

AN EXECUTIVE SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE FIFTH DAY OF AUGUST IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SIX BEGINNING AT 6:30 P.M. THIS WAS FOLLOWED BY THE REGULAR MEETING OF THE BOARD OF SUPERVISORS IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING BEGINNING AT 7:00 P.M. THE INVOCATION WAS GIVEN BY MR. MARK HENNAMAN FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

IN RE: EXECUTIVE SESSION

Mr. Hennaman called the meeting to order and asked for a roll call.

Julian T. Lipscomb	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Mark A. Hennaman	Aye
E. David Ringley	Absent

Mr. Ringley was absent due to illness.

Mr. Bahr moved to go into Executive Session for consultations 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(1)(7) of the Code of Virginia.

Julian T. Lipscomb	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Mark A. Hennaman	Aye
E. David Ringley	Absent

Mr. Burrell moved to go back into regular session.

Julian T. Lipscomb	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Mark A. Hennaman	Aye
E. David Ringley	Absent

Mr. Burrell 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.

Julian T. Lipscomb	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Mark A. Hennaman	Aye
E. David Ringley	Absent

Mr. Hennaman explained they were in executive session to discuss some legal matters in which the County is involved. He then asked for a brief recess.

IN RE: ROLL CALL

Mr. Hennaman called the Board of Supervisors meeting to order and welcomed everyone to the meeting. He gave the invocation followed by the pledge of allegiance. Mr. Hennaman then asked for a roll call.

Julian T. Lipscomb	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Mark A. Hennaman	Aye
E. David Ringley	Absent

Mr. Hennaman asked the record to show Mr. Ringley was absent due to illness. He gave an update of Mr. Ringley's condition saying, he is recovering from his surgery but at the present time he is still in Intensive Care. The family has requested no visitors or phone calls at the present time. They asked Mr. Hennaman to express their appreciation for all the thoughtfulness shown to them during this time.

IN RE: SCHOOL BOARD LEASE PURCHASE & REIMBURSEMENT RESOLUTION R-25-96.

Mr. Hennaman explained they were changing the proceedings slightly so they could accommodate the School Board, as their meeting is also tonight. Mr. Emerson explained the School Board has requested the Board of Supervisors allow a lease purchase for the purchase of three buses, the replacement of the Middle School gym roof, two-way radios for all school buses and text books for the upcoming school year. The original request from the schools was \$408,120. The Board of Supervisors directed County staff to decrease the lease purchase amount by eliminating several items the schools wished to purchase. By doing this, the cost now would be \$367,370. Mr. Emerson contacted various financial institutions to determine the best possible route in matching the School Board's cash flow with their needs. Ferris, Baker, Watts, Inc. (was Carter Kaplan) quoted the County a rate of 5.060% over a six year period and will finance all the requested items. The payment amount over a six year period begins with a payment this fiscal year of \$39,452 and a one time high in the fifth year of \$72,092. This payment schedule reflects an amount achievable by the School Board in their current budget. Lease purchase requires the governing body to conduct a public hearing before entering into the financial agreement. In order for the School Board to obtain the text books, the Board of Supervisors must adopt a reimbursement resolution declaring its intent to reimburse itself for the text books to be ordered prior to finalization of the lease purchase agreement. The lease purchase agreement will be finalized at the September Board Meeting with a public hearing being held at that time. This places the Board in somewhat of a dilemma concerning public input after the fact however, the School Board feels it is imperative they have the new text books prior to the beginning of the new school year. Mr. Emerson said Dr. Geiger and the School Board were present to answer any questions the Board may have. Mr. Burrell asked Mr. Emerson about the \$39,000 payment with a payment of \$75,000 at the end. Will the intermediate years be around \$39,000? Mr. Emerson replied, no that is a half year payment.

Dr. J. Roy Geiger, Superintendent of Schools thanked the Board for their consideration of this lease purchase agreement which will help the schools during this tight fiscal budget year. He also appreciated Mr. Emerson's help with a way to stretch the dollars as far as possible. The text books are critical to start the school year with. The replacement of three buses will keep them in accordance with State guidelines as far as replacing them every twelve years. The Middle School roof has been patched and patched and they had a consulting firm look at the roof and were advised it has to be replaced. The two-way radios will add a safety factor to the buses.

Mr. Hennaman thanked Dr. Geiger and they do have the cart before the horse, but he felt it was imperative the students start the year with the new text books. Mr. Bahr felt it was appropriate, before the Board voted, to ask if any citizens wanted to speak on this issue. Mr. Burrell replied, he thought it would be fine but it would have to be short because the School Board needed to go to their meeting. Mr. Hennaman asked if anyone in the audience wanted to speak solely on this issue. No one asked to speak. Mr. Lipscomb moved to approve Resolution R-25-96 as presented.

Julian T. Lipscomb	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Mark A. Hennaman	Aye
E. David Ringley	Absent

Motion passed.

Mr. Hennaman thanked Dr. Geiger and the School Board for their time.

FOR RESOLUTION R-25-96 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FIVE, PAGE 523.

IN RE: CONSENT AGENDA

Mr. Emerson, County Administrator, explained the Consent Agenda contained the minutes for the month of July; an appropriation of \$38,602 for unexpended funds last year on the transfer sites; Resolution R-27-96 for Daniel W. Patterson; Resolution R-29-96 to vacate a part of Clinton Road; Resolution R-28-96 to amend the 1993 IDA Bond Series C and the Finance Report for the month of July. Mr. Burrell asked if he could read the resolution on Danny Patterson. He explained that Danny was made D.A.R.E. Officer of the Year for the State of Virginia, after which he read the proposed resolution. He stated this is a great recognition for Danny and for the Sheriff's Department. Mr. Bahr mentioned on the amendment of the bonds, the transfer stations are collateral for those bonds. He inquired as to how much were in the bonds. Mr. Emerson replied, the 1993B Series is approximately \$338,000 and the 1993C Series is approximately \$226,000 and you will now be adding the \$38,602 to that fund. Mr. Lipscomb moved to approve the Consent Agenda as presented.

Julian T. Lipscomb	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Mark A. Hennaman	Aye
E. David Ringley	Absent

Motion passed.

FOR RESOLUTIONS AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FIVE: R-27-96, PAGE 525; R-29-96, PAGE 526; AND R-28-96, PAGE 527.

IN RE: CITIZENS COMMENT

Mr. Jack White requested Stewart Road be black topped. There are thirteen permanent residents on that road and five summer cottages. This road is dirt, there are numerous pot holes, it washes away when it rains, and they can't open their windows because of the dust. VDOT came by two weeks ago and graded

the road. It washed away a few days after that when it rained. He was told the children missed approximately 12 days from school because of the snow and ice on the road. The school transportation department uses this road to gauge whether or not to open the school in bad weather. He estimates 67 cars per day travel this road. He would appreciate this road be considered for black topping.

Mr. Bill Cooler also of Stewart Road said he supported Mr. White's statements. Mr. Cooler stated a former supervisor, Mr. Boroughs and someone from the state highway department came down and viewed the road. He was promised at that time it would go on the six year plan, which it did not. He was supporting Mr. White's request.

Mr. Jack Simons stated he wanted to address the request of the Flyers Club. Twenty-eight people met to express their willingness to help restore the old terminal building into an attractive place to meet and to talk about airplanes and flying. This is a volunteer effort to begin to restore the airport without cost to the County. There seems to be no real solution in sight for the airport. The Board of Supervisors are now looking to the Airport Advisory Commission to recommend direction when they have no background history of the events that have created the current situation. The pilot group deserve a better answer to their questions concerning an FBO than, we can't talk about that. He asked the Board to give the advisory committee their support to search out the correct information so they may make sound recommendations. They will begin tonight with a recommendation to establish a Flyers Club and he urged the Board's approval of their proposal.

Mr. Ed Gran stated the two incumbents from the past election were Mr. Burrell and Mr. Ringley. He wished Mr. Ringley a full and speedy recovery but hoped he would never see him sitting on the Board again. He felt he is a large part of the problems the County is facing today. The other three gentlemen ran campaigns based pretty much on the poor fiscal responsibility of the prior Board. Now they are considering a line of credit to broaden and deepen the hole making the problem even bigger. You can't borrow your way out of the problem. This County needs to be run like a business. If taxes don't cover expenses, then you reduce the expenses to meet the revenue. You can't keep raising taxes to cover bad management. They also ran to be more open with the people and it seems there is just as many closed door meetings as there were before and they need to end.

Ms. Sam Snyder stated she also wanted to address the line of credit issue. It is shameful the County has to borrow money from next year's taxes. Last year Henrico County, Newport News and Chesapeake Corporation bailed us out of a similar situation. At that time Ms. Burrell, County Treasurer stated we will be in worse shape next year if we continue to spend the reserve fund. While some members of the Board maintained the County had no problem with money, Mr. Burrell and Mr. Bradby warned over and over that the County is broke. No one listened. Who will bail the County out this time? The citizens. A budget has been approved with a 4 2% to 5% pay raise to school and County employees and the School Board is asking to borrow \$367,372 to buy text books, etc. We can't borrow ourselves out of debt. How much will the taxes be raised next year? Or will the Board try the twice a year tax collection to try and get the money up front. Several members of the Board proposed cutting their salaries back to a reasonable amount and tightening up on spending overall. Messrs. Burrell and Bahr were practically laughed out of the room for that suggestion. In a time when private industry is downsizing, when employees are being cut and salaries frozen, it behooves County government and the School Board to follow suit. The taxpayers will put up with a lot, but you have gone too far. Stop forcing the citizens to bear the tax burden of inefficiencies.

Ms. Barbara Hale wanted to respond to last months comments regarding the fire department and her involvement. A public meeting of the Board of Supervisors is not the appropriate place to air a personal vendetta by a single member of the Board. Any such attacks by a member should not interfere with the Board's decisions which should be made with the best interests of all the citizens. Mr. Salmon received

the fire department records in boxes, as she did but, he only received a few boxes and was only dealing with one tax year (1993). She received 1993, 1994 and 1995 together with the records to date for 1996. She understood the fire department was billed for \$600 from Mr. Salmon with a statement that the only thing missing was a signature on the 1993 tax return and returned the books, untouched, and no tax return for 1993 being found. She did reconcile the 1993 books and filed the return. At the Boards request, she did return all the files she received, much better organized in two file cabinets, together with the completed tax return at no charge and withdrew her proposal to do the remaining returns. The fire department and ultimately the citizens of New Kent will pay the price for the arrogance of a few. She felt the budget for the fire department was greatly inadequate. The Board expects these volunteers to work full-time jobs, fight our fires and raise money for their expenses for anything over what the County gives them. Most of the problems she saw for the bickering between the fire departments was caused by under funding. They struggle to keep their equipment current and to have enough gear for all their firefighters. A simple grant application would help Company Three with a crossover so they can turn left without having to go to the closest turn around. These people risk their lives for the citizens, the least we could is make sure they have enough equipment and support their operating needs. She suggested the Board reduce their salaries and that of County staff, stop business as usual. There is not a cash flow problem but a spending problem.

Mr. Hennaman reminded the citizens to contain their remarks to three minutes.

Mr. Charles Hale was signed up to speak. He said he supported the statements made by his wife.

IN RE: ELECTED OFFICIALS REPORTS

Ms. Betty Burrell, Treasurer gave the financial report for the month of June. Ms. Burrell noted it shows a negative balance but this is due to the teachers salaries who have opted to be paid over twelve months instead of ten. She also drew their attention to the investment line. This money can be withdrawn at any time without penalty. Mr. Burrell moved to approve the Treasurer's report the month of June and to authorize the Treasurer to continue to invest in legal and highest yielding-risk adjusted investment instruments.

Julian T. Lipscomb	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Mark A. Hennaman	Aye
E. David Ringley	Absent

Motion passed.

Ms. Burrell also gave a preliminary report for the month of July. This also reflects the teachers pay for those two months. The approximate balance for July 31st would be \$1,514,862.59. Mr. Lipscomb inquired how much the teachers checks would amount to. Ms. Burrell replied less than \$300,000. Ms. Burrell reported that her department and the Commissioner of Revenue and his department have been working on a new form for the collection of real estate taxes/personal property taxes/decals due on December 5th. This will be a user friendly form which have three parts. The first part will have the information about the deadlines, the middle of the bill will serve both as the tax bill and the application for the decal and the bottom portion is a deposit ticket with Citizens & Farmers Bank. This will help the citizens if they can't get to the County offices but just want to pay through the bank. This is a great service for the citizens and also to us. The proof should be here in approximately one week and a half. She will show this to the Board in case they want to make any changes before it gets printed.

Mr. John Crump, Commissioner of Revenue commented also on the new form. He stated it was a delight to work with the Treasurer and her department. They had a lot of good ideas and the two offices have a good working relationship. All of the taxes are due on the same day and he hopes the citizens don't find this form intimidating. His department will be able to use this new form to gather information to make assessments on vehicles. They have completed the assessment on personal property except for two companies at this time. They are waiting for the forms to complete the personal property book. The revenue office has spent some time reviewing the real estate reassessment done last year and making sure that everything is accurate. They were using a new software system this time which has a lot more information than they ever had before. He did find a number of clerical errors, approximately 100, which he is now trying to rectify. They have also finished the AFD assessment. The only thing left to do on the real estate is to finish the reconciliation of what is on the Eagle System and get it transferred to the County's Bright system. They will then be able to print the land book. The most frequently asked question his office gets is related to real estate. There are probably 20 to 30 calls a day and probably 10 visitors a day asking questions on real estate. They are trying to figure out how to get information from the system and load it onto the multi-listing services in Richmond and the immediate area. They would like to have it placed on CD ROM and microfiche. The Commissioner's office did not have the people to do this or the knowledge so they placed an ad in the paper and received ten calls from volunteers that are systems people that wanted to come in and help. Mr. Rich St. Mary is a volunteer who has extensive computer background and came in to try and help assemble this information. They have collected over \$300,000 for business licenses. Another item is, he would like to see the date changed from January 1st to March 1st on the business license. They are finding many businesses have not completed their tax information and don't know where they stand as of January 1st. The last item is in reference to the Finance Committee. He would like to see these meetings begin again. Mr. Lipscomb asked if the upgrading of the tax records will be completed by the end of the year? Mr. Crump replied, he hoped to have all the information within the next two weeks entered into the system. Mr. Hennaman replied to Mr. Crump's remark about the Finance Committee. At present there are two members of the Board of Supervisors who are on that committee however, the Chairman is also a member of all the committees. This would mean three Board members would meet and that has caused some concern as far as it constituting a public meeting. This is something we need to look at and resolve before we could hold a meeting. Mr. Burrell felt it would not be a problem if the meeting was announced and he congratulated Mr. Crump and Ms. Burrell for their innovation and cooperation between their departments.

Mr. Bahr stated he felt he was partly at fault for the problems with Barbara Hale and the fire department records. Mr. Ringley was under pressure at the time and what he said was unfortunate but understandable. He also thanked Mr. Godfrey and Mr. Winstead of the Virginia Department of Transportation, who drove him all over his territory. He felt they were able to solve all their problems except tonight when Stewart Road was brought up. In reference to the secret meetings, he stated they met tonight on a law suit. There is nothing secret about it but, he would not want the attorney for the plaintiff to know what is being discussed. He stated they are and will continue to need citizen participation and if any citizen feels the County employees don't know who is paying their salary, they should report that to their Board of Supervisors.

Mr. Burrell said he had something for the County Attorney to look into. The problem is in Mr. Bahr's district but he has been called by several citizens over the last several years. This problem has to do with a road being blocked and the right-of-way being denied to the citizens who use that road. They have put nails, glass and barricades across this road. Mr. Burrell heard that the Commonwealth Attorney instructed the people they would have to go the long way around and not use this road. He asked the attorney to look into this and give him a report.

Mr. Hennaman stated he had some highway questions and he had asked Mr. Riley to look into the grading on Evergreen Road, and the culvert to the entrance to the Colonies. Another item he had not discussed with Mr. Riley is about a road sign that is down at the end of Evergreen Road. He was not sure whether it is a state route marker or a street sign but he would get back to the right department once he found out what type of sign it was.

IN RE: STAFF REPORTS

Mr. James E. Cornwell, Jr., County Attorney addressed the acquisition of the Harwood property for a convenience center. He stated they have completed the purchase of the land consisting of 3.452 acres at the intersection of State Route 647 and U.S. Route 60. The consideration for this property was \$32,500. He asked the Board for a resolution to transfer, authorizing the appropriation of the funds and authorizing the County Administrator to accept the deed. This is for the convenience center to serve the Lanexa area. Mr. Burrell added, he felt the price of the property would only go up the longer we waited and we would spend more on the removal of trash. He did however have some concern of the check written for \$20,000 for damages to the property. Mr. Cornwell stated, as part of the negotiations with Mr. Harwood, he requested payment be made this way. He felt it had something to do with taxable gains. Mr. Hennaman inquired if this would open the County up to any type of problem delivering funds to Mr. Harwood in this manner. Mr. Cornwell replied no. They are having the title examination done and this transfer would not occur until this information is received. Mr. Bahr moved to authorize staff to move forward on the purchase of this property.

Julian T. Lipscomb	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Mark A. Hennaman	Aye
E. David Ringley	Absent

Motion passed.

Mr. William E. Johnson, III, Accounting & Budget Officer reported he will be presenting a budget for the water and sewer on the Route 33 project. They will advertise this for the September meeting. Mr. Emerson added, the sewage treatment plant will become operational in September with the opening of the regional jail, therefore, you need to have a budget adopted before it is operational. This will be supported by the revenues of the fees charged.

Mr. J. Lawrence Gallaher, Director of Public Safety reported on the convenience center across from the regional jail. There has been some delay because of the rain but he hopes to have this opened by September 15th. They hope to have the Lanexa site out for bid in the next 30 days.

Mr. Emerson reminded the Board the tour of the jail has been set for August 29th at 9:00 a.m. He asked the Board, if it was possible, after their tour to meet for a short work session so the architect could present the facilities study on the Old Courthouse and the Administration building. All concurred.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Riley reported the resurfacing contractors are now back and they had three sections left to be repaved. One section on Route 249 near the high school, a section on Route 30 near the regional jail and Route 33

near the Route 249 intersection. On some of the requests he had from the Board, they started removing some of the trees hanging over into the road, Telegraph Road has been graded, the speed limit on Route 155 was looked at and they felt it was appropriate for the area. They also looked at the speed limit on Route 665 between Rt. 640 and Rt. 611. They found some speed signs down and they will be replacing those shortly. The entrance to the Colonies will be cleaned. They have a new program where they will put rumble strips on the shoulders of selected interstate routes. Lastly, the State Police stepped up their enforcement on Interstate 64 on the weekends which has been very successful in reducing the number of accidents.

Mr. Lipscomb stated the intersection at Route 249 and Route 60 has a lot of truck traffic going through there at a high rate of speed and at times they will hold down their horn because they can't stop quick enough for the stop light. He wanted to know if maybe rumble strips couldn't be placed further up the road or maybe a flashing light to alert them of the stop light. Mr. Riley replied he would look into that matter. Mr. Lipscomb inquired if they have come up with a solution for Route 611. Mr. Riley replied, no they are still working on trying to get the funds for the paving. They will continue to patch until the money is available to repave the surface.

Mr. Bahr asked who the people should contact about Steward Road. Mr. Riley replied, they could call either himself or Chris Winstead.

Mr. Burrell complimented Mr. Riley and his staff on the condition of the roads. He did want to mention around 207 west and I-64 there are some pot holes and on Stage Road there are some pot holes near the 14,800 house number.

Mr. Lipscomb also mentioned there were some pot holes on Route 249 west of Route 612.

IN RE: AIRPORT ADVISORY COMMISSION

Mr. Phillip Felts, Chairman of the Airport Advisory Commission, gave an update to the Board. The meeting in July had approximately 60 pilots present to express their concern over the airport. Mr. Felts then spoke in reference to a proposal previously made from the Flyers Club. They would like to lease the old terminal building from the County rent-free, or an agreed upon amount, for a minimum of five years to provide a meeting place for sport flyers enthusiasts. They feel this would help increase utilization of the airport, it would benefit the FBO operator and increase the revenue gained from the airport. He asked the Board to consider this request. Mr. Hennaman asked if he was just bringing this to the Board's attention. Mr. Felts replied, yes. Mr. Hennaman explained there were steps that need to be taken as far as legal requirements before anything could be decided in reference to the Flyers Club. He also felt he needed some more information before he could make a decision, mostly the financial aspect of this request. Mr. Lipscomb requested staff to bring a report to the next Airport Advisory Commission on the requirements to lease the building and also asked the Flyers Club to bring to the same meeting how the financing and management of the building would be handled. Mr. Burrell inquired as to how many pilots reside in New Kent. Mr. Felts replied he wasn't sure. Mr. Burrell reiterated he didn't feel the citizens of New Kent should subsidize someone's hobby. He would not support anything that would put a drain on County funds. He would only support it if there were no County funds used. Mr. Bahr added the intent of the Flyers Club and the focus of the commission is to work out a way to use the airport without using any County funds. Mr. Felts stated, this problem will not go away overnight, something needs to be done.

IN RE: PUBLIC HEARING - BOARD OF EQUALIZATION - ORDINANCE O-11-96

Mr. Hennaman stated no one signed up to speak on this issue. He asked Mr. Hayes to come forward and explain to the Board his reason for this request. Mr. Edgar Hayes, Chairman of the Board of Equalization addressed the Board on his request to extend time to meet for the Board of Equalization. Mr. Hayes stated the Board of Equalization had met with and resolved 99 appeals on the reassessment. There are two appeals outstanding. During the process of hearing the appeals, various problems have surfaced in terms of inequalities for some parcels. Some parcels not clearly accounted for on the assessment roll, the potential that certain real estate improvements were missed and a variety of assessments established at inequitably low values. The Board of Equalization feels these problems must be addressed if the purpose and goals of reassessment are to be satisfied. He stated in their training by the State Tax Board, it became obvious that the Board of Equalization has a positive duty to correct not just those that appeal but also to correct inequalities they come across. Mr. Hayes asked the Board to extend the time from July 1 so the Board may correct those areas they have identified as incorrect. Mr. Hennaman said he had a couple of concerns about extending the time. One was that there was no money put into the budget to pay them beyond the July 1st deadline. Another was the opinion of the County Attorney which stated he had some legal concerns about their continuing. He felt the Board of Equalization's duties was to be an appeal board for the citizens who felt the reassessment of their property was wrong, not to go back and do a reassessment on properties. Mr. Burrell felt, if the Board found properties that were not taxed equitably or not on the tax map, the money the County would pay to the Board of Equalization would be small in what they would gain in the long run. He inquired how much would this cost to continue. Mr. Hayes replied, he had no idea but that money was not the issue. The issue was to correct the inequalities they found as they were charged to do in their oath. He would do it without pay. He took this position to help serve the County, certainly not for the monetary compensation. The issue is the inequalities of the reassessment. Does the Board of Supervisors want to fix these problems? He disagrees with the County Attorney's opinion, they are appointed for one year. Mr. Burrell moved to approve Ordinance O-11-96 as presented. Mr. Lipscomb asked Mr. Crump, Commissioner of Revenue, if the Eagle system could handle these corrections. Mr. Crump replied, the law states he can make adjustments to errors such as square footage, acreage, those types of corrections. He cannot make adjustments to an assessment made during a general reassessment that addresses equalization issues. The information in the Eagle system is only as accurate as to what you put in it, but it doesn't address the issue of whether something is fair or not. Mr. Haynes added, all appraisals are subjective to a large extent. The purpose of the Board is to find some average people to try and evaluate what is put in front of them and fix the problem. The statutes of what the Board can do and cannot do is very clear. They can't reassess the reassessment. When an error is suspected, they notify the property owners that they intend to increase the assessment and at that point the property owner has a right to appeal. They also identified properties that were missed and not on the tax roll. The desire of the Board of Equalization is to have a fair and equitable reassessment. Mr. Hennaman stated Mr. Hayes answered two of his three concerns. The one he still had a problem with was that the County Attorney felt they should not continue after July 1st. Mr. Cornwell interjected, after his investigation he consulted with the Attorney General's Office, the Department of Taxation, Harold Wingate, the Commonwealth Attorney of New Kent and attorneys at his law firm of Sands, Anderson, Marks & Miller because he had serious questions about their authority to proceed. It was his advice that they should not proceed. If the Board of Equalization continued after the date established by ordinance, they could be found without authority and therefore they could be in jeopardy not only as a Board but also as individual members. The date was established by the Board of Supervisors and that date can also be changed by the Board of Supervisors. He consulted again with the Attorney General's Office and they indicated one possible route to fix this problem is to amend the ordinance. There is no precedence on this issue, there is no Attorney General's opinion on this issue and no case laws on this issue, he felt he would rather be safe than sorry. Mr. Hayes stated he respected his opinion, but he still disagreed. Mr. Hennaman called for a vote on Mr. Burrell's motion to approve Ordinance O-11-96 as presented.

Julian T. Lipscomb

Aye

James H. Burrell

Aye

Frederick G. Bahr	Aye
Mark A. Hennaman	Aye
E. David Ringley	Absent

Motion passed.

FOR ORDINANCE O-11-96 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FIVE, PAGE 531.

IN RE: PUBLIC HEARING ORDINANCE O-7-96. AMENDMENTS TO PERMITTED AND CONDITIONAL USES INVOLVING THE PLACEMENT OF TEMPORARY CONSTRUCTION TRAILERS AND THE PLACEMENT OF TEMPORARY MANUFACTURED HOMES.

Mr. Maloney, Director of Planning addressed the Board on this request for an ordinance change. The Board of Supervisors recently adopted amendments to the conditional use permitting process. Under state law, conditional use permits are not permitted to be issued under an administrative process. Accordingly, the Zoning Ordinance was amended to eliminate all such administrative permits. As a result of the amendments, the placement of construction trailers/or temporary buildings, etc. in an A-1, Agricultural District has to undergo a full conditional use permitting process. This process takes a minimum of four months. The proposed amendments are designed to alleviate these unnecessary delays. The proposed amendments would permit temporary construction trailers as uses by right in all but the C-1 zone. Additionally, temporary manufactured homes would be permitted in the A-1 zone with a minimum of five acres as a residence while the permanent structure is being constructed. Specific conditions relating to the length of time such temporary structures are permitted are included in the proposed amendments. Mr. Hennaman stated no one signed up to speak and asked if anyone would like to make a comment. No one did and he closed the public hearing. Mr. Burrell moved to approve Ordinance O-7-96 as recommended by the Planning Commission.

Julian T. Lipscomb	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Mark A. Hennaman	Aye
E. David Ringley	Absent

Motion passed.

FOR ORDINANCE O-07-96 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FIVE, PAGE 532

IN RE: PUBLIC HEARING - C-4-96 WOODLAND, INC. REZONING

Mr. Maloney stated Woodland, Inc. has applied to rezone approximately 282 acres from C-1, Conservation to A-1, Agricultural. The proposed rezoning is being requested to permit development of a 17 parcel residential land division. The proposed rezoning application is in accordance with the Goals and Objectives as outlined in the County's Comprehensive Land Use Plan. The applicant has offered a proffer of \$30,000 to help with straightening out the two dangerous curves and related road conditions on Route 656. The estimate to repair the road as submitted by VDOT totaled \$80,000. Mr. John Rick, the attorney for the applicant, stated they originally wanted to call this Tunstall Station but found out that name was used already. He went on to explain the proffer statement. Woodland, Inc. will give VDOT 50 feet of deeded right-of-way on Route 656 from the beginning of their property to the end of it. Secondly, they will donate 1700 feet of 50 foot right-of-way to VDOT in order to straighten out the road and get rid of the two curves that have posed a problem. Thirdly, when you realign the road, you have three property

owners who had frontage on the road that will lose that frontage. To eliminate this problem, Woodland, Inc. will give them acreage all the way up to the road. Lastly, they will pay half of the cost of road construction up to \$30,000. Mr. Rick then explained how they came up with this number, which is considerably less than what VDOT had estimated. Mr. Rick handed the Board a three page exhibit to show how they came up with the \$30,000 estimate. He stated if the road construction is over \$60,000 something is wrong. He asked the Board to consider everything they have presented and pass this rezoning. Mr. Hennaman then opened the meeting up for public comment.

Mr. Clifford Hughes stated he would like to have the road paved. The dust is all over everything and he asked the Board to consider this rezoning.

Ms. Kathleen Hagood gave each Board member a letter and showed pictures she had taken of the road conditions. She showed the road under wet conditions and dry conditions. She stated that nothing was going to be done to the road where she lives if the rezoning is approved. Why would they only pave a portion of this road and not the whole thing? They deserve a road just as much as others.

Ms. Susan Hagood signed the paper but didn't realize it was to speak. She agreed with what her mother stated.

Mr. John Hagood stated his main concern is the dust they are breathing. The road has ripples and shakes the whole vehicle. The school buses can't come down the road when it is muddy. The parents have to take the children out to the end of the road to meet the bus.

Mr. Eugene Longest, the developer, stated the people have a legitimate complaint. He hasn't seen anything done on these complaints by either VDOT or the Board. They will be paving approximately 3700 feet of the road. They will be giving the right-of-way to VDOT to help with paving the rest of the road in the future.

Mr. Hennaman closed this portion of the public hearing. Mr. Bahr inquired if this was in the six year plan. Mr. Riley replied, no. They would be looking at approximately 10 years before it would be paved. There was some further discussion between Board members in reference to this road.

Mr. Hennaman added, he also has a letter from the Environmental Health Specialist which stated there was no soil data for this area which gives him some concern. Mr. Maloney interjected, there is soil data, the application has been submitted to the Health Department and there was a soil feasibility study prepared. He was unclear as to why the Health Department statements were submitted as they are. Mr. Hennaman asked Mr. Maloney some questions as to slopes. Mr. Maloney replied, there are some areas with steep slopes. Approximately a little over 26% of the parcel has slopes that exceed 15%. The Comprehensive Plan of the County does discourage development on lands with slopes in excess of 15%, in addition, 13% of the parcel is located in the Chesapeake Bay Protection Area. Mr. Hennaman stated with these issues unresolved he could not support this rezoning. Mr. Lipscomb moved to defer this rezoning application until soil data and road cost data is received.

Julian T. Lipscomb	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Mark A. Hennaman	Aye
E. David Ringley	Absent

Motion passed.

IN RE: PUBLIC HEARING - CUP-7-96 WILLIAM B. WALLACE

Mr. Maloney stated Mr. Wallace has submitted an application for a Conditional Use Permit to operate a bed and breakfast. In addition to the operation of a bed and breakfast establishment, the applicant also envisions hosting gatherings of as many as 125 people. The property is zoned R-1, Single Family Residential. Mr. Maloney then stated the criteria which must be followed for the operation of this establishment. Mr. Hennaman moved to open the public hearing. No one signed up to speak. Mr. Hennaman asked if anyone would like to say anything, with no response, he closed the public hearing. Mr. Burrell moved to approve Conditional Use Permit CUP-7-96 with the additional conditions recommended by staff and the recommendations of the Planning Commission.

Julian T. Lipscomb	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Mark A. Hennaman	Aye
E. David Ringley	Absent

Motion passed.

IN RE: LINE OF CREDIT - RESOLUTION R-26-96

Mr. Emerson explained the County experiences a shortfall in cash flow during the months of August, September, October and November before the collection of taxes in December. Normally the fund balance would carry them through this period of time however, the fund balance has become somewhat low due to budgeting problems during the last years fiscal cycle. The cash balance currently is higher than this time last year. Mr. Emerson explained he was directed by the Board to look into a line of credit. The line of credit would be for one and a half million dollars with an interest rate of 4.95% from Citizens and Farmers Bank. The County will only use what it needs and no more. Mr. Emerson stated some of reasons they may need this line of credit is the expansion of Route 155 which the County will be reimbursed for later, some of the money the Board just allowed the School Board to spend for the purchase of text books and the normal expenses of getting the schools back up and operational after the summer. The state revenues don't begin to come in until approximately one month after school starts. Mr. Bahr asked if there needs to be a public hearing. Mr. Emerson replied no. There is no public hearing required by State law for this transaction as it does not carry over from one fiscal year to the next. Mr. Bahr proposed they allow the public to speak on this issue. Mr. Hennaman replied, he had no problem with that but only from speakers who had not spoken before on this issue.

Mr. Eckhardt Schutz felt the establishment of the line of credit is leading the County down the slippery slopes. Their saying they won't use it unless necessary is not strong enough. He would like to see some specifics put in place that would guarantee the utmost public exposure of any utilization of this money.

Mr. James Brabrand asked if there was any other alternatives. Mr. Hennaman replied, they could do what was done last year by asking the large taxpayers to pay early. Mr. Hennaman added, Mr. Gran stated earlier that the County should be run like a business and he agrees with Mr. Gran 100%. He has a background as a banker and most businesses he had contact with, usually had a line of credit established for their slow times.

Ms. Sandra Crowe asked if there was a time limit. Mr. Emerson replied, it is only for this fiscal year. She also felt there should be some kind of restrictions so the public is made aware of what monies the County will need and why.

Mr. Burrell stated he didn't want to say he told them so, but. We need this money to make payroll. He would only accept this line of credit if it will be paid back by December 15th, that we will only use that which is required to meet our obligations and we will not allow ourselves to get into this fix again. If we need to cut something or stop spending, whatever it takes to get the fund balance back up to where it should be. He would only support it with the above statements he made.

Mr. Bahr asked if Mr. Emerson could report each month how much of this money was spent. Mr. Emerson replied, he would supply that information. Mr. Bahr moved to approve Resolution R-26-96 as presented.

Julian T. Lipscomb	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Mark A. Hennaman	Aye
E. David Ringley	Absent

Motion passed.

FOR RESOLUTION R-26-96 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FIVE, PAGE 543.

IN RE: PRESENTATION

Mr. Emerson introduced Mr. Bud Denton of the Virginia Peninsula Economic Development Group, of which Mr. Denton is the Executive Director. The Virginia Peninsula is interested in New Kent County joining their economic development group and Mr. Denton is here to speak about his organization.

Mr. Denton gave a little bit of history about his group explaining they started in the early 40's and revamped in 1979. Presently the group is made up of the Cities of Newport News, Hampton, Poquoson, Williamsburg, and the Counties of Gloucester, James City and York. One way to reach a large number of people is through direct mailing to corporate officers, another is with a video which has won awards. They attend trade shows where they display literature and pictures of the area to interest potential businesses. They were named one of the top ten in the country. Seven or eight corporate visits is the average for a month. The group's main concern is to create jobs and bring in business. He looks forward to having New Kent join their organization. Mr. Hennaman thanked Mr. Denton for his presentation and would like to see some of the materials they have put together.

IN RE: CONTRACT FOR WASTEWATER PLANT

Mr. Cornwell, County Attorney, brought a contract to the Board for their consideration on the Wastewater Treatment Plant. The agreement states that Henrico County has agreed to operate the system, they will charge us their expenses to operate pursuant to a budget which will be submitted on a yearly basis to the County. These expenses which will be charged to the County which will be built back into the rate of charges that is charged to the users. Mr. Cornwell asked the Board to approve the draft agreement and to give Mr. Emerson the authority to execute it subject to some minor changes. Mr. Bahr moved that the County Administrator be given the authority to execute the agreement for operation of the Wastewater

Treatment Plant with the County of Henrico upon finalization of the draft by County Counsel and Henrico.

Julian T. Lipscomb	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Mark A. Hennaman	Aye
E. David Ringley	Absent

IN RE: PRESENTATION

Mr. John Crump, President of the Historical Society spoke to the Board about using some of the space in the Administrative Building for displays. They would like to work with the County and make sure they comply with all the safety rules and regulations. They are ready to raise funds in order to create a display in a very professional, museum like quality of the history of New Kent. He asked for the Board's approval before they start those fund raising efforts. The second item is they need a place to store the artifacts they have collected and also for the material that has been offered. They would like to use the clerks record room in the Old Courthouse if possible. As the Board reviews their space needs, he would appreciate a space designated for display of the artifacts. Mr. Crump then introduced Mr. Tolar Nolley, Vice President of the Historic Society. Mr. Nolley displayed the new welcome sign to the County. They will have three signs made, at no cost to the County, which will be strategically located. The Historic Society's perspective is to begin to tell a story of the County's heritage. Three sites have been identified to accommodate these signs. They are, Route 60 East coming in from Henrico, Route 60 West from James City County and on Route 30/33 from the West Point/King William County. The sign identifies the year the County was established of 1654 and reads "A Welcome to New Kent County - Home of the 1st First Lady". Mr. Nolley asked the Board for their approval before they order the signs. He thanked the Board for their time and would appreciate hearing any comments they may have as to what the Historic Society is trying to do. Mr. Hennaman stated the signs were very nice and he liked the design they came up with. The Board unanimously approved the signs. Mr. Hennaman thanked Mr. Crump for his report and stated the Board will keep his recommendations in mind as they move forward with the space concerns they have.

IN RE: APPOINTMENTS

Mr. Burrell moved to appoint Billie Barbour as District Three's representative to the New Kent Clean County Committee for the tern ending December 31, 1999.

Julian T. Lipscomb	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Mark A. Hennaman	Aye
E. David Ringley	Absent

Motion passed.

IN RE: MEETING SCHEDULE

The next meeting of the Board will be August 29th with a tour of the regional jail and a work session to meet with the architects. The regular meeting of the Board of Supervisors will be September 9, 1996 at 7:00 p.m. The Planning Commission will meet on August 19, 1996 at 7:30 p.m. for their regular meeting.

ADJOURNMENT

Mr. Emerson asked the Board if he could continue to work with Mr. Denton to come up with a proposal for the Board to consider joining the Virginia Peninsula Economic Development Group. Mr. Burrell replied he had no problem with that but he would like to know how many of these clients they have actually brought to the area. The Board concurred with his continued efforts with this development group.

Mr. Burrell moved to adjourn.

Julian T. Lipscomb	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Mark A. Hennaman	Aye
E. David Ringley	Absent

Motion passed.