts are created for a purpose for keeping property protected for hopefully long periods of time, if we keep removing property from AFD's at request much shorter than they are in there for it may start causing some questions and we may want to look at alternative programs like land use program, make it available to more people. John Crump believes that we should use a land use program versus the AFD.

Mr. Burrell reported that the locker-room conditions at the high school are very crowded with the number of students that they have. He stated that the games after school are delayed because the facilities are too crowded. The school has been requesting for quite some time that a field house be built to help in this regard.

IN RE: STAFF REPORTS

Mr. Emerson requested Mr. Gallaher come forward and present status reports on the fire station project, the maintenance facility and the ongoing radio system situation. Mr. Gallaher stated the radio system has been delayed primarily because the frequencies designed by the Federal Communications Commission were not compatible. The building plan for the Transportation facility is about 95% complete. The building plans for the fire station are not as complete as the Transportation facility. Mr. Gallaher did not know an approximate percentage. Mrs. Ringley asked how long the testing phase with the radio systems would be. Mr. Gallaher stated the testing phase could be completed within 30 days. He also stated that there are not very many frequencies to use and they need more available frequencies.

Mr. Emerson requested Chuck Loving come forward and give a status report on the VDOT connection of the rest areas and treatment facilities. Mr. Loving responded the I64 project has closed the westbound and eastbound rest areas. The rest areas are shut down because they are in the process of building more pumping stations. They have run into a construction dilemma that has pushed the project back about three months.

As to the generator project for the County wells, the County is looking at three generators this year. They will be in the Greenwood/Kenwood Farms, Quinton Estates, and Whitehouse Farms subdivisions. Mr. Loving anticipates the specifications and review will be completed by the end of September. Bids should be starting the second or third week in October.

Mr. Emerson reported on the Fiscal Impact Analysis on the financial growth of the County, including the cost of planned projects and funds for the proposed schools. The findings may be presented at the October meeting.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Rob Prezioso, Resident Engineer from VDOT, updated the Board of Supervisors on projects accomplished within New Kent County, and other tasks, which are scheduled to be completed. He reported the Rt. 106 project at the county line was coming along nicely. He also reported that a tree on Rt. 249 has been removed. It was brought to Mr. Prezioso's attention that the ditches on Rt. 60 are not draining properly and are causing the road to be fairly wet and slippery when it rains. Mr. Prezioso stated he would look into the situation.

Mr. Burrell asked Mr. Prezioso to check on the dip on the bridge of Route I-64. Mr. Burrell reported the bridge poses potential hazards to citizens. Mr. Prezioso stated he would look into the issue.

Mrs. Ringley asked Mr. Prezioso to look into clearing the weeds that are overgrown on Club and Shoreline Drive. Mr. Prezioso stated that he would look into getting those roads cleared of overgrown weeds.

IN RE: PUBLIC HEARING - The Board will bring two Redistricting Plans (Plan 5 and Plan 12 modified) to the public for comment.

Mr. Stanger gave the report on the two (2) Redistricting Plans and stated the reasons why New Kent County is Redistricting, which included: Article VII, Section 5 in the Virginia Constitution states that it requires redistricting in any locality that elects the governing body from districts, requires districts be composed of contiguous and compact territory, and provides that any citizen can go to court to compel the governing body to redistrict. Mr. Stanger stated some important goals of redistricting: to create election districts that are compact, contiguous, and preserve communities of interest, to create election districts that have representation proportionate to the population, to create election districts in which the deviation from the ideal election district population is small as possible, ideally, no more or less than 2.0% deviation, to ameliorate or prevent retrogression in minority voting strength from the 1991 redistricting plan including neither concentrating

or fragmenting minorities in one or more election districts, to keep census blocks intact and prior to the selection of a final redistricting plan, to involve the public in the process of developing alternative plans and specifically to solicit input from members and representatives of the various minority member organizations. The 1991 figures where a minority-majority district was created in District 3. District 3 had a non-white population of 56.34%. District 5 had the second highest percentage of minority residents (22.82%). District 3 was not compact- it was "V" shaped. The percentage of minorities in District 3 declined to 42.84%. District 3 is no longer a minority-majority district. The population growth in the County in the past decade – 90.39% was white. In District 3, there was a population growth of 90.34% whites. The minorities in District 5 also declined to 20.03%.

Chairman Lipscomb opened the public hearing. Phillip Felts, which resides in District 1, was the first to speak. Mr. Felts was in favor of Plan 5. He believes that if the Board is to go with Plan 12 it is going to prolong getting a new district set up and go through legal documents. Stan Trout stated he was in favor of Plan 5 as Plan 12 would be retrogressive and Plan 5 would not. Gary Green, which resides in District 2, was the next to speak. He stated his concerns for the numbers compared to the current district. He believes that Plan 12 will have adverse affects on the African American population. He advises to push Plan 5 because it would be fair to the citizens of the County. He also stated not to promote a plan (plan 12) that will be retrogressive, because it appears that if this plan goes into effect, they will probably go to court. He stated that he is in favor of Plan 5.

Tolar Nolley, a resident of District 3, was the next to speak. He was in favor of Plan 5. David Howard, also a resident of District 3, was the next to speak. He stated he feels the basic facts for restructuring should be used as a tool to ensure the voice of the minority representation if justly heard in the government body and not tools to win votes for re-election. He stated that he would look to the minority leadership in the community for their preference in order to achieve a positive outcome. He commended Mr. Stanger for explaining that Plan 5 shows 39.5% registry vs. 24.5% with Plan 12 modified. He also stated, "if we as a community want to move forward in this century and set an example that we care about the minority to further embrace the true ideal that we respect an individual with his or her vote based on the content of their character and their race or color with hope to be recognized as a diverse community known as New Kent."

Mark Daniel, a resident of District 1, was the next to speak. He advised that the first district planned in 1991 created a minority of 54.4% considered if plan 12 would be modified. He stated that under Plan 5 it would change fewer places of the polling places, which would cause less confusion than Plan 12. Plan 5 would create a district with a higher percentage of non-white voters, and it is closer to fair equal representation. He was in favor of Plan 5.

Doug Houston was the next to speak. He had recently moved to St. Peters Church area which is in Mr. Burrell's District. He was in favor of Plan 5. Herb Jones was the next to speak. He stated that both plans, whichever passed, would not affect him either way. Mr. Jones works for the Treasurer's Office and he is in favor of Plan 5. Mr. Jones stated that Plan 12 if challenged and would generate costs of up to \$100,000 in legal fees. He stated that in the last three years we have paid over \$300,000 in legal fees. He stated that

the money spent on legal fees could be spent on other things like education, law enforcement, and parks. He was in favor of Plan 5.

Jennifer Caldwell, a District 2 resident, was the next to speak. She posed a few questions to Ms. Katz and the Board. The first question was addressed to Ms. Katz regarding retrogression: if overall population the minority goes down, does the past percentage have to be maintained Ms. Katz responded, no, it would be impossible to maintain it because it changes. She also asked what does the county have to redistrict next time. The goal is to see if the 1991 minority-majority can be re-created again. Ms. Katz stated that these are the two plans that the Board chose as supporting that goal.

Ms. Snyder was the next to speak. She was in favor of Plan 5, stating that Plan 12 decreases the minority rates. Reverend Hathaway was the next to speak. He lives in District 3. He was for plan 5. Mr. Hennaman was the next to speak. He stated that he was in favor of plan 12 and presented the Board with a petition containing fifty names in support of plan 12. Mr. Pollard was the last to speak. He was in favor of plan 5. Mr. Burrell made a motion to take plan 5 to public hearing. The members were polled:

Mrs. Ringley	Nay
Mr. Burrell	Aye
Mr. Raynes	Aye
Mr. Davis	Nay
Mr. Lipscomb	Aye

The motion carried.

Chairman Lipscomb called for a five-minute recess.

IN RE: PUBLIC HEARING – Conditional Use Permit CUP-02-01 – UniSite is requesting a permit to place a 250-foot telecommunication tower on the rear portion of the Rappahannock Concrete property.

Mr. Stanger presented the CUP-02-01 to the Board. He stated he had received a request on April 30, 2001, from UniSite to place a 250-foot telecommunications tower on the rear portion of the Rappahanock Concrete property. The surrounding land uses and zoning are: to the south, east, and west of the subject property is industrial, M-2. To the north of the subject property the land use is vacant agricultural/ forestall and the zoning is A-1. Mr. Stanger stated the land use and development policies for wireless communication services. The following policies were adopted as part of the Comprehensive Plan:

1. Facilities shall co-locate whenever possible. Existing facilities should be improved to provide future opportunities for co-location whenever possible.
2. Applicants are encouraged to seek out existing structures such as buildings, water towers, and silos to locate antennae as an alternative to traditional tower structures.
3. Tower facilities shall be located to minimize impacts on existing and future areas of the development. Facilities should be buffered as a means of minimizing adverse visual impacts.

4. The wireless industry is expected to cooperate with the County in implementing its policies by providing detailed location and service area coverage data for existing and proposed facilities during the permitting process for new facilities.
5. Applicants for communication tower facilities are expected to contact the residents of the community to discuss specific proposals prior to public hearings before the Planning Commission and Board of Supervisors.

Communication towers, which exceed 50 feet in height, are permitted in M-2 zoning districts via a conditional use permit. The proposed tower location is in the Eltham Industrial Park. The Route 33 Area Plan designates the entire corridor for industrial development. Therefore, the proposed location of a tower is within an area that is designated for such uses. This application has been reviewed by the following agencies: Virginia Department of Transportation, New Kent County Health Department, and New Kent County Department of Public Safety and New Kent County Public Works Department. The Planning Commission grants approval for this application with the conditions as outlined:

1. Extensive landscaping to be installed around the base of the tower to screen the tower compound and utility equipment. The Director of Planning will determine the extent of which during the site plan approval process.
2. If a generator is used that a muffler be installed to reduce noise levels whenever the generator is to be in operation.
3. Along with 30 foot wide access and utility easement that Leland Cypress trees be planted on 10 foot centers along the southern and western property lines of the site where the access easement is to be located. At time of planting, these trees shall be a minimum of 6 feet tall with a minimum caliper of 3 inches. The applicant shall post a bond for the replacement of trees that may not survive the first 2 years after their planting.
4. A space to be reserved for co-locating public safety communications antennae on the tower at a height that will provide optimum performance for County radio systems.
5. All construction be signed and sealed by a Professional Engineer registered in the Commonwealth of Virginia.

Intelos wants to put a tower in for citizens to be able to have service for the use of their cellular phones. The tower will have five carriers. They stated that the shorter towers would not work because buildings and trees will interfere with service connections. The lease will be for twenty to twenty-five years.

Chairman Lipscomb opened the public hearing. Mr. Crump, Commissioner of Revenue was the first to speak. He stated that the county needed to know the lease terms to know the wealth of the land and they needed to have a handle on who owns the tower. He also stated that the county needs to know the value of the personal property. Chairman Lipscomb closed the public hearing.

Mr. Burrell made a motion to defer CUP-02-01. The members were polled:

Mrs. Ringley	Aye
Mr. Burrell	Aye
Mr. Raynes	Aye
Mr. Davis	Aye
Mr. Lipscomb	Aye

The motion carried.

IN RE: PUBLIC HEARING – Zoning Ordinance Amendment ZO-06-01 of County Wide B-1 to Section 9-170 requesting Automobile Repair Service and Garage be added as use.

Mr. Stanger presented the Staff report for this item, stating Mr. Marshburn has applied to amend the New Kent County Zoning Ordinance Section 9-170, Uses Permitted by Conditional Use Permit Only, to add Automobile Repair Service and Garage as a use. If the proposed zoning ordinance amendment is adopted, the New Kent County Code will require a conditional use permit to operate an Automobile Repair Service and Garage within the Business General, B-1 Zoning District. The recommendation by the planning commission is that this application be approved.

Chairman Lipscomb opened the public hearing. Mr. George Philbates signed up to speak, stating he was in favor of this use in the Business General, B-1 Zoning District. Chairman Lipscomb closed the public hearing. Mr. Burrell made a motion to approve ZO-06-01. The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye
Julian T. Lipscomb	Aye

The motion carried.

IN RE: PUBLIC HEARING – Conditional Use Permit CUP-03-01 of Ronald Marshburn to operate an Automobile Repair Service and Garage at 7847 Pocahontas Trail, Tax Map # 41-34.

Mr. Stanger presented the Conditional Use Permit CUP-03-01 to the Board. He stated he had received a request from Mr. Ronald Marshburn for an application to apply for a conditional use permit to operate an Automobile Repair Services and Garage on the aforementioned property. To the north, south, east, and west of the subject property the land use is low density residential and agricultural/forestal. The zoning of the surrounding properties is A-1.

The Planning Commission recommended approval of this application during its regular meeting on July 16, 2001, with the following conditions:

1. This Conditional Use Permit is for Mr. Ronald Marshburn and shall be null and void if ownership of the property is transferred or sold to another party.
2. All vehicles stored on site must be located within the impoundment area which is fenced, fully screened from view of rights of way from adjacent properties.
3. All oil, grease or by-products of this business should be properly disposed of via an authorized hazardous waste handling company.
4. Plantings of trees or bushes around fence to the storage area to maintain a visual buffer from the rural surroundings. The plantings should be maintained indefinitely. All repairs will occur with a fully enclosed building or within the impoundment area. Impervious surface area shall not exceed 16% of the site. Any requirements as stipulated by the Virginia Department of Transportation (VDOT) for entrance onto the State road shall be incorporated as conditions of this permit.
5. Best management practices shall always be used.
6. Operable vehicle is defined as a legal vehicle with a valid inspection, county decal, state license, which is not wrecked or disassembled in any manner.

Chairman Lipscomb opened the public hearing. No one chose to speak. Chairman Lipscomb closed the public hearing. Mr. Raynes made a motion to approve conditional use permit application CUP-03-01 with the following changes: the included area cannot be extended, and has to follow the recommendations of the Planning Commission. The recommendations of the Planning Commission are as follows: this Conditional Use Permit is for Mr. Ronald Marshburn and shall be null and void if ownership of the property is transferred or sold to another party; all vehicles stored on site must be located within the impoundment area, which is fenced, fully screened from view of rights of way from adjacent properties; all oil, grease or by products of this business should be properly disposed of via an authorized hazardous waste handling company; plantings of trees or bushes around fence to the storage area to maintain a visual buffer from the rural surroundings, the plantings should be maintained indefinitely; all repairs will occur with a fully enclosed building or within the impoundment area; impervious surface area shall not exceed 16% of the site; any requirements as stipulated by the Virginia Department of Transportation (VDOT) for entrance onto the State road shall be incorporated as conditions of this permit; best management practices shall always be used; and an operable vehicle is defined as a legal vehicle with a valid inspection, county decal, state license, which is not wrecked or disassembled in any manner.

The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye
Julian T. Lipscomb	Aye

The motion carried.

IN RE: PUBLIC HEARING – AFD Renewals: Pelham Swamp AFD, Waddell AFD, and Winslow AFD.

Mr. Stanger presented the AFD renewals to the Board. He stated all three Agricultural and Forestal Districts are set to expire on December 9, 2001. All property owners in the three districts have been notified that the districts are set to expire, and all property owners responded in the affirmative in their desire to remain in this district. This is a ten-year renewal and the future expiration date for these districts will be December 9, 2011.

The Pelham Swamp AFD is composed of 673 acres, the Waddell AFD is composed of 241 acres, and the Winslow AFD is composed of 215 acres. These three districts are due to expire on December 9, 2001. The Planning Commission recommended the renewal of these three districts.

Chairman Lipscomb opened the public hearing. No one had signed up to speak. Chairman Lipscomb closed the public hearing. Mr. Davis made a motion to adopt Ordinance O-9-01. The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye
Julian T. Lipscomb	Aye

The motion carried.

IN RE: PUBLIC HEARING – AFD Additions: AFD-10-01.

Mr. Stanger presented the AFD additions to the Board. He stated that nine applications have been received to add property to an existing AFD or create a new AFD. Those applications are as follows:

AFD-01-01, Floyd and Betty Philbates would like to add 70.59 acres to the Pamunkey River Agricultural and Forestal District, tax map and parcel numbers 26-86, 26-86A, and 26-85. This application would increase the Pamunkey River AFD from 720 acres and three property owners to 790.59 acres and four property owners; and

AFD-02-01, Burnet C. Christian for the Jewell F. Christian Trust would like to add 68.6 acres to the Pelham Swamp Agricultural and Forestal District, tax map and parcel number 22-63. This application would increase the Pelham Swamp AFD from 1,273 acres and 14 property owners to 1,341.6 acres and 15 property owners; and

AFD-03-01, Barney R. and Patsy R. Grove would like to add 113.61 acres to the Centreview Agricultural and Forestal District, tax map and parcel number 10-1. This application would create a new AFD known as Centreview AFD. When combined with AFD application AFD-10-01 by Mr. Parsley the minimum criteria for the creation of a new AFD would be met; and

AFD-04-01, Gary A. and Donna J. Via would like to add 81 acres to the Old Dispatch Agricultural and Forestal District, tax map and parcel number 8-29. This application would increase the Old Dispatch AFD from 2,006 acres and 10 property owners to 2,087 acres and 11 property owners; and

AFD-05-01, Milton S. and Faye F. Clarke, Jr. would like to add 54.2 acres to the Springfield Natts Agricultural and Forestal District, tax map and parcel numbers 35-6A, 35-7A, and 35-7B. This application would increase the Springfield Natts AFD from 272 acres and two property owners to 326.2 acres and three property owners; and

AFD-07-01, Milton S. Clarke, Jr. would like to add 74.87 acres to the Slatersville Agricultural and Forestal District, tax map and parcel numbers part of 35-6 parcel 3, part of 35-6 and 34-6 parcel 2. This application would increase the Slatersville AFD from 317 acres and four property owners to 391.87 acres and five property owners; and

AFD-08-01, Carlton Southworth would like to add 72.57 acres to the Pamunkey River Agricultural and Forestal District, tax map and parcel numbers 10-48 and 10-48C. This application would increase the Pamunkey River AFD from 720 acres and three property owners to 792.57 acres and four property owners; and

AFD-09-01, Cleveland W. and Margaret B. Adamson and Lora M. Binns would like to add 118.052 acres to the Ashland Farm Agricultural and Forestal District, tax map and parcel numbers 30-4-1, 30-4-2, 31-12. This application would increase the Ashland Farm AFD from 405.56 acres and four property owners to 523.612 acres to five property owners; and

AFD-10-01, Joseph Lewis Parsley, Jr. would like to add 189.1 acres to the Centreview Agricultural and Forestal District, tax map and parcel number 3-21. This application in conjunction with application AFD-03-01 by Mr. & Mrs. Groves creates the Centreview AFD with a total acreage of 302.71 acres.

Mr. Stanger stated the Planning Commission recommended approval of these nine applications.

Chairman Lipscomb opened the public hearing. No one had signed up to speak. Chairman Lipscomb closed the public hearing. Mr. Davis made a motion to adopt Ordinance O-10-01. The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye
Julian T. Lipscomb	Aye

The motion carried.

IN RE: PUBLIC HEARING – AFD Removals: AFD-06-01 for W. R. and Ruby Lee Black; and AFD-11-01 for Richard W. Mountcastle.

Mr. Stanger reported the AFD Removals to the Board, stating two applications had been received to remove property from Agricultural and Forestal Districts:

AFD-06-01, W. R. and Ruby Lee Black would like to remove 52 acres from the Old Tavern Agricultural and Forestal District, tax map and parcel number 9-26. This application would decrease the Old Tavern AFD from 787 acres and four property owners to 735 acres and three property owners; and

AFD-11-01, Richard W. Mountcastle would like to withdraw 100.4+/- acres that were rolled over in error, in last year's renewal of the Mountcastle AFD. The property is identified as tax map and parcel number 32-12. This application would decrease the Mountcastle AFD from 2,342 acres and 12 property owners to 2,241.6 acres and 11 property owners. The Planning Commission recommends approval of this application.

Chairman Lipscomb opened the Public Hearing. No one had signed up to speak. Chairman Lipscomb closed the Public Hearing. Mrs. Ringley made a motion to adopt Ordinance O-08-01. The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye
Julian T. Lipscomb	Aye

The motion carried.

IN RE: PUBLIC HEARING – Ordinance O-07-01 amending Section 10-49(b) of the New Kent County Code to provide for reduced vehicle licenses for auxiliary Sheriff's Deputies.

Mr. Emerson gave his report on reduced vehicle licenses. He stated that this amendment will permit auxiliary Deputy Sheriffs to receive a reduction on one-half the applicable County vehicle license tax. The Code of Virginia permits counties to provide a reduction in the motor vehicle tax to individuals who perform public safety functions for the County on a volunteer basis.

Chairman Lipscomb opened the public hearing. No one had signed up to speak. Chairman Lipscomb closed the public hearing. Mrs. Ringley made a motion to adopt Ordinance O-07-01. The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis Jr.	Aye
Julian T. Lipscomb	Aye

The motion carried.

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

Mr. Raynes made a motion to appoint David Sisk, as District Four’s representative to the Comprehensive Plan Advisory Commission for one-year term ending June 30, 2002. The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis Jr.	Aye
Julian T. Lipscomb	Aye

The motion carried.

IN RE: CLOSED SESSION

Mr. Lipscomb stated the Board had received Mr. Emerson’s resignation.

Mr. Burrell made a motion to go into closed session for discuss a personnel matter pursuant to §§2.1-344(a)(1) of the Code of Virginia.

The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis Jr.	Aye
Julian T. Lipscomb	Aye

The motion carried.

The Board came out of closed session at 10:00 p.m. and Mr. Burrell certified the closed the session by stating:

Whereas, the New Kent County Board of Supervisors has convened a closed 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 closed 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 closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis Jr.	Aye
Julian T. Lipscomb	Aye

The motion carried.

Mr. Burrell made a motion to give Chairman Lipscomb the authority to meet with an individual to discuss serving as the Interim County Administrator. The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye
Julian T. Lipscomb	Aye

IN RE: MEETING SCHEDULE – The regular meeting of the Board of Supervisors will be held Tuesday, October 9, 2001 at 6:00 p.m. A work session will be held prior to the regular meeting at 4:00 p.m. in the courtroom of the Old Courthouse.

IN RE: ADJOURNMENT

Mr. Burrell made a motion to continue this meeting until Tuesday, September 18, 2001 at 7:00 p.m. The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye
Julian T. Lipscomb	Aye

Chairman Lipscomb adjourned the meeting at 10:10 p.m.

The meeting was reconvened September 18, 2001 at 7:00 p.m.

The Board reconvened the meeting to talk to Mr. Dick Ellyson about serving as the Interim County Administrator.

Chairman Lipscomb asked the Board if they had any questions for Mr. Ellyson. Mr. Burrell asked him when he came onto the Board of Supervisors. Mr. Ellyson stated that he had first become on the Board of Supervisors in 1976. Mrs. Ringley asked if he understood the difficulty of being a County Administrator. Mr. Ellyson stated that he would carry out the Board's wishes. Mr. Burrell stated that the process could be long, looking for a new County Administrator and asked if he could do it. Mr. Ellyson stated that he feels prepared to do it and that he will stay as long as he needs to. Mr. Ellyson lives in the county and knows several people with the county. Chairman Lipscomb and Mr. Ellyson served in the army together. Mr. Williams and Mr. Ellyson handled hardships with the county. Mr. Ellyson served on the Board of Supervisors. Chairman Lipscomb would like Mr. Ellyson to start as soon as possible to work with Mr. Emerson to learn his everyday duties. Mr. Ellyson will start working with Mr. Emerson on Monday, October 1, 2001.

Mr. Burrell made a motion to hire Mr. Ellyson as the Deputy County Administrator making \$6,000 per month with no fringe benefits.

The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye
Julian T. Lipscomb	Aye

The meeting was continued to a work session on Thursday, October 4, 2001 at 7:00 p.m. in the courtroom of the Old Courthouse.
