

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE TWELFTH DAY OF JUNE IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-FIVE IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING PROCEEDED BY AN EXECUTIVE SESSION BEGINNING AT 6:30 P.M. WITH ALL MEMBERS PRESENT AT ROLL CALL EXCEPT MR. SALMON, WHO ARRIVED SHORTLY THEREAFTER.

IN RE: EXECUTIVE SESSION

Mr. Boroughs, Vice Chairman asked for a roll call.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Absent

Mr. Bradby moved to go into executive session for discussions relating to the acquisition (or sale) of real property for public use pursuant to § 2.1-344(a)(3) of the Code of Virginia, also move to go into executive session for consultation and briefings by legal counsel, consultants, or staff members pertaining to actual or probable litigation or other legal matters requiring the provision of legal advice by counsel pursuant to § 2.1-344(a)(7) of the Code of Virginia.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Absent

Mr. Salmon arrived just as they were going into Executive Session.

Mr. Boroughs moved to go back into regular session.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Mr. Bradby 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.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Mr. Salmon said they had met to discuss a contractual matter as it relates to some land within the County and no decision was made. Mr. Salmon then called for a five minute recess before the start of the regular meeting.

IN RE: RECONVENE OF MEETING

Mr. Salmon called the meeting to order. Mr. Boroughs gave the invocation followed by the Pledge of Allegiance.

IN RE: CONSENT AGENDA

Mr. Salmon moved to approve the Consent Agenda as presented.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion approved.

FOR RESOLUTION R-23-95 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 362 & 363.

IN RE: ELECTED OFFICIALS REPORT

Ms. Betty Burrell, Treasurer gave her report for the month of April, 1995. Mr. Burrell noted that they had three quarters of a million dollars less in the General Fund than this time last year. Mr. Salmon asked if she had any feel for outstanding collections coming in by the end of June. Ms. Burrell said she employed a company called Contact USA and they sent out picture notices on all real estate delinquencies over \$50.00. Those over \$200 were sent a notice along with a phone call. In the first week they received over \$9,500 from one company and the money has continued to come in. She felt they would come in pretty much on target as to what had been budgeted for collections. Mr. Bradby asked for an approximate amount of outstanding debts and Ms. Burrell answered around \$450,00 and personal property is approximately another \$600,000. The notices were sent out on May 19th. She felt it was a successful program and would use it again. Mr. Bradby moved to approve the Treasurer's Report for April and to authorize the Treasurer to continue to invest County funds in the highest yielding legal investments.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Mr. Salmon asked if the Acting Commissioner of Revenue wanted to make a report, Ms. Janella Darlington replied no.

Sheriff F. W. Howard addressed the Board in reference to grant funding he had applied for. One was for a Crime Analysis/Computer Operator position and the second was for a Business Crime Prevention Office. Both grants total \$74,173 in federal and state monies and he was notified last week that both grants had

been approved for his department. The County match would be \$24,724. Sheriff Howard felt he could cover under manpower allocations, gas and other travel expenses most of the \$24,724 except \$17,491. Part of the \$74,173 is allocated for a car purchase which is \$18,500. The way the financing is set up, he cannot eliminate one car from this year's budget but proposed to eliminate one car from the 1996/97 budget. Mr. Boroughs inquired when the radar enforcement would begin and Sheriff Howard replied July 1st. The grant is good for one year with possibly picking up as many as three, but there is no guarantee. After the grants run out the Board will be asked to pick up the salary and fringe benefits. Mr. Ringley felt we would be crazy not to take advantage of this opportunity, if we don't it will go to another County. Mr. Burrell said if the grant comes through next year and the Sheriff drops one car, it will be pretty much a wash. Mr. Boroughs asked where this money would come from. Mr. Emerson replied they put \$44,000 in the contingency fund and the money would come from there.

Mr. Ringley brought up a Letter to the Editor and also a news report from the fire department that disturbed him. The fire departments have grown over the years, they have had fund raisers and contributed money to the fire departments. This year the County will be buying three new fire trucks and they will also receive another truck in connection with the jail. Now it seems there is an effort by Company #2 to separate themselves from the other two units. In the article W. C. Pearson asked citizens to contact their county representative and show support for the upcoming Quinton Volunteer Fire & Rescue Squad. He also stated the sign in front of the fire department says "Coming soon Quinton Volunteer Fire & Rescue Squad". Mr. Ringley continued he heard third hand that he supported Company #2 coming away from the other two companies. Mr. Ringley stated he was diabolically opposed to one company separating itself from the other two companies in the county. New Kent is too small to let one company break away and then we have three and four different ideas as to how to run the fire departments. He further stated he would do anything he could do to squash any attempt to remove itself from the county. Mr. Boroughs also stated he received several phone calls on this same subject. He said another phone call informed him fire trucks have been seen going to pick up pizza and stuff to eat. That is getting a little too much out of hand. He has worked and supported the fire companies, gone to their meetings, but would not support one company pulling away from the others. He greatly appreciated the volunteers in this organization but not in using the fire truck for picking up food. Mr. Boroughs continued, he contacted the attorney for the fire department and asked as a Board member, the sign come down that says Quinton Fire Department. He urged the Board to send a clear message back to the Chief of Company 2 to bring them back in order. He asked for (a) Quinton Fire Department come back under one roof until they can work it out themselves; (b) not spend any more county money for another fire company; (c) make sure the trucks stop running up and down the road to pick up food and (d) make sure they have enough people to run their companies as needed. Mr. Boroughs asked for a consensus of the Board so they could send something back to the fire departments. This has been going on for over two years and he is getting tired of it. Mr. Burrell added he also received some phone calls. He mentioned there is a meeting scheduled for Monday of next week and would like to see the meeting materialize and then get back to the Board. Mr. Bradby said he supported keeping the fire departments together, we can't afford to support individual fire departments. Mr. Salmon added, a meeting has been set for Monday, June 19th with Mr. Emerson, County Administrator, Mr. Gallaher, Director of Public Safety, Mr. Burrell, W. C. Pearson, Company 2 Chief, his assistant Chief, Chief Seitz and himself. Mr. Pearson said they would like to present their ideas and that Company #2 will continue to work with the other two departments. Mr. Boroughs wanted to know if they could get the sign changed. Mr. Salmon responded he felt because it was a volunteer organization, they should have some leeway and have the department work it out between themselves. Mr. Boroughs replied, New Kent County does not write a check to Quinton Fire Department, the check is to New Kent County Fire Departments. Mr. Ringley agreed the sign is inappropriate. The county spends a large amount on the fire departments and they have always been treated equally. Mr. Burrell concurred with what Mr. Ringley said, but stated the meeting is to hear both sides not just one. Mr. Burrell stated if the sign is being put up with county funds, then it should come down, but if it is their money that is something we can't control. Mr. Salmon interjected, one fire department cannot become

separate from the others unless the Board of Supervisors recognize it as such. Mr. Burrell continued, the sign won't make it happen, if they want to advertise, that is their right. He felt they should leave the sign alone for the present time. Mr. Boroughs was in favor of cutting off funds. Mr. Salmon interjected, they are not operating as Quinton Fire & Rescue, they are still operating as New Kent. Mr. Salmon asked for a general consensus of the Board. The consensus showed the Board is not in agreement of a separate fire department and directed the County Attorney to see if they had any jurisdiction over the sign on their property.

Mr. Ringley said he had received some inquiry if the Board approves or opposes the scenic river destination of the lower Chickahominy River. He remarked he had spoken with Mr. Emerson about this. Mr. Emerson replied they had been asked to designate this part of the river scenic. All of Hanover and Henrico is designated scenic and below New Kent in James City County it is also designated scenic. New Kent has been contacted in the past by the General Assembly whether or not we would want our side of the river designated scenic and the Board has never taken a stand on this. He continued by saying he saw no reason to support it or come out against it because we have limited information on the program. Mr. Salmon added he was in agreement with Mr. Emerson. He felt there may be more restrictions placed upon us and was happy with the current zoning laws.

IN RE: STAFF REPORTS

Mr. J. Lawrence Gallaher, Director of Public Safety reported on the new roof at the Old Courthouse. He stated the roof was on but there are a few small items that need to be completed. Mr. Gallaher also spoke about the transfer sites. The one at the landfill is complete and ready to go as soon as the equipment is installed. The transfer station at Route 612 is almost complete. They will be putting up the fence this week. Mr. Gallaher proposed the county opening both sites on June 26th. He asked the Board for their input as to how many days and hours of operation. He mentioned they will be closing three sites. One at Toe Ink, one on Rt. 611 at the railroad tracks and one on Rt. 612 at Tunstall. He suggested they stay open 7 days a week until they get a better idea of the hours and days when it is used the most. These transfer stations will definitely have to be open on the weekends because that is normally the busiest times. Mr. Boroughs asked about hiring any new people or would they be using some of the employees we have now. Mr. Emerson responded we still have some people employed and we will use them at these sites. Mr. Gallaher said he didn't anticipate any manpower problems. Mr. Ringley mentioned this will be the biggest changes for the citizens. He felt until everyone gets accustomed to going to the new sites, the hours, especially during the summer, should be longer. After some discussion between Board members, the hours of operation will be Monday through Saturday from 6:00 a.m. to 8:00 p.m.; Sunday 10:00 a.m. to 8:00 p.m. starting June 26th. Mr. Gallaher said they will be placing signs at all these locations with a map showing the new location. There will be a \$500 fine for anyone dropping trash at any of these old locations. VDOT will be placing guardrails across the entranceways to deter anyone from leaving trash. Mr. James E. Cornwell, County Attorney addressed the issue of insurance bids to cover liability, property and automobile coverage. They did receive four proposals. Mr. Emerson, Mr. Johnson and Mr. Cornwell reviewed the policies and felt VaCorp was the best provider of services. VaCorp is a governmental provider and it was his recommendation that the Board of Supervisors reject all bids submitted and adopt a resolution authorizing the County Administrator to enter into a membership agreement to join the Virginia Association of Counties Group Self Insurance Risk Pool. Mr. Bradby moved to reject all bids, Mr. Salmon added, in the best interests of New Kent County, I hereby move that all bids for insurance coverage be rejected in order to obtain insurance coverage for the County at the most favorable rates.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye

Michael D. Salmon Aye

Motion passed.

Mr. Bradby moved to adopt R-26-95, a Resolution to adopt the member agreement to join the Virginia Association of Counties Group Self Insurance Risk Pool.

James H. Burrell Aye
E. David Ringley Aye
Marvin D. Bradby Aye
Robert A. Boroughs Aye
Michael D. Salmon Aye

Motion passed.

FOR RESOLUTION R-26-95 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE PAGE 357.

Mr. Emerson said he had two staff reports. The first was a application for a raffle permit received today from the Providence Forge Recreation Associations, Inc. This raffle will be held on October 21, 1995. Everything is in order for this permit. Mr. Boroughs moved to approve this raffle permit.

James H. Burrell Aye
E. David Ringley Aye
Marvin D. Bradby Aye
Robert A. Boroughs Aye
Michael D. Salmon Aye

Motion passed.

Mr. Emerson's second report was in regards to Governor Allen's closing down the state buildings on July 3rd and 4th due to the inefficiency of opening for one day. In New Kent County, this closing affects all Court Offices, Health Department and VPI. This closing also affects, at their will, Social Services, Treasurer and Commissioner of Revenue. Those offices have indicated they will do whatever the Board chooses to do for the employees. After some discussion between the Board members, Mr. Ringley moved to follow the State and to close the County Offices on July 3rd and 4th.

James H. Burrell Aye
E. David Ringley Aye
Marvin D. Bradby No
Robert A. Boroughs Aye
Michael D. Salmon Aye

Motion passed.

Mr. David P. Maloney, Director of Planning/Assistant County Administrator reported on the Route 155 study. Mr. Maloney stated two public meetings have been scheduled to receive comment from the public in reference to Route 155 Area Development Plan. The first one will be June 21st at 7:00 p.m. in the County Administration Building. The second meeting will be held on July 12th at 7:00 p.m. at Providence

Forge Recreation Center. Prior to the June 21st meeting, the Department of Planning & Community Development will hold a public hearing at 6:30 p.m. in regard to the block grant the County currently has before the Department of Housing Community Development. The reason for this public hearing is, we received notice that one of the meetings we had submitted did not qualify and we need to hold another one in order to resubmit our application for the block grant. Mr. Maloney remarked he had contacted the Department of Housing Community Development to make sure funds will still be available and they assured him there was no shortage of funds at this time. There will be ads placed in the local newspapers, flyers placed in boxes along Route 155, mailings and an ad on Cablevision.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Bob Riley reported they were starting the second round of mowing on the primary roads. He mentioned they are addressing the water problem on Route 60 with the high banks. Mr. Bradby asked about the water problem just above Providence Forge? Mr. Riley replied they are looking into all the area along Route 60 with water problems and high shoulders. Mr. Ringley asked about the mowing on the secondary highways. Mr. Riley stated because of the lack of manpower, they are addressing the primary roads and they have not contracted for the secondary roads. Mr. Salmon inquired about the median strip coming off of Interstate 64 and Route 249. It really needs to be spruced up, he has received calls on the appearance of this area. Mr. Riley replied he would see what he could do. Mr. Boroughs inquired about Church Road. Mr. Riley said they did look at this area but determined it was not in New Kent County but in James City County and Mr. Riley passed the information on to James City. Mr. Boroughs gave Mr. Riley some pictures he had been given by a citizen in reference to the area around Rt. 249 by Philbates Salvage Yard. They are concerned about the shoulder being raised up because of the school bus traffic. Mr. Riley replied, his first opinion was it was the responsibility of the business. Mr. Salmon also brought up some concern about the speed limit from Provident Methodist Church to the interstate on Route 249 and maybe lowering the speed limit. The last item Mr. Salmon had was on South Quaker Road on the improvements that were just done. He has received a number of calls complaining that they had replanted with rye grass instead of Kentucky 31. Also in reference to this new area, where the pond was taken out, now stagnant water lays in the drain beside the house. Mr. Riley responded he would look into these issues.

IN RE: ADOPTION OF FISCAL 1995/96 BUDGET

Mr. Ringley moved to adopt Ordinance O-04-95 concerning the levy on real estate shall be \$0.82 per \$100 (no change); the levy on personal property shall be \$3.50 per \$100 of assessed valuation with the exception that the levy on aircraft shall be \$1.25 per \$100 of assessed valuation (no change); the levy on machinery and tools shall be \$3.00 per \$100 of assessed valuation (no change); the levy on E-911 shall be \$2.42 per phone bill (increased); and all other levies and charges shall continue at the existing rates or as amended from time to time by ordinance of this Board. Mr. Ringley did say he is in total opposition to \$1.25 per \$100 of assessed evaluation for aircraft. He felt they should review this in the future. Mr. Salmon added, he thought the surrounding airports charge \$0.50 for aircraft.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

Mr. Burrell moved to adopt Ordinance O-04-95 and to adopt and appropriate the FY 1995/96 budget as follows:

General Fund	\$6,125,380
School Fund	\$11,250,311
Airport Fund	\$10,000
E-911 Fund	\$135,964
Water Fund	\$149,738
TOTAL	\$17,671,393

Mr. Boroughs mentioned there were three different proposals and asked for the opinion of the Board members about the other two options. Mr. Burrell withdrew his motion after reviewing the other proposals. Mr. Burrell then moved to adopt Ordinance O-04-95 and to adopt and appropriate the FY 1995/96 budget as follows:

With the School Board split out by category, appropriated by quarter and requiring the School Board to return to the Board of Supervisors each quarter with documentation of expenditures for their next quarter's appropriation.

		Quarter Amount
Instruction	\$7,120,173	\$1,780,043.25
Administration	670,100	167,525.00
Transportation	856,433	214,108.25
Operations & Maintenance	1,179,187	294,796.75
Facilities	2,000	500.00
Debt Service	822,963	205,740.75
	\$10,650,856	\$2,812,577.75
Federal Funds	\$599,455	
General Fund	\$6,125,380	
Airport Fund	\$10,000	
E-911 Fund	\$135,964	
Water Fund	\$149,738	
TOTAL	\$17,671,393	

Mr. Ringley replied, he had a problem with the school board coming back each quarter for reappropriation. He felt there were so many things that need to be worked on, this would be going backwards. There are five members on the School Board who review how the money is spent for the

schools. Mr. Ringley added a friendly motion to Mr. Burrell's if he would remove quarterly. Mr. Burrell commented, the County Administrator informed the Board there was approximately \$147,000 that couldn't be accounted for from the schools. He felt we owe the citizens an accounting of their tax dollars. Mr. Bradby also commented he was concerned about the accountability. Mr. Emerson added, the County Attorney brought to his attention, if you make the schools do quarterly appropriations, then you must do all the departments quarterly. Mr. Burrell said he didn't have a problem with that. Mr. Ringley added, since Mr. Burrell had denied his friendly amendment, he would offer they approve this but remove the quarterly requirement. Mr. Ringley suggested they have two members of the Board of Supervisors and two members of the School Board, along with the Chairmen of each group and look at where we are and where we want to be instead waiting until budget time each year. He also suggested they look at the County employees and do the same evaluation. Mr. Salmon expressed his appreciation and the Boards to those who attended the public hearing on the budget and they look forward to working with the School Board. The Board has spent over \$900,000 each year over the last three years in order to help the schools, but there is still a ways to go to meet all the demands. He felt Mr. Ringley's proposal of a getting together and working with the School Board, looking at where we are and want to be, is one the Board of Supervisors should act on. The solution is money, cost control and money coming in. Mr. Salmon called for motion stated earlier to adopt Ordinance O-04-95 and to adopt and appropriate the FY 1995/96 budget as follows:

School Board Funds split by category.

Instruction	\$7,120,173
Administration	670,100
Transportation	856,433
Operations & Maintenance	1,179,187
Facilities	2,000
Debt Service	822,963
	10,650,856
Federal Funds	\$599,455
General Fund	\$6,125,380
Airport Fund	\$10,000
E-911 Fund	\$135,964
Water Fund	\$149,738
TOTAL	\$17,671,393

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye

Robert A. Boroughs Aye
Michael D. Salmon Aye

Motion carried.

FOR ORDINANCE O-04-95 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 358.

Mr. Ringley moved County policy for disbursement of the Fiscal Year '96 Fire Department contribution in the amount of \$75,000 shall be as follows:

1. A requisition for purchase of equipment or expenditure of money shall be filed with the Office of County Administrator and Public Safety, which office shall then review the request and determine its appropriateness.
2. If the requisition is for equipment and is deemed appropriate, the equipment will then be bid out as per the procedures of the Virginia State Procurement Act.
3. A purchase order will be filed against the money allocated by the Board of Supervisors for equipping and maintaining the New Kent Volunteer Fire Department.
4. The equipment and/or purchase will then be distributed to the New Kent Volunteer Fire Department.

Mr. Boroughs suggested they find a better way to say what they are trying to say. Many times they will need money right away and don't have time to wait for a requisition. Mr. Emerson suggested since Mr. Gallaher attends the fire department meetings, he would have the authority to approve minor purchases. After some discussion, the Board agreed the fire departments would work out the minor purchases with Mr. Gallaher. Mr. Salmon called for the vote on Mr. Ringley's motion.

James H. Burrell Aye
E. David Ringley Aye
Marvin D. Bradby Aye
Robert A. Boroughs Aye
Michael D. Salmon Aye

Motion passed.

IN RE: CUP-9-95 AVERY KIRBY

Mr. David P. Maloney, Director of Planning explained in December 1991 the New Kent County Board of Supervisors approved Mr. Kirby permit to conduct competitive paintball pellet games on a portion of the property. The approval granted expired December 31, 1994. Mr. Kirby has reapplied to have this permit renewed. New Kent County Planning Department recommends CUP-9-95 be renewed for a five year period ending December 31, 2000 with the following conditions: 1) all activities are to be conducted within a designated area which is properly marked; 2) this permit shall be renewed after a five year period; and 3) no alcoholic beverages shall be sold in connection with the competitive paintball pellet games. Mr. Boroughs moved to approve CUP-9-95 as presented. He stated there has never been any problems with this permit. Mr. Burrell said he had some citizens showing some concern. He checked with Sheriff Howard and the Sheriff responded that there have been no problems with these pellet games.

There was some discussion about allowing a five year permit but the Board can revoke the permit should problems arise.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

IN RE: COLONIAL DOWNS

Mr. Emerson gave a report on Colonial Downs. Work is still continuing. The Virginia Racing Commission is meeting June 20th with the fact finding on the satellite wagering facilities for both Hampton and Chesapeake. They hope to have the ok from the Commissioner in early June so they can start building. It is anticipated the Hampton OTB will bring in approximately \$215,000 per year in local revenues and Chesapeake OTB will bring in around \$188,000. Mr. Wilson has until June 26th to file an appeal.

Mr. Emerson said he did have one item to bring up on the Sheriff's grant funding. He said they would need a motion on giving the Sheriff \$17,500 from the contingency fund as explained earlier on the grant match. Mr. Burrell moved to appropriate \$17,491 to the Sheriff with a matching grant fund.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

IN RE: SCHOOL BOARD PROPERTY

Mr. James E. Cornwell, Jr., County Attorney spoke about the surplus property the School Board has. He explained prior to having a disposition of that property there must be a public hearing. Mr. Boroughs moved to schedule a public hearing on the sale of this property on August 14th Board of Supervisors Meeting. Mr. Ringley said he thought they ought to consider purchasing some property at the current school location for additional schools in the future. Mr. Bradby added when the School Board and the Board of Supervisors meet to discuss future plans and ideas for the school, he suggested this also be included to get a feel for the specific needs addressing the schools. Mr. Salmon commented he thought the Planning Commission will be getting back to the Capital Improvement 5 Year Plan and this will be addressed. Mr. Ringley added he agreed with what Mr. Salmon said but also wanted to look at the school bus garage, it seems to have gotten lost. Mr. Emerson interjected with the Planned Unit Development being submitted by Delmarva, there will be a need to review the Capital Improvements Plan. Some discussion followed in reference to the items needed to be looked at for the Capital Improvements Plan. Mr. Salmon then called for the vote on the motion setting the public hearing.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye

Robert A. Boroughs Aye
Michael D. Salmon Aye

Motion carried.

IN RE: CUP-10-95 GEORGE A. PHILBATES, JR., BORROW PIT

Mr. David P. Maloney said Mr. Philbates has applied for a Conditional Use Permit to allow operation of a borrow pit on a portion of his property. Mr. Philbates proposes to excavate approximately four acres of fill dirt to be used in the construction of the New Kent County Waste Water Treatment Plant to be located at Parham Landing. Approximately 460 truckloads of fill will be removed. Mr. Philbates has met with Virginia Department of Mines, Minerals, and Energy who said because this pit is noncommercial in nature no permits or approvals are required. The Virginia Department of Transportation has requested a flagging operation be established to control access to and from the site and the Virginia Department of Health had no comments on the proposed operation. The Planning Department recommends approval but with the following conditions: 1) site plan must be approved before operation of pit may begin; 2) conditional use permit must be renewed annually; 3) the fill to be removed must be used solely for the purpose of construction of the waste water treatment plant; 4) access to site will be restricted to the existing concrete entrance; 5) the hours of operations shall be restricted to 8:00 a.m. to 5:00 p.m.; 6) a flagging operation will be used for traffic control; 7) all excavation operations shall occur only in those areas designated on the site plan; 8) all junked, dismantled and/or unlicensed vehicles parked on the north side of State Route 249 for a distance of 550' in either direction of the entrance be removed and 9) the granting of this CUP does not restrict New Kent County from enforcing the provisions of the Zoning Ordinance with respect to the current, proposed or future uses of the property. Mr. Ringley wanted to know how long they thought this would take. Mr. Maloney replied he had heard several months. Mr. Ringley said he had a great concern with the school buses. He proposed moving the time back to 8:30 in order that the school buses would be through that area. Mr. Maloney responded there will be two flagmen certified by VDOT utilized at both the eastern and western sides of the entrance to enhance public safety. Mr. Riley added, VDOT has agreed to supply the flagmen but only on a short term basis, approximately 30 days. There was continued discussion between Board members and staff about the hours of operation, the length of time to complete the removal of material and the safety issues. Mr. Ringley moved to approve CUP-10-95 but the hours of operation shall be restricted to no earlier than 8:30 a.m. to 5:00 p.m. and the CUP shall not extend any longer than 45 days, all other conditions remaining as stated. Mr. Boroughs raised the question of why delay the operation in the morning when school will be closed in a week. Mr. Maloney replied he understood Mr. Philbates will be ready to start in a very short period of time following the approval of the CUP. Mr. Burrell suggested since school will be closing in a week, he asked for a friendly amendment to start work at 8:00 a.m. to 5:00 p.m. Mr. Ringley agreed with the friendly amendment but not to start before school is out and it will only be good for 45 days. Mr. Salmon restated the motion, to approve CUP-10-95 as presented with the following changes; the permit not be issued until June 19, 1995 and it will run for 45 days. Mr. Philbates inquired about running the borrow pit at other times. Mr. Salmon interjected this is not a public hearing and the By-laws required the Board recognize him in order to speak. Mr. Salmon asked the other Board members if they would hear other comments on this CUP. Mr. Ringley, yes; Mr. Bradby, wanted to know how long this would be. Mr. Salmon replied they would have 3 minutes in which to speak. Mr. Bradby agreed. Mr. Burrell agreed and Mr. Boroughs agreed. Mr. Salmon said they will hear the citizens comments. He reminded the Board the motion is still on the floor. Mr. George Philbates continued he wanted to clarify the uses of this borrow pit. He stated he has been working the pit for years and takes small loads out for various non-profit organizations that need it and he would like to be able to continue. Mr. Salmon replied he thought the best thing for him to do is apply for another Conditional Use Permit to cover those uses. Mr. Philbates also stated they exercise caution and use a flagman at the present time when these large trucks are coming out. Mr. Salmon then recognized Mr. Don Seeterlin. Mr. Seeterlin said he is an adjoining property owner with

Mr. Philbates. He stated he is in favor of the borrow pit but his concerns are: 1) the flagman, where are they now when he is moving cars; 2) he does try to stop traffic when trucks are coming out but it is hard on the hill; 3) it is a dangerous area with the hill; 4) he has lived there for 18 years and has never seen sand come out of there; 5) Mr. Seeterlin said he was under the impression it was going to the jail not Parham Landing; 6) stop signs are a farce and lastly as far as the conditional use permits are concerned, nothing is temporary around here. Mr. Salmon then recognized Ms. Beth Mills. She said she has owned property in that neighborhood for over 38 years. We don't want to stop Mr. Philbates from having business he wants. The great concern of the parents she has spoken too is the number of accidents in and around this area. She felt the speed limit should be reduced, the edges of the road be repaired and the cars be kept back so a car would have a place for escape. This is a very dangerous hill. They are just asking for something that will save lives, eventually someone will be killed and she is afraid it will be a school bus. Mr. Salmon commented, as far as the school bus stop, that is something the School Board needs to address with the State Highway Department. Mrs. Robin Seeterlin wanted the Board to be aware they had collected over 100 signatures on a petition about the safety of that stretch of highway. Mr. Philbates made one additional comment and said they have only had two minor accidents in over 30 years in front of his area. Mr. Salmon reiterated this Conditional Use Permit must address all the concerns everybody has stated. It will be good for only 45 days. If anyone still has some concerns they need to be addressed now. Mr. Salmon inquired as to maybe having the Sheriff post a man in the area. Mr. Boroughs added he thought maybe the highway department should look at the road. There are trucks up and down that stretch of road all day long. Mr. Salmon suggested temporarily reducing the speed limit during this time. Mr. Salmon asked Mr. McLaughlin about having the State do a temporary speed limit reduction. He replied, the permit would probably be expired before you could get it done. Mr. Cornwell interjected it is possible to put another condition on this permit that the County may impose other conditions as necessary to promote safety if deemed necessary. Mr. Wilbur Tate was recognized by the Board to speak and he said he works on a construction crew and they put up the flags to reduce the speed limit and take them down when not in use. Mr. Boroughs remarked Mr. Jim Bennett of the Highway Department who was in the audience and inquired if this could be done. Mr. Bennett replied you can't put up temporary speed limit signs. Mr. Salmon added to the Conditional Use Permit appropriate signs should be placed at each end of the project, along with the County may impose such other conditions as necessary to promote public safety by permit holder. Mr. Bradby asked Mr. Salmon to state the motion again. Mr. Salmon moved to approve CUP-10-95 as submitted, with the hours of operations from 8:00 a.m. to 5:00 p.m. to begin June 19, 1995 to last no longer than 45 days, to have the Sheriff monitor the area and the flagmen, appropriate signs be placed and additional conditions can be added after notification to maintain the project as safe as possible.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

Mr. Salmon thanked everyone for their input and would invite the citizens, once this operation begins, anything else that might make it a safer operation to call the County Administrator.

IN RE: APPOINTMENTS

Mr. Boroughs moved to appoint Mr. Edward Pollard as District Five's representative to the Transportation Safety Commission for the term ending December 31, 1998 and moved to appoint Ms. Isabell White as District Five's representative to the Agricultural & Forestal Advisory for the term ending December 31,

1998 and also moved to appoint Mr. Clifton Davis to the Planning Commission for the unexpired term ending December 31, 1998 to fill the vacancy of Mr. Samuel C. Howard who has resigned.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Motion passed.

IN RE: MEETING SCHEDULE

The regular meeting of the Board of Supervisors will be held on Monday, July 10, 1995 at 7:00 p.m. The Planning Commission will meet on Monday, June 19, 1995 at 7:30 p.m.

IN RE: CITIZEN'S COMMENT PERIOD

Mrs. Robin Seeterlin wanted to acknowledge the Board did take into consideration the concerns about safety by Mr. Philbates. We have requested VDOT to evaluate that section of the road and if it can't be put into place during the Conditional Use Permit time, we would hope it would be looked at in the future. Mr. Boroughs interjected that is why he gave it to Mr. Riley separately.

Mrs. Denise Bartlett wanted to invite each of the Board members to the Local Leadership being held in June. This would be a good opportunity to observe development of issues, setting of goals and become aware of issues facing the agencies in the County. Mr. Salmon said that not all the Board members will be able to attend but that he would put her on the next agenda to get an update on this meeting.

Ms. Beth Mills said she just wanted to add one comment to her comments made before. The speed limit should be considered from the stop light pass Philbates which is about a mile long on Route 249.

Mr. Edward Pollard suggested all public hearings be at the County facilities. He was specifically asking about the one being held in Providence Forge on the Route 155 plan. Mr. Salmon replied we are having one at the County office but we are also having another one in Providence Forge to be able to get the maximum of the citizens' comments.

Mr. Emerson also added we must meet the requirements by the State for the grant application and we need to hold another public hearing. The meeting being held in Providence Forge will be a public information meeting and in order to get maximum citizen participation he suggested holding one in Providence Forge because it is closer to the study area.

Ms. Sam Snyder wanted to clear up a question on the 6:30 public hearing. Is this on the \$700,000 grant application and Mr. Emerson responded, yes.

Mrs. Thelma Wilson wanted to remind everyone that congress and the legislators are always asking for input and at present congress has a bill before them on private property rights and to please give them some input on that issue.

Mr. McLaughlin remarked some of the questions presented tonight could have been brought to the Safety Commission and they could have helped you with these issues. The next Safety Commission meeting will be July 12, 1995 starting at 7:30. Mr. Salmon asked if the meetings were advertised? Mr. McLaughlin

replied he never saw an ad. Mr. Salmon wanted a consensus of the Board about advertising these meetings. The Board agreed and Mr. Larry Gallaher was directed to advertise these meetings.

IN RE: ADJOURNMENT

Mr. Ringley moved to adjourn.

James H. Burrell	Aye
E. David Ringley	Aye
Marvin D. Bradby	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye