

AN EXECUTIVE SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE EIGHTEENTH DAY OF SEPTEMBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-SIX BEGINNING AT 6:00 P.M. IN THE BOARD ROOM OF THE ADMINISTRATION BUILDING.

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IN RE:           ROLL CALL

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

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

Mr. Hennaman made a comment to the public/media in regards to last Friday's meeting. He stated how the meeting degraded rapidly and there was a lot of unproductive dialogue. He gave appreciation to Mr. Bahr for interjecting with calming statements. He felt that the Board exhibited behavior that was unfitting for a body of elected officials. He again apologized.

Mr. Hennaman stated the reasons for meeting tonight was to continue deliberation on the appointment for the District Two vacancy. He announced that Mr. Stran Trout and Mr. Gary Green was present; absent were Mr. Morgan, Mr. Dennis Cartier and Mrs. Crowe. He stated that Friday night the Board did alter what was scheduled to be an Executive Session to discuss this issue and then the Board made it an open session upon the motion of Mr. Burrell and with the consent of the two candidates, Mr. Hennaman felt that it would only be fair to those who were not present and unable to give their consent, that tonight the meeting should it not be an open session.

Mr. Bahr made a comment that he was going to make a suggestion to have a closed session and only make it public with the consent of the Board.

Mr. Hennaman then made a motion to go into executive session for discussion. Mr. Bahr stated that he moved to go into executive session to discuss a personnel matter pursuant to Section 2.1-344(a)(1) of the Code of Virginia. The members voted:

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

The motion was granted.

The Board returned and Mr. Hennaman called the regular session back to order with roll call as follows:

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

Mr. Hennaman 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

Mr. Hennaman announced to the citizens and media that their indulgence and patience had been greatly appreciated during this process. He explained how great this task had been and he continued by saying the Board had arrived at a decision of how to handle this deadlock. He stated that upon Mr. Bahr's suggestion realizing that each of them were steadfastly behind their choice and with the consent of both candidates, plus favorable opinion of legal counsel, the Board had decided the appointee of District Two will be decided with a flip of a coin. He also stated that they had been in contact with Ms. Crowe by telephone since she was out-of-state and she had given her consent and Mr. Green who is present also gave his consent.

Mr. Hennaman, for the record, stated to the Board that he was uncomfortable with this resolution having some strong reservations regarding the process but he seemed to be in the minority. He stated that he wanted to put this task behind the Board so they could move on with other business. He also stated that he would support whichever candidate wins the toss. He then asked Mr. Bahr to state his proposition in the form of a motion.

Mr. Bahr moved that since the Board of Supervisors seemed to be deadlocked the successor to the District Two vacancy be filled by the toss of a coin. Mr. Bahr stated that both of the candidates, Mr. Green and Mrs. Crowe had given their consent to it being done in this manner.

Mr. Burrell also stated that he wanted the Board to be unified and team players even if his candidate was not chosen. He stated that if Mr. Green won the toss, he would support the decision.

Mr. Bahr remarked that all the applications received had great qualifications. He also remarked that the two the Board had selected would result in a win win situation either way.

Mr. Hennaman asked for a vote on Mr. Bahr's motion.

Julian T. Lipscomb	Aye
James H. Burrell	Aye
Frederick G. Bahr	Aye
Mark A. Hennaman	No

The motion carried.

Mr. Hennaman asked that Mr. Green and Mrs. Yates (representative of Mrs. Crowe) to come forward to the front of the room. Mr. Hennaman stated that he would determine the coin toss decision. Mr. Burrell stated that if the coin falls off the table it will be called where ever it falls.

Mr. Emerson was asked to do the coin toss. Mr. Green was asked which did he want heads or tails of the coin, he stated tails.

Mr. Hennaman asked Mr. Lipscomb to make a motion. But before the motion was made, Mr. Hennaman read resolution R-34-96 stating the vacancy and conditions of District Two's seat following the death of David Ringley.

Mr. Bahr made the motion that the resolution R-34-96 be adopted and Mr. Green be appointed to fulfill Mr. Ringley's position on the Board of Supervisors for District Two by special election.

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

The motion is carried.

The Board congratulated Mr. Green upon his appointment.

Mr. Hennaman asked if there was any more business. Mr. Emerson stated that the Racing Commission had decided today they will conduct their next meeting here in the county in the Board Room on October 6, 1996 at 9:00 a.m. They are going to do a site visit and he stated that the Board's attendance would be greatly appreciated. Mr. Hennaman announced that this will be a public meeting and interested citizens could attend.

Mr. Burrell moved for adjournment.

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

The motion was carried. The meeting was adjourned.

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