

AN EXECUTIVE SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE THIRTEENTH DAY OF SEPTEMBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SIX BEGINNING AT 5:30 P.M. IN THE BOARD ROOM OF THE ADMINISTRATION BUILDING.

IN RE: ROLL CALL

Mr. Hennaman, Vice Chairman, called the meeting to order and asked for Ms. Morgan to call the roll:

Julian T. Lipscomb	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Mark A. Hennaman	Aye

Before the meeting started, Mr. Burrell asked Mr. Hennaman for his attention concerning several matters; one of them being a possible constituent mailing in late responses for the open seat. Mr. Burrell's concern was directed toward the late arrival of Mr. Herbert Jones' certified letter postmarked the day before the deadline. Mr. Burrell's next concern was the possibility of being deadlocked and having to go for a compromise candidate and if so, he would like for Mr. Herbert Jones to be included. Mr. Burrell's third concern was the publicity the Board has received in the past and this matter should not be a closed-door session but open to the public. Mr. Burrell asked Mrs. Crowe and Mr. Green if they had any objection to the discussion of their interest as a possible candidate for District Two seat. Both candidates responded they had no objection. Mr. Lipscomb disagreed stating, there might be some things said that could be misconstrued. Mr. Burrell said he had control of his tongue and he was certain he would not say anything that will offend either one of these people or would in anyway liable the Board. Mr. Bahr stated how upset he was that both of the candidates names had been publicized. It was not a wise thing; it must have been political, but, we should let it lie and have an open meeting. Mr. Burrell continued to state the Board should not go behind closed doors because it gives the public a misconstrued image of the Board. Mr. Burrell strongly upheld his conviction about letting the meeting go public since both candidates had verbally given their approval. Mr. Burrell moved to conduct the deliberation for the appointment of a candidate to fill the vacancy in District Two, be conducted in its entirety in a open session. Mr. Hennaman called for the vote on Mr. Burrell's motion.

Julian T. Lipscomb	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Mark A. Hennaman	Aye

Motion passed.

Mr. Hennaman stated, before going forth with this business, Mr. Emerson, County Administrator, had some house-cleaning items that needed to be cleared up.

Mr. Emerson stated the County Treasurer had met with him on Friday morning, September 13, 1996 to discuss the \$75,000 that had to be drawn against the line of credit in order to activate the line of credit. The County Treasurer wanted a clearer statement from the Board whether they meant for her to draw the full line of credit out of the bank and invest it or only the \$75,000. Mr. Emerson explained to Ms. Burrell by drawing the whole amount it would raise the interest rate. Mr. Emerson did not feel this was the direction of the board. He also felt that the Board meant only to draw on the line of credit if necessary. Mr. Hennaman replied, the Board did not want to drawn on the line of credit unless it was absolutely necessary, but by federal law they needed to draw the \$75,000 which was already drawing interest. The

full Board concurred with Mr. Hennaman that they did not want to draw on this money until it was necessary.

Mr. Emerson then handed the Board members a letter he received from Dr. Brian Wright. Dr. Wright was offering his services stating, he was the only living former supervisor in District Two and since the Board was in a deadlock he would be willing to serve out this interim term but he would not be seeking election.

Mr. Hennaman stated that he would like to comment on Mr. Burrell's remarks regarding one of the letters received late. Mr. Hennaman said he had a problem with this. The notice in the newspapers specifically stated a dead line which was, any Letter of Interest had to be at the courthouse by noon on Friday, September 6, 1996. Mr. Hennaman stated it was his position that the letter from Mr. Jones, which came certified and arrived on Monday, September 9th, was a good faith letter but in fact the importance of the letter should have warranted him to have it hand-delivered and not mailed. Mr. Hennaman expressed concern that if he wanted a letter to get somewhere by Friday, he certainly would not mail it on Thursday. Mr. Hennaman also stated remarks had been made regarding the closing of the building on that particular Friday (due to inclement weather) but it was not closed until after noon which was the deadline. He also expressed concern that the mail for the day had been picked up by 10:00 a.m. or 11:00 a.m. and the letter was not in that pickup and it could have been sent in the afternoon mail. He felt that the circumstances would not warrant any deviations because of this particular individual. Mr. Hennaman felt this was a moot point.

Mr. Burrell stated he felt that this individual would not have certified a letter thinking it would not have arrived to the courthouse on time. He also stated it was not required that they be hand-delivered, it just had to be delivered to the courthouse by noon. He stated that inclement weather conditions or United States Postal System delayed in delivering Mr. Jones's letter. Because of Mr. Jones's attempt by certified mail, Mr. Burrell stated that he should be considered as a compromise candidate for the District Two vacancy if the Board comes to a dead lock decision.

Mr. Hennaman stated his position had not changed concerning the two candidates, Mr. Green and Mrs. Crowe. He said he had received several calls on behalf of Mrs. Crowe but none of the callers were from her district. He also said he had several letters from citizens in that district with concerns regarding recent newspapers articles. He highlighted a letter from an elected official on the School Board from District Two which simply states the inability of the Board to get along, public perception of the Board may suffer (which is not a real concern), and they would like for the Board to consider the best person for the job and sex should not enter into the matter. She stated out of the concerns of the citizens, they neither are for nor against the opponents, they want the Board to make a decision that would be best for District Two and New Kent County. Mr. Hennaman stated he was not concerned with regards to what public perception would be of the Board because the Board could not agree on this particular issue. He was steadfast in his decision. He remarked that he was not inclined to go to a compromise candidate and the Board had looked at a field of five candidates and narrowed it down to two. He closed by saying he was inclined to send a petition to the courts for the judge to make a decision.

Mr. Lipscomb remarked that he would like for the Board to make a decision and not let this matter go to court. But he also stated that if the Board could not get past a dead lock then it would then have to go to court for a decision.

Mr. Burrell also agreed with Mr. Lipscomb that he would not like for this matter to go to court.

Mr. Bahr agreed that the field of candidates had been narrowed down to the best two, Mr. Green and Mrs. Crowe. He expressed to the Board that he did not personally know either candidate, but only knew them from their interviews. He felt a good candidate should be above suspicion with no added baggage. He

feels the candidate for this position should have the time, business experience, have strong connectivity to this County, and admits the Board of Supervisors has never had a woman on the Board. He felt that Mrs. Crowe would be a good candidate since she is a business woman and seems to have no baggage. He also felt that Mrs. Crowe would be good public perception for the Board. After his remarks, he stated that if the Board is still at a dead lock decision then this should be left to District Two and that the burden be lifted from the present Board.

Mr. Burrell stated again he was concerned about professionalism since the majority of people judge you by the way they see you. He remarked on the credibility of this Board and past Boards' were not as favorable with the public as it should be. He felt the Board should make decisions based on the public's view and what was best for New Kent County. He stated the Board needs to start turning things around to gain public trust. He stated he did not know either of the candidates, Mr. Green nor Mrs. Crowe but wanted to do what was best for District Two. He like the way Mrs. Crowe interviewed and felt her to be a trusting individual, an independent thinker, a team player, and she doesn't bring any connections with special interests groups along with her. He stated Mrs. Crowe had managed 20 people along with handling a \$30 million budget. He stated that she also had one advantage over Mr. Green. Mr. Green had volunteered information regarding an association with Delmarva (a subsidiary of Chesapeake) which may be a conflict. His conflict being these companies are associates in his advertising business. Mr. Burrell remarked that the property around the race track and the on-going developments that Chesapeake will be before the Board many times in the near future. Mr. Burrell went on to say that he was sure Mr. Green was a person of integrity but the public sees and as I have heard "Chesapeake runs New Kent County". Mr. Burrell remarked that Chesapeake does not run New Kent County but is a good corporation. He felt this would not go over well with the citizens if the Board appointed someone who has associations with Chesapeake. Because of his conflict of interest with Chesapeake and upcoming issues, Mr. Burrell felt, Mr. Green would not be viable for the seat. With those conditional arguments, Mr. Burrell felt his choice was Mrs. Crowe.

Mr. Burrell felt that Mr. Lipscomb and Mr. Green were close friends rather than associates and that no one should be involved in a clique. Mr. Lipscomb made the statement that Mr. Green and he had been rather close friends in the past couple of weeks. Mr. Burrell stated to Mr. Lipscomb he felt it was admirable to have a friend. Mr. Burrell and Mr. Lipscomb argued back and forth about being close friends of both families of the candidates. Mr. Burrell still connected the friendships with the public associations towards Board members. He felt the Board needed to make the right decision based on credentials not friendships. He then reviewed Mrs. Crowe's credentials again and voiced her as his candidate. Mr. Burrell also stated that he was not friends with either Mrs. Crowe or Mr. Green. He felt his opinion was very objective and wanting to work as a team with an unbiased Board of Supervisors. He felt strongly that Mrs. Crowe would enable the Board to make unbiased decisions.

Mr. Hennaman asked Mr. Burrell to state his desire in the form of a motion. He asked Mr. Burrell regarding the perception of the public-hiring friends on the Board-it would be fair to say that perception could also include the appointment of various family members to various boards and commissions. Mr. Burrell replied, he was referring to higher positions. If you are hard pressed to pick someone else, then you pick your family members but when you appoint someone to a higher position behind closed doors then you appoint friends of friends but yes, I would agree you shouldn't appoint family members but cases where you cannot find anyone then family members can serve in many positions. Mr. Burrell felt strongly that Mrs. Crowe would make fair and honest decisions concerning New Kent County. Mr. Burrell stated that the Board needed to find someone that was very professional, honest respectful citizen, someone the citizens can trust and would make a positive change on the Board of Supervisors.

Mr. Burrell made the motion to appoint Mrs. Sandra Crowe to fill the vacancy on the Board of Supervisors for District Two.

Mr. Lipscomb	Nay
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Nay

Mr. Hennaman stated the vote was tied and a tie vote dies. He asked Mr. Lipscomb if he cared to make a motion.

Mr. Lipscomb stated he had listened to Mr. Burrell's argument very carefully. Mr. Lipscomb referred back to the interviews with a reflective remark by Mr. Burrell stating we could make history tonight by appointing the first woman on the Board of Supervisors in New Kent County. Mr. Lipscomb said that was a very political statement. Mr. Lipscomb asked Mr. Burrell, if he was doing this as a political move or did he think that deep in his heart he was making a fair decision? Mr. Burrell added that Mr. Lipscomb had stated he felt Mrs. Crowe would not be a good candidate since she was down on the river during weekends on their boat. Mr. Lipscomb defended this statement by answering, no, I said she spent a lot of their time at the river. After deliberation on the subject, Mr. Burrell admitted that was what was said by Mr. Lipscomb.

Mr. Burrell felt that Mr. Hennaman had concerns regarding Ms. Crowe searching for employment. Mr. Hennaman had reservations since she had applied for employment with the county and then applied for a seat on the Board of Supervisors. After much discussion regarding work inside and outside of the county, Mr. Burrell stated no where had he ever heard that you could not work out of the county and be on the Board of Supervisors. He also discussed the requirements of the job and it does not control your weekends inside or outside of the county. It merely states that once you are appointed that you are available to your constituents. Mr. Burrell went on to say most supervisors work outside of the county with no argument from the Board. Mr. Burrell at this point wanted Mr. Lipscomb and Mr. Hennaman to state specific reasons why their candidate, Mr. Green was better suited for the position.

Mr. Hennaman, responded accordingly, replying that Mrs. Crowe's resume stated she had held a position at Best Products for 15 years with a fair amount of responsibility, supervised several people, and in fact, she had applied for the county administrative secretary position (protected information), and he felt a person with that amount of previous responsibility would not be inclined to adjust to the lesser responsibility nor pay to what she had been accustomed to. He could not comprehend the logic behind her applying for such a position. His concerns were directed to the time frame in which she applied for the county administrative secretary position and then so quickly applied for the Board of Supervisors vacancy. For him personally, through the thought process, it just did not seem logical.

Mr. Bahr interrupted and voiced he was totally convinced that all Board members had made their sound decision concerning the vacancy.

Mr. Burrell argued the fact that sometimes people take interim jobs to meet their needs. He stated that if Mrs. Crowe could have found a job at the level or above the level, she would have taken it. Mr. Burrell defended her to say that if she needed a job then it should not concern the members of the Board. Mr. Hennaman clearly stated that this did pose concern. Mr. Burrell replied when people need a job they take something in the interim. He also stated that the fact she applied for the Board of Supervisors after she applied for the secretary position has no bearing. Again, Mr. Burrell remarked the Board needed to look at a person's qualifications not what they do on weekends. Again, Mr. Burrell expressed concern to Mr. Lipscomb and Mr. Hennaman regarding specific reasons why Mr. Green is the better candidate.

Mr. Lipscomb firmly remarked that Mr. Green has owned his own advertising business (very competitive field) for 26 years and must be a good business man if he had been in business that length of time. He went on to say the Mr. Green is true to this county and has worked along with several county agencies (Historic Commission). Mr. Green is willing to give a helping hand. Mr. Lipscomb also stated Mr. Green is a silent worker, asking no glory and does his job well. Mr. Green volunteers to do many things in the community and follows through in a timely fashion.

Mr. Hennaman moved to appoint Gary Green to fill the vacancy for the District Two seat. Mr. Hennaman asked for discussion. There was none and he called for the vote.

Mr. Lipscomb	Aye
Mr. Burrell	Nay
Mr. Bahr	Nay
Mr. Hennaman	Aye

Mr. Hennaman stated we again have a tie vote. The vote dies and the purposes of discussing this further is a moot point.

Mr. Burrell felt the motion came before Mr. Lipscomb and Mr. Hennaman had given the reasons for their support behind their candidate. Mr. Hennaman stated to Mr. Burrell how he had stated in this discussion tonight and in previous nights that the Board needs to think through this with out hearts and we have to do what we feel is right and to do this I have stated my desires and position and you want specifics but I have thought through this and I am doing what I think is best and taking into position remarks from the districts, I have done what I feel is best in my heart. I have nothing more to say on the matter.

Mr. Burrell agreed he had said our hearts should guide us. Mr. Burrell felt that Mr. Hennaman's reasons had not convinced him to change his mind about Mr. Green nor shed light why Mr. Green would be a good candidate. Mr. Hennaman stated that no matter what he said it would not have changed Mr. Burrell's decision.

Mr. Lipscomb took the floor by stating he would like to make a motion to appoint Mr. Green to fill the District Two vacancy. Mr. Burrell quickly stating that motion had already been made and took the floor to make a subsidiary motion. Argument between Mr. Lipscomb and Mr. Burrell on the upcoming motions seemed to create a disturbance.

Mr. Hennaman took the floor and told them the decision on the candidates was at a deadlock. He stated in a apologetic manner that the Board had become very unprofessional something he had not wanted to happen.

Mr. Burrell again wanted Mr. Hennaman to quality Mr. Green for the candidacy and give clearer reasoning behind his choice.

Mr. Hennaman stated he believed that Mr. Green in terms of his business achievement holds more weight since he has successfully owned and operated his business for over 25 years. He personally has some questions as to whether some of the information Mrs. Crowe had supplied was completely factual and he had reason to believe that some of it may be embellished slightly. This falls in the integrity of the information she has supplied to us. He stated that with all things considered, Mr. Green is the best choice for this appointment he stood on his conviction.

Mr. Burrell remarked that Mr. Hennaman had stated he had received numerous telephone calls. Mr. Burrell stated a few calls was important and maybe this would warrant polling the people. Mr. Hennaman

concluded that would be a fine idea but Mr. Burrell may be disappointed. Mr. Burrell agreed but still argued with Mr. Hennaman. Mr. Hennaman stated a poll would not be possible since time does not allow for this.

Mr. Bahr stated that all the phone calls he had received relating to Mrs. Crowe had been very complimentary.

Mr. Burrell added that since they were deadlocked maybe they needed to look for a compromise candidate. Mr. Burrell stated that with Mr. Green and Mrs. Crowe interviewed that if they considered Mr. Herbert Jones (the candidate who mailed his resume in by certified mail) this would make three candidates to fill the vacancy.

There was much controversy between Mr. Lipscomb and Mr. Burrell concerning the arrival of Mr. Jones's letter to the building in regards to the closing of the building, mail delivery and the weather conditions.

Mr. Hennaman stated to Mr. Burrell that Mr. Jones should have had his letter hand delivered instead of trusting the United States Postal System to deliver the letter the next day because of its sensitive nature.

Mr. Hennaman stated that he was not going to accept the other three candidates for the same reason that we said we would not accept the other two. He stated the circumstances would not support Mr. Jones's letter over the other two opponents and there may be some other people in the district that could have sent in resumes but had missed the deadline. No matter what the circumstances the Board has deadlocked on Mr. Green and Mrs. Crowe and that is where it stands.

Mr. Bahr said he agreed 100% with Mr. Hennaman's remark.

Mr. Burrell withdrew the previous motion he had made.

Mr. Burrell stated that the Board had not resolved anything tonight and asked that the Board meet next week. He felt the Board could make a decision instead of sending this proposal over to the judge for his decision.

The Board decided to meet on Wednesday, September 18, 1996 at 6:00 to further discuss the appointment to the District Two vacancy.

Mr. Hennaman made a motion to adjourn the meeting. The vote is as follows:

Mr. Lipscomb	Aye
Mr. Burrell	Aye
Mr. Bahr	Aye
Mr. Hennaman	Aye

The meeting was adjourned.
